

Senate Bill 236

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

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 20-2-142 of the Official Code of Georgia Annotated, relating to
 2 prescribed courses and the development and dissemination of instructional materials on the
 3 effect of alcohol, so as to provide for a voluntary parent or guardian participation component
 4 in the alcohol and drug course required for obtaining a driver's license for a person under 18
 5 years of age; to amend Code Section 40-5-25 of the Official Code of Georgia Annotated,
 6 relating to driver's license application fees, so as to provide for motor vehicle report; to
 7 amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating
 8 to cancellation, suspension, and revocation of drivers' licenses, so as to provide for matters
 9 relative to drivers' licenses of persons convicted of driving under the influence; to allow
 10 certain drivers with suspended licenses to be issued limited driving permits; to provide for
 11 the issuance of a limited driving permit to a person convicted of driving under the influence
 12 subject to certain conditions; to amend Article 7 of Chapter 8 of Title 42 of the Official Code
 13 of Georgia Annotated, relating to ignition interlock devices as probation condition, so as to
 14 provide the courts with more authority with regard to the availability of ignition interlock
 15 device limited driving permits or probationary licenses and habitual violator probationary
 16 licenses for drivers convicted of a second DUI; to provide a court the ability to issue a
 17 certificate for such permits and licenses; to change provisions relating to proof of compliance
 18 with Code Section 42-8-111; to provide for revocation of probation under certain
 19 circumstances; to provide for related matters; to provide for an effective date; to repeal
 20 conflicting laws; and for other purposes.

21 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

22 **SECTION 1.**

23 Code Section 20-2-142 of the Official Code of Georgia Annotated, relating to prescribed
 24 courses and the development and dissemination of instructional materials on the effect of
 25 alcohol, is amended in subsection (b) as follows:

26 "(b)(1) The State Board of Education and the Board of Driver Services shall jointly
 27 establish an alcohol and drug course for the purpose of informing the young people of

28 this state of the dangers involved in consuming alcohol or certain drugs in connection
 29 with the operation of a motor vehicle. The course shall be designed to generate greater
 30 interest in highway safety and accident prevention. The state board and the Board of
 31 Driver Services shall jointly, by rules or regulations, determine the contents of the course
 32 and its duration. The commissioner of driver services shall make available officers,
 33 employees, officials, agents, contractors, or other appropriate representatives as
 34 determined by the commissioner of driver services to teach the alcohol and drug course.
 35 The alcohol and drug course shall be offered periodically but not less than once annually
 36 in the public schools of this state to students in grades nine and above in the manner
 37 prescribed by the state board.

38 (2) The alcohol and drug course required by this subsection shall make available as a part
 39 of such course a voluntary parent or guardian participation component which
 40 substantially complies with the following requirements:

41 (A) A joint session with the parent or guardian and child which provides opportunities
 42 for parents or guardians to voluntarily participate in the guidance and delivery of the
 43 anti-drug and anti-alcohol instruction; and

44 (B) A separate voluntary component solely for parental or guardian instruction, that
 45 provides drug prevention strategies, legal accountability information, an opportunity
 46 for parent or guardian questions, and any other information that would offer parents or
 47 guardians a framework for the protection of their children from alcohol and other drug
 48 use.

49 ~~(2)~~(3) All schools with grade nine or above which receive funds in any manner from the
 50 state shall make available to eligible students and their parents or guardians the alcohol
 51 and drug course provided in ~~paragraph (1)~~ of this subsection.

52 ~~(3)~~(4) The commissioner of driver services shall make the alcohol and drug course, and
 53 instructors where necessary, available to the private schools in this state. In addition, the
 54 commissioner of driver services shall offer the alcohol and drug course periodically at
 55 various locations in the state in the manner provided by the Board of Driver Services.
 56 The commissioner shall also be authorized to offer such course electronically online or
 57 in such other manner as determined appropriate by the commissioner."

