

**375-3-3-.09**

**Extension of Temporary Driving Permits. Amended.**

(1) Extension of 30 day temporary driving permit:

(a) At the time a law enforcement officer takes a person's driver's license for refusal to submit to chemical testing or because the person's blood alcohol concentration is at a level requiring administrative license suspension, the officer shall issue the person a 30 day temporary driving permit. This temporary driving permit shall be on DDS Form 1205 and shall be valid until the expiration of 30 days from the incident date.

(b) If the person timely files an appeal of the license suspension, the Department shall extend the temporary driving permit for an additional 90 days, but not beyond the date when the person's driving privilege is suspended or revoked.

(c) The 90 day extension will be a DDS Form which, when accompanied with the driver's copy of DDS Form 1205, will serve as the temporary driver's permit for the 90 day extension.

(d) The Department may issue an extension of the 90 day temporary driving permit upon receipt of documentation from the Office of State Administrative Hearings indicating that a final decision has not yet been entered in the case and will not be entered prior to the expiration of the temporary driving permit.

(e) In the event an officer issues a DDS Form 1205 to a person whose driver's license or driving privilege is otherwise valid, but neglects to sign the temporary driving permit at the bottom of such form, the Department shall issue a temporary driving permit to such person for the balance of the 30 days from the incident date. Such permit shall be subject to extension pursuant to Paragraphs (b) and (d) of this subsection.

(2) Extension of 180 day temporary driving permit.

(a) At the time a law enforcement officer takes a person's driver's license for a violation of O.C.G.A. §40-6-391 for which the officer has not initiated an administrative license suspension under O.C.G.A. § 40-5-67.1, the officer shall issue a 180 temporary driving permit.

(b) This permit shall be valid until the expiration of 180 days or until the person's driving privilege is suspended or revoked.

~~(c) All extensions of this permit must be authorized by the Director of Customer Service Licensing and Records or his/her designee.~~ In the event the case has not been resolved within 180 days, the Department shall issue another 180 temporary driving permit. Additional extensions may be issued for as long as the case remains pending.

(d) The Department shall extend the permit for 30 days only upon receipt of ~~an order~~ documentation from the judge, clerk of court, or ~~solicitor~~ prosecutor from the court of jurisdiction stating that the case has not yet been adjudicated.

~~(e) The 30 day extension will be issued using DDS Form 1128 which, when accompanied with the Uniform Traffic Citation for violation of O.C.G.A. §40-6-391, will serve as a temporary driver's permit for 30 days.~~

~~(f) The Department shall not issue more than five (5) 30 day extensions of the 180 day permit.~~

(3) Replacement of lost, stolen or destroyed temporary driving permits.

(a) In the event a customer's temporary driving permit is lost, stolen or destroyed, a replacement may be issued by the Director of Customer Service Licensing and Records or his/her designee on a form designated by the Department upon receipt of a written request from the customer.

(b) Customers seeking replacement of a 180-day temporary driving permit shall provide both a copy of the citation from the Court and documentation from the Court that such charge remains pending. Such permit shall be valid for the applicable period provided in paragraph (1) or (2) of this regulation.

Authority: O.C.G.A. §§40-5-4, 40-5-67

## **STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE**

The purpose of this proposed amendment is to modify an existing regulation to articulate the procedure by which a customer may obtain an extension or replacement of a temporary driving permit.

### **DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES**

Paragraph (1)(e) was added in its entirety.

Paragraph (2)(c) was re-written to transfer authority for issuing extensions of temporary driving permits from the DDS to the court in which the DUI case is pending. The language of Paragraph (2)(d) was modified for clarification. Paragraphs (2)(e) and (f) are deleted in their entirety.

Paragraph (3) was added to set for the procedure for replacing a temporary driving permit.