

House Bill 484

By: Representative Parham of the 122nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, and various other provisions of the Official Code of Georgia Annotated, so as to
3 provide for matters relative to the creation and implementation of the Department of Motor
4 Vehicle Safety and its governing board and commissioner; to state legislative intent; to
5 change references with respect to duties relating to drivers' licenses formerly assigned to the
6 Department of Public Safety and transferred to the Department of Motor Vehicle Safety; to
7 change references with respect to duties relating to driver training formerly assigned to the
8 Department of Public Safety and transferred to the Department of Motor Vehicle Safety; to
9 provide for related matters; to provide for an effective date and implementation; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 It is the intent of this Act only to conform certain references in the Official Code of Georgia
14 Annotated with respect to the creation and implementation of the Department of Motor
15 Vehicle Safety, as provided for in an Act for that purpose approved April 28, 2000 (Ga. L.
16 2000, p. 951). In the event of any substantive conflict between this Act and any other Act of
17 the 2001 General Assembly amending the same provisions of the Official Code of Georgia
18 Annotated, it is the intent of this Act that such other Act control over this Act.

19 style="text-align:center">**SECTION 2.**

20 Code Section 3-3-23.1 of the Official Code of Georgia Annotated, relating to punishment for
21 offenses relating to minors and alcoholic beverages, is amended by striking subsection (f)
22 and inserting in its place a new subsection to read as follows:

23 "(f) In addition to any other punishment or sentence, the court may order all persons
24 convicted under subsection (b) of this Code section or sentenced under subsection (c) of
25 this Code section to complete a DUI Alcohol or Drug Use Risk Reduction Program

1 prescribed by the Department of Human Resources within 120 days of such conviction or
2 sentence. Failure to complete such program within 120 days shall be contempt of court and
3 shall be punished by a fine of not more than \$300.00 or 20 days imprisonment, or both. If
4 the conviction or sentence results from a charge of unlawful possession of alcoholic
5 beverages while operating a motor vehicle, the court shall report such conviction or
6 sentence to the Department of ~~Public~~ Motor Vehicle Safety within ten days after conviction
7 or sentencing."

8 SECTION 3.

9 Code Section 10-1-350 of the Official Code of Georgia Annotated, relating to definitions
10 applicable to secondary metals recyclers, is amended by striking paragraph (5) and inserting
11 in its place a new paragraph to read as follows:

12 "(5) 'Personal identification card' means a driver's license or identification card issued
13 by the Department of ~~Public~~ Motor Vehicle Safety or a similar card issued by another
14 state, a military identification card, a passport, or an appropriate work authorization
15 issued by the United States Immigration and Naturalization Service."

16 SECTION 4.

17 Code Section 15-11-66 of the Official Code of Georgia Annotated, relating to juvenile court
18 disposition of delinquent children, is amended by striking subsection (b) and inserting in its
19 place a new subsection to read as follows:

20 "(b) At the conclusion of the adjudicatory hearing, if the child is found to have committed
21 a delinquent act, the court may, in addition to any other treatment or rehabilitation, suspend
22 the driver's license of such child for any period not to exceed the date on which the child
23 becomes 18 years of age or, in the case of a child who does not have a driver's license,
24 prohibit the issuance of a driver's license to such child for any period not to exceed the date
25 on which the child becomes 18 years of age. The court shall retain the driver's license for
26 a period of suspension and return it to the offender at the end of such period. The court
27 shall notify the Department of ~~Public~~ Motor Vehicle Safety of any such actions taken
28 pursuant to this subsection. If the child is adjudicated for the commission of a delinquent
29 act, the court may in its discretion, in addition to any other treatment or rehabilitation, order
30 the child to serve up to a maximum of 90 days in a youth development center."

