

House Bill 669

By: Representatives Butler of the 18<sup>th</sup>, Roberts of the 154<sup>th</sup>, Rice of the 51<sup>st</sup>, and Martin of the 47<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To prohibit engaging in certain outdoor sporting activities while under the influence of  
2 alcohol, drugs, or other substances; to amend Code Section 27-3-7 of the Official Code of  
3 Georgia Annotated, relating to hunting under the influence of alcohol or drugs, so as to  
4 harmonize certain provisions with those applicable to driving a vehicle under the influence  
5 of alcohol, drugs, or other substances; to amend Chapter 7 of Title 52 of the Official Code  
6 of Georgia Annotated, relating to registration, operation, and sale of watercraft, so as to  
7 harmonize certain provisions relating to operation of vessels, water skis, aquaplanes, and  
8 surfboards while under the influence of alcohol or drugs with those applicable to driving a  
9 vehicle under the influence of alcohol, drugs, or other substances; to change certain  
10 provisions relating to ordering drugs or alcohol tests, implied consent notice, reports,  
11 suspension, hearing, and certificate of inspection relating to vessels; to provide an effective  
12 date; to provide for applicability; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

15 Code Section 27-3-7 of the Official Code of Georgia Annotated, relating to hunting under  
16 the influence of alcohol or drugs, is amended by revising subsections (b) and (f) and adding  
17 a new subsection (f.1) as follows:

18 "~~(b) A person shall not hunt while:~~

19 ~~(1) Under the influence of alcohol to the extent that it is less safe for the person to hunt;~~

20 ~~(2) Under the influence of any drug to the extent that it is less safe for the person to hunt;~~

21 ~~(3) Under the combined influence of alcohol and any drug to the extent that it is less safe~~  
22 ~~for the person to hunt;~~

23 ~~(4) The person's alcohol concentration is 0.10 grams or more at any time within three~~  
24 ~~hours after such hunting from alcohol consumed before such hunting ended; or~~

25 ~~(5) Subject to the provisions of subsection (c) of this Code section, there is any amount~~  
26 ~~of marijuana or a controlled substance, as defined in Code Section 16-13-21, present in~~

27 ~~the person's blood or urine, or both, including the metabolites and derivatives of each or~~  
 28 ~~both without regard to whether or not any alcohol is present in the person's breath or~~  
 29 ~~blood. At any time and under any circumstances when a person would be prohibited by~~  
 30 ~~subsection (a) or (k) of Code Section 40-6-391 from driving or being in actual physical~~  
 31 ~~control of a moving vehicle on public roads, he or she shall also be prohibited from~~  
 32 ~~hunting at any place in this state. Violation of this subsection shall constitute unlawfully~~  
 33 ~~hunting while under the influence of alcohol or drugs.~~"

34 "(f)(1) Upon the trial of any civil or criminal action or proceeding arising out of acts  
 35 alleged to have been committed by any person hunting in violation of subsection (b) of  
 36 this Code section, the amount of alcohol in the person's blood at the time alleged, as  
 37 shown by chemical analysis of the person's blood, urine, breath, or other bodily  
 38 substance, shall give rise to ~~the following presumptions:~~

39 ~~(1) If there was at that time a blood alcohol concentration of 0.05 grams or less, it shall~~  
 40 ~~be presumed that the person was not under the influence of alcohol, as prohibited by~~  
 41 ~~paragraphs (1), (2), and (3) of subsection (b) of this Code section;~~

42 ~~(2) If there was at that time a blood alcohol concentration in excess of 0.05 grams but~~  
 43 ~~less than 0.08 grams, such fact shall not give rise to any presumption that the person was~~  
 44 ~~or was not under the influence of alcohol, as prohibited by paragraphs (1), (2), and (3) of~~  
 45 ~~subsection (b) of this Code section, but such fact may be considered with other competent~~  
 46 ~~evidence in determining whether the person was under the influence of alcohol, as~~  
 47 ~~prohibited by paragraphs (1), (2), and (3) of subsection (b) of this Code section;~~

48 ~~(3) If there was at that time a blood alcohol concentration of 0.08 grams or more, it shall~~  
 49 ~~be presumed that the person was under the influence of alcohol, as prohibited by~~  
 50 ~~paragraphs (1), (2), and (3) of subsection (b) of this Code section; and inferences and~~  
 51 ~~considerations regarding whether a person was unlawfully hunting under the influence~~  
 52 ~~of alcohol the same as those inferences and considerations provided by subsection (b) of~~  
 53 ~~Code Section 40-6-392 regarding whether a person was unlawfully driving or in actual~~  
 54 ~~physical control of a moving vehicle under the influence of alcohol.~~

