**A** **BILL**

TO AMEND SECTION 56‑5‑2951, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OF A PERSON’S PRIVILEGE TO OPERATE A MOTOR VEHICLE FOR HIS REFUSAL TO SUBMIT TO TESTING FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATION, SO AS TO PROVIDE THAT A PERSON WHOSE DRIVING PRIVILEGE HAS BEEN RESTORED BECAUSE THE CHARGE THAT LED TO HIS SUSPENSION HAS BEEN DISMISSED, NOL PROSSED, OR BECAUSE HE HAS BEEN FOUND TO BE NOT GUILTY OF THE CHARGE IS NOT REQUIRED TO COMPLETE THE ALCOHOL AND DRUG SAFETY ACTION PROGRAM.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 56‑5‑2951(J) of the 1976 Code, as last amended by Act 201 of 2008, is further amended to read:

“(J) A person’s driver’s license, permit, or nonresident operating privilege must be restored when the person’s period of suspension under subsection (I) has concluded, or if during the period of suspension the charge that led to the suspension is dismissed or nol prossed, or the person is found to be not guilty of the charge that led to his suspension, even if the person has not yet completed the Alcohol and Drug Safety Action Program in which he is enrolled. After the person’s driving privilege is restored, unless the charge that led to his suspension is dismissed or nol prossed or he is found to be not guilty of the charge that led to his suspension, he must continue the services of the Alcohol and Drug Safety Action Program in which he is enrolled. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person’s license must be suspended until the completion of the Alcohol and Drug Safety Action Program. A person must be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990 before his driving privilege can be restored at the conclusion of the suspension period unless, during the period of suspension, the charge that led to his suspension is dismissed or nol prossed, or the he is found to be not guilty of the charge that led to his suspension.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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