

The House Committee on Motor Vehicles offers the following substitute to HB 1020:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to reduce the number of required hours in the intervention component of DUI
3 Alcohol or Drug Use Risk Reduction Programs; to require eligible applicants for limited
4 driving permits to submit proof of certain courses; to provide that completion of such courses
5 shall be credited toward any reinstatement requirements for drivers whose licenses were
6 suspended for certain offenses; to amend Code Section 17-10-3 of the Official Code of
7 Georgia Annotated, relating to punishment for misdemeanors generally, so as to allow a
8 judge to sentence additional punishment for offenders of misdemeanor traffic violations; to
9 provide for a definition; to provide for an effective date and applicability; to provide for
10 related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
14 amended in Code Section 40-5-1, relating to definitions, by revising paragraph (10) as
15 follows:

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

21 style="text-align:center">**SECTION 2.**

22 Said title is further amended in Code Section 40-5-57.1, relating to suspension of licenses of
23 persons under age 21 for certain offenses, surrender of license to court upon conviction,
24 suspension of licenses of persons under age 18 for certain point accumulations, and
25 reinstatement of license following suspension, by revising subsection (d) as follows:

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26 "(d)(1) Any driver's license suspended under subsection (a) or (b) of this Code section
 27 for commission of any offense other than violation of Code Section 40-6-391 shall not
 28 become valid and shall remain suspended until such person submits proof of completion
 29 of a defensive driving course approved by the commissioner pursuant to Code Section
 30 40-5-83 and pays the applicable reinstatement fee. Any driver's license suspended under
 31 subsection (a) of this Code section for commission of a violation of Code Section
 32 40-6-391 shall not become valid and shall remain suspended until such person submits
 33 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays the
 34 applicable reinstatement fee.

35 (2) The department shall credit any DUI Alcohol or Drug Use Risk Reduction Program
 36 completed to obtain a limited driving permit pursuant to Code Section 40-5-64 toward
 37 the requirements of this Code section.

38 (3) The reinstatement fee for a first such suspension shall be \$210.00, or \$200.00 if paid
 39 by mail. The reinstatement fee for a second or subsequent such suspension shall be
 40 \$310.00, or \$300.00 if paid by mail."

41 **SECTION 3.**

42 Said title is further amended in Code Section 40-5-63, relating to periods of suspension and
 43 conditions to return of license, by revising paragraph (1) of subsection (a) as follows:

44 "(1)(A) Upon the first conviction of any such offense, with no arrest and conviction of
 45 and no plea of nolo contendere accepted to such offense within the previous five years,
 46 as measured from the dates of previous arrests for which convictions were obtained to
 47 the date of the current arrest for which a conviction is obtained, the period of
 48 suspension shall be 12 months. At the end of 120 days, the person may apply to the
 49 department for early reinstatement of his or her driver's license. Such license shall be
 50 reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use
 51 Risk Reduction Program and pays a restoration fee of \$210.00, or \$200.00 when such
 52 reinstatement is processed by mail, provided that, if such license was suspended as a
 53 result of a conviction of an offense listed in Code Section 40-5-54, such license shall
 54 be reinstated if such person submits proof of completion of either a defensive driving
 55 course approved by the commissioner pursuant to Code Section 40-5-83 or a DUI
 56 Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee.
 57 A driver's license suspended as a result of a conviction of a violation of Code Section
 58 40-6-391 shall not become valid and shall remain suspended until such person submits
 59 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays
 60 the prescribed restoration fee.

61 (B) For purposes of this paragraph, ~~an~~;
 62 (i) An accepted plea of nolo contendere to an offense listed in Code Section 40-5-54
 63 by a person who is under 18 years of age at the time of arrest shall constitute a
 64 conviction. ~~For the purposes of this paragraph only, an~~;
 65 (ii) An accepted plea of nolo contendere by a person 21 years of age or older, with
 66 no conviction of and no plea of nolo contendere accepted to a charge of violating
 67 Code Section 40-6-391 within the previous five years, as measured from the dates of
 68 previous arrests for which convictions were obtained or pleas of nolo contendere
 69 accepted to the date of the current arrest for which a plea of nolo contendere is
 70 accepted, shall be considered a conviction, and the court having jurisdiction shall
 71 forward, as provided in Code Section 40-6-391.1, the record of such disposition of the
 72 case to the department and the record of such disposition shall be kept on file for the
 73 purpose of considering and counting such accepted plea of nolo contendere as a
 74 conviction under paragraphs (2) and (3) of this subsection; and
 75 (iii) The department shall credit any DUI Alcohol or Drug Use Risk Reduction
 76 Program completed to obtain a limited driving permit pursuant to Code Section
 77 40-5-64 toward the requirements of this paragraph.;"

78 **SECTION 4.**

79 Said title is further amended in Code Section 40-5-64, relating to limited driving permits for
 80 certain offenders, by revising subsection (a) as follows:

