

Senate Bill 236

By: Senators Cowser of the 46th, Crosby of the 13th, Williams of the 19th and Goggans of the 7th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to cancellation, suspension, and revocation of drivers' licenses, so as to provide for  
3 matters relative to drivers' licenses of persons convicted of driving under the influence; to  
4 allow certain drivers with suspended licenses to be issued limited driving permits; to provide  
5 for the issuance of a limited driving permit to a person convicted of driving under the  
6 influence subject to certain conditions; to amend Article 7 of Chapter 8 of Title 42 of the  
7 Official Code of Georgia Annotated, relating to ignition interlock devices as probation  
8 condition, so as to provide the courts with more authority with regard to the availability of  
9 ignition interlock device limited driving permits or probationary licenses and habitual  
10 violator probationary licenses for drivers convicted of a second DUI; to provide a court the  
11 ability to issue a certificate for such permits and licenses; to change provisions relating to  
12 proof of compliance with Code Section 42-8-111; to provide for revocation of probation  
13 under certain circumstances; to provide for related matters; to provide for an effective date;  
14 to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 SECTION 1.

17 Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to  
18 cancellation, suspension, and revocation of drivers' licenses, is amended by revising  
19 subsections (b), (b.1), and (c) of Code Section 40-5-57.1, relating to suspensions of licenses  
20 of persons under age 21, as follows:

21 "(b) A person whose driver's license has been suspended under subsection (a) of this Code  
22 section shall:

23 (1) Subject to the requirements of subsection (c) of this Code section and except as  
24 otherwise provided by paragraph (2) of this subsection:

25 (A) Upon a first such suspension, be eligible to apply for license reinstatement and,  
 26 subject to payment of required fees, have his or her driver's license reinstated after six  
 27 months; and

28 (B) Upon a second or subsequent such suspension, be eligible to apply for license  
 29 reinstatement and, subject to payment of required fees, have his or her driver's license  
 30 reinstated after 12 months; or

31 ~~(2)(A) If the driver's license was suspended upon conviction for violation of Code  
 32 Section 40-6-391, be subject to the provisions of Code Section 40-5-63.~~

33 ~~(B) If such driver was convicted of driving under the influence of alcohol or of having  
 34 an unlawful alcohol concentration and is otherwise subject to the provisions of  
 35 paragraph (1) of subsection (a) of Code Section 40-5-63, then such person shall not be  
 36 eligible for a limited driving permit under Code Section 40-5-64, and:~~

37 ~~(i) If the driver's alcohol concentration at the time of the offense was less than 0.08  
 38 grams, he or she shall not be eligible for license reinstatement until the end of six  
 39 months; or~~

40 ~~(ii) If the driver's alcohol concentration at the time of the offense was 0.08 grams or  
 41 more, he or she shall not be eligible for license reinstatement until the end of 12  
 42 months.~~

43 (2)(A) Upon the first conviction of a violation of Code Section 40-6-391, with no arrest  
 44 and conviction of and no plea of nolo contendere accepted to such offense within the  
 45 previous five years, as measured from the dates of previous arrests for which  
 46 convictions were obtained to the date of the current arrest for which a conviction is  
 47 obtained, the period of suspension shall be for six months unless the driver's blood  
 48 alcohol concentration at the time of the offense was 0.08 grams or more or the person  
 49 has previously been subject to a suspension pursuant to paragraph (1) of this subsection,  
 50 in which case the period of suspension shall be for 12 months.

51 (B) Upon the second conviction of a violation of Code Section 40-6-391 within five  
 52 years, as measured from the dates of previous arrests for which convictions were  
 53 obtained to the date of the current arrest for which a conviction is obtained, the period  
 54 of suspension shall be for 18 months.

55 (C) Upon the third conviction of any such offense within five years, as measured from  
 56 the dates of previous arrests for which convictions were obtained to the date of the  
 57 current arrest for which a conviction is obtained, such person shall be considered a  
 58 habitual violator, and said license shall be revoked as provided for in Code Section  
 59 40-5-58.

60 (b.1) In any case where a person's driver's license was administratively suspended as a  
 61 result of ~~the offense~~ a violation of Code Section 40-6-391 for which the person's driver's

62 license has been suspended pursuant to this Code section, the administrative license  
 63 suspension period and the license suspension period provided by this Code section may run  
 64 concurrently, and any completed portion of such administrative license suspension period  
 65 shall apply toward completion of the license suspension period provided by this Code  
 66 section.

