

The House Committee on Motor Vehicles offers the following substitute to HB 515:

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

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
14 amended in Code Section 40-5-63, relating to periods of suspension and conditions to return
15 of license, by revising paragraph (1) of subsection (a) as follows:

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16 "(1)(A) Upon the first conviction of any such offense, with no arrest and conviction of
17 and no plea of nolo contendere accepted to such offense within the previous five years,
18 as measured from the dates of previous arrests for which convictions were obtained to
19 the date of the current arrest for which a conviction is obtained, the period of
20 suspension shall be 12 months. At the end of 120 days, the person may apply to the
21 department for early reinstatement of his or her driver's license. Such license shall be
22 reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use
23 Risk Reduction Program and pays a restoration fee of \$210.00, or \$200.00 when such
24 reinstatement is processed by mail, provided that, if such license was suspended as a
25 result of a conviction of an offense listed in Code Section 40-5-54, such license shall
26 be reinstated if such person submits proof of completion of either a defensive driving
27 course approved by the commissioner pursuant to Code Section 40-5-83 or a DUI
28 Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee.
29 A driver's license suspended as a result of a conviction of a violation of Code
30 Section 40-6-391 shall not become valid and shall remain suspended until such person
31 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program
32 and pays the prescribed restoration fee.

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

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

37 (ii) An accepted plea of nolo contendere by a person 21 years of age or older, with
38 no conviction of and no plea of nolo contendere accepted to a charge of violating
39 Code Section 40-6-391 within the previous five years, as measured from the dates of
40 previous arrests for which convictions were obtained or pleas of nolo contendere
41 accepted to the date of the current arrest for which a plea of nolo contendere is
42 accepted, shall be considered a conviction, and the court having jurisdiction shall

forward, as provided in Code Section 40-6-391.1, the record of such disposition of the case to the department and the record of such disposition shall be kept on file for the purpose of considering and counting such accepted plea of nolo contendere as a conviction under paragraphs (2) and (3) of this subsection; and
(iii) The department shall credit any DUI Alcohol or Drug Use Risk Reduction Program completed to obtain a limited driving permit pursuant to Code Section 40-5-64 toward the requirements of this paragraph."

SECTION 2.

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

"(a) To whom issued.

(1) Notwithstanding any contrary provision of this Code section or Code 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 not been previously convicted or adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest, may apply for a limited driving permit when:

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

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

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

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

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

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

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

(2) Any person eligible for a limited driving permit based upon a suspension required by paragraph (1) of subsection (a) of Code Section 40-5-63 for an alcohol related violation of Code Section 40-6-391 or by paragraph (1) of subsection (a) of Code Section 40-5-67.2 shall submit proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program completed after the date of arrest for which the suspension is based prior to the issuance of such permit.

~~(2)(3)~~ No person who has been granted an exemption from the ignition interlock device requirements of Article 7 of Chapter 8 of Title 42 due to undue financial hardship under Code Section 42-8-111 shall be eligible for a limited driving permit, an ignition interlock device limited driving permit, or any other driving privilege for a period of one year.

~~(3)(4)~~ To the extent a person is subject to more than one suspension for which a limited driving permit may be issued, the department shall not issue such permit unless the suspensions are for a conviction for driving under the influence in violation of Code Section 40-6-391 imposed pursuant to Code Section 40-5-63 and an administrative suspension imposed pursuant to paragraph (1) of subsection (a) of Code Section 40-5-67.2 arising from the same incident."

SECTION 3.

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

"(a)(1) Upon the first suspension pursuant to subsection (c) of Code Section 40-5-67.1 within the previous five years, as measured from the dates of previous arrests for which a suspension was obtained to the date of the current arrest for which a suspension is

obtained, the period of suspension shall be for one year. Not sooner than 30 days following the effective date of suspension, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of \$210.00, or \$200.00 when such reinstatement is processed by mail, unless such conviction was a recidivist conviction in which case the restoration fee shall be \$510.00, or \$500.00 when processed by mail. A driver's license suspended pursuant to Code Section 40-5-67.1 shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee. The department shall credit any DUI Alcohol or Drug Use Risk Reduction Program completed to obtain a limited driving permit pursuant to Code Section 40-5-64 toward the requirements of this paragraph."

SECTION 4.

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

"(a)(1) The commissioner shall establish criteria for the approval of driver improvement clinics. To be approved, a clinic shall provide and operate a defensive driving course. Clinics shall be composed of uniform education and training programs consisting of six hours of instruction designed for the rehabilitation of problem drivers. The commissioner shall establish standards and requirements concerning the contents of defensive driving courses, qualifications of instructors, attendance requirements for students, and examinations. Approved clinics shall charge a fee of ~~\$95.00~~ \$125.00 for a defensive driving course, except that such clinics may charge different fees of their own choosing

if the person is not enrolling in such course pursuant to court order or department requirement. No clinic shall be approved unless such clinic agrees in writing to allow the examination and audit of the books, records, and financial statements of such clinic. Clinics may be operated by any individual, partnership, or corporation. Nothing in this paragraph shall be construed to affect in any way driving programs established for purposes of insurance premium reductions under the provisions of Code Section 33-9-42."

"(2) Certified DUI Alcohol or Drug Use Risk Reduction Programs shall charge a fee of ~~\$100.00~~ \$125.00 for the assessment component and \$235.00 for the intervention component. An additional fee for required student program materials shall be established by the department in such an amount as is reasonable and necessary to cover the cost of such materials."

SECTION 5.

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

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

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

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

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

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

SECTION 6.

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

SECTION 7.

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