

375-3-3-.10 Limited Driving Permits

(1) Except as otherwise provided in these regulations or elsewhere in Georgia law, the Department shall not issue a limited driving permit for any driver's license suspension except the following:

~~(a)~~ Suspensions imposed pursuant to O.C.G.A. §40-5-22(a.1)(2) due to excessive school absences, withdrawals from school, or misconduct at school;

~~(a)(b)~~ First or second points suspensions imposed pursuant to O.C.G.A. §40-5-57(d);

~~(b)(e)~~ First mandatory suspension imposed pursuant to O.C.G.A. §40-5-63(a)(1);

~~(c)(d)~~ First administrative license suspension imposed within five (5) years pursuant to O.C.G.A. §40-5-67.2(a)(1);

~~(d)(e)~~ Third administrative license suspension imposed within five (5) years pursuant to O.C.G.A. §40-5-67.2(a)(3);

~~(e)(f)~~ Third controlled substance suspension imposed within five (5) years pursuant to O.C.G.A. §40-5-75;

~~(f)(g)~~ Second suspension for driving under the influence imposed within five (5) years pursuant to O.C.G.A. §40-5-63(a)(2);

~~(g)(h)~~ Suspensions imposed pursuant to O.C.G.A. §40-5-57.1 following a conviction for a four (4) point speeding ticket; and

~~(h)(i)~~ Reserved.

(2) (a) Except as provided in subparagraphs (b) and (c), *infra*, limited driving permits shall be limited in scope to address such extreme hardships experienced by the customer and the permissible uses of such permits shall be reflected as restrictions on the permit. Such extreme hardships shall be limited to addressing the following needs:

1. Travel to and from work, or performing the normal duties of his or her occupation;
2. Travel to and from school;
3. Travel to and from medical care or obtaining prescriptions;
4. Travel to and from substance abuse treatment;

5. Travel to and from driver education, driver improvement, DUI Drug or Alcohol Use Risk Reduction, or similar programs when ordered to do so by the Court that entered the conviction that resulted in the driver's license suspension that is the basis of the limited driving permit or probationary license;

6. Travel to attend court, reporting to a probation office or officer, or performing community service; or

7. Transporting an immediate family member who does not hold a valid driver's license for work, medical care, or prescriptions or to school.

(b) Permits issued for driver's license suspensions imposed pursuant to O.C.G.A. §40-5-22(a.1) may only be granted to address extreme hardships relating to travel to and from work or performing the normal duties of his or her occupation for employment purposes as provided in O.C.G.A. §40-5-64(c.1).

(c) Ignition interlock limited driving permits shall be restricted to the following permissible uses:

1. Travel to and from work, or performing the normal duties of his or her occupation;

2. Travel to and from school;

3. Travel to attend regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs; and

4. Travel for monthly monitoring visits with the permit holder's ignition interlock device service provider.

(3) Customers applying for a DUI limited driving permit following the suspension of a driver's licenses pursuant to O.C.G.A. §40-5-63(a)(1) based upon a conviction for driving under the influence (DUI) in violation of O.C.G.A. §40-6-391 or an equivalent offense must submit DDS Form 1126 completed by the convicting court or a certified copy of the conviction unless the DUI conviction is already reflected on the customers' driving record.

(4) The following applicants are not eligible for a limited driving permit:

(a) Customers who are not Georgia residents;

(b) Customers who have never been issued a Georgia driver's license; and

(c) Customers whose Georgia driver's license ~~is~~are suspended, revoked, cancelled, disqualified or otherwise withdrawn for any other reason in addition to the suspension imposed pursuant to O.C.G.A. §40-5-63(a)(1) unless otherwise eligible for a limited driving permit for said withdrawal. This list should not be considered exhaustive, and the issuance of limited driving permits will be governed by the applicable provisions of state and federal law.

(5) Any customer applying for a limited driving permit must surrender any previously issued driver's license or execute a lost license affidavit on Form DS-250A.

(6) Limited driving permits are renewable upon payment of a renewal fee of \$5.00 for each renewal. Permits may be renewed until the customer reinstates the suspension imposed pursuant to O.C.G.A. §40-5-63(a)(1).

(7) The Department may issue a replacement for a lost or destroyed limited driving permit upon the payment of \$5.00 provided that the customer is still eligible for said permit.

(8) Any person applying for an ignition interlock limited driving permit for a suspension imposed for a second conviction for DUI within five (5) years pursuant to O.C.G.A. §40-5-63(a)(2) must submit documentation satisfactory to the Department of the following:

(a) Proof of installation of an approved ignition interlock device installed on any vehicle that he or she will be operating pursuant to such permit;

(b) A certificate of completion from a DUI Drug or Alcohol Use Risk Reduction program; and

(c) Authorization for issuance of such permit by the Court that handled the underlying DUI charge, and enrolled in a drug court or clinical treatment that satisfies the requirements of O.C.G.A. §40-5-63.1.

No limited driving permit shall be available to any person subject to a driver's license suspension imposed pursuant to O.C.G.A. §40-5-63(a)(2) who has been granted an exemption from installing an ignition interlock device limited driving due to financial hardship pursuant to O.C.G.A. §42-8-111(a)(1) until such person has served at least twelve months of such suspensions.

(9) The Department shall interpret amendments to the statutory provisions relating to limited driving permit eligibility in the manner that is most advantageous to each customer so as to allow for the issuance of permits at the earliest date that is legally permissible.

(10) Any person applying for an ignition interlock permit due to a suspension triggered by a second DUI conviction within five years shall be required to maintain such ignition interlock device for the following period:

(a) For incidents prior to January 1, 2013: 6 months;

(b) For incidents between January 1, 2013 and June 30, 2013: 8 months; and

(c) For incidents on or after July 1, 2013: 12 months. After maintaining such interlock for the time required, such customer shall be eligible for a permit without the interlock restriction if otherwise eligible.

(11) Any person who is subject to a suspension imposed pursuant to O.C.G.A §40-5-75 who is participating in a drug court, mental health court, or veteran's court program for such conviction may be issued a limited driving permit for such suspension if authorized by the court.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to incorporate statutory changes resulting from the enactment of Senate Bill 100, Sections 4-8 and 4-17, during the 2015 Session of the Georgia General Assembly.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

Paragraph (1)(a) was repealed.

Paragraph (1) now contains sections (a) through (h).

The words “or performing the normal duties of his or her occupation” were added to Paragraph (2)(a)(1), (2)(b) and (2)(c).

The words “mental health court, or veteran's court” were added to Paragraph (11).

Authority: O.C.G.A. §§40-5-4, 40-5-64.

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