

The House Committee on Motor Vehicles offers the following substitute to HB 480:

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

H. B. 480 (SUB)

1 (1) Charge a fee for the consideration of applications for approval of driver improvement
 2 clinics and instructors. The ~~amount~~ amounts of this fee shall be ~~established by the Board~~
 3 ~~of Public Safety and shall, as best as the board shall determine, approximate the expense~~
 4 ~~incurred by the Department of Public Safety in consideration of an application~~ \$200.00
 5 for any clinic and \$100.00 for any instructor. The amounts of renewal fees shall be
 6 \$100.00 for any clinic and \$50.00 for any instructor. These licenses and each renewal
 7 thereof shall be valid for a period of ~~two~~ four years unless suspended or revoked prior to
 8 the expiration of that time period; ~~and~~

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

24 (3) Provide notice of the applicable license expiration date to each licensed clinic or
 25 licensed instructor by first-class mail posted at least 90 days prior to such license
 26 expiration date, along with a copy of the appropriate renewal form for completion and
 27 return by the license holder. Failure of a license holder to receive such notice shall not
 28 abate any license expiration or relieve the license holder of the duty to timely renew such
 29 license. Failure to renew a license by the required renewal date shall cause the applicant
 30 to be subject to the penalty provided by Code Section 40-5-88 and a late renewal fee in
 31 an amount equivalent to the license fee for an initial such license, in addition to the
 32 required renewal fee; and

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

1 40-5-81.

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

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

22 (c)(1) It shall be unlawful for the owner, agent, servant, or employee of any driver
 23 improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program licensed by
 24 the Department of Public Safety or the Department of Human Resources to directly or
 25 indirectly solicit business by personal solicitation on public property, by phone or mail.
 26 A violation of this subsection shall be a misdemeanor. Advertising in any mass media,
 27 including, but not limited to, newspapers, radio, television, magazines, or telephone
 28 directories by a driver improvement clinic or DUI Alcohol or Drug Use Risk Reduction
 29 Program shall not be considered a violation of this subsection.

30 (2) The owner or operator of multiple DUI Alcohol or Drug Use Risk Reduction
 31 Programs may place yellow page advertising listing only the name of the main clinic,
 32 along with the address of any additionally licensed clinics utilizing the name of the main
 33 clinic, if the advertising includes the license number assigned to each clinic.

34 (3)(A) Each DUI Alcohol or Drug Use Risk Reduction Program shall maintain a
 35 telephone extension for receipt of public calls, which may be shared with a driver
 36 improvement clinic, driver training school conducting driver education classes for

1 purposes of paragraph (3) of subsection (c) of Code Section 33-9-42, or provider of
 2 ignition interlock devices.

3 (B) The owner and operator of any DUI Alcohol or Drug Use Risk Reduction Program
 4 may advertise the telephone number of one such program as a master telephone number
 5 whereby information about and enrollment in any of such programs owned or operated
 6 by such person may be obtained or achieved.

7 (4)(A) No DUI Alcohol or Drug Use Risk Reduction Program shall be permitted to
 8 use, adopt, or conduct any business under any name that is like or deceptively similar
 9 to any name used by any other DUI Alcohol or Drug Use Risk Reduction Program,
 10 Georgia company, or Georgia corporation registered with the Secretary of State. This
 11 subparagraph shall not prohibit the franchising or licensing of any part or all of the
 12 name of a DUI Alcohol or Drug Use Risk Reduction Program by the owner or the
 13 rights thereof to another licensed DUI Alcohol or Drug Use Risk Reduction Program.

14 (B) A DUI Alcohol or Drug Use Risk Reduction Program shall not use the word 'state'
 15 in any part of the program name.

16 (C) This paragraph shall not prohibit the franchising or licensing of any part or all of
 17 the name of a DUI Alcohol or Drug Use Risk Reduction Program by the owner of the
 18 rights therein to another licensed DUI Alcohol or Drug Use Risk Reduction Program.

19 40-5-82.

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

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

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

33 (d) All DUI Alcohol or Drug Use Risk Reduction Program records including, but not
 34 limited to, assessment results and other components attended shall be confidential and shall
 35 not be released without the written consent of the DUI offender, except that such records

1 shall be made available to the Department of Human Resources and the Department of
2 Public Safety.

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

15 40-5-83.

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

32 (1.1)(A) Each driver improvement clinic shall maintain a telephone extension for
33 receipt of public calls, which may be shared with a DUI Alcohol or Drug Use Risk
34 Reduction Program, driver training school conducting driver education classes for
35 purposes of paragraph (3) of subsection (c) of Code Section 33-9-42, or provider of
36 ignition interlock devices.

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

5 (1.2)(A) No driver improvement clinic shall be permitted to use, adopt, or conduct any
6 business under any name that is like or deceptively similar to any name used by any
7 other driver improvement clinic, Georgia company, or Georgia corporation registered
8 with the Secretary of State. This subparagraph shall not prohibit the franchising or
9 licensing of any part or all of the name of a driver improvement clinic by the owner or
10 the rights thereof to another licensed driver improvement clinic.

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

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

16 (1.3) It shall be the duty and responsibility of each clinic owner to take reasonable steps
17 to ensure all instructors associated with their clinic have met all requirements for renewal
18 and have in their possession a valid instructor's certificate; provided, however, that each
19 instructor shall be primarily responsible for ensuring that his or her own license is valid.

20 (1.4)(A) Every driver improvement clinic shall maintain the following records which
21 shall be available for inspection by the department at all times and which may be
22 maintained in electronic form for purposes of this paragraph:

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

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

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

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

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

5 (vi) A schedule for all classes of instruction giving the date and time of classes must
 6 be forwarded to the department not less than 15 days prior to such classes; and

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

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

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

20 (b)(1) The commissioner of public safety shall be authorized to accept certificates of
 21 completion from all defensive driving, driving under the influence, and alcohol and drug
 22 programs, clinics, and courses approved by any other state, the District of Columbia, and
 23 territories and possessions of the United States, including military reservations, whereby
 24 driver improvement clinics, programs, and courses shall be approved for use by residents
 25 of this state, other states, the District of Columbia, and territories and possessions of the
 26 United States.

