

House Bill 167

By: Representatives Momtahan of the 17th, Corbett of the 174th, Gullett of the 19th, Gunter of the 8th, Knight of the 134th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-5-64 of the Official Code of Georgia Annotated, relating to
2 limited driving permits for certain offenders, so as to provide for standards for issuance of
3 such permits; to provide for related matters; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 40-5-64 of the Official Code of Georgia Annotated, relating to limited driving
8 permits for certain offenders, is amended by revising subsection (a) as follows:

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

10 (1) Notwithstanding any contrary provision of this Code section or Code Section
11 40-5-57, 40-5-57.2, 40-5-63, 40-5-75, 40-5-121, or 42-8-111, any person who has not
12 been previously convicted or adjudicated delinquent for a violation of Code Section
13 40-6-391 within five years, as measured from the dates of previous arrests for which
14 convictions were obtained or pleas of nolo contendere were accepted to the date of the
15 current arrest, may apply for a limited driving permit when:

16 ~~(A) That~~ that person's driver's license has been suspended in accordance with:

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17 (A) Code Section 40-5-54.1;
 18 ~~(i)(B)~~ Subsection (d) of Code Section 40-5-57;
 19 ~~(ii)(C)~~ Paragraph (1) of subsection (a) of Code Section 40-5-57.2;
 20 ~~(iii)(D)~~ Paragraph (1) of subsection (a) of Code Section 40-5-63;
 21 ~~(iv)(E)~~ Paragraph (1) of subsection (a) of Code Section 40-5-67.2; or
 22 ~~(v)(F)~~ Subsection (a) of Code Section 40-5-57.1, when the person is 18 years of age
 23 or older and his or her license was suspended for exceeding the speed limit by 24 miles
 24 per hour or more but less than 34 miles per hour; and
 25 ~~(B) The~~ the sentencing judge, in his or her discretion, decides it is reasonable to issue
 26 a limited driving permit.

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

31 (3) To the extent a person is subject to more than one suspension for which a limited
 32 driving permit may be issued, the department shall not issue such permit unless the
 33 suspensions are for a conviction for driving under the influence in violation of Code
 34 Section 40-6-391 imposed pursuant to Code Section 40-5-63 and an administrative
 35 suspension imposed pursuant to paragraph (1) of subsection (a) of Code Section
 36 40-5-67.2 arising from the same incident."

37 **SECTION 2.**

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