58 SECTION 1A.

59 Code Section 40-5-25 of the Official Code of Georgia Annotated, relating to driver's license
 60 application fees, is amended by adding a new subsection as follows:

61 "(f) The General Assembly finds that it is in the best interest of the state to encourage
 62 alcohol and drug education to inform young people of the dangers involved in consuming
 63 alcohol or certain drugs while operating a motor vehicle. The General Assembly further

64 finds that parental or guardian involvement in an alcohol and drug awareness program will
 65 assist in reducing the number of young persons involved in driving under the influence of
 66 drugs or alcohol. To promote these purposes, where a parent or guardian successfully
 67 participates in the parent-guardian component of the alcohol and drug course required by
 68 subsection (a) of Code Section 40-5-22 as prescribed in subsection (b) of Code Section
 69 20-2-142, each parent or guardian shall be entitled to a one-time three-year online motor
 70 vehicle report."

71 **SECTION 1B.**

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

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

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

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

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

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

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

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

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

98 (2)(A) Upon the first conviction of a violation of Code Section 40-6-391, with no arrest
 99 and conviction of and no plea of nolo contendere accepted to such offense within the

100 previous five years, as measured from the dates of previous arrests for which
 101 convictions were obtained to the date of the current arrest for which a conviction is
 102 obtained, the period of suspension shall be for six months unless the driver's blood
 103 alcohol concentration at the time of the offense was 0.08 grams or more or the person
 104 has previously been subject to a suspension pursuant to paragraph (1) of this subsection,
 105 in which case the period of suspension shall be for 12 months.

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

110 (C) Upon the third conviction of any such offense within five years, as measured from
 111 the dates of previous arrests for which convictions were obtained to the date of the
 112 current arrest for which a conviction is obtained, such person shall be considered a
 113 habitual violator, and said license shall be revoked as provided for in Code Section
 114 40-5-58.

115 (b.1) In any case where a person's driver's license was administratively suspended as a
 116 result of ~~the offense~~ a violation of Code Section 40-6-391 for which the person's driver's
 117 license has been suspended pursuant to this Code section, the administrative license
 118 suspension period and the license suspension period provided by this Code section may run
 119 concurrently, and any completed portion of such administrative license suspension period
 120 shall apply toward completion of the license suspension period provided by this Code
 121 section.

122 (c)(1) Any driver's license suspended under subsection (a) of this Code section for
 123 commission of any offense other than violation of Code Section 40-6-391 shall not
 124 become valid and shall remain suspended until such person submits proof of completion
 125 of a defensive driving program approved by the department and pays the applicable
 126 reinstatement fee. Any driver's license suspended under subsection (a) of this Code
 127 section for commission of a violation of Code Section 40-6-391 shall not become valid
 128 and shall remain suspended until such person submits proof of completion of a DUI Drug
 129 or Alcohol Use Risk Reduction Program and pays the applicable reinstatement fee.

130 (2) The reinstatement fee for a first such ~~conviction~~ suspension shall be \$210.00 or
 131 \$200.00 if paid by mail. The reinstatement fee for a second or subsequent such
 132 ~~conviction~~ suspension shall be \$310.00 or \$300.00 if paid by mail."

133 **SECTION 2.**

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

136 "40-5-63.1.
 137 In addition to any and all other conditions of license reinstatement, issuance, or restoration
 138 under Code Section 40-5-57.1, 40-5-58, 40-5-62, or 40-5-63, any person with two or more
 139 convictions for violating Code Section 40-6-391 within ten years, as measured from the
 140 dates of previous arrests for which convictions were obtained to the date of the current
 141 arrest for which a conviction is obtained, shall be required to undergo a clinical evaluation
 142 and, if recommended as a part of such evaluation, shall complete a substance abuse
 143 treatment program prior to such license reinstatement, issuance, or restoration; provided,
 144 however, that such evaluation and treatment shall be at such person's expense except as
 145 otherwise provided by Code Section 37-7-120. Acceptable proof of completion of such a
 146 program shall be submitted to the department prior to license reinstatement, issuance, or
 147 restoration. For purposes of this Code section, a plea of nolo contendere to a charge of
 148 violating Code Section 40-6-391 and all prior accepted pleas of nolo contendere within ten
 149 years, as measured from the dates of previous arrests for which convictions were obtained
 150 or pleas of nolo contendere were accepted to the date of the current arrest for which a plea
 151 of nolo contendere is accepted, shall be considered and counted as convictions."

