**A** **BILL**

TO AMEND SECTION 56‑5‑2941, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INSTILLATION OF IGNITION INTERLOCK DEVICES ON VEHICLES WHOSE DRIVERS HAVE BEEN CONVICTED OF AN ALCOHOL OR ILLEGAL SUBSTANCE‑RELATED DRIVING OFFENSE, SO AS TO PROVIDE THAT THIS PROVISION APPLIES RETROACTIVELY TO CERTAIN PERSONS SERVING A SUSPENSION OR DENIAL OF THE ISSUANCE OF A LICENSE OR PERMIT DUE TO AN ALCOHOL‑RELATED VIOLATION AND HABITUAL OFFENDERS, TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES A DEFENDANT MAY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM IN LIEU OF SERVING THE REMAINDER OF HIS SUSPENSION OR DENIAL OF THE ISSUANCE OF A LICENSE OR PERMIT, OBTAIN AN IGNITION INTERLOCK RESTRICTED LICENSE AND HAVE AN IGNITION INTERLOCK DEVICE AFFIXED TO A VEHICLE FOR A CERTAIN PERIOD.

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

SECTION 1. Section 56‑5‑2941 of the 1976 Code, as last amended by Act 158 of 2014, is further amended by adding at the end:

“( ) This section shall apply retroactively to:

(1) any person currently serving a suspension or denial of the issuance of a license or permit due to an alcohol‑related violation; and

(2) any person declared an habitual offender pursuant to Section 56‑1‑110, if any one or more of the three accumulated violations resulting in the declaration of the person as an habitual offender is either driving under the influence pursuant to Section 56‑5‑2930 or driving with an unlawful alcohol concentration pursuant to Section 56‑5‑2933. In lieu of serving the remainder of their suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program, end the suspension or denial of the issuance of a license or permit, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension or denial of the issuance of a license or permit. If the length of time remaining is less than the three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56‑5‑2941 and can not subsequently choose to serve the 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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