

Senate Bill 236

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

**AS PASSED**

A BILL TO BE ENTITLED

AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

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

"(b)(1) The State Board of Education and the Board of Driver Services shall jointly establish an alcohol and drug course for the purpose of informing the young people of this state of the dangers involved in consuming alcohol or certain drugs in connection with the operation of a motor vehicle. The course shall be designed to generate greater interest in highway safety and accident prevention. The state board and the Board of Driver Services shall jointly, by rules or regulations, determine the contents of the course and its duration. The commissioner of driver services shall make available officers, employees, officials, agents, contractors, or other appropriate representatives as determined by the commissioner of driver services to teach the alcohol and drug course. The alcohol and drug course shall be offered periodically but not less than once annually in the public schools of this state to students in grades nine and above in the manner prescribed by the state board.

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

(A) A joint session with the parent or guardian and child which provides opportunities for parents or guardians to voluntarily participate in the guidance and delivery of the antidrug and antialcohol instruction; and

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

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

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

## 59 SECTION 2.

60 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
61 is amended by revising paragraph (2) of subsection (a.2) of Code Section 40-5-22, relating  
62 to persons not to be licensed and school attendance requirements, as follows:

63       "(2) The commissioner shall by rule or regulation establish standards for approval of any  
64       driver education course for purposes of subparagraph (A) of paragraph (1) of this  
65       subsection, provided that such course shall be designed to educate young drivers about  
66       safe driving practices and the traffic laws of this state and to train young drivers in the  
67       safe operation of motor vehicles, and provided, further, that the commissioner shall  
68       provide for the approval of courses from other states to satisfy the requirements of this  
69       paragraph for any child moving into this state within nine months of his or her sixteenth  
70       birthday when the child's parent is in the active military service of the United States."

## **SECTION 2A.**

72 Said chapter is further amended by adding a new subsection to Code Section 40-5-25,  
73 relating to driver's license application fees, to read as follows:

74        "(f) The General Assembly finds that it is in the best interests of this state to encourage  
75        alcohol and drug education to inform young people of the dangers involved in consuming  
76        alcohol or certain drugs while operating a motor vehicle. The General Assembly further  
77        finds that parental or guardian involvement in an alcohol and drug awareness program will  
78        assist in reducing the number of young persons involved in driving under the influence of  
79        drugs or alcohol. To promote these purposes, where a parent or guardian successfully  
80        participates in the parent-guardian component of the alcohol and drug course required by  
81        subsection (a) of Code Section 40-5-22 as prescribed in subsection (b) of Code Section  
82        20-2-142, each parent or guardian shall be entitled to a one-time three-year online motor  
83        vehicle report."

### SECTION 3.

85 Said chapter is further amended by revising subsections (b), (b.1), and (c) of Code Section  
86 40-5-57.1, relating to suspensions of licenses of persons under age 21, as follows:

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

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

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

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

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

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

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

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

109       ~~(2)(A) Upon the first conviction of a violation of Code Section 40-6-391, with no arrest~~  
110      ~~and conviction of and no plea of nolo contendere accepted to such offense within the~~  
111      ~~previous five years, as measured from the dates of previous arrests for which~~  
112      ~~convictions were obtained to the date of the current arrest for which a conviction is~~  
113      ~~obtained, have his or her license suspended for a period of six months unless the~~  
114      ~~driver's blood alcohol concentration at the time of the offense was 0.08 grams or more~~  
115      ~~or the person has previously been subject to a suspension pursuant to paragraph (1) of~~  
116      ~~this subsection, in which case the period of suspension shall be for 12 months.~~

117       ~~(B) Upon the second conviction of a violation of Code Section 40-6-391 within five~~  
118      ~~years, as measured from the dates of previous arrests for which convictions were~~  
119      ~~obtained to the date of the current arrest for which a conviction is obtained, have his or~~  
120      ~~her license suspended for a period of 18 months.~~

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

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

132       (c)(1) Any driver's license suspended under subsection (a) of this Code section for  
133      commission of any offense other than violation of Code Section 40-6-391 shall not

134 become valid and shall remain suspended until such person submits proof of completion  
135 of a defensive driving program approved by the department and pays the applicable  
136 reinstatement fee. Any driver's license suspended under subsection (a) of this Code  
137 section for commission of a violation of Code Section 40-6-391 shall not become valid  
138 and shall remain suspended until such person submits proof of completion of a DUI Drug  
139 or Alcohol Use Risk Reduction Program and pays the applicable reinstatement fee.

