

The House Committee on Judiciary Non-Civil offers the following substitute to SB 208:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 and Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia
2 Annotated, relating to motor vehicles and traffic and ignition interlock devices, respectively,
3 so as to provide for use of ignition interlock devices in motor vehicles as a condition of
4 probation for individuals convicted of a first and second offense of driving under the
5 influence of alcohol; to provide for conditions and terms of suspension of driver's licenses
6 for individuals charged with or convicted of driving under the influence of alcohol; to
7 provide for a condition for reinstatement of a suspended driver's license; to provide for
8 standards for issuance, application, approval, conditions, fees, duration, and revocation of
9 limited driving permits and ignition interlock device limited driving permits; to provide for
10 eligibility for a limited driving permit or ignition interlock device limited driving permit; to
11 provide for court ordered certificates of eligibility for limited driving permits and ignition
12 interlock device limited driving permits; to repeal provisions relating to exclusivity on
13 conditions of article relative to restoration of licenses to persons completing defensive
14 driving course or alcohol or drug program; to provide for a definition relative to commercial
15 drivers' licenses; to provide for penalties for conviction of driving under the influence; to
16 provide for limits on fees assessed by ignition interlock device providers; to repeal provisions
17 requiring approval by the Department of Transportation prior to installation of automated
18 traffic safety devices in school zones; to provide for standards for certificates of eligibility
19 for an ignition interlock device limited driving permit issued by a court; to provide for terms
20 under which an ignition interlock device must be placed in a motor vehicle; to provide for
21 revocation of driving privileges in certain instances; to provide for prohibited conduct in
22 relation to ignition interlock devices; to allow for a finding of undue financial hardship by
23 the court; to provide for a waiver of ignition interlock device requirements in certain
24 instances; to provide waiver of certain fees upon a finding of indigency or inability to pay;
25 to amend Code Section 16-13-2 of the Official Code of Georgia Annotated, relating to
26 conditional discharge for possession of controlled substances as first offense and certain
27 nonviolent property crimes, dismissal of charges, and restitution to victims, so as to provide
28 for conditional discharge for certain persons charged for the first time with driving under the

29 influence of alcohol; to amend Chapter 12A of Title 43 of the Official Code of Georgia
 30 Annotated, relating to ignition interlock device providers, so as to revise a definition; to
 31 provide for requirements for licensure as an ignition interlock device provider; to provide for
 32 suspension and revocation of such license; to provide for related matters; to provide for an
 33 effective date and applicability; to repeal conflicting laws; and for other purposes.

34 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

35 **SECTION 1.**

36 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 37 amended in Code Section 40-5-22, relating to persons not to be licensed, minimum ages for
 38 licensees, school enrollment requirements, driving training requirements, limited driving
 39 permit, and expired licenses, by revising subsection (d) as follows:

40 "(d) The department is authorized to issue a limited driving permit to an applicant whose
 41 license is currently under suspension or revocation in any other jurisdiction upon grounds
 42 which would authorize the suspension or revocation of a license under this chapter,
 43 provided that the applicant is otherwise eligible for such limited driving permit in
 44 accordance with subsection (a) of Code Section 40-5-64 ~~and paragraph (1) or (2) of~~
 45 ~~subsection (a) of Code Section 40-5-64.1."~~

46 **SECTION 2.**

47 Said title is further amended in Code Section 40-5-63, relating to periods of suspension and
 48 conditions to return of driver's license, by revising subsection (a) and adding a new
 49 subsection to read as follows:

50 "(a) The driver's license of any person convicted of ~~an~~ a first or second alcohol related
 51 ~~offense listed in Code Section 40-5-54 or of violating~~ pursuant to Code Section 40-6-391,
 52 unless the driver's license has been previously suspended pursuant to Code Sections
 53 40-5-67.1 and 40-5-67.2, shall by operation of law be suspended and such suspension shall
 54 be subject to the following terms and conditions; provided, however, that ~~any person~~
 55 ~~convicted of a drug related offense pursuant to Code Section 40-6-391 shall be governed~~
 56 ~~by the suspension requirements of Code Section 40-5-75; and further provided that each~~
 57 charge for which a conviction was obtained shall be treated as a separate transaction for the
 58 purpose of imposing a license suspension ~~hereunder~~ under this Code section, even if said
 59 convictions arise from a single incident; and ~~further provided,~~ further, that the department
 60 shall treat each conviction received in the order in which said convictions are processed
 61 even if it is not the order in which said offenses occurred:

62 (1) Upon the first conviction of any such offense, with no arrest and conviction of and
 63 no plea of nolo contendere accepted to such offense within the previous five years, as
 64 measured from the dates of previous arrests for which convictions were obtained to the
 65 date of the current arrest for which a conviction is obtained, or discharge or dismissal was
 66 never granted pursuant to Code Section 16-13-2 for an alcohol related violation of Code
 67 Section 40-6-391, the period of suspension shall be 12 months, provided that a person
 68 whose license was suspended pursuant to this paragraph may operate a motor vehicle
 69 during such period of suspension with an ignition interlock device limited driving permit
 70 issued pursuant to Code Section 40-5-64.1 and under the conditions set forth in
 71 subsection (a) of Code Section 42-8-111. At the end of 120 days, the person may apply
 72 to the department for early reinstatement of his or her driver's license. Such license shall
 73 be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use
 74 Risk Reduction Program and pays a restoration fee of \$210.00 or \$200.00 when such
 75 reinstatement is processed by mail, provided that, if such license was suspended as a
 76 result of a conviction of an offense listed in Code Section 40-5-54, such license shall be
 77 reinstated if such person submits proof of completion of either a defensive driving course
 78 approved by the commissioner pursuant to Code Section 40-5-83 or a DUI Alcohol or
 79 Drug Use Risk Reduction Program and pays the prescribed restoration fee. A driver's
 80 license suspended as a result of a conviction of a violation of Code Section 40-6-391
 81 pursuant to this paragraph shall not become valid and shall remain suspended until such
 82 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction
 83 Program and pays the a prescribed restoration fee of \$210.00 or \$200.00 when such
 84 reinstatement is processed by mail. For purposes of this paragraph, an accepted plea of
 85 nolo contendere to an offense listed in Code Section 40-5-54 by a person who is under
 86 18 years of age at the time of arrest shall constitute a conviction. For the purposes of this
 87 paragraph only, an accepted plea of nolo contendere by a person 21 years of age or older,
 88 with no conviction of and no plea of nolo contendere accepted to a charge of violating
 89 Code Section 40-6-391 within the previous five years, as measured from the dates of
 90 previous arrests for which convictions were obtained or pleas of nolo contendere
 91 accepted, or discharge or dismissal was never granted pursuant to Code Section 16-13-2
 92 for an alcohol related violation of Code Section 40-6-391 to the date of the current arrest
 93 for which a plea of nolo contendere is accepted, shall be considered a conviction, and the
 94 court having jurisdiction shall forward, as provided in Code Section 40-6-391.1, the
 95 record of such disposition of the case to the department and the record of such disposition
 96 shall be kept on file for the purpose of considering and counting such accepted plea of
 97 nolo contendere or discharge or dismissal as a conviction under paragraphs (2) and (3)
 98 of this subsection;

99 (2) Upon the second conviction of any such offense within five years, as measured from
100 the dates of previous arrests for which convictions were obtained to the date of the
101 current arrest for which a conviction is obtained, the period of suspension shall be ~~three~~
102 years 18 months, provided that a person whose license was suspended pursuant to this
103 paragraph may operate a motor vehicle during such period of suspension with an ignition
104 interlock device limited driving permit issued pursuant to Code Section 40-5-64.1 and
105 under the conditions set forth in subsection (b) of Code Section 42-8-111. At the end of
106 ~~120 days, the person may apply to the department for reinstatement of his or her driver's~~
107 ~~license; except that if such license was suspended as a result of a second conviction of a~~
108 ~~violation of Code Section 40-6-391 within five years, the person shall not be eligible to~~
109 ~~apply for license reinstatement until the end of 18 months. Such license shall be~~
110 ~~reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk~~
111 ~~Reduction Program and pays a restoration fee of \$210.00 or \$200.00 when such~~
112 ~~reinstatement is processed by mail, provided that, if such license was suspended as a~~
113 ~~result of a conviction of an offense listed in Code Section 40-5-54, such license shall be~~
114 ~~reinstated if such person submits proof of completion of either a defensive driving course~~
115 ~~approved by the commissioner pursuant to Code Section 40-5-83 or a DUI Alcohol or~~
116 ~~Drug Use Risk Reduction Program and pays the prescribed restoration fee. A driver's~~
117 ~~license suspended as a result of a second conviction of an alcohol related a violation of~~
118 ~~Code Section 40-6-391 shall not become valid and shall remain suspended until such~~
119 ~~person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction~~
120 ~~Program, provides proof of installation and maintenance of an ignition interlock device~~
121 ~~for a period of one year coinciding with the issuance of an ignition interlock device~~
122 ~~limited driving permit as provided in Code Section 40-5-64.1 unless waived due to~~
123 ~~financial hardship; and pays the a prescribed restoration fee of \$210.00 or \$200.00 when~~
124 ~~such reinstatement is processed by mail. For purposes of this paragraph, a plea of nolo~~
125 ~~contendere and all previous accepted pleas of nolo contendere to an offense listed in Code~~
126 ~~Section 40-5-54 within such five-year period of time shall constitute a conviction. For~~
127 ~~the purposes of this paragraph, a plea of nolo contendere to a charge of violating Code~~
128 ~~Section 40-6-391 and all prior accepted pleas of nolo contendere within five years, as~~
129 ~~measured from the dates of previous arrests for which convictions were obtained or pleas~~
130 ~~of nolo contendere were accepted to the date of the current arrest for which a plea of nolo~~
131 ~~contendere is accepted, shall be considered and counted as convictions. For the purposes~~
132 ~~of this paragraph, a discharge or dismissal granted pursuant to Code Section 16-13-2 for~~
133 ~~an alcohol related violation of Code Section 40-6-391 shall be considered and counted~~
134 ~~as a conviction; or~~

