

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:

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

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

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

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

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

53 ~~(3)~~(4) The commissioner of driver services shall make the alcohol and drug course, and
 54 instructors where necessary, available to the private schools in this state. In addition, the
 55 commissioner of driver services shall offer the alcohol and drug course periodically at
 56 various locations in ~~the~~ this state in the manner provided by the Board of Driver Services.
 57 The commissioner shall also be authorized to offer such course electronically online or
 58 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:

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~~

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

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

263 **SECTION 6.**

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

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

275 (1) Such person shall have installed and shall maintain in each motor vehicle registered
 276 in such person's name ~~throughout the applicable six-month period prescribed by~~
 277 ~~subsection (b) of Code Section 42-8-112~~ for a period of not less than eight months a
 278 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 ~~during such six-month period~~
 285 drive any motor vehicle whatsoever that is not so equipped 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.~~

424 (4) Any limited driving permit or probationary license issued to such person shall bear
 425 a restriction reflecting that the person may only operate a motor vehicle equipped with
 426 a functional ignition interlock device. No person whose limited driving permit or
 427 probationary license contains such restriction shall operate a motor vehicle that is not
 428 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."

439 **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."

449 **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.

453 (a)(1) In the event the sentencing court ~~finds~~ revokes a person's probation after finding
 454 that a such person has violated the terms of ~~probation imposed~~ the certificate of eligibility
 455 for an ignition interlock device limited driving permit or probationary license issued
 456 pursuant to subsection (a) of Code Section 42-8-111, the Department of Driver Services
 457 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."

469 **SECTION 10.**

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

471 **SECTION 11.**

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