

House Bill 447 (FLOOR SUBSTITUTE) (AM)

By: Representatives Powell of the 23rd, Parham of the 94th, and Porter of the 119th

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to change certain provisions relating to applications of minors for drivers'
3 licenses and distinctive license for persons under age 21; to change certain provisions
4 relating to when courts are to send licenses and reports of convictions to the Department of
5 Motor Vehicle Safety; to change the provisions relating to suspension of license or driving
6 privilege for failure to respond to citation and reinstatement of license; to provide for
7 forwarding of information and fees; to change certain provisions relating to limited driving
8 permits for certain offenders; to change certain provisions relating to purpose of Article 4 of
9 Chapter 5 of said title; to provide for licensing periods; to provide for bonds; to change
10 certain provisions relating to optional programs; to change certain provisions relating to
11 establishment and approval of clinics and programs for driver improvement and driving
12 under the influence of alcohol and drugs, out-of-state certificates of completion, instructor
13 licenses, fees, and operation of clinics by employees of probation division; to provide
14 requirements for court ordered programs; to change certain provisions relating to
15 reinstatement of licenses suspended for certain offenses or for points; to change certain
16 provisions relating to reduction of point count upon completion of course; to change certain
17 provisions relating to administrative penalties; to change certain provisions relating to
18 administration of the Motor Vehicle Safety Responsibility Act, rules and regulations,
19 hearings, and appeals; to amend Code Section 42-8-112 of the Official Code of Georgia
20 Annotated, relating to proof of compliance required for reinstatement of certain drivers'
21 licenses and for obtaining probationary licenses and reporting requirements, so as to change
22 certain provisions relating to reporting requirements for provider centers for ignition
23 interlock devices; to amend Chapter 13 of Title 43 of the Official Code of Georgia
24 Annotated, relating to instructors in driver training and operators of driver training schools,
25 so as to provide for licensing and regulation of instructors and operators of driver training
26 schools and commercial driver training schools; to provide for effective dates; to repeal
27 conflicting laws; and for other purposes.

H. B. 447 (SUB)

1 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA

2 SECTION 1.

3 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
4 amended in Code Section 40-5-64, relating to limited driving permits for certain offenders,
5 by inserting a new subparagraph (g)(1)(C) to read as follows:

6 "(C) Upon receipt of notice from a provider center for ignition interlock devices that
7 an ignition interlock device which a permittee is required to use has been tampered with
8 or the permittee has failed to report for monitoring of such device as required by law,
9 the department shall revoke such permittee's limited driving permit and, by regular mail
10 to his or her last known address, notify such person of such revocation. Such notice of
11 revocation shall inform the person of the grounds for and effective date of the
12 revocation and of the right to review. The notice of revocation shall be deemed received
13 three days after mailing."

14 SECTION 2.

15 Said title is further amended by striking Code Section 40-5-80, relating to the purpose of
16 Article 4 of Chapter 5 of said title, and inserting in lieu thereof the following:

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 Motor Vehicle Safety and the
24 Department of Human Resources, as applicable, shall:

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

32 (2) Require, in addition to the criteria for approval of driver improvement clinics
33 established by the commissioner of motor vehicle safety and DUI Alcohol or Drug Use
34 Risk Reduction Programs established by the Department of Human Resources, as
35 provided in subsections (a) and (e) of Code Section 40-5-83, respectively, that every

1 driver improvement clinic and DUI Alcohol or Drug Use Risk Reduction Program shall,
 2 as a condition of approval, provide a continuous surety company bond for the protection
 3 of the contractual rights of students in such form as will meet with the approval of the
 4 Department of Motor Vehicle Safety or the Department of Human Resources, as
 5 applicable, and written by a company authorized to do business in this state. The principal
 6 sum of the bond shall be established by the commissioner of motor vehicle safety or the
 7 Board of Human Resources, as applicable; however, in no event shall this amount be less
 8 than \$2,500.00 per location, and a single bond at such rate may be submitted for all
 9 locations under the same ownership. If at any time said bond is not valid and in force, the
 10 license of the clinic or program shall be deemed suspended by operation of law until a
 11 valid surety company bond is again in force."

12 SECTION 3.

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

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

19 SECTION 4.

20 Said title is further amended by striking Code Section 40-5-83, relating to establishment and
 21 approval of clinics and programs, out-of-state certificates of completion, instructor licenses,
 22 fees, and operation of clinics by employees of probation division, and inserting in lieu thereof
 23 the following:

24 "40-5-83.

