

Rule 375-3-3-.10 Limited Driving Permits

- (1) The issuance of limited driving permits and the permissible uses of such permits, which shall be reflected as restrictions on the permit, will be governed by the applicable provisions of state and federal law.
- (2) 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.
- (3) 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/or
 - (c) Customers whose Georgia driver's license is suspended, revoked, cancelled, disqualified or otherwise withdrawn for any other reason in addition to the suspension imposed pursuant to O.C.G.A. § 40-5-63(a)(1) unless otherwise eligible for a limited driving permit for said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.
- (4) 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.
- (5) Issuance, renewal, and/or replacement of limited driving permits will be governed by the applicable provisions of state and federal law.
- (6) 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.
 - (i) 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.

- (7) 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.
- (8) Any person applying for an ignition interlock permit due to a suspension triggered by a second DUI conviction within five (5) years shall be required to maintain such ignition interlock device for the following period:
 - (a) For incidents prior to January 1, 2013: six (6) months;
 - (b) For incidents between January 1, 2013 and June 30, 2013: eight (8) months; and
 - (c) For incidents on or after July 1, 2013: twelve (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.
- (9) 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, veteran's court program, or operating under the influence court for such conviction may be issued a limited driving permit for such suspension if authorized by the court.
- (10) For the purposes of O.C.G.A. §§ 40-5-64(g) and 40-5-64.1(f) regarding the revocation of a limited driving permit, any bond forfeiture or plea of *nolo contendere* or conviction of O.C.G.A. §§ 40-8-76 or 40-8-76.1 shall not be considered a violation of state law relating to the movement of a motor vehicle, and shall not revoke a limited driving permit.
- (11) Any person aged eighteen (18) or older whose driver's license has been suspended pursuant to O.C.G.A. § 40-5-57.1 as a result of a conviction for speeding where such person's speed was at least twenty-four (24) miles per hour over the posted speed limit, but less than thirty-four (34) miles per hour above the posted speed limit, shall be eligible for a limited driving permit.

Authority: O.C.G.A. §§ 40-5-4, 40-5-57.1, 40-5-64, 40-5-64.1, 40-5-75, ~~40-5-101, 40-16-2, 40-16-3, 40-16-4, 40-16-5~~.

SYNOPSIS

STATEMENT OF PURPOSE OF PROPOSED RULE

The purpose of this amendment is for cleanup.

DIFFERENCE BETWEEN EXISTING AND PROPOSED RULE

An unnecessary "s" is removed from section (2). In section (3)(b) "and" is changed to "or" for clarity. Unnecessary statutes are removed from the authority.