135 (3) Upon the third conviction of any such offense within five years, as measured from
 136 the dates of previous arrests for which convictions were obtained to the date of the
 137 current arrest for which a conviction is obtained, such person shall be considered a
 138 habitual violator, and such license shall be revoked as provided for in paragraphs (1)
 139 through (3) of subsection (a) of Code Section 40-5-62. ~~For purposes of this paragraph,~~
 140 ~~a plea of nolo contendere and all previous accepted pleas of nolo contendere to an offense~~
 141 ~~listed in Code Section 40-5-54 within such five-year period shall constitute a conviction.~~
 142 For the purposes of this paragraph, a plea of nolo contendere and all prior accepted pleas
 143 of nolo contendere to a charge of violating Code Section 40-6-391 within five years, as
 144 measured from the dates of previous arrests for which convictions were obtained or pleas
 145 of nolo contendere were accepted to the date of the current arrest for which a plea of nolo
 146 contendere is accepted, shall be considered and counted as convictions. For the purposes
 147 of this paragraph, a discharge or dismissal granted pursuant to Code Section 16-13-2 for
 148 an alcohol related violation of Code Section 40-6-391 shall be considered and counted
 149 as a conviction.

150 (a.1) The driver's license of any person convicted of an offense listed in Code Section
 151 40-5-54, unless the driver's license has been previously suspended pursuant to Code
 152 Sections 40-5-67.1 and 40-5-67.2, shall by operation of law be suspended and such
 153 suspension shall be subject to the following terms and conditions; provided, however, that
 154 each charge for which a conviction was obtained shall be treated as a separate transaction
 155 for the purpose of imposing a license suspension under this Code section, even if said
 156 convictions arise from a single incident; and provided, further, that the department shall
 157 treat each conviction received in the order in which said convictions are processed even if
 158 it is not the order in which said offenses occurred:

159 (1) Upon the first conviction of any such offense, with no arrest and conviction of and
 160 no plea of nolo contendere accepted to such offense within the previous five years, as
 161 measured from the dates of previous arrests for which convictions were obtained to the
 162 date of the current arrest for which a conviction is obtained, the period of suspension shall
 163 be 12 months. At the end of 120 days, the person may apply to the department for early
 164 reinstatement of his or her driver's license. Such license shall be reinstated if such person
 165 submits proof of completion of either a defensive driving course approved by the
 166 commissioner pursuant to Code Section 40-5-83 or a DUI Alcohol or Drug Use Risk
 167 Reduction Program and pays a restoration fee of \$210.00 or \$200.00 when such
 168 reinstatement is processed by mail. For purposes of this paragraph, an accepted plea of
 169 nolo contendere to an offense listed in Code Section 40-5-54 by a person who is under
 170 18 years of age at the time of arrest shall constitute a conviction;

171 (2) Upon the second conviction of any such offense within five years, as measured from
 172 the dates of previous arrests for which convictions were obtained to the date of the
 173 current arrest for which a conviction is obtained, the period of suspension shall be three
 174 years. At the end of 120 days, the person may apply to the department for reinstatement
 175 of his or her driver's license. Such license shall be reinstated if such person submits proof
 176 of completion of either a defensive driving course approved by the commissioner
 177 pursuant to Code Section 40-5-83 or a DUI Alcohol or Drug Use Risk Reduction
 178 Program and pays a restoration fee of \$210.00 or \$200.00 when such reinstatement is
 179 processed by mail. For purposes of this paragraph, a plea of nolo contendere and all
 180 previous accepted pleas of nolo contendere to an offense listed in Code Section 40-5-54
 181 within such five-year period shall constitute a conviction; or
 182 (3) Upon the third conviction of any such offense within five years, as measured from
 183 the dates of previous arrests for which convictions were obtained to the date of the
 184 current arrest for which a conviction is obtained, such person shall be considered a
 185 habitual violator and such license shall be revoked as provided for in paragraphs (1)
 186 through (3) of subsection (a) of Code Section 40-5-62. For purposes of this paragraph,
 187 a plea of nolo contendere and all previous accepted pleas of nolo contendere to an offense
 188 listed in Code Section 40-5-54 within such five-year period shall constitute a conviction."

189

SECTION 3.

190 Said title is further amended by revising Code Section 40-5-64, relating to limited driving
 191 permits for certain offenders, as follows:

192 "40-5-64.

193 (a) **To whom issued.**

194 (1) Notwithstanding any contrary provision of this Code section or Code Section
 195 40-5-57, 40-5-63, ~~40-5-75~~, 40-5-121, or 42-8-111, any person who has not been
 196 previously convicted or adjudicated delinquent for a violation of Code Section 40-6-391
 197 within five years, as measured from the dates of previous arrests for which convictions
 198 were obtained or pleas of nolo contendere were accepted to the date of the current arrest,
 199 may apply for a limited driving permit when that person's driver's license had a
 200 suspension imposed prior to July 1, 2015, under Code Section 40-5-22 or that person's
 201 driver's license has been suspended in accordance with subsection (d) of Code Section
 202 40-5-57, paragraph (1) of subsection ~~(a)~~ (a.1) of Code Section 40-5-63, paragraph (1) of
 203 subsection (a) of Code Section 40-5-67.2, paragraph (1) of subsection (a) of Code Section
 204 40-5-75, or subsection (a) of Code Section 40-5-57.1, when the person is 18 years of age
 205 or older and his or her license was suspended for exceeding the speed limit by 24 miles

206 per hour or more but less than 34 miles per hour, and the sentencing judge, in his or her
207 discretion, decides it is reasonable to issue a limited driving permit.

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

213 (3) ~~If To the extent~~ a person is subject to more than one suspension for which a limited
214 driving permit may be issued, the department shall not issue ~~such a permit unless the~~
215 ~~suspensions are for a conviction for driving under the influence in violation of Code~~
216 ~~Section 40-6-391 imposed pursuant to Code Section 40-5-63 and an administrative~~
217 ~~suspension imposed pursuant to paragraph (1) of subsection (a) of Code Section~~
218 ~~40-5-67.2 arising from the same incident~~ authorized by this Code section except upon
219 order of a court pursuant to Code Section 40-5-76.

220 (b) **Application form.** Applications for limited driving permits shall be made upon such
221 forms as the commissioner may prescribe. Such forms shall require such information as
222 is necessary for the department to determine the need for such permit. All applications
223 shall be signed by the applicant before a person authorized to administer oaths.

224 (c) **Standards for approval.** The department shall issue a limited driving permit to any
225 person qualifying under subsection (a) of this Code section if the application indicates that
226 refusal to issue such permit would cause extreme hardship to the applicant. ~~Except as~~
227 ~~otherwise provided by subsection (c.1) of this Code section, for~~ For the purposes of this
228 Code section, the term 'extreme hardship' means that the applicant cannot reasonably obtain
229 other transportation, and therefore the applicant would be prohibited from:

- 230 (1) Going to his or her place of employment or performing the normal duties of his or
231 her occupation;
- 232 (2) Receiving scheduled medical care or obtaining prescription drugs;
- 233 (3) Attending a college or school at which he or she is regularly enrolled as a student;
- 234 (4) Attending regularly scheduled sessions or meetings of support organizations for
235 persons who have addiction or abuse problems related to alcohol or other drugs, which
236 organizations are recognized by the commissioner;
- 237 (5) Attending under court order any driver education or improvement school or alcohol
238 or drug program or course approved by the court which entered the judgment of
239 conviction resulting in suspension of his or her driver's license or by the commissioner;
- 240 (6) Attending court; reporting to a community supervision, juvenile probation, or Article
241 6 of Chapter 8 of Title 42 probation office; reporting to a community supervision officer,

242 county or Department of Juvenile Justice juvenile probation officer, or probation officer
 243 serving pursuant to Article 6 of Chapter 8 of Title 42; or performing community service;
 244 (7) Transporting an immediate family member who does not hold a valid driver's license
 245 for work, to obtain medical care or prescriptions, or to school; or

246 (8) Attending any program, event, treatment, or activity ordered by a judge presiding in
 247 an accountability court, as such term is defined in Code Section 15-1-18.

248 ~~(c.1) **Exception to standards for approval.** The provisions of paragraphs (2), (3), (4),~~
 249 ~~and (5) of subsection (c) of this Code section shall not apply and shall not be considered~~
 250 ~~for purposes of granting a limited driving permit or imposing conditions thereon under this~~
 251 ~~Code section in the case of a driver's license suspension under paragraph (2) of subsection~~
 252 ~~(a.1) of Code Section 40-5-22.~~

253 (d) **Conditions attached.** A limited driving permit shall be endorsed with such conditions
 254 as the commissioner deems necessary to ensure that such permit will be used by the
 255 permittee only to avoid the conditions of extreme hardship. Such conditions may include
 256 the following restrictions:

257 (1) Specific places between which the permittee may be allowed to operate a motor
 258 vehicle;

259 (2) Routes to be followed by the permittee;

260 (3) Times of travel;

261 (4) The specific vehicles which the permittee may operate; and

262 (5) Such other restrictions as the department may require.

