

House Bill 542

By: Representative Rice of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated,
2 relating to restoration of licenses to persons completing defensive driving course or alcohol
3 or drug program, so as to provide for approval of driver improvement clinics curriculum; to
4 provide for certificates of completion; to delete references to advanced defensive driving
5 courses; to provide for related matters; to provide an effective date; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 4 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
10 restoration of licenses to persons completing defensive driving course or alcohol or drug
11 program, is amended by striking paragraphs (1) and (2) of subsection (a) of Code Section
12 40-5-83, relating to operation of driver clinics and programs, and inserting in their place the
13 following:

14 "(a)(1) The commissioner of motor vehicle safety shall establish criteria for the approval
15 of driver improvement clinics. To be approved, a clinic shall provide ~~and operate either~~
16 ~~a defensive driving course, an advanced defensive driving course, or a professional~~
17 ~~defensive driving course or any combination thereof~~ to the department for approval, or
18 notify the department of the clinic's legal authority to use a currently approved
19 curriculum or program, a curriculum consisting of a minimum of six hours of classroom
20 theoretical instruction consisting of traffic safety related information designed for the
21 improvement or remediation of an individual's knowledge of defensive driving
22 techniques and traffic laws. Clinics shall be composed of uniform education and training
23 programs ~~consisting of six hours of instruction~~ designed for the rehabilitation of problem
24 drivers. The commissioner shall establish standards and requirements concerning the
25 contents of courses, qualifications of instructors, attendance requirements for students,
26 and examinations. Approved clinics shall charge a fee of \$75.00 for a defensive driving

1 course, an advanced defensive driving course, or a professional defensive driving course;
 2 except that such clinics may charge different fees of their own choosing if the person is
 3 not enrolling in such course pursuant to court order or department requirement. No clinic
 4 shall be approved unless such clinic agrees in writing to allow the examination and audit
 5 of the books, records, and financial statements of such clinic. ~~Clinics may be operated by~~
 6 ~~any individual, partnership, corporation, association, civic group, club, county,~~
 7 ~~municipality, board of education, school, or college~~ It shall be the responsibility of the
 8 clinic owner or operator to issue to each student who has passed the course a certificate
 9 of completion in the format prescribed by the department for reinstatement, points
 10 reduction, out of state reinstatement, or as ordered by a court. The student's stated
 11 purpose for taking the course shall be noted as required by the certificate of completion.
 12 Students who are taking a class for the purpose of insurance reduction only, without any
 13 additional purposes of reinstatement, points reduction, out of state reinstatement, or
 14 fulfilling a court order, shall be given a certificate of completion noting this purpose. A
 15 certificate of completion for insurance reduction only cannot be used for purposes of
 16 reinstatement, points reduction, out of state reinstatement, or fulfilling a court order.
 17 Driver improvement clinics may be operated by any public, private, or governmental
 18 entity; provided, however, that in any county where a driver improvement clinic is
 19 operated by a private entity, no governmental entity shall be licensed to operate a driver
 20 improvement clinic.

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

29 SECTION 2.

30 Said article is further amended by striking subsections (b), (c), and (d) of Code Section
 31 40-5-84, relating to reinstatement of licenses suspended for points, and inserting in their
 32 place the following:

33 "(b) The license of any person whose license is suspended for the second time as a result
 34 of the conviction of an offense listed in Code Section 40-5-54 shall, at the expiration of 120
 35 days following the date the license is suspended, be reinstated by the department upon
 36 receipt by the department of a certificate of completion of an ~~advanced~~ a defensive driving

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

3 (c) The license of any person whose license is suspended for the first time as a result of
4 the assessment of points pursuant to Code Section 40-5-57 shall be reinstated by the
5 department immediately upon receipt by the department of a certificate of completion of
6 ~~an approved~~ a defensive driving course and the payment of a restoration fee of \$210.00 or
7 \$200.00 when such reinstatement is processed by mail.

8 (d) The license of any person whose license is suspended for the second time as a result
9 of the assessment of points pursuant to Code Section 40-5-57 shall be reinstated by the
10 department immediately upon receipt by the department of a certificate of completion of
11 ~~an advanced~~ a defensive driving course and the payment of a restoration fee of \$210.00 or
12 \$200.00 when such reinstatement is processed by mail."

13 **SECTION 3.**

14 This Act shall become effective on July 1, 2005.

15 **SECTION 4.**

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