55 ~~(4)(2) If there was at that time or within three hours after hunting, from alcohol~~  
 56 ~~consumed before such hunting ended, a blood alcohol concentration of 0.10 or more~~  
 57 ~~grams an alcohol concentration which is specifically unlawful under paragraph (5) of~~  
 58 ~~subsection (a) or paragraph (1) of subsection (k) of Code Section 40-6-391 for purposes~~  
 59 ~~of driving or being in actual physical control of a moving vehicle, the person shall be in~~  
 60 ~~violation of ~~paragraph (4)~~ of subsection (b) of this Code section.~~

61 ~~(f.1) No plea of nolo contendere shall be accepted for any person under the age of 21~~  
 62 ~~charged with a violation of this Code section.~~"

**SECTION 2.**

63  
64 Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to registration,  
65 operation, and sale of watercraft, is amended by revising subsections (a), (d), (j), and (k) of  
66 Code Section 52-7-12, relating to operation of vessels, water skis, aquaplanes, and surfboards  
67 while under the influence of alcohol or drugs, as follows:

68 ~~"(a) No person shall operate, navigate, steer, or drive any moving vessel, or be in actual~~  
69 ~~physical control of any moving vessel, nor shall any person manipulate any moving water~~  
70 ~~skis, moving aquaplane, moving surfboard, or similar moving device while:~~

71 ~~(1) Under the influence of alcohol to the extent that it is less safe for the person to~~  
72 ~~operate, navigate, steer, drive, manipulate, or be in actual physical control of a moving~~  
73 ~~vessel, moving water skis, moving aquaplane, moving surfboard, or similar moving~~  
74 ~~device;~~

75 ~~(2) Under the influence of any drug to the extent that it is less safe for the person to~~  
76 ~~operate, navigate, steer, drive, manipulate, or be in actual physical control of a moving~~  
77 ~~vessel, moving water skis, moving aquaplane, moving surfboard, or similar moving~~  
78 ~~device;~~

79 ~~(3) Under the combined influence of alcohol and any drug to the extent that it is less safe~~  
80 ~~for the person to operate, navigate, steer, drive, manipulate, or be in actual physical~~  
81 ~~control of a moving vessel, moving water skis, moving aquaplane, moving surfboard, or~~  
82 ~~similar moving device;~~

83 ~~(4) The person's alcohol concentration is 0.10 grams or more at any time within three~~  
84 ~~hours after such operating, navigating, steering, driving, manipulating, or being in actual~~  
85 ~~physical control of a moving vessel, moving water skis, moving aquaplane, moving~~  
86 ~~surfboard, or similar moving device from alcohol consumed before such operating,~~  
87 ~~navigating, steering, driving, manipulating, or being in actual physical control ended; or~~

88 ~~(5) Subject to the provisions of subsection (b) of this Code section, there is any amount~~  
89 ~~of marijuana or a controlled substance, as defined in Code Section 16-13-21, present in~~  
90 ~~the person's blood or urine, or both, including the metabolites and derivatives of each or~~  
91 ~~both without regard to whether or not any alcohol is present in the person's breath or~~  
92 ~~blood. At any time and under any circumstances when a person would be prohibited by~~  
93 ~~subsection (a) or (k) of Code Section 40-6-391 from driving or being in actual physical~~  
94 ~~control of a moving vehicle on public roads, he or she shall also be prohibited from~~  
95 ~~operating, navigating, steering, or driving any moving vessel; being in actual physical~~  
96 ~~control of any moving vessel; or manipulating any moving water skis, moving aquaplane,~~  
97 ~~moving surfboard, or similar moving device. Violation of this subsection shall constitute~~  
98 ~~unlawfully operating, navigating, steering, driving, manipulating, or being in actual~~

99 physical control of a moving vessel, moving water skis, moving aquaplane, moving  
 100 surfboard, or similar moving device while under the influence of alcohol or drugs."