263 (e) **Fees, duration, renewal, and replacement of limited driving permit.** A limited
 264 driving permit issued pursuant to this Code section shall be \$25.00 and shall become
 265 invalid ~~upon the driver's eighteenth birthday in the case of a suspension under~~
 266 ~~paragraph (2) of subsection (a.1) of Code Section 40-5-22; upon the expiration of the~~
 267 applicable period of suspension for which a permit has been issued pursuant to subsection
 268 (a) of this Code section; provided, however, that a limited driving permit shall become
 269 invalid one year following issuance thereof in the case of a suspension for an offense listed
 270 in Code Section 40-5-54 or a suspension under Code Section 40-5-57 or a suspension in
 271 accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation of
 272 Code Section 40-6-391, or upon the expiration of 30 days in the case of an administrative
 273 license suspension in accordance with paragraph (1) of subsection (a) of Code Section
 274 40-5-67.2; except that such. A limited driving permit shall expire upon any earlier
 275 reinstatement of the driver's license. A person may apply to the department for a limited
 276 driving permit immediately following such conviction or suspension if he or she has
 277 surrendered his or her driver's license to the court in which the conviction was adjudged
 278 or to the department if the department has processed the administrative driver's license

279 suspension form or conviction. Upon the applicant's execution of an affidavit attesting to
280 such facts and to the fact that the court had not imposed a suspension or revocation of his
281 or her driver's license or driving privileges inconsistent with the driving privileges to be
282 conferred by the limited driving permit applied for, the department may issue such person
283 a limited driving permit. Limited driving permits issued pursuant to this Code section are
284 renewable upon payment of a renewal fee of \$5.00. Such permits may be renewed one
285 time after the person is eligible to reinstate his or her driver's license for the violation that
286 was the basis of the issuance of the permit. Upon payment of a fee in an amount the same
287 as that provided by Code Section 40-5-25 for issuance of a Class C driver's license, a
288 person may be issued a replacement for a lost or destroyed limited driving permit issued
289 to him or her.

290 (f) **Liability of issuing officer.** No official or employee of the department shall be
291 criminally or civilly liable or subject to being held in contempt of court for issuing a
292 limited driving permit in reliance on the truth of the affidavits required by this Code
293 section.

294 (g) **Revocation of limited driving permit.**

295 (1) Any limited driving permittee who is convicted of violating any state law relating to
296 the movement of vehicles or any limited driving permittee who is convicted of violating
297 the conditions endorsed on his or her limited driving permit shall have such permit
298 revoked by the department. Any court in which such conviction is had shall require such
299 permittee to surrender his or her limited driving permit to the court, and the court shall
300 forward it to the department within ten days after the conviction, with a copy of the
301 conviction.

302 (2) Any person whose limited driving permit has been revoked shall not be eligible to
303 apply for a driver's license until six months from the date such permit was surrendered
304 to the department. In any case of revocation of a limited driving permit pursuant to
305 paragraph (1) of this subsection, the department may impose an additional period of
306 suspension for the conviction upon which revocation of the permit was based.

307 (h) **Hearings.** Any person whose permit has been revoked or who has been refused a
308 permit by the department may make a request in writing for a hearing to be provided by the
309 department. Such hearing shall be provided by the department within 30 days after the
310 receipt of such request and shall follow the procedures required by Chapter 13 of Title 50,
311 the 'Georgia Administrative Procedure Act.' Appeal from such hearing shall be in
312 accordance with said chapter.

313 (i) **Rules and regulations.** The commissioner may promulgate such rules and regulations
314 as are necessary to implement this Code section.

315 (j) **Penalty.** Any permittee who operates a motor vehicle in violation of any condition
316 specified on the permit shall be guilty of a misdemeanor."

317 **SECTION 4.**

318 Said title is further amended by revising Code Section 40-5-64.1, relating to ignition
319 interlock device limited driving permits, as follows:

320 "40-5-64.1.

321 (a) **To whom issued.**

322 (1) Any person who has not been previously convicted or adjudicated delinquent for a
323 violation of Code Section 40-6-391 within five years, as measured from the dates of
324 previous arrests for which convictions were obtained or pleas of nolo contendere were
325 accepted to the date of the current arrest, and whose driver's license is subject to an
326 administrative driver's license suspension pursuant to subsection (c) of Code Section
327 40-5-67.1, may apply for an ignition interlock device limited driving permit with the
328 department.

329 (2) Any person who has not been previously convicted or adjudicated delinquent for a
330 violation of Code Section 40-6-391 within five years, as measured from the dates of
331 previous arrests for which convictions were obtained or pleas of nolo contendere were
332 accepted to the date of the current arrest, and whose driver's license is subject to an
333 administrative driver's license suspension pursuant to subsection (d) of Code Section
334 40-5-67.1, may apply for an ignition interlock device limited driving permit with the
335 department.

336 (3) Any person who was granted a discharge or dismissal pursuant to Code Section
337 16-13-2 for an alcohol related violation of Code Section 40-6-391 may apply with the
338 department for an ignition interlock device limited driving permit.

339 (4) Any person whose driver's license was suspended as a result of a first conviction of
340 an alcohol related offense pursuant to Code Section 40-6-391 within five years, as
341 measured from the dates of previous arrests for which convictions were obtained to the
342 date of the current arrest for which a conviction is obtained, may apply with the
343 department for an ignition interlock device limited driving permit.

344 (5) Any person whose driver's license ~~has been~~ was suspended as a result of a second
345 conviction ~~for violating~~ of an alcohol related offense pursuant to Code Section 40-6-391
346 within five years, as measured from the dates of previous arrests for which convictions
347 were obtained to the date of the current arrest for which a conviction is obtained, may
348 apply with the department for an ignition interlock device limited driving permit after
349 -serving at least 120 days of the suspension required for such conviction.

350 ~~(4)~~(6) The department shall not issue an ignition interlock device limited driving permit
351 to any person:

352 (A) Under 21 years of age;

353 (B) Who is not currently licensed to operate a motor vehicle in this state;

354 (C) Who currently holds a license to drive a commercial motor vehicle;

355 (D) Whose driver's license is subject to an administrative suspension for involvement
356 in a traffic accident resulting in injuries or fatalities; or

357 (E) Whose driver's license is subject to a suspension, revocation, or cancellation for
358 any reason other than as contemplated by this Code section.

359 (b) **Application form.** Applications for ignition interlock device limited driving permits
360 shall be made upon such forms as the commissioner may prescribe. All applications shall
361 be signed by the applicant before a person authorized to administer oaths.

362 (c) **Standards for approval.**

363 (1) The department shall issue an ignition interlock device limited driving permit for a
364 fee of \$25.00 and:

365 (A) For an applicant eligible for an ignition interlock device limited driving permit
366 pursuant to paragraph (1) or (2) of subsection (a) of this Code section:

367 (i) Within 30 days from the date on which notice was given pursuant to
368 subsection (g) of Code Section 40-5-67.1;

369 (ii) Upon surrender of the applicant's driver's license; and

370 (iii) Upon the applicant's execution of an affidavit attesting that the hearing afforded
371 under subsection (g) of Code Section 40-5-67.1 has been waived; ~~or~~

372 (B) For an applicant eligible for an ignition interlock device limited driving permit
373 pursuant to paragraphs (3) or (4) of subsection (a) of this Code section, upon the
374 submission of proof of the conviction from the court or submission of a certificate of
375 eligibility from a court or accountability court, as such term is defined in Code Section
376 15-1-18, and the surrender of his or her driver's license to such court or to the
377 department if the department has processed the administrative driver's license
378 suspension form or conviction; or

379 (C) For an applicant eligible for an ignition interlock device limited driving permit
380 pursuant to paragraph ~~(3)~~ (5) of subsection (a) of this Code section, upon the
381 submission of proof of the conviction from the court, the submission of a certificate of
382 eligibility from an accountability court, as such term is defined in Code Section
383 15-1-18, or the submission of proof of enrollment in a substance abuse treatment
384 program as provided in Code Section 40-5-63.1 and the surrender of his or her driver's
385 license to such court or to the department if the department has processed the
386 administrative driver's license suspension form or conviction.

387 (2) ~~Any~~ ~~No~~ person who has been granted an exemption from the ignition interlock
 388 device requirements of Article 7 of Chapter 8 of Title 42 due to undue financial hardship
 389 under Code Section 42-8-111 shall be eligible for a limited driving permit pursuant to
 390 Code Section 40-5-64 ~~or any other driving privilege for a period of one year for the~~
 391 applicable period of suspension.

392 (d) **Duration, renewal, and replacement of ignition interlock device limited driving**
 393 **permit.**

394 (1) An ignition interlock device limited driving permit shall be valid for a period of one
 395 year. Upon successful completion of ~~one year~~ the required period of monitoring of such
 396 ignition interlock device, the restriction for maintaining and using such ignition interlock
 397 device shall be removed, and such permit may be renewed for additional periods of two
 398 months upon payment of a renewal fee of \$5.00, but it may only be renewed one time
 399 after such person is eligible to reinstate his or her driver's license.

400 (2) Upon payment of a fee in the same amount as that provided by Code Section 40-5-25
 401 for the issuance of a Class C driver's license, a person may be issued a replacement for
 402 a lost or destroyed ignition interlock device limited driving permit previously issued to
 403 him or her.