31 SECTION 5.

32 Code Section 15-11-73 of the Official Code of Georgia Annotated, relating to juvenile traffic
33 offenses, is amended by striking subsections (g) and (j) and inserting in their respective
34 places new subsections to read as follows:

1 "(g) *Disposition*. If the court finds on the admission of the child or upon the evidence that
2 the child committed the offense charged, it may make one or more of the following orders:

3 (1) Reprimand, counsel, or warn the child and the child's parents; provided, however,
4 that this dispositional order is not available for any offense listed in subsection (c) of this
5 Code section;

6 (2) As a matter of probation or if the child is committed to the custody of the state, order
7 the Department of ~~Public~~ Motor Vehicle Safety to suspend the child's privilege to drive
8 under stated conditions and limitations for a period not to exceed 12 months;

9 (3) Require the child to attend a traffic school conducted by the Department of ~~Public~~
10 Motor Vehicle Safety or a substance abuse clinic or program approved by either the
11 Department of Human Resources or the Council of Juvenile Court Judges for a
12 reasonable period of time;

13 (4) Order the child to remit to the general fund of the county a sum not exceeding the
14 maximum applicable to an adult for a like offense;

15 (5) Require the child to participate in a program of community service as specified by
16 the court;

17 (6) Impose any sanction authorized by Code Section 15-11-66, 15-11-67, or 15-11-68;
18 or

19 (7) Place the child on probation subject to the conditions and limitations imposed by
20 Title 40 on probation granted to adults for like offenses, but such probation shall be
21 supervised by the court as provided in Code Section 15-11-66."

22 "(j) *Reporting procedure*. Upon finding that the child has committed a juvenile traffic
23 offense or a delinquent offense which would be a violation of Title 40 if committed by an
24 adult, the court shall forward, within ten days, a report of the final adjudication and
25 disposition of the charge to the Department of ~~Public~~ Motor Vehicle Safety; provided,
26 however, that this procedure shall not be applicable to those cases which have been
27 dismissed or in which the child and the child's parents have been reprimanded, counseled,
28 or warned by the court pursuant to paragraph (1) of subsection (g) of this Code section. The
29 Department of ~~Public~~ Motor Vehicle Safety shall record the adjudication and disposition
30 of the offense on the child's permanent record and such adjudication and disposition shall
31 be deemed a conviction for the purpose of suspending or revoking the individual's driver's
32 license. Such record shall also be available to law enforcement agencies and courts as are
33 the permanent traffic records of adults."

SECTION 6.

Code Section 17-6-2 of the Official Code of Georgia Annotated, relating to acceptance of bail in misdemeanor cases, is amended by striking paragraphs (3) and (4) of subsection (a) and inserting in their place new paragraphs to read as follows:

"(3) A failure to appear by the individual who has been charged with a misdemeanor offense and who posted that individual's license as bail pursuant to this subsection shall, by operation of law, cause that individual's license to be suspended by the Department of Public Motor Vehicle Safety effective immediately, and the clerk of the court within five days after that failure to appear shall forward a copy of the agreement to the Department of Public Motor Vehicle Safety which shall enter the suspension upon the individual's driver history record. The posting of a license as provided in this subsection shall also be considered as bail for the purposes of Code Section 16-10-51. Where the original court date has been continued by the judge, clerk, or other officer of the court and there has been actual notice given to the defendant in open court or in writing by a court official or officer of the court or by mailing such notice to the defendant's last known address, then the provisions of this paragraph shall apply to the new court appearance date.

(4) A license suspended pursuant to this subsection shall only be reinstated when the individual shall pay to the Department of Public Motor Vehicle Safety a restoration fee of \$25.00 together with a certified notice from the clerk of the originating court that the case has either been disposed of or has been rescheduled and a deposit of sufficient collateral approved by the sheriff of the county wherein the charges were made in an amount to satisfy the original bail amount has been paid. The court wherein the charges are pending shall be authorized to require payment of costs by the defendant in an amount not to exceed \$100.00 to reschedule the case."

SECTION 7.

