

House Bill 480

By: Representatives Powell of the 23<sup>rd</sup> and Parham of the 122<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor  
2 vehicle drivers' licenses, so as to change certain provisions relating to restoration of licenses  
3 to persons completing defensive driving courses or alcohol or drug programs; to regulate  
4 such courses and programs; to amend Title 43 of the Official Code of Georgia Annotated,  
5 relating to businesses and professions, so as to change certain provisions relating to  
6 instructors in driver training and operators of driver training schools; to regulate such  
7 instructors and schools; to provide effective dates; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **PART I**  
11 **SECTION 1-1.**

12 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle  
13 drivers' licenses, is amended by striking Article 4, relating to restoration of licenses to  
14 persons completing defensive driving courses or alcohol or drug programs, and inserting in  
15 lieu thereof the following:

16 "ARTICLE 4

17 40-5-80.

18 The purpose of this article, the 'Georgia Driver Improvement Act,' is to improve and  
19 promote greater safety upon the highways and streets of this state; to improve the attitude  
20 and driving habits of drivers who accumulate traffic accident and motor vehicle conviction  
21 records; and to provide uniform DUI Alcohol or Drug Use Risk Reduction Programs for  
22 the rehabilitation of persons identified as reckless or negligent drivers and frequent

1 violators. In carrying out this purpose, the Department of Public Safety and the  
2 Department of Human Resources, as applicable, shall:

3 (1) Charge a fee for the consideration of applications for approval of driver improvement  
4 clinics and instructors. ~~The amount~~ amounts of this fee shall be ~~established by the Board~~  
5 ~~of Public Safety and shall, as best as the board shall determine, approximate the expense~~  
6 ~~incurred by the Department of Public Safety in consideration of an application~~ \$100.00  
7 for any clinic and \$50.00 for any instructor. The amounts of renewal fees shall be  
8 \$100.00 for any clinic and \$25.00 for any instructor. These licenses and each renewal  
9 thereof shall be valid for a period of ~~two~~ four years unless suspended or revoked prior to  
10 the expiration of that time period; ~~and~~

11 (2) Require, in addition to the criteria for approval of driver improvement clinics  
12 established by the commissioner of public safety and DUI Alcohol or Drug Use Risk  
13 Reduction Programs established by the Department of Human Resources, as provided in  
14 subsections (a) and (e) of Code Section 40-5-83, respectively, that every driver  
15 improvement clinic and DUI Alcohol or Drug Use Risk Reduction Program shall, as a  
16 condition of approval, provide a continuous surety company bond for the protection of  
17 the contractual rights of students in such form as will meet with the approval of the  
18 Department of Public Safety or the Department of Human Resources, as applicable, and  
19 written by a company authorized to do business in this state. The principal sum of the  
20 bond shall be ~~established by the Board of Public Safety or the Board of Human~~  
21 ~~Resources, as applicable; however, in no event shall this amount be less than \$2,500.00~~  
22 at the rate of \$10,000.00 per location, and a single bond at such rate may be submitted for  
23 all locations under the same ownership. If at any time said bond is not valid and in force,  
24 the license of the clinic or program shall be deemed suspended by operation of law until  
25 a valid surety company bond is again in force;

26 (3) Provide notice of the applicable license expiration date to each licensed clinic or  
27 licensed instructor by first-class mail posted at least 90 days prior to such license  
28 expiration date, along with a copy of the appropriate renewal form for completion and  
29 return by the license holder. Failure of a license holder to receive such notice shall not  
30 abate any license expiration or relieve the license holder of the duty to timely renew such  
31 license. Failure to renew a license by the required renewal date shall cause the applicant  
32 to be subject to a late renewal fee in an amount equivalent to the license fee for an initial  
33 such license, in addition to the required renewal fee, and such late renewal fee shall be  
34 the exclusive penalty for failure to timely renew; and

35 (4) Provide for issuance of a replacement license upon the filing of an affidavit stating  
36 that the license was lost, mutilated, or destroyed and describing the time and  
37 circumstances thereof; and a copy of an incident report by a law enforcement agency

1 regarding the same shall not be required except in cases of suspected fraud or other illegal  
2 activity.

3 40-5-81.

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

8 (b) Whenever any person is authorized or required to attend a driver improvement clinic  
9 or DUI Alcohol or Drug Use Risk Reduction Program as a condition of any sentence  
10 imposed under this title or any ordinance enacted pursuant to this title or as a condition of  
11 the retention or restoration of the person's driving privilege, such person, in complying  
12 with such condition, shall be authorized to attend any driver improvement clinic or DUI  
13 Alcohol or Drug Use Risk Reduction Program certified under this article; and no judicial  
14 officer, probation officer, law enforcement officer, or other officer or employee of a court  
15 or person who owns, operates, or is employed by a private company which has contracted  
16 to provide private probation services for misdemeanor cases shall specify, directly or  
17 indirectly, a particular driver improvement clinic or DUI Alcohol or Drug Use Risk  
18 Reduction Program which the person may or shall attend. This Code section shall not  
19 prohibit any judicial officer, probation officer, law enforcement officer, or other officer or  
20 employee of a court or owner, operator, or employee of a private company which has  
21 contracted to provide probation services for misdemeanor offenders from furnishing any  
22 person, upon request, the names of certified driver improvement clinics or DUI Alcohol  
23 or Drug Use Risk Reduction Programs.

24 (c) It shall be unlawful for the owner, agent, servant, or employee of any driver  
25 improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program licensed by the  
26 Department of Public Safety or the Department of Human Resources to directly or  
27 indirectly solicit business by personal solicitation on public property, by phone or mail.  
28 A violation of this subsection shall be a misdemeanor. Advertising in any mass media,  
29 including, but not limited to, newspapers, radio, television, magazines, or telephone  
30 directories by a driver improvement clinic or DUI Alcohol or Drug Use Risk Reduction  
31 Program shall not be considered a violation of this subsection.

32 40-5-82.

33 (a) The Driver Improvement Program created by this article shall be administered by the  
34 commissioner of public safety. The Board of Public Safety is authorized to promulgate and  
35 adopt rules and regulations necessary to carry out this article.

1 (b) For the purpose of generating greater interest in highway safety, the commissioner may  
2 solicit the assistance of local governmental authorities, associations, societies, clubs,  
3 schools, colleges, and other organizations or persons knowledgeable in highway safety  
4 driving standards to participate in conjunction with the department in the development of  
5 local driver improvement programs and in conducting driver improvement classes.

6 (c) The Department of Human Resources is designated as the agency responsible for the  
7 approval and certification of DUI Alcohol or Drug Use Risk Reduction Programs and staff.  
8 This responsibility includes selection of the assessment instrument, development of the  
9 intervention curricula, training of program staff, and monitoring of all DUI Alcohol or  
10 Drug Use Risk Reduction Programs under this article.

11 (d) All DUI Alcohol or Drug Use Risk Reduction Program records including, but not  
12 limited to, assessment results and other components attended shall be confidential and shall  
13 not be released without the written consent of the DUI offender, except that such records  
14 shall be made available to the Department of Human Resources and the Department of  
15 Public Safety.

16 (e) The Department of Human Resources shall conduct a records check for any applicant  
17 for certification as an operator or instructor of a DUI Alcohol or Drug Use Risk Reduction  
18 Program. Each applicant shall submit two sets of classifiable fingerprints to the  
19 department. The department shall transmit both sets of fingerprints to the Georgia Crime  
20 Information Center, which shall submit one set of fingerprints to the Federal Bureau of  
21 Investigation for a search of bureau records and an appropriate report and shall retain one  
22 set and promptly conduct a search of state records. After receiving the report from the  
23 Georgia Crime Information Center and the Federal Bureau of Investigation, the department  
24 shall determine whether the applicant may be certified. No applicant shall be certified who  
25 has previously been convicted of a felony. The department shall promulgate rules and  
26 regulations regarding certification requirements, including restrictions regarding  
27 misdemeanor convictions.

28 40-5-83.

29 (a)(1) The commissioner of public safety shall establish criteria for the approval of driver  
30 improvement clinics. To be approved, a clinic shall provide and operate either a  
31 defensive driving course, an advanced defensive driving course, or a professional  
32 defensive driving course or any combination thereof. Clinics shall be composed of  
33 uniform education and training programs consisting of six hours of instruction designed  
34 for the rehabilitation of problem drivers. The commissioner shall establish standards and  
35 requirements concerning the contents of courses, ~~duration of courses~~, qualifications of  
36 instructors, ~~fees~~, attendance requirements for students, and examinations. Approved

1 clinics ~~may~~ shall charge a fee of ~~not more than \$60.00~~ \$75.00 for a defensive driving  
2 course, an advanced defensive driving course, or a professional defensive driving course;  
3 except that such clinics may charge different fees of their own choosing if the person is  
4 enrolling in such course voluntarily and not pursuant to court order or department  
5 requirement. No clinic shall be approved unless such clinic agrees in writing to allow the  
6 examination and audit of the books, records, and financial statements of such clinic.  
7 Clinics may be operated by any individual, partnership, corporation, association, civic  
8 group, club, county, municipality, board of education, school, or college.

9 (1.1)(A) Each driver improvement clinic shall maintain a telephone extension for  
10 receipt of public calls, which may be shared with a DUI Alcohol or Drug Use Risk  
11 Reduction Program, driver training school conducting driver education classes for  
12 purposes of paragraph (3) of subsection (c) of Code Section 33-9-42, or provider of  
13 ignition interlock devices.

14 (B) The owner and operator of multiple driver improvement clinics may advertise the  
15 telephone number of one such clinic as a master telephone number whereby  
16 information about and enrollment in any of such clinics owned or operated by such  
17 person may be obtained or achieved.

18 (1.2)(A) No driver improvement clinic shall be permitted to use, adopt, or conduct any  
19 business under any name that is like or deceptively similar to any name used by any  
20 other driver improvement clinic, Georgia company, or Georgia corporation registered  
21 with the Secretary of State. This subparagraph shall not prohibit the franchising or  
22 licensing of any part or all of the name of a driver improvement clinic by the owner or  
23 the rights thereof to another licensed driver improvement clinic.

24 (B) A driver improvement clinic shall not use the word 'state' in any part of the clinic  
25 name.

