

The House Committee on Motor Vehicles offers the following substitute to SB 5:

A BILL TO BE ENTITLED
AN ACT

1 To state findings of the General Assembly regarding the Real ID Act; to amend Title 40 of
2 the Official Code of Georgia Annotated, relating to motor vehicles, so as to permit the
3 Governor of Georgia to delay implementing the requirements of the Real ID Act until the
4 Department of Homeland Security has issued regulations that the Governor finds will
5 adequately protect the interests of the citizens of Georgia; to require the presentation of
6 secure and verifiable documents for purposes of obtaining a driver's license by a noncitizen;
7 to direct certain offenders to complete a DUI Alcohol or Drug Use Risk Reduction Program
8 within certain time frames; to provide that offenders may complete a drug court division
9 program as set forth in Code Section 15-1-15 in lieu of a DUI Alcohol or Drug Use Risk
10 Reduction Program for purposes of certain punishments for repeat DUI offenses and for
11 purposes of driver's license reinstatement, issuance, or restoration; to amend Chapter 8 of
12 Title 42 of the Official Code of Georgia Annotated, relating to probation, so as to provide
13 that offenders may complete a drug court division program as set forth in Code Section
14 15-1-15 in lieu of a DUI Alcohol or Drug Use Risk Reduction Program for purposes of
15 reinstatement of certain drivers' licenses; to amend Code Section 52-7-12.6 of the Official
16 Code of Georgia Annotated, relating to terms of suspension, so as to provide that offenders
17 may complete a drug court division program as set forth in Code Section 15-1-15 in lieu of
18 a DUI Alcohol or Drug Use Risk Reduction Program; to provide for related matters; to
19 provide for an effective date and applicability; to repeal conflicting laws; and for other
20 purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

23 The General Assembly of Georgia finds that the Real ID Act, H.R. 1268, P.L. 109-13,
24 enacted by Congress in 2005, established standards that state-issued drivers' licenses and
25 identification cards must meet by May 11, 2008, if the licenses or identification cards are to
26 be accepted as valid identification by the federal government. After May 11, 2008, federal

1 agencies are scheduled to accept only drivers' licenses or identification cards that meet Real
2 ID standards. Noncompliant cards will not be accepted for federal purposes such as boarding
3 a domestic flight, opening a bank account, or any other service or activity over which the
4 federal government claims jurisdiction. Each state will also be required to share data from
5 their drivers' licenses or identification cards data base with other states. The exact
6 requirements of the Real ID Act have yet to be defined. The Department of Homeland
7 Security was originally going to promulgate regulations by November, 2005. That date was
8 changed to November, 2006. Currently, regulations are scheduled for January, 2007, but
9 many parties feel this deadline may also pass without the regulations being issued.

10 Because the Real ID Act was attached to a vital supplemental spending bill for defense and
11 tsunami relief, there was no opportunity for a full examination of the consequences of the
12 proposal. While everyone recognizes the need to make identifying documents as secure as
13 is humanly possible, the one-size-fits-all approach required by the Real ID Act may actually
14 increase the documents' vulnerability to counterfeiting. If criminals are able to invade one
15 state's system, they may have access to all states' systems. On another front, a report from
16 the National Conference of State Legislatures, the National Governors Association, and the
17 American Association of Motor Vehicle Administrators suggests that the new requirements
18 of the Real ID Act will cost states at least \$11 billion over the first five years of the program.
19 Despite this massive price tag, there has been no money appropriated to help states meet the
20 law's demands.

21 The Real ID Act gives the Department of Homeland Security the power to set federal
22 standards and determine whether state drivers' licenses and other identification cards meet
23 these standards. There is no provision in the Real ID Act that requires or even mentions
24 information privacy or data security. The federal and state governments must ensure that
25 the data needed to verify the identity of driver's license applicants is maintained securely and
26 not used for other unrelated purposes. The Department of Homeland Security must include
27 privacy protections for personal driver data as they promulgate regulations spelling out what
28 states need to do to implement the federal law. Success of the Real ID Act depends on the
29 Department of Homeland Security and the states collaborating to find a way of implementing
30 its requirements in a fiscally responsible and risk adjusted manner. Therefore, the Georgia
31 Department of Driver Services is directed to withhold any legislation designed to implement
32 the Real ID Act in Georgia until such time as the Department of Homeland Security has
33 enacted regulations that define the exact type of information that is to be required on a state
34 driver's license. Furthermore, before the Real ID Act is implemented in Georgia, the
35 Governor of Georgia is entitled to review the regulations promulgated by the Department of
36 Homeland Security and determine if they adequately safeguard and restrict use of the
37 information in order to protect the privacy rights of the citizens of Georgia.