Code Section 17-10-3 of the Official Code of Georgia Annotated, relating to punishment for misdemeanors in general, is amended by striking subsections (d) and (e) and inserting in their place new subsections to read as follows:

"(d) In addition to or instead of any other penalty provided for the punishment of a misdemeanor involving a traffic offense, or punishment of a municipal ordinance involving a traffic offense, with the exception of habitual offenders sentenced under Code Section 17-10-7, a judge may impose any one or more of the following sentences:

(1) Reexamination by the Department of Public Motor Vehicle Safety when the judge has good cause to believe that the convicted licensed driver is incompetent or otherwise not qualified to be licensed;

1 (2) Attendance at, and satisfactory completion of, a driver improvement course meeting
2 standards approved by the court;

3 (3) Within the limits of the authority of the charter powers of a municipality or the
4 punishment prescribed by law in other courts, imprisonment at times specified by the
5 court or release from imprisonment upon such conditions and at such times as may be
6 specified; or

7 (4) Probation or suspension of all or any part of a penalty upon such terms and
8 conditions as may be prescribed by the judge. The conditions may include driving with
9 no further motor vehicle violations during a specified time unless the driving privileges
10 have been or will be otherwise suspended or revoked by law; reporting periodically to the
11 court or a specified agency; and performing, or refraining from performing, such acts as
12 may be ordered by the judge.

13 (e) Any sentence imposed under subsection (d) of this Code section shall be reported to
14 the Department of ~~Public~~ Motor Vehicle Safety as prescribed by law."

15 SECTION 8.

16 Code Section 21-2-221 of the Official Code of Georgia Annotated, relating to voter
17 registration in connection with driver licensure, is amended by striking said Code section in
18 its entirety and inserting in its place a new Code section to read as follows:

19 "21-2-221.

20 (a) Each application to obtain, renew, or change the name or address on a driver's license
21 or identification card issued by the Department of ~~Public~~ Motor Vehicle Safety pursuant
22 to Chapter 5 of Title 40 made by an applicant who is within six months of such applicant's
23 eighteenth birthday or older shall also serve as an application for voter registration unless
24 the applicant declines to register to vote through specific declination or by failing to sign
25 the voter registration application.

26 (b) The commissioner of ~~public~~ motor vehicle safety and the Secretary of State shall agree
27 upon and design such procedures and forms as will be necessary to comply with this Code
28 section.

29 (c) The forms designed by the commissioner of ~~public~~ motor vehicle safety and the
30 Secretary of State:

31 (1) Shall not require the applicant to duplicate any information required in the driver's
32 license portion of the application with the exception of a second signature;

33 (2) Shall include such information as required on other voter registration cards issued by
34 the Secretary of State;

1 (3) Shall contain a statement that states each eligibility requirement contained in Code
2 Section 21-2-216, that contains an attestation that the applicant meets each such
3 requirement, and that requires the signature of the applicant under penalty of perjury; and

4 (4) Shall include, in print that is identical to that used in the attestation, the penalties
5 provided by law for submission of a false voter registration application; and a statement
6 that, if an applicant declines to register to vote, the fact that the applicant has declined to
7 register will remain confidential and will be used only for voter registration purposes.

8 (d) Any change of address submitted to the Department of ~~Public~~ Motor Vehicle Safety
9 for the purpose of changing the information contained on a driver's license or identification
10 card issued by the Department of ~~Public~~ Motor Vehicle Safety shall serve as a notification
11 of change of address for voter registration unless the registrant states that at the time of
12 submitting the change of address that the change of address is not for voter registration
13 purposes.

14 (e) The Department of ~~Public~~ Motor Vehicle Safety shall transmit the completed
15 applications for voter registration to the Secretary of State at the conclusion of each
16 business day. The Secretary of State shall forward the applications to the appropriate
17 county board of registrars to determine the eligibility of the applicant and, if found eligible,
18 to add the applicant's name to the list of electors and to place the applicant in the correct
19 precinct and voting districts.

20 (f) The Department of ~~Public~~ Motor Vehicle Safety shall maintain such statistical records
21 on the number of registrations and 10 as requested by the Secretary of State.

