

House Bill 407

By: Representatives Powell of the 32nd, Hitchens of the 161st, Atwood of the 179th, Rice of the 95th, and Taylor of the 173rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated,
2 relating to cancellation, suspension, and revocation of drivers' licenses, and Article 7 of
3 Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to ignition interlock
4 devices as a condition of probation, so as to modify and extend provisions related to the
5 mandatory use of ignition interlock devices following a second conviction for driving under
6 the influence of alcohol or drugs; to provide for related matters; to provide for an effective
7 date and applicability; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
11 cancellation, suspension, and revocation of drivers' licenses, is amended by revising
12 paragraph (2) of subsection (a) of Code Section 40-5-63, relating to periods of suspension
13 and conditions to return the driver's license, as follows:

14 "(2) Upon the second conviction of any such offense within five years, as measured from
15 the dates of previous arrests for which convictions were obtained to the date of the
16 current arrest for which a conviction is obtained, the period of suspension shall be for
17 three years. At the end of 120 days, the person may apply to the department for
18 reinstatement of ~~said~~ such driver's license; except that if such license was suspended as
19 a result of a second conviction of a violation of Code Section 40-6-391 within five years,
20 the person shall not be eligible to apply for license reinstatement until the end of 18
21 months. Such license shall be reinstated if such person submits proof of completion of
22 a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of
23 \$210.00 or \$200.00 when such reinstatement is processed by mail ~~unless such conviction~~
24 ~~was a recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00~~
25 ~~when processed by mail~~, provided that, if such license was suspended as a result of a
26 conviction of an offense listed in Code Section 40-5-54, such license shall be reinstated

27 if such person submits proof of completion of either a defensive driving program
 28 approved by the department or a DUI Alcohol or Drug Use Risk Reduction Program and
 29 pays the prescribed restoration fee. A driver's license suspended as a result of a
 30 conviction of a violation of Code Section 40-6-391 shall not become valid and shall
 31 remain suspended until such person submits proof of completion of a DUI Alcohol or
 32 Drug Use Risk Reduction Program, provides proof of installation and maintenance of an
 33 ignition interlock device for a period of ~~six months~~ one year coinciding with the issuance
 34 of an ignition interlock device limited driving permit as provided in Code Section
 35 40-5-64 unless waived due to financial hardship, and pays the prescribed restoration fee.
 36 For purposes of this paragraph, a plea of nolo contendere and all previous accepted pleas
 37 of nolo contendere to an offense listed in Code Section 40-5-54 within such five-year
 38 period of time shall constitute a conviction. For the purposes of this paragraph, a plea of
 39 nolo contendere to a charge of violating Code Section 40-6-391 and all prior accepted
 40 pleas of nolo contendere within five years, as measured from the dates of previous arrests
 41 for which convictions were obtained or pleas of nolo contendere were accepted to the
 42 date of the current arrest for which a plea of nolo contendere is accepted, shall be
 43 considered and counted as convictions; or"

44

SECTION 2.

45 Said article is further amended by revising subsections (a), (c), and (e) of Code Section
 46 40-5-64, relating to limited driving permits for certain offenders, as follows:

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

48 (1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any
 49 other Code section of this chapter, any person who has not been previously convicted or
 50 adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as
 51 measured from the dates of previous arrests for which convictions were obtained or pleas
 52 of nolo contendere were accepted to the date of the current arrest for which a conviction
 53 is obtained or a plea of nolo contendere is accepted, may apply for a limited driving
 54 permit when and only when that person's driver's license has been suspended in
 55 accordance with paragraph (2) of subsection (a.1) of Code Section 40-5-22, subsection
 56 (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63,
 57 ~~paragraph (1) of subsection (a) of Code Section 40-5-67.2~~, or subsection (a) of Code
 58 Section 40-5-57.1, when the person is 18 years of age or older and his or her license was
 59 suspended for exceeding the speed limit by 24 miles per hour or more but less than 34
 60 miles per hour, and the sentencing judge, in his or her discretion, decides it is reasonable
 61 to issue a limited driving permit.

