

House Bill 1298 (AM)

By: Representatives Powell of the 23rd and Parham of the 122nd

A BILL TO BE ENTITLED
AN ACT

1 To regulate driver improvement and training programs and schools; to amend Article 4 of
2 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to restoration of
3 drivers' licenses to persons completing defensive driving course or alcohol or drug program,
4 so as to change certain provisions relating to purpose of said article; to provide for licensing
5 periods; to provide for bonds; to change certain provisions relating to optional programs; to
6 provide requirements for court ordered programs; to change certain provisions relating to
7 reinstatement of licenses suspended for certain offenses or for points; to change certain
8 provisions relating to reduction of point count upon completion of course; to amend Chapter
9 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in driver
10 training and operators of driver training schools, so as to change certain provisions relating
11 to qualifications of driver training school operators; to repeal conflicting laws; and for other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Article 4 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
16 restoration of drivers' licenses to persons completing defensive driving course or alcohol or
17 drug program, is amended by striking Code Section 40-5-80, relating to purpose of said
18 article, and inserting in lieu thereof the following:

19 "40-5-80.

20 The purpose of this article, the 'Georgia Driver Improvement Act,' is to improve and
21 promote greater safety upon the highways and streets of this state; to improve the attitude
22 and driving habits of drivers who accumulate traffic accident and motor vehicle conviction
23 records; and to provide uniform DUI Alcohol or Drug Use Risk Reduction Programs for
24 the rehabilitation of persons identified as reckless or negligent drivers and frequent
25 violators. In carrying out this purpose, the Department of Motor Vehicle Safety and the
26 Department of Human Resources, as applicable, shall:

(1) Charge a fee for the consideration of applications for approval of driver improvement clinics and instructors. The amount of this fee shall be established by the commissioner of motor vehicle safety and shall, as best as the commissioner shall determine, approximate the expense incurred by the Department of Motor Vehicle Safety in consideration of an application. These licenses and each renewal thereof shall be valid for a period of ~~two~~ four years unless suspended or revoked prior to the expiration of that time period; and

(2) Require, in addition to the criteria for approval of driver improvement clinics established by the commissioner of motor vehicle safety and DUI Alcohol or Drug Use Risk Reduction Programs established by the Department of Human Resources, as provided in subsections (a) and (e) of Code Section 40-5-83, respectively, that every driver improvement clinic and DUI Alcohol or Drug Use Risk Reduction Program shall, as a condition of approval, provide a continuous surety company bond for the protection of the contractual rights of students in such form as will meet with the approval of the Department of Motor Vehicle Safety or the Department of Human Resources, as applicable, and written by a company authorized to do business in this state. The principal sum of the bond shall be established by the commissioner of motor vehicle safety or the Board of Human Resources, as applicable; however, in no event shall this amount be less than \$2,500.00 per location, and a single bond at such rate may be submitted for all locations under the same ownership. If at any time said bond is not valid and in force, the license of the clinic or program shall be deemed suspended by operation of law until a valid surety company bond is again in force."

SECTION 2.

Said article is further amended by striking subsection (a) of Code Section 40-5-81, relating to optional programs, and inserting in lieu thereof the following:

~~"(a) This article shall not affect the power of any court to require attendance at any course or driver improvement program to which the court could otherwise require attendance~~ Any driver improvement program to which attendance is required by court order shall conform to the requirements of this article."

SECTION 3.

Said article is further amended by striking Code Section 40-5-84, relating to reinstatement of licenses suspended for certain offenses or for points, and inserting in lieu thereof the following:

1 "40-5-84.

2 (a) Except as otherwise provided, the license of any person whose license is suspended for
3 the first time as a result of the conviction of an offense listed in Code Section 40-5-54 shall,
4 at the expiration of 120 days following the date the license is suspended, be reinstated by
5 the department upon receipt by the department of a certificate of completion of an
6 approved defensive driving course ~~or an approved DUI Alcohol or Drug Use Risk~~
7 ~~Reduction Program~~ and the payment of a restoration fee of \$210.00 or \$200.00 when such
8 reinstatement is processed by mail.