22 (g) No information relating to the failure of an applicant for a driver's license or
23 identification card issued by the Department of ~~Public~~ Motor Vehicle Safety to sign a voter
24 registration application may be used for any purpose other than voter registration.

25 (h) The Secretary of State and the commissioner of ~~public~~ motor vehicle safety shall have
26 the authority to promulgate rules and regulations to provide for the transmission of voter
27 registration applications and signatures electronically. Such electronically transmitted
28 signatures shall be valid as signatures on the voter registration application and shall be
29 treated in all respects as a manually written original signature and shall be recognized as
30 such in any matter concerning the voter registration application."

31 SECTION 9.

32 Code Section 27-2-3.1 of the Official Code of Georgia Annotated, relating to certain hunting
33 and fishing licenses, is amended by striking subsection (e) and inserting in its place a new
34 subsection to read as follows:

35 "(e) The requirements in this title for procuring any license, stamp, or permit for
36 noncommercial hunting and fishing privileges shall be satisfied by a resident who procures

1 a lifetime sportsman's license. An applicant for such license shall, prior to the issuance of
 2 the license, provide satisfactory evidence of residency. For purposes of procuring a lifetime
 3 sportsman's license, the term 'residency' means a domicile within Georgia for a minimum
 4 of 12 consecutive months immediately prior to procuring such license. Satisfactory
 5 evidence of residency shall consist of a current Georgia driver's license or official Georgia
 6 identification card issued by the Department of ~~Public~~ Motor Vehicle Safety and at least
 7 one of the following:

- 8 (1) A voter registration card;
- 9 (2) A copy of the prior year's Georgia income tax return;
- 10 (3) A current Georgia automobile registration; or
- 11 (4) A warranty deed to property at the same address as is displayed on the Georgia
 12 driver's license.

13 Minors under 18 years of age shall be presumed to be residents upon proof of parent's
 14 residency as provided for in this Code section. For purposes of procuring the Type I
 15 (Infant) lifetime license, a certified copy of the birth certificate of the licensee shall be
 16 required."

17 **SECTION 10.**

18 Code Section 33-9-42 of the Official Code of Georgia Annotated, relating to reduction in
 19 insurance premiums for completion of certain training, is amended by striking said Code
 20 section in its entirety and inserting in its place a new Code section to read as follows:

21 "33-9-42.

22 (a) For each personal or family-type policy of private passenger motor vehicle insurance
 23 issued or issued for delivery in this state, there shall be offered by the insurer a reduction
 24 of not less than 10 percent in premiums for motor vehicle liability, first-party medical, and
 25 collision coverages to the policyholder if all named drivers, as listed or who should be
 26 listed on the policy application or provided in information subsequent to such application,
 27 of each motor vehicle covered by such policy satisfy the requirements of subsection (b) or
 28 subsection (c), as applicable, of this Code section.

29 (b) Reductions in premiums shall be available if all named drivers who are 25 years of age
 30 or older:

- 31 (1) Have committed no traffic offenses for the prior three years or since the date of
 32 licensure, whichever is shorter;
- 33 (2) Have had no claims based on fault against an insurer for the prior three years; and
- 34 (3) Complete one of the following types of driving courses:

