

HOUSE SUBSTITUTE TO SENATE BILL 93

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 drivers' licenses, so as to prohibit the use of plastic, other types of material, or body parts
3 covering license plates; to provide for administration of the DUI Alcohol or Drug Use Risk
4 Reduction Program; to provide for administration of the Driver Improvement Program; to
5 provide that fees for identification cards for persons who are 65 or over or indigent and need
6 an identification card in order to vote shall be waived under certain circumstances; to create
7 the Commercial Transportation Advisory Committee; to provide for related matters; to
8 provide an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 1 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
12 registration and licensing of motor vehicles and drivers' licenses, is amended by inserting
13 immediately following Code Section 40-2-6 a new Code Section 40-2-6.1 to read as follows:

14 "40-2-6.1.

15 Any person who willfully covers any license plate with plastic, other material, or any part
16 of his or her body in order to prevent or impede the ability of surveillance equipment to
17 clearly photograph or otherwise obtain a clear image of the license plate is guilty of a
18 misdemeanor and shall be punished by a fine not to exceed \$1,000.00."

19 **SECTION 2.**

20 Said title is further amended by striking Code Section 40-5-63, relating to certain license
21 suspension periods, and inserting in its place a new Code section to read as follows:

22 "40-5-63.

23 (a) The driver's license of any person convicted of an offense listed in Code Section
24 40-5-54 or of violating Code Section 40-6-391, unless the driver's license has been
25 previously suspended pursuant to Code Sections 40-5-67.1 and 40-5-67.2, shall by

1 operation of law be suspended and such suspension shall be subject to the following terms
2 and conditions; provided, however, that any person convicted of a drug related offense
3 pursuant to Code Section 40-6-391 shall be governed by the suspension requirements of
4 Code Section 40-5-75:

5 (1) Upon the first conviction of any such offense, with no arrest and conviction of and
6 no plea of nolo contendere accepted to such offense within the previous five years, as
7 measured from the dates of previous arrests for which convictions were obtained to the
8 date of the current arrest for which a conviction is obtained, the period of suspension shall
9 be for 12 months. At the end of 120 days, the person may apply to the department for
10 reinstatement of said driver's license. Such license shall be reinstated if such person
11 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program
12 ~~approved by the Department of Human Resources~~ and pays a restoration fee of \$210.00
13 or \$200.00 when such reinstatement is processed by mail, provided that, if such license
14 was suspended as a result of a conviction of an offense listed in Code Section 40-5-54,
15 such license shall be reinstated if such person submits proof of completion of either a
16 defensive driving program approved by the ~~Department of Motor Vehicle Safety~~
17 department or a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the~~
18 ~~Department of Human Resources~~ and pays the prescribed restoration fee. A driver's
19 license suspended as a result of a conviction of a violation of Code Section 40-6-391 shall
20 not become valid and shall remain suspended until such person submits proof of
21 completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the~~
22 ~~Department of Human Resources~~ and pays the prescribed restoration fee. For purposes
23 of this paragraph, an accepted plea of nolo contendere to an offense listed in Code
24 Section 40-5-54 by a person who is under 18 years of age at the time of arrest shall
25 constitute a conviction. For the purposes of this paragraph only, an accepted plea of nolo
26 contendere by a person 21 years of age or older, with no conviction of and no plea of nolo
27 contendere accepted to a charge of violating Code Section 40-6-391 within the previous
28 five years, as measured from the dates of previous arrests for which convictions were
29 obtained or pleas of nolo contendere accepted to the date of the current arrest for which
30 a plea of nolo contendere is accepted, shall be considered a conviction, and the court
31 having jurisdiction shall forward, as provided in Code Section 40-6-391.1, the record of
32 such disposition of the case to the department and the record of such disposition shall be
33 kept on file for the purpose of considering and counting such accepted plea of nolo
34 contendere as a conviction under paragraphs (2) and (3) of this subsection;

35 (2) Upon the second conviction of any such offense within five years, as measured from
36 the dates of previous arrests for which convictions were obtained to the date of the
37 current arrest for which a conviction is obtained, the period of suspension shall be for

