

House Bill 471 (AS PASSED HOUSE AND SENATE)

By: Representatives Sainz of the 180<sup>th</sup>, Fleming of the 121<sup>st</sup>, Kelley of the 16<sup>th</sup>, Hill of the 3<sup>rd</sup>,  
and Hitchens of the 161<sup>st</sup>

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia  
2 Annotated, relating to general provisions regarding hunting; to amend Article 3 of Chapter 5  
3 of Title 40 of the Official Code of Georgia Annotated, relating to cancellation, suspension,  
4 and revocation of licenses, and to amend Article 1 of Chapter 7 of Title 52, relating to  
5 general provisions regarding registration, operation, and sale of watercraft, so as to repeal  
6 and reenact the implied consent notices; to provide for related matters; to provide an effective  
7 date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated,  
11 relating to general provisions regarding hunting, is amended by repealing paragraph (2) of  
12 subsection (g) of Code Section 27-3-7, relating to hunting under the influence of alcohol or  
13 drugs, in its entirety and inserting in lieu thereof the following:

14 "(2) At the time a chemical test or tests are requested, the arresting officer shall read to  
15 the person the following implied consent warning:

16 "The State of Georgia has conditioned your license to hunt in this state upon your  
17 submission to state administered chemical tests of your blood, breath, urine, or other  
18 bodily substances for the purpose of determining if you are under the influence of  
19 alcohol or drugs. If you refuse this testing and you are convicted of hunting while  
20 under the influence of alcohol or drugs, your ability to lawfully hunt in this state will  
21 be suspended for a period of two years. Your refusal to submit to blood or urine testing  
22 may be offered into evidence against you at trial. If you submit to testing and the  
23 results indicate an alcohol concentration of 0.08 grams or more and if you are  
24 subsequently convicted of hunting under the influence of alcohol by having an alcohol  
25 concentration of 0.08 grams or more at any time within three hours after hunting from  
26 alcohol consumed before such hunting ended, your ability to lawfully hunt in this state  
27 will be suspended for a period of one year. After first submitting to the required state

28 tests, you are entitled to additional chemical tests of your blood, breath, urine, or other  
 29 bodily substances at your own expense and from qualified personnel of your own  
 30 choosing. Will you submit to the state administered chemical tests of your (designate  
 31 which test)?"

## 32 SECTION 2.

33 Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to  
 34 cancellation, suspension, and revocation of licenses, is amended by repealing subsection (b)  
 35 of Code Section 40-5-67.1, relating to chemical tests, implied consent notices, rights of  
 36 motorists, test results, refusal to submit, suspension or disqualification, administrative license  
 37 suspension hearing and review, and inspection and certification of breath-testing instruments,  
 38 in its entirety and inserting in lieu thereof the following:

39 "(b) At the time a chemical test or tests are requested, the arresting officer shall select and  
 40 read to the person the appropriate implied consent notice from the following:

41 (1) Implied consent notice for suspects under age 21:

42 The State of Georgia has conditioned your privilege to drive upon the highways of this  
 43 state upon your submission to state administered chemical tests of your blood, breath,  
 44 urine, or other bodily substances for the purpose of determining if you are under the  
 45 influence of alcohol or drugs. If you refuse this testing, your Georgia driver's license  
 46 or privilege to drive on the highways of this state will be suspended for a minimum  
 47 period of one year. Your refusal to submit to blood or urine testing may be offered into  
 48 evidence against you at trial. If you submit to testing and the results indicate an alcohol  
 49 concentration of 0.02 grams or more, your Georgia driver's license or privilege to drive  
 50 on the highways of this state may be suspended for a minimum period of one year.  
 51 After first submitting to the requested state tests, you are entitled to additional chemical  
 52 tests of your blood, breath, urine, or other bodily substances at your own expense and  
 53 from qualified personnel of your own choosing. Will you submit to the state  
 54 administered chemical tests of your (designate which test)?"

55 (2) Implied consent notice for suspects age 21 or over:

56 The State of Georgia has conditioned your privilege to drive upon the highways of this  
 57 state upon your submission to state administered chemical tests of your blood, breath,  
 58 urine, or other bodily substances for the purpose of determining if you are under the  
 59 influence of alcohol or drugs. If you refuse this testing, your Georgia driver's license  
 60 or privilege to drive on the highways of this state will be suspended for a minimum  
 61 period of one year. Your refusal to submit to blood or urine testing may be offered into  
 62 evidence against you at trial. If you submit to testing and the results indicate an alcohol  
 63 concentration of 0.08 grams or more, your Georgia driver's license or privilege to drive

64 on the highways of this state may be suspended for a minimum period of one year.  
 65 After first submitting to the requested state tests, you are entitled to additional chemical  
 66 tests of your blood, breath, urine, or other bodily substances at your own expense and  
 67 from qualified personnel of your own choosing. Will you submit to the state  
 68 administered chemical tests of your (designate which test)?'

