



Legislative Update

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Senate Bill 236 (2012)

- Modifies O.C.G.A. §40-5-57.1 relating to the license suspensions for teens age 16-20 effective January 1, 2013:
 - 1st in 5 (low/no BAC): 6 month suspension
 - 1st in 5 (BAC .08+): 12 month suspension
 - 2nd in 5: 18 month suspension
 - 3rd in 5: 5 year HV revocation
- Adds O.C.G.A. 40-5-57.1 to the list of suspensions for which a clinical evaluation is required for reinstatement of a suspension triggered by a “2nd in 10” DUI.

Senate Bill 236 (cont'd)

- Substantial changes to ignition interlock permit eligibility:
 - Permit available after “hard” 120 day suspension
 - Must be enrolled in clinical treatment or DUI court
 - Must have court’s permission
- Existing pre-requisites of completion of clinical evaluation prior to enrolling in treatment and completion of DUI Drug or Alcohol Use Risk Reduction program remain in place.

Senate Bill 236 (cont'd)

- Customers will hold interlock permit for eight (8) months, then become eligible for a non-interlock permit for the remaining six (6) months of the suspension.

Senate Bill 236 (cont'd)

- Permissible uses of interlock permits will be:
 - Going to the holder's place of employment;
 - Attending a college or school at which he or she is regularly enrolled as a student;
 - Attending regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; and
 - Going for monthly monitoring visits with the permit holder's ignition interlock device service provider.

Senate Bill 236 (cont'd)

- Interlock permits (cont'd)
 - Language allowing travel for the normal duties of the holder's occupation and for medical care intentionally deleted.
 - Requested by NHTSA so that Georgia would remain in compliance with the federal interlock requirements for multiple DUI offenders in 23 U.S.C. §164 and 23 C.F.R. Part 1275.

Senate Bill 236 (cont'd)

- Permissible uses of non-interlock permits will be expanded:
 - Going to the holder's place of employment;
 - Receiving scheduled medical care or obtaining prescription drugs;
 - Attending a college or school at which he or she is regularly enrolled as a student;
 - Attending regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; and

Senate Bill 236 (cont'd)

- Permissible uses (cont'd)
 - Attending under court order any driver education or improvement school or alcohol or drug program or course approved by the court which entered the judgment of conviction resulting in suspension of his or her driver's license or by the commissioner;
 - Attending court, reporting to a probation office or officer, or performing community service; or
 - Transporting an immediate family member who does not hold a valid driver's license or work, medical care, or prescriptions or to school.

Senate Bill 236 (cont'd)

- Financial hardship exception language remains in O.C.G.A. §42-8-111(a)(1).
- House Bill 269 (2011) exempts interlock waivers from the time limitations of O.C.G.A. §§40-13-32 and 40-13-33.
- Customers exempted from interlock are not eligible for any other type of permit, so they serve a “hard” 18-month suspension.

Senate Bill 236 (cont'd)

- A defendant's decision to move out-of-state alone cannot be the basis for an interlock waiver. *State v. Villella*, 266 Ga. App 499 (2004).
- Defendants who move out-of-state cannot satisfy the interlock requirement using an out-of-state interlock service provider.
- Moreover, the DDS cannot issue an ignition interlock limited driving permit to a non-resident.

Senate Bill 236 (cont'd)

- Allows military dependents to use out-of-state driver's education certificates for Joshua's Law compliance
 - DDS is in the process of enacting an administrative rule change to make this possible prior to the effective date of SB-236
- Mandates the creation of a parental component for ADAP
 - Parents will be eligible for a free 3-year online MVR

DATE Fund Changes

- House Bill 1176 expands the County Drug Abuse Treatment and Education (DATE) Fund surcharge in O.C.G.A. §15-21-100 that currently applies to drug charges.
- Surcharge = 50% of the original fine amount

DATE Funds (cont'd)

- Now applies to the following offenses if committed on or after July 1, 2012:
 - Underage alcohol violations
 - DUI
 - Vehicular homicide and serious injury by vehicle if DUI is the predicate offense
- DATE funds may now be used by counties to fund a drug court division in addition to funding other drug programs.

