

Senate Bill 485

By: Senators Robertson of the 29th and Payne of the 54th

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 40 and Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia
2 Annotated, relating to motor vehicles and traffic and ignition interlock devices, respectively,
3 so as to require the installation of ignition interlock devices in motor vehicles as a condition
4 of probation for individuals convicted of a first offense of driving under the influence; to
5 provide for conditions and terms of suspension of driver's licenses for individuals convicted
6 of a first offense of driving under the influence; to provide for a condition for reinstatement
7 of a suspended driver's license; to provide for standards for issuance, application, approval,
8 conditions, fees, duration, and revocation of limited driving permits and ignition interlock
9 device limited driving permits; to provide for eligibility for a limited driving permit or
10 ignition interlock device limited driving permit; to provide for court ordered limited driving
11 permits and ignition interlock device limited driving permits; to provide for penalties for
12 conviction of a first offense of driving under the influence; to provide for standards for
13 certificates of eligibility for an ignition interlock device limited driving permit issued by a
14 court; to provide for terms under which an ignition interlock device must be placed in a
15 motor vehicle; to provide for revocation of driving privileges in certain instances; to provide
16 for prohibited conduct in relation to ignition interlock devices; to repeal provisions relating
17 to exclusivity on conditions relative to suspension of licenses for being in control of a
18 moving vehicle while under the influence of a controlled substance or marijuana; to allow
19 for a finding of undue financial hardship by the court; to provide for inclusion of an order for
20 issuance of an ignition interlock device reduced fee voucher upon such findings; to provide
21 for a waiver of ignition interlock device requirements in certain instances; to amend Chapter
22 12A of Title 43 of the Official Code of Georgia Annotated, relating to ignition interlock
23 device providers, so as to revise a definition; to require ignition interlock device service
24 providers to provide free and reduced services upon receipt of an ignition interlock device
25 reduced fee voucher issued by the Department of Driver Services; to provide for penalties;
26 to provide for related matters; to provide for an effective date and applicability; to repeal
27 conflicting laws; and for other purposes.

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

29 **SECTION 1.**

30 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 31 amended in Code Section 40-5-22, relating to persons not to be licensed, minimum ages for
 32 licensees, school enrollment requirements, driving training requirements, limited driving
 33 permits, and expired licenses, by revising subsection (d) as follows:

34 "(d) The department is authorized to issue a limited driving permit to an applicant whose
 35 license is currently under suspension or revocation in any other jurisdiction upon grounds
 36 which would authorize the suspension or revocation of a license under this chapter,
 37 provided that the applicant is otherwise eligible for such limited driving permit in
 38 accordance with subsection (a) of Code Section 40-5-64 ~~and paragraph (1) or (2) of~~
 39 ~~subsection (a) of Code Section 40-5-64.1."~~

40 **SECTION 2.**

41 Said title is further amended in Code Section 40-5-63, relating to periods of suspension and
 42 conditions to return of driver's license, by revising subsection (a) as follows:

43 "(a) The driver's license of any person convicted of ~~an~~ a first or second offense listed in
 44 Code Section 40-5-54 ~~or of violating an alcohol related offense pursuant to~~ Code Section
 45 40-6-391, unless the driver's license has been previously suspended pursuant to Code
 46 Sections 40-5-67.1 and 40-5-67.2, shall by operation of law be suspended and such
 47 suspension shall be subject to the following terms and conditions; provided, however, that
 48 any person convicted of a drug related offense pursuant to Code Section 40-6-391 shall be
 49 governed by the suspension requirements of Code Section 40-5-75; and ~~further~~ provided,
 50 further, that each charge for which a conviction was obtained shall be treated as a separate
 51 transaction for the purpose of imposing a license suspension hereunder, even if said
 52 convictions arise from a single incident; and ~~further~~ provided, further, that the department
 53 shall treat each conviction received in the order in which said convictions are processed
 54 even if it is not the order in which said offenses occurred:

55 (1) Upon the first conviction of any such offense, with no arrest and conviction of and
 56 no plea of nolo contendere accepted to such offense within the previous five years, as
 57 measured from the dates of previous arrests for which convictions were obtained to the
 58 date of the current arrest for which a conviction is obtained, the period of suspension shall
 59 be 12 months. ~~At the end of 120 days, the person, provided that:~~

60 (A) Any person whose license was suspended pursuant to this paragraph as a result of
 61 a conviction of an offense listed in Code Section 40-5-54 may apply to the department
 62 for early reinstatement of his or her driver's license at the end of 120 days. Such license

63 shall be reinstated if such person ~~submits proof of completion of a DUI Alcohol or~~
 64 ~~Drug Use Risk Reduction Program and pays a restoration fee of \$210.00 or \$200.00~~
 65 ~~when such reinstatement is processed by mail, provided that, if such license was~~
 66 ~~suspended as a result of a conviction of an offense listed in Code Section 40-5-54, such~~
 67 ~~license shall be reinstated if such person~~ submits proof of completion of either a
 68 defensive driving course approved by the commissioner pursuant to Code Section
 69 40-5-83 or a DUI Alcohol or Drug Use Risk Reduction Program and pays ~~the~~
 70 ~~prescribed~~ a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed
 71 by mail; and:

72 (B) Any person whose driver's license was suspended pursuant to this paragraph A
 73 driver's license suspended as a result of a first conviction of a violation of an alcohol
 74 related offense pursuant to Code Section 40-6-391 may apply to the department for
 75 early reinstatement of his or her driver's license at the end of 180 days of successful
 76 completion of ignition interlock device monitoring with an ignition interlock device
 77 limited driving permit issued pursuant to paragraph (3) of subsection (a) of Code
 78 Section 40-5-64.1. Such license shall not become valid and shall remain suspended
 79 until such person submits proof of completion of a DUI Alcohol or Drug Use Risk
 80 Reduction Program and pays ~~the prescribed~~ a restoration fee of \$210.00 or \$200.00
 81 when such reinstatement is processed by mail.