140 (2) The reinstatement fee for a first such ~~conviction suspension~~ shall be \$210.00 or  
141 \$200.00 if paid by mail. The reinstatement fee for a second or subsequent such  
142 ~~conviction suspension~~ shall be \$310.00 or \$300.00 if paid by mail."

#### 143 SECTION 4.

144 Said chapter is further amended by revising Code Section 40-5-63.1, relating to clinical  
145 evaluations and treatment, as follows:

146 "40-5-63.1.

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

#### 162 SECTION 5.

163 Said chapter is further amended by revising subsections (a), (c), (c.1), and (e) of Code  
164 Section 40-5-64, relating to the issuance of limited driving permits for certain offenders, as  
165 follows:

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

167 (1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any  
168 other Code section of this chapter, any person who has not been previously convicted or

169 adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as  
170 measured from the dates of previous arrests for which convictions were obtained or pleas  
171 of nolo contendere were accepted to the date of the current arrest for which a conviction  
172 is obtained or a plea of nolo contendere is accepted, may apply for a limited driving  
173 permit when and only when that person's driver's license has been suspended in  
174 accordance with paragraph (2) of subsection (a.1) of Code Section 40-5-22, subsection  
175 (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63,  
176 paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code  
177 Section 40-5-57.1, when the person is 18 years of age or over ~~older~~ and his or her license  
178 was suspended for exceeding the speed limit by 24 miles per hour or more but less than  
179 34 miles per hour, and the sentencing judge, in his or her discretion, decides it is  
180 reasonable to issue a limited driving permit.

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

191 (3) To the extent a person is subject to more than one suspension for which a permit may  
192 be issued, the department shall not issue such permit unless the suspensions are for a  
193 conviction for driving under the influence in violation of Code Section 40-6-391 imposed  
194 pursuant to Code Section 40-5-63 and an administrative suspension imposed pursuant to  
195 paragraph (1) of subsection (a) of Code Section 40-5-67.2 arising from the same  
196 incident."

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

- 203 (1) Going to his or her place of employment ~~or performing the normal duties of his or~~  
204 ~~her occupation;~~  
205 (2) Receiving scheduled medical care or obtaining prescription drugs;

- 206       (3) Attending a college or school at which he or she is regularly enrolled as a student;  
207       (4) Attending regularly scheduled sessions or meetings of support organizations for  
208       persons who have addiction or abuse problems related to alcohol or other drugs, which  
209       organizations are recognized by the commissioner; or  
210       (5) Attending under court order any driver education or improvement school or alcohol  
211       or drug program or course approved by the court which entered the judgment of  
212       conviction resulting in suspension of his or her driver's license or by the commissioner;  
213       (6) Attending court, reporting to a probation office or officer, or performing community  
214       service; or  
215       (7) Transporting an immediate family member who does not hold a valid driver's license  
216       for work, medical care, or prescriptions or to school.

217       (c.1)(1) **Exception to standards for approval.** The provisions of paragraphs (2), (3),  
218       (4), and (5) of subsection (c) of this Code section shall not apply and shall not be  
219       considered for purposes of granting a limited driving permit or imposing conditions  
220       thereon under this Code section in the case of a driver's license suspension under  
221       paragraph (2) of subsection (a.1) of Code Section 40-5-22.

222       (2) An ignition interlock device limited driving permit shall be restricted to allow the  
223       holder thereof to drive solely for the following purposes:

- 224           (A) Going to his or her place of employment;  
225           (B) Attending a college or school at which he or she is regularly enrolled as a student;  
226           (C) Attending regularly scheduled sessions or meetings of treatment support  
227           organizations for persons who have addiction or abuse problems related to alcohol or  
228           other drugs, which organizations are recognized by the commissioner; and  
229           (D) Going for monthly monitoring visits with the permit holder's ignition interlock  
230           device service provider."