1 The citizens of Georgia also recognize the importance of ensuring that drivers' licenses are
 2 issued only to persons legally present in this state. Therefore, the use of secure and verifiable
 3 identification will be required in this state in order to obtain a driver's license. This
 4 requirement is in harmony with the intent of the Real ID Act to secure identification
 5 processes in this country. The Department of Driver Services is instructed to take the
 6 necessary steps to become a participant in the SAVE Program (Systematic Alien Verification
 7 for Entitlements). This program, administered by the United States Bureau of Citizenship
 8 and Immigration Services, is designed to verify the immigration status of noncitizens.

9 **SECTION 2.**

10 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
 11 by adding a new Code section to read as follows:

12 "40-5-4.1.

13 The Governor of the State of Georgia, or his or her designee, is authorized to delay
 14 compliance with certain provisions of the federal Real ID Act, H.R. 1268, P.L. 109-13,
 15 enacted by Congress in 2005, until it is expressly guaranteed by the Department of
 16 Homeland Security, through adequately defined safeguards, that implementation of the
 17 Real ID Act will not compromise the economic privacy or biological sanctity of any citizen
 18 or resident of the State of Georgia. This Code section shall not be interpreted as limiting
 19 the Governor's discretion or authority to delay compliance with certain provisions of the
 20 Real ID Act for any other reason."

21 **SECTION 3.**

22 Said title is further amended by adding a new Code section to read as follows:

23 "40-5-21.2.

24 (a) As used in this Code section, the term:

25 (1) 'Department' means the Georgia Department of Driver Services.

26 (2) 'SAVE Program' means the Systematic Alien Verification for Entitlements (SAVE)
 27 Program established by the United States Bureau of Citizenship and Immigration
 28 Services.

29 (b) The department shall not issue an identification card, license, permit, or other official
 30 document to an applicant who is a noncitizen, until the applicant has been confirmed
 31 through the SAVE Program to be lawfully present in the United States.

32 (c) This Code section shall not apply to instances when a federal law mandates acceptance
 33 of a document.

34 (d) Subsection (b) of this Code section shall become effective upon the department's full
 35 implementation of the SAVE Program but not later than January 1, 2008."

SECTION 4.

Said title is further amended by revising subsection (c) of Code Section 40-6-391, relating to driving under the influence of alcohol, drugs, or other intoxicating substances, as follows:

"(c) Every person convicted of violating this Code section shall, upon a first or second conviction thereof, be guilty of a misdemeanor and, upon a third or subsequent conviction thereof, be guilty of a high and aggravated misdemeanor and shall be punished as follows:

(1) First conviction with no conviction of and no plea of nolo contendere accepted to a charge of violating this Code section within the previous five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted:

(A) A fine of not less than \$300.00 nor more than \$1,000.00, which fine shall not, except as provided in subsection (g) of this Code section, be subject to suspension, stay, or probation;

(B) A period of imprisonment of not less than ten days nor more than 12 months, which period of imprisonment may, at the sole discretion of the judge, be suspended, stayed, or probated, except that if the offender's alcohol concentration at the time of the offense was 0.08 grams or more, the judge may suspend, stay, or probate all but 24 hours of any term of imprisonment imposed under this subparagraph;

(C) Not less than 40 hours of community service, except that for a conviction for violation of subsection (k) of this Code section where the person's alcohol concentration at the time of the offense was less than 0.08 grams, the period of community service shall be not less than 20 hours;

(D) ~~Completion of~~ Before or within 120 days of conviction or release from incarceration, complete a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Driver Services. The sponsor of any such program shall provide written notice of such approval to the person upon enrollment in the program; and

(E) If the defendant is sentenced to a period of imprisonment for less than 12 months, a period of probation of 12 months less any days during which the defendant is actually incarcerated;

(2) For the second conviction within a five-year period of time, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted:

(A) A fine of not less than \$600.00 nor more than \$1,000.00, which fine shall not, except as provided in subsection (g) of this Code section, be subject to suspension, stay, or probation;