82 For purposes of this paragraph, an accepted plea of nolo contendere to an offense listed
 83 in Code Section 40-5-54 by a person who is under 18 years of age at the time of arrest
 84 shall constitute a conviction. For the purposes of this paragraph only, an accepted plea
 85 of nolo contendere by a person 21 years of age or older, with no conviction of and no plea
 86 of nolo contendere accepted to a charge of violating Code Section 40-6-391 within the
 87 previous five years, as measured from the dates of previous arrests for which convictions
 88 were obtained or pleas of nolo contendere accepted to the date of the current arrest for
 89 which a plea of nolo contendere is accepted, shall be considered a conviction, and the
 90 court having jurisdiction shall forward, as provided in Code Section 40-6-391.1, the
 91 record of such disposition of the case to the department and the record of such disposition
 92 shall be kept on file for the purpose of considering and counting such accepted plea of
 93 nolo contendere as a conviction under paragraphs (2) and (3) of this subsection; or
 94 (2) Upon the second conviction of any such offense within five years, as measured from
 95 the dates of previous arrests for which convictions were obtained to the date of the
 96 current arrest for which a conviction is obtained, the period of suspension shall be three
 97 years; provided that at the end of 120 days:

98 (A) Any person whose driver's license was suspended pursuant to this paragraph as a
 99 result of a conviction of an offense listed in Code Section 40-5-54 At the end of 120

100 ~~days, the person may apply to the department for reinstatement of his or her driver's~~
 101 ~~license; except that if such license was suspended as a result of a second conviction of~~
 102 ~~a violation of Code Section 40-6-391 within five years, the person shall not be eligible~~
 103 ~~to apply for license reinstatement until the end of 18 months. Such license shall be~~
 104 ~~reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use~~
 105 ~~Risk Reduction Program and pays a restoration fee of \$210.00 or \$200.00 when such~~
 106 ~~reinstatement is processed by mail, provided that, if such license was suspended as a~~
 107 ~~result of a conviction of an offense listed in Code Section 40-5-54, such license shall~~
 108 ~~be reinstated if such person submits proof of completion of either a defensive driving~~
 109 ~~course approved by the commissioner pursuant to Code Section 40-5-83 or a DUI~~
 110 ~~Alcohol or Drug Use Risk Reduction Program and pays the prescribed a restoration fee~~
 111 ~~of \$210.00 or \$200.00 when such reinstatement is processed by mail; and:~~

112 (B) Any person whose driver's license was suspended pursuant to this paragraph A
 113 driver's license suspended as a result of a second conviction of a violation of an alcohol
 114 related offense pursuant to Code Section 40-6-391 may apply to the department for
 115 early reinstatement at the end of 12 months of successful completion of ignition
 116 interlock device monitoring with an ignition interlock device limited driving permit
 117 issued pursuant to paragraph (4) of subsection (a) of Code Section 40-5-64.1. Such
 118 license shall not become valid and shall remain suspended until such person submits
 119 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program, provides
 120 proof of installation and maintenance of an ignition interlock device for a period of one
 121 year coinciding with the issuance of an ignition interlock device limited driving permit
 122 as provided in Code Section 40-5-64.1 unless waived due to financial hardship, and
 123 pays the prescribed a restoration fee of \$210.00 or \$200.00 when such reinstatement is
 124 processed by mail.

125 For purposes of this paragraph, a plea of nolo contendere and all previous accepted pleas
 126 of nolo contendere to an offense listed in Code Section 40-5-54 within such five-year
 127 period of time shall constitute a conviction. For the purposes of this paragraph, a plea of
 128 nolo contendere to a charge of violating Code Section 40-6-391 and all prior accepted
 129 pleas of nolo contendere within five years, as measured from the dates of previous arrests
 130 for which convictions were obtained or pleas of nolo contendere were accepted to the
 131 date of the current arrest for which a plea of nolo contendere is accepted, shall be
 132 considered and counted as convictions; ~~or,~~

133 ~~(3) Upon the third conviction of any such offense within five years, as measured from~~
 134 ~~the dates of previous arrests for which convictions were obtained to the date of the~~
 135 ~~current arrest for which a conviction is obtained, such person shall be considered a~~
 136 ~~habitual violator, and such license shall be revoked as provided for in paragraphs (1)~~

137 ~~through (3) of subsection (a) of Code Section 40-5-62. For purposes of this paragraph,~~
 138 ~~a plea of nolo contendere and all previous accepted pleas of nolo contendere to an offense~~
 139 ~~listed in Code Section 40-5-54 within such five-year period shall constitute a conviction.~~
 140 ~~For the purposes of this paragraph, a plea of nolo contendere and all prior accepted pleas~~
 141 ~~of nolo contendere to a charge of violating Code Section 40-6-391 within five years, as~~
 142 ~~measured from the dates of previous arrests for which convictions were obtained or pleas~~
 143 ~~of nolo contendere were accepted to the date of the current arrest for which a plea of nolo~~
 144 ~~contendere is accepted, shall be considered and counted as convictions."~~

145

SECTION 3.

146 Said title is further amended by revising Code Section 40-5-64, relating to limited driving
 147 permits for certain offenders, as follows:

148 "40-5-64.

149 (a) **To whom issued.**

150 (1) Notwithstanding any contrary provision of this Code section or Code Section
 151 40-5-57, 40-5-63, 40-5-75, 40-5-121, or 42-8-111, any person who has not been
 152 previously convicted or adjudicated delinquent for a violation of Code Section 40-6-391
 153 within five years, as measured from the dates of previous arrests for which convictions
 154 were obtained or pleas of nolo contendere were accepted to the date of the current arrest,
 155 may apply for a limited driving permit when that person's driver's license had a
 156 suspension imposed prior to July 1, 2015, under Code Section 40-5-22 or that person's
 157 driver's license has been suspended in accordance with subsection (d) of Code Section
 158 40-5-57, ~~paragraph (1) of subsection (a) subparagraph (a)(1)(A) of Code Section 40-5-63,~~
 159 paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code
 160 Section 40-5-57.1, when the person is 18 years of age or older and his or her license was
 161 suspended for exceeding the speed limit by 24 miles per hour or more but less than 34
 162 miles per hour, and the sentencing judge, in his or her discretion, decides it is reasonable
 163 to issue a limited driving permit.

164 ~~(2) No person who has been granted an exemption from the ignition interlock device~~
 165 ~~requirements of Article 7 of Chapter 8 of Title 42 due to undue financial hardship under~~
 166 ~~Code Section 42-8-111 shall be eligible for a limited driving permit, an ignition interlock~~
 167 ~~device limited driving permit, or any other driving privilege for a period of one year.~~

168 ~~(3)(2) If To the extent~~ a person is subject to more than one suspension for which a
 169 limited driving permit may be issued, the department shall not issue ~~such a permit unless~~
 170 ~~the suspensions are for a conviction for driving under the influence in violation of Code~~
 171 ~~Section 40-6-391 imposed pursuant to Code Section 40-5-63 and an administrative~~

172 ~~suspension imposed pursuant to paragraph (1) of subsection (a) of Code Section~~
 173 ~~40-5-67.2 arising from the same incident~~ authorized by this Code section.

174 (b) **Application form.** Applications for limited driving permits shall be made upon such
 175 forms as the commissioner may prescribe. Such forms shall require such information as
 176 is necessary for the department to determine the need for such permit. All applications
 177 shall be signed by the applicant before a person authorized to administer oaths.