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

232       (1) A permit issued pursuant to this Code section shall be \$25.00 and shall become  
233       invalid upon the driver's eighteenth birthday in the case of a suspension under paragraph  
234       (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year  
235       following issuance thereof in the case of a suspension for an offense listed in Code  
236       Section 40-5-54 or a suspension under Code Section 40-5-57; or a suspension in  
237       accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation  
238       of Code Section 40-6-391, or upon the expiration of 30 days in the case of an  
239       administrative license suspension in accordance with paragraph (1) of subsection (a) of  
240       Code Section 40-5-67.2, or upon the expiration of six months following proof of  
241       installation of an ignition interlock device in the case of a limited driving permit issued  
242       to a person subject to a court order for installation and use of such a device pursuant to

Article 7 of Chapter 8 of Title 42; except that such limited driving permit shall expire upon any earlier reinstatement of the driver's license. A person may apply to the department for a limited driving permit immediately following such conviction if he or she has surrendered his or her driver's license to the court in which the conviction was adjudged or to the department if the department has processed the citation or conviction. Upon the applicant's execution of an affidavit attesting to such facts and to the fact that the court had not imposed a suspension or revocation of his or her driver's license or driving privileges inconsistent with the driving privileges to be conferred by the limited driving permit applied for, the department may issue such person a limited driving permit. Permits issued pursuant to this Code section are renewable upon payment of a renewal fee of \$5.00. Permits may be renewed until the person has his or her license reinstated for the violation that was the basis of the issuance of the permit. Upon payment of a fee in an amount the same as that provided by Code Section 40-5-25 for issuance of a Class C driver's license, a person may be issued a replacement for a lost or destroyed limited driving permit issued to him or her.

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

## SECTION 6.

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

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

(1) Such person shall have installed and shall maintain in each motor vehicle registered in such person's name ~~throughout the applicable six-month period prescribed by subsection (b) of Code Section 42-8-112 for a period of not less than eight months~~ a functioning, certified ignition interlock device, ~~unless the court exempts the person from~~

279 the requirements of this paragraph based upon the court's determination that such  
280 requirements would subject the person to undue financial hardship; and

281 (2) Such person shall have installed and shall maintain in any other motor vehicle to be  
282 driven by such person ~~during the applicable six-month period prescribed by subsection~~  
283 ~~(b) of Code Section 42-8-112 for a period of not less than eight months~~ a functioning,  
284 certified ignition interlock device, and such person shall not ~~drive during such six-month period~~  
285 drive any motor vehicle whatsoever that is not so equipped ~~drive during such period~~. Upon  
286 ~~successful completion of eight months of monitoring of such ignition interlock device,~~  
287 ~~the restriction for maintaining and using such ignition interlock device shall be removed,~~  
288 ~~and the permit may be renewed for additional periods of six months as provided in~~  
289 ~~paragraph (1) of subsection (e) of Code Section 40-5-64; and~~

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

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

297 (b) ~~Any resident of this state who is ordered to use an ignition interlock device, as a~~  
298 ~~condition of probation, shall complete the DUI Alcohol or Drug Use Risk Reduction~~  
299 ~~Program and submit to the court or probation department a certificate of completion of the~~  
300 ~~DUI Alcohol or Drug Use Risk Reduction Program and certification of installation of a~~  
301 ~~certified ignition interlock device to the extent required by subsection (a) of this Code~~  
302 ~~section. The court may, in its discretion, decline to issue a certificate of eligibility for an~~  
303 ~~ignition interlock device limited driving permit or probationary license for any reason or~~  
304 ~~exempt a person from any or all ignition interlock device requirements upon a~~  
305 ~~determination that such requirements would subject such person to undue financial~~  
306 ~~hardship. Notwithstanding any contrary provision of Code Section 40-13-32 or 40-13-33,~~  
307 ~~a determination of financial hardship may be made at the time of conviction or any time~~  
308 ~~thereafter.~~