2012 Legislation (cont'd)

- House Bill 865
 - Moves responsibility for limousine carriers from the PSC to the DPS
 - Limousine chauffeurs will have endorsement on DL rather than separate chauffeur permit card
 - Effective July 1, 2012

2012 Legislation (cont'd)

- House Resolution 1731
 - Created a study committee to look at re-writing Title 40
 - Conversations continue in all branches of state government looking at changing many traffic offenses to non-criminal violations

2012 Legislation (cont'd)

- For more information about these bills or other legislation considered during the 2012 Session, please visit the General Assembly's website.
- www.legis.state.ga.us.

2012 Traffic Court Reference Manual

Court Bulletin

This bulletin will be updated frequently to strengthen communication between DDS and its business partners to ensure the timely dissemination of legislative updates and other valuable information. Please visit this bulletin once a week to make sure significant updates are received.

Legislative Updates

- 2008 Legislation
- 2009 Legislation
- 2010 Legislation – Part I
- 2010 Legislation – Part II –effective in June/ July, 2010
- License Withdrawal Update
- 2011 Legislation
- 2012 Legislation ****New**

Georgia Electronic Conviction Processing Systems

- **What is GECPS?**
A standardized, and secure method to report GA Reportable Violation Codes to DDS according to HB1253: [GECPS Tutorial](#)
 - **Court Reporting Paper Citations**
As mandated, courts that are still mailing in paper convictions will need to start electronically reporting. Please contact GECPS Outreach for more information. Electronic reporting is covered in the GECPS Tutorial.
 - ***NEW Traffic Convictions Reported by Court**
The modified report includes reporting totals on all active traffic reporting courts, accessible on-line on DDS's homepage labeled "Court Reporting", then by clicking on "Monthly Traffic Convictions Reported by Court".
 - ***NEW Monthly Court Report**
All traffic reporting courts will receive a monthly report once a month via *e-mail* with their court's traffic reporting progress for the previous month. Make sure DDS has the most current contact information.
 - **Update court contact information**
Courts can update their contact information with DDS at their convenience. This is covered in the GECPS Tutorial and is accessible by logging on-line:

<https://online.dds.ga.gov/citationreporting/LogIn.aspx?task=UpdateCourt>
- Previous communications to GECPS Courts:**
- Communication – FTA and FTA Withdrawal Reporting via GECPS
 - Communication – New GECPS 2 lane road field for Super Speeder

To request a court visit by a GECPS Outreach Specialist or for GECPS document aids to be mailed to the court, e-mail GECPS@dds.ga.gov.

Resources

- [Traffic Court Reference Manual](#) - Updated June 2012
- GA Reportable Violation Code List
- GECPS (Georgia Electronic Conviction Processing System)
- Conviction Reporting Information
- Suspension and Revocation Information
- Nolo plea information
- DUI consequences (HB336): effective 7/1/2009
- REINSTATEMENT CENTERS
- NEW UTC Form: Effective 1/1/2010
- NEW DDS 32C Form

Keeping you in the "Know"

REINSTATEMENT CENTERS ACROSS GEORGIA

All traffic reporting courts should have received a Reinstatement Centers printout via mail. If not, please print this at your convenience under Resources labeled "REINSTATEMENT CENTERS".

SUPER SPEEDER takes effect on 1/1/2010

Any conviction of speeding at 85 mph or greater or 75 mph or greater on a 2-lane road or highway, defined in Code Section 40-6-187, will result in a \$200 fine that should be collected by DDS. Please note that O.C.G.A. 40-6-189 establishes the license suspension. This is not a new reportable violation code to DDS. The only modification incorporated with traffic reporting is the new flagged 2 lane road or highway field, which is associated with speeding convictions of violation dates 1/1/2010 and after.

If an officer is not using the most updated citation, it's acceptable for them to hand write the verification of a 2 lane road for speeding convictions 40-6-160, 40-6-188 & 40-6-181 by notation of "Yes – 2 lane" or "No – 2 lane".

If you need more information. . .

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