

West's Code of Georgia Annotated

Title 40. Motor Vehicles and Traffic

Chapter 5. Drivers' Licenses (Refs & Annos)

Article 3a. Suspension of License for Being in Control of a Moving Vehicle Under the Influence of a Controlled Substance or Marijuana (Refs & Annos)

Ga. Code Ann., § 40-5-76

§ 40-5-76. Rewarding or sanctioning defendant's behavior in a drug court division, mental health court division, or veterans court division

Effective: July 1, 2018

[Currentness](#)

(a)(1) A judge presiding in a drug court division, mental health court division, veterans court division, or operating under the influence court division, as a reward or sanction to the defendant's behavior in such court division, may order the department to:

(A) Reinstate a defendant's Georgia driver's license that has been or should be suspended under the laws of this state;

(B) Issue to a defendant a limited driving permit using the guidance set forth in subsections (c), (c.1), and (d) of [Code Section 40-5-64](#) or with whatever conditions the court determines to be appropriate under the circumstances;

(C) Issue to a defendant an ignition interlock device limited driving permit using the guidance set forth in subsections (c) and (e) of [Code Section 40-5-64.1](#) or with whatever conditions the court determines to be appropriate under the circumstances;
or

(D) Suspend or revoke such license, limited driving permit, or ignition interlock device limited driving permit.

(2) The court shall require the defendant to pay to the department the fee normally required for the reinstatement of such driver's license or issuance of such limited driving permit or ignition interlock device limited driving permit or waive such fee.

(3) The court may order the department to issue to a defendant a limited driving permit or ignition interlock device limited driving permit pursuant to this subsection for a one-year period, and may allow such permit to be renewed for a one-year period, and shall provide the department with such order.

(b) If the offense for which the defendant was convicted did not directly relate to the operation of a motor vehicle, a judge presiding in any court, other than the court divisions specified in subsection (a) of this Code section, may order the department to reinstate a defendant's driver's license that has been or should be suspended, issue to a defendant a limited driving permit using the guidance set forth in subsections (c), (c.1), and (d) of [Code Section 40-5-64](#), or issue to a defendant an ignition interlock device limited driving permit using the guidance set forth in subsections (c) and (e) of [Code Section 40-5-64.1](#). The court shall require the defendant to pay to the department the fee normally required for the reinstatement of such driver's license or issuance of such limited driving permit or ignition interlock device limited driving permit or waive such fee. Such judge may also order

the department to suspend a defendant's driver's license, limited driving permit, or ignition interlock device limited driving permit as a consequence of the defendant's violation of the terms of his or her probation.

(c)(1) The department shall make a notation on a person's driving record when his or her driver's license was reinstated or suspended or he or she was issued a limited driving permit or ignition interlock device limited driving permit under this Code section, and such information shall be made available in accordance with [Code Section 40-5-2](#).

(2) The driver's license of any person who has a driver's license reinstated or suspended in accordance with this Code section shall remain subject to any applicable disqualifications specified in Article 7 of this chapter.

(d) The department shall credit any time during which a defendant was issued a limited driving permit or ignition interlock device limited driving permit under subsection (a) of this Code section toward the fulfillment of the period of a driver's license suspension for which such permit was issued.

Credits

Laws 2013, Act 84, § 16, eff. July 1, 2013; Laws 2014, Act 476, § 1-5, eff. July 1, 2014; Laws 2014, Act 483, § 4, eff. July 1, 2014; Laws 2016, Act 408, § 2-6; Laws 2016, Act 460, § 4-8, eff. July 1, 2016; Laws 2018, Act 416, § 2-10, eff. July 1, 2018.

Ga. Code Ann., § 40-5-76, GA ST § 40-5-76

The statutes and Constitution are current through legislation passed at the 2023 Regular Session of the Georgia General Assembly. Some sections may be more current, see credits for details. The statutes are subject to changes by the Georgia Code Commission.