309 (c) In the case of any person subject to the provisions of subsection (a) of this Code  
310 section, the court shall include in the record of conviction or violation submitted to the  
311 Department of Driver Services ~~notice of the requirement for, and the period of the~~  
312 ~~requirement for, the use of a certified ignition interlock device a copy of the certificate of~~  
313 ~~eligibility for an ignition interlock device limited driving permit or probationary license~~  
314 ~~issued by the court or documentation of the court's decision to decline to issue such~~  
315 ~~certificate. Such notice certificate shall specify any exemption from the installation~~

316 requirements of paragraph (1) of subsection (a) of this Code section and any vehicles  
317 subject to the installation requirements of paragraph (2) of said such subsection. The  
318 records of the Department of Driver Services shall contain a record reflecting ~~mandatory~~  
319 ~~use of such device certificate,~~ and the person's driver's license ~~or,~~ limited driving permit,  
320 ~~or probationary license~~ shall contain a notation that the person may only operate a motor  
321 vehicle equipped with a functioning, certified ignition interlock device."

322 **SECTION 7.**

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

326 "(a)(1) In any case where the court grants a certificate of eligibility for an ignition  
327 interlock device limited driving permit or probationary license pursuant to Code Section  
328 42-8-111 to a person whose driver's license is suspended pursuant to subparagraph  
329 (b)(2)(C) of Code Section 40-5-57.1 or paragraph (2) of subsection (a) of Code Section  
330 40-5-63, the Department of Driver Services shall not issue an ignition interlock device  
331 limited driving permit until after the expiration of 120 days from the date of the  
332 conviction for which such certificate was granted. In any case where the court imposes  
333 the use of an ignition interlock device as a condition of probation on a resident of this  
334 state whose driving privilege is not suspended or revoked, the court shall require the  
335 person to surrender his or her driver's license to the court immediately and provide proof  
336 of compliance with such order to the court or the probation officer and obtain an ignition  
337 interlock device restricted driving license within 30 days. Upon expiration of the period  
338 of time for which such person is required to use an ignition interlock device, the person  
339 may apply for and receive a regular driver's license upon payment of the fee provided for  
340 in Code Section 40-5-25. If such person fails to provide proof of installation to the extent  
341 required by subsection (a) of Code Section 42-8-111 and receipt of the restricted driving  
342 license within such period, absent a finding by the court of good cause for that failure,  
343 which finding is entered in the court's record, the court shall revoke or terminate the  
344 probation.

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

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

350       (B) That such person has completed a clinical evaluation as defined in Code Section  
351       40-5-1 and enrolled in a substance abuse treatment program approved by the  
352       Department of Human Services or is enrolled in a drug court program;  
353       (C) That such person has installed an ignition interlock device in any vehicle that he  
354       or she will be operating; and  
355       (D) A certificate of eligibility for an ignition interlock device limited driving permit  
356       or probationary license from the court that sentenced such person for the conviction that  
357       resulted in the suspension or revocation of his or her driver's license for which he or she  
358       is applying for a limited driving permit or probationary license.

359       (b)(1) In any case where the court grants a certificate of eligibility for an ignition  
360       interlock device limited driving permit or probationary license pursuant to Code Section  
361       42-8-111 to a person whose driver's license is revoked as a habitual violator pursuant to  
362       Code Section 40-5-58, the Department of Driver Services shall not issue a habitual  
363       violator probationary license until after the expiration of two years from the date of the  
364       conviction for which such certificate was granted. In any case where the court imposes  
365       the use of an ignition interlock device as a condition of probation on a resident of this  
366       state whose driving privilege is suspended or revoked, the court shall require the person  
367       to provide proof of compliance with such order to the court or the probation officer and  
368       the Department of Driver Services not later than ten days after the date on which such  
369       person first becomes eligible to apply for an ignition interlock device limited driving  
370       permit in accordance with paragraph (2) of this subsection or a habitual violator's  
371       probationary license in accordance with paragraph (3) of this subsection, whichever is  
372       applicable. If such person fails to provide proof of installation to the extent required by  
373       subsection (a) of Code Section 42-8-111 within the period required by this subsection,  
374       absent a finding by the court of good cause for that failure, which finding is entered on  
375       the court's record, the court shall revoke or terminate the probation if such is still  
376       applicable.