69 (3) Implied consent notice for commercial motor vehicle driver suspects:

70 The State of Georgia has conditioned your privilege to drive upon the highways of this  
 71 state upon your submission to state administered chemical tests of your blood, breath,  
 72 urine, or other bodily substances for the purpose of determining if you are under the  
 73 influence of alcohol or drugs. If you refuse this testing, you will be disqualified from  
 74 operating a commercial motor vehicle for a minimum period of one year. Your refusal  
 75 to submit to blood or urine testing may be offered into evidence against you at trial. If  
 76 you submit to testing and the results indicate the presence of any alcohol, you will be  
 77 issued an out-of-service order and will be prohibited from operating a commercial  
 78 motor vehicle for 24 hours. If the results indicate an alcohol concentration of 0.04  
 79 grams or more, you will be disqualified from operating a commercial motor vehicle for  
 80 a minimum period of one year. After first submitting to the requested state tests, you  
 81 are entitled to additional chemical tests of your blood, breath, urine, or other bodily  
 82 substances at your own expense and from qualified personnel of your own choosing.  
 83 Will you submit to the state administered chemical tests of your (designate which test)?'

84 If any such notice is used by a law enforcement officer to advise a person of his or her  
 85 rights regarding the administration of chemical testing, such person shall be deemed to  
 86 have been properly advised of his or her rights under this Code section and under Code  
 87 Section 40-6-392 and the results of any chemical test, or the refusal to submit to a test of  
 88 such person's blood or urine, shall be admitted into evidence against such person. Such  
 89 notice shall be read in its entirety but need not be read exactly so long as the substance of  
 90 the notice remains unchanged."

91 **SECTION 3.**

92 Article 1 of Chapter 7 of Title 52, relating to general provisions regarding registration,  
 93 operation, and sale of watercraft, is amended by repealing subsection (b) of Code  
 94 Section 52-7-12.5, relating to ordering drug, alcohol, or other substance tests, implied  
 95 consent notice, reports, suspension, hearing, and certificate of inspection, in its entirety and  
 96 inserting in lieu thereof the following:

97 "(b) At the time a chemical test or tests are requested, the arresting officer shall select and  
 98 read to the person the appropriate implied consent warning from the following:

99 (1) Implied consent notice for suspects under 21 years of age:

100 "The State of Georgia has conditioned your privilege to operate a vessel on the waters  
101 of this state upon your submission to state administered chemical tests of your blood,  
102 breath, urine, or other bodily substances for the purpose of determining if you are under  
103 the influence of alcohol or drugs. If you refuse this testing, your privilege to operate  
104 a vessel on the waters of this state will be suspended for a minimum period of one year.  
105 Your refusal to submit to blood or urine testing may be offered into evidence against  
106 you at trial. If you submit to testing and the results indicate an alcohol concentration  
107 of 0.02 grams or more or the presence of any illegal drug, your privilege to operate a  
108 vessel on the waters of this state may be suspended for a minimum period of one year.  
109 After first submitting to the required state tests, you are entitled to additional chemical  
110 tests of your blood, breath, urine, or other bodily substances at your own expense and  
111 from qualified personnel of your own choosing. Will you submit to the state  
112 administered chemical tests of your (designate which test)?"; or

113 (2) Implied consent notice for suspects 21 years of age or older:

114 "The State of Georgia has conditioned your privilege to operate a vessel on the waters  
115 of this state upon your submission to state administered chemical tests of your blood,  
116 breath, urine, or other bodily substances for the purpose of determining if you are under  
117 the influence of alcohol or drugs. If you refuse this testing, your privilege to operate  
118 a vessel on the waters of this state will be suspended for a minimum period of one year.  
119 Your refusal to submit to blood or urine testing may be offered into evidence against  
120 you at trial. If you submit to testing and the results indicate an alcohol concentration  
121 of 0.08 grams or more or the presence of any illegal drug, your privilege to operate a  
122 vessel on the waters of this state may be suspended for a minimum period of one year.  
123 After first submitting to the required state tests, you are entitled to additional chemical  
124 tests of your blood, breath, urine, or other bodily substances at your own expense and  
125 from qualified personnel of your own choosing. Will you submit to the state  
126 administered chemical tests of your (designate which test)?'

127 If any such notice is used by a law enforcement officer to advise a person of his or her  
128 rights regarding the administration of chemical testing, such person shall be deemed to  
129 have been properly advised of his or her rights under this Code section and under Code  
130 Section 52-7-12.6, and the results of any chemical test, or the refusal to submit to a test  
131 of such person's blood or urine, shall be admitted into evidence against such person.  
132 Such notice shall be read in its entirety but need not be read exactly so long as the  
133 substance of the notice remains unchanged."

134 **SECTION 4.**

135 This Act shall become effective upon its approval by the Governor or upon its becoming law  
136 without such approval.

137 **SECTION 5.**

138 All laws and parts of laws in conflict with this Act are repealed.