404 (e) **Exceptions to standards for approval.** An ignition interlock device limited driving
 405 permit shall be restricted to allow the holder thereof to drive solely for the following
 406 purposes:

407 (1) Going to his or her place of employment or performing the normal duties of his or
 408 her occupation;

409 (2) Receiving scheduled medical care or obtaining prescription drugs;

410 (3) Attending a college or school at which he or she is regularly enrolled as a student;

411 (4) Attending regularly scheduled sessions or meetings of treatment support
 412 organizations for persons who have addiction or abuse problems related to alcohol or
 413 other drugs, which organizations are recognized by the commissioner;

414 (5) Attending under court order any driver education or improvement school or alcohol
 415 or drug program or course approved by the court which entered the judgment of
 416 conviction resulting in suspension of his or her driver's license or by the commissioner;

417 (6) Attending court, reporting to a community supervision, juvenile probation, or Article
 418 6 of Chapter 8 of Title 42 probation office, reporting to a community supervision officer,
 419 county or Department of Juvenile Justice juvenile probation officer, or probation officer
 420 serving pursuant to Article 6 of Chapter 8 of Title 42, or performing community service;

421 (7) Transporting an immediate family member who does not hold a valid driver's license
 422 for work, to obtain medical care or prescriptions, or to school;

- 423 (8) Attending any program, event, treatment, or activity ordered by a judge presiding in
 424 an accountability court, as such term is defined in Code Section 15-1-18; or
 425 (9) Going for monthly monitoring visits with the permit holder's ignition interlock device
 426 service provider.

427 (f) **Revocation of ignition interlock device limited driving permit.**

428 (1)(A) ~~Upon order of the court, the~~ The department shall revoke the ignition interlock
 429 device limited driving permit of any permittee issued such permit pursuant to ~~paragraph~~
 430 ~~(1) or (2)~~ of subsection (a) of this Code section who is convicted of ~~violating any state~~
 431 ~~law relating to the movement of vehicles or convicted of driving a motor vehicle in~~
 432 violation of an ignition interlock device limited driving permit or violating any state law
 433 regarding the movement of vehicles; provided, however, that the department shall not
 434 revoke such permit for a conviction of Code Section 40-6-391 for which the permit was
 435 originally issued. Any court in which such conviction is had ~~shall require~~ that requires
 436 such permittee to surrender the ignition interlock device limited driving permit to the
 437 court, ~~and the court shall forward it~~ the device to the department within ten days after
 438 the conviction, with a copy of the conviction.

439 (B) The department shall revoke the ignition interlock device limited driving permit
 440 of any permittee who is required to complete a substance abuse treatment program
 441 pursuant to Code Section 40-5-63.1 and enrolled but failed to attend or complete such
 442 program as scheduled upon receipt of notice of such information from the Department
 443 of Behavioral Health and Developmental Disabilities. The department shall notify the
 444 permittee of such revocation by regular mail to his or her last known address. Such
 445 notice of revocation shall inform the permittee of the grounds for and effective date of
 446 the revocation and of the right to review. The notice of revocation shall be deemed
 447 received three days after mailing.

448 (C) The department shall revoke the ignition interlock device limited driving permit
 449 of a permittee upon receipt of notice from an ignition interlock device service provider
 450 that an ignition interlock device has been tampered with, a permittee has failed to report
 451 for monitoring as required by law, or an ignition interlock device has been removed
 452 from any motor vehicle to be driven by a permittee prior to successful completion of
 453 the required term of monitoring under Code Section 42-8-110.1 or 42-8-111.

454 (2) The department shall notify the permittee of such revocation by regular mail to his
 455 or her last known address. Such notice of revocation shall inform the permittee of the
 456 grounds for and effective date of the revocation and of the right to review. The notice of
 457 revocation shall be deemed received three days after mailing.

458 (3) Any person whose ignition interlock device limited driving permit has been revoked
 459 for the first time shall not be eligible to apply for a driver's license until six months from

460 the date such permit was surrendered to the department. Any person whose ignition
 461 interlock device limited driving permit has previously been revoked shall not be eligible
 462 to apply for a driver's license until two years from the date such permit was surrendered
 463 to the department.

464 (g) **Hearings.** Any person whose ignition interlock device limited driving permit has been
 465 revoked or who has been refused such permit by the department may make a request in
 466 writing for a hearing to be provided by the department. Such hearing shall be provided by
 467 the department within 30 days after the receipt of such request and shall follow the
 468 procedures required by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'
 469 Appeal from such hearing shall be in accordance with such chapter.

470 (h) **Rules and regulations.** The commissioner may promulgate rules and regulations as
 471 are necessary to implement this Code section.

472 (i) **Penalty.** Any person issued an ignition interlock device limited driving permit who
 473 operates a motor vehicle in violation of the terms of such permit, as described in ~~Code~~
 474 ~~Section 42-8-110.1~~ or subsection (e) or (f) of this Code section or Code Section 42-8-110.1
 475 or 42-8-111, commits the offense of violation of an ignition interlock device limited
 476 driving permit. Any person who commits the offense of violation of an ignition interlock
 477 device limited driving permit shall be guilty of a misdemeanor."

478 SECTION 5.

479 Said title is further amended in Code Section 40-5-67.2, relating to terms and conditions for
 480 implied consent license suspension, administrative license suspensions in relation to
 481 post-conviction suspension, and eligibility for limited driving permit or ignition interlock
 482 device limited driving permit, by revising subsections (b) and (d) as follows:

483 "(b)(1) An administrative license suspension pursuant to Code Section 40-5-67.1 shall
 484 be counted toward fulfillment of any period of suspension subsequently imposed as a
 485 result of a conviction of violating Code Section 40-6-391 which arises out of the same
 486 violation for which the administrative license suspension was imposed. An
 487 administrative license suspension pursuant to Code Section 40-5-67.1 shall run
 488 concurrently with any revocation of such driver's license pursuant to a subsequent
 489 determination that such person is a habitual violator.

490 (2) Any time during which a person held a valid ignition interlock device limited driving
 491 permit pursuant to Code Section 40-5-64.1 shall be counted toward the fulfillment of any
 492 period of an administrative license suspension required pursuant to Code Section
 493 40-5-67.1 or any period of suspension subsequently imposed as a result of a conviction
 494 of violating Code Section 40-6-391 which arises out of the same violation for which the
 495 administrative license suspension was imposed."

496 ~~"(d) Any other provision of law to the contrary notwithstanding, a driver with no previous~~
 497 ~~conviction for a violation of Code Section 40-6-391 within the previous five years, as~~
 498 ~~measured from the dates of previous arrests for which convictions were obtained to the date~~
 499 ~~of the current arrest, during the period of administrative suspension contemplated under~~
 500 ~~this chapter, shall be entitled to a limited driving permit or an ignition interlock device~~
 501 ~~limited driving permit as provided in Code Sections 40-5-64 and 40-5-64.1."~~

502 **SECTION 6.**

503 Said title is further amended by moving Code Section 40-5-75, relating to suspension of
 504 licenses for being in control of a moving vehicle under the influence of a controlled
 505 substance or marijuana by operation of law, and Code Section 40-5-76, relating to court
 506 ordered reinstatement or suspension of license or issuance of limited driving permit or
 507 ignition interlock device limited driving permit and time credited toward fulfillment of period
 508 of license suspension, to Article 3 of Chapter 5 and by repealing the designation of
 509 Article 3A of such chapter.

510 **SECTION 7.**

511 Said title is further amended in Code Section 40-5-75, relating to suspension of licenses by
 512 operation of law for being in control of a moving vehicle under the influence of a controlled
 513 substance or marijuana and reinstatement, by revising subsection (d) as follows:

514 ~~"(d) Notwithstanding any other provision of this Code section or any other provision of~~
 515 ~~this chapter, any person whose license is suspended pursuant to this Code section shall not~~
 516 ~~be eligible for early reinstatement of his or her license and shall not be eligible for a limited~~
 517 ~~driving permit, but such person's license shall be reinstated only as provided in this Code~~
 518 ~~section or Code Section 40-5-76 Reserved."~~

519 **SECTION 8.**

520 Said title is further amended by revising Code Section 40-5-76, relating to court ordered
 521 reinstatement or suspension of license or issuance of limited driving permit or ignition
 522 interlock device limited driving permit and time credited toward fulfillment of period of
 523 license suspension, as follows:

524 "40-5-76.

525 (a)(1) A judge presiding in a drug court division, mental health court division, veterans
 526 court division, or operating under the influence court division, as a reward or sanction to
 527 the defendant's behavior in such court division, may order the department to:

528 (A) Reinstatement a defendant's Georgia driver's license that has been or should be
 529 suspended under the laws of this state;

530 (B) Notwithstanding Code Section 40-5-64 to the contrary, issue ~~Issue~~ to a defendant
 531 a limited driving permit ~~using the guidance set forth in subsections (c), (c.1), and (d)~~
 532 ~~of Code Section 40-5-64~~ or with whatever conditions the court determines to be
 533 appropriate under the circumstances;

534 (C) Issue to a defendant an ignition interlock device limited driving permit using the
 535 guidance set forth in subsections (c) and (e) of Code Section 40-5-64.1 or with
 536 whatever conditions the court determines to be appropriate under the circumstances; or

537 (D) Suspend or revoke such license, limited driving permit, or ignition interlock device
 538 limited driving permit.

539 (2) The court shall require the defendant to pay to the department the fee normally
 540 required for the reinstatement of such driver's license or issuance of such limited driving
 541 permit or ignition interlock device limited driving permit or waive such fee.

542 (3) The court may order the department to issue to a defendant a limited driving permit
 543 or ignition interlock device limited driving permit pursuant to this subsection for a
 544 ~~one-year period~~ of time coinciding with the applicable period of suspension, and may
 545 allow such permit to be renewed for a one-year period, and shall provide the department
 546 with such order.

