

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 (b) – Courts Other than Drug, Veterans, or Mental Health 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(b) authorizes this Court to order the Department of Driver Services to restore a Defendant's driver's license that has been or should be suspended pursuant to O.C.G.A. § 40-5-75 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 if the offense for which the Defendant was convicted did not directly relate to the operation of a motor vehicle.

The Court finds that the Defendant's license was suspended pursuant to O.C.G.A. § 40-5-75. The Court further finds that the offense for which the Defendant was convicted did not directly relate to the operation of a motor vehicle.

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 for the O.C.G.A. § 40-5-75 suspension 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).

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 (b)**

- ✓ O.C.G.A. § 40-5-75 (b) only applies to suspensions imposed pursuant to O.C.G.A. § 40-5-75. Suspensions imposed pursuant to any other provision of law are not eligible for limited permits or reinstatement.
- ✓ The Court must make a finding that the conviction for which the suspension was imposed “did not directly relate to the operation of a motor vehicle”
- ✓ Suspensions imposed pursuant to DUI drugs cannot be reinstated.
- ✓ The issuing court must have jurisdiction over the case for which the suspension was imposed.
- ✓ 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.
- ✓ 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 Defendant 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 (b):**

- ✓ A driver may have revocations, cancellations, or multiple suspensions that may impede reinstatement of the Defendant’s 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 participant 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 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.