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

29 (c) The commissioner of public safety shall be authorized to issue a special license to the
 30 instructor of any driver improvement clinic who is qualified to teach the alcohol and drug
 31 course prescribed in subsection (b) of Code Section 20-2-142. Any application prepared
 32 by the department for such special license shall not require any additional fingerprints or
 33 physical examination if such applicant is currently licensed as a commercial driving
 34 instructor. A driver improvement clinic shall offer such alcohol and drug course only
 35 through a qualified instructor and shall not charge a fee for such course of more than
 36 \$25.00. The commissioner shall be authorized to issue a special license to the instructor
 37 of any commercial driver training school to teach the alcohol and drug course prescribed

1 in subsection (b) of Code Section 20-2-142 who is qualified to teach a teen-age driver
2 education course, which course consists of a minimum of 30 hours of classroom and six
3 hours of behind-the-wheel training. The alcohol and drug program may be included in the
4 30 hours of classroom training as part of a curriculum approved by the department. Any
5 fee authorized by law for such a drug and alcohol course may be included in the tuition
6 charge for a teen-age driver education course. Any text or workbook provided or required
7 by the department for such course shall be provided by the department at the same fee as
8 currently charged by the department to any public or private school, contractor, or
9 appropriate representative currently teaching the program.

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

23 (e) The Department of Human Resources is designated as the agency responsible for
24 establishing criteria for the approval of DUI Alcohol or Drug Use Risk Reduction
25 Programs. An applicant must meet the certification criteria promulgated by the Department
26 of Human Resources through its standards and must provide the following services: (1) the
27 assessment component and (2) the intervention component. The Department of Human
28 Resources is designated as the agency responsible for establishing rules and regulations
29 concerning the contents and duration of the components of DUI Alcohol or Drug Use Risk
30 Reduction Programs, qualifications of instructors, attendance requirements for students,
31 examinations, and program evaluations. Approved DUI Alcohol or Drug Use Risk
32 Reduction Programs shall charge a fee of \$75.00 for the assessment component and
33 \$175.00 for the intervention component. An additional fee for required student program
34 materials shall be established by the Department of Human Resources in such an amount
35 as is reasonable and necessary to cover the cost of such materials. No DUI Alcohol or
36 Drug Use Risk Reduction Program shall be approved unless such clinic agrees in writing
37 to submit reports as required in the rules and regulations of the Department of Human

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

~~40-5-83.1.~~

~~Repeated.~~

40-5-84.

(a) Except as otherwise provided, the license of any person whose license is suspended for the first time as a result of the conviction of an offense listed in Code Section 40-5-54 shall, at the expiration of 120 days following the date the license is suspended, be reinstated by the department upon receipt by the department of a certificate of completion of an approved defensive driving course ~~or an approved DUI Alcohol or Drug Use Risk~~

1 ~~Reduction Program~~ and the payment of a restoration fee of \$210.00 or \$200.00 when such
2 reinstatement is processed by mail.

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

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

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

21 40-5-85.

22 Notwithstanding any other provision of this chapter, any person convicted within five years
23 of his or her first conviction as measured in paragraph (2) of subsection (c) of Code Section
24 40-6-391 for a second time of the offense of driving under the influence of alcohol or drugs
25 in violation of Code Section 40-6-391 shall, upon compliance with all other requirements
26 for reinstatement of his or her license as provided for in this chapter, be issued a driver's
27 license which may bear a red stripe thereon. After seven years with no additional
28 convictions for driving under the influence of alcohol or drugs any such person shall be
29 issued a regular driver's license without such red stripe provided that he or she is otherwise
30 entitled to such license under the laws of this state.

31 ~~40-5-85.1~~

32 ~~Repeated.~~

33 ~~40-5-85.2.~~

34 ~~Repeated.~~

1 40-5-86.

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

8 40-5-87.

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

12 40-5-88.

13 (a) As an alternative to criminal or other civil enforcements, the commissioner of public
14 safety or the commissioner of human resources, whichever is applicable, in order to enforce
15 this article or any orders, rules, or regulations promulgated pursuant to this article, may
16 issue an administrative fine not to exceed \$1,000.00 for each violation, whenever that
17 commissioner, after a hearing, determines that any person, firm, or corporation has violated
18 any provisions of this article or any regulations or orders promulgated under this article.

19 (b) In determining the amount of the fine, the commissioner may consider the seriousness
20 of the violation, whether the same or any other such requirement has been violated
21 previously by the same program owner, director, or instructor, or whether procedures
22 designed to prevent the violation were in place and were followed. If a fine will be
23 imposed, violations will be assigned a category based on the following:

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

26 (2) CATEGORY II (\$300.00-\$700.00). Violations involving noncompliance with school
27 licensing requirements, such as failure to submit required documents or failure to
28 maintain and use required equipment and materials, except as otherwise provided by
29 paragraph (3) of this subsection;

30 (3) CATEGORY III (\$100.00 - \$500.00). Violations involving school operating
31 requirements, such as failure to maintain required records, or failure to timely renew any
32 license issued under this article.

33 The specific amount of the fine for each violation in each category shall depend on whether
34 the same or similar violation has previously been cited in the past two years. Generally,
35 the fine amount for an initial violation within a two-year period shall be the minimum

1 amount in the appropriate category; the fine amount for a second violation shall be an
 2 amount that is the median of the appropriate category; and the fine amount for a third or
 3 repeat violation will be the maximum amount in the appropriate category. In any case, the
 4 fine amount may be adjusted upward or downward depending on the existence of
 5 mitigating or aggravating circumstances.

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

26 (d) Each clinic or program license shall be issued as a separate license. Any adverse
 27 action by the department shall not affect the continued operation or renewal of another
 28 clinic or program license held by the same person, unless fraud or other convictions for
 29 criminal charges would not permit the initial issuance of such license or the department
 30 shows the violations were in collusion with the operation of other clinics or programs
 31 licensed to such person."