1 (B) A period of imprisonment of not less than 90 days nor more than 12 months. The
 2 judge shall probate at least a portion of such term of imprisonment, in accordance with
 3 subparagraph (F) of this paragraph, thereby subjecting the offender to the provisions
 4 of Article 7 of Chapter 8 of Title 42 and to such other terms and conditions as the judge
 5 may impose; provided, however, that the offender shall be required to serve not less
 6 than 72 hours of actual incarceration;

7 (C) Not less than 30 days of community service;

8 (D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by
 9 the Department of Driver Services or enrollment and compliance for a period of six
 10 months in a drug court division program as established pursuant to Code Section
 11 15-1-15. The sponsor of any such program a DUI Alcohol or Drug Use Risk Reduction
 12 Program shall provide written notice of such approval to the person upon enrollment
 13 in the program; and

14 (E) Undergoing a clinical evaluation as defined in Code Section 40-5-1 and, if
 15 indicated by such evaluation, completion of a substance abuse treatment program as
 16 defined in Code Section 40-5-1; provided, however, that such evaluation may be
 17 waived if the offender has completed a drug court division program which included a
 18 treatment program approved and registered with the Department of Human Resources
 19 multiple DUI offender program as provided in subsection (a.1) of Code Section 37-7-2;
 20 and

21 (F) A period of probation of 12 months less any days during which the defendant is
 22 actually incarcerated; or

23 (3) For the third or subsequent conviction within a five-year period of time, as measured
 24 from the dates of previous arrests for which convictions were obtained or pleas of nolo
 25 contendere were accepted to the date of the current arrest for which a conviction is
 26 obtained or a plea of nolo contendere is accepted:

27 (A) A fine of not less than \$1,000.00 and not more than \$5,000.00, which fine shall
 28 not, except as provided in subsection (g) of this Code section, be subject to suspension,
 29 stay, or probation;

30 (B) A mandatory period of imprisonment of not less than 120 days nor more than 12
 31 months. The judge shall probate at least a portion of such term of imprisonment, in
 32 accordance with subparagraph (F) of this paragraph, thereby subjecting the offender to
 33 the provisions of Article 7 of Chapter 8 of Title 42 and to such other terms and
 34 conditions as the judge may impose; provided, however, that the offender shall be
 35 required to serve not less than 15 days of actual incarceration;

36 (C) Not less than 30 days of community service;

1 (D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by
 2 the Department of Driver Services or enrollment and compliance for a period of six
 3 months in a drug court division program as established pursuant to Code Section
 4 15-1-15. The sponsor of ~~any such program~~ a DUI Alcohol or Drug Use Risk Reduction
 5 Program shall provide written notice of such approval to the person upon enrollment
 6 in the program; and

7 (E) Undergoing a clinical evaluation as defined in Code Section 40-5-1 and, if
 8 indicated by such evaluation, completion of a substance abuse treatment program as
 9 defined in Code Section 40-5-1; provided, however, that such evaluation may be
 10 waived if the offender has completed a drug court division program which included a
 11 treatment program approved and registered with the Department of Human Resources
 12 multiple DUI offender program as provided in subsection (a.1) of Code Section 37-7-2;
 13 and

14 (F) A period of probation of 12 months less any days during which the defendant is
 15 actually incarcerated.

16 For the purpose of imposing a sentence under this subsection, a plea of nolo contendere or
 17 an adjudication of delinquency based on a violation of this Code section shall constitute a
 18 conviction."

19 SECTION 5.

20 Said title is further amended by revising subparagraph (e)(1)(C) of Code Section 40-5-58,
 21 relating to habitual violators and probationary licenses, as follows:

22 "(C) Such person has successfully completed, prior to the issuance of the probationary
 23 driver's license, a defensive driving course, enrollment and compliance with a drug
 24 court division program as set forth in Code Section 15-1-15, or a DUI Alcohol or Drug
 25 Use Risk Reduction Program as designated by the department;"

26 SECTION 6.

27 Said title is further amended by revising subsection (b) of Code Section 40-5-62, relating to
 28 periods of revocation, conditions to restoration of license or issuance of new license, as
 29 follows:

