

Senate Bill 15 - Prefile

By: Senator James of the 35th

A BILL TO BE ENTITLED  
AN ACT

To amend Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to serious traffic offenses, so as to define a certain term; to require ignition interlock devices for a period of time; to provide enhanced penalties for certain offenses; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

"40-6-391.4.

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

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

(1) For a first conviction, the convicted person shall not be permitted to operate a motor vehicle unless such vehicle is equipped with a functioning, certified ignition interlock device for a period of at least six months. Before any driving privileges are restored, the convicted person shall provide proof of installation of such device; and

(2) For a second and each subsequent conviction, the convicted person shall not be permitted to operate a motor vehicle unless such vehicle is equipped with a functioning, certified ignition interlock device for a period of at least one year. Before any driving privileges are restored, the convicted person shall provide proof of installation of such device.

(c) If a person's conviction is for a violation of subsection (1) of Code Section 40-6-391, 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.

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

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

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

38 **SECTION 2.**

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