67 (c)(1) Any driver's license suspended under subsection (a) of this Code section for  
 68 commission of any offense other than violation of Code Section 40-6-391 shall not  
 69 become valid and shall remain suspended until such person submits proof of completion  
 70 of a defensive driving program approved by the department and pays the applicable  
 71 reinstatement fee. Any driver's license suspended under subsection (a) of this Code  
 72 section for commission of a violation of Code Section 40-6-391 shall not become valid  
 73 and shall remain suspended until such person submits proof of completion of a DUI Drug  
 74 or Alcohol Use Risk Reduction Program and pays the applicable reinstatement fee.

75 (2) The reinstatement fee for a first such ~~conviction~~ suspension shall be \$210.00 or  
 76 \$200.00 if paid by mail. The reinstatement fee for a second or subsequent such  
 77 ~~conviction~~ suspension shall be \$310.00 or \$300.00 if paid by mail."

78 **SECTION 2.**

79 Said title is further amended by revising Code Section 40-5-63.1, relating to clinical  
 80 evaluations and treatment, as follows:

81 "40-5-63.1.

82 In addition to any and all other conditions of license reinstatement, issuance, or restoration  
 83 under Code Section 40-5-57.1, 40-5-58, 40-5-62, or 40-5-63, any person with two or more  
 84 convictions for violating Code Section 40-6-391 within ten years, as measured from the  
 85 dates of previous arrests for which convictions were obtained to the date of the current  
 86 arrest for which a conviction is obtained, shall be required to undergo a clinical evaluation  
 87 and, if recommended as a part of such evaluation, shall complete a substance abuse  
 88 treatment program prior to such license reinstatement, issuance, or restoration; provided,  
 89 however, that such evaluation and treatment shall be at such person's expense except as  
 90 otherwise provided by Code Section 37-7-120. Acceptable proof of completion of such a  
 91 program shall be submitted to the department prior to license reinstatement, issuance, or  
 92 restoration. For purposes of this Code section, a plea of nolo contendere to a charge of  
 93 violating Code Section 40-6-391 and all prior accepted pleas of nolo contendere within ten  
 94 years, as measured from the dates of previous arrests for which convictions were obtained  
 95 or pleas of nolo contendere were accepted to the date of the current arrest for which a plea  
 96 of nolo contendere is accepted, shall be considered and counted as convictions."

**SECTION 3.**

97  
98 Said article is further amended by revising subsections (a), (c), and (e) of Code Section  
99 40-5-64, relating to the issuance of limited driving permits for certain offenders, as follows:

100 **"(a) To whom issued.**

101 (1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any  
102 other Code section of this chapter, any person who has not been previously convicted or  
103 adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as  
104 measured from the dates of previous arrests for which convictions were obtained or pleas  
105 of nolo contendere were accepted to the date of the current arrest for which a conviction  
106 is obtained or a plea of nolo contendere is accepted, may apply for a limited driving  
107 permit when and only when that person's driver's license has been suspended in  
108 accordance with paragraph (2) of subsection (a.1) of Code Section 40-5-22, subsection  
109 (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63,  
110 paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code  
111 Section 40-5-57.1, when the person is 18 or over and his or her license was suspended for  
112 exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour,  
113 and the sentencing judge, in his or her discretion, decides it is reasonable to issue a  
114 limited driving permit.

115 (2) Any person whose driver's license has been suspended ~~and who is subject to a court~~  
116 ~~order for installation and use of an ignition interlock device as a condition of probation~~  
117 ~~pursuant to the provisions Article 7 of Chapter 8 of Title 42~~ as a result of a second  
118 conviction for violating Code Section 40-6-391 within five years, as measured from the  
119 dates of previous arrests for which convictions were obtained to the date of the current  
120 arrest for which a conviction is obtained, may apply for a limited driving permit after  
121 -serving at least 120 days of the suspension required for such conviction and providing a  
122 certificate of eligibility from a drug or DUI court program in the court in which he or she  
123 was convicted of the offense for which such suspension was imposed or proof of  
124 enrollment in clinical treatment as provided in Code Section 40-5-63.1."