30 "(b) The department shall not issue a new license nor restore a person's suspended license
 31 or nonresident's operating privilege unless and until it is satisfied after investigation of the
 32 character, habits, and driving ability of such person that it will be safe to grant the privilege
 33 of driving a motor vehicle on the public highways. Notwithstanding subsection (a) of this
 34 Code section or any other provision of this title, the department shall not issue a new
 35 license to any person whose license was revoked as a habitual violator for three violations

1 of Code Section 40-6-391 within a five-year period unless and until such person submits
 2 proof of completion of an approved DUI Alcohol or Drug Use Risk Reduction Program or
 3 enrollment and compliance with a drug court division program as set forth in Code Section
 4 15-1-15. The department may issue rules and regulations providing for reinstatement
 5 hearings. In the case of a revocation pursuant to Code Section 40-5-58, the department
 6 shall charge a fee of \$210.00 or \$200.00 if processed by mail in addition to the fee
 7 prescribed by Code Section 40-5-25 to issue a new driver's license to a person whose
 8 driver's license has been revoked."

9 SECTION 7.

10 Said title is further amended by revising subsections (a) and (c) of Code Section 40-5-63,
 11 relating to periods of suspension and conditions to return license, as follows:

12 "(a) The driver's license of any person convicted of an offense listed in Code Section
 13 40-5-54 or of violating Code Section 40-6-391, unless the driver's license has been
 14 previously suspended pursuant to Code Sections 40-5-67.1 and 40-5-67.2, shall by
 15 operation of law be suspended and such suspension shall be subject to the following terms
 16 and conditions; provided, however, that any person convicted of a drug related offense
 17 pursuant to Code Section 40-6-391 shall be governed by the suspension requirements of
 18 Code Section 40-5-75; and further provided that each charge for which a conviction was
 19 obtained shall be treated as a separate transaction for the purpose of imposing a license
 20 suspension hereunder, even if said convictions arise from a single incident:

21 (1) Upon the first conviction of any such offense, with no arrest and conviction of and
 22 no plea of nolo contendere accepted to such offense within the previous five years, as
 23 measured from the dates of previous arrests for which convictions were obtained to the
 24 date of the current arrest for which a conviction is obtained, the period of suspension shall
 25 be for 12 months. At the end of 120 days, the person may apply to the department for
 26 reinstatement of said driver's license. Such license shall be reinstated if such person
 27 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and
 28 pays a restoration fee of ~~\$210 or \$200~~ \$210.00 or \$200.00 when such reinstatement is
 29 processed by mail unless such conviction was a recidivist conviction in which case the
 30 restoration fee shall be \$510.00 or \$500.00 when such reinstatement is processed by mail,
 31 provided that, if such license was suspended as a result of a conviction of an offense
 32 listed in Code Section 40-5-54, such license shall be reinstated if such person submits
 33 proof of completion of either a defensive driving program approved by the department
 34 or a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed
 35 restoration fee. A driver's license suspended as a result of a conviction of a violation of
 36 Code Section 40-6-391 shall not become valid and shall remain suspended until such

1 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction
2 Program and pays the prescribed restoration fee. For purposes of this paragraph, an
3 accepted plea of nolo contendere to an offense listed in Code Section 40-5-54 by a person
4 who is under 18 years of age at the time of arrest shall constitute a conviction. For the
5 purposes of this paragraph only, an accepted plea of nolo contendere by a person 21 years
6 of age or older, with no conviction of and no plea of nolo contendere accepted to a charge
7 of violating Code Section 40-6-391 within the previous five years, as measured from the
8 dates of previous arrests for which convictions were obtained or pleas of nolo contendere
9 accepted to the date of the current arrest for which a plea of nolo contendere is accepted,
10 shall be considered a conviction, and the court having jurisdiction shall forward, as
11 provided in Code Section 40-6-391.1, the record of such disposition of the case to the
12 department and the record of such disposition shall be kept on file for the purpose of
13 considering and counting such accepted plea of nolo contendere as a conviction under
14 paragraphs (2) and (3) of this subsection;

