

House Bill 1158

By: Representatives Powell of the 23rd, Parham of the 94th, and Reece of the 21st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated,
2 relating to ignition interlock devices as probation condition, so as to change certain
3 provisions relating to ignition interlock device limited driving permits; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to
8 ignition interlock devices as probation condition, is amended in Code Section 42-8-112,
9 relating to proof of compliance required for reinstatement of certain drivers' licenses and for
10 obtaining probationary license and reporting requirements, by inserting a new subsection (d)
11 to read as follows:

12 "(d)(1) If a person required to report to an ignition interlock provider as required by
13 subsection (c) of this Code section fails to report to the provider as required or receives
14 an unsatisfactory report from the provider at any time during the six-month period, the
15 Department of Motor Vehicle Safety shall revoke such person's ignition interlock device
16 limited driving permit immediately upon notification from the provider of the failure to
17 report or failure to receive a satisfactory report. Within 30 days after such revocation, the
18 person may make a written request for a hearing and remit to the department a payment
19 of \$250.00 for the cost of the hearing. Within 30 days after receiving a written request
20 for a hearing and a payment of \$250.00, the Department of Motor Vehicle Safety shall
21 hold a hearing as is provided in Chapter 13 of Title 50, the 'Georgia Administrative
22 Procedure Act.' The hearing shall be recorded.

23 (2) If the hearing officer determines that the person failed to report to the ignition
24 interlock provider for any of the reasons specified below, the Department of Motor
25 Vehicle Safety shall issue a new ignition interlock device limited driving permit that shall

1 be valid for a period of six months to such person. Such reasons shall be for providential
2 cause and include, but not be limited to, the following:

3 (A) Medical necessity, as evidenced by a written statement from a medical doctor;

4 (B) The person was incarcerated;

5 (C) The person was required to be on the job at his or her place of employment, with
6 proof that the person would be terminated if he or she was not at work; or

7 (D) The vehicle with the installed interlock device was rendered inoperable by reason
8 of collision, fire, or a major mechanical failure.

9 (3) If the hearing officer determines that the person failed to report to the ignition
10 interlock provider for any other reason than those specified in paragraph (2) of this
11 subsection, or if the person received an unsatisfactory report from the provider, after the
12 expiration of 120 days the person may apply to the department and the department shall
13 issue a new ignition interlock device limited driving permit to such person.

14 (4) This subsection shall not apply to any person convicted of violating Code Section
15 42-8-118."

16 SECTION 2.

17 Said article is further amended in Code Section 42-8-117, relating to revocation of driving
18 privilege upon violation of probation imposed by Code Section 42-8-111, by redesignating
19 subsection (a) of said Code section as paragraph (1) of subsection (a) and by adding a new
20 paragraph (2) to read as follows:

21 "(2) This subsection shall not apply to any person whose limited driving permit has been
22 revoked under subsection (d) of Code Section 42-8-112."

23 SECTION 3.

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