

House Bill 515

By: Representatives McCollum of the 30<sup>th</sup>, Powell of the 33<sup>rd</sup>, Jasperse of the 11<sup>th</sup>, Wiedower of the 121<sup>st</sup>, and Ridley of the 6<sup>th</sup>

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 require eligible applicants for limited driving permits to submit proof of  
3 completion of certain courses; to provide that completion of such courses shall be credited  
4 toward any reinstatement requirements for drivers whose licenses were suspended for certain  
5 offenses; to revise the fees relating to certain courses; to amend Code Section 17-10-3 of the  
6 Official Code of Georgia Annotated, relating to punishment for misdemeanors generally, so  
7 as to allow a judge to sentence additional punishment for offenders of misdemeanor traffic  
8 violations; to provide for an effective date and applicability; to provide for related matters;  
9 to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
13 amended in Code Section 40-5-57.1, relating to suspension of licenses of persons under  
14 age 21 for certain offenses, surrender of license to court upon conviction, suspension of  
15 licenses of persons under age 18 for certain point accumulations, and reinstatement of license  
16 following suspension, by revising subsection (d) as follows:

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17 "(d)(1) Any driver's license suspended under subsection (a) or (b) of this Code section  
18 for commission of any offense other than violation of Code Section 40-6-391 shall not  
19 become valid and shall remain suspended until such person submits proof of completion  
20 of a defensive driving course approved by the commissioner pursuant to Code  
21 Section 40-5-83 and pays the applicable reinstatement fee. Any driver's license  
22 suspended under subsection (a) of this Code section for commission of a violation of  
23 Code Section 40-6-391 shall not become valid and shall remain suspended until such  
24 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction  
25 Program and pays the applicable reinstatement fee.

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

29 (3) The reinstatement fee for a first such suspension shall be \$210.00, or \$200.00 if paid  
30 by mail. The reinstatement fee for a second or subsequent such suspension shall be  
31 \$310.00, or \$300.00 if paid by mail."

32 **SECTION 2.**

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

35 "(1)(A) Upon the first conviction of any such offense, with no arrest and conviction of  
36 and no plea of nolo contendere accepted to such offense within the previous five years,  
37 as measured from the dates of previous arrests for which convictions were obtained to  
38 the date of the current arrest for which a conviction is obtained, the period of  
39 suspension shall be 12 months. At the end of 120 days, the person may apply to the  
40 department for early reinstatement of his or her driver's license. Such license shall be  
41 reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use  
42 Risk Reduction Program and pays a restoration fee of \$210.00, or \$200.00 when such

43 reinstatement is processed by mail, provided that, if such license was suspended as a  
44 result of a conviction of an offense listed in Code Section 40-5-54, such license shall  
45 be reinstated if such person submits proof of completion of either a defensive driving  
46 course approved by the commissioner pursuant to Code Section 40-5-83 or a DUI  
47 Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee.  
48 A driver's license suspended as a result of a conviction of a violation of Code  
49 Section 40-6-391 shall not become valid and shall remain suspended until such person  
50 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program  
51 and pays the prescribed restoration fee.

52 (B) For purposes of this paragraph, ~~an~~:

53 (i) An accepted plea of nolo contendere to an offense listed in Code Section 40-5-54  
54 by a person who is under 18 years of age at the time of arrest shall constitute a  
55 conviction. ~~For the purposes of this paragraph only, an~~:

56 (ii) An accepted plea of nolo contendere by a person 21 years of age or older, with  
57 no conviction of and no plea of nolo contendere accepted to a charge of violating  
58 Code Section 40-6-391 within the previous five years, as measured from the dates of  
59 previous arrests for which convictions were obtained or pleas of nolo contendere  
60 accepted to the date of the current arrest for which a plea of nolo contendere is  
61 accepted, shall be considered a conviction, and the court having jurisdiction shall  
62 forward, as provided in Code Section 40-6-391.1, the record of such disposition of the  
63 case to the department and the record of such disposition shall be kept on file for the  
64 purpose of considering and counting such accepted plea of nolo contendere as a  
65 conviction under paragraphs (2) and (3) of this subsection; and

66 (iii) The department shall credit any DUI Alcohol or Drug Use Risk Reduction  
67 Program completed to obtain a limited driving permit pursuant to Code  
68 Section 40-5-64 toward the requirements of this paragraph."