26 (C) This paragraph shall not prohibit the franchising or licensing of any part or all of  
27 the name of a clinic by the owner of the rights therein to another licensed driver  
28 improvement clinic.

29 (1.3) It shall be the duty and responsibility of each clinic owner to take reasonable steps  
30 to ensure all instructors associated with their clinic have met all requirements for renewal  
31 and have in their possession a valid instructor's certificate; provided, however, that each  
32 instructor shall be primarily responsible for ensuring that his or her own license is valid.

33 (1.4)(A) Every driver improvement clinic shall maintain the following records which  
34 shall be available for inspection by the department at all times and which may be  
35 maintained in electronic form for purposes of this paragraph:

1 (i) A file setting forth the name, address, contact number, and terms of payment of  
2 every person receiving instructions of any kind or of any services relating to  
3 procedures to obtain reinstatement of a driver's license;

4 (ii) The file shall contain records showing the date, type, curricula, and duration of  
5 instructions, including the name and department assigned instructor license number  
6 of the instructor performing such instruction;

7 (iii) A receipt book, which must contain the name and address of the clinic, shall be  
8 used to record all receipts directly relating to the contracts and instructions of  
9 students. An original receipt will be furnished the student and a copy kept for a  
10 period of three years. Such receipt may be incorporated as part of the receipt  
11 provided pursuant to division (iv) of this subparagraph;

12 (iv) A file containing the original copy of every contract entered into by the clinic  
13 and its students for the purpose of obtaining any instructions. A copy of the contract  
14 must be furnished to the students and may serve as a receipt, and the original thereof  
15 must be retained by the clinic for a period of three years;

16 (v) A roster of each class listing the clinic's number, name, and address, the student's  
17 name, date of birth, driver's license number, certificate number, and amount of fee  
18 paid must be forwarded to the department within 15 days of the completion of the  
19 course;

20 (vi) A schedule for all classes of instruction giving the date and time of classes must  
21 be forwarded to the department within 15 days prior to such classes; and

22 (vii) The class roster, student contracts, final exams, and course evaluation forms will  
23 be filed together by month and year that the class was held.

24 (B) Clinic records may be audited periodically by the department.

25 (2) The commissioner may issue a special license to the instructor of any commercial  
26 driver training school authorizing such instructor to teach a defensive driving course,  
27 advanced defensive driving course, or professional defensive driving course of a driver  
28 improvement clinic provided pursuant to this Code section if such instructor is qualified  
29 to teach a teen-age driver education course which consists of a minimum of 30 hours of  
30 classroom and six hours of behind-the-wheel training and such instructor certifies to the  
31 commissioner that he or she has provided at least 250 hours of behind-the-wheel training  
32 in a teen-age driver education course. Any application prepared by the department for  
33 such special license shall not require any additional fingerprints or physical examination  
34 if such applicant is currently licensed as a commercial driving instructor.

35 (b)(1) The commissioner of public safety shall be authorized to accept certificates of  
36 completion from all defensive driving, driving under the influence, and alcohol and drug  
37 programs, clinics, and courses approved by any other state, the District of Columbia, and

1 territories and possessions of the United States, including military reservations, whereby  
2 driver improvement clinics, programs, and courses shall be approved for use by residents  
3 of this state, other states, the District of Columbia, and territories and possessions of the  
4 United States.

5 (2) Driver improvement clinics, programs, and courses outside of the State of Georgia  
6 shall not be required to comply with the provisions of subsection (a) of this Code section.

7 (c) The commissioner of public safety shall be authorized to issue a special license to the  
8 instructor of any driver improvement clinic who is qualified to teach the alcohol and drug  
9 course prescribed in subsection (b) of Code Section 20-2-142. Any application prepared  
10 by the department for such special license shall not require any additional fingerprints or  
11 physical examination if such applicant is currently licensed as a commercial driving  
12 instructor. A driver improvement clinic shall offer such alcohol and drug course only  
13 through a qualified instructor and shall not charge a fee for such course of more than  
14 \$25.00. The commissioner shall be authorized to issue a special license to the instructor  
15 of any commercial driver training school to teach the alcohol and drug course prescribed  
16 in subsection (b) of Code Section 20-2-142 who is qualified to teach a teen-age driver  
17 education course, which course consists of a minimum of 30 hours of classroom and six  
18 hours of behind-the-wheel training. The alcohol and drug program may be included in the  
19 30 hours of classroom training as part of a curriculum approved by the department. Any  
20 fee authorized by law for such a drug and alcohol course may be included in the tuition  
21 charge for a teen-age driver education course.

22 (d) Notwithstanding the provisions of any law or rule or regulation which prohibits any  
23 individual who is a probation officer or other official or employee of the probation division  
24 of the Department of Corrections or a spouse of such individual from owning, operating,  
25 instructing at, or being employed by a driver improvement clinic, any individual who is a  
26 probation officer or other official or employee of the probation division of the Department  
27 of Corrections or a spouse of such individual who owns, operates, instructs at, or is  
28 employed by a driver improvement clinic on June 1, 1985, and who in all respects is and  
29 remains qualified to own, operate, instruct at, or be employed by a driver improvement  
30 clinic is expressly authorized to continue on and after June 1, 1985, to engage in such  
31 activities. No person who owns, operates, or is employed by a private company which has  
32 contracted to provide probation services for misdemeanor cases shall be authorized to own,  
33 operate, be an instructor at, or be employed by a driver improvement clinic or a DUI  
34 Alcohol or Drug Use Risk Reduction Program.

35 (e) The Department of Human Resources is designated as the agency responsible for  
36 establishing criteria for the approval of DUI Alcohol or Drug Use Risk Reduction  
37 Programs. An applicant must meet the certification criteria promulgated by the Department

1 of Human Resources through its standards and must provide the following services: (1) the  
2 assessment component and (2) the intervention component. The Department of Human  
3 Resources is designated as the agency responsible for establishing rules and regulations  
4 concerning the contents and duration of the components of DUI Alcohol or Drug Use Risk  
5 Reduction Programs, qualifications of instructors, attendance requirements for students,  
6 examinations, and program evaluations. Approved DUI Alcohol or Drug Use Risk  
7 Reduction Programs shall charge a fee of \$75.00 for the assessment component and  
8 \$175.00 for the intervention component. An additional fee for required student program  
9 materials shall be established by the Department of Human Resources in such an amount  
10 as is reasonable and necessary to cover the cost of such materials. No DUI Alcohol or  
11 Drug Use Risk Reduction Program shall be approved unless such clinic agrees in writing  
12 to submit reports as required in the rules and regulations of the Department of Human  
13 Resources and to allow the examination and audit of the books, records, and financial  
14 statements of such DUI Alcohol or Drug Use Risk Reduction Program by the Department  
15 of Human Resources or its authorized agent. DUI Alcohol or Drug Use Risk Reduction  
16 Programs may be operated by any public, private, or governmental entity; provided,  
17 however, that, except as otherwise provided in this subsection, in any political subdivision  
18 in which a DUI Alcohol or Drug Use Risk Reduction Program is operated by a private  
19 entity, whether for profit or nonprofit, neither the local county board of health nor any other  
20 governmental entity shall fund any new programs in that area. Programs currently in  
21 existence which are operated by local county boards of health or any other governmental  
22 entities shall be authorized to continue operation. New programs may be started in areas  
23 where no private DUI Alcohol or Drug Use Risk Reduction Programs have been made  
24 available to said community. The Department of Corrections is authorized to operate DUI  
25 Alcohol or Drug Use Risk Reduction Programs in its facilities where offenders are not  
26 authorized to participate in such programs in the community, provided that such programs  
27 meet the certification criteria promulgated by the Department of Human Resources. All  
28 such programs operated by the Department of Corrections shall be exempt from all fee  
29 provisions established in this subsection specifically including the rebate of any fee for the  
30 costs of administration. No DUI Alcohol or Drug Use Risk Reduction Program will be  
31 approved unless such clinic agrees in writing to pay to the state, for the costs of  
32 administration, a fee of \$15.00, for each offender assessed or each offender attending for  
33 points reduction, provided that nothing in this Code section shall be construed so as to  
34 allow the Department of Human Resources to retain any funds required by the Constitution  
35 of Georgia to be paid into the state treasury; and provided, further, that the Department of  
36 Human Resources shall comply with all provisions of Part 1 of Article 4 of Chapter 12 of

1 Title 45, the 'Budget Act,' except Code Section 45-12-92, prior to expending any such  
2 miscellaneous funds.

3 ~~40-5-83.1.~~

4 ~~Repealed.~~

5 40-5-84.

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

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

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

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

31 40-5-85.

32 Notwithstanding any other provision of this chapter, any person convicted within five years  
33 of his or her first conviction as measured in paragraph (2) of subsection (c) of Code Section  
34 40-6-391 for a second time of the offense of driving under the influence of alcohol or drugs

1 in violation of Code Section 40-6-391 shall, upon compliance with all other requirements  
 2 for reinstatement of his or her license as provided for in this chapter, be issued a driver's  
 3 license which may bear a red stripe thereon. After seven years with no additional  
 4 convictions for driving under the influence of alcohol or drugs any such person shall be  
 5 issued a regular driver's license without such red stripe provided that he or she is otherwise  
 6 entitled to such license under the laws of this state.

7 ~~40-5-85.1~~

8 ~~Repealed.~~

9 ~~40-5-85.2.~~

10 ~~Repealed.~~

11 40-5-86.

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

18 40-5-87.

19 The requirements and conditions of this article and the rules and regulations adopted  
 20 pursuant to this article shall be the exclusive requirements for restoration of a license under  
 21 this article or the issuance of a limited driving permit under this article.

22 40-5-88.