32 SECTION 1-2.

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

"CHAPTER 13

43-13-1.

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

43-13-2.

As used in this chapter, the term:

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

(1.1) 'Distance learning' means the use of Internet or World Wide Web based computer systems or programs providing information or instruction to students and utilizing access security measures designed to prevent fraudulent use by or false identification of a student.

(2) 'Driver training schools' means any person, partnership, limited liability company, or corporation giving driving instruction, whether directly or by means of distance learning, to ten or more persons per calendar year for the purpose of assisting such persons to meet the requirements for licensed driving of motor vehicles in this state, including without limitation preparing applicants for an examination given by driver's license examiners for drivers' licenses or permits or any driver education otherwise required by law as a prerequisite to obtaining an initial driver's license; giving instruction for purposes of paragraph (3) of subsection (c) of Code Section 33-9-42; or giving instruction to licensed drivers for the purpose of assisting them in safely and properly driving on the public highways in this state.

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

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

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

43-13-3.

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

1 43-13-4.

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

4 ~~(1)(A) Be of good moral character;~~ Not have had his or her driver's license suspended
5 for any reason or pled guilty, had a bond forfeiture, or pled nolo contendere for any
6 mandatory suspension offense within one year prior to making application or for any
7 violation of Code Section 40-6-391 within five years prior to making application.

8 (B) Not have had his or her driver's license suspended two or more times or pled
9 guilty, had a bond forfeiture, or pled nolo contendere to two or more mandatory
10 suspension offenses within five years prior to making application.

11 (C) Not have been convicted, forfeited a bond, pled guilty, or pled nolo contendere to
12 a felony or any crime involving violence, dishonesty, deceit, fraud, indecency, or moral
13 turpitude, unless he or she has received a pardon and can produce evidence of same;

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

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

26 (4) Provide a continuous surety company bond in ~~the~~ a principal sum of ~~\$2,500.00~~ at the
27 rate of \$10,000.00 per location for the protection of the contractual rights of students in
28 such form as will meet with the approval of the department and written by a company
29 authorized to do business in this state; provided, however, that the aggregate liability of
30 the surety for all breaches of the condition of the bond in no event shall exceed ~~the~~ a
31 principal sum of \$2,500.00 at the rate of \$10,000.00 per location, and a single bond at
32 such rate for all clinics operated by the same person may be provided in satisfaction of
33 this paragraph. The surety on any such bond may cancel such bond on giving 30 days'
34 notice thereof in writing to the department and shall be relieved of liability for any breach
35 of any condition of the bond which occurs after the effective date of cancellation;
36 (5) Have the equipment necessary to the giving of proper instruction in the operation of
37 motor vehicles as prescribed by the department; ~~and~~

1 (5.1) Demonstrate to the department sufficient knowledge, experience, or training in the
 2 field of traffic safety, driver training, or safety education reasonably indicating that the
 3 applicant, or applicants in the case of a partnership or corporate officers, will be able to
 4 provide acceptable instruction and training to students. The individual who will have
 5 primary responsibility for operating the school or training instructors shall be required to
 6 be licensed as a driver training instructor under this chapter; and

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

8 43-13-4.1.

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

17 43-13-4.2.

18 (a) Any driver training school which gives classroom instruction for hire in the preparation
 19 of an applicant for an examination given by driver's license examiners for a driver's license
 20 or permit, any driver education otherwise required by law as a prerequisite to obtaining an
 21 initial driver's license, or for purposes of paragraph (3) of subsection (c) of Code Section
 22 33-9-42 shall utilize as part of such program a text or workbook for each student as
 23 approved by the department. Such text or workbook may be sold to the student as part of
 24 the tuition for the course, required for purchase by the student from a third party, or loaned
 25 to the student for the duration of the classroom portion of the course.

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

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

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

4 However, the provisions of this subsection shall not apply to any distance learning
5 program.

6 (c)(1) Any driver training school offering instruction through means of distance learning
7 for purposes of this chapter shall be a business entity having an office in this state open
8 to the public during normal business hours and shall have been licensed under this
9 chapter for a continuous period of at least five years prior to offering any instruction
10 through means of distance learning for purposes of this chapter.

11 (2) Any such driver training school shall remit to the department an administrative fee
12 of \$10.00 for each student enrolled in a distance learning program provided by such
13 school. Such fee shall be paid not later than 30 days after the date of enrollment.

14 (3) Any such driver training school shall maintain a local or toll free telephone number
15 available for use by an applicant enrolled in such distance learning course to obtain
16 technical assistance with the program 24 hours per day.

17 (4) Any such driver training school shall provide each person successfully completing
18 such distance learning program a numbered completion certificate, which shall be
19 electronically transmitted, postmarked by the United States Postal Service, or sent by
20 statutory overnight delivery not later than five business days after the course completion
21 date.

22 (5) Upon request, any such driver training school shall provide the department with any
23 necessary access codes or keys to enable the department to access any computer, server,
24 or other electronic device used to store data or provide certificates of completion to
25 applicants who have enrolled in any course required of an applicant for purposes of
26 obtaining an instruction permit or driver's license under Chapter 5 of Title 40.

27 43-13-4.3.

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

31 43-13-4.4.

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

35 (b) The owner or operator of multiple driver training schools may advertise the telephone
36 number of one such school as a master telephone number, whereby information about and

1 enrollment in any of such schools owned, operated, licensed, or franchised by such person
2 may be obtained or achieved.

3 43-13-4.5.

