

House Bill 1020

By: Representatives Gravley of the 67th, Powell of the 32nd, Tarvin of the 2nd, Barton of the 5th, Gullett of the 19th, 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."

124 **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

134 Code section. The plan submitted to the department pursuant to this paragraph shall be
135 considered proprietary confidential information and shall not be subject to public
136 disclosure and shall be exempt from disclosure under the provisions of Article 4 of
137 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.