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

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

6 (1.1)(A) No driver improvement clinic shall be permitted to use, adopt, or conduct any
 7 business under any name that is like or deceptively similar to any name used by any
 8 other driver improvement clinic, Georgia company, or Georgia corporation registered
 9 with the Secretary of State. This subparagraph shall not prohibit the franchising or
 10 licensing of any part or all of the name of a driver improvement clinic by the owner or
 11 the rights thereof to another licensed driver improvement clinic.

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

15 (2) The commissioner may issue a special license to the instructor of any commercial
 16 driver training school authorizing such instructor to teach a defensive driving course,
 17 advanced defensive driving course, or professional defensive driving course of a driver
 18 improvement clinic provided pursuant to this Code section if such instructor is qualified
 19 to teach a teen-age driver education course which consists of a minimum of 30 hours of
 20 classroom and six hours of behind-the-wheel training and such instructor certifies to the
 21 commissioner that he or she has provided at least 250 hours of behind-the-wheel training
 22 in a teen-age driver education course.

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

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

32 (3) Driving under the influence and alcohol and drug programs, clinics, and courses
 33 outside of the State of Georgia shall not be required to comply with the provisions of
 34 subsection (e) of this Code section; provided, however, that the department shall not
 35 accept certificates of completion from any such program, clinic, or course unless said
 36 program, clinic, or course has been certified by the Department of Human Resources as
 37 substantially conforming, with respect to course content, with the standards and

1 requirements promulgated by the Department of Human Resources under subsection (e)
2 of this Code section. Certificates of completion from an out-of-state program, clinic, or
3 course not so certified by the Department of Human Resources may be accepted only for
4 the purpose of permitting persons who are not residents of the State of Georgia to
5 reinstate nonresident operating privileges.

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

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

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

1 of Human Resources through its standards and must provide the following services: (1) the
2 assessment component and (2) the intervention component. The Department of Human
3 Resources is designated as the agency responsible for establishing rules and regulations
4 concerning the contents and duration of the components of DUI Alcohol or Drug Use Risk
5 Reduction Programs, qualifications of instructors, attendance requirements for students,
6 examinations, and program evaluations. Qualified instructors shall be certified for periods
7 of four years each, which may be renewed. 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~~ \$190.00 for the intervention component. An additional fee for required student
10 program materials shall be established by the Department of Human Resources in such an
11 amount as is reasonable and necessary to cover the cost of such materials. No DUI Alcohol
12 or 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 **SECTION 5.**

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

7 "40-5-84.

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

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

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

33 **SECTION 6.**

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

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 **SECTION 7.**

9 Said title is further amended by striking Code Section 40-5-88, relating to administrative
 10 penalties, and inserting in lieu thereof the following:

11 "40-5-88.

12 (a) As an alternative to criminal or other civil enforcement, the commissioner of motor
 13 vehicle safety or the commissioner of human resources, whichever is applicable, in order
 14 to enforce this article or any orders, rules, or regulations promulgated pursuant to this
 15 article, may issue an administrative fine not to exceed \$1,000.00 for each violation,
 16 whenever that commissioner, after a hearing, determines that any person, firm, or
 17 corporation has violated any provisions of this article or any regulations or orders
 18 promulgated under this article. Notwithstanding the foregoing, violations that are minor
 19 in nature and committed by a person, firm, or corporation shall be punished only by a
 20 written reprimand unless the person, firm, or corporation fails to remedy the violation
 21 within 30 days, in which case an administrative fine, not to exceed \$250.00, may be issued.

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

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

6 **SECTION 8.**

7 Code Section 42-8-112 of the Official Code of Georgia Annotated, relating to proof of
 8 compliance required for reinstatement of certain drivers' licenses and for obtaining
 9 probationary licenses and reporting requirements, is amended by striking subsection (c) and
 10 inserting in its place the following:

11 "(c) Each resident of this state who is required to have an ignition interlock device installed
 12 pursuant to this article shall report to the provider center every 30 days for the purpose of
 13 monitoring the operation of each required ignition interlock device. If at any time it is
 14 determined that a person has tampered with the device, ~~the probation officer or the court~~
 15 ~~ordering use of such device or, in the case of a driver who is not on probation, the~~
 16 Department of Motor Vehicle Safety shall be given written notice within five days by the
 17 probation officer, the court ordering the use of such device, or the interlock provider. If an
 18 ignition interlock device is found to be malfunctioning, it shall be replaced or repaired, as
 19 ordered by the court or the Department of Motor Vehicle Safety, at the expense of the
 20 provider."