152 **SECTION 3.**

153 Said article is further amended by revising subsections (a), (c), and (e) of Code Section
 154 40-5-64, relating to the issuance of limited driving permits for certain offenders, as follows:

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

156 (1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any
 157 other Code section of this chapter, any person who has not been previously convicted or
 158 adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as
 159 measured from the dates of previous arrests for which convictions were obtained or pleas
 160 of nolo contendere were accepted to the date of the current arrest for which a conviction
 161 is obtained or a plea of nolo contendere is accepted, may apply for a limited driving
 162 permit when and only when that person's driver's license has been suspended in
 163 accordance with paragraph (2) of subsection (a.1) of Code Section 40-5-22, subsection
 164 (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63,
 165 paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code
 166 Section 40-5-57.1, when the person is 18 or over and his or her license was suspended for
 167 exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour,
 168 and the sentencing judge, in his or her discretion, decides it is reasonable to issue a
 169 limited driving permit.

170 (2) Any person whose driver's license has been suspended ~~and who is subject to a court~~
 171 ~~order for installation and use of an ignition interlock device as a condition of probation~~

172 ~~pursuant to the provisions Article 7 of Chapter 8 of Title 42~~ as a result of a second
 173 conviction for violating Code Section 40-6-391 within five years, as measured from the
 174 dates of previous arrests for which convictions were obtained to the date of the current
 175 arrest for which a conviction is obtained, may apply for a limited driving permit after
 176 servng at least 120 days of the suspension required for such conviction and providing a
 177 certificate of eligibility from a drug court program in the court in which he or she was
 178 convicted of the offense for which such suspension was imposed or proof of enrollment
 179 in clinical treatment as provided in Code Section 40-5-63.1."

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

- 186 (1) Going to his or her place of employment or performing the normal duties of his or
 187 her occupation;
- 188 (2) Receiving scheduled medical care or obtaining prescription drugs;
- 189 (3) Attending a college or school at which he or she is regularly enrolled as a student;
- 190 (4) Attending regularly scheduled sessions or meetings of support organizations for
 191 persons who have addiction or abuse problems related to alcohol or other drugs, which
 192 organizations are recognized by the commissioner; or
- 193 (5) Attending under court order any driver education or improvement school or alcohol
 194 or drug program or course approved by the court which entered the judgment of
 195 conviction resulting in suspension of his or her driver's license or by the commissioner;
- 196 (6) Attending court, reporting to a probation office or officer, performing community
 197 service; or
- 198 (7) Transporting an immediate family member who does not hold a valid driver's license
 199 for work, medical care, or prescriptions or to school."

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

- 201 (1) A permit issued pursuant to this Code section shall be \$25.00 and shall become
 202 invalid upon the driver's eighteenth birthday in the case of a suspension under paragraph
 203 (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year
 204 following issuance thereof in the case of a suspension for an offense listed in Code
 205 Section 40-5-54 or a suspension under Code Section 40-5-57, or a suspension in
 206 accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation
 207 of Code Section 40-6-391, upon the expiration of 30 days in the case of an administrative
 208 license suspension in accordance with paragraph (1) of subsection (a) of Code Section