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

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

17 (c) Any licensed driver training school providing the use of a training vehicle to an
18 applicant for a driver's license may provide a licensed instructor to accompany the
19 applicant and the driver's license examiner during any portion of any off-road or on-road
20 driving examination. If an instructor accompanies an applicant during any such
21 examination, the instructor shall be seated in the front seat of the training vehicle in a
22 position whereby the instructor can exercise control, if necessary, over the vehicle through
23 the use of any dual brake or the combined use of any dual brake and dual accelerator pedal
24 or the combined use of any dual brake, dual accelerator, and dual steering wheel as
25 installed in the training vehicle or through the use of any controls provided by the original
26 vehicle manufacturer. Whenever a licensed instructor accompanies any applicant during
27 an off-road or on-road driving examination, the applicant shall be clearly advised by the
28 driver's license examiner that any assistance, whether verbal or otherwise, provided by the
29 licensed instructor to the applicant, unless specifically authorized by the driver's license
30 examiner, shall be grounds for the driver's license examiner to immediately notify the
31 applicant that he or she has failed the examination. The department may require an
32 applicant to acknowledge in written form that the applicant understands and is in agreement
33 with this requirement. In the event of an accident or other incident involving the applicant
34 and the use of the training vehicle, any liability shall be determined as otherwise provided
35 by law.

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)(A) Be of good moral character; Not have had his or her driver's license suspended
 13 for any reason or pled guilty, had a bond forfeiture, or pled nolo contendere for any
 14 mandatory suspension offense within one year prior to making application or for any
 15 violation of Code Section 40-6-391 within five years prior to making application.

16 (B) Not have had his or her driver's license suspended two or more times or pled
 17 guilty, had a bond forfeiture, or pled nolo contendere to two or more mandatory
 18 suspension offenses within five years prior to making application.

19 (C) Not have been convicted, forfeited a bond, pled guilty, or pled nolo contendere to
 20 a felony or any crime involving violence, dishonesty, deceit, fraud, indecency, or moral
 21 turpitude, unless he or she has received a pardon and can produce evidence of same;

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

1 highway safety driving standards and teaching techniques in developing and maintaining
 2 an up-to-date written examination;

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

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

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

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

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

16 43-13-6.

17 (a) The department shall issue a license certificate to each operator of a driver training
 18 school or to each driver training instructor when the department is satisfied that such
 19 person has met the qualifications required under this chapter and has paid a license fee of
 20 \$10.00.

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

26 (c) The license of each driver training school and each driver training instructor may be
 27 renewed subject to the same conditions as the original license and upon payment of the
 28 same license fee. The department shall provide notice of the applicable license expiration
 29 date to each licensee under this chapter by first-class mail posted at least 90 days prior to
 30 such license expiration date, along with a copy of the appropriate renewal form for
 31 completion and return by the license holder. Failure of a license holder to receive such
 32 notice shall not abate any license expiration or relieve the license holder of the duty to
 33 timely renew such license. Failure to renew a license by the required renewal date shall
 34 cause the applicant to be subject to the penalty provided by Code Section 43-13-8 and a
 35 late renewal fee in an amount equivalent to the license fee for an initial such license, in
 36 addition to the renewal fee.

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

5 (e) The department shall provide for issuance of a replacement license upon the filing of
6 an affidavit stating that the license was lost, mutilated, or destroyed and describing the time
7 and circumstances thereof; and a copy of an incident report by a law enforcement agency
8 regarding the same shall not be required except in cases of suspected fraud or other illegal
9 activity. The fee for the replacement license shall be \$10.00.

10 43-13-6.1.

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

16 43-13-6.2.

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

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

28 43-13-6.3.

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

32 (2) If the department required a physical examination report as part of the applicant's
33 original or renewal instructor's license application and such license or renewal has not
34 expired, then another such report shall not be required to effect the transfer unless the

1 department has evidence that the instructor's physical condition has changed significantly
 2 since the current license or renewal was issued.

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

8 43-13-7.

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

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

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

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

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

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

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

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

30 (b) Each school license shall be issued as a separate license. Any adverse action by the
 31 department shall not affect the continued operation or renewal of another school license
 32 held by the same person, unless fraud or other convictions for criminal charges would not
 33 permit the initial issuance of such license or the department shows the violations were in
 34 collusion with the operation of other schools licensed to such person.

35 43-13-8.

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

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

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

17 (2) CATEGORY II (\$300.00-\$700.00). Violations involving noncompliance with school
 18 licensing requirements, such as failure to submit required documents or failure to
 19 maintain and use required equipment and materials, except as otherwise provided by
 20 paragraph (3) of this subsection;

21 (3) CATEGORY III (\$100.00 - \$500.00). Violations involving school operating
 22 requirements, such as failure to maintain required records, or failure to timely renew any
 23 license issued under this chapter.

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

36 (c) The hearing and any administrative review thereof shall be conducted in accordance
 37 with the procedure for contested cases under Chapter 13 of Title 50, the 'Georgia

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

17 43-13-9.

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

20 43-13-10.

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

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

26 43-13-11.

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

28 **PART II**

29 **SECTION 2-1.**

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

"ARTICLE 4

40-5-80.

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

(1) Charge a fee for the consideration of applications for approval of driver improvement clinics and instructors. ~~The amount~~ amounts of this fee shall be ~~established by the commissioner of motor vehicle safety and shall, as best as the commissioner shall determine, approximate the expense incurred by the Department of Motor Vehicle Safety in consideration of an application~~ \$200.00 for any clinic and \$100.00 for any instructor. The amounts of renewal fees shall be \$100.00 for any clinic and \$50.00 for any instructor. These licenses and each renewal thereof shall be valid for a period of ~~two~~ four years unless suspended or revoked prior to the expiration of that time period; ~~and~~

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

(3) Provide notice of the applicable license expiration date to each licensed clinic or licensed instructor by first-class mail posted at least 90 days prior to such license expiration date, along with a copy of the appropriate renewal form for completion and return by the license holder. Failure of a license holder to receive such notice shall not

1 abate any license expiration or relieve the license holder of the duty to timely renew such
 2 license. Failure to renew a license by the required renewal date shall cause the applicant
 3 to be subject to the penalty provided by Code Section 40-5-88 and a late renewal fee in
 4 an amount equivalent to the license fee for an initial such license, in addition to the
 5 required renewal fee; and

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

11 40-5-81.