62 (2)(A) Except as provided in subparagraph (B) of this paragraph, any Any person
 63 whose driver's license has been suspended as a result of a second conviction for
 64 violating Code Section 40-6-391 within five years, as measured from the dates of
 65 previous arrests for which convictions were obtained to the date of the current arrest for
 66 which a conviction is obtained, may apply for a an ignition interlock limited driving
 67 permit after serving at least ~~120 days~~ six months of the suspension required for such
 68 conviction and providing a certificate of eligibility from a drug court program in the
 69 court in which he or she was convicted of the offense for which such suspension was
 70 imposed or proof of enrollment in clinical treatment as provided in Code Section
 71 40-5-63.1 completion from an approved DUI Alcohol or Drug Use Risk Reduction
 72 Program and documentation of installation of an ignition interlock device in any vehicle
 73 that he or she will be operating.

74 (B) Any person whose driver's license has been suspended as a result of a second
 75 conviction for violating Code Section 40-6-391 within five years, as measured from the
 76 dates of previous arrests for which convictions were obtained to the date of the current
 77 arrest for which a conviction is obtained, and who has enrolled in a drug court program
 78 as a condition of probation for such conviction may apply for an ignition interlock
 79 limited driving permit after serving at least 45 days of the suspension required for such
 80 conviction and providing a certificate of eligibility from such drug court program.

81 (C) Any person whose driver's license has been suspended administratively pursuant
 82 to Code Section 40-5-67.1 or paragraph (1) or (2) of subsection (a) of Code Section
 83 40-5-67.2 shall be eligible for an ignition interlock limited driving permit valid for a
 84 period of one year.

85 (3) To the extent a person is subject to more than one suspension for which a permit may
 86 be issued, the department shall not issue such permit unless the suspensions are for a
 87 conviction for driving under the influence in violation of Code Section 40-6-391 imposed
 88 pursuant to Code Section 40-5-63 and an administrative suspension imposed pursuant to
 89 Code Section 40-5-67.1 or paragraph (1) or (2) of subsection (a) of Code Section
 90 40-5-67.2 arising from the same incident."

91 "(c) **Standards for approval.** The department shall issue a limited driving permit if the
 92 application indicates that refusal to issue such permit would cause extreme hardship to the
 93 applicant. Except as otherwise provided by subsection (c.1) of this Code section, for the
 94 purposes of this Code section, 'extreme hardship' means that the applicant cannot
 95 reasonably obtain other transportation, and therefore the applicant would be prohibited
 96 from:

- 97 (1) Going to and from his or her place of employment and driving for work purposes;
 98 (2) Receiving scheduled medical care or obtaining prescription drugs;

- 99 (3) Attending a college or school at which he or she is regularly enrolled as a student;
 100 (4) Attending regularly scheduled sessions or meetings of support organizations for
 101 persons who have addiction or abuse problems related to alcohol or other drugs, ~~which~~
 102 ~~organizations~~ that are recognized by the commissioner;
 103 (5) Attending under court order any driver education or improvement school or alcohol
 104 or drug program or course approved by the court which entered the judgment of
 105 conviction resulting in suspension of his or her driver's license or by the commissioner;
 106 (6) Attending court, reporting to a probation office or officer, or performing community
 107 service; or
 108 (7) Transporting an immediate family member who does not hold a valid driver's license
 109 for work, medical care, or prescriptions or to school."