125 **"(c) Standards for approval.** The department shall issue a limited driving permit if the  
126 application indicates that refusal to issue such permit would cause extreme hardship to the  
127 applicant. Except as otherwise provided by subsection (c.1) of this Code section, for the  
128 purposes of this Code section, 'extreme hardship' means that the applicant cannot  
129 reasonably obtain other transportation, and therefore the applicant would be prohibited  
130 from:

131 (1) Going to his or her place of employment or performing the normal duties of his or  
132 her occupation;

133 (2) Receiving scheduled medical care or obtaining prescription drugs;

- 134 (3) Attending a college or school at which he or she is regularly enrolled as a student;  
 135 (4) Attending regularly scheduled sessions or meetings of support organizations for  
 136 persons who have addiction or abuse problems related to alcohol or other drugs, which  
 137 organizations are recognized by the commissioner; ~~or~~  
 138 (5) Attending under court order any driver education or improvement school or alcohol  
 139 or drug program or course approved by the court which entered the judgment of  
 140 conviction resulting in suspension of his or her driver's license or by the commissioner;  
 141 (6) Attending court, reporting to a probation office or officer, performing community  
 142 service; or  
 143 (7) Transporting an immediate family member who does not hold a valid driver's license  
 144 for work, medical care, or prescriptions or to school."

145 **"(e) Fees, duration, renewal, and replacement of permit.**

146 (1) A permit issued pursuant to this Code section shall be \$25.00 and shall become  
 147 invalid upon the driver's eighteenth birthday in the case of a suspension under paragraph  
 148 (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year  
 149 following issuance thereof in the case of a suspension for an offense listed in Code  
 150 Section 40-5-54 or a suspension under Code Section 40-5-57, or a suspension in  
 151 accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation  
 152 of Code Section 40-6-391, upon the expiration of 30 days in the case of an administrative  
 153 license suspension in accordance with paragraph (1) of subsection (a) of Code Section  
 154 ~~40-5-67.2; or upon the expiration of six months following proof of installation of an~~  
 155 ~~ignition interlock device in the case of a limited driving permit issued to a person subject~~  
 156 ~~to a court order for installation and use of such a device pursuant to Article 7 of Chapter~~  
 157 ~~8 of Title 42;~~ except that such limited driving permit shall expire upon any earlier  
 158 reinstatement of the driver's license. A person may apply to the department for a limited  
 159 driving permit immediately following such conviction if he or she has surrendered his or  
 160 her driver's license to the court in which the conviction was adjudged or to the department  
 161 if the department has processed the citation or conviction. Upon the applicant's execution  
 162 of an affidavit attesting to such facts and to the fact that the court had not imposed a  
 163 suspension or revocation of his or her driver's license or driving privileges inconsistent  
 164 with the driving privileges to be conferred by the limited driving permit applied for, the  
 165 department may issue such person a limited driving permit. Permits issued pursuant to  
 166 this Code section are renewable upon payment of a renewal fee of \$5.00. Permits may  
 167 be renewed until the person has his or her license reinstated for the violation that was the  
 168 basis of the issuance of the permit. Upon payment of a fee in an amount the same as that  
 169 provided by Code Section 40-5-25 for issuance of a Class C driver's license, a person may

170 be issued a replacement for a lost or destroyed limited driving permit issued to him or  
 171 her.  
 172 (2) An ignition interlock device limited driving permit shall be valid for a period of six  
 173 months. Upon successful completion of six months of monitoring of such ignition  
 174 interlock device, the restriction for maintaining and using such ignition interlock device  
 175 shall be removed, and the permit may be renewed for additional periods of eight months  
 176 as provided in paragraph (1) of this subsection."

177 **SECTION 4.**

178 Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to  
 179 ignition interlock devices as probation condition, is amended by revising subsections (a), (b),  
 180 and (c) of Code Section 42-8-111, relating to court ordered installation of ignition interlock  
 181 devices, as follows:

182 ~~"(a) In addition to any other provision of probation, upon~~ Upon a second or subsequent  
 183 conviction of a resident of this state for violating Code Section 40-6-391 within five years,  
 184 as measured from the dates of previous arrests for which convictions were obtained to the  
 185 date of the current arrest for which a conviction is obtained, for which such person is  
 186 granted probation, the court shall ~~order as conditions of probation that~~ issue a certificate  
 187 of eligibility for an ignition interlock device limited driving permit or probationary license,  
 188 subject to the following conditions:

189 (1) Such person shall have installed and shall maintain in each motor vehicle registered  
 190 in such person's name ~~throughout the applicable six-month period prescribed by~~  
 191 ~~subsection (b) of Code Section 42-8-112~~ for a period of not less than 14 months a  
 192 functioning, certified ignition interlock device; ~~unless the court exempts the person from~~  
 193 ~~the requirements of this paragraph based upon the court's determination that such~~  
 194 ~~requirements would subject the person to undue financial hardship; and~~