178 (c) **Standards for approval.** The department shall issue a limited driving permit if the
 179 application indicates that refusal to issue such permit would cause extreme hardship to the
 180 applicant. ~~Except as otherwise provided by subsection (c.1) of this Code section, for~~
 181 For the purposes of this Code section, the term 'extreme hardship' means that the applicant
 182 cannot reasonably obtain other transportation, and therefore the applicant would be
 183 prohibited from:

- 184 (1) Going to his or her place of employment or performing the normal duties of his or
 185 her occupation;
- 186 (2) Receiving scheduled medical care or obtaining prescription drugs;
- 187 (3) Attending a college or school at which he or she is regularly enrolled as a student;
- 188 (4) Attending regularly scheduled sessions or meetings of support organizations for
 189 persons who have addiction or abuse problems related to alcohol or other drugs, which
 190 organizations are recognized by the commissioner;
- 191 (5) Attending under court order any driver education or improvement school or alcohol
 192 or drug program or course approved by the court which entered the judgment of
 193 conviction resulting in suspension of his or her driver's license or by the commissioner;
- 194 (6) Attending court; reporting to a community supervision, juvenile probation, or Article
 195 6 of Chapter 8 of Title 42 probation office; reporting to a community supervision officer,
 196 county or Department of Juvenile Justice juvenile probation officer, or probation officer
 197 serving pursuant to Article 6 of Chapter 8 of Title 42; or performing community service;
- 198 (7) Transporting an immediate family member who does not hold a valid driver's license
 199 for work, to obtain medical care or prescriptions, or to school; or
- 200 (8) Attending any program, event, treatment, or activity ordered by a judge presiding in
 201 an accountability court, as such term is defined in Code Section 15-1-18.

202 ~~(c.1) **Exception to standards for approval.** The provisions of paragraphs (2), (3), (4),~~
 203 ~~and (5) of subsection (c) of this Code section shall not apply and shall not be considered~~
 204 ~~for purposes of granting a limited driving permit or imposing conditions thereon under this~~
 205 ~~Code section in the case of a driver's license suspension under paragraph (2) of subsection~~
 206 ~~(a.1) of Code Section 40-5-22.~~

207 (d) **Conditions attached.** A limited driving permit shall be endorsed with such conditions
 208 as the commissioner deems necessary to ensure that such permit will be used by the

209 permittee only to avoid the conditions of extreme hardship. Such conditions may include
210 the following restrictions:

211 (1) Specific places between which the permittee may be allowed to operate a motor
212 vehicle;

213 (2) Routes to be followed by the permittee;

214 (3) Times of travel;

215 (4) The specific vehicles which the permittee may operate; and

216 (5) Such other restrictions as the department may require.

217 (e) **Fees, duration, renewal, and replacement of limited driving permit.** A limited
218 driving permit issued pursuant to this Code section shall be \$25.00 and shall become
219 invalid ~~upon the driver's eighteenth birthday in the case of a suspension under~~
220 ~~paragraph (2) of subsection (a.1) of Code Section 40-5-22,~~ upon the expiration of one year
221 following issuance thereof in the case of a suspension for an offense listed in Code Section
222 40-5-54 or a suspension under Code Section 40-5-57 ~~or a suspension in accordance with~~
223 ~~paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation of Code Section~~
224 ~~40-6-391,~~ or upon the expiration of 30 days in the case of an administrative license
225 suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2;
226 except that such limited driving permit shall expire upon any earlier reinstatement of the
227 driver's license. A person may apply to the department for a limited driving permit
228 immediately following such conviction or suspension if he or she has surrendered his or
229 her driver's license to the court in which the conviction was adjudged or to the department
230 if the department has processed the administrative driver's license suspension form or
231 conviction. Upon the applicant's execution of an affidavit attesting to such facts and to the
232 fact that the court had not imposed a suspension or revocation of his or her driver's license
233 or driving privileges inconsistent with the driving privileges to be conferred by the limited
234 driving permit applied for, the department may issue such person a limited driving permit.
235 Limited driving permits issued pursuant to this Code section are renewable upon payment
236 of a renewal fee of \$5.00. Such permits may be renewed one time after the person is
237 eligible to reinstate his or her driver's license for the violation that was the basis of the
238 issuance of the permit. Upon payment of a fee in an amount the same as that provided by
239 Code Section 40-5-25 for issuance of a Class C driver's license, a person may be issued a
240 replacement for a lost or destroyed limited driving permit issued to him or her.

241 (f) **Liability of issuing officer.** No official or employee of the department shall be
242 criminally or civilly liable or subject to being held in contempt of court for issuing a
243 limited driving permit in reliance on the truth of the affidavits required by this Code
244 section.

245 (g) **Revocation of limited driving permit.**

246 (1) Any limited driving permittee who is convicted of violating any state law relating to
 247 the movement of vehicles or any limited driving permittee who is convicted of violating
 248 the conditions endorsed on his or her limited driving permit shall have such permit
 249 revoked by the department. Any court in which such conviction is had shall require such
 250 permittee to surrender his or her limited driving permit to the court, and the court shall
 251 forward it to the department within ten days after the conviction, with a copy of the
 252 conviction.

253 (2) Any person whose limited driving permit has been revoked shall not be eligible to
 254 apply for a driver's license until six months from the date such permit was surrendered
 255 to the department. In any case of revocation of a limited driving permit pursuant to
 256 paragraph (1) of this subsection, the department may impose an additional period of
 257 suspension for the conviction upon which revocation of the permit was based.

258 (h) **Hearings.** Any person whose permit has been revoked or who has been refused a
 259 permit by the department may make a request in writing for a hearing to be provided by the
 260 department. Such hearing shall be provided by the department within 30 days after the
 261 receipt of such request and shall follow the procedures required by Chapter 13 of Title 50,
 262 the 'Georgia Administrative Procedure Act.' Appeal from such hearing shall be in
 263 accordance with said chapter.

264 (i) **Rules and regulations.** The commissioner may promulgate such rules and regulations
 265 as are necessary to implement this Code section.

266 (j) **Penalty.** Any permittee who operates a motor vehicle in violation of any condition
 267 specified on the permit shall be guilty of a misdemeanor."

268 **SECTION 4.**

269 Said title is further amended by revising Code Section 40-5-64.1, relating to ignition
 270 interlock device limited driving permits, as follows:

271 "40-5-64.1.

272 (a) **To whom issued.**

273 (1) Any person who has not been previously convicted or adjudicated delinquent for a
 274 violation of Code Section 40-6-391 within five years, as measured from the dates of
 275 previous arrests for which convictions were obtained or pleas of nolo contendere were
 276 accepted to the date of the current arrest, and whose driver's license is subject to an
 277 administrative driver's license suspension pursuant to subsection (c) of Code Section
 278 40-5-67.1, may apply for an ignition interlock device limited driving permit with the
 279 department.