110 "(e) **Fees, duration, renewal, and replacement of permit.**

- 111 (1) A permit issued pursuant to this Code section shall be \$25.00 and shall become
 112 invalid upon the driver's eighteenth birthday in the case of a suspension under paragraph
 113 (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year
 114 following issuance thereof in the case of a suspension for an offense listed in Code
 115 Section 40-5-54 or a suspension under Code Section 40-5-57 or a suspension in
 116 accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation
 117 of Code Section 40-6-391, or upon the expiration of 30 days in the case of an
 118 administrative license suspension in accordance with paragraph (1) of subsection (a) of
 119 Code Section 40-5-67.2; except that such limited driving permit shall expire upon any
 120 earlier reinstatement of the driver's license. A person may apply to the department for
 121 a limited driving permit immediately following such conviction if he or she has
 122 surrendered his or her driver's license to the court in which the conviction was adjudged
 123 or to the department if the department has processed the citation or conviction. Upon the
 124 applicant's execution of an affidavit attesting to such facts and to the fact that the court
 125 had not imposed a suspension or revocation of his or her driver's license or driving
 126 privileges inconsistent with the driving privileges to be conferred by the limited driving
 127 permit applied for, the department may issue such person a limited driving permit.
 128 Permits issued pursuant to this Code section are renewable upon payment of a renewal
 129 fee of \$5.00. Permits may be renewed until the person has his or her license reinstated
 130 for the violation that was the basis of the issuance of the permit. Upon payment of a fee
 131 in an amount the same as that provided by Code Section 40-5-25 for issuance of a Class
 132 C driver's license, a person may be issued a replacement for a lost or destroyed limited
 133 driving permit issued to him or her.
 134 (2) An ignition interlock device limited driving permit shall be valid for a period of ~~eight~~
 135 ~~months~~ one year. Upon successful completion of ~~eight months~~ one year of monitoring

136 of such ignition interlock device, the restriction for maintaining and using such ignition
 137 interlock device shall be removed, and the permit may be renewed for additional periods
 138 of six months as provided in paragraph (1) of this subsection."

139

SECTION 3.

140 Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to
 141 ignition interlock devices as a condition of probation, is amended by revising Code Section
 142 42-8-111, relating to court ordered installation of ignition interlock devices, notice to the
 143 Department of Public Safety, and fees for driver's license indicating device required, as
 144 follows:

145 "42-8-111.

146 (a)(1) Any court convicting a resident of this state of his or her second or subsequent
 147 conviction for violating Code Section 40-6-391 within five years, as measured from the
 148 dates of previous arrests for which convictions were obtained to the date of the current
 149 arrest for which a conviction is obtained, for which such person is granted probation,
 150 shall order as a condition of such probation that such person shall have an ignition
 151 interlock device installed in each motor vehicle such person operates. Upon a second or
 152 subsequent conviction of a resident of this state for violating Code Section 40-6-391
 153 within five years, as measured from the dates of previous arrests for which convictions
 154 were obtained to the date of the current arrest for which a conviction is obtained, for
 155 which such person is granted probation, the court shall issue a certificate of eligibility for
 156 an ignition interlock device limited driving permit or probationary license, subject to the
 157 following conditions:

158 ~~(1) Such person shall have installed and shall maintain in each motor vehicle registered~~
 159 ~~in such person's name for a period of not less than eight months a functioning, certified~~
 160 ~~ignition interlock device;~~

161 (2) Such person shall maintain such ignition interlock devices for a period of at least one
 162 year concurrent with the issuance of an ignition interlock limited driving permit or
 163 habitual violator probationary license. have installed and shall maintain in any other
 164 motor vehicle to be driven by such person for a period of not less than eight months a
 165 functioning, certified ignition interlock device, and such person shall not drive any motor
 166 vehicle whatsoever that is not so equipped during such period. Upon successful
 167 completion of eight months of monitoring of such ignition interlock device, the restriction
 168 for maintaining and using such ignition interlock device shall be removed, and the permit
 169 may be renewed for additional periods of six months as provided in paragraph (1) of
 170 subsection (e) of Code Section 40-5-64; and

171 (3) Except as provided in subsection (b) of this Code section, no such permit shall be
 172 issued to a person whose driver's license is subject to a suspension due to a conviction
 173 imposed pursuant to subparagraph (b)(2)(C) of Code Section 40-5-57.1 or paragraph (2)
 174 of subsection (a) of Code Section 40-5-63 before such person has served at least six
 175 months of the driver's license suspension triggered by such conviction. After such person
 176 has completed one year of monitoring, he or she may apply to the Department of Driver
 177 Services for removal of the ignition interlock restriction from his or her limited driving
 178 permit. Such person shall participate in a substance abuse treatment program as defined
 179 in paragraph (16.2) of Code Section 40-5-1 or a drug court program in compliance with
 180 Code Section 15-1-15 for a period of not less than 120 days.