- 1 (A) A course in defensive driving of not less than six hours from a driver improvement
2 clinic or commercial or noncommercial driving school approved by and under the
3 jurisdiction of the Department of Public Motor Vehicle Safety;
- 4 (B) An emergency vehicles operations course at the Georgia Public Safety Training
5 Center;
- 6 (C) A course in defensive driving of not less than six hours from a driver improvement
7 program which is administered by a nonprofit organization such as the American
8 Association of Retired People, the American Automobile Association, the National
9 Safety Council, or a comparable organization and which meets the standards
10 promulgated by the Department of Public Motor Vehicle Safety pursuant to subsection
11 (f) of this Code section; or
- 12 (D) A course in defensive driving of not less than six hours offered by an employer to
13 its employees and their immediate families, which course has been approved by the
14 Department of Public Motor Vehicle Safety.
- 15 (c) Reductions in premiums shall be available if all named drivers who are under 25 years
16 of age:
- 17 (1) Have committed no traffic offenses for the prior three years or since the date of
18 licensure, whichever is shorter;
- 19 (2) Have had no claims based on fault against an insurer for the prior three years; and
- 20 (3) Complete a preparatory course offered to new drivers of not less than 30 hours of
21 classroom training and not less than six hours of practical training by a driver's training
22 school approved by and under the jurisdiction of the Department of Public Motor Vehicle
23 Safety or by an accredited secondary school, junior college, or college.
- 24 (d) Upon completion of one of the driving courses specified in paragraph (3) of subsection
25 (b) or paragraph (3) of subsection (c), as applicable, of this Code section by each named
26 driver, eligibility for reductions in premiums for such policy shall continue for a period of
27 three years, provided any named driver under such policy does not commit a traffic offense
28 or have a claim against the policy based on any such driver's fault.
- 29 (e) The Department of Public Motor Vehicle Safety shall assure through the supervision
30 of driver improvement clinics, emergency vehicles operations courses, driver improvement
31 programs administered by nonprofit organizations, and commercial or noncommercial
32 driving schools approved by the Department of Public Motor Vehicle Safety that defensive
33 driving courses shall be available and accessible wherever practicable as determined by the
34 department to licensed drivers throughout the state.
- 35 (f) Each insurer providing premium discounts under this Code section shall provide, upon
36 the request of the Commissioner, information regarding the amount of such discounts in
37 a form acceptable to the Commissioner.

1 (g) The power of supervision granted to the Department of ~~Public~~ Motor Vehicle Safety
 2 over driver improvement programs administered by nonprofit organizations under this
 3 Code section shall be limited to the establishment of minimum standards and requirements
 4 relative to the content of specific courses offered by such programs and relative to
 5 investigation and resolution of any complaints directed towards the content or operation
 6 of any course by a person enrolled in such course. The Department of ~~Public~~ Motor
 7 Vehicle Safety may adopt rules and regulations necessary to carry out the provisions of this
 8 subsection. The Department of ~~Public~~ Motor Vehicle Safety shall not require a nonprofit
 9 organization to obtain a license or permit or to pay a fee in order to administer a driver
 10 improvement program in the state. The Department of ~~Public~~ Motor Vehicle Safety shall
 11 not require a commercial driving school licensed by such department to obtain an
 12 additional license to teach a defensive driving course, as described in subparagraph
 13 (b)(3)(A) or paragraph (3) of subsection (c) of this Code section, at any location in this
 14 state.

15 (h) Nothing in this Code section shall prevent an insurer from offering the reduction in
 16 premium specified in subsection (a) of this Code section to a driver who does not meet all
 17 of the requirements of subsection (b) or subsection (c), as applicable, of this Code section."

18 **SECTION 11.**

19 Code Section 40-14-16 of the Official Code of Georgia Annotated, relating to restrictions on
 20 driver's license suspension for speeding violations, is amended by striking said Code section
 21 in its entirety and inserting in its place a new Code section to read as follows:

22 "40-14-16.

23 No speeding violation of less than ten miles per hour above the legal speed limit in the
 24 county or municipality or on a college or university campus in which a person is given a
 25 speeding ticket shall be used by the Department of ~~Public~~ Motor Vehicle Safety for the
 26 purpose of suspending or revoking the driver's license of the violator. No speeding
 27 violation report by a county, municipality, or college or university campus to the
 28 Department of ~~Public~~ Motor Vehicle Safety which fails to specify the speed of the violator
 29 shall be used by the Department of ~~Public~~ Motor Vehicle Safety to revoke the driver's
 30 license of a violator."

