

House Bill 120 (AS PASSED HOUSE AND SENATE)

By: Representatives Corbett of the 174<sup>th</sup>, Mathis of the 149<sup>th</sup>, Smith of the 138<sup>th</sup>, Wiedower of the 121<sup>st</sup>, and Powell of the 33<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 40-5-64 of the Official Code of Georgia Annotated, relating to  
2 limited driving permits for certain offenders, so as to provide for standards for issuance of  
3 such permits; to provide for fees, duration, renewal, and replacement of such permits; to  
4 provide for standards for revocation; to provide for related matters; to provide for effective  
5 dates; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 40-5-64 of the Official Code of Georgia Annotated, relating to limited driving  
9 permits for certain offenders, is amended by revising subsections (a), (e), and (g) as follows:

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

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

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

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

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

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

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

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

25 ~~(v)(F)~~ Subsection (a) of Code Section 40-5-57.1, when the person is 18 years of age  
 26 or older and his or her license was suspended for exceeding the speed limit by 24 miles  
 27 per hour or more but less than 34 miles per hour; ~~2~~ and

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

30 (G) Paragraph (1) of subsection (a) of Code Section 40-5-75.

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

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

41 **"(e) Fees, duration, renewal, and replacement of limited driving permit.**

42 (1) A limited driving permit issued pursuant to this Code section shall be \$32.00 and  
 43 shall become invalid upon:

- 44 (A) The expiration of one year following issuance thereof in the case of a suspension:  
45 (i) For an offense listed in Code Section 40-5-54;  
46 (ii) In accordance with Code Section 40-5-54.1;  
47 ~~(ii)~~(iii) In accordance with ~~Under~~ Code Section 40-5-57;  
48 ~~(iii)~~(iv) In accordance with ~~Under~~ Code Section 40-5-57.2; ~~or~~  
49 ~~(iv)~~(v) In accordance with paragraph (1) of subsection (a) of Code Section 40-5-63  
50 for a violation of Code Section 40-6-391; or  
51 (vi) In accordance with Code Section 40-5-75;
- 52 (B) The expiration of 30 days in the case of an administrative license suspension in  
53 accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2; or  
54 (C) Any earlier reinstatement of the driver's license.
- 55 (2) A person may apply to the department for a limited driving permit immediately  
56 following such conviction if he or she has surrendered his or her driver's license to the  
57 court in which the conviction was adjudged or to the department if the department has  
58 processed the administrative driver's license suspension form or conviction. Upon the  
59 applicant's execution of an affidavit attesting to such facts and to the fact that the court  
60 had not imposed a suspension or revocation of his or her driver's license or driving  
61 privileges inconsistent with the driving privileges to be conferred by the limited driving  
62 permit applied for, the department may issue such person a limited driving permit.
- 63 (3) Limited driving permits issued pursuant to this Code section are renewable upon  
64 payment of a renewal fee of \$10.00. Such permits may be renewed one time after the  
65 person is eligible to reinstate his or her driver's license for the violation that was the basis  
66 of the issuance of the permit.
- 67 (4) Upon payment of a fee in an amount the same as that provided by Code  
68 Section 40-5-25 for issuance of a Class C driver's license, a person may be issued a  
69 replacement for a lost or destroyed limited driving permit issued to him or her."

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

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

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

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

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

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

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

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

92 **SECTION 2.**

93 (a) Except as otherwise provided in subsection (b) of this Section, this Act shall become  
94 effective on January 1, 2024.

95 (b) Subparagraph (a)(1)(G) of Code Section 40-5-64 as enacted by Section 1 of this Act shall  
96 become effective upon its approval by the Governor or upon its becoming law without such  
97 approval.

98

**SECTION 3.**

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