209 ~~40-5-67.2, or upon the expiration of six months following proof of installation of an~~
 210 ~~ignition interlock device in the case of a limited driving permit issued to a person subject~~
 211 ~~to a court order for installation and use of such a device pursuant to Article 7 of Chapter~~
 212 ~~8 of Title 42; except that such limited driving permit shall expire upon any earlier~~
 213 ~~reinstatement of the driver's license. A person may apply to the department for a limited~~
 214 ~~driving permit immediately following such conviction if he or she has surrendered his or~~
 215 ~~her driver's license to the court in which the conviction was adjudged or to the department~~
 216 ~~if the department has processed the citation or conviction. Upon the applicant's execution~~
 217 ~~of an affidavit attesting to such facts and to the fact that the court had not imposed a~~
 218 ~~suspension or revocation of his or her driver's license or driving privileges inconsistent~~
 219 ~~with the driving privileges to be conferred by the limited driving permit applied for, the~~
 220 ~~department may issue such person a limited driving permit. Permits issued pursuant to~~
 221 ~~this Code section are renewable upon payment of a renewal fee of \$5.00. Permits may~~
 222 ~~be renewed until the person has his or her license reinstated for the violation that was the~~
 223 ~~basis of the issuance of the permit. Upon payment of a fee in an amount the same as that~~
 224 ~~provided by Code Section 40-5-25 for issuance of a Class C driver's license, a person may~~
 225 ~~be issued a replacement for a lost or destroyed limited driving permit issued to him or~~
 226 ~~her.~~

227 (2) An ignition interlock device limited driving permit shall be valid for a period of six
 228 months. Upon successful completion of six months of monitoring of such ignition
 229 interlock device, the restriction for maintaining and using such ignition interlock device
 230 shall be removed, and the permit may be renewed for additional periods of eight months
 231 as provided in paragraph (1) of this subsection."

232 SECTION 4.

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

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

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

250 (2) Such person shall have installed and shall maintain in any other motor vehicle to be
 251 driven by such person ~~during the applicable six-month period prescribed by subsection~~
 252 ~~(b) of Code Section 42-8-112~~ for a period of not less than six months a functioning,
 253 certified ignition interlock device, and such person shall not ~~during such six-month period~~
 254 drive any motor vehicle whatsoever that is not so equipped during such period. Upon
 255 successful completion of six months of monitoring of such ignition interlock device, the
 256 restriction for maintaining and using such ignition interlock device shall be removed and
 257 the permit may be renewed for additional periods of eight months as provided in
 258 paragraph (1) of this subsection; and

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

262 For the purposes of this subsection, a plea of nolo contendere shall constitute a conviction;
 263 and a conviction of any offense under the law of another state or territory substantially
 264 conforming to any offense under Code Section 40-6-391 shall be deemed a conviction of
 265 violating said Code section.

266 (b) ~~Any resident of this state who is ordered to use an ignition interlock device, as a~~
 267 ~~condition of probation, shall complete the DUI Alcohol or Drug Use Risk Reduction~~
 268 ~~Program and submit to the court or probation department a certificate of completion of the~~
 269 ~~DUI Alcohol or Drug Use Risk Reduction Program and certification of installation of a~~
 270 ~~certified ignition interlock device to the extent required by subsection (a) of this Code~~
 271 ~~section. The court may, in its discretion, decline to issue a certificate of eligibility for an~~
 272 ~~ignition interlock device limited driving permit or probationary license for any reason or~~
 273 ~~exempt a person from any or all ignition interlock device requirements upon a~~
 274 ~~determination that such requirements would subject such person to undue financial~~
 275 ~~hardship. Notwithstanding any contrary provision of Code Section 40-13-32 or 40-13-33,~~
 276 ~~a determination of financial hardship may be made at the time of conviction or any time~~
 277 ~~thereafter.~~

278 (c) In the case of any person subject to the provisions of subsection (a) of this Code
 279 section, the court shall include in the record of conviction or violation submitted to the
 280 Department of Driver Services ~~notice of the requirement for, and the period of the~~