23 As an alternative to criminal or other civil enforcements, the commissioner of public safety  
 24 or the commissioner of human resources, whichever is applicable, in order to enforce this  
 25 article or any orders, rules, or regulations promulgated pursuant to this article, may issue  
 26 an administrative fine not to exceed \$1,000.00 for each violation, whenever that  
 27 commissioner, after a hearing, determines that any person, firm, or corporation has violated  
 28 any provisions of this article or any regulations or orders promulgated under this article.  
 29 The hearing and any administrative review thereof shall be conducted in accordance with  
 30 the procedure for contested cases under Chapter 13 of Title 50, the 'Georgia Administrative  
 31 Procedure Act.' Any person, firm, or corporation who has exhausted all administrative  
 32 remedies available and who is aggrieved or adversely affected by a final order or action of

1 either the commissioner of public safety or the commissioner of human resources shall  
 2 have the right of judicial review thereof in accordance with Chapter 13 of Title 50. All  
 3 fines recovered under this Code section shall be paid into the state treasury. The  
 4 commissioner of public safety or the commissioner of human resources, as appropriate,  
 5 may file, in the superior court (1) wherein the person under order resides; (2) if such person  
 6 is a corporation, in the county wherein the corporation maintains its principal place of  
 7 business; or (3) in the county wherein the violation occurred, a certified copy of a final  
 8 order of such commissioner, whether unappealed from or affirmed upon appeal, whereupon  
 9 the court shall render judgment in accordance therewith and notify the parties. Such  
 10 judgment shall have the same effect and proceedings in relation thereto shall thereafter be  
 11 the same as though the judgment had been rendered in an action duly heard and determined  
 12 by the court. The penalty prescribed in this Code section shall be concurrent, alternative,  
 13 and cumulative with any and all other civil, criminal, or alternative rights, remedies,  
 14 forfeitures, or penalties provided, allowed, or available to such commissioner with respect  
 15 to any violation of this article or any order, rules, or regulations promulgated pursuant to  
 16 this article."

#### 17 **SECTION 1-2.**

18 Title 43 of the Official Code of Georgia Annotated, relating to businesses and professions,  
 19 is amended by striking Chapter 13, relating to instructors in driver training and operators of  
 20 driver training schools, and inserting in lieu thereof the following:

#### 21 "CHAPTER 13

22 43-13-1.

23 This chapter shall be known and may be cited as 'The Driver Training School License Act.'

24 43-13-2.

25 As used in this chapter, the term:

26 (1) 'Department' means the Department of Public Safety acting directly or through its  
 27 duly authorized officers and agents.

28 (2) 'Driver training schools' means any person, partnership, limited liability company,  
 29 or corporation giving driving instruction to ten or more persons per calendar year for the  
 30 purpose of assisting such persons to meet the requirements for licensed driving of motor  
 31 vehicles in this state or giving instruction to licensed drivers for the purpose of assisting  
 32 them in safely and properly driving on the public highways in this state.

1 (3) 'Driver's license examiners' means examiners appointed by the Department of Public  
 2 Safety, whether as employees or agents thereof, for the purpose of giving driver's license  
 3 examinations.

4 (4) 'Motor vehicle' means every vehicle which is self-propelled upon, or by which any  
 5 person or property is or may be transported or drawn upon, a public highway except  
 6 devices used exclusively upon stationary rails or tracks.

7 (5) 'Person' means every natural person, firm, partnership, limited liability company,  
 8 association, corporation, or school.

9 43-13-3.

10 No person shall operate a driver training school or engage in the business of giving  
 11 instruction for hire in the driving of motor vehicles or in the preparation of an applicant for  
 12 examination given by driver's license examiners for a driver's license or permit unless a  
 13 license therefor has been secured from the department.

14 43-13-4.

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

17 (1) Be of good moral character;

18 (1.1) Not have been convicted by any state or by the federal government of any crime  
 19 the punishment for which could have been imprisonment in the federal or state prison or  
 20 institution nor have been convicted of sufficient misdemeanors to establish a pattern of  
 21 disregard for the law, provided that, for purposes of this paragraph, violations of traffic  
 22 laws and other offenses involving the operation of motor vehicles when the applicant has  
 23 received a pardon shall not be considered;

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

25 (3) Maintain bodily injury and property damage liability insurance on motor vehicles  
 26 while used in driver training instruction, insuring the liability of the driver training  
 27 school, the driving instructors, and any person taking instruction, in at least the following  
 28 amounts: ~~\$100,000.00~~ \$250,000.00 for bodily injury to or death of one person in any one  
 29 accident and, subject to such limit for one person, ~~\$200,000.00~~ \$500,000.00 for bodily  
 30 injury to or death of two or more persons in any one accident and the amount of  
 31 ~~\$20,000.00~~ \$50,000.00 for damage to property of others in any one accident. Evidence  
 32 of such insurance coverage, in the form of a certificate from the insurance carrier, shall  
 33 be filed with the department; and such certificate shall stipulate that the insurance shall  
 34 not be canceled except upon ten days' prior written notice to the department. Such  
 35 insurance shall be written by a company authorized to do business in this state;

1 (4) Provide a continuous surety company bond in ~~the~~ a principal sum of \$2,500.00 at the  
 2 rate of \$10,000.00 per location for the protection of the contractual rights of students in  
 3 such form as will meet with the approval of the department and written by a company  
 4 authorized to do business in this state; provided, however, that the aggregate liability of  
 5 the surety for all breaches of the condition of the bond in no event shall exceed ~~the a~~  
 6 principal sum of \$2,500.00 at the rate of \$10,000.00 per location, and a single bond at  
 7 such rate for all clinics operated by the same person may be provided in satisfaction of  
 8 this paragraph. The surety on any such bond may cancel such bond on giving 30 days'  
 9 notice thereof in writing to the department and shall be relieved of liability for any breach  
 10 of any condition of the bond which occurs after the effective date of cancellation;

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

13 (5.1) Demonstrate to the department sufficient knowledge, experience, or training in the  
 14 field of traffic safety, driver training, or safety education and submit a business plan  
 15 reasonably indicating that the applicant, or applicants in the case of a partnership or  
 16 corporate officers, will be able to provide acceptable instruction and training to students.  
 17 The individual who will have primary responsibility for operating the school or training  
 18 instructors shall be required to be licensed as a driver training instructor under this  
 19 chapter; and

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

21 43-13-4.1.

22 Any driver training school operator first licensed as such on or after July 1, 2001, who  
 23 desires to provide a training course for applicants for instructor licenses for purposes of  
 24 paragraph (2.2) of Code Section 43-13-5 shall submit a course curriculum to the  
 25 department for approval prior to providing such course. The school operator shall notify  
 26 each such student of the cost, if any, of such course to the student and whether the  
 27 completion of such course will guarantee employment with any certified licensed driver  
 28 training school; and the operator shall maintain a copy of each such notice for not less than  
 29 three years.

30 43-13-4.2.

31 (a) Any driver training school which gives classroom instruction for hire in the preparation  
 32 of an applicant for an examination given by driver's license examiners for a driver's license  
 33 or permit, any driver education otherwise required by law as a prerequisite to obtaining an  
 34 initial driver's license, or for purposes of paragraph (3) of subsection (c) of Code Section  
 35 33-9-42 shall utilize as part of such program a text or workbook for each student as

1 approved by the department. Such text or workbook may be sold to the student as part of  
2 the tuition for the course, required for purchase by the student from a third party, or loaned  
3 to the student for the duration of the classroom portion of the course.

4 (b) Any driver training school first licensed as such on or after July 1, 2001, shall, for  
5 purposes of any instruction for hire in the preparation of an applicant for a driver's license  
6 examination given by driver's license examiners for a driver's license or permit or for any  
7 driver education otherwise required by law as a prerequisite to obtaining an initial driver's  
8 license, provide:

9 (1) Classroom space of not less than 425 square feet for each class session or 20 square  
10 feet per student, whichever is greater, in a configuration conducive to classroom  
11 instruction; and the maximum number of students for each class session shall be 40  
12 regardless of the square footage of the classroom; and

13 (2) A television monitor having a minimum display of 27 inches measured diagonally  
14 or, if the classroom area is greater than 450 square feet, a minimum display of 32 inches  
15 measured diagonally.

16 43-13-4.3.

17 No driver training school shall be operated in conjunction with or on the same business  
18 premises with a business selling or otherwise providing alcoholic beverages in any manner.

19 43-13-4.4.

20 (a) Each driver training school shall maintain a telephone extension for receipt of public  
21 calls, which may be shared with a DUI Alcohol or Drug Use Risk Reduction Program,  
22 driver improvement clinic, or provider of ignition interlock devices.

23 (b) The owner or operator of multiple driver training schools may advertise the telephone  
24 number of one such school as a master telephone number, whereby information about and  
25 enrollment in any of such schools owned, operated, licensed, or franchised by such person  
26 may be obtained or achieved.

27 43-13-4.5.

28 (a) Any driver training school must exhibit on each motor vehicle used by such school for  
29 purposes of driver instruction a sign identifying the school by name. Such identification  
30 shall be painted or displayed by decal on the front, side, or rear of the vehicle in clearly  
31 legible block letters not less than six inches in height. Any such decal may be permanently  
32 affixed or removable and detached when the vehicle is not used for driving instruction. If  
33 such identification is not painted or displayed by decal on the rear or sides of the vehicle,  
34 a portable sign shall be attached securely to the rear bumper or to the roof of the vehicle

1 so that it is visible from the rear, and such sign shall conform to the other requirements of  
 2 this subsection.

3 (b) A sign shall also be displayed on each such vehicle so as to be visible from the rear and  
 4 containing the words 'STUDENT DRIVER' in block letters not less than two inches in  
 5 height, unless a rear decal or portable sign on the rear bumper or vehicle roof includes the  
 6 term 'Driving School' and such term is clearly visible from the rear of the vehicle.

7 43-13-4.6.

8 (a) No driver training school shall be permitted to use, adopt, or conduct any business  
 9 under any name that is like or deceptively similar to any name used by any other driver  
 10 training school, Georgia company, or Georgia corporation registered with the Secretary of  
 11 State.

12 (b) This Code section shall not prohibit the franchising or licensing of any part or all of the  
 13 name of a driver training school by the owner of the rights therein to another licensed  
 14 driver training school.

15 43-13-5.