195 (2) Such person shall have installed and shall maintain in any other motor vehicle to be  
 196 driven by such person ~~during the applicable six-month period prescribed by subsection~~  
 197 ~~(b) of Code Section 42-8-112~~ for a period of not less than six months a functioning,  
 198 certified ignition interlock device, and such person shall not ~~during such six-month period~~  
 199 drive any motor vehicle whatsoever that is not so equipped: during such period; and

200 (3) Such person shall participate in a substance abuse treatment program as defined in  
 201 paragraph (16.2) of Code Section 40-5-1 or a drug court program in compliance with  
 202 Code Section 15-1-15 for a period of not less than 120 days.

203 For the purposes of this subsection, a plea of nolo contendere shall constitute a conviction;  
 204 and a conviction of any offense under the law of another state or territory substantially

205 conforming to any offense under Code Section 40-6-391 shall be deemed a conviction of  
 206 violating said Code section.

207 ~~(b) Any resident of this state who is ordered to use an ignition interlock device, as a~~  
 208 ~~condition of probation, shall complete the DUI Alcohol or Drug Use Risk Reduction~~  
 209 ~~Program and submit to the court or probation department a certificate of completion of the~~  
 210 ~~DUI Alcohol or Drug Use Risk Reduction Program and certification of installation of a~~  
 211 ~~certified ignition interlock device to the extent required by subsection (a) of this Code~~  
 212 ~~section. The court may, in its discretion, decline to issue a certificate of eligibility for an~~  
 213 ~~ignition interlock device limited driving permit or probationary license for any reason or~~  
 214 ~~exempt a person from any or all ignition interlock device requirements upon a~~  
 215 ~~determination that such requirements would subject such person to undue financial~~  
 216 ~~hardship. Notwithstanding any contrary provision of Code Section 40-13-32 or 40-13-33,~~  
 217 ~~a determination of financial hardship may be made at the time of conviction or any time~~  
 218 ~~thereafter.~~

219 (c) In the case of any person subject to the provisions of subsection (a) of this Code  
 220 section, the court shall include in the record of conviction or violation submitted to the  
 221 Department of Driver Services ~~notice of the requirement for, and the period of the~~  
 222 ~~requirement for, the use of a certified ignition interlock device~~ a copy of the certificate of  
 223 eligibility for an ignition interlock device limited driving permit or probationary license  
 224 issued by the court or documentation of the court's decision to decline to issue such  
 225 certificate. Such ~~notice~~ certificate shall specify any exemption from the installation  
 226 requirements of paragraph (1) of subsection (a) of this Code section and any vehicles  
 227 subject to the installation requirements of paragraph (2) of ~~said~~ such subsection. The  
 228 records of the Department of Driver Services shall contain a record reflecting ~~mandatory~~  
 229 ~~use of such device~~ certificate, and the person's driver's license ~~or,~~ limited driving permit,  
 230 or probationary license shall contain a notation that the person may only operate a motor  
 231 vehicle equipped with a functioning, certified ignition interlock device."

## 232 SECTION 5.

233 Said article is further amended by revising subsections (a) and (b) of Code Section 42-8-112,  
 234 relating to proof of compliance required for reinstatement of certain drivers' licenses and for  
 235 obtaining probationary license, as follows:

236 "(a)(1) In any case where the court grants a certificate of eligibility for an ignition  
 237 interlock device limited driving permit or probationary license pursuant to Code Section  
 238 42-8-111 to a person whose driver's license is suspended pursuant to subparagraph  
 239 (b)(2)(C) of Code Section 40-5-57.1 or paragraph (2) of subsection (a) of Code Section  
 240 40-5-63, the Department of Driver Services shall not issue an ignition interlock device

241 limited driving permit until after the expiration of 120 days from the date of the  
 242 conviction for which such certificate was granted. In any case where the court imposes  
 243 the use of an ignition interlock device as a condition of probation on a resident of this  
 244 state whose driving privilege is not suspended or revoked, the court shall require the  
 245 person to surrender his or her driver's license to the court immediately and provide proof  
 246 of compliance with such order to the court or the probation officer and obtain an ignition  
 247 interlock device restricted driving license within 30 days. Upon expiration of the period  
 248 of time for which such person is required to use an ignition interlock device, the person  
 249 may apply for and receive a regular driver's license upon payment of the fee provided for  
 250 in Code Section 40-5-25. If such person fails to provide proof of installation to the extent  
 251 required by subsection (a) of Code Section 42-8-111 and receipt of the restricted driving  
 252 license within such period, absent a finding by the court of good cause for that failure,  
 253 which finding is entered in the court's record, the court shall revoke or terminate the  
 254 probation.