15 (2) Upon the second conviction of any such offense within five years, as measured from
16 the dates of previous arrests for which convictions were obtained to the date of the
17 current arrest for which a conviction is obtained, the period of suspension shall be for
18 three years. At the end of 120 days, the person may apply to the department for
19 reinstatement of said driver's license; except that if such license was suspended as a result
20 of a second conviction of a violation of Code Section 40-6-391 within five years, the
21 person shall not be eligible to apply for license reinstatement until the end of 18 months.
22 Such license shall be reinstated if such person submits proof of completion of a DUI
23 Alcohol or Drug Use Risk Reduction Program or enrollment and compliance for a period
24 of six months in a drug court division program as set forth in Code Section 15-1-15 and
25 pays a restoration fee of ~~\$210 or \$200~~ \$210.00 or \$200.00 when such reinstatement is
26 processed by mail unless such conviction was a recidivist conviction in which case the
27 restoration fee shall be \$510.00 or \$500.00 when processed by mail, provided that, if such
28 license was suspended as a result of a conviction of an offense listed in Code Section
29 40-5-54, such license shall be reinstated if such person submits proof of completion of
30 ~~either a defensive driving program approved by the department, or a DUI Alcohol or~~
31 ~~Drug Use Risk Reduction Program,~~ or enrollment and compliance for a period of six
32 months in a drug court division program as set forth in Code Section 15-1-15 and pays
33 the prescribed restoration fee. A driver's license suspended as a result of a conviction of
34 a violation of Code Section 40-6-391 shall not become valid and shall remain suspended
35 until such person submits proof of completion of a DUI Alcohol or Drug Use Risk
36 Reduction Program or enrollment and compliance for a period of six months in a drug
37 court division program as set forth in Code Section 15-1-15 and pays the prescribed

1 restoration fee. For purposes of this paragraph, a plea of nolo contendere and all previous
 2 accepted pleas of nolo contendere to an offense listed in Code Section 40-5-54 within
 3 such five-year period of time shall constitute a conviction. For the purposes of this
 4 paragraph, a plea of nolo contendere to a charge of violating Code Section 40-6-391 and
 5 all prior accepted pleas of nolo contendere within five years, as measured from the dates
 6 of previous arrests for which convictions were obtained or pleas of nolo contendere were
 7 accepted to the date of the current arrest for which a plea of nolo contendere is accepted,
 8 shall be considered and counted as convictions; or

9 (3) Upon the third conviction of any such offense within five years, as measured from
 10 the dates of previous arrests for which convictions were obtained to the date of the
 11 current arrest for which a conviction is obtained, such person shall be considered a
 12 habitual violator, and said license shall be revoked as provided for in paragraph (1) of
 13 subsection (a) of Code Section 40-5-62. For purposes of this paragraph, a plea of nolo
 14 contendere and all previous accepted pleas of nolo contendere to an offense listed in Code
 15 Section 40-5-54 within such five-year period shall constitute a conviction. For the
 16 purposes of this paragraph, a plea of nolo contendere and all prior accepted pleas of nolo
 17 contendere to a charge of violating Code Section 40-6-391 within five years, as measured
 18 from the dates of previous arrests for which convictions were obtained or pleas of nolo
 19 contendere were accepted to the date of the current arrest for which a plea of nolo
 20 contendere is accepted, shall be considered and counted as convictions."

21 "(c) In all cases in which the department may return a license to a driver prior to the
 22 termination of the full period of suspension, the department may require such tests of
 23 driving skill and knowledge as it determines to be proper, and the department's discretion
 24 shall be guided by the driver's past driving record and performance, and the driver shall
 25 pay the applicable restoration fee. In addition to any other requirement the department may
 26 impose, a driver's license suspended as a result of a conviction of a violation of Code
 27 Section 40-6-391 shall not become valid, shall remain suspended, and shall not be returned
 28 to such driver or otherwise reinstated until such person submits proof of completion of a
 29 DUI Alcohol or Drug Use Risk Reduction Program or enrollment and compliance for a
 30 period of six months in a drug court division program as set forth in Code Section 15-1-15."