101 "(d)(1) Upon the trial of any civil or criminal action or proceeding arising out of acts  
 102 alleged to have been committed by any person while operating, navigating, steering,  
 103 driving, manipulating, or being in actual physical control of a moving vessel, moving  
 104 water skis, moving aquaplane, moving surfboard, or similar moving device while under  
 105 the influence of alcohol, the amount of alcohol in the person's blood at the time alleged,  
 106 as shown by chemical analysis of the person's blood, urine, breath, or other bodily  
 107 substance, shall give rise to the following presumptions:

108 ~~(1) If there was at that time an alcohol concentration of 0.05 grams or less, it shall be~~  
 109 ~~presumed that the person was not under the influence of alcohol, as prohibited by~~  
 110 ~~paragraphs (1), (2), and (3) of subsection (a) of this Code section;~~

111 ~~(2) If there was at that time an alcohol concentration in excess of 0.05 grams but less~~  
 112 ~~than 0.08 grams, such fact shall not give rise to any presumption that the person was or~~  
 113 ~~was not under the influence of alcohol, as prohibited by paragraphs (1), (2), and (3) of~~  
 114 ~~subsection (a) of this Code section, but such fact may be considered with other competent~~  
 115 ~~evidence in determining whether the person was under the influence of alcohol, as~~  
 116 ~~prohibited by paragraphs (1), (2), and (3) of subsection (a) of this Code section;~~

117 ~~(3) If there was at that time an alcohol concentration of 0.08 grams or more, it shall be~~  
 118 ~~presumed that the person was under the influence of alcohol, as prohibited by paragraphs~~  
 119 ~~(1), (2), and (3) of subsection (a) of this Code section; and inferences and considerations~~  
 120 ~~regarding whether a person was unlawfully operating, navigating, steering, driving,~~  
 121 ~~manipulating, or being in actual physical control of a moving vessel, moving water skis,~~  
 122 ~~moving aquaplane, moving surfboard, or similar moving device while under the influence~~  
 123 ~~of alcohol the same as those inferences and considerations provided by subsection (b) of~~  
 124 ~~Code Section 40-6-392 regarding whether a person was unlawfully driving or in actual~~  
 125 ~~physical control of a moving vehicle while under the influence of alcohol.~~

126 ~~(4)(2) If there was at that time or within three hours after operating, navigating, steering,~~  
 127 ~~driving, manipulating, or being in actual physical control of a moving vessel, moving~~  
 128 ~~water skis, moving aquaplane, moving surfboard, or similar moving device, from alcohol~~  
 129 ~~consumed before such operating, navigating, steering, driving, manipulating, or being in~~  
 130 ~~actual physical control ended, an alcohol concentration of 0.10 or more grams which is~~  
 131 ~~specifically unlawful under paragraph (5) of subsection (a) or paragraph (1) of subsection~~  
 132 ~~(k) of Code Section 40-6-391 for purposes of driving or being in actual physical control~~  
 133 ~~of a moving vehicle, the person shall be in violation of paragraph (4) of subsection (a) of~~  
 134 ~~this Code section."~~

135 ~~"(j) In any civil or criminal action or proceeding arising out of acts alleged to have been~~  
 136 ~~committed by any person in violation of subsection (k) of this Code section, if there was~~  
 137 ~~at that time or within three hours after operating, navigating, steering, driving, or being in~~  
 138 ~~actual physical control of a moving vessel or personal watercraft from alcohol consumed~~  
 139 ~~before such operating, navigating, steering, driving, or being in actual physical control~~  
 140 ~~ended an alcohol concentration of 0.02 grams or more in the person's blood, breath, or~~  
 141 ~~urine, the person shall be in violation of subsection (k) of this Code section Reserved.~~

142 ~~(k)(1) A person under the age of 21 shall not operate, navigate, steer, drive, or be in~~  
 143 ~~actual physical control of any moving vessel, moving water skis, moving aquaplane,~~  
 144 ~~moving surfboard or similar moving device, or personal watercraft while the person's~~  
 145 ~~alcohol concentration is 0.02 grams or more at any time within three hours after such~~  
 146 ~~operating, navigating, steering, driving, or being in actual physical control from alcohol~~  
 147 ~~consumed before such operating, navigating, steering, driving, or being in actual physical~~  
 148 ~~control ended.~~

149 ~~(2) No plea of nolo contendere shall be accepted for any person under the age of 21~~  
 150 ~~charged with a violation of this Code section."~~

### 151 **SECTION 3.**

152 Said chapter is further amended by revising Code Section 52-7-12.5, relating to ordering  
 153 drugs or alcohol tests, implied consent notice, reports, suspension, hearing, and certificate  
 154 of inspection relating to vessels, as follows:

155 "52-7-12.5.