255 (2) The Department of Driver Services shall condition issuance of an ignition interlock  
 256 device limited driving permit for such person upon receipt of acceptable documentation  
 257 of the following:

258 (A) That the person to whom such permit is to be issued has completed a DUI Alcohol  
 259 or Drug Use Risk Reduction Program;

260 (B) That such person has completed a clinical evaluation as defined in Code Section  
 261 40-5-1 and enrolled in a substance abuse treatment program approved by the  
 262 Department of Human Services or is enrolled in a drug court program;

263 (C) That such person has installed an ignition interlock device in any vehicle that he  
 264 or she will be operating; and

265 (D) A certificate of eligibility for an ignition interlock device limited driving permit  
 266 or probationary license from the court that sentenced such person for the conviction that  
 267 resulted in the suspension or revocation of his or her driver's license for which he or she  
 268 is applying for a limited driving permit or probationary license.

269 (b)(1) In any case where the court grants a certificate of eligibility for an ignition  
 270 interlock device limited driving permit or probationary license pursuant to Code Section  
 271 42-8-111 to a person whose driver's license is revoked as a habitual violator pursuant to  
 272 Code Section 40-5-58, the Department of Driver Services shall not issue a habitual  
 273 violator probationary license until after the expiration of two years from the date of the  
 274 conviction for which such certificate was granted. In any case where the court imposes  
 275 the use of an ignition interlock device as a condition of probation on a resident of this  
 276 state whose driving privilege is suspended or revoked, the court shall require the person  
 277 to provide proof of compliance with such order to the court or the probation officer and

278 ~~the Department of Driver Services not later than ten days after the date on which such~~  
279 ~~person first becomes eligible to apply for an ignition interlock device limited driving~~  
280 ~~permit in accordance with paragraph (2) of this subsection or a habitual violator's~~  
281 ~~probationary license in accordance with paragraph (3) of this subsection, whichever is~~  
282 ~~applicable. If such person fails to provide proof of installation to the extent required by~~  
283 ~~subsection (a) of Code Section 42-8-111 within the period required by this subsection,~~  
284 ~~absent a finding by the court of good cause for that failure, which finding is entered on~~  
285 ~~the court's record, the court shall revoke or terminate the probation if such is still~~  
286 ~~applicable.~~

287 (2) The Department of Driver Services shall condition issuance of a habitual violator  
288 probationary license for such person upon receipt of acceptable documentation of the  
289 following: If the person subject to court ordered use of an ignition interlock device as a  
290 condition of probation is authorized under Code Section 40-5-63 or 40-5-67.2 to apply  
291 for reinstatement of his or her driver's license during the period of suspension, such  
292 person shall, prior to applying for reinstatement of the license, have an ignition interlock  
293 device installed and shall maintain such ignition interlock device in a motor vehicle or  
294 vehicles to the extent required by subsection (a) of Code Section 42-8-111 for a period  
295 of six months running concurrently with that of an ignition interlock device limited  
296 driving permit, which permit shall not be issued until such person submits to the  
297 department proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program,  
298 proof of having undergone any clinical evaluation and of having enrolled in any  
299 substance abuse treatment program required by Code Section 40-5-63.1, and proof of  
300 installation of an ignition interlock device on a vehicle or vehicles to the extent required  
301 by subsection (a) of Code Section 42-8-111. Such a person may apply for and be issued  
302 an ignition interlock device limited driving permit at the end of 12 months after the  
303 suspension of the driver's license. At the expiration of such six-month ignition interlock  
304 device limited driving permit, the driver may, if otherwise qualified, apply for  
305 reinstatement of a regular driver's license upon payment of the fee provided in Code  
306 Section 40-5-25.

307 (A) That the person to whom such license is to be issued has completed a DUI Alcohol  
308 or Drug Use Risk Reduction Program;

309 (B) That such person has completed a clinical evaluation as defined in Code Section  
310 40-5-1 and enrolled in a substance abuse treatment program approved by the  
311 Department of Human Services or is enrolled in a drug or DUI court program;

312 (C) That such person has installed an ignition interlock device in any vehicle that he  
313 or she will be operating; and

314 (D) A certificate of eligibility for an ignition interlock device limited driving permit  
315 or probationary license from the court that sentenced such person for the conviction that  
316 resulted in the suspension or revocation of his or her driver's license for which he or she  
317 is applying for a limited driving permit or probationary license.