31 SECTION 8.

32 Said title is further amended by revising subsection (a) of Code Section 40-5-67.2, relating
 33 to terms and conditions for suspension of license under subsection (c) of Code Section
 34 40-5-67.1, as follows:

35 "(a) Any driver's license required to be suspended under subsection (c) of Code Section
 36 40-5-67.1 shall be suspended subject to the following terms and conditions:

1 (1) Upon the first suspension pursuant to subsection (c) of Code Section 40-5-67.1
2 within the previous five years, as measured from the dates of previous arrests for which
3 a suspension was obtained to the date of the current arrest for which a suspension is
4 obtained, the period of suspension shall be for one year. Not sooner than 30 days
5 following the effective date of suspension, the person may apply to the department for
6 reinstatement of his or her driver's license. Such license shall be reinstated if such person
7 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and
8 pays a restoration fee of ~~\$210 or \$200~~ \$210.00 or \$200.00 when such reinstatement is
9 processed by mail unless such conviction was a recidivist conviction in which case the
10 restoration fee shall be \$510.00 or \$500.00 when processed by mail. A driver's license
11 suspended pursuant to Code Section 40-5-67.1 shall not become valid and shall remain
12 suspended until such person submits proof of completion of a DUI Alcohol or Drug Use
13 Risk Reduction Program or enrollment and compliance for a period of six months in a
14 drug court division program as set forth in Code Section 15-1-15 and pays the prescribed
15 restoration fee;

16 (2) Upon the second suspension pursuant to subsection (c) of Code Section 40-5-67.1
17 within five years, as measured from the dates of previous arrests for which suspensions
18 were obtained to the date of the current arrest for which a suspension is obtained, the
19 period of suspension shall be for three years. The person shall be eligible to apply to the
20 department for license reinstatement not sooner than 18 months following the effective
21 date of suspension. Such license shall be reinstated if such person submits proof of
22 completion of a DUI Alcohol or Drug Use Risk Reduction Program or enrollment and
23 compliance for a period of six months in a drug court division program as set forth in
24 Code Section 15-1-15 and pays a restoration fee of ~~\$210 or \$200~~ \$210.00 or \$200.00
25 when such reinstatement is processed by mail unless such conviction was a recidivist
26 conviction in which case the restoration fee shall be \$510.00 or \$500.00 when processed
27 by mail. A driver's license suspended pursuant to Code Section 40-5-67.1 shall not
28 become valid and shall remain suspended until such person submits proof of completion
29 of a DUI Alcohol or Drug Use Risk Reduction Program or enrollment and compliance
30 for a period of six months in a drug court division program as set forth in Code Section
31 15-1-15 and pays the prescribed restoration fee; and

32 (3) Upon the third or subsequent suspension pursuant to subsection (c) of Code Section
33 40-5-67.1 within five years, as measured from the dates of previous arrests for which
34 suspensions were obtained to the date of the current arrest for which a suspension is
35 obtained, the period of suspension shall be for five years. A driver's license suspended
36 pursuant to Code Section 40-5-67.1 shall not become valid and shall remain suspended
37 until such person submits proof of completion of a DUI Alcohol or Drug Use Risk

1 Reduction Program or enrollment and compliance for a period of six months in a drug
 2 court division program as set forth in Code Section 15-1-15 and pays the prescribed
 3 restoration fee. The driver may apply for a probationary license pursuant to Code Section
 4 40-5-58 after the expiration of two years from the effective date of suspension."

5 SECTION 9.

6 Said title is further amended by revising subsections (a) and (d) of Code Section 40-5-75,
 7 relating to suspension of licenses by operation of law, as follows:

8 "(a) The driver's license of any person convicted of any violation of the Georgia
 9 Controlled Substances Act, including, but not limited to, possession, distribution,
 10 manufacture, cultivation, sale, transfer of, trafficking in, the attempt or conspiracy to
 11 possess, distribute, manufacture, cultivate, sell, transfer or traffic in a controlled substance
 12 or marijuana, or the law of any other jurisdiction shall by operation of law be suspended
 13 and such suspension shall be subject to the following terms and conditions:

14 (1) Upon the first conviction of any such offense, with no arrest and conviction of and
 15 no plea of nolo contendere accepted to such offense within the previous five years, as
 16 measured from the dates of previous arrests for which convictions were obtained to the
 17 date of the current arrest for which a conviction is obtained, the period of suspension shall
 18 be for not less than 180 days. At the end of 180 days, the person may apply to the
 19 department for reinstatement of his or her driver's license. Such license shall be
 20 reinstated only if the person submits proof of completion of a DUI Alcohol or Drug Use
 21 Risk Reduction Program and pays to the Department of Driver Services a restoration fee
 22 of ~~\$210 or \$200~~ \$210.00 or \$200.00 when such reinstatement is processed by mail unless
 23 such conviction was a recidivist conviction in which case the restoration fee shall be
 24 \$510.00 or \$500.00 when such reinstatement is processed by mail. For purposes of this
 25 paragraph, a plea of nolo contendere by a person to a charge of any drug related offense
 26 listed in this subsection shall, except as provided in subsection (c) of this Code section,
 27 constitute a conviction;