280 (2) Any person who has not been previously convicted or adjudicated delinquent for a
 281 violation of Code Section 40-6-391 within five years, as measured from the dates of
 282 previous arrests for which convictions were obtained or pleas of nolo contendere were
 283 accepted to the date of the current arrest, and whose driver's license is subject to an
 284 administrative driver's license suspension pursuant to subsection (d) of Code Section
 285 40-5-67.1, may apply for an ignition interlock device limited driving permit with the
 286 department.

287 (3) Any person whose driver's license was suspended as a result of a first conviction of
 288 an alcohol related offense pursuant to Code Section 40-6-391 within five years, as
 289 measured from the dates of previous arrests for which convictions were obtained to the
 290 date of the current arrest for which a conviction is obtained, may apply for an ignition
 291 interlock device limited driving permit with the department.

292 (4) Any person whose driver's license ~~has been~~ was suspended as a result of a second
 293 conviction ~~for violating~~ of an alcohol related offense pursuant to Code Section 40-6-391
 294 within five years, as measured from the dates of previous arrests for which convictions
 295 were obtained to the date of the current arrest for which a conviction is obtained, may
 296 apply within the department for an ignition interlock device limited driving permit after
 297 serving at least 120 days of the suspension required for such conviction.

298 ~~(4)~~(5) The department shall not issue an ignition interlock device limited driving permit
 299 to any person:

- 300 (A) Under 21 years of age;
- 301 (B) Who is not currently licensed to operate a motor vehicle in this state;
- 302 (C) Who currently holds a license to drive a commercial motor vehicle;
- 303 (D) Whose driver's license is subject to an administrative suspension for involvement
 304 in a traffic accident resulting in injuries or fatalities; or
- 305 (E) Whose driver's license is subject to a suspension, revocation, or cancellation for
 306 any reason other than as contemplated by this Code section.

307 (b) **Application form.** Applications for ignition interlock device limited driving permits
 308 shall be made upon such forms as the commissioner may prescribe. All applications shall
 309 be signed by the applicant before a person authorized to administer oaths.

310 (c) **Standards for approval.**

311 (1) The department shall issue an ignition interlock device limited driving permit for a
 312 fee of \$25.00 and:

- 313 (A) For an applicant eligible for an ignition interlock device limited driving permit
 314 pursuant to paragraph (1) or (2) of subsection (a) of this Code section:
 - 315 (i) Within 30 days from the date on which notice was given pursuant to
 316 subsection (g) of Code Section 40-5-67.1;

317 (ii) Upon surrender of the applicant's driver's license; and
 318 (iii) Upon the applicant's execution of an affidavit attesting that the hearing afforded
 319 under subsection (g) of Code Section 40-5-67.1 has been waived; or
 320 (B) For an applicant eligible for an ignition interlock device limited driving permit
 321 pursuant to paragraph (3) of subsection (a) of this Code section, upon the submission
 322 of proof of the conviction from the court or submission of a certificate of eligibility
 323 from an accountability court, as such term is defined in Code Section 15-1-18, and the
 324 surrender of his or her driver's license to such court or to the department if the
 325 department has processed the administrative driver's license suspension form or
 326 conviction; or
 327 (C) For an applicant eligible for an ignition interlock device limited driving permit
 328 pursuant to paragraph ~~(3)~~ (4) of subsection (a) of this Code section, upon the
 329 submission of proof of the conviction from the court, the submission of a certificate of
 330 eligibility from an accountability court, as such term is defined in Code Section
 331 15-1-18, or the submission of proof of enrollment in a substance abuse treatment
 332 program as provided in Code Section 40-5-63.1 and the surrender of his or her driver's
 333 license to such court or to the department if the department has processed the
 334 administrative driver's license suspension form or conviction.

335 (2) ~~No person who has been granted an exemption from the ignition interlock device~~
 336 ~~requirements of Article 7 of Chapter 8 of Title 42 due to undue financial hardship under~~
 337 ~~Code Section 42-8-111 shall be eligible for a limited driving permit pursuant to Code~~
 338 ~~Section 40-5-64 or any other driving privilege for a period of one year. Upon request of~~
 339 ~~a qualified applicant or permit holder, the department shall make a determination as to~~
 340 ~~whether the installation of an ignition interlock device and the requirements of this Code~~
 341 ~~section would result in undue financial hardship. The department shall issue an ignition~~
 342 ~~interlock device reduced fee voucher to any applicant or permit holder who demonstrates~~
 343 ~~that undue financial hardship would be caused through the proof of any of the following:~~
 344 (A) A copy of the person's most recent federal income tax return that shows that the
 345 person's income or household income does not exceed 125 percent of the federal
 346 poverty level according to the most recent data available by the federal Office of
 347 Management and Budget;
 348 (B) A copy of the person's most recent statement of wages that shows that the person's
 349 income or household income does not exceed 125 percent of the federal poverty level
 350 according to the most recent data available by the federal Office of Management and
 351 Budget; or

352 (C) Documentation from a federal agency, state agency, or school district that indicates
 353 that the person or his or her household receives assistance from the following public
 354 assistance programs:

- 355 (i) Temporary Assistance for Needy Families (TANF);
- 356 (ii) Supplemental Security Income (SSI);
- 357 (iii) Supplemental Nutrition Assistance Program (SNAP); or
- 358 (iv) Low Income Home Energy Assistance Program (LIHEAP).

359 **(d) Duration, renewal, and replacement of ignition interlock device limited driving**
 360 **permit.**

361 (1) An ignition interlock device limited driving permit shall be valid for a period of one
 362 year. Upon successful completion of one year of monitoring of such ignition interlock
 363 device, the restriction for maintaining and using such ignition interlock device shall be
 364 removed, and such permit may be renewed for additional periods of two months upon
 365 payment of a renewal fee of \$5.00, but it may only be renewed one time after such person
 366 is eligible to reinstate his or her driver's license.

367 (2) Upon payment of a fee in the same amount as that provided by Code Section 40-5-25
 368 for the issuance of a Class C driver's license, a person may be issued a replacement for
 369 a lost or destroyed ignition interlock device limited driving permit previously issued to
 370 him or her.