156 (a) The test or tests required under Code Section 52-7-12 shall be administered as soon as  
 157 possible at the request of a law enforcement officer having reasonable grounds to believe  
 158 that the person has been operating or was in actual physical control of a moving vessel  
 159 upon the waters of this state in violation of Code Section 52-7-12 and the officer has  
 160 arrested such person for a violation of Code Section 52-7-12, any federal law in conformity  
 161 with Code Section 52-7-12, or any local ordinance which is identical to Code Section  
 162 52-7-12 in accordance with Code Section 52-7-21 or the person has been involved in a  
 163 boating accident resulting in serious injuries or fatalities. Subject to Code Section 52-7-12,  
 164 the requesting law enforcement officer shall designate which test or tests shall be  
 165 administered, ~~provided that the officer shall require a breath test or a blood test and may~~  
 166 ~~require a urine test initially and may subsequently require a test or tests of any substances~~  
 167 ~~not initially tested.~~

168 (b) At the time a chemical test or tests are requested, the arresting officer shall select and  
 169 read to the person the appropriate implied consent ~~warning~~ notice from the following:

170 (1) Implied consent notice for suspects under age 21:

171 'Georgia law requires you to submit to state administered chemical tests of your blood,  
 172 breath, urine, or other bodily substances for the purpose of determining if you are under  
 173 the influence of alcohol or drugs. If you refuse this testing, your privilege to operate  
 174 a vessel on the waters of this state will be suspended for a minimum period of one year.  
 175 Your refusal to submit to the required testing may be offered into evidence against you  
 176 at trial. If you submit to testing, the results of that test or tests may be used against you.  
 177 If the results of such test or tests indicate an alcohol concentration of ~~0.02 grams~~ (state  
 178 the same amount as that specified in paragraph (1) of subsection (k) of Code Section  
 179 40-6-391) or more or the presence of any illegal drug, your privilege to operate a vessel  
 180 on the waters of this state may be suspended for a minimum period of one year. After  
 181 first submitting to the required state tests, you are entitled to additional chemical tests  
 182 of your blood, breath, urine, or other bodily substances at your own expense and from  
 183 qualified personnel of your own choosing. Will you submit to the state administered  
 184 chemical tests of your (designate which tests) under the implied consent law?'; or

185 (2) Implied consent notice for suspects age 21 or over:

186 'Georgia law requires you to submit to state administered chemical tests of your blood,  
 187 breath, urine, or other bodily substances for the purpose of determining if you are under  
 188 the influence of alcohol or drugs. If you refuse this testing, your privilege to operate a  
 189 vessel on the waters of this state will be suspended for a minimum period of one year.  
 190 Your refusal to submit to the required testing may be offered into evidence against you  
 191 at trial. If you submit to testing, the results of that test or tests may be used against you.  
 192 If the results of such test or tests indicate an alcohol concentration of ~~0.10 grams~~ (state  
 193 the same amount as that specified in paragraph (5) of subsection (a) of Code Section  
 194 40-6-391) or more or the presence of any illegal drug, your privilege to operate a vessel  
 195 on the waters of this state may be suspended for a minimum period of one year. After  
 196 first submitting to the required state tests, you are entitled to additional chemical tests  
 197 of your blood, breath, urine, or other bodily substances at your own expense and from  
 198 qualified personnel of your own choosing. Will you submit to the state administered  
 199 chemical tests of your (designate which tests) under the implied consent law?'

200 If any such notice is used by a law enforcement officer to advise a person of his or her  
 201 rights regarding the administration of chemical testing, such person shall be deemed to  
 202 have been properly advised of his or her rights under this Code section and under Code  
 203 Section 52-7-12.6 and the results of any chemical test, or the refusal to submit to a test,  
 204 shall be admitted into evidence against such person. ~~This notice shall be deemed~~  
 205 ~~sufficient if such notice read by an arresting officer is substantially complied with. Such~~  
 206 notice shall be read in its entirety but need not be read exactly so long as the substance  
 207 of the notice remains unchanged.

208 ~~(c) Subsection (b) of this Code section shall apply to any case wherein the request for~~  
209 ~~chemical testing is made regarding an offense committed on or after June 1, 1998.~~  
210 ~~Subsection (b) of this Code section shall not apply to any case wherein the request for~~  
211 ~~chemical testing was made regarding an offense committed prior to June 1, 1998, in which~~  
212 ~~case those provisions of former Code Section 52-7-12 governing the admissibility of~~  
213 ~~evidence of results of chemical testing or refusal to submit to chemical testing which were~~  
214 ~~in effect at the time the offense was committed shall apply~~ Reserved.

