

House Bill 1020

By: Representatives Gravley of the 67<sup>th</sup>, Powell of the 32<sup>nd</sup>, Tarvin of the 2<sup>nd</sup>, Barton of the 5<sup>th</sup>, Gullett of the 19<sup>th</sup>, and others

**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 provide for license suspension for conviction of drug related  
3 offenses; to provide for conditions for reinstatement for such suspended licenses; to reduce  
4 the number of required hours in the intervention component of DUI Alcohol or Drug Use  
5 Risk Reduction Programs; to require submission of a business plan for operation of such  
6 programs; to provide for an effective date and applicability; to provide for related matters;  
7 to repeal conflicting laws; and for other purposes.

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

9                   **SECTION 1.**

10 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
11 is amended in Code Section 40-5-1, relating to definitions, by revising paragraph (10) as  
12 follows:

13       "(10) 'Intervention component' means a program which delivers therapeutic education  
14 about alcohol and drug use and driving and peer group counseling concerning alcohol and  
15 drug use over a period of ~~20~~ 16 hours utilizing a methodology and curriculum approved  
16 and certified by the Department of Driver Services for the DUI Alcohol or Drug Use Risk  
17 Reduction Programs under subsection (e) of Code Section 40-5-83."

18                   **SECTION 2.**

19 Said chapter is further amended by adding a new Code section to read as follows:

20       "40-5-75.1.

21       (a) Except as provided in Code Sections 40-5-75 and 40-5-76, the driver's license of any  
22 person convicted of any violation of Article 2 of Chapter 13 of Title 16, the 'Georgia  
23 Controlled Substances Act,' including, but not limited to, possession, distribution,  
24 manufacture, cultivation, sale, transfer of, trafficking in, the attempt or conspiracy to  
25 possess, distribute, manufacture, cultivate, sell, transfer or traffic in a controlled substance

26     or marijuana, or a similar law of any other jurisdiction, shall by operation of law be  
27     suspended, and such suspension shall be subject to the following terms and conditions:

28       (1) Upon the first conviction of any such offense, with no arrest and conviction of and  
29       no plea of nolo contendere accepted to such offense within the previous five years, as  
30       measured from the dates of previous arrests for which convictions were obtained to the  
31       date of the current arrest for which a conviction is obtained, the period of suspension shall  
32       be for not less than 180 days. At the end of 180 days, the person may apply to the  
33       department for reinstatement of his or her driver's license. Such license shall be  
34       reinstated only if the person submits proof of completion of a DUI Alcohol or Drug Use  
35       Risk Reduction Program and pays to the department a restoration fee of \$210.00, or  
36       \$200.00 when such reinstatement is processed by mail. For purposes of this paragraph,  
37       a plea of nolo contendere by a person to a charge of any drug related offense listed in this  
38       subsection shall, except as provided in subsection (c) of this Code section, constitute a  
39       conviction;

40       (2) Upon the second conviction of any such offense within five years, as measured from  
41       the dates of previous arrests for which convictions were obtained to the date of the  
42       current arrest for which a conviction is obtained, the period of suspension shall be for  
43       three years, provided that after one year from the date of the conviction, the person may  
44       apply to the department for reinstatement of his or her driver's license by submitting proof  
45       of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the  
46       department a restoration fee of \$310.00, or \$300.00 when such reinstatement is processed  
47       by mail. For purposes of this paragraph, a plea of nolo contendere and all previous pleas  
48       of nolo contendere within such five-year period of time shall constitute a conviction; and

49       (3) Upon the third or subsequent conviction of any such offense within five years, as  
50       measured from the dates of previous arrests for which convictions were obtained to the  
51       date of the current arrest for which a conviction is obtained, such person's license shall  
52       be suspended for a period of five years. At the end of two years, the person may apply  
53       to the department for a three-year driving permit upon compliance with the following  
54       conditions:

55           (A) Such person has not been convicted or pleaded nolo contendere to any drug related  
56           offense, including driving under the influence, for a period of two years immediately  
57           preceding the application for such permit;

58           (B) Such person submits proof of completion of a licensed drug treatment program.  
59           Such proof shall be submitted within two years of the license suspension and prior to  
60           the issuance of the permit. Such licensed drug treatment program shall be paid for by  
61           the offender. The offender shall pay a permit fee of \$25.00 to the department;

62       (C) Such person submits proof of financial responsibility as provided in Chapter 9 of  
63       this title; and

64       (D) Refusal to issue such permit would cause extreme hardship to the applicant. For  
65       the purposes of this subparagraph, the term 'extreme hardship' means that the applicant  
66       cannot reasonably obtain other transportation, and, therefore, the applicant would be  
67       prohibited from:

68           (i) Going to his or her place of employment or performing the normal duties of his  
69           or her occupation;

70           (ii) Receiving scheduled medical care or obtaining prescription drugs;

71           (iii) Attending a college or school at which he or she is regularly enrolled as a  
72           student; or

73           (iv) Attending regularly scheduled sessions or meetings of support organizations for  
74           persons who have addiction or abuse problems related to alcohol or other drugs,  
75           which organizations are recognized by the commissioner.