21 **SECTION 9.**

22 Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in
 23 driver training and operators of driver training schools, is amended by striking in its entirety
 24 Code Section 43-13-1, relating to the short title, and inserting in lieu thereof the following:

25 "43-13-1.

26 This chapter shall be known and may be cited as "The Driver Training School and
 27 Commercial Driver Training School License Act."

28 **SECTION 10.**

29 Said chapter is further amended by striking in its entirety Code Section 43-13-2, relating to
 30 definitions, and inserting in lieu thereof the following:

31 "43-13-2.

32 As used in this chapter, the term:

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

1 (2) 'Driver training schools' means any person, partnership, limited liability company,
 2 or corporation giving driving instruction to ten or more persons per calendar year for the
 3 purpose of assisting such persons to meet the requirements for licensed driving of Class
 4 C or Class M motor vehicles in this state.

5 (3) 'Commercial driver training school' means any person, partnership, limited liability
 6 company, or corporation giving driving instruction to ten or more persons per calendar
 7 year for the purpose of assisting such persons to meet the requirements for licensed
 8 driving of Class A or Class B motor vehicles in this state.

9 ~~(3)~~(4) 'Driver's license examiners' means examiners appointed by the Department of
 10 Motor Vehicle Safety for the purpose of giving driver's license examinations.

11 ~~(4)~~(5) 'Motor vehicle' means every vehicle which is self-propelled upon, or by which any
 12 person or property is or may be transported or drawn upon, a public highway except
 13 devices used exclusively upon stationary rails or tracks.

14 ~~(5)~~(6) 'Person' means every natural person, firm, partnership, limited liability company,
 15 association, corporation, or school."

16 SECTION 11.

17 Said chapter is further amended by striking in its entirety Code Section 43-13-3, relating to
 18 license requirement, and inserting in lieu thereof the following:

19 "43-13-3.

20 No person shall operate a driver training school, operate a commercial driver training
 21 school, or engage in the business of giving instruction for hire in the driving of motor
 22 vehicles or in the preparation of an applicant for examination given by driver's license
 23 examiners for a driver's license or permit unless a license therefor has been secured from
 24 the department. Separate licenses shall be required for the operation of a driver training
 25 school and a commercial driver training school."

26 SECTION 12.

27 Said chapter is further amended by striking in its entirety Code Section 43-13-4, relating to
 28 qualifications for driver training and school operators, and inserting in lieu thereof the
 29 following:

30 "43-13-4.

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

33 (1) Be of good moral character;

34 (2) Maintain an established place of business in the State of Georgia which is open to the
 35 public;

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

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

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

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

25 SECTION 13.

26 Said chapter is further amended by inserting a new Code section to read as follows:

27 "43-13-4.1.

28 (a) No driver training school shall be permitted to use, adopt, or conduct any business
 29 under any name that is like or deceptively similar to any name of a Georgia corporation
 30 registered with the Secretary of State.

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

34 SECTION 14.

1 Said chapter is further amended by striking in its entirety Code Section 43-13-5, relating to
2 qualifications of driver training school instructors, and inserting in lieu thereof the following:

3 "43-13-5.

4 Every person who desires to qualify as an instructor for a driver training school or a
5 commercial driver training school shall meet the following requirements:

6 (1) Be of good moral character;

7 (2) Present to the department evidence of credit in driver education and safety from an
8 accredited college or university equivalent to credits in those subjects which are required
9 of instructors in the public schools of this state or give satisfactory performance on a
10 written, oral, performance, or combination examination administered by the department
11 testing both knowledge of the field of driver education and skills necessary to instruct and
12 impart driving skills and safety to students. The examination shall be administered
13 quarterly or upon the written application of four or more prospective licensees. The
14 examination fee shall not exceed \$25.00;

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

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

18 (5) Pay to the department an application fee of \$5.00."

19 **SECTION 15.**

20 Said chapter is further amended by striking in its entirety Code Section 43-13-6, relating to
21 issuance of licenses to qualified applicants and expiration and renewal of licenses, and
22 inserting in lieu thereof the following:

23 "43-13-6.

24 (a) The department shall issue a license certificate to each operator of a driver training
25 school, to each operator of a commercial driver training school, ~~or~~ to each driver training
26 instructor, or to each commercial driver training instructor when the department is satisfied
27 that such person has met the qualifications required under this chapter.

