

The Senate Public Safety and Homeland Security Committee offered the following substitute to HB 254:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and  
2 traffic, so as to revise and change certain provisions regarding the operation of motor  
3 vehicles; to allow for issuance of a limited driving permit to a driver between the ages of 18  
4 and 21 who has his or her license suspended for driving 24 or more miles per hour but less  
5 than 34 miles per hour over the speed limit; to eliminate certain exceptions to the required  
6 use of safety belts in order to provide additional safeguards to those who are issued such  
7 limited driving permits between the ages of 18 and 21 and to the general public; to provide  
8 for related matters; to provide for effective dates; to repeal conflicting laws; and for other  
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
13 amended by revising subsection (a) of Code Section 40-5-64, relating to issuance of limited  
14 driving permits for certain offenders, as follows:

15 *"(a) To whom issued.*

16 (1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any  
17 other Code section of this chapter, any person who has not been previously convicted or  
18 adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as  
19 measured from the dates of previous arrests for which convictions were obtained or pleas  
20 of nolo contendere were accepted to the date of the current arrest for which a conviction  
21 is obtained or a plea of nolo contendere is accepted, may apply for a limited driving  
22 permit when and only when that person's driver's license has been suspended in  
23 accordance with paragraph (2) of subsection (a.1) of Code Section 40-5-22, subsection  
24 (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63, ~~or~~  
25 paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code  
26 Section 40-5-57.1, when the person is 18 or over and his or her license was suspended for

1 exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour,  
 2 and the sentencing judge, in his or her discretion, decides it is reasonable to issue a  
 3 limited driving permit.

4 (2) Any person whose driver's license has been suspended and who is subject to a court  
 5 order for installation and use of an ignition interlock device as a condition of probation  
 6 pursuant to the provisions Article 7 of Chapter 8 of Title 42 may apply for a limited  
 7 driving permit."

## 8 SECTION 2.

9 Said title is further amended by revising subsection (a) of Code Section 40-8-76.1, relating  
 10 to the use of safety belts in passenger vehicles, as follows:

11 "(a) As used in this Code section, the term 'passenger vehicle' means every motor vehicle,  
 12 including, but not limited to, pickup trucks, vans, or sport utility vehicles, designed to carry  
 13 ten passengers or ~~less~~ fewer and used for the transportation of persons. Such term shall not  
 14 include motorcycles, motor driven cycles, or farm vehicles equipped for and used primarily  
 15 for off-road agricultural use but shall not mean pickup trucks, motorcycles, motor driven  
 16 cycles, or vehicles equipped for off-road use, provided that the term 'passenger vehicle'  
 17 includes any sport utility vehicle and also includes pickup trucks for any occupant who is  
 18 under 18 years of age."

## 19 SECTION 3.

20 (a) Except as otherwise provided in subsection (b) of this section, this Act shall become  
 21 effective upon its approval by the Governor or upon its becoming law without such approval.

22 (b) Section 1 of this Act shall become effective on July 1, 2007.

## 23 SECTION 4.

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