371 **(e) Exceptions to standards for approval.** ~~An ignition interlock device limited driving~~
 372 ~~permit shall be restricted to allow the holder thereof to drive solely for the following~~
 373 ~~purposes:~~

- 374 ~~(1) Going to his or her place of employment or performing the normal duties of his or~~
 375 ~~her occupation;~~
- 376 ~~(2) Receiving scheduled medical care or obtaining prescription drugs;~~
- 377 ~~(3) Attending a college or school at which he or she is regularly enrolled as a student;~~
- 378 ~~(4) Attending regularly scheduled sessions or meetings of treatment support~~
 379 ~~organizations for persons who have addiction or abuse problems related to alcohol or~~
 380 ~~other drugs, which organizations are recognized by the commissioner;~~
- 381 ~~(5) Attending under court order any driver education or improvement school or alcohol~~
 382 ~~or drug program or course approved by the court which entered the judgment of~~
 383 ~~conviction resulting in suspension of his or her driver's license or by the commissioner;~~
- 384 ~~(6) Attending court, reporting to a community supervision, juvenile probation, or Article~~
 385 ~~6 of Chapter 8 of Title 42 probation office, reporting to a community supervision officer,~~
 386 ~~county or Department of Juvenile Justice juvenile probation officer, or probation officer~~
 387 ~~servng pursuant to Article 6 of Chapter 8 of Title 42, or performing community service;~~

388 ~~(7) Transporting an immediate family member who does not hold a valid driver's license~~
 389 ~~for work, to obtain medical care or prescriptions, or to school;~~

390 ~~(8) Attending any program, event, treatment, or activity ordered by a judge presiding in~~
 391 ~~an accountability court, as such term is defined in Code Section 15-1-18; or~~

392 ~~(9) Going for monthly monitoring visits with the permit holder's ignition interlock device~~
 393 ~~service provider Reserved.~~

394 (f) **Revocation of ignition interlock device limited driving permit.**

395 (1)(A) The department shall revoke the ignition interlock device limited driving permit
 396 of any permittee issued such permit pursuant to ~~paragraph (1) or (2)~~ of subsection (a)
 397 of this Code section who is convicted of ~~violating any state law relating to the~~
 398 ~~movement of vehicles or convicted of~~ driving a motor vehicle in violation of an ignition
 399 interlock device limited driving permit or violating any state law regarding the
 400 movement of vehicles; provided, however, that the department shall not revoke such
 401 permit for a conviction of Code Section 40-6-391 for which the permit was originally
 402 issued. Any court in which such conviction is had shall require such permittee to
 403 surrender the ignition interlock device limited driving permit to the court, and the court
 404 shall forward it to the department within ten days after the conviction, with a copy of
 405 the conviction.

406 (B) The department shall revoke the ignition interlock device limited driving permit
 407 of any permittee who is required to complete a substance abuse treatment program
 408 pursuant to Code Section 40-5-63.1 and enrolled but failed to attend or complete such
 409 program as scheduled upon receipt of notice of such information from the Department
 410 of Behavioral Health and Developmental Disabilities. The department shall notify the
 411 permittee of such revocation by regular mail to his or her last known address. Such
 412 notice of revocation shall inform the permittee of the grounds for and effective date of
 413 the revocation and of the right to review. The notice of revocation shall be deemed
 414 received three days after mailing.

415 (C) The department shall revoke the ignition interlock device limited driving permit
 416 of a permittee upon receipt of notice from an ignition interlock device service provider
 417 that an ignition interlock device has been tampered with, a permittee has failed to report
 418 for monitoring as required by law, or an ignition interlock device has been removed
 419 from any motor vehicle to be driven by a permittee prior to successful completion of
 420 the required term of monitoring under Code Section 42-8-110.1 or 42-8-111.

421 (2) The department shall notify the permittee of such revocation by regular mail to his
 422 or her last known address. Such notice of revocation shall inform the permittee of the
 423 grounds for and effective date of the revocation and of the right to review. The notice of
 424 revocation shall be deemed received three days after mailing.

425 (3) Any person whose ignition interlock device limited driving permit has been revoked
 426 for the first time shall not be eligible to apply for a driver's license until six months from
 427 the date such permit was surrendered to the department. Any person whose ignition
 428 interlock device limited driving permit has previously been revoked shall not be eligible
 429 to apply for a driver's license until two years from the date such permit was surrendered
 430 to the department.

431 (g) **Hearings.** Any person whose ignition interlock device limited driving permit has been
 432 revoked ~~or~~, who has been refused such permit by the department, or who has been refused
 433 an ignition interlock device reduced fee voucher by the department may make a request in
 434 writing for a hearing to be provided by the department. Such hearing shall be provided by
 435 the department within 30 days after the receipt of such request and shall follow the
 436 procedures required by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'
 437 Appeal from such hearing shall be in accordance with such chapter.

438 (h) **Rules and regulations.** The commissioner may promulgate rules and regulations as
 439 are necessary to implement this Code section.

440 (i) **Penalty.** Any person issued an ignition interlock device limited driving permit who
 441 operates a motor vehicle in violation of the terms of such permit, as described in ~~Code~~
 442 ~~Section 42-8-110.1~~ or subsection (e) or (f) of this Code section or Code Section 42-8-110.1
 443 or 42-8-111, commits the offense of violation of an ignition interlock device limited
 444 driving permit. Any person who commits the offense of violation of an ignition interlock
 445 device limited driving permit shall be guilty of a misdemeanor."

446 SECTION 5.

447 Said title is further amended in Code Section 40-5-67.2, relating to terms and conditions for
 448 implied consent license suspension, administrative license suspensions in relation to
 449 post-conviction suspension, and eligibility for limited driving permit or ignition interlock
 450 device limited driving permit, by revising subsections (b) and (d) as follows:

451 "(b)(1) An administrative license suspension pursuant to Code Section 40-5-67.1 shall
 452 be counted toward fulfillment of any period of suspension subsequently imposed as a
 453 result of a conviction of violating Code Section 40-6-391 which arises out of the same
 454 violation for which the administrative license suspension was imposed. An
 455 administrative license suspension pursuant to Code Section 40-5-67.1 shall run
 456 concurrently with any revocation of such driver's license pursuant to a subsequent
 457 determination that such person is a habitual violator.

458 (2) Any time during which a person held a valid ignition interlock device limited driving
 459 permit pursuant to Code Section 40-5-64.1 shall be counted toward the fulfillment of any
 460 period of an administrative license suspension required pursuant to Code Section

461 40-5-67.1 or any period of suspension subsequently imposed as a result of a conviction
 462 of violating Code Section 40-6-391 which arises out of the same violation for which the
 463 administrative license suspension was imposed."

464 "~~(d) Any other provision of law to the contrary notwithstanding, a driver with no previous~~
 465 ~~conviction for a violation of Code Section 40-6-391 within the previous five years, as~~
 466 ~~measured from the dates of previous arrests for which convictions were obtained to the date~~
 467 ~~of the current arrest, during the period of administrative suspension contemplated under~~
 468 ~~this chapter, shall be entitled to a limited driving permit or an ignition interlock device~~
 469 ~~limited driving permit as provided in Code Sections 40-5-64 and 40-5-64.1."~~

470 **SECTION 6.**

471 Said title is further amended by moving Code Section 40-5-75, relating to suspension of
 472 licenses for being in control of a moving vehicle under the influence of a controlled
 473 substance or marijuana by operation of law, and Code Section 40-5-76, relating to court
 474 ordered reinstatement or suspension of license or issuance of limited driving permit or
 475 ignition interlock device limited driving permit and time credited toward fulfillment of period
 476 of license suspension, to Article 3 of Chapter 5 and by repealing the designation of
 477 Article 3A of such chapter.