215 (d) If a person under arrest or a person who was involved in any boating accident resulting  
216 in serious injuries or fatalities submits to a chemical test upon the request of a law  
217 enforcement officer and the test results indicate that a suspension of the privilege of  
218 operating a vessel on the waters of this state is required under this Code section, the results  
219 shall be reported to the department. Upon the receipt of a sworn report of the law  
220 enforcement officer that the officer had reasonable grounds to believe the arrested person  
221 had been operating or was in actual physical control of a moving vessel upon the waters  
222 of this state in violation of Code Section 52-7-12 or that such person had been operating  
223 or was in actual physical control of a moving vessel upon the waters of this state and was  
224 involved in a boating accident involving serious injuries or fatalities and that the person  
225 submitted to a chemical test at the request of the law enforcement officer and the test  
226 results indicate either an alcohol concentration of ~~0.10 grams~~ an amount the same as that  
227 specified in paragraph (5) of subsection (a) of Code Section 40-6-391 or more or, for a  
228 person under the age of 21, an alcohol concentration of ~~0.02 grams~~ an amount the same as  
229 that specified in paragraph (1) of subsection (k) of Code Section 40-6-391 or more, and the  
230 vessel being operated was a motorized vessel having ten or more horsepower or was a  
231 sailboat more than 12 feet in length, the department shall suspend the person's privilege to  
232 operate a vessel upon the waters of this state pursuant to Code Section 52-7-12.6, subject  
233 to review as provided for in this Code section.

234 (e) If a person under arrest or a person who was involved in any boating accident resulting  
235 in serious injuries or fatalities refuses, upon the request of a law enforcement officer, to  
236 submit to a chemical test designated by the law enforcement officer as provided in  
237 subsection (a) of this Code section, no test shall be given; but the law enforcement officer  
238 shall report the refusal to the department. Upon the receipt of a sworn report of the law  
239 enforcement officer that the officer had reasonable grounds to believe the arrested person  
240 had been operating or was in actual physical control of a moving vessel upon the waters  
241 of this state in violation of Code Section 52-7-12 or that such person had been operating  
242 or was in actual physical control of a moving vessel upon the waters of this state and was  
243 involved in a boating accident which resulted in serious injuries or fatalities and that the  
244 person had refused to submit to the test upon the request of the law enforcement officer,

245 and the vessel being operated was a motorized vessel having ten or more horsepower or  
 246 was a sailboat more than 12 feet in length, the department shall suspend the person's  
 247 privilege of operating a vessel on the waters of this state for a period of one year.

248 (e.1) Nothing in this Code section shall be deemed to preclude the acquisition or admission  
 249 of evidence of a violation of Code Section 52-7-12 if obtained by voluntary consent or a  
 250 search warrant as authorized by the Constitution or laws of this state or the United States.

251 (f)(1) The law enforcement officer, acting on behalf of the department, shall personally  
 252 serve the notice of intention to suspend or disqualify the privilege of operating a vessel  
 253 on the waters of this state of the arrested person or other person refusing such test on such  
 254 person at the time of the person's refusal to submit to a test or at the time at which such  
 255 a test indicates that suspension or disqualification is required under this Code section.  
 256 The officer shall forward to the department the notice of intent to suspend and the sworn  
 257 report required by subsection (d) or (e) of this Code section within ten calendar days after  
 258 the date of the arrest of such person. The failure of the officer to transmit the sworn  
 259 report required by this Code section within ten calendar days shall not prevent the  
 260 department from accepting such report and utilizing it in the suspension of an operator's  
 261 privilege as provided in this Code section.

262 (2) If notice has not been given by the arresting officer, the department, upon receipt of  
 263 the sworn report of such officer, shall suspend the person's privilege to operate a vessel  
 264 and, by regular mail, at the last known address, notify such person of such suspension.  
 265 The notice shall inform the person of the grounds of suspension, the effective date of the  
 266 suspension, and the right to review. The notice shall be deemed received three days after  
 267 mailing.