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

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

32 (c)(1) It shall be unlawful for the owner, agent, servant, or employee of any driver
 33 improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program licensed by
 34 the Department of Motor Vehicle Safety or the Department of Human Resources to
 35 directly or indirectly solicit business by personal solicitation on public property, by phone
 36 or mail. A violation of this subsection shall be a misdemeanor. Advertising in any mass

1 media, including, but not limited to, newspapers, radio, television, magazines, or
 2 telephone directories by a driver improvement clinic or DUI Alcohol or Drug Use Risk
 3 Reduction Program shall not be considered a violation of this subsection.

4 (2) The owner or operator of multiple DUI Alcohol or Drug Use Risk Reduction
 5 Programs may place yellow page advertising listing only the name of the main clinic,
 6 along with the address of any additionally licensed clinics utilizing the name of the main
 7 clinic, if the advertising includes the license number assigned to each clinic.

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

13 (B) The owner and operator of any DUI Alcohol or Drug Use Risk Reduction Program
 14 may advertise the telephone number of one such program as a master telephone number
 15 whereby information about and enrollment in any of such programs owned or operated
 16 by such person may be obtained or achieved.

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

24 (B) A DUI Alcohol or Drug Use Risk Reduction Program shall not use the word 'state'
 25 in any part of the program name.

26 (C) This paragraph shall not prohibit the franchising or licensing of any part or all of
 27 the name of a DUI Alcohol or Drug Use Risk Reduction Program by the owner of the
 28 rights therein to another licensed DUI Alcohol or Drug Use Risk Reduction Program.

29 40-5-82.

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

33 (b) For the purpose of generating greater interest in highway safety, the commissioner may
 34 solicit the assistance of local governmental authorities, associations, societies, clubs,
 35 schools, colleges, and other organizations or persons knowledgeable in highway safety

1 driving standards to participate in conjunction with the department in the development of
2 local driver improvement programs and in conducting driver improvement classes.

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

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

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

25 40-5-83.

26 (a)(1) The commissioner of motor vehicle safety shall establish criteria for the approval
27 of driver improvement clinics. To be approved, a clinic shall provide and operate either
28 a defensive driving course, an advanced defensive driving course, or a professional
29 defensive driving course or any combination thereof. Clinics shall be composed of
30 uniform education and training programs consisting of six hours of instruction designed
31 for the rehabilitation of problem drivers. The commissioner shall establish standards and
32 requirements concerning the contents of courses, ~~duration of courses~~, qualifications of
33 instructors, ~~fees~~, attendance requirements for students, and examinations. Approved
34 clinics ~~may~~ shall charge a fee of ~~not more than \$60.00~~ \$75.00 for a defensive driving
35 course, an advanced defensive driving course, or a professional defensive driving course;
36 except that such clinics may charge different fees of their own choosing if the person is

1 enrolling in such course voluntarily and not pursuant to court order or department
2 requirement. No clinic shall be approved unless such clinic agrees in writing to allow the
3 examination and audit of the books, records, and financial statements of such clinic.
4 Clinics may be operated by any individual, partnership, corporation, association, civic
5 group, club, county, municipality, board of education, school, or college.

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

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

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

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

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

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

30 (1.4)(A) Every driver improvement clinic shall maintain the following records which
31 shall be available for inspection by the department at all times and which may be
32 maintained in electronic form for purposes of this paragraph:

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

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

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

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

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

17 (vi) A schedule for all classes of instruction giving the date and time of classes must
 18 be forwarded to the department not less than 15 days prior to such classes; and

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

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

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

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

1 state, other states, the District of Columbia, and territories and possessions of the United
2 States.

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

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

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

36 (e) The Department of Human Resources is designated as the agency responsible for
37 establishing criteria for the approval of DUI Alcohol or Drug Use Risk Reduction

1 Programs. An applicant must meet the certification criteria promulgated by the Department
2 of Human Resources through its standards and must provide the following services: (1) the
3 assessment component and (2) the intervention component. The Department of Human
4 Resources is designated as the agency responsible for establishing rules and regulations
5 concerning the contents and duration of the components of DUI Alcohol or Drug Use Risk
6 Reduction Programs, qualifications of instructors, attendance requirements for students,
7 examinations, and program evaluations. Approved DUI Alcohol or Drug Use Risk
8 Reduction Programs shall charge a fee of \$75.00 for the assessment component and
9 \$175.00 for the intervention component. An additional fee for required student program
10 materials shall be established by the Department of Human Resources in such an amount
11 as is reasonable and necessary to cover the cost of such materials. No DUI Alcohol or
12 Drug Use Risk Reduction Program shall be approved unless such clinic agrees in writing
13 to submit reports as required in the rules and regulations of the Department of Human
14 Resources and to allow the examination and audit of the books, records, and financial
15 statements of such DUI Alcohol or Drug Use Risk Reduction Program by the Department
16 of Human Resources or its authorized agent. DUI Alcohol or Drug Use Risk Reduction
17 Programs may be operated by any public, private, or governmental entity; provided,
18 however, that, except as otherwise provided in this subsection, in any political subdivision
19 in which a DUI Alcohol or Drug Use Risk Reduction Program is operated by a private
20 entity, whether for profit or nonprofit, neither the local county board of health nor any other
21 governmental entity shall fund any new programs in that area. Programs currently in
22 existence which are operated by local county boards of health or any other governmental
23 entities shall be authorized to continue operation. New programs may be started in areas
24 where no private DUI Alcohol or Drug Use Risk Reduction Programs have been made
25 available to said community. The Department of Corrections is authorized to operate DUI
26 Alcohol or Drug Use Risk Reduction Programs in its facilities where offenders are not
27 authorized to participate in such programs in the community, provided that such programs
28 meet the certification criteria promulgated by the Department of Human Resources. All
29 such programs operated by the Department of Corrections shall be exempt from all fee
30 provisions established in this subsection specifically including the rebate of any fee for the
31 costs of administration. No DUI Alcohol or Drug Use Risk Reduction Program will be
32 approved unless such clinic agrees in writing to pay to the state, for the costs of
33 administration, a fee of \$15.00, for each offender assessed or each offender attending for
34 points reduction, provided that nothing in this Code section shall be construed so as to
35 allow the Department of Human Resources to retain any funds required by the Constitution
36 of Georgia to be paid into the state treasury; and provided, further, that the Department of
37 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
35 in violation of Code Section 40-6-391 shall, upon compliance with all other requirements

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

6 ~~40-5-85.1~~

7 ~~Repealed.~~

8 ~~40-5-85.2.~~

9 ~~Repealed.~~

10 40-5-86.