1 three years. At the end of 120 days, the person may apply to the department for
2 reinstatement of said driver's license; except that if such license was suspended as a result
3 of a second conviction of a violation of Code Section 40-6-391 within five years, the
4 person shall not be eligible to apply for license reinstatement until the end of 18 months.
5 Such license shall be reinstated if such person submits proof of completion of a DUI
6 Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human~~
7 ~~Resources~~ and pays a restoration fee of \$210.00 or \$200.00 when processed by mail,
8 provided that, if such license was suspended as a result of a conviction of an offense
9 listed in Code Section 40-5-54, such license shall be reinstated if such person submits
10 proof of completion of either a defensive driving program approved by the department
11 or a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of~~
12 ~~Human Resources~~ and pays the prescribed restoration fee. A driver's license suspended
13 as a result of a conviction of a violation of Code Section 40-6-391 shall not become valid
14 and shall remain suspended until such person submits proof of completion of a DUI
15 Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human~~
16 ~~Resources~~ and pays the prescribed restoration fee. For purposes of this paragraph, a plea
17 of nolo contendere and all previous accepted pleas of nolo contendere to an offense listed
18 in Code Section 40-5-54 within such five-year period of time shall constitute a
19 conviction. For the purposes of this paragraph, a plea of nolo contendere to a charge of
20 violating Code Section 40-6-391 and all prior accepted pleas of nolo contendere within
21 five years, as measured from the dates of previous arrests for which convictions were
22 obtained or pleas of nolo contendere were accepted to the date of the current arrest for
23 which a plea of nolo contendere is accepted, shall be considered and counted as
24 convictions; or

25 (3) Upon the third conviction of any such offense within five years, as measured from
26 the dates of previous arrests for which convictions were obtained to the date of the
27 current arrest for which a conviction is obtained, such person shall be considered a
28 habitual violator, and said license shall be revoked as provided for in paragraph (1) of
29 subsection (a) of Code Section 40-5-62. For purposes of this paragraph, a plea of nolo
30 contendere and all previous accepted pleas of nolo contendere to an offense listed in Code
31 Section 40-5-54 within such five-year period shall constitute a conviction. For the
32 purposes of this paragraph, a plea of nolo contendere and all prior accepted pleas of nolo
33 contendere to a charge of violating Code Section 40-6-391 within five years, as measured
34 from the dates of previous arrests for which convictions were obtained or pleas of nolo
35 contendere were accepted to the date of the current arrest for which a plea of nolo
36 contendere is accepted, shall be considered and counted as convictions.

1 (b) The periods of suspension provided for in this Code section shall begin on the date the
2 person is convicted of an offense listed in Code Section 40-5-54 or of violating Code
3 Section 40-6-391.

4 (c) In all cases in which the department may return a license to a driver prior to the
5 termination of the full period of suspension, the department may require such tests of
6 driving skill and knowledge as it determines to be proper, and the department's discretion
7 shall be guided by the driver's past driving record and performance, and the driver shall
8 pay the applicable restoration fee. In addition to any other requirement the department may
9 impose, a driver's license suspended as a result of a conviction of a violation of Code
10 Section 40-6-391 shall not become valid, shall remain suspended, and shall not be returned
11 to such driver or otherwise reinstated until such person submits proof of completion of a
12 DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human~~
13 ~~Resources~~.

14 (d) Any person convicted of violating subsection (a) of Code Section 40-6-393, relating
15 to homicide by vehicle, or Code Section 40-6-394, relating to serious injury by vehicle,
16 shall have his or her license suspended for a period of three years. Such person shall not
17 be eligible for early reinstatement of said driver's license as provided in this Code section
18 or in Article 4 of this chapter and shall not be eligible for a limited driving permit as
19 provided in Code Section 40-5-64. For purposes of this subsection, an accepted plea of
20 nolo contendere to homicide by vehicle in the first degree or serious injury by vehicle shall
21 constitute a conviction.

22 (e) The driver's license of any person under 21 years of age who is convicted of unlawful
23 possession of alcoholic beverages in violation of Code Section 3-3-23 while operating a
24 motor vehicle may be suspended for a period of not less than 120 days. At the end of 120
25 days, the person may apply to the department for reinstatement of said driver's license.
26 Such license shall be reinstated only if the person submits proof of completion of an
27 approved DUI Alcohol or Drug Use Risk Reduction Program ~~prescribed by the Department~~
28 ~~of Human Resources~~ and pays a restoration fee of \$35.00 or \$25.00 when processed by
29 mail. For purposes of this subsection, a sentence under subsection (c) of Code Section
30 3-3-23.1 shall not be considered a conviction, and the driver's license of such person shall
31 not be suspended, provided that such person completes a DUI Alcohol or Drug Use Risk
32 Reduction Program within 120 days after sentencing.

33 (f) The driver's license of any person who is convicted of attempting to purchase an
34 alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23
35 upon the first conviction shall be suspended for a period of six months and upon the second
36 or subsequent conviction shall be suspended for a period of one year. At the end of the
37 period of suspension, the person may apply to the department for reinstatement of his or

1 her driver's license. Such license shall be reinstated upon payment of a restoration fee of
 2 \$35.00 or \$25.00 when processed by mail. For purposes of this subsection, a sentence
 3 under subsection (c) of Code Section 3-3-23.1 shall not be considered a conviction, and the
 4 driver's license of such person shall not be suspended."

