

House Bill 939

By: Representatives Reeves of the 99th, Hitchens of the 161st, Lumsden of the 12th, Vance of the 133rd, Scoggins of the 14th, 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 require submission of proof of completion of certain courses by certain
3 applicants to obtain limited driving permits; to provide that completion of such courses shall
4 be credited toward any reinstatement requirements for drivers whose licenses were
5 suspended for certain offenses; to provide for an effective date and applicability; to provide
6 for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

14 "(d)(1) Any driver's license suspended under subsection (a) or (b) of this Code section
15 for commission of any offense other than violation of Code Section 40-6-391 shall not
16 become valid and shall remain suspended until such person submits proof of completion

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

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

26 (3) The reinstatement fee for a first such suspension shall be \$210.00, or \$200.00 if paid
 27 by mail. The reinstatement fee for a second or subsequent such suspension shall be
 28 \$310.00, or \$300.00 if paid by mail."

29 **SECTION 2.**

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

32 "(1)(A) Upon the first conviction of any such offense, with no arrest and conviction of
 33 and no plea of nolo contendere accepted to such offense within the previous five years,
 34 as measured from the dates of previous arrests for which convictions were obtained to
 35 the date of the current arrest for which a conviction is obtained, the period of
 36 suspension shall be 12 months. At the end of 120 days, the person may apply to the
 37 department for early reinstatement of his or her driver's license. Such license shall be
 38 reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use
 39 Risk Reduction Program and pays a restoration fee of \$210.00, or \$200.00 when such
 40 reinstatement is processed by mail, provided that, if such license was suspended as a
 41 result of a conviction of an offense listed in Code Section 40-5-54, such license shall
 42 be reinstated if such person submits proof of completion of either a defensive driving

43 course approved by the commissioner pursuant to Code Section 40-5-83 or a DUI
 44 Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee.
 45 A driver's license suspended as a result of a conviction of a violation of Code
 46 Section 40-6-391 shall not become valid and shall remain suspended until such person
 47 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program
 48 and pays the prescribed restoration fee.

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

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

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

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

66 **SECTION 3.**

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

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

70 (1) Notwithstanding any contrary provision of this Code section or Code Section
 71 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
 72 been previously convicted or adjudicated delinquent for a violation of Code Section
 73 40-6-391 within five years, as measured from the dates of previous arrests for which
 74 convictions were obtained or pleas of nolo contendere were accepted to the date of the
 75 current arrest, may apply for a limited driving permit when ~~that~~:

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

77 ~~(A)~~(i) Code Section 40-5-54.1 and upon receipt of a record of such from a court or
 78 the agency within the Department of Human Services which is responsible for
 79 enforcing orders for child support;

80 ~~(B)~~(ii) Subsection (d) of Code Section 40-5-57;

81 ~~(C)~~(iii) Paragraph (1) of subsection (a) of Code Section 40-5-57.2;

82 ~~(D)~~(iv) Paragraph (1) of subsection (a) of Code Section 40-5-63;

83 ~~(E)~~(v) Paragraph (1) of subsection (a) of Code Section 40-5-67.2;

84 ~~(F)~~(iv) Subsection (a) of Code Section 40-5-57.1, when the person is 18 years of age
 85 or older and his or her license was suspended for exceeding the speed limit by 24
 86 miles per hour or more but less than 34 miles per hour, and the sentencing judge, in
 87 his or her discretion, decides it is reasonable to issue a limited driving permit; or

88 ~~(G)~~(v) Paragraph (1) of subsection (a) of Code Section 40-5-75; 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 Section
102 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 This Act shall become effective on July 1, 2024, and shall apply to offenses committed on
126 or after that date.

127 **SECTION 6.**

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