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

17 40-5-87.

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

21 40-5-88.

22 (a) As an alternative to criminal or other civil enforcement, the commissioner of motor
 23 vehicle safety or the commissioner of human resources, whichever is applicable, in order
 24 to enforce this article or any orders, rules, or regulations promulgated pursuant to this
 25 article, may issue an administrative fine not to exceed \$1,000.00 for each violation,
 26 whenever that commissioner, after a hearing, determines that any person, firm, or
 27 corporation has violated any provisions of this article or any regulations or orders
 28 promulgated under this article.

29 (b) In determining the amount of the fine, the commissioner may consider the seriousness
 30 of the violation, whether the same or any other such requirement has been violated
 31 previously by the same program owner, director, or instructor, or whether procedures

1 designed to prevent the violation were in place and were followed. If a fine will be
2 imposed, violations will be assigned a category based on the following:

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

5 (2) CATEGORY II (\$300.00-\$700.00). Violations involving noncompliance with school
6 licensing requirements, such as failure to submit required documents or failure to
7 maintain and use required equipment and materials except as otherwise provided by
8 paragraph (3) of this subsection;

9 (3) CATEGORY III (\$100.00 - \$500.00). Violations involving school operating
10 requirements, such as failure to maintain required records, or failure to timely renew any
11 license issued under this article.

12 The specific amount of the fine for each violation in each category shall depend on whether
13 the same or similar violation has previously been cited in the past two years. Generally,
14 the fine amount for an initial violation within a two-year period shall be the minimum
15 amount in the appropriate category; the fine amount for a second violation shall be an
16 amount that is the median of the appropriate category; and the fine amount for a third or
17 repeat violation will be the maximum amount in the appropriate category. In any case, the
18 fine amount may be adjusted upward or downward depending on the existence of
19 mitigating or aggravating circumstances.

20 (c) The hearing and any administrative review thereof shall be conducted in accordance
21 with the procedure for contested cases under Chapter 13 of Title 50, the 'Georgia
22 Administrative Procedure Act.' Any person, firm, or corporation who has exhausted all
23 administrative remedies available and who is aggrieved or adversely affected by a final
24 order or action of either the commissioner of motor vehicle safety or the commissioner of
25 human resources shall have the right of judicial review thereof in accordance with Chapter
26 13 of Title 50. All fines recovered under this Code section shall be paid into the state
27 treasury. The commissioner of motor vehicle safety or the commissioner of human
28 resources, as appropriate, may file, in the superior court (1) wherein the person under order
29 resides; (2) if such person is a corporation, in the county wherein the corporation maintains
30 its principal place of business; or (3) in the county wherein the violation occurred, a
31 certified copy of a final order of such commissioner, whether unappealed from or affirmed
32 upon appeal, whereupon the court shall render judgment in accordance therewith and notify
33 the parties. Such judgment shall have the same effect and proceedings in relation thereto
34 shall thereafter be the same as though the judgment had been rendered in an action duly
35 heard and determined by the court. The penalty prescribed in this Code section shall be
36 concurrent, alternative, and cumulative with any and all other civil, criminal, or alternative
37 rights, remedies, forfeitures, or penalties provided, allowed, or available to such

1 commissioner with respect to any violation of this article or any order, rules, or regulations
2 promulgated pursuant to this article.

3 (d) Each clinic or program license shall be issued as a separate license. Any adverse
4 action by the department shall not affect the continued operation or renewal of another
5 clinic or program license held by the same person, unless fraud or other convictions for
6 criminal charges would not permit the initial issuance of such license or the department
7 shows the violations were in collusion with the operation of other clinics or programs
8 licensed to such person."

9 SECTION 2-2.

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

13 "CHAPTER 13

14 43-13-1.

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

16 43-13-2.

17 As used in this chapter, the term:

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

20 (1.1) 'Distance learning' means the use of Internet or World Wide Web based computer
21 systems or programs providing information or instruction to students and utilizing access
22 security measures designed to prevent fraudulent use by or false identification of a
23 student.

24 (2) 'Driver training schools' means any person, partnership, limited liability company,
25 or corporation giving driving instruction, whether directly or by means of distance
26 learning, to ten or more persons per calendar year for the purpose of assisting such
27 persons to meet the requirements for licensed driving of motor vehicles in this state,
28 including without limitation preparing applicants for an examination given by driver's
29 license examiners for drivers' licenses or permits or any driver education otherwise
30 required by law as a prerequisite to obtaining an initial driver's license; giving instruction
31 for purposes of paragraph (3) of subsection (c) of Code Section 33-9-42; or giving
32 instruction to licensed drivers for the purpose of assisting them in safely and properly
33 driving on the public highways in this state.

1 (3) 'Driver's license examiners' means examiners appointed by the Department of Motor
 2 Vehicle Safety, whether as employees or agents thereof, for the purpose of giving driver's
 3 license 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)(A) ~~Be of good moral character;~~ Not have had his or her driver's license suspended
 18 for any reason or pled guilty, had a bond forfeiture, or pled nolo contendere for any
 19 mandatory suspension offense within one year prior to making application or for any
 20 violation of Code Section 40-6-391 within five years prior to making application.

21 (B) Not have had his or her driver's license suspended two or more times or pled
 22 guilty, had a bond forfeiture, or pled nolo contendere to two or more mandatory
 23 suspension offenses within five years prior to making application.