76       Any permittee who is convicted of violating any state law or local ordinance relating to  
77       the movement of vehicles or any permittee who is convicted of violating the conditions  
78       endorsed on his or her permit shall have his or her permit revoked by the department.

79       The permittee shall be required to surrender his or her permit to the court in which such  
80       conviction took place, and the court shall forward the permit to the department within ten  
81       days after the conviction, with a copy of the conviction. Any person whose limited  
82       driving permit has been revoked shall not be eligible to apply for a driver's license until  
83       six months from the date such permit was surrendered to the department. At the end of  
84       five years from the date on which the license was suspended, the person may apply to the  
85       department for reinstatement of his or her driver's license by submitting proof of  
86       completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the  
87       department a restoration fee of \$410.00, or \$400.00 when such reinstatement is processed  
88       by mail. For purposes of this paragraph, a plea of nolo contendere and all previous pleas  
89       of nolo contendere within such five-year period of time shall constitute a conviction.

90       (b) Application for reinstatement of a driver's license under paragraph (1) or (2) of  
91       subsection (a) of this Code section shall be made on such forms as the commissioner may  
92       prescribe and shall be accompanied by proof of completion of a DUI Alcohol or Drug Use  
93       Risk Reduction Program and a restoration fee of \$210.00, or \$200.00 when such  
94       reinstatement is processed by mail. Application for a three-year driving permit under  
95       paragraph (3) of subsection (a) of this Code section shall be made on such form as the  
96       commissioner may prescribe and shall be accompanied by proof of completion of an  
97       approved residential drug treatment program and a fee of \$25.00 for such permit.

98 (c) Any person whose license is suspended pursuant to this Code section shall not be  
99 eligible for early reinstatement of his or her license and shall not be eligible for a limited  
100 driving permit except as otherwise provided for in this Code section or Code Section  
101 40-5-76.

102       (d) Except as provided in subsection (a) of this Code section, it shall be unlawful for any  
103      person to operate any motor vehicle in this state after such person's license has been  
104      suspended pursuant to this Code section if such person has not thereafter obtained a valid  
105      license or permit. Any person who is convicted of operating a motor vehicle before the  
106      department has reinstated such person's license or issued such person a three-year driving  
107      permit shall be punished by a fine of not less than \$750.00 nor more than \$5,000.00 or by  
108      imprisonment in the penitentiary for not more than 12 months, or both.

109 (e) Notwithstanding the provisions of Code Section 15-11-606, an adjudication of a minor  
110 child as a delinquent child for any offense listed in subsection (a) of this Code section shall  
111 be deemed a conviction for purposes of this Code section.

112 (f) Notwithstanding the provisions of subsection (a) of this Code section, licensed drivers  
113 who are 16 years of age who are adjudicated in a juvenile court pursuant to this Code  
114 section shall complete a DUI Alcohol or Drug Use Risk Reduction Program and undergo  
115 a clinical evaluation and, if recommended as part of such evaluation, shall complete a  
116 substance abuse treatment program.

117 (g) Notwithstanding any other provision of this chapter to the contrary, the suspension  
118 imposed pursuant to this Code section shall be in addition to and run consecutively with  
119 any other suspension imposed by the department at the time of the conviction. If the  
120 person has never been issued a driver's license in the State of Georgia or holds a driver's  
121 license issued by another state, such person shall not be eligible for a driver's license for  
122 the applicable period of suspension following his or her submission of an application for  
123 issuance thereof."

### SECTION 3.

125 Said chapter is further amended in Code Section 40-5-83, relating to establishment, approval,  
126 and operation of clinics and programs, out-of-state certificates of completion, instructor  
127 licenses, fees, and submission of fingerprints by applicants, by adding a new paragraph to  
128 subsection (e) as follows:

129     ~~"(7) No DUI Alcohol or Drug Use Risk Reduction Program shall be certified unless such~~  
130     ~~program submits a business plan to the department in a form and to include such~~  
131     ~~requirements as determined by the department through rule or regulation; provided that~~  
132     ~~such submission shall include the methodology to be used by the program to satisfy the~~  
133     ~~assessment component services and intervention component services required by this~~

Code section. The plan submitted to the department pursuant to this paragraph shall be considered proprietary confidential information and shall not be subject to public disclosure and shall be exempt from disclosure under the provisions of Article 4 of Chapter 18 of Title 50."

138 SECTION 4.

139 This Act shall become effective on July 1, 2020, and shall apply to offenses committed on  
140 or after that date.

141 SECTION 5.

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