

House Bill 1158 (AS PASSED HOUSE AND SENATE)

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

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. Except as provided in paragraph (2) of  
18 this subsection, within 30 days after such revocation, the person may make a written  
19 request for a hearing and remit to the department a payment of \$250.00 for the cost of the  
20 hearing. Within 30 days after receiving a written request for a hearing and a payment of  
21 \$250.00, the Department of Motor Vehicle Safety shall hold a hearing as provided in  
22 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The hearing shall be  
23 recorded.

24 (2) Any person whose ignition interlock device limited driving permit was revoked on  
25 or before July 1, 2004, for failure to report or failure to receive a satisfactory report may  
26 make a written request for a hearing and remit to the department a payment of \$250.00

1 for the cost of the hearing. Within 30 days after receiving a written request for a hearing  
 2 and a payment of \$250.00, the Department of Motor Vehicle Safety shall hold a hearing  
 3 as provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The  
 4 hearing shall be recorded.

5 (3) If the hearing officer determines that the person failed to report to the ignition  
 6 interlock provider for any of the reasons specified below, the Department of Motor  
 7 Vehicle Safety shall issue a new ignition interlock device limited driving permit that shall  
 8 be valid for a period of six months to such person. Such reasons shall be for providential  
 9 cause and include, but not be limited to, the following:

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

11 (B) The person was incarcerated;

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

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

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

21 (5) This subsection shall not apply to any person convicted of violating Code Section  
 22 42-8-118."

## 23 SECTION 2.

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

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

## 30 SECTION 3.

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