

House Bill 427

By: Representatives Rice of the 51st, Black of the 174th, Jacobs of the 80th, Lindsey of the 54th, Purcell of the 159th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to serious traffic offenses, so as to provide that a person convicted for the first time
3 of driving under the influence of alcohol or drugs may be ordered to have a certified ignition
4 interlock device installed and maintained; to provide that failure to do so shall result in a
5 three-year suspension of such person's driving privileges; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
10 serious traffic offenses, is amended by revising the introductory language of paragraph (1)
11 of subsection (c) of Code Section 40-6-391, relating to driving under the influence of alcohol
12 or drugs, as follows:

13 (1) For the first First conviction with no conviction of and no plea of nolo contendere
14 accepted to a charge of violating this Code section within the previous ten 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, unless the court, in its discretion,
18 decides to punish the offender pursuant to Code Section 40-6-391.4:

19 **SECTION 1.**

20 Said article is amended by adding a new Code section to read as follows:

21 "40-6-391.4.

22 (a) As used in this Code section, the term 'certified ignition interlock device' means a
23 device certified by the commissioner of driver services under the provisions of subsection
24 (a) of Code Section 42-8-110.

25 (b) If a person is convicted for the first time of a violation of Code Section 40-6-391, in
26 lieu of the punishments prescribed in paragraph (1) of subsection (c) of Code Section
27 40-6-391, the court may, in its discretion, order that as a condition for operating a motor
28 vehicle in this state, the person must have a certified ignition interlock device installed
29 within 30 days of such conviction and maintained on any vehicle the person may operate
30 and provide proof of installation of such device to the court. Such requirement shall be for
31 a period of not less than 12 months. In addition, the person's driver's license shall be
32 suspended for a period of 30 days from the date of the conviction and the person shall be
33 ordered to complete the DUI Alcohol or Drug Use Risk Reduction Program and submit to
34 the court a certificate of completion. If the convicted person fails to have a certified
35 ignition interlock device installed and maintained, or if he or she operates a motor vehicle
36 without an operating certified ignition interlock device during such period, the court shall
37 order such person's driving privileges to be revoked for a period of three years, absent a
38 finding by the court of good cause for that failure which is entered in the court's record.
39 (c) The court shall include in the record of conviction submitted to the Department of
40 Driver Services notice of the requirement for, and the period of the requirement for, the use
41 of a certified ignition interlock device. The records of the Department of Driver Services
42 shall reflect the mandatory use of such device and the person's driver's license or limited
43 driving permit shall contain a notation that the person may only operate a motor vehicle
44 equipped with a functioning certified ignition interlock device."

45 **SECTION 2.**

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