16 Every person who desires to qualify as an instructor for a driver training school shall meet  
 17 the following requirements:

18 (1) Be of good moral character;

19 (1.1) Not have been convicted by any state or by the federal government of any crime  
 20 the punishment for which could have been imprisonment in the federal or state prison or  
 21 institution nor have been convicted of sufficient misdemeanors to establish a pattern of  
 22 disregard for the law, provided that, for purposes of this paragraph, violations of traffic  
 23 laws and other offenses involving the operation of motor vehicles when the applicant has  
 24 received a pardon shall not be considered;

25 (2) Present to the department evidence of credit in driver education and safety from an  
 26 accredited college or university equivalent to ~~credits in those subjects which are required~~  
 27 ~~of instructors in the public schools of this state or give satisfactory performance on a~~  
 28 ~~written, oral, performance, or combination examination administered by the department~~  
 29 ~~testing both knowledge of the field of driver education and skills necessary to instruct and~~  
 30 ~~impart driving skills and safety to students~~ the credit requirements necessary to be  
 31 certified to teach an accredited driver education course in the public schools of this state  
 32 as required by the Department of Education. Applicants for instructor licenses who do  
 33 not meet such academic requirements may qualify after passing a written examination  
 34 consisting of a minimum of 200 questions concerning traffic laws, rules and regulations  
 35 of the department, and defensive driving techniques. The examination shall be

1 administered ~~quarterly or upon the written application of four or more prospective~~  
 2 ~~licensees~~ within 15 days of receipt of the completed application. The examination fee  
 3 shall not exceed \$25.00. The department shall consult with licensed school owners,  
 4 experienced licensed instructors, safety experts, and other persons knowledgeable in  
 5 highway safety driving standards and teaching techniques in developing and maintaining  
 6 an up-to-date written examination;

7 (2.1) Demonstrate to the department's representative practical knowledge of safe driving  
 8 and teaching techniques in actual traffic conditions. The practical test shall consist of  
 9 driving in light and heavy traffic conditions, urban streets, and state or interstate  
 10 highways. Each applicant must demonstrate knowledge of in-car lessons that will or  
 11 could be taught to a student;

12 (2.2) Present to the department a notarized statement from an operator of a licensed  
 13 driver training school that the applicant has completed a training course designed to  
 14 prepare the applicant for a position as a licensed driving instructor and consisting of a  
 15 minimum of 80 hours of combined classroom and in-car training;

16 (3) Be physically able to operate safely a motor vehicle and to instruct others in the  
 17 operation of motor vehicles; and

18 (4) Hold a valid driver's license; ~~and~~

19 ~~(5) Pay to the department an application fee of \$5.00.~~

20 43-13-6.

21 (a) The department shall issue a license certificate to each operator of a driver training  
 22 school or to each driver training instructor when the department is satisfied that such  
 23 person has met the qualifications required under this chapter and has paid a license fee of  
 24 \$10.00.

25 (b) All licenses issued to driver training schools or driver training instructors pursuant to  
 26 this chapter shall be valid for four years from the date of issuance unless sooner canceled,  
 27 suspended, or revoked under Code Section 43-13-7. All licenses shall be renewed through  
 28 the Department of Public Safety as provided in subsection (d) of this Code section and shall  
 29 be valid for four years from the date of renewal.

30 (c) The license of each driver training school and each driver training instructor may be  
 31 renewed subject to the same conditions as the original license and upon payment of the  
 32 same license fee. The department shall provide notice of the applicable license expiration  
 33 date to each licensee under this chapter by first-class mail posted at least 90 days prior to  
 34 such license expiration date, along with a copy of the appropriate renewal form for  
 35 completion and return by the license holder. Failure of a license holder to receive such  
 36 notice shall not abate any license expiration or relieve the license holder of the duty to

1 timely renew such license. Failure to renew a license by the required renewal date shall  
2 cause the applicant to be subject to a late renewal fee in an amount equivalent to the license  
3 fee for an initial such license, in addition to the renewal fee, and such late renewal fee shall  
4 be the exclusive penalty for failure to timely renew.

5 (d) All applications for renewal of a driver training school's license or driver training  
6 instructor's license shall be on a form prescribed by the department and must be filed with  
7 the department not more than 60 days nor less than ten days preceding the expiration date  
8 of the license to be renewed.

9 (e) The department shall provide for issuance of a replacement license upon the filing of  
10 an affidavit stating that the license was lost, mutilated, or destroyed and describing the time  
11 and circumstances thereof; and a copy of an incident report by a law enforcement agency  
12 regarding the same shall not be required except in cases of suspected fraud or other illegal  
13 activity.

14 43-13-6.1.

15 The commissioner shall be authorized to issue a special license to the instructor of any  
16 driver training school who is qualified to teach the alcohol and drug course prescribed in  
17 subsection (b) of Code Section 20-2-142. A driver training school shall offer such alcohol  
18 and drug course only through a qualified instructor and shall not charge a fee for such  
19 course of more than \$25.00.

20 43-13-6.2.

21 (a) Any person first licensed as an instructor on or after July 1, 2001, who does not hold  
22 a bachelor's degree from an accredited college or university with a special certification in  
23 driver education and who teaches the classroom portion of an instructional program for  
24 purposes of paragraph (3) of subsection (c) of Code Section 33-9-42 must have taught a  
25 minimum of 500 hours of in-car training as a licensed instructor prior to teaching such  
26 classroom portion of the program. Any driver training school operator who employs such  
27 an instructor shall certify to the department that the prospective classroom instructor has  
28 satisfied the in-car teaching requirement prior to teaching the classroom portion.

29 (b) The provisions of subsection (a) of this Code section shall not apply to any licensed  
30 instructor who has been licensed for a minimum of one year as a DUI Alcohol or Drug Use  
31 Risk Reduction Program instructor or as a driver improvement instructor.

1 43-13-6.3.

2 (a)(1) Any licensed driver training instructor who desires to transfer from one licensed  
 3 driver training school to another such school shall submit an application for such transfer  
 4 to the department on such form as prescribed thereby.

5 (2) If the department required a physical examination report as part of the applicant's  
 6 original or renewal instructor's license application and such license or renewal has not  
 7 expired, then another such report shall not be required to effect the transfer unless the  
 8 department has evidence that the instructor's physical condition has changed significantly  
 9 since the current license or renewal was issued.

10 (b) Whenever a licensed driver training instructor obtains employment with another driver  
 11 training school in addition to his or her current driver training school employment, the  
 12 operator of the additional employing school shall notify the department of such  
 13 employment, and the department shall note in its records that such additional employment  
 14 is authorized.

15 43-13-7.

16 The department may cancel, suspend, revoke, or refuse to renew any driver training  
 17 school's or driver training instructor's license upon good cause being shown and after ten  
 18 days' notice to the license holder if:

19 (1) The department is satisfied that the licensee fails to meet the requirements to receive  
 20 or hold a license under this chapter;

21 (2) The licensee fails to keep the records required by this chapter; provided, however,  
 22 that such records may be kept in electronic form;

23 (3) The licensee permits fraud or engages in fraudulent practices, with reference to either  
 24 the applicant or the department, or induces or countenances fraud or fraudulent practices  
 25 on the part of any applicant for a driver's license or permit;

26 (4) The licensee ~~fails~~ establishes a pattern of failure to comply with this chapter or any  
 27 rule of the department made pursuant thereto;

28 (5) The licensee represents himself as an agent or employee of the department or license  
 29 examiners or uses advertising designed to lead, or which would reasonably have the  
 30 effect of leading, persons to believe that such licensee is in fact an employee or  
 31 representative of the department or license examiners;

32 (6) The licensee or any employee or agent of the licensee solicits driver training or  
 33 instruction in an office of any department of the state having to do with the administration  
 34 of any law relating to motor vehicles; or

35 (7) The licensee or any employee or agent serving as a driver training instructor has had  
 36 his license canceled, suspended, or revoked.

1 43-13-8.

2 (a) The Board of Public Safety is authorized to prescribe, by rule, standards for the  
3 eligibility, conduct, equipment, and operation of driver training schools and instructors and  
4 to adopt other reasonable rules and regulations to carry out this chapter. The department  
5 shall notify all schools and instructors licensed under this chapter of any proposed rules and  
6 regulations not less than 30 days prior to presentation to the board so as to allow  
7 opportunity for comment.

8 (b) The department shall have the authority to assess an administrative fine, not to exceed  
9 \$1,000.00 per violation, against any driver training school that fails to comply with any  
10 requirement imposed by or pursuant to this chapter. In determining the amount of the fine,  
11 the department may consider the seriousness of the violation, whether the same or any  
12 other such requirement has been violated previously by the same program owner, director,  
13 or instructor, or whether procedures designated to prevent the violation were in place and  
14 were followed. When the department determines that a fine will be imposed, violations  
15 will be assigned a category based on the following:

16 (1) CATEGORY I (\$500.00 - \$1,000.00). Violations involving fraud, providing false  
17 information or documents, or failure to account for any official state documents;

18 (2) CATEGORY II (\$300.00-\$700.00). Violations involving noncompliance with school  
19 licensing requirements, such as failure to submit required documents or failure to  
20 maintain and use required equipment and materials;

21 (3) CATEGORY III (\$100.00 - \$500.00). Violations involving school operating  
22 requirements, such as failure to maintain required records.

23 The specific amount of the fine for each violation in each category shall depend on whether  
24 the same or similar violation has previously been cited in the past two years. Generally,  
25 the fine amount for an initial violation within a two-year period shall be the minimum  
26 amount in the appropriate category; the fine amount for a second violation shall be an  
27 amount that is the median of the appropriate category; and the fine amount for a third or  
28 repeat violation will be the maximum amount in the appropriate category. In any case, the  
29 fine amount may be adjusted upward or downward depending on the existence of  
30 mitigating or aggravating circumstances. In any case in which the department finds a  
31 violation of applicable law, rules, or regulations, the department shall have the discretion  
32 to determine the appropriate sanction under this Code section or Code Section 43-13-7 .  
33 No school shall have a right to an administrative fine in lieu of a sanction under Code  
34 Section 43-13-7.

1 43-13-9.

2 All moneys received under this chapter shall be deposited with the Office of Treasury and  
3 Fiscal Services.

4 43-13-10.

5 ~~(a) This chapter shall not apply to a college conducting a driver training course; nor shall  
6 it apply to driver improvement schools operated by the state or by a county or municipality.~~

7 ~~(b) The provisions of this chapter other than paragraph (2) of Code Section 43-13-4 shall  
8 apply to secondary or postsecondary schools conducting driver training courses and to  
9 instructors therefor.~~

10 43-13-11.

