

House Bill 167 (COMMITTEE SUBSTITUTE)

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 standards for revocation; to provide for related matters; to
4 provide for an effective date; to repeal conflicting laws; and for other 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 subsections (a) and (g) as follows:

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

10 (1) Notwithstanding any contrary provision of this Code section or Code
11 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
12 not been previously convicted or adjudicated delinquent for a violation of Code
13 Section 40-6-391 within five years, as measured from the dates of previous arrests for
14 which convictions were obtained or pleas of nolo contendere were accepted to the date
15 of the 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 and upon receipt of a record of such from a court or the
 18 agency within the Department of Human Services which is responsible for enforcing
 19 orders for child support;

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

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

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

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

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

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

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

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

39 **"(g) Revocation of limited driving permit.**

40 (1)(A) The department shall revoke a limited driving permit upon notice from:

41 (i) A court of a conviction of the permittee for violating any state law relating to the
 42 movement of vehicles;

43 (ii) A court of a conviction of the permittee for violating the conditions endorsed on
 44 the limited driving permit; or

45 (iii) A court or the agency within the Department of Human Services which is
 46 responsible for enforcing orders for child support that the permittee is not in
 47 compliance with an order for child support. Any limited driving permittee who is
 48 convicted of violating any state law relating to the movement of vehicles or any
 49 limited driving permittee who is convicted of violating the conditions endorsed on his
 50 or her limited driving permit shall have such permit revoked by the department.

51 (B) Any court in which such conviction is had shall require such permittee to surrender
 52 his or her limited driving permit to the court, and the court shall forward it to the
 53 department within ten days after the conviction, with a copy of the conviction.

54 (2) Except for revocations based upon division (1)(A)(iii) of this subsection, any Any
 55 person whose limited driving permit has been revoked shall not be eligible to apply for
 56 a driver's license until six months from the date such permit was surrendered to the
 57 department.

58 (3) In any case of revocation of a limited driving permit pursuant to paragraph (1) of this
 59 subsection, the department may impose an additional period of suspension for the
 60 conviction upon which revocation of the permit was based."

61 **SECTION 2.**

62 This Act shall become effective on January 1, 2024.

63 **SECTION 3.**

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