547 (b)(1) If the offense for which the defendant was convicted was for an alcohol related
 548 offense pursuant to Code Section 40-6-391 or if a discharge or dismissal for an alcohol
 549 related violation of Code Section 40-6-391 was granted, a judge presiding in any court
 550 of competent jurisdiction may order the department to:

551 (A) Issue to the defendant an ignition interlock device limited driving permit using the
 552 guidance set forth in subsection (c) of Code Section 40-5-64.1;

553 (B) Suspend or revoke such ignition interlock device limited driving permit; or

554 (C) Notwithstanding Code Section 40-5-64 to the contrary, issue a defendant a limited
 555 driving permit with whatever conditions the court determines to be appropriate under
 556 the circumstances, provided that a finding of undue financial hardship pursuant to Code
 557 Section 42-8-111 has been made.

558 (2) The court shall require the defendant to pay to the department the fee normally
 559 required for the issuance of such ignition interlock device limited driving permit.

560 (3) The court may order the department to issue to the defendant an ignition interlock
 561 device limited driving permit pursuant to this subsection for an applicable period of
 562 suspension, may allow such permit to be renewed for a one-year period, and shall provide
 563 the department with such order.

564 ~~(b)~~(c) If the offense for which the defendant was convicted did not directly relate to the
 565 operation of a motor vehicle, a judge presiding in any court, other than the court divisions
 566 specified in subsection (a) of this Code section, may order the department to reinstate a

567 defendant's driver's license that has been or should be suspended, issue to a defendant a
 568 limited driving permit using the guidance set forth in subsections (c), ~~(c.1)~~, and (d) of Code
 569 Section 40-5-64, or issue to a defendant an ignition interlock device limited driving permit
 570 using the guidance set forth in subsections (c) and (e) of Code Section 40-5-64.1. The
 571 court shall require the defendant to pay to the department the fee normally required for the
 572 reinstatement of such driver's license or issuance of such limited driving permit or ignition
 573 interlock device limited driving permit or waive such fee. Such judge may also order the
 574 department to suspend a defendant's driver's license, limited driving permit, or ignition
 575 interlock device limited driving permit as a consequence of the defendant's violation of the
 576 terms of his or her probation.

577 ~~(e)(1)~~(d)(1) The department shall make a notation on a person's driving record when his
 578 or her driver's license was reinstated or suspended or he or she was issued a limited
 579 driving permit or ignition interlock device limited driving permit under this Code section,
 580 and such information shall be made available in accordance with Code Section 40-5-2.

581 (2) The driver's license of any person who has a driver's license reinstated or suspended
 582 in accordance with this Code section shall remain subject to any applicable
 583 disqualifications specified in Article 7 of this chapter.

584 ~~(d)~~(e) The department shall credit any time during which a defendant was issued a limited
 585 driving permit or ignition interlock device limited driving permit under subsection (a) or
 586 (b) of this Code section toward the fulfillment of the period of a driver's license suspension
 587 for which such permit was issued."

588 **SECTION 9.**

589 Said title is further amended by repealing Code Section 40-5-87, relating to exclusivity on
 590 conditions of article relative to restoration of licenses to persons completing defensive
 591 driving course or alcohol or drug program, and designating said Code section as reserved.

592 **SECTION 10.**

593 Said title is further amended in Code Section 40-5-142, relating to definitions relative to
 594 commercial drivers' licenses, by revising paragraph (18.2) as follows:

595 "(18.2) 'Major traffic violation' means a conviction of any of the following offenses or
 596 a conviction of any law or ordinance equivalent thereto in this state, in any other state,
 597 or in any foreign jurisdiction, when operating either a commercial motor vehicle or,
 598 unless otherwise specified, a noncommercial motor vehicle:

599 (A) Driving a vehicle under the influence in violation of Code Section 40-6-391;
 600 provided, however, that a dismissal or discharge pursuant to Code Section 16-13-2 for
 601 an alcohol related violation of Code Section 40-6-391 shall be treated as a conviction;

- 602 (B) Hit and run or leaving the scene of an accident in violation of Code Section
 603 40-6-270, failure to report striking an unattended vehicle in violation of Code Section
 604 40-6-271, failure to report striking a fixed object in violation of Code Section 40-6-272,
 605 or failure to report an accident in violation of Code Section 40-6-273;
- 606 (C) Except as provided in subsection (b) of Code Section 40-5-151, any felony in the
 607 commission of which a motor vehicle is used;
- 608 (D) Driving a commercial motor vehicle while the person's commercial driver's license
 609 or commercial driving privilege is revoked, suspended, canceled, or disqualified;
- 610 (E) Homicide by vehicle in violation of Code Section 40-6-393;
- 611 (F) Racing on highways or streets in violation of Code Section 40-6-186;
- 612 (G) Using a motor vehicle in fleeing or attempting to elude an officer in violation of
 613 Code Section 40-6-395;
- 614 (H) Fraudulent or fictitious use of or application for a license as provided in Code
 615 Section 40-5-120 or subsection (c) of Code Section 40-5-125;
- 616 (I) Operating a motor vehicle with a revoked, canceled, or suspended registration in
 617 violation of Code Section 40-6-15;
- 618 (J) Violating Code Sections 16-8-2 through 16-8-9, if the property that was the subject
 619 of the theft was a vehicle engaged in commercial transportation of cargo or any
 620 appurtenance thereto or the cargo being transported therein or thereon; or
- 621 (K) Refusing to submit to a state administered chemical test requested by a law
 622 enforcement officer pursuant to Code Section 40-5-55."

623 **SECTION 11.**

624 Said title is further amended in Code Section 40-14-18, relating to enforcement of speed limit
 625 in school zones with recorded images, civil monetary penalty, vehicle registration and
 626 transfer of title restrictions for failure to pay penalty, by revising subsection (a) as follows:

627 ~~"(a)(1)~~ The speed limit within any school zone as provided for in Code Section 40-14-8
 628 and marked pursuant to Code Section 40-14-6 may be enforced by using photographically
 629 recorded images for violations which occurred only on a school day during the time in
 630 which instructional classes are taking place and one hour before such classes are
 631 scheduled to begin and for one hour after such classes have concluded when such
 632 violations are in excess of ten miles per hour over the speed limit.

633 ~~(2) Prior to the placement of a device within a school zone, each school within whose~~
 634 ~~school zone such automated traffic enforcement safety device is to be placed shall first~~
 635 ~~apply for and secure a permit from the Department of Transportation for the use of such~~
 636 ~~automated traffic enforcement safety device. Such permit shall be awarded based upon~~

637 need. The Department of Transportation shall promulgate rules and regulations for the
 638 implementation of this paragraph."

639 **SECTION 12.**

640 Said title is further amended in Code Section 40-6-391, relating to driving under the
 641 influence of alcohol, drugs, or other intoxicating substances, penalties, publication of notice
 642 of conviction for persons convicted for second time, and endangering a child, by revising
 643 subsection (c) as follows:

644 "(c) Every person convicted of violating this Code section shall, upon a first or second
 645 conviction thereof, be guilty of a misdemeanor; upon a third conviction thereof, be guilty
 646 of a high and aggravated misdemeanor; and upon a fourth or subsequent conviction thereof,
 647 be guilty of a felony except as otherwise provided in paragraph (4) of this subsection and
 648 shall be punished as follows:

649 (1) For the first First conviction with no conviction of and no plea of nolo contendere
 650 accepted to a charge of violating this Code section within the previous ten years, as
 651 measured from the dates of previous arrests for which convictions were obtained or pleas
 652 of nolo contendere were accepted to the date of the current arrest for which a conviction
 653 is obtained or a plea of nolo contendere is accepted, or discharge or dismissal was never
 654 granted pursuant to Code Section 16-13-2 for an alcohol related violation of Code Section
 655 40-6-391:

656 (A) A fine of not less than \$300.00 and not more than \$1,000.00, which fine shall not,
 657 except as provided in subsection (g) of this Code section, be subject to suspension, stay,
 658 or probation;

659 (B) A period of imprisonment of not fewer than ~~ten days~~ 24 hours nor more than 12
 660 months, ~~which period of imprisonment may, at the sole discretion of the judge, be~~
 661 ~~suspended, stayed, or probated, except that if the offender's alcohol concentration at the~~
 662 ~~time of the offense was 0.08 grams or more, the judge may suspend, stay, or probate all~~
 663 ~~but 24 hours of any term of imprisonment imposed under this subparagraph. The judge~~
 664 shall probate at least a portion of such term of imprisonment in accordance with
 665 subparagraph (F) of this paragraph and such other terms and conditions as the judge
 666 may impose including, when applicable, relevant provisions of Article 7 of Chapter 8
 667 of Title 42; provided, however, that the offender shall be required to serve not fewer
 668 than 24 hours of actual incarceration;

669 (C) Not fewer than 40 hours of community service, except that for a conviction for
 670 violation of subsection (k) of this Code section where the person's alcohol concentration
 671 at the time of the offense was less than 0.08 grams, the period of community service
 672 shall be not fewer than 20 hours;

673 (D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120
 674 days following his or her conviction; provided, however, that if the defendant is
 675 incarcerated and such program cannot be completed within 120 days, it shall be
 676 completed within 90 days of his or her release from custody. The sponsor of any such
 677 program shall provide written notice of the Department of Driver Services' certification
 678 of the program to the person upon enrollment in the program;

679 (E) A clinical evaluation as defined in Code Section 40-5-1 and, if recommended as
 680 a part of such evaluation, completion of a substance abuse treatment program as defined
 681 in Code Section 40-5-1; provided, however, that in the court's discretion such
 682 evaluation may be waived; and

683 (F) ~~A If the person is sentenced to a period of imprisonment for fewer than 12 months,~~
 684 ~~a period of probation of 12 months less any days during which the person is actually~~
 685 ~~incarcerated;~~