11 Any person violating this chapter shall be guilty of a misdemeanor."

12 **PART II**

13 **SECTION 2-1.**

14 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle  
15 drivers' licenses, is amended by striking Article 4, relating to restoration of licenses to  
16 persons completing defensive driving courses or alcohol or drug programs, and inserting in  
17 lieu thereof the following:

18 "ARTICLE 4

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:

27 (1) Charge a fee for the consideration of applications for approval of driver improvement  
28 clinics and instructors. ~~The amount~~ amounts of this fee shall be ~~established by the~~  
29 ~~commissioner of motor vehicle safety and shall, as best as the commissioner shall~~  
30 ~~determine, approximate the expense incurred by the Department of Motor Vehicle Safety~~

1 ~~in consideration of an application \$100.00 for any clinic and \$50.00 for any instructor.~~  
 2 The amounts of renewal fees shall be \$100.00 for any clinic and \$25.00 for any  
 3 instructor. These licenses and each renewal thereof shall be valid for a period of ~~two~~ four  
 4 years unless suspended or revoked prior to the expiration of that time period; ~~and~~

5 (2) Require, in addition to the criteria for approval of driver improvement clinics  
 6 established by the commissioner of motor vehicle safety and DUI Alcohol or Drug Use  
 7 Risk Reduction Programs established by the Department of Human Resources, as  
 8 provided in subsections (a) and (e) of Code Section 40-5-83, respectively, that every  
 9 driver improvement clinic and DUI Alcohol or Drug Use Risk Reduction Program shall,  
 10 as a condition of approval, provide a continuous surety company bond for the protection  
 11 of the contractual rights of students in such form as will meet with the approval of the  
 12 Department of Motor Vehicle Safety or the Department of Human Resources, as  
 13 applicable, and written by a company authorized to do business in this state. The  
 14 principal sum of the bond shall be ~~established by the commissioner of motor vehicle~~  
 15 ~~safety or the Board of Human Resources, as applicable; however, in no event shall this~~  
 16 ~~amount be less than \$2,500.00~~ at the rate of \$10,000.00 per location, and a single bond  
 17 at such rate may be submitted for all locations under the same ownership. If at any time  
 18 said bond is not valid and in force, the license of the clinic or program shall be deemed  
 19 suspended by operation of law until a valid surety company bond is again in force;:

20 (3) Provide notice of the applicable license expiration date to each licensed clinic or  
 21 licensed instructor by first-class mail posted at least 90 days prior to such license  
 22 expiration date, along with a copy of the appropriate renewal form for completion and  
 23 return by the license holder. Failure of a license holder to receive such notice shall not  
 24 abate any license expiration or relieve the license holder of the duty to timely renew such  
 25 license. Failure to renew a license by the required renewal date shall cause the applicant  
 26 to be subject to a late renewal fee in an amount equivalent to the license fee for an initial  
 27 such license, in addition to the required renewal fee, and such late renewal fee shall be  
 28 the exclusive penalty for failure to timely renew; and

29 (4) Provide for issuance of a replacement license upon the filing of an affidavit stating  
 30 that the license was lost, mutilated, or destroyed and describing the time and  
 31 circumstances thereof; and a copy of an incident report by a law enforcement agency  
 32 regarding the same shall not be required except in cases of suspected fraud or other illegal  
 33 activity.

34 40-5-81.

35 (a) ~~This article shall not affect the power of any court to require attendance at any course~~  
 36 ~~or driver improvement program to which the court could otherwise require attendance~~ Any

1 driver improvement program to which attendance is required by court order shall conform  
2 to the requirements of this article.

3 (b) Whenever any person is authorized or required to attend a driver improvement clinic  
4 or DUI Alcohol or Drug Use Risk Reduction Program as a condition of any sentence  
5 imposed under this title or any ordinance enacted pursuant to this title or as a condition of  
6 the retention or restoration of the person's driving privilege, such person, in complying  
7 with such condition, shall be authorized to attend any driver improvement clinic or DUI  
8 Alcohol or Drug Use Risk Reduction Program certified under this article; and no judicial  
9 officer, probation officer, law enforcement officer, or other officer or employee of a court  
10 or person who owns, operates, or is employed by a private company which has contracted  
11 to provide private probation services for misdemeanor cases shall specify, directly or  
12 indirectly, a particular driver improvement clinic or DUI Alcohol or Drug Use Risk  
13 Reduction Program which the person may or shall attend. This Code section shall not  
14 prohibit any judicial officer, probation officer, law enforcement officer, or other officer or  
15 employee of a court or owner, operator, or employee of a private company which has  
16 contracted to provide probation services for misdemeanor offenders from furnishing any  
17 person, upon request, the names of certified driver improvement

18 (c) It shall be unlawful for the owner, agent, servant, or employee of any driver  
19 improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program licensed by the  
20 Department of Motor Vehicle Safety or the Department of Human Resources to directly  
21 or indirectly solicit business by personal solicitation on public property, by phone or mail.  
22 A violation of this subsection shall be a misdemeanor. Advertising in any mass media,  
23 including, but not limited to, newspapers, radio, television, magazines, or telephone  
24 directories by a driver improvement clinic or DUI Alcohol or Drug Use Risk Reduction  
25 Program shall not be considered a violation of this subsection.

26 40-5-82.

27 (a) The Driver Improvement Program created by this article shall be administered by the  
28 commissioner of motor vehicle safety. The commissioner is authorized to promulgate and  
29 adopt rules and regulations necessary to carry out this article.

30 (b) For the purpose of generating greater interest in highway safety, the commissioner may  
31 solicit the assistance of local governmental authorities, associations, societies, clubs,  
32 schools, colleges, and other organizations or persons knowledgeable in highway safety  
33 driving standards to participate in conjunction with the department in the development of  
34 local driver improvement programs and in conducting driver improvement classes.

35 (c) The Department of Human Resources is designated as the agency responsible for the  
36 approval and certification of DUI Alcohol or Drug Use Risk Reduction Programs and staff.

1 This responsibility includes selection of the assessment instrument, development of the  
 2 intervention curricula, training of program staff, and monitoring of all DUI Alcohol or  
 3 Drug Use Risk Reduction Programs under this article.

4 (d) All DUI Alcohol or Drug Use Risk Reduction Program records including, but not  
 5 limited to, assessment results and other components attended shall be confidential and shall  
 6 not be released without the written consent of the DUI offender, except that such records  
 7 shall be made available to the Department of Human Resources and the Department of  
 8 Motor Vehicle Safety.

9 (e) The Department of Human Resources shall conduct a records check for any applicant  
 10 for certification as an operator or instructor of a DUI Alcohol or Drug Use Risk Reduction  
 11 Program. Each applicant shall submit two sets of classifiable fingerprints to the  
 12 department. The department shall transmit both sets of fingerprints to the Georgia Crime  
 13 Information Center, which shall submit one set of fingerprints to the Federal Bureau of  
 14 Investigation for a search of bureau records and an appropriate report and shall retain one  
 15 set and promptly conduct a search of state records. After receiving the report from the  
 16 Georgia Crime Information Center and the Federal Bureau of Investigation, the department  
 17 shall determine whether the applicant may be certified. No applicant shall be certified who  
 18 has previously been convicted of a felony. The department shall promulgate rules and  
 19 regulations regarding certification requirements, including restrictions regarding  
 20 misdemeanor convictions.

21 40-5-83.

22 (a)(1) The commissioner of motor vehicle safety shall establish criteria for the approval  
 23 of driver improvement clinics. To be approved, a clinic shall provide and operate either  
 24 a defensive driving course, an advanced defensive driving course, or a professional  
 25 defensive driving course or any combination thereof. Clinics shall be composed of  
 26 uniform education and training programs consisting of six hours of instruction designed  
 27 for the rehabilitation of problem drivers. The commissioner shall establish standards and  
 28 requirements concerning the contents of courses, ~~duration of courses~~, qualifications of  
 29 instructors, ~~fees~~, attendance requirements for students, and examinations. Approved  
 30 clinics ~~may~~ shall charge a fee of ~~not more than \$60.00~~ \$75.00 for a defensive driving  
 31 course, an advanced defensive driving course, or a professional defensive driving course;  
 32 except that such clinics may charge different fees of their own choosing if the person is  
 33 enrolling in such course voluntarily and not pursuant to court order or department  
 34 requirement. No clinic shall be approved unless such clinic agrees in writing to allow the  
 35 examination and audit of the books, records, and financial statements of such clinic.

1 Clinics may be operated by any individual, partnership, corporation, association, civic  
2 group, club, county, municipality, board of education, school, or college.

3 (1.1)(A) Each driver improvement clinic shall maintain a telephone extension for  
4 receipt of public calls, which may be shared with a DUI Alcohol or Drug Use Risk  
5 Reduction Program, driver training school conducting driver education classes for  
6 purposes of paragraph (3) of subsection (c) of Code Section 33-9-42, or provider of  
7 ignition interlock devices.

8 (B) The owner and operator of multiple driver improvement clinics may advertise the  
9 telephone number of one such clinic as a master telephone number whereby  
10 information about and enrollment in any of such clinics owned or operated by such  
11 person may be obtained or achieved.

12 (1.2)(A) No driver improvement clinic shall be permitted to use, adopt, or conduct any  
13 business under any name that is like or deceptively similar to any name used by any  
14 other driver improvement clinic, Georgia company, or Georgia corporation registered  
15 with the Secretary of State. This subparagraph shall not prohibit the franchising or  
16 licensing of any part or all of the name of a driver improvement clinic by the owner or  
17 the rights thereof to another licensed driver improvement clinic.

18 (B) A driver improvement clinic shall not use the word 'state' in any part of the clinic  
19 name.

20 (C) This paragraph shall not prohibit the franchising or licensing of any part or all of  
21 the name of a clinic by the owner of the rights therein to another licensed driver  
22 improvement clinic.

23 (1.3) It shall be the duty and responsibility of each clinic owner to take reasonable steps  
24 to ensure all instructors associated with their clinic have met all requirements for renewal  
25 and have in their possession a valid instructor's certificate; provided, however, that each  
26 instructor shall be primarily responsible for ensuring that his or her own license is valid.