9 (b) The license of any person whose license is suspended for the second time as a result
10 of the conviction of an offense listed in Code Section 40-5-54 shall, at the expiration of 120
11 days following the date the license is suspended, be reinstated by the department upon
12 receipt by the department of a certificate of completion of an advanced defensive driving
13 course ~~or an approved DUI Alcohol or Drug Use Risk Reduction Program~~ and the payment
14 of a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail.

15 (c) The license of any person whose license is suspended for the first time as a result of
16 the assessment of points pursuant to Code Section 40-5-57 shall be reinstated by the
17 department immediately upon receipt by the department of a certificate of completion of
18 an approved defensive driving course ~~or an approved DUI Alcohol or Drug Use Risk~~
19 ~~Reduction Program~~ and the payment of a restoration fee of \$210.00 or \$200.00 when such
20 reinstatement is processed by mail.

21 (d) The license of any person whose license is suspended for the second time as a result
22 of the assessment of points pursuant to Code Section 40-5-57 shall be reinstated by the
23 department immediately upon receipt by the department of a certificate of completion of
24 an advanced defensive driving course ~~or an approved DUI Alcohol or Drug Use Risk~~
25 ~~Reduction Program~~ and the payment of a restoration fee of \$210.00 or \$200.00 when such
26 reinstatement is processed by mail."

27 **SECTION 4.**

28 Said article is further amended by striking Code Section 40-5-86, relating to reduction of
29 point count upon completion of course, and inserting in lieu thereof the following:

30 "40-5-86.

31 Upon the accumulation of points pursuant to Code Section 40-5-57, the total number of
32 points accumulated by any driver shall be reduced by seven points, but to not less than zero
33 points, upon the satisfactory completion by such driver of an approved defensive driving
34 course ~~or a DUI Alcohol or Drug Use Risk Reduction Program~~ and the submission of a
35 certificate by such driver to the department. The provisions of this Code section shall be
36 available one time only to each driver in any five-year period."

SECTION 5.

Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in driver training and operators of driver training schools, is amended by striking Code Section 43-13-4, relating to qualifications of driver training school operators, and inserting in lieu thereof the following:

"43-13-4.

Every person who desires to operate a driver training school shall meet the following requirements:

(1) Be of good moral character;

(2) Maintain an established place of business which is open to the public;

(3) Maintain bodily injury and property damage liability insurance on motor vehicles while used in driver training instruction, insuring the liability of the driver training school, the driving instructors, and any person taking instruction, in at least the following amounts: \$100,000.00 for bodily injury to or death of one person in any one accident and, subject to such limit for one person, \$200,000.00 for bodily injury to or death of two or more persons in any one accident and the amount of \$20,000.00 for damage to property of others in any one accident. Evidence of such insurance coverage, in the form of a certificate from the insurance carrier, shall be filed with the department; and such certificate shall stipulate that the insurance shall not be canceled except upon ten days' prior written notice to the department. Such insurance shall be written by a company authorized to do business in this state;

(4) Provide a continuous surety company bond in the principal sum of \$2,500.00 for the protection of the contractual rights of students in such form as will meet with the approval of the department and written by a company authorized to do business in this state; provided, however, that the aggregate liability of the surety for all breaches of the condition of the bond in no event shall exceed the principal sum of \$2,500.00 per location, and a single bond at such rate for all schools operated by the same person may be provided in satisfaction of this paragraph. The surety on any such bond may cancel such bond on giving 30 days' notice thereof in writing to the department and shall be relieved of liability for any breach of any condition of the bond which occurs after the effective date of cancellation;

(5) Have the equipment necessary to the giving of proper instruction in the operation of motor vehicles as prescribed by the department; and

(6) Pay to the department an application fee of \$25.00."

SECTION 6.

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