281 ~~requirement for, the use of a certified ignition interlock device~~ a copy of the certificate of
 282 eligibility for an ignition interlock device limited driving permit or probationary license
 283 issued by the court or documentation of the court's decision to decline to issue such
 284 certificate. Such ~~notice~~ certificate shall specify any exemption from the installation
 285 requirements of paragraph (1) of subsection (a) of this Code section and any vehicles
 286 subject to the installation requirements of paragraph (2) of ~~said~~ such subsection. The
 287 records of the Department of Driver Services shall contain a record reflecting ~~mandatory~~
 288 ~~use of such device~~ certificate, and the person's driver's license ~~or,~~ limited driving permit,
 289 or probationary license shall contain a notation that the person may only operate a motor
 290 vehicle equipped with a functioning, certified ignition interlock device."

291

SECTION 5.

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

295 "(a)(1) In any case where the court grants a certificate of eligibility for an ignition
 296 interlock device limited driving permit or probationary license pursuant to Code Section
 297 42-8-111 to a person whose driver's license is suspended pursuant to subparagraph
 298 (b)(2)(C) of Code Section 40-5-57.1 or paragraph (2) of subsection (a) of Code Section
 299 40-5-63, the Department of Driver Services shall not issue an ignition interlock device
 300 limited driving permit until after the expiration of 120 days from the date of the
 301 conviction for which such certificate was granted. ~~In any case where the court imposes~~
 302 ~~the use of an ignition interlock device as a condition of probation on a resident of this~~
 303 ~~state whose driving privilege is not suspended or revoked, the court shall require the~~
 304 ~~person to surrender his or her driver's license to the court immediately and provide proof~~
 305 ~~of compliance with such order to the court or the probation officer and obtain an ignition~~
 306 ~~interlock device restricted driving license within 30 days. Upon expiration of the period~~
 307 ~~of time for which such person is required to use an ignition interlock device, the person~~
 308 ~~may apply for and receive a regular driver's license upon payment of the fee provided for~~
 309 ~~in Code Section 40-5-25. If such person fails to provide proof of installation to the extent~~
 310 ~~required by subsection (a) of Code Section 42-8-111 and receipt of the restricted driving~~
 311 ~~license within such period, absent a finding by the court of good cause for that failure,~~
 312 ~~which finding is entered in the court's record, the court shall revoke or terminate the~~
 313 ~~probation.~~

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

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

319 (B) That such person has completed a clinical evaluation as defined in Code Section
 320 40-5-1 and enrolled in a substance abuse treatment program approved by the
 321 Department of Human Services or is enrolled in a drug court program;

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

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

328 (b)(1) In any case where the court grants a certificate of eligibility for an ignition
 329 interlock device limited driving permit or probationary license pursuant to Code Section
 330 42-8-111 to a person whose driver's license is revoked as a habitual violator pursuant to
 331 Code Section 40-5-58, the Department of Driver Services shall not issue a habitual
 332 violator probationary license until after the expiration of two years from the date of the
 333 conviction for which such certificate was granted. In any case where the court imposes
 334 the use of an ignition interlock device as a condition of probation on a resident of this
 335 state whose driving privilege is suspended or revoked, the court shall require the person
 336 to provide proof of compliance with such order to the court or the probation officer and
 337 the Department of Driver Services not later than ten days after the date on which such
 338 person first becomes eligible to apply for an ignition interlock device limited driving
 339 permit in accordance with paragraph (2) of this subsection or a habitual violator's
 340 probationary license in accordance with paragraph (3) of this subsection, whichever is
 341 applicable. If such person fails to provide proof of installation to the extent required by
 342 subsection (a) of Code Section 42-8-111 within the period required by this subsection,
 343 absent a finding by the court of good cause for that failure, which finding is entered on
 344 the court's record, the court shall revoke or terminate the probation if such is still
 345 applicable.