181 ~~For the purposes of this subsection, a plea of nolo contendere shall constitute a conviction;~~
 182 ~~and a conviction of any offense under the law of another state or territory substantially~~
 183 ~~conforming to any offense under Code Section 40-6-391 shall be deemed a conviction of~~
 184 ~~violating said Code section.~~

185 (4) In the event a person whose driver's license is subject to a suspension imposed
 186 pursuant to subparagraph (b)(2)(C) of Code Section 40-5-57.1 or paragraph (2) of
 187 subsection (a) of Code Section 40-5-63 is not eligible for issuance of an ignition interlock
 188 limited driving permit within the time frame set forth in paragraph (2) of this subsection,
 189 he or she shall comply with the ignition interlock requirement as soon as he or she is
 190 eligible for such, and such suspension shall not be reinstated by the Department of Driver
 191 Services until such person has installed and maintained an ignition interlock device or the
 192 requirement to do so has been waived as provided in subsection (f) of this Code section.

193 (b) The court that convicted such person of the offense that triggered such license
 194 suspension may authorize issuance of an ignition interlock limited driving permit for a
 195 person who has enrolled in a drug court program once such person has served at least 45
 196 days of the suspension triggered by such conviction. The court may, in its discretion,
 197 ~~decline to issue a certificate of eligibility for~~ authorization for issuance of an ignition
 198 interlock device limited driving permit or probationary license for any reason ~~or exempt~~
 199 ~~a person from any or all ignition interlock device requirements upon a determination that~~
 200 ~~such requirements would subject such person to undue financial hardship. Notwithstanding~~
 201 ~~any contrary provision of Code Section 40-13-32 or 40-13-33, a determination of financial~~
 202 ~~hardship may be made at the time of conviction or any time thereafter.~~

203 (c) ~~In the case of any person subject to the provisions of subsection (a) of this Code~~
 204 ~~section, the court shall include in the record of conviction or violation submitted to the~~
 205 ~~Department of Driver Services a copy of the certificate of eligibility for an ignition~~
 206 ~~interlock device limited driving permit or probationary license issued by the court or~~
 207 ~~documentation of the court's decision to decline to issue such certificate. Such certificate~~

208 ~~shall specify any exemption from the installation requirements of paragraph (1) of~~
 209 ~~subsection (a) of this Code section and any vehicles subject to the installation requirements~~
 210 ~~of paragraph (2) of such subsection. The records of the Department of Driver Services~~
 211 ~~shall contain a record reflecting such certificate, and the person's driver's license, limited~~
 212 ~~driving permit, or probationary license shall contain a notation~~ The driving record of any
 213 person subject to the requirement for installing and maintaining an ignition interlock device
 214 shall reflect such, and any limited driving permit or probationary license issued to such
 215 person shall bear an ignition interlock restriction that the person may only operate a motor
 216 vehicle equipped with a functioning, certified ignition interlock device.

217 (d) Except as provided in Code Section 42-8-112, no provision of this article shall be
 218 deemed to reduce any period of driver's license suspension or revocation otherwise
 219 imposed by law.

220 (e) The fee for issuance of any driver's license indicating that use of an ignition interlock
 221 device is required shall be as prescribed for a regular driver's license in Code Section
 222 40-5-25, and the fee for issuance of any limited driving permit indicating that use of an
 223 ignition interlock device is required shall be as prescribed for a limited driving permit in
 224 Code Section 40-5-64; except that, for habitual violators required to use an ignition
 225 interlock device as a condition of a probationary license, the fee shall be as prescribed for
 226 a probationary license in Code Section 40-5-58.

227 ~~Exemptions granted due to financial hardship pursuant to paragraph (1) of~~
 228 ~~subsection (a) of this Code section~~ The court may waive the ignition interlock requirements
 229 set forth in this Code section if it determines that such requirements shall subject such
 230 person to undue financial hardship. All orders from the court pertaining to the ignition
 231 interlock requirements of this Code section and Code Sections 40-5-63 and 40-5-64 shall
 232 be exempt from the subject matter jurisdiction limitations imposed in Code Sections
 233 40-13-32 and 40-13-33."