27 (1.4)(A) Every driver improvement clinic shall maintain the following records which  
28 shall be available for inspection by the department at all times and which may be  
29 maintained in electronic form for purposes of this paragraph:

30 (i) A file setting forth the name, address, contact number, and terms of payment of  
31 every person receiving instructions of any kind or of any services relating to  
32 procedures to obtain reinstatement of a driver's license;

33 (ii) The file shall contain records showing the date, type, curricula, and duration of  
34 instructions, including the name and department assigned instructor license number  
35 of the instructor performing such instruction;

36 (iii) A receipt book, which must contain the name and address of the clinic, shall be  
37 used to record all receipts directly relating to the contracts and instructions of

1 students. An original receipt will be furnished the student and a copy kept for a  
 2 period of three years. Such receipt may be incorporated as part of the receipt  
 3 provided pursuant to division (iv) of this subparagraph;

4 (iv) A file containing the original copy of every contract entered into by the clinic  
 5 and its students for the purpose of obtaining any instructions. A copy of the contract  
 6 must be furnished to the students and may serve as a receipt, and the original thereof  
 7 must be retained by the clinic for a period of three years;

8 (v) A roster of each class listing the clinic's number, name, and address, the student's  
 9 name, date of birth, driver's license number, certificate number, and amount of fee  
 10 paid must be forwarded to the department within 15 days of the completion of the  
 11 course;

12 (vi) A schedule for all classes of instruction giving the date and time of classes must  
 13 be forwarded to the department within 15 days prior to such classes; and

14 (vii) The class roster, student contracts, final exams, and course evaluation forms will  
 15 be filed together by month and year that the class was held.

16 (B) Clinic records may be audited periodically by the department.

17 (2) The commissioner may issue a special license to the instructor of any commercial  
 18 driver training school authorizing such instructor to teach a defensive driving course,  
 19 advanced defensive driving course, or professional defensive driving course of a driver  
 20 improvement clinic provided pursuant to this Code section if such instructor is qualified  
 21 to teach a teen-age driver education course which consists of a minimum of 30 hours of  
 22 classroom and six hours of behind-the-wheel training and such instructor certifies to the  
 23 commissioner that he or she has provided at least 250 hours of behind-the-wheel training  
 24 in a teen-age driver education course. Any application prepared by the department for  
 25 such special license shall not require any additional fingerprints or physical examination  
 26 if such applicant is currently licensed as a commercial driving instructor.

27 (b)(1) The commissioner shall be authorized to accept certificates of completion from  
 28 all defensive driving, driving under the influence, and alcohol and drug programs, clinics,  
 29 and courses approved by any other state, the District of Columbia, and territories and  
 30 possessions of the United States, including military reservations, whereby driver  
 31 improvement clinics, programs, and courses shall be approved for use by residents of this  
 32 state, other states, the District of Columbia, and territories and possessions of the United  
 33 States.

34 (2) Driver improvement clinics, programs, and courses outside of the State of Georgia  
 35 shall not be required to comply with the provisions of subsection (a) of this Code section.

36 (c) The commissioner shall be authorized to issue a special license to the instructor of any  
 37 driver improvement clinic who is qualified to teach the alcohol and drug course prescribed

1 in subsection (b) of Code Section 20-2-142. Any application prepared by the department  
2 for such special license shall not require any additional fingerprints or physical  
3 examination if such applicant is currently licensed as a commercial driving instructor. A  
4 driver improvement clinic shall offer such alcohol and drug course only through a qualified  
5 instructor and shall not charge a fee for such course of more than \$25.00. The  
6 commissioner shall be authorized to issue a special license to the instructor of any  
7 commercial driver training school to teach the alcohol and drug course prescribed in  
8 subsection (b) of Code Section 20-2-142 who is qualified to teach a teen-age driver  
9 education course, which course consists of a minimum of 30 hours of classroom and six  
10 hours of behind-the-wheel training. The alcohol and drug program may be included in the  
11 30 hours of classroom training as part of a curriculum approved by the department. Any  
12 fee authorized by law for such a drug and alcohol course may be included in the tuition  
13 charge for a teen-age driver education course.

14 (d) Notwithstanding the provisions of any law or rule or regulation which prohibits any  
15 individual who is a probation officer or other official or employee of the probation division  
16 of the Department of Corrections or a spouse of such individual from owning, operating,  
17 instructing at, or being employed by a driver improvement clinic, any individual who is a  
18 probation officer or other official or employee of the probation division of the Department  
19 of Corrections or a spouse of such individual who owns, operates, instructs at, or is  
20 employed by a driver improvement clinic on June 1, 1985, and who in all respects is and  
21 remains qualified to own, operate, instruct at, or be employed by a driver improvement  
22 clinic is expressly authorized to continue on and after June 1, 1985, to engage in such  
23 activities. No person who owns, operates, or is employed by a private company which has  
24 contracted to provide probation services for misdemeanor cases shall be authorized to own,  
25 operate, be an instructor at, or be employed by a driver improvement clinic or a DUI  
26 Alcohol or Drug Use Risk Reduction Program.

27 (e) The Department of Human Resources is designated as the agency responsible for  
28 establishing criteria for the approval of DUI Alcohol or Drug Use Risk Reduction  
29 Programs. An applicant must meet the certification criteria promulgated by the Department  
30 of Human Resources through its standards and must provide the following services: (1) the  
31 assessment component and (2) the intervention component. The Department of Human  
32 Resources is designated as the agency responsible for establishing rules and regulations  
33 concerning the contents and duration of the components of DUI Alcohol or Drug Use Risk  
34 Reduction Programs, qualifications of instructors, attendance requirements for students,  
35 examinations, and program evaluations. Approved DUI Alcohol or Drug Use Risk  
36 Reduction Programs shall charge a fee of \$75.00 for the assessment component and  
37 \$175.00 for the intervention component. An additional fee for required student program

1 materials shall be established by the Department of Human Resources in such an amount  
 2 as is reasonable and necessary to cover the cost of such materials. No DUI Alcohol or  
 3 Drug Use Risk Reduction Program shall be approved unless such clinic agrees in writing  
 4 to submit reports as required in the rules and regulations of the Department of Human  
 5 Resources and to allow the examination and audit of the books, records, and financial  
 6 statements of such DUI Alcohol or Drug Use Risk Reduction Program by the Department  
 7 of Human Resources or its authorized agent. DUI Alcohol or Drug Use Risk Reduction  
 8 Programs may be operated by any public, private, or governmental entity; provided,  
 9 however, that, except as otherwise provided in this subsection, in any political subdivision  
 10 in which a DUI Alcohol or Drug Use Risk Reduction Program is operated by a private  
 11 entity, whether for profit or nonprofit, neither the local county board of health nor any other  
 12 governmental entity shall fund any new programs in that area. Programs currently in  
 13 existence which are operated by local county boards of health or any other governmental  
 14 entities shall be authorized to continue operation. New programs may be started in areas  
 15 where no private DUI Alcohol or Drug Use Risk Reduction Programs have been made  
 16 available to said community. The Department of Corrections is authorized to operate DUI  
 17 Alcohol or Drug Use Risk Reduction Programs in its facilities where offenders are not  
 18 authorized to participate in such programs in the community, provided that such programs  
 19 meet the certification criteria promulgated by the Department of Human Resources. All  
 20 such programs operated by the Department of Corrections shall be exempt from all fee  
 21 provisions established in this subsection specifically including the rebate of any fee for the  
 22 costs of administration. No DUI Alcohol or Drug Use Risk Reduction Program will be  
 23 approved unless such clinic agrees in writing to pay to the state, for the costs of  
 24 administration, a fee of \$15.00, for each offender assessed or each offender attending for  
 25 points reduction, provided that nothing in this Code section shall be construed so as to  
 26 allow the Department of Human Resources to retain any funds required by the Constitution  
 27 of Georgia to be paid into the state treasury; and provided, further, that the Department of  
 28 Human Resources shall comply with all provisions of Part 1 of Article 4 of Chapter 12 of  
 29 Title 45, the 'Budget Act,' except Code Section 45-12-92, prior to expending any such  
 30 miscellaneous funds.

31 ~~40-5-83.1.~~

32 ~~Repeated.~~

33 40-5-84.

34 (a) Except as otherwise provided, the license of any person whose license is suspended for  
 35 the first time as a result of the conviction of an offense listed in Code Section 40-5-54 shall,

1 at the expiration of 120 days following the date the license is suspended, be reinstated by  
 2 the department upon receipt by the department of a certificate of completion of an  
 3 approved defensive driving course ~~or an approved DUI Alcohol or Drug Use Risk~~  
 4 ~~Reduction Program~~ and the payment of a restoration fee of \$210.00 or \$200.00 when such  
 5 reinstatement is processed by mail.

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

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

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

24 40-5-85.

25 Notwithstanding any other provision of this chapter, any person convicted within five years  
 26 of his or her first conviction as measured in paragraph (2) of subsection (c) of Code Section  
 27 40-6-391 for a second time of the offense of driving under the influence of alcohol or drugs  
 28 in violation of Code Section 40-6-391 shall, upon compliance with all other requirements  
 29 for reinstatement of his or her license as provided for in this chapter, be issued a driver's  
 30 license which may bear a red stripe thereon. After seven years with no additional  
 31 convictions for driving under the influence of alcohol or drugs any such person shall be  
 32 issued a regular driver's license without such red stripe provided that he or she is otherwise  
 33 entitled to such license under the laws of this state.

34 ~~40-5-85.1~~

35 ~~Repeated.~~

1 ~~40-5-85.2.~~

2 ~~Repealed.~~

3 40-5-86.

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

10 40-5-87.

11 The requirements and conditions of this article and the rules and regulations adopted  
12 pursuant to this article shall be the exclusive requirements for restoration of a license under  
13 this article or the issuance of a limited driving permit under this article.

14 40-5-88.