318 ~~(3) If the person subject to court ordered use of an ignition interlock device as a~~  
319 ~~condition of probation is authorized under Code Section 40-5-58 or under Code Section~~  
320 ~~40-5-67.2 to obtain a habitual violator's probationary license, such person shall, if such~~  
321 ~~person is a habitual violator as a result of two or more convictions for driving under the~~  
322 ~~influence of alcohol or drugs, have an ignition interlock device installed and maintained~~  
323 ~~in a motor vehicle or vehicles to the extent required by subsection (a) of Code Section~~  
324 ~~42-8-111 for a period of six months following issuance of the probationary license, and~~  
325 ~~such person shall not during such six-month period drive any motor vehicle that is not so~~  
326 ~~equipped, all as conditions of such probationary license. Following expiration of such~~  
327 ~~six-month period with no violation of the conditions of the probationary license, the~~  
328 ~~person may apply for a habitual violator probationary license without such ignition~~  
329 ~~interlock device condition.~~

330 ~~(4) In any case where installation of an ignition interlock device is required, failure to~~  
331 ~~show proof of such device shall be grounds for refusal of reinstatement of such license~~  
332 ~~or issuance of such habitual violator's probationary license or the immediate suspension~~  
333 ~~or revocation of such license.~~

334 (4) Any limited driving permit or probationary license issued to such person shall bear  
335 a restriction reflecting that the person may only operate a motor vehicle equipped with  
336 a functional ignition interlock device. No person whose limited driving permit or  
337 probationary license contains such restriction shall operate a motor vehicle that is not  
338 equipped with a functional ignition interlock device.

339 (5)(A) Any person who has been issued an ignition interlock device limited driving  
340 permit or a habitual violator probationary license bearing an ignition interlock device  
341 condition shall maintain such ignition interlock device in any motor vehicle he or she  
342 operates to the extent required by the certificate of eligibility for such permit or  
343 probationary license issued to such person by the court in which he or she was  
344 convicted for not less than six months.

345 (B) Upon the expiration of such six-month ignition interlock device limited driving  
346 permit or habitual violator probationary license, the driver may, if otherwise qualified,  
347 apply for renewal of such permit or probationary license without such ignition interlock  
348 device restriction."

349 **SECTION 6.**

350 Said article is further amended by revising subsection (a) of Code Section 42-8-113, relating  
351 to renting, leasing, or lending motor vehicle to a probationer under this article prohibited, as  
352 follows:

353 "(a) No person shall knowingly rent, lease, or lend a motor vehicle to a person known to  
354 have had his or her driving privilege restricted ~~as a condition of probation~~ as provided in  
355 this article, unless the vehicle is equipped with a functioning, certified ignition interlock  
356 device. Any person whose driving privilege is restricted ~~as a condition of probation~~ as  
357 provided in this article shall notify any other person who rents, leases, or loans a motor  
358 vehicle to him or her of such driving restriction."

359 **SECTION 7.**

360 Said article is further amended by revising Code Section 42-8-117, relating to revocation of  
361 driving privilege for violation of probation, as follows:

362 "42-8-117.

363 (a)(1) In the event the sentencing court ~~finds~~ revokes a person's probation after finding  
364 that a such person has violated the terms of probation imposed the certificate of eligibility  
365 for an ignition interlock device limited driving permit or probationary license issued  
366 pursuant to subsection (a) of Code Section 42-8-111, the Department of Driver Services  
367 shall revoke that person's driving privilege for one year from the date the court revokes  
368 that person's probation. The court shall report such probation revocation to the  
369 Department of Driver Services by court order.

370 (2) This subsection shall not apply to any person whose limited driving permit has been  
371 revoked under subsection (d) of Code Section 42-8-112.

372 (b) In the event the sentencing court ~~finds~~ revokes a person's probation after finding that  
373 a such person has twice violated the terms of probation imposed the certificate of eligibility  
374 for an ignition interlock device limited driving permit or probationary license issued  
375 pursuant to subsection (a) of Code Section 42-8-111 during the same period of probation,  
376 the Department of Driver Services shall revoke that person's driving privilege for five years  
377 from the date the court revokes that person's probation for a second time. The court shall  
378 report such probation revocation to the Department of Driver Services by court order."

379 **SECTION 8.**

380 This Act shall become effective on January 1, 2012.

381 **SECTION 9.**

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