24 (C) Not have been convicted, forfeited a bond, pled guilty, or pled nolo contendere to
 25 a felony or any crime involving violence, dishonesty, deceit, fraud, indecency, or moral
 26 turpitude, unless he or she has received a pardon and can produce evidence of same;

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

28 (3) Maintain bodily injury and property damage liability insurance on motor vehicles
 29 while used in driver training instruction, insuring the liability of the driver training
 30 school, the driving instructors, and any person taking instruction, in at least the following
 31 amounts: ~~\$100,000.00~~ \$250,000.00 for bodily injury to or death of one person in any one
 32 accident and, subject to such limit for one person, ~~\$200,000.00~~ \$500,000.00 for bodily
 33 injury to or death of two or more persons in any one accident and the amount of
 34 ~~\$20,000.00~~ \$50,000.00 for damage to property of others in any one accident. Evidence
 35 of such insurance coverage, in the form of a certificate from the insurance carrier, shall

1 be filed with the department; and such certificate shall stipulate that the insurance shall
 2 not be canceled except upon ten days' prior written notice to the department. Such
 3 insurance shall be written by a company authorized to do business in this state;

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

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

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

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

23 43-13-4.1.

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

32 43-13-4.2.

33 (a) Any driver training school which gives classroom instruction for hire in the preparation
 34 of an applicant for an examination given by driver's license examiners for a driver's license
 35 or permit, any driver education otherwise required by law as a prerequisite to obtaining an

1 initial driver's license, or for purposes of paragraph (3) of subsection (c) of Code Section
2 33-9-42 shall utilize as part of such program a text or workbook for each student as
3 approved by the department. Such text or workbook may be sold to the student as part of
4 the tuition for the course, required for purchase by the student from a third party, or loaned
5 to the student for the duration of the classroom portion of the course.

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

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

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

18 However, the provisions of this subsection shall not apply to any distance learning
19 program.

20 (c)(1) Any driver training school offering instruction through means of distance learning
21 for purposes of this chapter shall be a business entity having an office in this state open
22 to the public during normal business hours and shall have been licensed under this
23 chapter for a continuous period of at least five years prior to offering any instruction
24 through means of distance learning for purposes of this chapter.

25 (2) Any such driver training school shall remit to the department an administrative fee
26 of \$10.00 for each student enrolled in a distance learning program provided by such
27 school. Such fee shall be paid not later than 30 days after the date of enrollment.

28 (3) Any such driver training school shall maintain a local or toll free telephone number
29 available for use by an applicant enrolled in such distance learning course to obtain
30 technical assistance with the program 24 hours per day.

31 (4) Any such driver training school shall provide each person successfully completing
32 such distance learning program a numbered completion certificate, which shall be
33 electronically transmitted, postmarked by the United States Postal Service, or sent by
34 statutory overnight delivery not later than five business days after the course completion
35 date.

36 (5) Upon request, any such driver training school shall provide the department with any
37 necessary access codes or keys to enable the department to access any computer, server,

1 or other electronic device used to store data or provide certificates of completion to
2 applicants who have enrolled in any course required of an applicant for purposes of
3 obtaining an instruction permit or driver's license under Chapter 5 of Title 40.

4 43-13-4.3.

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

7 43-13-4.4.

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

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

15 43-13-4.5.

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

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

29 (c) Any licensed driver training school providing the use of a training vehicle to an
30 applicant for a driver's license may provide a licensed instructor to accompany the
31 applicant and the driver's license examiner during any portion of any off-road or on-road
32 driving examination. If an instructor accompanies an applicant during any such
33 examination, the instructor shall be seated in the front seat of the training vehicle in a
34 position whereby the instructor can exercise control, if necessary, over the vehicle through

1 the use of any dual brake or the combined use of any dual brake and dual accelerator pedal
 2 or the combined use of any dual brake, dual accelerator, and dual steering wheel as
 3 installed in the training vehicle or through the use of any controls provided by the original
 4 vehicle manufacturer. Whenever a licensed instructor accompanies any applicant during
 5 an off-road or on-road driving examination, the applicant shall be clearly advised by the
 6 driver's license examiner that any assistance, whether verbal or otherwise, provided by the
 7 licensed instructor to the applicant, unless specifically authorized by the driver's license
 8 examiner, shall be grounds for the driver's license examiner to immediately notify the
 9 applicant that he or she has failed the examination. The department may require an
 10 applicant to acknowledge in written form that the applicant understands and is in agreement
 11 with this requirement. In the event of an accident or other incident involving the applicant
 12 and the use of the training vehicle, any liability shall be determined as otherwise provided
 13 by law.

14 43-13-4.6.

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

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

22 43-13-5.

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

25 (1)(A) ~~Be of good moral character;~~ Not have had his or her driver's license suspended
 26 for any reason or pled guilty, had a bond forfeiture, or pled nolo contendere for any
 27 mandatory suspension offense within one year prior to making application or for any
 28 violation of Code Section 40-6-391 within five years prior to making application.

29 (B) Not have had his or her driver's license suspended two or more times or pled
 30 guilty, had a bond forfeiture, or pled nolo contendere to two or more mandatory
 31 suspension offenses within five years prior to making application.

32 (C) Not have been convicted, forfeited a bond, pled guilty, or pled nolo contendere to
 33 a felony or any crime involving violence, dishonesty, deceit, fraud, indecency, or moral
 34 turpitude, unless he or she has received a pardon and can produce evidence of same;

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

18 (2.1) Demonstrate to the department's representative practical knowledge of safe driving
 19 and teaching techniques in actual traffic conditions. The practical test shall consist of
 20 driving in light and heavy traffic conditions, urban streets, and state or interstate
 21 highways. Each applicant must demonstrate knowledge of in-car lessons that will or
 22 could be taught to a student;

23 (2.2) Present to the department a notarized statement from an operator of a licensed
 24 driver training school that the applicant has completed a training course designed to
 25 prepare the applicant for a position as a licensed driving instructor and consisting of a
 26 minimum of 80 hours of combined classroom and in-car training;

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

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

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

31 43-13-6.

32 (a) The department shall issue a license certificate to each operator of a driver training
 33 school or to each driver training instructor when the department is satisfied that such
 34 person has met the qualifications required under this chapter and has paid a license fee of
 35 \$10.00.