686 (2) For the second conviction within a ten-year period of time, as measured from the
 687 dates of previous arrests for which convictions were obtained or pleas of nolo contendere
 688 were accepted to the date of the current arrest for which a conviction is obtained or a plea
 689 of nolo contendere is accepted, or discharge or dismissal was never granted pursuant to
 690 Code Section 16-13-2 for an alcohol related violation of Code Section 40-6-391:

691 (A) A fine of not less than \$600.00 and not more than \$1,000.00, which fine shall not,
 692 except as provided in subsection (g) of this Code section, be subject to suspension, stay,
 693 or probation;

694 (B) A period of imprisonment of not fewer than 90 days and not more than 12 months.
 695 The judge shall probate at least a portion of such term of imprisonment; in accordance
 696 with subparagraph (F) of this paragraph, ~~thereby subjecting the offender to the~~
 697 ~~provisions of Article 7 of Chapter 8 of Title 42~~ and to such other terms and conditions
 698 as the judge may impose including, when applicable, relevant provisions of Article 7
 699 of Chapter 8 of Title 42; provided, however, that the offender shall be required to serve
 700 not fewer than 72 hours of actual incarceration;

701 (C) Not fewer than 30 days of community service;

702 (D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120
 703 days following his or her conviction; provided, however, that if the defendant is
 704 incarcerated and such program cannot be completed within 120 days, it shall be
 705 completed within 90 days of his or her release from custody. The sponsor of any such
 706 program shall provide written notice of the Department of Driver Services' certification
 707 of the program to the person upon enrollment in the program;

708 (E) A clinical evaluation as defined in Code Section 40-5-1 and, if recommended as
709 a part of such evaluation, completion of a substance abuse treatment program as defined
710 in Code Section 40-5-1; and

711 (F) A period of probation of 12 months less any days during which the person is
712 actually incarcerated;

713 (3) For the third conviction within a ten-year period of time, as measured from the dates
714 of previous arrests for which convictions were obtained or pleas of nolo contendere were
715 accepted to the date of the current arrest for which a conviction is obtained or a plea of
716 nolo contendere is accepted, or discharge or dismissal was never granted pursuant to
717 Code Section 16-13-2 for an alcohol related violation of Code Section 40-6-391:

718 (A) A fine of not less than \$1,000.00 and not more than \$5,000.00, which fine shall
719 not, except as provided in subsection (g) of this Code section, be subject to suspension,
720 stay, or probation;

721 (B) A mandatory period of imprisonment of not fewer than 120 days and not more than
722 12 months. The judge shall probate at least a portion of such term of imprisonment; in
723 accordance with subparagraph (F) of this paragraph, ~~thereby subjecting the offender to~~
724 ~~the provisions of Article 7 of Chapter 8 of Title 42 and to such other terms and~~
725 ~~conditions as the judge may impose including, when applicable, relevant provisions of~~
726 Article 7 of Chapter 8 of Title 42; provided, however, that the offender shall be required
727 to serve not fewer than 15 days of actual incarceration;

728 (C) Not fewer than 30 days of community service;

729 (D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120
730 days following his or her conviction; provided, however, that if the defendant is
731 incarcerated and such program cannot be completed within 120 days, it shall be
732 completed within 90 days of his or her release from custody. The sponsor of any such
733 program shall provide written notice of the Department of Driver Services' certification
734 of the program to the person upon enrollment in the program;

735 (E) A clinical evaluation as defined in Code Section 40-5-1 and, if recommended as
736 a part of such evaluation, completion of a substance abuse treatment program as defined
737 in Code Section 40-5-1; and

738 (F) A period of probation of 12 months less any days during which the person is
739 actually incarcerated;

740 (4) For the fourth or subsequent conviction within a ten-year period of time, as measured
741 from the dates of previous arrests for which convictions were obtained or pleas of nolo
742 contendere were accepted to the date of the current arrest for which a conviction is
743 obtained or a plea of nolo contendere is accepted, or discharge or dismissal was never

744 granted pursuant to Code Section 16-13-2 for an alcohol related violation of Code Section
 745 40-6-391:

746 (A) A fine of not less than \$1,000.00 and not more than \$5,000.00, which fine shall
 747 not, except as provided in subsection (g) of this Code section, be subject to suspension,
 748 stay, or probation;

749 (B) A period of imprisonment of not less than one year and not more than five years;
 750 provided, however, that the judge may suspend, stay, or probate all but 90 days of any
 751 term of imprisonment imposed under this paragraph. The judge shall probate at least
 752 a portion of such term of imprisonment; in accordance with subparagraph (F) of this
 753 paragraph, ~~thereby subjecting the offender to the provisions of Article 7 of Chapter 8~~
 754 ~~of Title 42 and to such other terms and conditions as the judge may impose including,~~
 755 when applicable, relevant provisions of Article 7 of Chapter 8 of Title 42;

756 (C) Not fewer than 60 days of community service; provided, however, that if a
 757 defendant is sentenced to serve three years of actual imprisonment, the judge may
 758 suspend the community service;

759 (D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120
 760 days following his or her conviction; provided, however, that if the defendant is
 761 incarcerated and such program cannot be completed within 120 days, it shall be
 762 completed within 90 days of his or her release from custody. The sponsor of any such
 763 program shall provide written notice of the Department of Driver Services' certification
 764 of the program to the person upon enrollment in the program;

765 (E) A clinical evaluation as defined in Code Section 40-5-1 and, if recommended as
 766 a part of such evaluation, completion of a substance abuse treatment program as defined
 767 in Code Section 40-5-1; and

768 (F) A period of probation of five years less any days during which the person is
 769 actually imprisoned;

770 provided, however, that if the ten-year period of time as measured in this paragraph
 771 commenced prior to July 1, 2008, then such fourth or subsequent conviction shall be a
 772 misdemeanor of a high and aggravated nature and punished as provided in paragraph (3)
 773 of this subsection;

774 (5) If a person has been convicted of violating subsection (k) of this Code section
 775 premised on a refusal to submit to required testing or where such person's alcohol
 776 concentration at the time of the offense was 0.08 grams or more, and such person is
 777 subsequently convicted of violating subsection (a) of this Code section, such person shall
 778 be punished by applying the applicable level or grade of conviction specified in this
 779 subsection such that the previous conviction of violating subsection (k) of this Code

780 section shall be considered a previous conviction of violating subsection (a) of this Code
781 section;

782 (6) For the purpose of imposing a sentence under this subsection, a plea of nolo
783 contendere based on a violation of this Code section or a discharge or dismissal granted
784 pursuant to Code Section 16-13-2 for an alcohol related violation of this Code section
785 shall constitute a conviction; and

786 (7) For purposes of determining the number of prior convictions or pleas of nolo
787 contendere pursuant to the felony provisions of paragraph (4) of this subsection, only
788 those offenses for which a conviction is obtained or a plea of nolo contendere is accepted
789 on or after July 1, 2008, shall be considered; provided, however, that nothing in this
790 subsection shall be construed as limiting or modifying in any way administrative
791 proceedings or sentence enhancement provisions under Georgia law, including, but not
792 limited to, provisions relating to punishment of recidivist offenders pursuant to Title 17."

793 **SECTION 13.**

794 Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to
795 ignition interlock devices, is amended in Code Section 42-8-110, relating to definitions,
796 applicability, purchase or lease of ignition interlock devices by counties, municipalities, or
797 private entities, costs, fees, and deposits, and participation by indigents, by revising
798 subsection (d) as follows:

799 "(d)(1) A provider center shall be authorized to charge the person whose vehicle is to be
800 equipped with an ignition interlock device such installation, deinstallation, and user fees
801 as are approved by the Department of Driver Services; provided, however, that such fees
802 shall not exceed \$75.00 for installation, \$75.00 for deinstallation, \$75.00 per month for
803 user or rental fees, and \$75.00 for lock out fees, and any mileage fees assessed in
804 connection with lock out services shall be a maximum of \$75.00 per lock out incident.

805 A provider center may also require such person to make a security deposit for the safe
806 return of the ignition interlock device. Payment of any or all of such fees and deposits
807 may be made a condition of probation under this order.

808 (2) A provider center shall install an ignition interlock device at no cost upon
809 presentation of a court ordered waiver of certain fees issued pursuant to paragraph (2) of
810 subsection (c) of Code Section 42-8-111. Any person presenting such order shall be
811 charged a reduced monthly monitoring rate at one-half the standard rate charged by the
812 provider center operator."

813 **SECTION 14.**

814 Said article is further amended by adding a new Code section to read as follows:

815 "42-8-110.2.

816 (a) Upon granting of a discharge or dismissal pursuant to Code Section 16-13-2 for an
817 alcohol related violation of Code Section 40-6-391, the court may issue a certificate of
818 eligibility for an ignition interlock device limited driving permit, subject to the following
819 conditions:

820 (1) Such person shall have installed and shall maintain in each motor vehicle registered
821 in such person's name and any other motor vehicle to be driven by such person a
822 functioning, certified ignition interlock device. Such person shall not drive any motor
823 vehicle that is not so equipped during the applicable period of suspension; and

824 (2) Upon successful completion of monitoring of such ignition interlock device during
825 the applicable period of suspension, the restriction for maintaining and using such
826 ignition interlock device shall be removed.

827 (b)(1) The court may modify a previous order relating to ignition interlock device
828 requirements upon a determination that such requirements would subject such person to
829 undue financial hardship using standards set forth in paragraph (1) of subsection (c) of
830 Code Section 42-8-111.