31 **SECTION 12.**

32 Code Section 42-8-110 of the Official Code of Georgia Annotated, relating to general
 33 provisions applicable to ignition interlock devices as a condition of probation, is amended
 34 by striking subsections (a) and (d) and inserting in their place new subsections to read as
 35 follows:

1 "(a) As used in this article, the term 'ignition interlock device' means a constant monitoring
2 device certified by the commissioner of public motor vehicle safety which prevents a motor
3 vehicle from being started at any time without first determining the equivalent blood
4 alcohol concentration of the operator through the taking of a deep lung breath sample. The
5 system shall be calibrated so that the motor vehicle may not be started if the blood alcohol
6 concentration of the operator, as measured by the device, exceeds 0.02 grams or if the
7 sample is not a sample of human breath."

8 "(d) A provider center shall be authorized to charge the person whose vehicle is to be
9 equipped with an ignition interlock device such installation, deinstallation, and user fees
10 as are approved by the Department of Public Motor Vehicle Safety. A provider center may
11 also require such person to make a security deposit for the safe return of the ignition
12 interlock device. Payment of any or all of such fees and deposits may be made a condition
13 of probation under this order."

14 SECTION 13.

15 Code Section 42-8-111 of the Official Code of Georgia Annotated, relating to orders for and
16 use of ignition interlock devices, is amended by striking subsection (c) and inserting in its
17 place a new subsection to read as follows:

18 "(c)(1) If use of an ignition interlock device is ordered, the court shall include in the
19 record of conviction or violation submitted to the Department of Public Motor Vehicle
20 Safety notice of the requirement for, and the period of the requirement for, the use of a
21 certified ignition interlock device. The records of the Department of Public Motor
22 Vehicle Safety shall contain a record reflecting mandatory use of such device and the
23 person's driver's license or limited driving permit shall contain a notation that the person
24 may only operate a motor vehicle equipped with a functioning, certified ignition interlock
25 device.

26 (2) In the case of any person subject to the provisions of subsection (a) of this Code
27 section, unless and until the Department of Public Motor Vehicle Safety has received
28 notice from the court that issuance of a limited driving permit prior to license
29 reinstatement has been prohibited, the records of said department shall reflect that
30 installation and use of an ignition interlock device has been required.

31 (3) If an order prohibiting issuance of a limited driving permit prior to license
32 reinstatement is issued pursuant to subsection (a) of this Code section, the court shall
33 include in the record of conviction or violation submitted to the Department of Public
34 Motor Vehicle Safety notice of such prohibition. The records of the Department of
35 Public Motor Vehicle Safety shall contain a record reflecting such prohibition."

1 to, those standards for such devices promulgated by the National Highway Traffic Safety
 2 Administration and adopted by rule or regulation of the Department of Public Motor
 3 Vehicle Safety.

4 (b) The commissioner of public motor vehicle safety may utilize information from an
 5 independent agency to certify ignition interlock devices on or off the premises of the
 6 manufacturer in accordance with rules and regulations promulgated pursuant to this article.
 7 The cost of certification shall be borne by the manufacturers of ignition interlock devices.

8 (c) The commissioner of public motor vehicle safety shall adopt rules and regulations for
 9 determining the accuracy of and proper use of the ignition interlock devices in full
 10 compliance with this article. No model of ignition interlock device shall be certified unless
 11 it meets the accuracy requirements specified by such rules and regulations."

12 SECTION 17.

13 Code Section 42-8-116 of the Official Code of Georgia Annotated, relating to warning labels
 14 for ignition interlock devices, is amended by striking said Code section in its entirety and
 15 inserting in its place a new Code section to read as follows:

16 "42-8-116.

17 The providers certified by the Department of Public Motor Vehicle Safety shall design and
 18 adopt pursuant to regulations of the department a warning label which shall be affixed to
 19 each ignition interlock device upon installation. The label shall contain a warning that any
 20 person tampering, circumventing, or otherwise misusing the device is guilty of a
 21 misdemeanor and may be subject to civil liability."

22 SECTION 18.

23 Code Section 42-8-117 of the Official Code of Georgia Annotated, relating to revocation of
 24 probation involving ignition interlock devices, is amended by striking said Code section in
 25 its entirety and inserting in its place a new subsection to read as follows:

26 "42-8-117.