478 **SECTION 7.**

479 Said title is further amended by revising Code Section 40-5-76, relating to court ordered
 480 reinstatement or suspension of license or issuance of limited driving permit or ignition
 481 interlock device limited driving permit and time credited toward fulfillment of period of
 482 license suspension, as follows:

483 "40-5-76.

484 (a)(1) A judge presiding in a drug court division, mental health court division, veterans
 485 court division, ~~or~~ operating under the influence court division, or any court of competent
 486 jurisdiction, as a reward or sanction to the defendant's behavior in such court or court
 487 division, may order the department to:

488 (A) Reinstatement a defendant's Georgia driver's license that has been or should be
 489 suspended under the laws of this state;

490 (B) Issue to a defendant a limited driving permit using the guidance set forth in
 491 subsections (c), ~~(c.1)~~, and (d) of Code Section 40-5-64 or with whatever conditions the
 492 court determines to be appropriate under the circumstances;

493 (C) Issue to a defendant an ignition interlock device limited driving permit using the
 494 guidance set forth in ~~subsections~~ subsection (c) ~~and (e)~~ of Code Section 40-5-64.1 or

495 with whatever conditions the court determines to be appropriate under the
496 circumstances; ~~or~~

497 (D) Issue to a defendant an ignition interlock device reduced fee voucher; or

498 (E) Suspend or revoke such license, limited driving permit, or ignition interlock device
499 limited driving permit.

500 (2) The court shall require the defendant to pay to the department the fee normally
501 required for the reinstatement of such driver's license or issuance of such limited driving
502 permit or ignition interlock device limited driving permit or waive such fee.

503 (3) The court may order the department to issue to a defendant a limited driving permit
504 or ignition interlock device limited driving permit pursuant to this subsection for a
505 one-year period, and may allow such permit to be renewed for a one-year period, and
506 shall provide the department with such order.

507 ~~(b) If the offense for which the defendant was convicted did not directly relate to the
508 operation of a motor vehicle, a judge presiding in any court, other than the court divisions
509 specified in subsection (a) of this Code section, may order the department to reinstate a
510 defendant's driver's license that has been or should be suspended, issue to a defendant a
511 limited driving permit using the guidance set forth in subsections (c), (c.1), and (d) of Code
512 Section 40-5-64, or issue to a defendant an ignition interlock device limited driving permit
513 using the guidance set forth in subsections (c) and (e) of Code Section 40-5-64.1. The
514 court shall require the defendant to pay to the department the fee normally required for the
515 reinstatement of such driver's license or issuance of such limited driving permit or ignition
516 interlock device limited driving permit or waive such fee. Such judge may also order the
517 department to suspend a defendant's driver's license, limited driving permit, or ignition
518 interlock device limited driving permit as a consequence of the defendant's violation of the
519 terms of his or her probation.~~

520 ~~(e)(1)(b)(1)~~ The department shall make a notation on a person's driving record when his
521 or her driver's license was reinstated or suspended or he or she was issued a limited
522 driving permit or ignition interlock device limited driving permit under this Code section,
523 and such information shall be made available in accordance with Code Section 40-5-2.

524 (2) The driver's license of any person who has a driver's license reinstated or suspended
525 in accordance with this Code section shall remain subject to any applicable
526 disqualifications specified in Article 7 of this chapter.

527 ~~(d)(c)~~ The department shall credit any time during which a defendant was issued a limited
528 driving permit or ignition interlock device limited driving permit under subsection (a) of
529 this Code section toward the fulfillment of the period of a driver's license suspension for
530 which such permit was issued."

531

SECTION 8.

532 Said title is further amended by repealing Code Section 40-5-87, relating to exclusivity on
 533 conditions of article relative to suspension of licenses for being in control of a moving
 534 vehicle under the influence of a controlled substance or marijuana, and designating said Code
 535 section as reserved.

536

SECTION 9.

537 Said title is further amended in Code Section 40-6-391, relating to driving under the
 538 influence of alcohol, drugs, or other intoxicating substances, penalties, publication of notice
 539 of conviction for persons convicted for second time, and endangering a child, by revising
 540 paragraphs (1) and (2) of subsection (c) as follows:

541 "(1) For the first First conviction with no conviction of and no plea of nolo contendere
 542 accepted to a charge of violating this Code section within the previous ten years, as
 543 measured from the dates of previous arrests for which convictions were obtained or pleas
 544 of nolo contendere were accepted to the date of the current arrest for which a conviction
 545 is obtained or a plea of nolo contendere is accepted:

546 (A) A fine of not less than \$300.00 and not more than \$1,000.00, which fine shall not,
 547 except as provided in subsection (g) of this Code section, be subject to suspension, stay,
 548 or probation;

549 (B) A period of imprisonment of not fewer than ten days nor more than 12
 550 months, ~~which period of imprisonment may, at the sole discretion of the judge, be~~
 551 ~~suspended, stayed, or probated, except that if the offender's alcohol concentration at the~~
 552 ~~time of the offense was 0.08 grams or more, the judge may suspend, stay, or probate all~~
 553 ~~but 24 hours of any term of imprisonment imposed under this subparagraph. The judge~~
 554 shall probate at least a portion of such term of imprisonment in accordance with
 555 subparagraph (F) of this paragraph and such other terms and conditions as the judge
 556 may impose including, when applicable, relevant provisions of Article 7 of Chapter 8
 557 of Title 42; provided, however, that the offender shall be required to serve not fewer
 558 than 24 hours of actual incarceration if the offender's alcohol concentration at the time
 559 of the offense was 0.08 grams or more;

560 (C) Not fewer than 40 hours of community service, except that for a conviction for
 561 violation of subsection (k) of this Code section where the person's alcohol concentration
 562 at the time of the offense was less than 0.08 grams, the period of community service
 563 shall be not fewer than 20 hours;

564 (D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120
 565 days following his or her conviction; provided, however, that if the defendant is
 566 incarcerated and such program cannot be completed within 120 days, it shall be

567 completed within 90 days of his or her release from custody. The sponsor of any such
568 program shall provide written notice of the Department of Driver Services' certification
569 of the program to the person upon enrollment in the program;

570 (E) A clinical evaluation as defined in Code Section 40-5-1 and, if recommended as
571 a part of such evaluation, completion of a substance abuse treatment program as defined
572 in Code Section 40-5-1; provided, however, that in the court's discretion such
573 evaluation may be waived; and

574 (F) ~~A If the person is sentenced to a period of imprisonment for fewer than 12 months,~~
575 a period of probation of 12 months less any days during which the person is actually
576 incarcerated;

