

The Senate Special Judiciary Committee offered the following substitute to SB 41:

**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 define a certain term; to require ignition interlock
3 devices for a period of time; to provide enhanced penalties for certain offenses; to repeal
4 conflicting laws; and for other purposes.

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

6 **SECTION 1.**

7 Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
8 serious traffic offenses, is amended by adding a new Code section to read as follows:

9 "40-6-391.4.

10 (a) As used in this Code section, the term 'ignition interlock device' shall have the same
11 meaning as defined in subsection (a) of Code Section 42-8-110.

12 (b) Notwithstanding any other provision of law to the contrary, the following provisions
13 shall apply to persons convicted of a violation of Code Section 40-6-391:

14 (1) For a first conviction, the convicted person shall not be permitted to operate a motor
15 vehicle unless such vehicle is equipped with a functioning, certified ignition interlock
16 device for a period of at least six months. Before any driving privileges are restored, the
17 convicted person shall provide proof of installation of such device to the extent required
18 by subsection (a) of Code Section 42-8-111; and

19 (2) For a second and each subsequent conviction, the convicted person shall not be
20 permitted to operate a motor vehicle unless such vehicle is equipped with a functioning,
21 certified ignition interlock device for a period of at least one year. Before any driving
22 privileges are restored, the convicted person shall provide proof of installation of such
23 device to the extent required by subsection (a) of Code Section 42-8-111.

24 (c) If a person's conviction is for a violation of subsection (l) of Code Section 40-6-391,
25 a period of six months shall be added to the time he or she is restricted to operating a

vehicle equipped with an ignition interlock device as required by paragraphs (1) and (2) of subsection (b) of this Code section.

(d) If a person who refused to consent to a test under Code Section 40-5-67.1 is subsequently convicted, a period of six months shall be added to the time he or she is restricted to operating a vehicle equipped with an ignition interlock device as required by paragraphs (1) and (2) of subsection (b) of this Code section.

(e) If a person convicted of a violation of Code Section 40-6-391 was driving with a revoked or suspended license at the time of the offense, a period of six months shall be added to the time he or she is restricted to operating a vehicle equipped with an ignition interlock device as required by paragraphs (1) and (2) of subsection (b) of this Code section.

(f) The penalties of this Code section shall be in addition to and not in lieu of any other penalties provided by law."

SECTION 2.

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