831 (2) The court shall attach an order to a certificate of eligibility for an ignition interlock
832 device limited driving permit which requires a waiver of fees assessed by an ignition
833 interlock device provider for an amount set forth in paragraph (2) of subsection (d) of
834 Code Section 42-8-110 upon a determination by the court, at the time a dismissal or
835 discharge is granted or any time thereafter, that a person is indigent or has an inability to
836 pay using the same analysis for waiving fines or fees set forth in subsection (e) of Code
837 Section 42-8-102.

838 (c) Any court which grants a discharge or dismissal pursuant to Code Section 16-13-2 for
839 an alcohol related violation of Code Section 40-6-391 shall transmit to the Department of
840 Driver Services the record of discharge or dismissal along with a copy of the certificate of
841 eligibility for an ignition interlock device limited driving permit issued by the court. Such
842 certificate shall specify any vehicles subject to the installation requirements of this Code
843 section. The records of the Department of Driver Services shall include such certificate,
844 and the person's driver's license shall contain a notation that the person may only operate
845 a motor vehicle equipped with a functioning, certified ignition interlock device.

846 (d) The fee for issuance of any driver's license indicating that use of an ignition interlock
847 device is required shall be as prescribed for a regular driver's license in Code Section
848 40-5-25, and the fee for issuance of any limited driving permit indicating that use of an
849 ignition interlock device is required shall be as prescribed in Code Section 40-5-64.1.

850 (e) Waivers of certain fees ordered pursuant to subsection (b) of this Code section shall be
 851 exempt from the subject matter jurisdiction limitations imposed in Code Sections 40-13-32
 852 and 40-13-33."

853 **SECTION 15.**

854 Said article is further amended by revising Code Section 42-8-111, relating to court issuance
 855 of certificate for installation of ignition interlock devices, exceptions, completion of alcohol
 856 and drug use risk reduction program, notice of requirements, and fees for driver's license, as
 857 follows:

858 "42-8-111.

859 (a) Upon a first conviction of a resident of this state for an alcohol related offense pursuant
 860 to Code Section 40-6-391 within five years, as measured from the dates of previous arrests
 861 for which convictions were obtained to the date of the current arrest for which a conviction
 862 is obtained, for which such person is granted probation and upon a request of the
 863 probationer to allow such person to operate a motor vehicle during the period of suspension
 864 set forth in Code Section 40-5-63, the court shall issue a certificate of eligibility for an
 865 ignition interlock device limited driving permit, subject to the following conditions:

866 (1) Such person shall have installed and shall maintain in each motor vehicle registered
 867 in such person's name and any other motor vehicle to be driven by such person a
 868 functioning, certified ignition interlock device. Such person shall not drive any motor
 869 vehicle that is not so equipped during the applicable period of suspension; and

870 (2) Upon successful completion of monitoring of such ignition interlock device during
 871 the applicable period of suspension, the restriction for maintaining and using such
 872 ignition interlock device shall be removed.

873 For the purposes of this subsection, a plea of nolo contendere; a conviction of any offense
 874 under the laws of any other state or territory of the United States which, if committed in
 875 this state, would be a violation of Code Section 40-6-391; and a discharge or dismissal
 876 granted pursuant to Code Section 16-13-2 for an alcohol related violation of Code Section
 877 40-6-391 shall be deemed a conviction of violating Code Section 40-6-391.

878 ~~(a)~~(b) Upon a second or subsequent conviction of a resident of this state for violating an
 879 alcohol related offense pursuant to Code Section 40-6-391 within five years, as measured
 880 from the dates of previous arrests for which convictions were obtained to the date of the
 881 current arrest for which a conviction is obtained, for which such person is granted
 882 probation and upon a request of the probationer to allow such person to operate a motor
 883 vehicle during the period of suspension set forth in Code Section 40-5-63, the court shall
 884 issue a certificate of eligibility for an ignition interlock device limited driving permit or
 885 habitual violator probationary license, subject to the following conditions:

886 (1) Such person shall have installed and shall maintain in each motor vehicle registered
 887 in such person's name ~~for a period of not less than one year~~ and any other motor vehicle
 888 to be driven by such person a functioning, certified ignition interlock device. Such
 889 person shall not operate any motor vehicle that is not so equipped during the applicable
 890 period of suspension;

891 ~~(2) Such person shall have installed and shall maintain in any other motor vehicle to be~~
 892 ~~driven by such person for a period of not less than one year~~ a functioning, certified
 893 ignition interlock device, and such person shall not drive any motor vehicle whatsoever
 894 that is not so equipped during such period. Upon successful completion of one year of
 895 monitoring of such ignition interlock device during the applicable period of suspension,
 896 the restriction for maintaining and using such ignition interlock device shall be removed;
 897 ~~and the permit may be renewed for additional periods of two months as provided in~~
 898 ~~paragraph (2) of subsection (d) of Code Section 40-5-64.1; and~~

899 (3) Such person shall participate in a substance abuse treatment program as defined in
 900 paragraph (16.2) of Code Section 40-5-1, a drug court division in compliance with Code
 901 Section 15-1-15, a mental health court division in compliance with Code Section 15-1-16,
 902 a veterans court division in compliance with Code Section 15-1-17, or an operating under
 903 the influence court division in compliance with Code Section 15-1-19 for a period of not
 904 less than 120 days.

905 For the purposes of this subsection, a plea of nolo contendere ~~shall constitute a conviction;~~
 906 ~~and~~ a conviction of any offense under the laws of any other state or territory of the United
 907 States which, if committed in this state, would be a violation of Code Section 40-6-391;
 908 and a discharge or dismissal granted pursuant to Code Section 16-13-2 for an alcohol
 909 related violation of Code Section 40-6-391 shall be deemed a conviction of violating ~~such~~
 910 ~~Code section~~ Section 40-6-391.

911 ~~(b)(c)(1)~~ The court may, in its discretion, decline to issue a certificate of eligibility for
 912 an ignition interlock device limited driving permit or a habitual violator probationary
 913 license for any reason, ~~or~~ exempt a person from any or all ignition interlock device
 914 requirements, or modify a previous order relating to ignition interlock device
 915 requirements upon a determination that such requirements would subject such person to
 916 undue financial hardship. Notwithstanding any contrary provision of Code Section
 917 40-13-32 or 40-13-33, a determination of undue financial hardship may be made at the
 918 time of conviction or any time thereafter. A probationer may demonstrate that undue
 919 financial hardship would be caused through the proof of any of the following:

920 (A) A copy of the person's most recent federal income tax return that shows that the
 921 person's income or household income does not exceed 125 percent of the federal

922 poverty level according to the most recent data available by the federal Office of
 923 Management and Budget;

924 (B) A copy of the person's most recent statement of wages that shows that the person's
 925 income or household income does not exceed 125 percent of the federal poverty level
 926 according to the most recent data available by the federal Office of Management and
 927 Budget; or

928 (C) Documentation from a federal agency, state agency, or school district that indicates
 929 that the person or his or her household receives assistance from the following public
 930 assistance programs:

931 (i) Temporary Assistance for Needy Families (TANF);

932 (ii) Supplemental Security Income (SSI);

933 (iii) Supplemental Nutrition Assistance Program (SNAP); or

934 (iv) Low Income Home Energy Assistance Program (LIHEAP).

935 (2) The court shall attach an order to a certificate of eligibility for an ignition interlock
 936 device limited driving permit which requires a waiver of fees assessed by an ignition
 937 interlock device provider for an amount set forth in paragraph (2) of subsection (d) of
 938 Code Section 42-8-110 upon a determination by the court, at the time of conviction or
 939 any time thereafter, that a person is indigent or has an inability to pay using the same
 940 analysis for waiving fines or fees set forth in Code Section 42-8-102.

941 (3) If a court grants an exemption from the ignition interlock device requirements, such
 942 person shall not be eligible for a limited driving permit or any other driving privilege for
 943 a period of one year.

944 ~~(c)~~(d) In the case of any person subject to the provisions of subsection (a) or (b) of this
 945 Code section, the court shall include in the record of conviction or violation submitted to
 946 the Department of Driver Services a copy of the certificate of eligibility for an ignition
 947 interlock device limited driving permit or habitual violator probationary license issued by
 948 the court or documentation of the court's decision to decline to issue such certificate. Such
 949 certificate shall specify any exemption from the installation requirements of ~~paragraph (1)~~
 950 ~~of subsection (a) of this Code section~~ and any vehicles subject to the installation
 951 requirements of ~~paragraph (2) of such subsection~~ subsections (a) and (b) of this Code
 952 section. The records of the Department of Driver Services shall contain a record reflecting
 953 such certificate, and the person's driver's license, limited driving permit, or probationary
 954 license shall contain a notation that the person may only operate a motor vehicle equipped
 955 with a functioning, certified ignition interlock device.

956 ~~(d)~~(e) Except as provided in Code Sections 40-5-67.2, 40-5-76, 42-8-110.1, and 42-8-112,
 957 no provision of this article shall be deemed to reduce any period of driver's license
 958 suspension or revocation otherwise imposed by law.

959 ~~(e)~~(f) The fee for issuance of any driver's license indicating that use of an ignition interlock
 960 device is required shall be as prescribed for a regular driver's license in Code Section
 961 40-5-25, and the fee for issuance of any limited driving permit indicating that use of an
 962 ignition interlock device is required shall be as prescribed in Code Section 40-5-64.1;
 963 except that, for habitual violators required to use an ignition interlock device as a condition
 964 of a habitual violator probationary license, the fee shall be as prescribed for a habitual
 965 violator probationary license in Code Section 40-5-58.

966 ~~(f)~~(g) Exemptions granted due to undue financial hardship and waivers of certain fees
 967 ordered pursuant to ~~paragraph (1) of subsection (a)~~ (c) of this Code section shall be exempt
 968 from the subject matter jurisdiction limitations imposed in Code Sections 40-13-32 and
 969 40-13-33."