577 (2) For the second conviction within a ten-year period of time, as measured from the
578 dates of previous arrests for which convictions were obtained or pleas of nolo contendere
579 were accepted to the date of the current arrest for which a conviction is obtained or a plea
580 of nolo contendere is accepted:

581 (A) A fine of not less than \$600.00 and not more than \$1,000.00, which fine shall not,
582 except as provided in subsection (g) of this Code section, be subject to suspension, stay,
583 or probation;

584 (B) A period of imprisonment of not fewer than 90 days and not more than 12 months.
585 The judge shall probate at least a portion of such term of imprisonment; in accordance
586 with subparagraph (F) of this paragraph, ~~thereby subjecting the offender to the~~
587 ~~provisions of Article 7 of Chapter 8 of Title 42 and to such other terms and conditions~~
588 as the judge may impose including, when applicable, relevant provisions of Article 7
589 of Chapter 8 of Title 42; provided, however, that the offender shall be required to serve
590 not fewer than 72 hours of actual incarceration;

591 (C) Not fewer than 30 days of community service;

592 (D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120
593 days following his or her conviction; provided, however, that if the defendant is
594 incarcerated and such program cannot be completed within 120 days, it shall be
595 completed within 90 days of his or her release from custody. The sponsor of any such
596 program shall provide written notice of the Department of Driver Services' certification
597 of the program to the person upon enrollment in the program;

598 (E) A clinical evaluation as defined in Code Section 40-5-1 and, if recommended as
599 a part of such evaluation, completion of a substance abuse treatment program as defined
600 in Code Section 40-5-1; and

601 (F) A period of probation of 12 months less any days during which the person is
602 actually incarcerated;"

SECTION 10.

603

604 Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to
605 ignition interlock devices, is amended by revising Code Section 42-8-111, relating to court
606 issuance of certificate for installation of ignition interlock devices, exceptions, completion
607 of alcohol and drug use risk reduction program, notice of requirements, and fees for driver's
608 license, as follows:

609 "42-8-111.

610 (a) Upon a first conviction of a resident of this state for an alcohol related offense pursuant
611 to Code Section 40-6-391 within five years, as measured from the dates of previous arrests
612 for which convictions were obtained to the date of the current arrest for which a conviction
613 is obtained, for which such person is granted probation, the court shall issue a certificate
614 of eligibility for an ignition interlock device limited driving permit, subject to the following
615 conditions:

616 (1) Such person shall have installed and shall maintain in each motor vehicle registered
617 in such person's name and any other motor vehicle to be driven by such person, for a
618 period of not less than 180 days, a functioning, certified ignition interlock device. Such
619 person shall not drive any motor vehicle that is not so equipped during such period;

620 (2) Upon successful completion of 180 days of monitoring of such ignition interlock
621 device, the restriction for maintaining and using such ignition interlock device shall be
622 removed; and

623 (3) Such permit may be renewed for additional periods of two months as provided in
624 paragraph (1) of subsection (d) of Code Section 40-5-64.1.

625 For the purposes of this subsection, a plea of nolo contendere shall constitute a conviction,
626 and a conviction of any offense under the laws of any other state or territory of the United
627 States which, if committed in this state, would be a violation of Code Section 40-6-391
628 shall be deemed a conviction of violating such Code section.

629 ~~(a)~~(b) Upon a second or subsequent conviction of a resident of this state for ~~violating an~~
630 alcohol related offense pursuant to Code Section 40-6-391 within five years, as measured
631 from the dates of previous arrests for which convictions were obtained to the date of the
632 current arrest for which a conviction is obtained, for which such person is granted
633 probation, the court shall issue a certificate of eligibility for an ignition interlock device
634 limited driving permit or habitual violator probationary license, subject to the following
635 conditions:

636 (1) Such person shall have installed and shall maintain in each motor vehicle registered
637 in such person's name for a period of not less than one year a functioning, certified
638 ignition interlock device;

639 (2) Such person shall have installed and shall maintain in any other motor vehicle to be
 640 driven by such person for a period of not less than one year a functioning, certified
 641 ignition interlock device, and such person shall not drive any motor vehicle ~~whatsoever~~
 642 that is not so equipped during such period. Upon successful completion of one year of
 643 monitoring of such ignition interlock device, the restriction for maintaining and using
 644 such ignition interlock device shall be removed, ~~and the~~. Such permit may be renewed
 645 for additional periods of two months as provided in paragraph ~~(2)~~ (1) of subsection (d)
 646 of Code Section 40-5-64.1; and

647 (3) Such person shall participate in a substance abuse treatment program as defined in
 648 paragraph (16.2) of Code Section 40-5-1, a drug court division in compliance with Code
 649 Section 15-1-15, a mental health court division in compliance with Code Section 15-1-16,
 650 a veterans court division in compliance with Code Section 15-1-17, or an operating under
 651 the influence court division in compliance with Code Section 15-1-19 for a period of not
 652 less than 120 days.

653 For the purposes of this subsection, a plea of nolo contendere shall constitute a conviction,²
 654 and a conviction of any offense under the laws of any other state or territory of the United
 655 States which, if committed in this state, would be a violation of Code Section 40-6-391
 656 shall be deemed a conviction of violating such Code section.

657 ~~(b)~~(c) The court may, in its discretion, decline to issue a certificate of eligibility for an
 658 ~~ignition interlock device limited driving permit or a habitual violator~~ probationary license
 659 ~~for any reason or exempt a person from any or all ignition interlock device requirements~~
 660 ~~upon a determination that such requirements would subject such person to undue financial~~
 661 ~~hardship. Notwithstanding any contrary provision of Code Section 40-13-32 or 40-13-33,~~
 662 ~~a determination of undue financial hardship may be made at the time of conviction or any~~
 663 ~~time thereafter. If a court grants an exemption from the ignition interlock device~~
 664 ~~requirements, such person shall not be eligible for a limited driving permit or any other~~
 665 ~~driving privilege for a period of one year.~~

666 ~~(c)~~(d) In the case of any person subject to the provisions of subsection (a) ~~or (b)~~ of this
 667 Code section, the court shall include in the record of conviction or violation submitted to
 668 the Department of Driver Services a copy of the certificate of eligibility for an ignition
 669 interlock device limited driving permit or habitual violator probationary license issued by
 670 the court or documentation of the court's decision to decline to issue ~~such certificate~~ the
 671 certificate of eligibility for a habitual violator probationary license. Such certificate shall
 672 specify ~~any exemption from the installation requirements of paragraph (1) of subsection~~
 673 ~~(a) of this Code section and any vehicles subject to the installation requirements of~~
 674 ~~paragraph (2) of such subsection~~ subsections (a) and (b) of this Code section. The records
 675 of the Department of Driver Services shall contain a record reflecting such certificate, and

676 the person's driver's license, limited driving permit, or probationary license shall contain
 677 a notation that the person may only operate a motor vehicle equipped with a functioning,
 678 certified ignition interlock device.

