

House Bill 449

By: Representatives Powell of the 23rd and Parham of the 94th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-5-64 of the Official Code of Georgia Annotated, relating to
2 limited driving permits for certain offenders, so as to provide for revocation of a limited
3 driving permit upon notice that an ignition interlock device has been tampered with; to
4 provide for notice thereof; to amend Code Section 42-8-112 of the Official Code of Georgia
5 Annotated, relating to proof of compliance required for reinstatement of certain drivers'
6 licenses and for obtaining probationary licenses and reporting requirements, so as to change
7 certain provisions relating to reporting requirements for provider centers for ignition
8 interlock devices; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 40-5-64 of the Official Code of Georgia Annotated, relating to limited driving
13 permits for certain offenders, is amended in paragraph (1) of subsection (g) by inserting a
14 new subparagraph (C) to read as follows:

15 "(C) Upon receipt of notice from a provider center for ignition interlock devices that
16 an ignition interlock device which a permittee is required to use has been tampered with
17 or the permittee has failed to report for monitoring of such device as required by law,
18 the department shall revoke such permittee's limited driving permit and, by regular mail
19 to his or her last known address, notify such person of such revocation. Such notice of
20 revocation shall inform the person of the grounds for and effective date of the
21 revocation and of the right to review. The notice of revocation shall be deemed received
22 three days after mailing."

23 **SECTION 2.**

24 Code Section 42-8-112 of the Official Code of Georgia Annotated, relating to proof of
25 compliance required for reinstatement of certain drivers' licenses and for obtaining

1 probationary licenses and reporting requirements, is amended by striking subsection (c) and
2 inserting in its place the following:

3 "(c) Each resident of this state who is required to have an ignition interlock device installed
4 pursuant to this article shall report to the provider center every ~~30~~ 60 days for the purpose
5 of monitoring the operation of each required ignition interlock device. If at any time it is
6 determined that a person has tampered with the device, the probation officer or the court
7 ordering use of such device ~~or~~, in the case of a driver who is ~~not~~ on probation; and the
8 Department of Motor Vehicle Safety shall be given written notice within five days. If an
9 ignition interlock device is found to be malfunctioning, it shall be replaced or repaired, as
10 ordered by the court or the Department of Motor Vehicle Safety, at the expense of the
11 provider."

12 **SECTION 3.**

13 All laws and parts of laws in conflict with this Act are repealed.