69 **SECTION 3.**

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

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

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

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

80 (i) Subsection (d) of Code Section 40-5-57;

81 (ii) Paragraph (1) of subsection (a) of Code Section 40-5-57.2;

82 (iii) Paragraph (1) of subsection (a) of Code Section 40-5-63;

83 (iv) Paragraph (1) of subsection (a) of Code Section 40-5-67.2; or

84 (v) Subsection (a) of Code Section 40-5-57.1, when the person is 18 years of age or  
 85 older and his or her license was suspended for exceeding the speed limit by 24 miles  
 86 per hour or more but less than 34 miles per hour<sub>;</sub> and

87 ~~(B) The~~ the sentencing judge, in his or her discretion, decides it is reasonable to issue  
 88 a limited driving permit; and

89 (B) Upon submission of proof of completion of a DUI Alcohol or Drug Use Risk  
 90 Reduction Program, provided that such program was completed after the date of the  
 91 arrest upon which the suspension is based and prior to the submission of the application  
 92 for the limited driving permit.

93 (2) No person who has been granted an exemption from the ignition interlock device  
 94 requirements of Article 7 of Chapter 8 of Title 42 due to undue financial hardship under

95 Code Section 42-8-111 shall be eligible for a limited driving permit, an ignition interlock  
96 device limited driving permit, or any other driving privilege for a period of one year.  
97 (3) To the extent a person is subject to more than one suspension for which a limited  
98 driving permit may be issued, the department shall not issue such permit unless the  
99 suspensions are for a conviction for driving under the influence in violation of Code  
100 Section 40-6-391 imposed pursuant to Code Section 40-5-63 and an administrative  
101 suspension imposed pursuant to paragraph (1) of subsection (a) of Code  
102 Section 40-5-67.2 arising from the same incident."

103 **SECTION 4.**

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

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

121 any DUI Alcohol or Drug Use Risk Reduction Program completed to obtain a limited  
 122 driving permit pursuant to Code Section 40-5-64 toward the requirements of this  
 123 paragraph."

124 **SECTION 5.**

125 Said title is further amended by revising Code Section 40-5-83, relating to approval and  
 126 operation of driver improvement clinics and criteria for defensive driving courses, alcohol  
 127 and drug courses, and driving under the influence risk reduction programs, by revising  
 128 paragraph (1) of subsection (a) and paragraph (2) of subsection (e) as follows:

129 "(a)(1) The commissioner shall establish criteria for the approval of driver improvement  
 130 clinics. To be approved, a clinic shall provide and operate a defensive driving course.  
 131 Clinics shall be composed of uniform education and training programs consisting of six  
 132 hours of instruction designed for the rehabilitation of problem drivers. The commissioner  
 133 shall establish standards and requirements concerning the contents of defensive driving  
 134 courses, qualifications of instructors, attendance requirements for students, and  
 135 examinations. Approved clinics shall charge a fee of ~~\$95.00~~ \$125.00 for a defensive  
 136 driving course, except that such clinics may charge different fees of their own choosing  
 137 if the person is not enrolling in such course pursuant to court order or department  
 138 requirement. No clinic shall be approved unless such clinic agrees in writing to allow the  
 139 examination and audit of the books, records, and financial statements of such clinic.  
 140 Clinics may be operated by any individual, partnership, or corporation. Nothing in this  
 141 paragraph shall be construed to affect in any way driving programs established for  
 142 purposes of insurance premium reductions under the provisions of Code Section  
 143 33-9-42."

144 "(2) ~~Licensed Certified~~ DUI Alcohol or Drug Use Risk Reduction Programs shall charge  
 145 a fee of ~~\$100.00~~ \$125.00 for the assessment component and \$235.00 for the intervention  
 146 component. An additional fee for required student program materials shall be established

147 by the department in such an amount as is reasonable and necessary to cover the cost of  
148 such materials."

149 **SECTION 6.**

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

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

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

159 (2) Satisfactory completion of a defensive driving course, ~~or defensive driving program,~~  
160 or DUI Alcohol or Drug Use Risk Reduction Program approved or licensed by the  
161 Department of Driver Services;

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

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

172 **SECTION 7.**

173 This Act shall become effective on July 1, 2023, and shall apply to offenses committed on  
174 or after that date.

175 **SECTION 8.**

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