28 (2) Upon the second conviction of any such offense within five years, as measured from
 29 the dates of previous arrests for which convictions were obtained to the date of the
 30 current arrest for which a conviction is obtained, the period of suspension shall be for
 31 three years, provided that after one year from the date of the conviction the person may
 32 apply to the department for reinstatement of his or her driver's license by submitting
 33 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying
 34 to the Department of Driver Services a restoration fee of ~~\$210 or \$200~~ \$210.00 or
 35 \$200.00 when such reinstatement is processed by mail unless such conviction was a
 36 recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when

1 such reinstatement is processed by mail. For purposes of this paragraph, a plea of nolo
 2 contendere and all previous pleas of nolo contendere within such five-year period of time
 3 shall constitute a conviction; and

4 (3) Upon the third conviction of any such offense within five years, as measured from
 5 the dates of previous arrests for which convictions were obtained to the date of the
 6 current arrest for which a conviction is obtained, such person's license shall be suspended
 7 for a period of five years. At the end of two years, the person may apply to the
 8 department for a three-year driving permit upon compliance with the following
 9 conditions:

10 (A) Such person has not been convicted or pleaded nolo contendere to any drug related
 11 offense, including driving under the influence, for a period of two years immediately
 12 preceding the application for such permit;

13 (B) Such person submits proof of completion of a licensed drug treatment program.
 14 Such proof shall be submitted within two years of the license suspension and prior to
 15 the issuance of the permit. Such licensed drug treatment program shall be paid for by
 16 the offender. The offender must pay a permit fee of \$25.00 to the department;

17 (C) Such person submits proof of financial responsibility as provided in Chapter 9 of
 18 this title; and

19 (D) Refusal to issue such permit would cause extreme hardship to the applicant. For
 20 the purposes of this subparagraph, the term 'extreme hardship' means that the applicant
 21 cannot reasonably obtain other transportation, and, therefore, the applicant would be
 22 prohibited from:

23 (i) Going to his or her place of employment or performing the normal duties of his
 24 or her occupation;

25 (ii) Receiving scheduled medical care or obtaining prescription drugs;

26 (iii) Attending a college or school at which he or she is regularly enrolled as a
 27 student; or

28 (iv) Attending regularly scheduled sessions or meetings of support organizations for
 29 persons who have addiction or abuse problems related to alcohol or other drugs,
 30 which organizations are recognized by the commissioner."

31 "(d) Application for reinstatement of a driver's license under paragraph (1) ~~or (2)~~ of
 32 subsection (a) of this Code section shall be made on such forms as the commissioner may
 33 prescribe and shall be accompanied by proof of completion of a DUI Alcohol or Drug Use
 34 Risk Reduction Program and a restoration fee of \$210.00 or \$200.00 when such
 35 reinstatement is processed by mail. Application for reinstatement of a driver's license
 36 under paragraph (2) of subsection (a) of this Code section shall be made on such forms as
 37 the commissioner may prescribe and shall be accompanied by proof of completion of a

1 DUI Alcohol or Drug Use Risk Reduction Program or enrollment and compliance for a
 2 period of six months in a drug court division program as set forth in Code Section 15-1-15
 3 and a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail.
 4 Application for a three-year driving permit under paragraph (3) of subsection (a) of this
 5 Code section shall be made on such form as the commissioner may prescribe and shall be
 6 accompanied by proof of completion of an approved residential drug treatment program
 7 and a fee of \$25.00 for such permit."

8 **SECTION 10.**

9 Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation, is
 10 amended by revising subsection (b) of Code Section 42-8-111, relating to court ordered
 11 installation of ignition interlock devices, as follows:

12 "(b) Any resident of this state who is ordered to use an ignition interlock device, as a
 13 condition of probation, shall complete the DUI Alcohol or Drug Use Risk Reduction
 14 Program or enrollment and compliance with a drug court division program as set forth in
 15 Code Section 15-1-15 and submit to the court or probation department a certificate of
 16 completion of the DUI Alcohol or Drug Use Risk Reduction Program or enrollment and
 17 compliance with a drug court division program as set forth in Code Section 15-1-15 and
 18 certification of installation of a certified ignition interlock device to the extent required by
 19 subsection (a) of this Code section."