679 ~~(d)~~(e) Except as provided in Code Sections 42-8-110.1 and 42-8-112, no provision of this
 680 article shall be deemed to reduce any period of driver's license suspension or revocation
 681 otherwise imposed by law.

682 ~~(e)~~(f) The fee for issuance of any driver's license indicating that use of an ignition interlock
 683 device is required shall be as prescribed for a regular driver's license in Code Section
 684 40-5-25, and the fee for issuance of any limited driving permit indicating that use of an
 685 ignition interlock device is required shall be as prescribed in Code Section 40-5-64.1;
 686 except that, for habitual violators required to use an ignition interlock device as a condition
 687 of a habitual violator probationary license, the fee shall be as prescribed for a habitual
 688 violator probationary license in Code Section 40-5-58.

689 ~~(f)~~(g) Exemptions granted due to undue financial hardship pursuant to ~~paragraph (1) of~~
 690 subsection ~~(a)~~ (c) of this Code section shall be exempt from the subject matter jurisdiction
 691 limitations imposed in Code Sections 40-13-32 and 40-13-33.

692 (h) A judge may, upon a finding of undue financial hardship, attach a condition upon any
 693 certificate of eligibility issued pursuant to this Code section ordering the Department of
 694 Driver Services to grant an ignition interlock device reduced fee voucher upon issuance of
 695 an ignition interlock device limited driving permit. A judge may attach such voucher
 696 condition upon finding that a probationer would suffer undue financial hardship if required
 697 to comply with the requirements of this Code section. The judge shall consider factors
 698 listed in subsection (c) of Code Section 40-5-64.1 in making a determination of undue
 699 financial hardship.

700 (i) In the event the Department of Driver Services fails to grant an ignition interlock device
 701 reduced fee voucher with an ignition interlock device limited driving permit as ordered by
 702 the court or a provider center fails to reduce or waive fees as directed by such department,
 703 a probationer may petition the court to waive the requirements of this Code section."

704 **SECTION 11.**

705 Said article is further amended in Code Section 42-8-112, relating to timing of issuance of
 706 ignition interlock device limited driving permit, documentation required, and reporting
 707 required, by revising paragraph (1) of subsection (a) as follows:

708 "(1) In any case where the court grants a certificate of eligibility for an ignition interlock
 709 device limited driving permit or probationary license pursuant to Code Section 42-8-111
 710 to a person whose driver's license is suspended pursuant to subparagraph (c)(2)(C) of
 711 Code Section 40-5-57.1 or ~~paragraph (2) of subsection~~ subsection (a)(2)(B) of Code

712 Section 40-5-63, the Department of Driver Services shall not issue an ignition interlock
 713 device limited driving permit until after the expiration of 120 days from the date of the
 714 conviction for which such certificate was granted."

715 **SECTION 12.**

716 Said article is further amended by revising Code Section 42-8-117, relating to revocation of
 717 driving privilege upon violation of probation imposed by Code Section 42-8-111, as follows:
 718 "42-8-117.

719 (a)(1) In the event the sentencing court revokes a person's probation after finding that
 720 such person has violated the terms of the certificate of eligibility for ~~an ignition interlock~~
 721 ~~device limited driving permit or a habitual violator~~ probationary license or an ignition
 722 interlock device limited driving permit issued pursuant to subsection (a) or (b) of Code
 723 Section 42-8-111, the Department of Driver Services shall revoke that person's driving
 724 privilege for one year from the date the court revokes that person's probation. The court
 725 shall report such probation revocation to the Department of Driver Services by court
 726 order.

727 (2) This subsection shall not apply to any person whose limited driving permit has been
 728 revoked under subsection (d) of Code Section 42-8-112.

729 (b) In the event the sentencing court revokes a person's probation after finding that such
 730 person has twice violated the terms of the certificate of eligibility for a probationary license
 731 or an ignition interlock device limited driving permit ~~or probationary license~~ issued
 732 pursuant to ~~subsection (a)~~ of Code Section 42-8-111 during the same period of probation,
 733 the Department of Driver Services shall revoke that person's driving privilege for five years
 734 from the date the court revokes that person's probation for a second time. The court shall
 735 report such probation revocation to the Department of Driver Services by court order."

736 **SECTION 13.**

737 Said article is further amended by revising Code Section 42-8-118, relating to requesting or
 738 soliciting another to blow into device and tampering with or circumventing operation of
 739 device, as follows:

740 "42-8-118.

741 (a) It is unlawful for any person whose driving privilege is restricted pursuant to
 742 subsection (a) or (b) of Code Section 42-8-111 to request or solicit any other person to
 743 blow into an ignition interlock device or to start a motor vehicle equipped with the device
 744 for the purpose of providing the person so restricted with an operable motor vehicle.

745 (b) It is unlawful for any person to blow into an ignition interlock device or to start a motor
 746 vehicle equipped with the device for the purpose of providing an operable motor vehicle

747 to a person whose driving privilege is restricted pursuant to subsection (a) or (b) of Code
748 Section 42-8-111.

749 (c) It is unlawful to tamper with, or circumvent the operation of, an ignition interlock
750 device.

751 (d) Any person violating any provision of this Code section shall be guilty of a
752 misdemeanor."

753 **SECTION 14.**

754 Chapter 12A of Title 43 of the Official Code of Georgia Annotated, relating to ignition
755 interlock device providers, is amended in Code Section 43-12A-2, relating to definitions, by
756 revising paragraph (4) as follows:

757 "(4) 'Provider center' means a facility established for the purpose of providing and
758 installing ignition interlock devices when their use is required by ~~or as a result of~~ an order
759 of a court or issuance of an ignition interlock device limited driving permit pursuant to
760 Code Section 40-5-64.1."

761 **SECTION 15.**

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

763 "43-12A-7.1.

764 (a) Any provider center operator licensed pursuant to this chapter shall install an ignition
765 interlock device at no cost upon presentation of a department issued ignition interlock
766 device reduced fee voucher. Any person presenting such voucher shall be charged a
767 reduced monthly monitoring rate at one-half the standard rate charged by the provider
768 center operator.

769 (b) The department shall establish a method by which any person granted an ignition
770 interlock device reduced fee voucher pursuant to subsection (c) of Code Section 40-5-64.1
771 who is denied the free or reduced services described in subsection (a) of this Code section
772 may notify the department of such failure to provide required services. Any service
773 provider required by this Code section to provide free or reduced services upon receipt of
774 a valid voucher shall be fined \$1,000.00 upon the first finding by the department that a
775 valid voucher was not honored and upon any second or subsequent finding shall be subject
776 to license revocation pursuant to Code Section 43-12A-8."

777 **SECTION 16.**

778 This Act shall become effective on July 1, 2020, and shall apply to offenses committed on
779 or after such date.

780

SECTION 17.

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