346 (2) The Department of Driver Services shall condition issuance of a habitual violator
 347 probationary license for such person upon receipt of acceptable documentation of the
 348 following: If the person subject to court ordered use of an ignition interlock device as a
 349 condition of probation is authorized under Code Section 40-5-63 or 40-5-67.2 to apply
 350 for reinstatement of his or her driver's license during the period of suspension, such
 351 person shall, prior to applying for reinstatement of the license, have an ignition interlock
 352 device installed and shall maintain such ignition interlock device in a motor vehicle or
 353 vehicles to the extent required by subsection (a) of Code Section 42-8-111 for a period

354 ~~of six months running concurrently with that of an ignition interlock device limited~~
 355 ~~driving permit, which permit shall not be issued until such person submits to the~~
 356 ~~department proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program,~~
 357 ~~proof of having undergone any clinical evaluation and of having enrolled in any~~
 358 ~~substance abuse treatment program required by Code Section 40-5-63.1, and proof of~~
 359 ~~installation of an ignition interlock device on a vehicle or vehicles to the extent required~~
 360 ~~by subsection (a) of Code Section 42-8-111. Such a person may apply for and be issued~~
 361 ~~an ignition interlock device limited driving permit at the end of 12 months after the~~
 362 ~~suspension of the driver's license. At the expiration of such six-month ignition interlock~~
 363 ~~device limited driving permit, the driver may, if otherwise qualified, apply for~~
 364 ~~reinstatement of a regular driver's license upon payment of the fee provided in Code~~
 365 ~~Section 40-5-25.~~

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

368 (B) That such person has completed a clinical evaluation as defined in Code Section
 369 40-5-1 and enrolled in a substance abuse treatment program approved by the
 370 Department of Human Services or is enrolled in a drug court program;

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

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

377 ~~(3) If the person subject to court ordered use of an ignition interlock device as a~~
 378 ~~condition of probation is authorized under Code Section 40-5-58 or under Code Section~~
 379 ~~40-5-67.2 to obtain a habitual violator's probationary license, such person shall, if such~~
 380 ~~person is a habitual violator as a result of two or more convictions for driving under the~~
 381 ~~influence of alcohol or drugs, have an ignition interlock device installed and maintained~~
 382 ~~in a motor vehicle or vehicles to the extent required by subsection (a) of Code Section~~
 383 ~~42-8-111 for a period of six months following issuance of the probationary license, and~~
 384 ~~such person shall not during such six-month period drive any motor vehicle that is not so~~
 385 ~~equipped, all as conditions of such probationary license. Following expiration of such~~
 386 ~~six-month period with no violation of the conditions of the probationary license, the~~
 387 ~~person may apply for a habitual violator probationary license without such ignition~~
 388 ~~interlock device condition.~~

389 ~~(4) In any case where installation of an ignition interlock device is required, failure to~~
 390 ~~show proof of such device shall be grounds for refusal of reinstatement of such license~~

391 or issuance of such habitual violator's probationary license or the immediate suspension
392 or revocation of such license.

393 (4) Any limited driving permit or probationary license issued to such person shall bear
394 a restriction reflecting that the person may only operate a motor vehicle equipped with
395 a functional ignition interlock device. No person whose limited driving permit or
396 probationary license contains such restriction shall operate a motor vehicle that is not
397 equipped with a functional ignition interlock device.

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

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

408 **SECTION 6.**

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

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

418 **SECTION 7.**

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

421 "42-8-117.

422 (a)(1) In the event the sentencing court ~~finds~~ revokes a person's probation after finding
423 that a such person has violated the terms of probation imposed the certificate of eligibility
424 for an ignition interlock device limited driving permit or probationary license issued
425 pursuant to subsection (a) of Code Section 42-8-111, the Department of Driver Services

426 shall revoke that person's driving privilege for one year from the date the court revokes
427 that person's probation. The court shall report such probation revocation to the
428 Department of Driver Services by court order.

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

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

438 **SECTION 8.**

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

440 **SECTION 9.**

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