

IN THE _____ COURT OF _____
STATE OF GEORGIA

STATE OF GEORGIA

Case No. _____

Citation No. _____

Driver's License No. _____

V.

DEFENDANT.

**ORDER FOR RESTORATION OF LICENSE
OR ISSUANCE OF LIMITED DRIVING PERMIT
(O.C.G.A. § 40-5-76 (a) – Drug, Mental Health, or Veterans Courts)**

The Court, having reviewed the record in the above-captioned matter and Defendant's request for relief from a driver's license suspension, hereby finds as follows:

O.C.G.A. § 40-5-76(a) authorizes this Court to order the Department of Driver Services to restore a Defendant's driver's license suspended pursuant to O.C.G.A. § 40-5-75, suspend such license, or issue a Defendant a limited driving permit in accordance with the provisions set forth in subsections (c) and (d) of O.C.G.A. § 40-5-64 or other conditions the Court determines to be appropriate as a reward or sanction to the Defendant's behavior in such Court division.

The Court finds that the Defendant is a participant in this Court's Drug, Mental Health, or Veterans Court and has had his or her license suspended pursuant to O.C.G.A. § _____ (Case # _____).

It is therefore ORDERED that the Georgia Department of Driver Services, upon receipt of a certified copy of this Order shall:

restore Defendant's driver license as to the O.C.G.A. § 40-5-75 suspension upon payment by Defendant of a fee in the amount of \$ _____ (not to exceed the normal fee for a reinstatement).

OR

issue a limited driving permit to Defendant in accordance with the provisions of O.C.G.A. § 40-5-64 (c)-(d) upon payment by Defendant of a fee in the amount of \$ _____ (not to exceed the normal fee for a limited permit).

OR

issue a limited driving permit to Defendant in accordance with special conditions as determined by this Court upon payment by Defendant of a fee in the amount of \$ _____ (not to exceed the normal fee for a limited permit). During the term of such limited driving permit, Defendant shall keep a certified copy of this Order on his or her person at all times while operating a motor vehicle. The Court hereby imposes the following conditions:

SO ORDERED this ____ day of _____, 20_____.

Current address for Defendant:

Judge _____
please print name

Requirements for application of O.C.G.A. § 40-5-76 (a):

- ✓ O.C.G.A. § 40-5-76 (a) only applies to established Drug, Mental Health, or Veterans Courts. Other accountability courts are not mentioned in O.C.G.A. § 40-5-76 (a).
- ✓ Keeping consistent with the viewpoint of the Councils of Superior Court and State Court Judges DUI Courts are considered Drug Courts for purposes of this statute. However, a participant must have a suspension for a controlled substance violation under O.C.G.A. § 40-5-75 to be eligible for a reinstatement or a limited permit under O.C.G.A. § 40-5-76.
- ✓ The Defendant must be a participant in the issuing Drug, Mental Health, or Veterans Court.
- ✓ O.C.G.A. § 40-5-76 allows the Court to set fees for the limited permit or restoration. However, O.C.G.A. § 40-5-76 does not allow courts to waive statutory requirements for DUI Risk Reduction or ignition interlock in cases where a limited permit is issued.
- ✓ The Court *may* order DDS to restore a license suspended pursuant to O.C.G.A. § 40-5-75.
- ✓ The Court *may* order DDS to suspend the license of a participant that should be suspended under O.C.G.A. § 40-5-75.
- ✓ The Court *may* order DDS to issue a limited permit for other suspensions on the participant's record.
- ✓ O.C.G.A. § 40-5-76 does not apply to revocations or cancellations because revocations, cancellations, and suspensions are separately defined in O.C.G.A. § 40-5-1. Only suspensions are referenced in O.C.G.A. § 40-5-76.
- ✓ A limited permit is a limitation on a driver's license and cannot be issued to a person who does not have a Georgia driver's license. Additionally, a person with a learner's permit, or an expired, cancelled, or revoked license does not have a Georgia driver's license.
- ✓ A participant with a commercial driver's license disqualification will not have his or her commercial driving privileges reinstated. An order issued pursuant to O.C.G.A. § 40-5-76 cannot remove convictions that trigger a disqualification based upon federal requirements imposed by the Federal Motor Carrier Administration (FMCSA).

General Considerations for orders presented to DDS pursuant to O.C.G.A. § 40-5-76 (a):

- ✓ A driver may have revocations, cancellations, or multiple suspensions that may impede reinstatement of the driver's license or the issuance of a limited permit.
- ✓ Indication of the case **and** citation number for the suspension will facilitate compliance with the Court's Order.
- ✓ Inconsistency with citation numbers may delay or prevent compliance.
- ✓ If a defendant has multiple charges please indicate the citation number for each suspension intended to be affected by the order.
- ✓ Please include a certification or a stamp to indicate authenticity of the Court's Order.
- ✓ If the order does not meet statutory requirements, DDS may contact the Court for clarification or forward the order to the Attorney General's office for review.