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

6 (c) The license of each driver training school and each driver training instructor may be
 7 renewed subject to the same conditions as the original license and upon payment of the
 8 same license fee. The department shall provide notice of the applicable license expiration
 9 date to each licensee under this chapter by first-class mail posted at least 90 days prior to
 10 such license expiration date, along with a copy of the appropriate renewal form for
 11 completion and return by the license holder. Failure of a license holder to receive such
 12 notice shall not abate any license expiration or relieve the license holder of the duty to
 13 timely renew such license. Failure to renew a license by the required renewal date shall
 14 cause the applicant to be subject to the penalty provided by Code Section 43-13-8 and a
 15 late renewal fee in an amount equivalent to the license fee for an initial such license.

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

20 (e) The department shall provide for issuance of a replacement license upon the filing of
 21 an affidavit stating that the license was lost, mutilated, or destroyed and describing the time
 22 and circumstances thereof; and a copy of an incident report by a law enforcement agency
 23 regarding the same shall not be required except in cases of suspected fraud or other illegal
 24 activity. The fee for the replacement license shall be \$10.00.

25 43-13-6.1.

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

31 43-13-6.2.

32 (a) Any person first licensed as an instructor on or after July 1, 2001, who does not hold
 33 a bachelor's degree from an accredited college or university with a special certification in
 34 driver education and who teaches the classroom portion of an instructional program for
 35 purposes of paragraph (3) of subsection (c) of Code Section 33-9-42 must have taught a

1 minimum of 500 hours of in-car training as a licensed instructor prior to teaching such
 2 classroom portion of the program. Any driver training school operator who employs such
 3 an instructor shall certify to the department that the prospective classroom instructor has
 4 satisfied the in-car teaching requirement prior to teaching the classroom portion.

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

8 43-13-6.3.

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

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

17 (b) Whenever a licensed driver training instructor obtains employment with another driver
 18 training school in addition to his or her current driver training school employment, the
 19 operator of the additional employing school shall notify the department of such
 20 employment, and the department shall note in its records that such additional employment
 21 is authorized.

22 43-13-7.

23 (a) The department may cancel, suspend, revoke, or refuse to renew any driver training
 24 school's or driver training instructor's license upon good cause being shown and after ten
 25 days' notice to the license holder if:

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

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

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

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

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

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

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

10 (b) Each school license shall be issued as a separate license. Any adverse action by the
 11 department shall not affect the continued operation or renewal of another school license
 12 held by the same person, unless fraud or other convictions for criminal charges would not
 13 permit the initial issuance of such license or the department shows the violations were in
 14 collusion with the operation of other schools licensed to such person.

15 43-13-8.

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

22 (b) The commissioner of the department shall have the authority to assess, after a hearing,
 23 an administrative fine not to exceed \$1,000.00 per violation against any driver training
 24 school that fails to comply with any requirement imposed by or pursuant to this chapter.
 25 In determining the amount of the fine, the commissioner may consider the seriousness of
 26 the violation, whether the same or any other such requirement has been violated previously
 27 by the same school owner, director, or instructor, or whether procedures designed to
 28 prevent the violation were in place and were followed. If a fine will be imposed, violations
 29 will be assigned a category based on the following:

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

32 (2) CATEGORY II (\$300.00-\$700.00). Violations involving noncompliance with school
 33 licensing requirements, such as failure to submit required documents or failure to
 34 maintain and use required equipment and materials, except as otherwise provided by
 35 paragraph (3) of this subsection;

1 (3) CATEGORY III (\$100.00 - \$500.00). Violations involving school operating
2 requirements, such as failure to maintain required records, or failure to timely renew any
3 license issued under this chapter.

4 The specific amount of the fine for each violation in each category shall depend on whether
5 the same or similar violation has previously been cited in the past two years. Generally,
6 the fine amount for an initial violation within a two-year period shall be the minimum
7 amount in the appropriate category; the fine amount for a second violation shall be an
8 amount that is the median of the appropriate category; and the fine amount for a third or
9 repeat violation shall be the maximum amount in the appropriate category. In any case, the
10 fine amount may be adjusted upward or downward depending on the existence of
11 mitigating or aggravating circumstances. In any case in which the department finds a
12 violation of applicable law, rules, or regulations, the department shall have the discretion
13 to determine the appropriate sanction under this Code section or Code Section 43-13-7.
14 No school shall have a right to an administrative fine in lieu of a sanction under Code
15 Section 43-13-7.

16 (c) The hearing and any administrative review thereof shall be conducted in accordance
17 with the procedure for contested cases under Chapter 13 of Title 50, the 'Georgia
18 Administrative Procedure Act.' Any person, firm, or corporation who has exhausted all
19 administrative remedies available and who is aggrieved or adversely affected by a final
20 order or action of the commissioner shall have the right of judicial review thereof in
21 accordance with Chapter 13 of Title 50. All fines recovered under this Code section shall
22 be paid into the state treasury. The commissioner may file, in the superior court: (1)
23 wherein the person under order resides; (2) if such person is a corporation, in the county
24 wherein the corporation maintains its principal place of business; or (3) in the county
25 wherein the violation occurred, a certified copy of a final order of the commissioner,
26 whether unappealed from or affirmed upon appeal, whereupon the court shall render
27 judgment in accordance therewith and notify the parties. Such judgment shall have the
28 same effect, and proceedings in relation thereto shall thereafter be the same as though the
29 judgment had been rendered in an action duly heard and determined by the court. The
30 penalty prescribed in this Code section shall be concurrent, alternative, and cumulative
31 with any and all other civil, criminal, or alternative rights, remedies, forfeitures, or
32 penalties provided, allowed, or available to the commissioner with respect to any violation
33 of this chapter or any order, rules, or regulations promulgated pursuant to this chapter.

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 III**

13 **SECTION 3-1.**

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

16 (b) Any provision amended in Part II of this Act which was amended by an Act approved
17 April 28, 2000 (Ga. L. 2000, p. 951), shall become effective and supersede that respective
18 provision amended in Part I of this Act on July 1, 2001, or on such date thereafter as that
19 same provision, as amended by said 2000 Act, becomes fully effective pursuant to Section
20 13-1 of said 2000 Act, whichever is later.

21 **SECTION 3-2.**

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