

The House Committee on Judiciary Non-civil offers the following substitute to SB 180:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
2 drivers' licenses, so as to provide for matters relative to drivers' licenses of persons convicted
3 of driving under the influence; to allow certain drivers with suspended licenses to be issued
4 limited driving permits; to provide for the issuance of a limited driving permit to a person
5 convicted of driving under the influence subject to certain conditions; to increase the
6 assessment fees for approved DUI Alcohol or Drug Use Reduction Programs; to provide for
7 related matters; to provide for an effective date; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
11 is amended by revising subsection (b) of Code Section 40-5-57.1, relating to suspensions of
12 licenses of persons under age 21, as follows:
13

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

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

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

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

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

26 (B) If such driver was convicted of driving under the influence of alcohol or of having
 27 an unlawful alcohol concentration and is otherwise subject to the provisions of
 28 paragraph (1) of subsection (a) of Code Section 40-5-63, then ~~such person shall not be~~
 29 ~~eligible for a limited driving permit under Code Section 40-5-64, and:~~

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

36 **SECTION 2.**

37 Said chapter is further amended by revising subsections (a) and (e) of Code Section 40-5-64,
 38 relating to the issuance of limited driving permits for certain offenders, as 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 Said chapter is further amended by revising subsection (e) of Code Section 40-5-83, relating
 95 to establishment and approval of driver clinics and programs, as follows:

96 "(e) The department is designated as the agency responsible for establishing criteria for the
 97 approval of DUI Alcohol or Drug Use Risk Reduction Programs. An applicant ~~must~~ shall

98 meet the certification criteria promulgated by the department through its standards and
99 ~~must~~ shall provide the following services: (1) the assessment component and (2) the
100 intervention component. The department is designated as the agency responsible for
101 establishing rules and regulations concerning the contents and duration of the components
102 of DUI Alcohol or Drug Use Risk Reduction Programs, qualifications of instructors,
103 attendance requirements for students, examinations, and program evaluations. Qualified
104 instructors shall be certified for periods of four years each, which may be renewed.
105 Approved DUI Alcohol or Drug Use Risk Reduction Programs shall charge a fee of ~~\$75.00~~
106 \$82.00 for the assessment component and \$190.00 for the intervention component. An
107 additional fee for required student program materials shall be established by the department
108 in such an amount as is reasonable and necessary to cover the cost of such materials. No
109 DUI Alcohol or Drug Use Risk Reduction Program shall be approved unless such clinic
110 agrees in writing to submit reports as required in the rules and regulations of the
111 department and to allow the examination and audit of the books, records, and financial
112 statements of such DUI Alcohol or Drug Use Risk Reduction Program by the department
113 or its authorized agent. DUI Alcohol or Drug Use Risk Reduction Programs may be
114 operated by any public, private, or governmental entity; provided, however, that, except
115 as otherwise provided in this subsection, in any political subdivision in which a DUI
116 Alcohol or Drug Use Risk Reduction Program is operated by a private entity, whether for
117 profit or nonprofit, neither the local county board of health nor any other governmental
118 entity shall fund any new programs in that area. Programs currently in existence which are
119 operated by local county boards of health or any other governmental entities shall be
120 authorized to continue operation. New programs may be started in areas where no private
121 DUI Alcohol or Drug Use Risk Reduction Programs have been made available to said
122 community. The Department of Corrections is authorized to operate DUI Alcohol or Drug
123 Use Risk Reduction Programs in its facilities where offenders are not authorized to
124 participate in such programs in the community, provided that such programs meet the
125 certification criteria promulgated by the Department of Driver Services. All such programs
126 operated by the Department of Corrections shall be exempt from all fee provisions
127 established in this subsection specifically including the rebate of any fee for the costs of
128 administration. No DUI Alcohol or Drug Use Risk Reduction Program ~~will~~ shall be
129 approved unless such clinic agrees in writing to pay to the state, for the costs of
130 administration, a fee of ~~\$15.00~~ \$22.00, for each offender assessed or each offender
131 attending for points reduction, provided that nothing in this Code section shall be construed
132 so as to allow the department to retain any funds required by the Constitution of Georgia
133 to be paid into the state treasury; and provided, further, that the department shall comply

134 with all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' except
135 Code Section 45-12-92, prior to expending any such miscellaneous funds."

136 **SECTION 4.**

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

139 **SECTION 5.**

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