27 (a) In the event the sentencing court finds that a person has violated the terms of probation
 28 imposed pursuant to subsection (a) of Code Section 42-8-111, the Department of Public
 29 Motor Vehicle Safety shall revoke that person's driving privilege for one year from the
 30 date the court revokes that person's probation. The court shall report such probation
 31 revocation to the Department of Public Motor Vehicle Safety by court order.

32 (b) In the event the sentencing court finds that a person has twice violated the terms of
 33 probation imposed pursuant to subsection (a) of Code Section 42-8-111 during the same
 34 period of probation, the Department of Public Motor Vehicle Safety shall revoke that
 35 person's driving privilege for five years from the date the court revokes that person's

1 probation for a second time. The court shall report such probation revocation to the
2 Department of ~~Public~~ Motor Vehicle Safety by court order."

3 **SECTION 19.**

4 Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to definitions
5 applicable to indemnification of public employees, is amended by striking paragraph (6) and
6 inserting in its place a new paragraph to read as follows:

7 "(6) 'Law enforcement officer' means any agent or officer of this state, or a political
8 subdivision or municipality thereof, who, as a full-time or part-time employee, is vested
9 either expressly by law or by virtue of public employment or service with authority to
10 enforce the criminal or traffic laws and whose duties include the preservation of public
11 order, the protection of life and property, or the prevention, detection, or investigation of
12 crime. Such term also includes the employees designated by the commissioner of juvenile
13 justice of the Department of Juvenile Justice pursuant to paragraph (2) of subsection (i)
14 of Code Section 49-4A-8, which employees have the duty to investigate and apprehend
15 delinquent and unruly children who have escaped from a facility under the jurisdiction
16 of the Department of Juvenile Justice or who have broken the conditions of supervision.
17 ~~With respect to periods of time prior to July 1, 2001, such~~ Such term also includes
18 employees designated and delegated law enforcement powers by the Public Service
19 Commission pursuant to Code Sections 46-7-28 and 46-11-6, which personnel have the
20 duty to enforce the laws relating to motor carriers and the transportation of hazardous
21 materials; and on and after July 1, 2001, such term also includes law enforcement officers
22 of the Department of Motor Vehicle Safety. Such term also includes members of the
23 Georgia National Guard, the composition of which is set forth in Code Section 38-2-3,
24 who have been called into active state service by the Governor."

25 **SECTION 20.**

26 Code Section 48-7-29.5 of the Official Code of Georgia Annotated, relating to income tax
27 credits for driver education course fees, is amended by striking subsection (a) and inserting
28 in its place a new subsection to read as follows:

29 "(a) A taxpayer shall be allowed a credit against the tax imposed by Code Section 48-7-20
30 with respect to the amount expended by such taxpayer for a completed course of driver
31 education for a dependent minor child of such taxpayer at a private driver training school
32 ~~licensed by the Department of Public Safety~~ under Chapter 13 of Title 43, 'The Driver
33 Training School License Act,' except as otherwise provided by this Code section. The
34 amount of such tax credit per dependent minor child of a taxpayer shall be the actual
35 amount expended for such course, or \$150.00, whichever is less."

SECTION 21.

1
2 This Act shall become effective upon its approval by the Governor or upon its becoming law
3 without such approval for purposes of the authority of the departments and officers affected
4 by this Act to commence and take administrative actions as may be necessary or appropriate
5 to prepare for and phase in the full implementation of this Act no later than July 1, 2001;
6 provided, however, that the Governor by one or more executive orders may extend the date
7 for full implementation of this Act to no later than July 1, 2003. It is the intention of the
8 General Assembly that the implementation of this Act pursuant to any such executive order
9 or orders be contemporaneous with the implementation of the Act creating the Department
10 of Motor Vehicle Safety, approved April 28, 2000 (Ga. L. 2000, p. 951).

SECTION 22.

11
12 All laws and parts of laws in conflict with this Act are repealed.