15 As an alternative to criminal or other civil enforcement, the commissioner of motor vehicle  
16 safety or the commissioner of human resources, whichever is applicable, in order to enforce  
17 this article or any orders, rules, or regulations promulgated pursuant to this article, may  
18 issue an administrative fine not to exceed \$1,000.00 for each violation, whenever that  
19 commissioner, after a hearing, determines that any person, firm, or corporation has violated  
20 any provisions of this article or any regulations or orders promulgated under this article.  
21 The hearing and any administrative review thereof shall be conducted in accordance with  
22 the procedure for contested cases under Chapter 13 of Title 50, the 'Georgia Administrative  
23 Procedure Act.' Any person, firm, or corporation who has exhausted all administrative  
24 remedies available and who is aggrieved or adversely affected by a final order or action of  
25 either the commissioner of motor vehicle safety or the commissioner of human resources  
26 shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50.  
27 All fines recovered under this Code section shall be paid into the state treasury. The  
28 commissioner of motor vehicle safety or the commissioner of human resources, as  
29 appropriate, may file, in the superior court (1) wherein the person under order resides; (2)  
30 if such person is a corporation, in the county wherein the corporation maintains its principal  
31 place of business; or (3) in the county wherein the violation occurred, a certified copy of  
32 a final order of such commissioner, whether unappealed from or affirmed upon appeal,  
33 whereupon the court shall render judgment in accordance therewith and notify the parties.  
34 Such judgment shall have the same effect and proceedings in relation thereto shall

1 thereafter be the same as though the judgment had been rendered in an action duly heard  
 2 and determined by the court. The penalty prescribed in this Code section shall be  
 3 concurrent, alternative, and cumulative with any and all other civil, criminal, or alternative  
 4 rights, remedies, forfeitures, or penalties provided, allowed, or available to such  
 5 commissioner with respect to any violation of this article or any order, rules, or regulations  
 6 promulgated pursuant to this article."

7 **SECTION 2-2.**

8 Title 43 of the Official Code of Georgia Annotated, relating to businesses and professions,  
 9 is amended by striking Chapter 13, relating to instructors in driver training and operators of  
 10 driver training schools, and inserting in lieu thereof the following:

11 "CHAPTER 13

12 43-13-1.

13 This chapter shall be known and may be cited as 'The Driver Training School License Act.'

14 43-13-2.

15 As used in this chapter, the term:

16 (1) 'Department' means the Department of Motor Vehicle Safety acting directly or  
 17 through its duly authorized officers and agents.

18 (2) 'Driver training schools' means any person, partnership, limited liability company,  
 19 or corporation giving driving instruction to ten or more persons per calendar year for the  
 20 purpose of assisting such persons to meet the requirements for licensed driving of motor  
 21 vehicles in this state or giving instruction to licensed drivers for the purpose of assisting  
 22 them in safely and properly driving on the public highways in this state.

23 (3) 'Driver's license examiners' means examiners appointed by the Department of Motor  
 24 Vehicle Safety, whether as employees or agents thereof, for the purpose of giving driver's  
 25 license examinations.

26 (4) 'Motor vehicle' means every vehicle which is self-propelled upon, or by which any  
 27 person or property is or may be transported or drawn upon, a public highway except  
 28 devices used exclusively upon stationary rails or tracks.

29 (5) 'Person' means every natural person, firm, partnership, limited liability company,  
 30 association, corporation, or school.

1 43-13-3.

2 No person shall operate a driver training school or engage in the business of giving  
3 instruction for hire in the driving of motor vehicles or in the preparation of an applicant for  
4 examination given by driver's license examiners for a driver's license or permit unless a  
5 license therefor has been secured from the department.

6 43-13-4.

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

9 (1) Be of good moral character;

10 (1.1) Not have been convicted by any state or by the federal government of any crime  
11 the punishment for which could have been imprisonment in the federal or state prison or  
12 institution nor have been convicted of sufficient misdemeanors to establish a pattern of  
13 disregard for the law, provided that, for purposes of this paragraph, violations of traffic  
14 laws and other offenses involving the operation of motor vehicles when the applicant has  
15 received a pardon shall not be considered;

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

17 (3) Maintain bodily injury and property damage liability insurance on motor vehicles  
18 while used in driver training instruction, insuring the liability of the driver training  
19 school, the driving instructors, and any person taking instruction, in at least the following  
20 amounts: ~~\$100,000.00~~ \$250,000.00 for bodily injury to or death of one person in any one  
21 accident and, subject to such limit for one person, ~~\$200,000.00~~ \$500,000.00 for bodily  
22 injury to or death of two or more persons in any one accident and the amount of  
23 ~~\$20,000.00~~ \$50,000.00 for damage to property of others in any one accident. Evidence  
24 of such insurance coverage, in the form of a certificate from the insurance carrier, shall  
25 be filed with the department; and such certificate shall stipulate that the insurance shall  
26 not be canceled except upon ten days' prior written notice to the department. Such  
27 insurance shall be written by a company authorized to do business in this state;

28 (4) Provide a continuous surety company bond in ~~the~~ a principal sum of ~~\$2,500.00~~ at the  
29 rate of \$10,000.00 per location for the protection of the contractual rights of students in  
30 such form as will meet with the approval of the department and written by a company  
31 authorized to do business in this state; provided, however, that the aggregate liability of  
32 the surety for all breaches of the condition of the bond in no event shall exceed ~~the~~ a  
33 principal sum of \$2,500.00 at the rate of \$10,000.00 per location, and a single bond at  
34 such rate for all clinics operated by the same person may be provided in satisfaction of  
35 this paragraph. The surety on any such bond may cancel such bond on giving 30 days'

1 notice thereof in writing to the department and shall be relieved of liability for any breach  
2 of any condition of the bond which occurs after the effective date of cancellation;

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

5 (5.1) Demonstrate to the department sufficient knowledge, experience, or training in the  
6 field of traffic safety, driver training, or safety education and submit a business plan  
7 reasonably indicating that the applicant, or applicants in the case of a partnership or  
8 corporate officers, will be able to provide acceptable instruction and training to students.

9 The individual who will have primary responsibility for operating the school or training  
10 instructors shall be required to be licensed as a driver training instructor under this  
11 chapter; and

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

13 43-13-4.1.

14 Any driver training school operator first licensed as such on or after July 1, 2001, who  
15 desires to provide a driver training course for applicants for instructor licenses for purposes  
16 of paragraph (2.2) of Code Section 43-13-5 shall submit a course curriculum to the  
17 department for approval prior to providing such course. The school operator shall notify  
18 each such student of the cost, if any, of such course to the student and whether the  
19 completion of such course will guarantee employment with any certified licensed driver  
20 training school; and the operator shall maintain a copy of each such notice for not less than  
21 three years.

22 43-13-4.2.

23 (a) Any driver training school which gives classroom instruction for hire in the preparation  
24 of an applicant for an examination given by driver's license examiners for a driver's license  
25 or permit, any driver education otherwise required by law as a prerequisite to obtaining an  
26 initial driver's license, or for purposes of paragraph (3) of subsection (c) of Code Section  
27 33-9-42 shall utilize as part of such program a text or workbook for each student as  
28 approved by the department. Such text or workbook may be sold to the student as part of  
29 the tuition for the course, required for purchase by the student from a third party, or loaned  
30 to the student for the duration of the classroom portion of the course.

31 (b) Any driver training school first licensed as such on or after July 1, 2001, shall, for  
32 purposes of any instruction for hire in the preparation of an applicant for a driver's license  
33 examination given by driver's license examiners for a driver's license or permit or for any  
34 driver education otherwise required by law as a prerequisite to obtaining an initial driver's  
35 license, provide:

1 (1) Classroom space of not less than 425 square feet for each class session or 20 square  
2 feet per student, whichever is greater, in a configuration conducive to classroom  
3 instruction; and the maximum number of students for each class session shall be 40  
4 regardless of the square footage of the classroom; and

5 (2) A television monitor having a minimum display of 27 inches measured diagonally  
6 or, if the classroom area is greater than 450 square feet, a minimum display of 32 inches  
7 measured diagonally.

8 43-13-4.3.

9 No driver training school shall be operated in conjunction with or on the same business  
10 premises with a business selling or otherwise providing alcoholic beverages in any manner.

11 43-13-4.4.

12 (a) Each driver training school shall maintain a telephone extension for receipt of public  
13 calls, which may be shared with a DUI Alcohol or Drug Use Risk Reduction Program,  
14 driver improvement clinic, or provider of ignition interlock devices.

15 (b) The owner or operator of multiple driver training schools may advertise the telephone  
16 number of one such school as a master telephone number, whereby information about the  
17 enrollment in any of such schools owned, operated, licensed, or franchised by such person  
18 may be obtained or achieved.

19 43-13-4.5.

20 (a) Any driver training school must exhibit on each motor vehicle used by such school for  
21 purposes of driver instruction a sign identifying the school by name. Such identification  
22 shall be painted or displayed by decal on the front, side, or rear of the vehicle in clearly  
23 legible block letters not less than six inches in height. Any such decal may be permanently  
24 affixed or removable and detached when the vehicle is not used for driving instruction. If  
25 such identification is not painted or displayed by decal on the rear or sides of the vehicle,  
26 a portable sign shall be attached securely to the rear bumper or to the roof of the vehicle  
27 so that it is visible from the rear, and such sign shall conform to the other requirements of  
28 this subsection.

29 (b) A sign shall also be displayed on each such vehicle so as to be visible from the rear and  
30 containing the words 'STUDENT DRIVER' in block letters not less than two inches in  
31 height, unless a rear decal or portable sign on the rear bumper or vehicle roof includes the  
32 term 'Driving School' and such term is clearly visible from the rear of the vehicle.

1 43-13-4.6.

2 (a) No driver training school shall be permitted to use, adopt, or conduct any business  
3 under any name that is like or deceptively similar to any name used by any other driver  
4 training school, Georgia company, or Georgia corporation registered with the Secretary of  
5 State.

6 (b) This Code section shall not prohibit the franchising or licensing of any part or all of the  
7 name of a driver training school by the owner of the rights therein to another licensed  
8 driver training school.

9 43-13-5.