377       (2) The Department of Driver Services shall condition issuance of a habitual violator  
378       probationary license for such person upon receipt of acceptable documentation of the  
379       following: If the person subject to court ordered use of an ignition interlock device as a  
380       condition of probation is authorized under Code Section 40-5-63 or 40-5-67.2 to apply  
381       for reinstatement of his or her driver's license during the period of suspension, such  
382       person shall, prior to applying for reinstatement of the license, have an ignition interlock  
383       device installed and shall maintain such ignition interlock device in a motor vehicle or  
384       vehicles to the extent required by subsection (a) of Code Section 42-8-111 for a period  
385       of six months running concurrently with that of an ignition interlock device limited  
386       driving permit, which permit shall not be issued until such person submits to the

387 department proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program,  
388 proof of having undergone any clinical evaluation and of having enrolled in any  
389 substance abuse treatment program required by Code Section 40-5-63.1, and proof of  
390 installation of an ignition interlock device on a vehicle or vehicles to the extent required  
391 by subsection (a) of Code Section 42-8-111. Such a person may apply for and be issued  
392 an ignition interlock device limited driving permit at the end of 12 months after the  
393 suspension of the driver's license. At the expiration of such six-month ignition interlock  
394 device limited driving permit, the driver may, if otherwise qualified, apply for  
395 reinstatement of a regular driver's license upon payment of the fee provided in Code  
396 Section 40-5-25.

- 397 (A) That the person to whom such license is to be issued has completed a DUI Alcohol  
398 or Drug Use Risk Reduction Program;
- 399 (B) That such person has completed a clinical evaluation as defined in Code Section  
400 40-5-1 and enrolled in a substance abuse treatment program approved by the  
401 Department of Human Services or is enrolled in a drug court program;
- 402 (C) That such person has installed an ignition interlock device in any vehicle that he  
403 or she will be operating; and
- 404 (D) A certificate of eligibility for an ignition interlock device limited driving permit  
405 or probationary license from the court that sentenced such person for the conviction that  
406 resulted in the suspension or revocation of his or her driver's license for which he or she  
407 is applying for a limited driving permit or probationary license.

408 (3) If the person subject to court ordered use of an ignition interlock device as a  
409 condition of probation is authorized under Code Section 40-5-58 or under Code Section  
410 40-5-67.2 to obtain a habitual violator's probationary license, such person shall, if such  
411 person is a habitual violator as a result of two or more convictions for driving under the  
412 influence of alcohol or drugs, have an ignition interlock device installed and maintained  
413 in a motor vehicle or vehicles to the extent required by subsection (a) of Code Section  
414 42-8-111 for a period of six months following issuance of the probationary license, and  
415 such person shall not during such six-month period drive any motor vehicle that is not so  
416 equipped, all as conditions of such probationary license. Following expiration of such  
417 six-month period with no violation of the conditions of the probationary license, the  
418 person may apply for a habitual violator probationary license without such ignition  
419 interlock device condition.

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

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

429       (5)(A) Any person who has been issued an ignition interlock device limited driving  
430       permit or a habitual violator probationary license bearing an ignition interlock device  
431       condition shall maintain such ignition interlock device in any motor vehicle he or she  
432       operates to the extent required by the certificate of eligibility for such permit or  
433       probationary license issued to such person by the court in which he or she was  
434       convicted for not less than eight months.

435       (B) Upon the expiration of such eight-month ignition interlock device limited driving  
436       permit or habitual violator probationary license, the driver may, if otherwise qualified,  
437       apply for renewal of such permit or probationary license without such ignition interlock  
438       device restriction."

## **SECTION 8.**

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

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

## SECTION 9.

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

452 "42-8-117.

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

458 that person's probation. The court shall report such probation revocation to the  
459 Department of Driver Services by court order.

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

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

## SECTION 10.

470 This Act shall become effective on January 1, 2013.

## SECTION 11.

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