268 (g)(1) A person whose operator's privilege is suspended pursuant to this Code section  
 269 shall request, in writing, a hearing within ten business days from the date of personal  
 270 notice or receipt of notice sent by certified mail or statutory overnight delivery, return  
 271 receipt requested, or the right to said hearing shall be deemed waived. Within 30 days  
 272 after receiving a written request for a hearing, the department shall hold a hearing as is  
 273 provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The  
 274 hearing shall be recorded.

275 (2) The scope of the hearing shall be limited to the following issues:

276 (A)(i) Whether the law enforcement officer had reasonable grounds to believe the  
 277 person was operating or in actual physical control of a moving vessel while under the  
 278 influence of alcohol or a controlled substance and was lawfully placed under arrest  
 279 for violating Code Section 52-7-12; or

280 (ii) Whether the person was involved in a vessel accident or collision resulting in  
 281 serious injury or fatality; and

282 (B) Whether at the time of the request for the test or tests the officer informed the  
283 person of the person's implied consent rights and the consequence of submitting or  
284 refusing to submit to such test; and:

285 (C)(i) Whether the person refused the test; or

286 (ii) Whether a test or tests were administered and the results indicated an alcohol  
287 concentration of 0.10 grams or more or, for a person under the age of 21, an alcohol  
288 concentration of 0.02 grams or more that was unlawful under paragraph (2) of  
289 subsection (d) of Code Section 52-7-12; and

290 (D) Whether the test or tests were properly administered by an individual  
291 possessing a valid permit issued by the Division of Forensic Sciences of the Georgia  
292 Bureau of Investigation on an instrument approved by the Division of Forensic  
293 Sciences or a test conducted by the Division of Forensic Sciences, including whether  
294 the machine at the time of the test was operated with all its electronic and operating  
295 components prescribed by its manufacturer properly attached and in good working  
296 order, which shall be required. A copy of the operator's permit showing that the  
297 operator has been trained on the particular type of instrument used and one of the  
298 original copies of the test results or, where the test is performed by the Division of  
299 Forensic Sciences, a copy of the crime lab report shall satisfy the requirements of this  
300 subparagraph.

301 (3) The hearing officer shall, within five calendar days after such hearing, forward a  
302 decision to the department to rescind or sustain the suspension of the person's privilege  
303 to operate a vessel on the waters of this state. If no hearing is requested within the ten  
304 business days specified in paragraph (1) of this subsection, and the failure to request such  
305 hearing is due in whole or in part to the reasonably avoidable fault of the person, the right  
306 to a hearing shall have been waived. The request for a hearing shall not stay the  
307 suspension of the person's privilege to operate a vessel on the waters of this state;  
308 provided, however, that if the hearing is timely requested and is not held within 60 days  
309 and the delay is not due in whole or in part to the reasonably avoidable fault of the  
310 person, the suspension shall be stayed until such time as the hearing is held and the  
311 hearing officer's decision is made.

312 (4) In the event the person is acquitted of a violation of Code Section 52-7-12 or such  
313 charge is initially disposed of other than by a conviction or plea of nolo contendere, then  
314 the suspension shall be terminated. An accepted plea of nolo contendere shall be entered  
315 on the operator's record and shall be considered and counted as a conviction for purposes  
316 of any future violations of Code Section 52-7-12.

317 (h) If the suspension is sustained after such a hearing, the person whose privilege to  
318 operate a vessel on the waters of this state has been suspended under this Code section shall

319 have a right to file for a judicial review of the department's final decision, as provided for  
320 in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; while such appeal  
321 is pending, the order of the department shall not be stayed.

322 (i) Each time an approved breath-testing instrument is inspected, the inspector shall  
323 prepare a certificate which shall be signed under oath by the inspector and which shall  
324 include the following language:

325 'This breath-testing instrument (serial no. \_\_\_\_\_) was thoroughly inspected, tested,  
326 and standardized by the undersigned on (date \_\_\_\_\_) and all of its electronic and  
327 operating components prescribed by its manufacturer are properly attached and are in  
328 good working order.'

329 When properly prepared and executed, as prescribed in this subsection, the certificate shall,  
330 notwithstanding any other provision of law, be self-authenticating, shall be admissible in  
331 any court of law, and shall satisfy the pertinent requirements of paragraph (1) of subsection  
332 (c) of Code Section 52-7-12 and subparagraph ~~(g)(2)(C)~~ (g)(2)(D) of this Code section."

333 **SECTION 4.**

334 This Act shall become effective on July 1, 2009, and shall apply to offenses committed on  
335 or after such date.

336 **SECTION 5.**

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