

House Bill 1020 (COMMITTEE SUBSTITUTE)

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 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.