

House Bill 26

By: Representative Roberts of the 154th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-5-64 of the Official Code of Georgia Annotated, relating to
2 issuance of limited driving permits for certain offenders, so as to allow for issuance of a
3 limited driving permit to a driver who has had his or her license suspended for driving on a
4 suspended license; to provide for related matters; to provide for an effective date; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 40-5-64 of the Official Code of Georgia Annotated, relating to issuance of
9 limited driving permits for certain offenders, is amended by revising subsection (a) as
10 follows:

11 "(a) *To whom issued.*

12 (1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any
13 other Code section of this chapter, any person who has not been previously convicted or
14 adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as
15 measured from the dates of previous arrests for which convictions were obtained or pleas
16 of nolo contendere were accepted to the date of the current arrest for which a conviction
17 is obtained or a plea of nolo contendere is accepted, may apply for a limited driving
18 permit when and only when that person's driver's license has been suspended in
19 accordance with paragraph (2) of subsection (a.1) of Code Section 40-5-22, subsection
20 (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63,
21 paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code
22 Section 40-5-57.1, when the person is 18 or over and his or her license was suspended for
23 exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour,
24 and the sentencing judge, in his or her discretion, decides it is reasonable to issue a
25 limited driving permit, or subsection (a) of Code Section 40-5-121, if the sentencing
26 judge, in his or her discretion, decides it is reasonable to issue a limited driving permit.

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

31 SECTION 2.

32 This Act shall become effective on July 1, 2011.

33 SECTION 3.

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