234 **SECTION 4.**

235 Said article is further amended by revising Code Section 40-1-112, relating to proof of
 236 compliance required for reinstatement of certain drivers' licenses and for obtaining
 237 probationary license and reporting requirement, as follows:

238 "42-8-112.

239 (a)(1) Any person who is subject to the ignition interlock installation and maintenance
 240 requirements of Code Section 42-8-111 whose driver's license has been revoked as a
 241 habitual violator pursuant to Code Section 40-4-58 shall comply with the ignition
 242 interlock requirement as soon as he or she is eligible for a habitual violator probationary
 243 license, and such revocation shall not be reinstated by the Department of Driver Services

244 ~~until such person has installed and maintained an ignition interlock device or the~~
245 ~~requirement to do so has been waived as provided in subsection (f) of Code Section~~
246 ~~42-8-111. In any case where the court grants a certificate of eligibility for an ignition~~
247 ~~interlock device limited driving permit or probationary license pursuant to Code Section~~
248 ~~42-8-111 to a person whose driver's license is suspended pursuant to subparagraph~~
249 ~~(b)(2)(C) of Code Section 40-5-57.1 or paragraph (2) of subsection (a) of Code Section~~
250 ~~40-5-63, the Department of Driver Services shall not issue an ignition interlock device~~
251 ~~limited driving permit until after the expiration of 120 days from the date of the~~
252 ~~conviction for which such certificate was granted.~~

253 ~~(2) The Department of Driver Services shall condition issuance of an ignition interlock~~
254 ~~device limited driving permit for such person upon receipt of acceptable documentation~~
255 ~~of the following:~~

256 ~~(A) That the person to whom such permit is to be issued has completed a DUI Alcohol~~
257 ~~or Drug Use Risk Reduction Program;~~

258 ~~(B) That such person has completed a clinical evaluation as defined in Code Section~~
259 ~~40-5-1 and enrolled in a substance abuse treatment program approved by the~~
260 ~~Department of Human Services or is enrolled in a drug court program;~~

261 ~~(C) That such person has installed an ignition interlock device in any vehicle that he~~
262 ~~or she will be operating; and~~

263 ~~(D) A certificate of eligibility for an ignition interlock device limited driving permit~~
264 ~~or probationary license from the court that sentenced such person for the conviction that~~
265 ~~resulted in the suspension or revocation of his or her driver's license for which he or she~~
266 ~~is applying for a limited driving permit or probationary license.~~

267 ~~(b)(1) In any case where the court grants a certificate of eligibility for an ignition~~
268 ~~interlock device limited driving permit or probationary license pursuant to Code Section~~
269 ~~42-8-111 to a person whose driver's license is revoked as a habitual violator pursuant to~~
270 ~~Code Section 40-5-58, the Department of Driver Services shall not issue a habitual~~
271 ~~violator probationary license until after the expiration of two years from the date of the~~
272 ~~conviction for which such certificate was granted.~~

273 ~~(2) The Department of Driver Services shall condition issuance of a habitual violator~~
274 ~~probationary license for such person upon receipt of acceptable documentation of the~~
275 ~~following:~~

276 ~~(A) That the person to whom such probationary license is to be issued has completed~~
277 ~~a DUI Alcohol or Drug Use Risk Reduction Program;~~

278 ~~(B) That such person has completed a clinical evaluation as defined in Code Section~~
279 ~~40-5-1 and enrolled in a substance abuse treatment program approved by the~~
280 ~~Department of Human Services or is enrolled in a drug court program; and~~

281 (C) That such person has installed an ignition interlock device in any vehicle that he
 282 or she will be operating; and

283 ~~(D) A certificate of eligibility for an ignition interlock device limited driving permit~~
 284 ~~or probationary license from the court that sentenced such person for the conviction that~~
 285 ~~resulted in the suspension or revocation of his or her driver's license for which he or she~~
 286 ~~is applying for a limited driving permit or probationary license.~~

287 (3) In any case where installation of an ignition interlock device is required, failure to
 288 show proof of such device shall be grounds for refusal of reinstatement of such license
 289 or issuance of such ~~habitual violator's~~ probationary license or the immediate suspension
 290 or revocation of such probationary license.