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

82 (1) Notwithstanding any contrary provision of this Code section or Code Section
 83 40-5-57, 40-5-63, 40-5-75, 40-5-121, or 42-8-111, the department shall issue a limited
 84 driving permit to any person who has:

85 (A) Has not been previously convicted or adjudicated delinquent for a violation of
 86 Code Section 40-6-391 within five years, as measured from the dates of previous arrests
 87 for which convictions were obtained or pleas of nolo contendere were accepted to the
 88 date of the current arrest, ~~may apply for a limited driving permit when that person's~~
 89 ~~driver's license had a suspension imposed prior to July 1, 2015, under Code Section~~
 90 ~~40-5-22 or that person's whose~~ driver's license has been suspended in accordance with
 91 subsection;

92 (i) Subsection (d) of Code Section 40-5-57, ~~paragraph;~~

93 (ii) Paragraph (1) of subsection (a) of Code Section 40-5-63, ~~paragraph;~~

94 (iii) Paragraph (1) of subsection (a) of Code Section 40-5-67.2, ~~or subsection;~~ or

95 (iv) Subsection (a) of Code Section 40-5-57.1, when the person is 18 years of age or
 96 older and his or her license was suspended for exceeding the speed limit by 24 miles

97 per hour or more but less than 34 miles per hour, and the sentencing judge, in his or
 98 her discretion, decides it is reasonable to issue a limited driving permit; and
 99 (B) Submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction
 100 Program, provided that such program was completed after the date of the arrest upon
 101 which the suspension is based and prior to the submission of the application for the
 102 limited driving permit.

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

107 (3) To the extent a person is subject to more than one suspension for which a limited
 108 driving permit may be issued, the department shall not issue such permit unless the
 109 suspensions are for a conviction for driving under the influence in violation of Code
 110 Section 40-6-391 imposed pursuant to Code Section 40-5-63 and an administrative
 111 suspension imposed pursuant to paragraph (1) of subsection (a) of Code Section
 112 40-5-67.2 arising from the same incident."

113 **SECTION 5.**

114 Said title is further amended in Code Section 40-5-67.2, relating to terms and conditions for
 115 implied consent license suspension, administrative license suspension in relation to
 116 postconviction suspension, eligibility for limited driving permit or ignition interlock device
 117 limited driving permit, by revising paragraph (1) of subsection (a) as follows:

118 "(1) Upon the first suspension pursuant to subsection (c) of Code Section 40-5-67.1
 119 within the previous five years, as measured from the dates of previous arrests for which
 120 a suspension was obtained to the date of the current arrest for which a suspension is
 121 obtained, the period of suspension shall be for one year. Not sooner than 30 days
 122 following the effective date of suspension, the person may apply to the department for
 123 reinstatement of his or her driver's license. Such license shall be reinstated if such person
 124 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and
 125 pays a restoration fee of \$210.00, or \$200.00 when such reinstatement is processed by
 126 mail, unless such conviction was a recidivist conviction in which case the restoration fee
 127 shall be \$510.00, or \$500.00 when processed by mail. A driver's license suspended
 128 pursuant to Code Section 40-5-67.1 shall not become valid and shall remain suspended
 129 until such person submits proof of completion of a DUI Alcohol or Drug Use Risk
 130 Reduction Program and pays the prescribed restoration fee. The department shall credit
 131 any DUI Alcohol or Drug Use Risk Reduction Program completed to obtain a limited

132 driving permit pursuant to Code Section 40-5-64 toward the requirements of this
 133 paragraph."

134 **SECTION 6.**

135 Code Section 17-10-3 of the Official Code of Georgia Annotated, relating to punishment for
 136 misdemeanors generally, is amended by revising subsection (d) as follows:

137 "(d) In addition to or instead of any other penalty provided for the punishment of a
 138 misdemeanor involving a traffic offense, or punishment of a municipal ordinance involving
 139 a traffic offense, with the exception of habitual offenders sentenced under Code Section
 140 17-10-7, a judge may impose any one or more of the following sentences:

141 (1) Reexamination by the Department of Driver Services when the judge has good cause
 142 to believe that the convicted licensed driver is incompetent or otherwise not qualified to
 143 be licensed;

144 (2) Satisfactory completion of a defensive driving course, ~~or~~ defensive driving program,
 145 or DUI Alcohol or Drug Use Risk Reduction Program approved or certified by the
 146 Department of Driver Services;

147 (3) Within the limits of the authority of the charter powers of a municipality or the
 148 punishment prescribed by law in other courts, imprisonment at times specified by the
 149 court or release from imprisonment upon such conditions and at such times as may be
 150 specified; or

151 (4) Probation or suspension of all or any part of a penalty upon such terms and
 152 conditions as may be prescribed by the judge. The conditions may include driving with
 153 no further motor vehicle violations during a specified time unless the driving privileges
 154 have been or will be otherwise suspended or revoked by law; reporting periodically to the
 155 court or a specified agency; and performing, or refraining from performing, such acts as
 156 may be ordered by the judge."

157 **SECTION 7.**

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

160 **SECTION 8.**

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