20 **SECTION 11.**

21 Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section
 22 42-8-112, relating to proof of compliance required for reinstatement of certain drivers'
 23 licenses and for obtaining a probationary license, as follows:

24 "(2) If the person subject to court ordered use of an ignition interlock device as a
 25 condition of probation is authorized under Code Section 40-5-63 or 40-5-67.2 to apply
 26 for reinstatement of his or her driver's license during the period of suspension, such
 27 person shall, prior to applying for reinstatement of the license, have an ignition interlock
 28 device installed and shall maintain such ignition interlock device in a motor vehicle or
 29 vehicles to the extent required by subsection (a) of Code Section 42-8-111 for a period
 30 of six months running concurrently with that of an ignition interlock device limited
 31 driving permit, which permit shall not be issued until such person submits to the
 32 department proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program
 33 or enrollment and compliance with a drug court division program as set forth in Code
 34 Section 15-1-15, proof of having undergone any clinical evaluation and of having
 35 enrolled in any substance abuse treatment program required by Code Section 40-5-63.1,

1 and proof of installation of an ignition interlock device on a vehicle or vehicles to the
 2 extent required by subsection (a) of Code Section 42-8-111. Such a person may apply
 3 for and be issued an ignition interlock device limited driving permit at the end of 12
 4 months after the suspension of the driver's license. At the expiration of such six-month
 5 ignition interlock device limited driving permit, the driver may, if otherwise qualified,
 6 apply for reinstatement of a regular driver's license upon payment of the fee provided in
 7 Code Section 40-5-25."

8 SECTION 12.

9 Code Section 52-7-12.6 of the Official Code of Georgia Annotated, relating to terms of
 10 suspension, is amended by revising subsection (a) as follows:

11 "(a) Any operator's privilege to operate a vessel on the waters of this state required to be
 12 suspended under subsection (d) of Code Section 52-7-12.5 shall be suspended subject to
 13 the following terms and conditions:

14 (1) Upon the first suspension pursuant to subsection (d) of Code Section 52-7-12.5
 15 within the previous five years, as measured from the dates of previous arrests for which
 16 a suspension was obtained to the date of the current arrest for which a suspension is
 17 obtained, the period of suspension shall be for one year. Not sooner than 30 days
 18 following the effective date of suspension, the person may apply to the department for
 19 reinstatement of his or her operator's privilege. Such privilege shall be reinstated if such
 20 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction
 21 Program approved by the Department of Driver Services. An operator's privilege
 22 suspended pursuant to Code Section 52-7-12.5 shall remain suspended until such person
 23 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program
 24 approved by the Department of Driver Services;

25 (2) Upon the second suspension pursuant to subsection (d) of Code Section 52-7-12.5
 26 within five years, as measured from the dates of previous arrests for which suspensions
 27 were obtained to the date of the current arrest for which a suspension is obtained, the
 28 period of suspension shall be for three years. Not sooner than 120 days following the
 29 effective date of suspension, the person may apply to the department for reinstatement
 30 of the person's operator's privilege. Such privilege shall be reinstated if such person
 31 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program
 32 approved by the Department of Driver Services or enrollment and compliance with a drug
 33 court division program as set forth in Code Section 15-1-15. An operator's privilege
 34 suspended pursuant to Code Section 52-7-12.5 shall remain suspended until such person
 35 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program

1 approved by the Department of Driver Services or enrollment and compliance with a drug
2 court division program as set forth in Code Section 15-1-15; and
3 (3) Upon the third or subsequent suspension pursuant to subsection (d) of Code Section
4 52-7-12.5 within five years, as measured from the dates of previous arrests for which
5 suspensions were obtained to the date of the current arrest for which a suspension is
6 obtained, the period of suspension shall be for not less than five years and until such
7 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction
8 Program approved by the Department of Driver Services or enrollment and compliance
9 with a drug court division program as set forth in Code Section 15-1-15."

10 **SECTION 13.**

11 This Act shall become effective on July 1, 2007, and apply to offenses committed on or after
12 that date.

13 **SECTION 14.**

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