

The House Committee on Public Safety & Homeland Security offers the following substitute to HB 26:

**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 allow for issuance of a limited driving permit to a driver who has
3 had his or her license suspended for driving on a suspended license; to provide for related
4 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

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

10 **"(a) To whom issued.**

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

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

"(e) Fees, duration, renewal, and replacement of permit. A permit issued pursuant to this Code section shall be \$25.00 and shall become invalid upon the driver's eighteenth birthday in the case of a suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year following issuance thereof in the case of a suspension for an offense listed in Code Section 40-5-54 or a suspension under Code Section 40-5-57, or a suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation of Code Section 40-6-391, upon the expiration of 30 days in the case of an administrative license suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2, or upon the expiration of six months following a suspension under subsection (a) of Code Section 40-5-121, or proof of installation of an ignition interlock device in the case of a limited driving permit issued to a person subject to a court order for installation and use of such a device pursuant to Article 7 of Chapter 8 of Title 42; except that such limited driving permit shall expire upon any earlier reinstatement of the driver's license. A person may apply to the department for a limited driving permit immediately following such conviction if he or she has surrendered his or her driver's license to the court in which the conviction was adjudged or to the department if the department has processed the citation or conviction. Upon the applicant's execution of an affidavit attesting to such facts and to the fact that the court had not imposed a suspension or revocation of his or her driver's license or driving privileges inconsistent with the driving privileges to be conferred by the limited driving permit applied for, the department may issue such person a limited driving permit. Permits issued pursuant to this Code section are renewable upon payment of a renewal fee of \$5.00. Permits may be renewed until the person has his or her license reinstated for the violation that was the basis of the issuance of the permit. Upon payment of a fee in an amount the same as that provided by Code Section 40-5-25 for issuance of a Class C driver's license, a person may be issued a replacement for a lost or destroyed limited driving permit issued to him or her."

SECTION 2.

57 Said chapter is further amended by revising subsection (c) of Code Section 40-5-121, relating
58 to driving while license is suspended or revoked, as follows:

59 "(c) For purposes of pleading nolo contendere, only one nolo contendere plea will be
60 accepted to a charge of driving without being licensed or with a suspended or disqualified
61 license within a five-year period as measured from date of arrest to date of arrest. All other

62 nolo contendere pleas in this period will be considered convictions. For the purpose of
63 imposing a sentence under this subsection, a plea of nolo contendere shall constitute a
64 conviction. ~~There shall be no limited driving permit available for a suspension or~~
65 ~~disqualification under this Code section."~~

66 **SECTION 3.**

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

68 **SECTION 4.**

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