291 (4) Any ~~limited driving permit or~~ probationary license issued to such person shall bear
 292 a restriction reflecting that the person may only operate a motor vehicle equipped with
 293 a functional ignition interlock device. No person whose ~~limited driving permit or~~
 294 probationary license contains such restriction shall operate a motor vehicle that is not
 295 equipped with a functional ignition interlock device.

296 (5)(A) Any person who has been issued ~~an ignition interlock device limited driving~~
 297 ~~permit or~~ a habitual violator probationary license bearing an ignition interlock device
 298 condition shall maintain such ignition interlock device in any motor vehicle he or she
 299 operates to the extent required by the certificate of eligibility for such ~~permit or~~
 300 probationary license issued to such person by the court in which he or she was
 301 convicted for not less than ~~eight months~~ one year.

302 (B) Upon the expiration of such ~~eight-month ignition interlock device limited driving~~
 303 ~~permit or~~ one-year habitual violator probationary license, the driver may, if otherwise
 304 qualified, apply for renewal of such ~~permit or~~ probationary license without such
 305 ignition interlock device restriction.

306 ~~(e)~~(b) Each resident of this state who is required to have an ignition interlock device
 307 installed pursuant to this article shall report to the provider center every 30 days for the
 308 purpose of monitoring the operation of each required ignition interlock device. If at any
 309 time it is determined that a person has tampered with the device, the Department of Driver
 310 Services shall be given written notice within five days by the probation officer, the court
 311 ordering the use of such device, or the interlock provider. If an ignition interlock device
 312 is found to be malfunctioning, it shall be replaced or repaired, as ordered by the court or
 313 the Department of Driver Services, at the expense of the provider.

314 ~~(d)~~(c)(1) If a person required to report to an ignition interlock provider as required by
 315 subsection ~~(e)~~ (b) of this Code section fails to report to the provider as required or
 316 receives an unsatisfactory report from the provider at any time during the six-month
 317 period, the Department of Driver Services shall revoke such person's ignition interlock

318 device limited driving permit immediately upon notification from the provider of the
319 failure to report or failure to receive a satisfactory report. Except as provided in
320 paragraph (2) of this subsection, within 30 days after such revocation, the person may
321 make a written request for a hearing and remit to the department a payment of \$250.00
322 for the cost of the hearing. Within 30 days after receiving a written request for a hearing
323 and a payment of \$250.00, the Department of Driver Services shall hold a hearing as
324 provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The
325 hearing shall be recorded.

326 (2) Any person whose ignition interlock device limited driving permit was revoked on
327 or before July 1, 2004, for failure to report or failure to receive a satisfactory report may
328 make a written request for a hearing and remit to the department a payment of \$250.00
329 for the cost of the hearing. Within 30 days after receiving a written request for a hearing
330 and a payment of \$250.00, the Department of Driver Services shall hold a hearing as
331 provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The
332 hearing shall be recorded.

333 (3) If the hearing officer determines that the person failed to report to the ignition
334 interlock provider for any of the reasons specified below in this paragraph, the
335 Department of Driver Services shall issue a new ignition interlock device limited driving
336 permit that shall be valid for a period of six months to such person. Such reasons shall
337 be for providential cause and shall include, but not be limited to, the following:

- 338 (A) Medical necessity, as evidenced by a written statement from a medical doctor;
339 (B) The person was incarcerated;
340 (C) The person was required to be on the job at his or her place of employment, with
341 proof that the person would be terminated if he or she was not at work; or
342 (D) The vehicle with the installed interlock device was rendered inoperable by reason
343 of collision, fire, or a major mechanical failure.

344 (4) If the hearing officer determines that the person failed to report to the ignition
345 interlock provider for any reason other than those specified in paragraph (3) of this
346 subsection, or if the person received an unsatisfactory report from the provider, after the
347 expiration of 120 days the person may apply to the department and the department shall
348 issue a new ignition interlock device limited driving permit to such person.

349 (5) This subsection shall not apply to any person convicted of violating Code Section
350 42-8-118."

351 **SECTION 5.**

352 This Act shall become effective on July 1, 2013, and shall apply to offenses committed on
353 or after such date.

354

SECTION 6.

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