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

34 (c) The license of each driver training school, commercial driver training school, ~~and each~~
35 driver training instructor, and commercial driver training instructor may be renewed subject
36 to the same conditions as the original license and upon payment of the same fee.

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

6 SECTION 16.

7 Said chapter is further amended by striking in its entirety Code Section 43-13-7, relating to
 8 cancellation, suspension, revocation, or nonrenewal of licenses, and inserting in lieu thereof
 9 the following:

10 "43-13-7.

11 The department may cancel, suspend, revoke, or refuse to renew any driver training
 12 school's, commercial driver training school's, ~~or~~ driver training instructor's, or commercial
 13 driver training instructor's license upon good cause being shown and after ten days' notice
 14 to the license holder if:

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

17 (2) The licensee fails to keep the records required by this chapter;

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

21 (4) The licensee fails to comply with this chapter or any rule of the department made
 22 pursuant thereto;

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

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

30 (7) The licensee or any employee or agent serving as a driver training instructor or
 31 commercial driver training instructor has had his or her license canceled, suspended, or
 32 revoked."

33 SECTION 17.

34 Said chapter is further amended by striking in its entirety Code Section 43-13-8, relating to
 35 rules and regulations, and inserting in lieu thereof the following:

1 "43-13-8.

2 (a) The commissioner of motor vehicle safety is authorized to prescribe, by rule, standards
 3 for the eligibility, conduct, equipment, and operation of driver training schools and
 4 instructors and commercial driver training schools and instructors and to adopt other
 5 reasonable rules and regulations to carry out this chapter. Notwithstanding the foregoing,
 6 violations that are minor in nature and committed by a person, firm, or corporation shall
 7 be punished only by a written reprimand unless the person, firm, or corporation fails to
 8 remedy the violation within 30 days, in which case an administrative fine, not to exceed
 9 \$250.00, may be issued.

10 (b) The commissioner of the department shall have the authority to assess, after a hearing,
 11 an administrative fine not to exceed \$1,000.00 per violation against any driver training
 12 school or commercial driver training school that fails to comply with any requirement
 13 imposed by or pursuant to this chapter. (c) The hearing and any administrative review
 14 thereof shall be conducted in accordance with the procedure for contested cases under
 15 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Any person, firm, or
 16 corporation who has exhausted all administrative remedies available and who is aggrieved
 17 or adversely affected by a final order or action of the commissioner shall have the right of
 18 judicial review thereof in accordance with Chapter 13 of Title 50. All fines recovered under
 19 this Code section shall be paid into the state treasury. The commissioner may file, in the
 20 superior court: (1) wherein the person under order resides; (2) if such person is a
 21 corporation, in the county wherein the corporation maintains its principal place of business;
 22 or (3) in the county wherein the violation occurred, a certified copy of a final order of the
 23 commissioner, whether unappealed from or affirmed upon appeal, whereupon the court
 24 shall render judgment in accordance therewith and notify the parties. Such judgment shall
 25 have the same effect, and proceedings in relation thereto shall thereafter be the same as
 26 though the judgment had been rendered in an action duly heard and determined by the
 27 court. The penalty prescribed in this Code section shall be concurrent, alternative, and
 28 cumulative with any and all other civil, criminal, or alternative rights, remedies, forfeitures,
 29 or penalties provided, allowed, or available to the commissioner with respect to any
 30 violation of this chapter or any order, rules, or regulations promulgated pursuant to this
 31 chapter."

32 SECTION 18.

33 Said chapter is further amended by striking in its entirety Code Section 43-13-10, relating
 34 to exceptions to operation under this chapter, and inserting in lieu thereof the following:

35 "43-13-10.

1 (a) This chapter shall not apply to a college conducting a driver or commercial driver
2 training course; nor shall it apply to driver improvement schools operated by the state or
3 by a county or municipality.

4 (b) Any public or private secondary school or private postsecondary school may conduct
5 driver training courses or driver's education programs, subject to the requirement that the
6 provisions of this chapter other than paragraph (2) of Code Section 43-13-4 shall apply to
7 secondary schools and private postsecondary schools conducting driver training courses
8 or driver's education programs and to instructors therefor."

9

SECTION 19.

10 (a) Section 1 of this Act shall become effective January 1, 2004.

11 (b) Sections 2 through 18 of this Act shall become effective July 1, 2003.

12

SECTION 20.

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