

The Senate Public Safety Committee offered the following substitute to SB 180:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to cancellation, suspension, and revocation of drivers' licenses, so as to allow certain  
3 drivers with suspended licenses to be issued limited driving permits; to provide for the  
4 issuance of a limited driving permit to a person convicted of driving under the influence  
5 subject to certain conditions; to provide for related matters; to provide for an effective date;  
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

8 Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to  
9 cancellation, suspension, and revocation of drivers' licenses, is amended by revising  
10 subsection (b) of Code Section 40-5-57.1, relating to suspensions of licenses of persons  
11 under age 21, as follows:  
12

13 "(b) A person whose driver's license has been suspended under subsection (a) of this Code  
14 section shall:

15 (1) Subject to the requirements of subsection (c) of this Code section and except as  
16 otherwise provided by paragraph (2) of this subsection:

17 (A) Upon a first such suspension, be eligible to apply for license reinstatement and,  
18 subject to payment of required fees, have his or her driver's license reinstated after six  
19 months; and

20 (B) Upon a second or subsequent such suspension, be eligible to apply for license  
21 reinstatement and, subject to payment of required fees, have his or her driver's license  
22 reinstated after 12 months; or

23 (2)(A) If the driver's license was suspended upon conviction for violation of Code  
24 Section 40-6-391, be subject to the provisions of Code Section 40-5-63.

25 (B) If such driver was convicted of driving under the influence of alcohol or of having  
26 an unlawful alcohol concentration and is otherwise subject to the provisions of

27 paragraph (1) of subsection (a) of Code Section 40-5-63, then ~~such person shall not be~~  
 28 ~~eligible for a limited driving permit under Code Section 40-5-64, and:~~

29 (i) If the driver's alcohol concentration at the time of the offense was less than 0.08  
 30 grams, he or she shall not be eligible for license reinstatement until the end of six  
 31 months; or

32 (ii) If the driver's alcohol concentration at the time of the offense was 0.08 grams or  
 33 more, he or she shall not be eligible for license reinstatement until the end of 12  
 34 months."

## 35 SECTION 2.

36 Code Section 40-5-64 of the Official Code of Georgia Annotated, relating to the issuance of  
 37 limited driving permits for certain offenders, is amended in subsections (a) and (e) as  
 38 follows:

39 "(a) *To whom issued.*

40 (1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any  
 41 other Code section of this chapter, any person who has not been previously convicted or  
 42 adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as  
 43 measured from the dates of previous arrests for which convictions were obtained or pleas  
 44 of nolo contendere were accepted to the date of the current arrest for which a conviction  
 45 is obtained or a plea of nolo contendere is accepted, may apply for a limited driving  
 46 permit when and only when that person's driver's license has been suspended in  
 47 accordance with paragraph (2) of subsection (a.1) of Code Section 40-5-22, subsection  
 48 (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63, ~~or~~  
 49 paragraph (1) of subsection (a) of Code Section 40-5-67.2, or Code Section 40-5-57.1 if  
 50 the person is age 18 or older.

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

55 (3) A limited driving permit may be issued to a person convicted for a second violation  
 56 of Code Section 40-6-391 after a 120 day suspension period if, in the discretion of the  
 57 sentencing judge, a certificate of eligibility for a limited driving permit is issued  
 58 providing that:

59 (A) An ignition interlock is installed in accordance with paragraph (2) of subsection (b)  
 60 of Code Section 42-8-112 on all vehicles operated by the person applying for a limited  
 61 driving permit; and

62 (B) The person applying for the limited driving permit continues to participate for a  
 63 minimum of 120 days in a Department of Human Resources approved multiple  
 64 offender program in accordance with Code Section 40-5-63.1 or in a drug court  
 65 program in compliance with Code Section 15-1-15."

66 "(e) *Fees, duration, renewal, and replacement of permit.* A permit issued pursuant to this  
 67 Code section shall be \$25.00 and shall become invalid upon the driver's eighteenth birthday  
 68 in the case of a suspension under paragraph (2) of subsection (a.1) of Code Section  
 69 40-5-22, upon the expiration of one year following issuance thereof in the case of a  
 70 suspension for an offense listed in Code Section 40-5-54 or a suspension under Code  
 71 Section 40-5-57, or a suspension in accordance with paragraph (1) of subsection (a) of  
 72 Code Section 40-5-63 for a violation of Code Section 40-6-391, upon the expiration of 30  
 73 days in the case of an administrative license suspension in accordance with paragraph (1)  
 74 of subsection (a) of Code Section 40-5-67.2, ~~or~~ upon the expiration of six months following  
 75 proof of installation of an ignition interlock device in the case of a limited driving permit  
 76 issued to a person subject to a court order for installation and use of such a device pursuant  
 77 to Article 7 of Chapter 8 of Title 42, or upon the expiration of one year in the case of a  
 78 suspension under Code Section 40-5-57.1; except that such limited driving permit shall  
 79 expire upon any earlier reinstatement of the driver's license. A person may apply to the  
 80 department for a limited driving permit immediately following such conviction if he or she  
 81 has surrendered his or her driver's license to the court in which the conviction was adjudged  
 82 or to the department if the department has processed the citation or conviction. Upon the  
 83 applicant's execution of an affidavit attesting to such facts and to the fact that the court had  
 84 not imposed a suspension or revocation of his or her driver's license or driving privileges  
 85 inconsistent with the driving privileges to be conferred by the limited driving permit  
 86 applied for, the department may issue such person a limited driving permit. Permits issued  
 87 pursuant to this Code section are renewable upon payment of a renewal fee of \$5.00.  
 88 Permits may be renewed until the person has his or her license reinstated for the violation  
 89 that was the basis of the issuance of the permit. Upon payment of a fee in an amount the  
 90 same as that provided by Code Section 40-5-25 for issuance of a Class C driver's license,  
 91 a person may be issued a replacement for a lost or destroyed ~~probationary driver's license~~  
 92 limited driving permit issued to him or her."

### 93 **SECTION 3.**

94 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 95 without such approval.

- 96 **SECTION 4.**
- 97 All laws and parts of laws in conflict with this Act are repealed.