970

SECTION 16.

971 Said article is further amended in Code Section 42-8-112, relating to timing of issuance of
 972 ignition interlock device limited driving permit, documentation required, and reporting
 973 required, by revising paragraph (1) of subsection (a) and paragraph (5) of subsection (b) as
 974 follows:

975 "(a)(1) In any case where the court grants a certificate of eligibility for an ignition
 976 interlock device limited driving permit or probationary license pursuant to Code Section
 977 42-8-111 to a person whose driver's license is suspended pursuant to subparagraph
 978 (c)(2)(C) of Code Section 40-5-57.1 ~~or paragraph (2) of subsection (a) of Code Section~~
 979 ~~40-5-63~~, the Department of Driver Services shall not issue an ignition interlock device
 980 limited driving permit until after the expiration of 120 days from the date of the
 981 conviction for which such certificate was granted."

982 "(5)(A) Any person who has been issued an ignition interlock device limited driving
 983 permit or a habitual violator probationary license bearing an ignition interlock device
 984 condition shall maintain such ignition interlock device in any motor vehicle he or she
 985 operates to the extent required by the certificate of eligibility for such permit or
 986 probationary license issued to such person by the court in which he or she was convicted
 987 for not less than ~~one year~~ the applicable period of suspension.

988 (B) Upon the expiration of the applicable period of suspension for an ~~such one-year~~
 989 ignition interlock device limited driving permit or habitual violator probationary
 990 license, the driver may, if otherwise qualified, apply for renewal of such permit or
 991 probationary license without such ignition interlock device restriction."

992 **SECTION 17.**

993 Said article is further amended by revising Code Section 42-8-117, relating to revocation of
 994 driving privilege upon violation of probation imposed by Code Section 42-8-111, as follows:
 995 "42-8-117.

996 (a)(1) In the event the sentencing court revokes a person's probation after finding that
 997 such person has violated the terms of the certificate of eligibility for an ignition interlock
 998 device limited driving permit or a habitual violator probationary license issued pursuant
 999 to subsection (a) or (b) of Code Section 42-8-111, the Department of Driver Services
 1000 shall revoke that person's driving privilege for one year from the date the court revokes
 1001 that person's probation. The court shall report such probation revocation to the
 1002 Department of Driver Services by court order.

1003 (2) This subsection shall not apply to any person whose limited driving permit has been
 1004 revoked under subsection (d) of Code Section 42-8-112.

1005 (b) In the event the sentencing court revokes a person's probation after finding that such
 1006 person has twice violated the terms of the certificate of eligibility for a probationary license
 1007 or an ignition interlock device limited driving permit ~~or probationary license~~ issued
 1008 pursuant to ~~subsection (a)~~ of Code Section 42-8-111 during the same period of probation,
 1009 the Department of Driver Services shall revoke that person's driving privilege for five years
 1010 from the date the court revokes that person's probation for a second time. The court shall
 1011 report such probation revocation to the Department of Driver Services by court order."

1012 **SECTION 18.**

1013 Said article is further amended by revising Code Section 42-8-118, relating to requesting or
 1014 soliciting another to blow into device and tampering with or circumventing operation of
 1015 device, as follows:

1016 "42-8-118.

1017 (a) It is unlawful for any person whose driving privilege is restricted pursuant to
 1018 subsection (a) or (b) of Code Section 42-8-111 to request or solicit any other person to
 1019 blow into an ignition interlock device or to start a motor vehicle equipped with the device
 1020 for the purpose of providing the person so restricted with an operable motor vehicle.

1021 (b) It is unlawful for any person to blow into an ignition interlock device or to start a motor
 1022 vehicle equipped with the device for the purpose of providing an operable motor vehicle
 1023 to a person whose driving privilege is restricted pursuant to subsection (a) or (b) of Code
 1024 Section 42-8-111.

1025 (c) It is unlawful to tamper with, or circumvent the operation of, an ignition interlock
 1026 device.

1027 (d) Any person violating any provision of this Code section shall be guilty of a
1028 misdemeanor."

1029

SECTION 19.

1030 Code Section 16-13-2 of the Official Code of Georgia Annotated, relating to conditional
1031 discharge for possession of controlled substances as first offense and certain nonviolent
1032 property crimes, dismissal of charges, and restitution to victims, is amended by revising
1033 subsection (c) as follows:

1034 "(c) Persons charged with an offense enumerated in subsection (a) of this Code section and
1035 persons charged for the first time with an alcohol related violation of Code Section
1036 40-6-391, whose test results pursuant to Code Section 40-5-67.1 indicated an alcohol
1037 concentration of less than 0.15 grams, or a nonviolent property crimes crime which, in the
1038 judgment of the court exercising jurisdiction over such offenses, were related to the
1039 accused's addiction to a controlled substance or alcohol who are eligible for any court
1040 approved drug or alcohol treatment program may, in the discretion of the court and with
1041 the consent of the accused, be sentenced in accordance with subsection (a) of this Code
1042 section. The probated sentence imposed may be for a period of up to five years. No
1043 discharge and dismissal without court adjudication of guilt shall be entered under this
1044 subsection until the accused has made full restitution to all victims of the charged offenses.
1045 Discharge and dismissal under this Code section shall be without court adjudication of guilt
1046 and shall not be deemed a conviction for purposes of this Code section or for purposes of
1047 disqualifications or disabilities imposed by law upon conviction of a crime except for
1048 purposes of disqualifications or disabilities associated with a second or subsequent alcohol
1049 related violation of Code Section 40-6-391 or for purposes of determining eligibility for
1050 a commercial driver's license pursuant to Article 7 of Chapter 5 of Title 40. Discharge
1051 Except for a discharge and dismissal for an alcohol related violation of Code Section
1052 40-6-391, discharge and dismissal under this Code section may not be used to disqualify
1053 a person in any application for employment or appointment to office in either the public
1054 or private sector. Access to the criminal history record information, including any
1055 fingerprints or photographs of the individual taken in conjunction with the arrest, of any
1056 persons granted a discharge and dismissal for an alcohol related violation of Code Section
1057 40-6-391 pursuant to this Code section shall not be restricted pursuant to Code Section
1058 35-3-37. Any person holding a commercial driver's license shall not be eligible for
1059 discharge and dismissal under this Code section based upon an alcohol related violation of
1060 Code Section 40-6-391. Any court granting a discharge or dismissal for an alcohol related
1061 violation of Code Section 40-6-391 shall impose the punishments set forth in
1062 subparagraphs (c)(1)(C), (c)(1)(D), and (c)(1)(E) of Code Section 40-6-391."

1063 **SECTION 20.**

1064 Chapter 12A of Title 43 of the Official Code of Georgia Annotated, relating to ignition
 1065 interlock device providers, is amended in Code Section 43-12A-2, relating to definitions
 1066 relative to ignition interlock device providers, by revising paragraph (4) as follows:

1067 "(4) 'Provider center' means a facility established for the purpose of providing and
 1068 installing ignition interlock devices when their use is required by ~~or as a result of~~ an order
 1069 of a court or issuance of an ignition interlock device limited driving permit pursuant to
 1070 Code Section 40-5-64.1."

1071 **SECTION 21.**

1072 Said chapter is further amended in Code Section 43-12A-4, relating to requirements for
 1073 operating a provider center, by adding a new subsection to read as follows:

1074 "(d) No license shall be granted to an applicant who does not agree in writing to waive,
 1075 upon receipt of a court order issued pursuant to paragraph (2) of subsection (c) of Code
 1076 Section 42-8-111, the amount set forth in paragraph (2) of subsection (d) of Code Section
 1077 42-8-110."

1078 **SECTION 22.**

1079 Said chapter is further amended by revising Code Section 42-12A-8, relating to suspension
 1080 of license of an ignition interlock device provider, as follows:

1081 "43-12A-8.

1082 The department may cancel, suspend, revoke, or refuse to renew any provider center's
 1083 license upon good cause being shown and after ten days' notice to the license holder if:

1084 (1) The department is satisfied that the licensee fails to meet the requirements to receive
 1085 or hold a license under this chapter;

1086 (2) The licensee permits fraud or engages in fraudulent practices, with reference to either
 1087 the applicant or the department, or induces or countenances fraud or fraudulent practices
 1088 on the part of any applicant for a driver's license or permit;

1089 (3) The licensee fails to comply with this chapter or any rule of the department made
 1090 pursuant thereto;

1091 (4) The licensee represents himself or herself as an agent or employee of the department
 1092 or uses advertising designed to lead, or which would reasonably have the effect of
 1093 leading, persons to believe that such licensee is in fact an employee or representative of
 1094 the department;

1095 (5) The licensee or any employee or agent of the licensee directly or indirectly solicits
 1096 business by personal solicitation on public property or in any department, agency, or
 1097 office of the state which involves the administration of any law relating to motor vehicles,

1098 whether by telephone, mail, or electronic communications. A violation of this paragraph
1099 shall be a misdemeanor. Advertising in any mass media, including, but not limited to,
1100 newspapers, radio, television, magazines, or telephone directories, by a provider center
1101 shall not be considered a violation of this paragraph; ~~or~~
1102 (6) The driver's license of the licensee has been canceled, suspended, or revoked; or
1103 (7) The department finds that the licensee has engaged in a pattern of refusing
1104 installation services to persons presenting a valid court order issued pursuant to paragraph
1105 (2) of subsection (c) of Code Section 42-8-111."

1106 **SECTION 23.**

1107 This Act shall become effective on January 1, 2021, and shall apply to offenses committed
1108 on or after such date.

1109 **SECTION 24.**

1110 All laws and parts of laws in conflict with this Act are repealed.