10 Every person who desires to qualify as an instructor for a driver training school shall meet  
11 the following requirements:

12 (1) Be of good moral character;

13 (1.1) Not have been convicted by any state or by the federal government of any crime  
14 the punishment for which could have been imprisonment in the federal or state prison or  
15 institution nor have been convicted of sufficient misdemeanors to establish a pattern of  
16 disregard for the law, provided that, for purposes of this paragraph, violations of traffic  
17 laws and other offenses involving the operation of motor vehicles when the applicant has  
18 received a pardon shall not be considered;

19 (2) Present to the department evidence of credit in driver education and safety from an  
20 accredited college or university equivalent to ~~credits in those subjects which are required~~  
21 ~~of instructors in the public schools of this state or give satisfactory performance on a~~  
22 ~~written, oral, performance, or combination examination administered by the department~~  
23 ~~testing both knowledge of the field of driver education and skills necessary to instruct and~~  
24 ~~impart driving skills and safety to students~~ the credit requirements necessary to be  
25 certified to teach an accredited driver education course in the public schools of this state  
26 as required by the Department of Education. Applicants for instructor licenses who do  
27 not meet such academic requirements may qualify after passing a written examination  
28 consisting of a minimum of 200 questions concerning traffic laws, rules and regulations  
29 of the department, and defensive driving techniques. The examination shall be  
30 administered ~~quarterly or upon the written application of four or more prospective~~  
31 ~~licensees~~ within 15 days of receipt of the completed application. The examination fee  
32 shall not exceed \$25.00. The department shall consult with licensed school owners,  
33 experienced licensed instructors, safety experts, and other persons knowledgeable in  
34 highway safety driving standards and teaching techniques in developing and maintaining  
35 an up-to-date written examination;

1 (2.1) Demonstrate to the department's representative practical knowledge of safe driving  
 2 and teaching techniques in actual traffic conditions. The practical test shall consist of  
 3 driving in light and heavy traffic conditions, urban streets, and state or interstate  
 4 highways. Each applicant must demonstrate knowledge of in-car lessons that will or  
 5 could be taught to a student;

6 (2.2) Present to the department a notarized statement from an operator of a licensed  
 7 driver training school that the applicant has completed a training course designed to  
 8 prepare the applicant for a position as a licensed driving instructor and consisting of a  
 9 minimum of 80 hours of combined classroom and in-car training;

10 (3) Be physically able to operate safely a motor vehicle and to instruct others in the  
 11 operation of motor vehicles; and

12 (4) Hold a valid driver's license; ~~and~~

13 ~~(5) Pay to the department an application fee of \$5.00.~~

14 43-13-6.

15 (a) The department shall issue a license certificate to each operator of a driver training  
 16 school or to each driver training instructor when the department is satisfied that such  
 17 person has met the qualifications required under this chapter and has paid a license fee of  
 18 \$10.00.

19 (b) All licenses issued to driver training schools or driver training instructors pursuant to  
 20 this chapter shall be valid for four years from the date of issuance unless sooner canceled,  
 21 suspended, or revoked under Code Section 43-13-7. All licenses shall be renewed through  
 22 the department as provided in subsection (d) of this Code section and shall be valid for four  
 23 years from the date of renewal.

24 (c) The license of each driver training school and each driver training instructor may be  
 25 renewed subject to the same conditions as the original license and upon payment of the  
 26 same license fee. The department shall provide notice of the applicable license expiration  
 27 date to each licensee under this chapter by first-class mail posted at least 90 days prior to  
 28 such license expiration date, along with a copy of the appropriate renewal form for  
 29 completion and return by the license holder. Failure of a license holder to receive such  
 30 notice shall not abate any license expiration or relieve the license holder of the duty to  
 31 timely renew such license. Failure to renew a license by the required renewal date shall  
 32 cause the applicant to be subject to a late renewal fee in an amount equivalent to the license  
 33 fee for an initial such license, in addition to the renewal fee, and such late renewal fee shall  
 34 be the exclusive penalty for failure to timely renew.

35 (d) All applications for renewal of a driver training school's license or driver training  
 36 instructor's license shall be on a form prescribed by the department and must be filed with

1 the department not more than 60 days nor less than ten days preceding the expiration date  
2 of the license to be renewed.

3 (e) The department shall provide for issuance of a replacement license upon the filing of  
4 an affidavit stating that the license was lost, mutilated, or destroyed and describing the time  
5 and circumstances thereof; and a copy of an incident report by a law enforcement agency  
6 regarding the same shall not be required except in cases of suspected fraud or other illegal  
7 activity.

8 43-13-6.1.

9 The commissioner shall be authorized to issue a special license to the instructor of any  
10 driver training school who is qualified to teach the alcohol and drug course prescribed in  
11 subsection (b) of Code Section 20-2-142. A driver training school shall offer such alcohol  
12 and drug course only through a qualified instructor and shall not charge a fee for such  
13 course of more than \$25.00.

14 43-13-6.2.

15 (a) Any person first licensed as an instructor on or after July 1, 2001, who does not hold  
16 a bachelor's degree from an accredited college or university with a special certification in  
17 driver education and who teaches the classroom portion of an instructional program for  
18 purposes of paragraph (3) of subsection (c) of Code Section 33-9-42 must have taught a  
19 minimum of 500 hours of in-car training as a licensed instructor prior to teaching such  
20 classroom portion of the program. Any driver training school operator who employs such  
21 an instructor shall certify to the department that the prospective classroom instructor has  
22 satisfied the in-car teaching requirement prior to teaching the classroom portion.

23 (b) The provisions of subsection (a) of this Code section shall not apply to any licensed  
24 instructor who has been licensed for a minimum of one year as a DUI Alcohol or Drug Use  
25 Risk Reduction Program instructor or as a driver improvement instructor.

26 43-13-6.3.

27 (a)(1) Any licensed driver training instructor who desires to transfer from one licensed  
28 driver training school to another such school shall submit an application for such transfer  
29 to the department on such form as prescribed thereby.

30 (2) If the department required a physical examination report as part of the applicant's  
31 original or renewal instructor's license application and such license or renewal has not  
32 expired, then another such report shall not be required to effect the transfer unless the  
33 department has evidence that the instructor's physical condition has changed significantly  
34 since the current license or renewal was issued.

1 (b) Whenever a licensed driver training instructor obtains employment with another driver  
 2 training school in addition to his or her current driver training school employment, the  
 3 operator of the additional employing school shall notify the department of such  
 4 employment, and the department shall note in its records that such additional employment  
 5 is authorized.

6 43-13-7.

7 The department may cancel, suspend, revoke, or refuse to renew any driver training  
 8 school's or driver training instructor's license upon good cause being shown and after ten  
 9 days' notice to the license holder if:

10 (1) The department is satisfied that the licensee fails to meet the requirements to receive  
 11 or hold a license under this chapter;

12 (2) The licensee fails to keep the records required by this chapter; provided, however,  
 13 that such records may be kept in electronic form;

14 (3) The licensee permits fraud or engages in fraudulent practices, with reference to either  
 15 the applicant or the department, or induces or countenances fraud or fraudulent practices  
 16 on the part of any applicant for a driver's license or permit;

17 (4) The licensee ~~fails~~ establishes a pattern of failure to comply with this chapter or any  
 18 rule of the department made pursuant thereto;

19 (5) The licensee represents himself as an agent or employee of the department or license  
 20 examiners or uses advertising designed to lead, or which would reasonably have the  
 21 effect of leading, persons to believe that such licensee is in fact an employee or  
 22 representative of the department or license examiners;

23 (6) The licensee or any employee or agent of the licensee solicits driver training or  
 24 instruction in an office of any department of the state having to do with the administration  
 25 of any law relating to motor vehicles; or

26 (7) The licensee or any employee or agent serving as a driver training instructor has had  
 27 his license canceled, suspended, or revoked.

28 43-13-8.

29 (a) The commissioner of motor vehicle safety is authorized to prescribe, by rule, standards  
 30 for the eligibility, conduct, equipment, and operation of driver training schools and  
 31 instructors and to adopt other reasonable rules and regulations to carry out this chapter.  
 32 The department shall notify all schools and instructors licensed under this chapter of any  
 33 proposed rules and regulations not less than 30 days prior to presentation to the board so  
 34 as to allow opportunity for comment.

1 (b) The department shall have the authority to assess an administrative fine, not to exceed  
 2 \$1,000.00 per violation, against any driver training school that fails to comply with any  
 3 requirement imposed by or pursuant to this chapter. In determining the amount of the fine,  
 4 the department may consider the seriousness of the violation, whether the same or any  
 5 other such requirement has been violated previously by the same program owner, director,  
 6 or instructor, or whether procedures designated to prevent the violation were in place and  
 7 were followed. When the department determines that a fine will be imposed, violations  
 8 will be assigned a category based on the following:

9 (1) CATEGORY I (\$500.00 - \$1,000.00). Violations involving fraud, providing false  
 10 information or documents, or failure to account for official state documents;

11 (2) CATEGORY II (\$300.00 - \$700.00). Violations involving noncompliance with school  
 12 licensing requirements, such as failure to submit required documents or failure to  
 13 maintain and use required equipment and materials;

14 (3) CATEGORY III (\$100.00 - \$500.00). Violations involving school operating  
 15 requirements, such as failure to maintain required records.

16 The specific amount of the fine for each violation in each category shall depend on whether  
 17 the same or similar violation has previously been cited in the past two years. Generally,  
 18 the fine amount for an initial violation within a two-year period shall be the minimum  
 19 amount in the appropriate category; the fine amount for a second violation shall be an  
 20 amount that is the median of the appropriate category; and the fine amount for a third or  
 21 repeat violation shall be the maximum amount in the appropriate category. In any case, the  
 22 fine amount may be adjusted upward or downward depending on the existence of  
 23 mitigating or aggravating circumstances. In any case in which the department finds a  
 24 violation of applicable law, rules, or regulations, the department shall have the discretion  
 25 to determine the appropriate sanction under this Code section or Code Section 43-13-7.  
 26 No school shall have a right to an administrative fine in lieu of a sanction under Code  
 27 Section 43-13-7.

28 43-13-9.

29 All moneys received under this chapter shall be deposited with the Office of Treasury and  
 30 Fiscal Services.

31 43-13-10.

32 ~~(a) This chapter shall not apply to a college conducting a driver training course; nor shall~~  
 33 ~~it apply to driver improvement schools operated by the state or by a county or municipality.~~

1 ~~(b)~~ The provisions of this chapter other than paragraph (2) of Code Section 43-13-4 shall  
2 apply to secondary or postsecondary schools conducting driver training courses and to  
3 instructors therefor.

4 43-13-11.

5 Any person violating this chapter shall be guilty of a misdemeanor."

6 **PART III**

7 **SECTION 3-1.**

8 (a) This Act shall become effective on July 1, 2001, except as otherwise provided by  
9 subsection (b) of this section.

10 (b) Any provision amended in Part II of this Act which was amended by an Act approved  
11 April 28, 2000 (Ga. L. 2000, p. 951), shall become effective and supersede that respective  
12 provision amended in Part I of this Act on July 1, 2001, or on such date thereafter as that  
13 same provision, as amended by said 2000 Act, becomes fully effective pursuant to Section  
14 13-1 of said 2000 Act, whichever is later.

15 **SECTION 3-2.**

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