5 SECTION 3.

6 Said title is further amended in Code Section 40-5-67.2, relating to terms and conditions
 7 applicable to certain license suspensions, by striking subsection (a) and inserting in its place
 8 a new subsection to read as follows:

9 "(a) Any driver's license required to be suspended under subsection (c) of Code Section
 10 40-5-67.1 shall be suspended subject to the following terms and conditions:

11 (1) Upon the first suspension pursuant to subsection (c) of Code Section 40-5-67.1
 12 within the previous five years, as measured from the dates of previous arrests for which
 13 a suspension was obtained to the date of the current arrest for which a suspension is
 14 obtained, the period of suspension shall be for one year. Not sooner than 30 days
 15 following the effective date of suspension, the person may apply to the department for
 16 reinstatement of his or her driver's license. Such license shall be reinstated if such person
 17 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program
 18 ~~approved by the Department of Human Resources~~ and pays a restoration fee of \$210.00
 19 or \$200.00 when processed by mail. A driver's license suspended pursuant to Code
 20 Section 40-5-67.1 shall not become valid and shall remain suspended until such person
 21 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program
 22 ~~approved by the Department of Human Resources~~ and pays the prescribed restoration fee.

23 (2) Upon the second suspension pursuant to subsection (c) of Code Section 40-5-67.1
 24 within five years, as measured from the dates of previous arrests for which suspensions
 25 were obtained to the date of the current arrest for which a suspension is obtained, the
 26 period of suspension shall be for three years. The person shall be eligible to apply to the
 27 department for license reinstatement not sooner than 18 months following the effective
 28 date of suspension. Such license shall be reinstated if such person submits proof of
 29 completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the~~
 30 ~~Department of Human Resources~~ and pays a restoration fee of \$210.00 or \$200.00 when
 31 processed by mail. A driver's license suspended pursuant to Code Section 40-5-67.1 shall
 32 not become valid and shall remain suspended until such person submits proof of
 33 completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the~~
 34 ~~Department of Human Resources~~ and pays the prescribed restoration fee.

35 (3) Upon the third or subsequent suspension pursuant to subsection (c) of Code Section
 36 40-5-67.1 within five years, as measured from the dates of previous arrests for which

1 suspensions were obtained to the date of the current arrest for which a suspension is
 2 obtained, the period of suspension shall be for five years. A driver's license suspended
 3 pursuant to Code Section 40-5-67.1 shall not become valid and shall remain suspended
 4 until such person submits proof of completion of a DUI Alcohol or Drug Use Risk
 5 Reduction Program ~~approved by the Department of Human Resources~~ and pays the
 6 prescribed restoration fee. The driver may apply for a probationary license pursuant to
 7 Code Section 40-5-58 after the expiration of two years from the effective date of
 8 suspension."

9 SECTION 4.

10 Said title is further amended in Code Section 40-5-75, relating to suspension of licenses by
 11 operation of law, by striking paragraphs (1) and (2) of subsection (a) and subsection (h) and
 12 inserting in their respective places new paragraphs and a new subsection to read as follows:

13 "(1) Upon the first conviction of any such offense, with no arrest and conviction of and
 14 no plea of nolo contendere accepted to such offense within the previous five years, as
 15 measured from the dates of previous arrests for which convictions were obtained to the
 16 date of the current arrest for which a conviction is obtained, the period of suspension shall
 17 be for not less than 180 days. At the end of 180 days, the person may apply to the
 18 department for reinstatement of his or her driver's license. Such license shall be reinstated
 19 only if the person submits proof of completion of a DUI Alcohol or Drug Use Risk
 20 Reduction Program ~~approved by the Department of Human Resources~~ and pays to the
 21 Department of ~~Motor Vehicle Safety~~ Driver Services a restoration fee of \$210.00 or
 22 \$200.00 when such reinstatement is processed by mail. For purposes of this paragraph,
 23 a plea of nolo contendere by a person to a charge of any drug related offense listed in this
 24 subsection shall, except as provided in subsection (c) of this Code section, constitute a
 25 conviction;

26 (2) Upon the second conviction of any such offense within five years, as measured from
 27 the dates of previous arrests for which convictions were obtained to the date of the
 28 current arrest for which a conviction is obtained, the period of suspension shall be for
 29 three years, provided that after one year from the date of the conviction the person may
 30 apply to the department for reinstatement of his or her driver's license by submitting
 31 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved~~
 32 ~~by the Department of Human Resources~~ and paying to the Department of ~~Motor Vehicle~~
 33 ~~Safety~~ Driver Services a restoration fee of \$210.00 or \$200.00 when such reinstatement
 34 is processed by mail. For purposes of this paragraph, a plea of nolo contendere and all
 35 previous pleas of nolo contendere within such five-year period of time shall constitute a
 36 conviction; and"

1 "(h) Notwithstanding the provisions of subsection (a) of this Code section, licensed drivers
 2 who are 16 years of age who are adjudicated in a juvenile court pursuant to this Code
 3 section may, at their option, complete a DUI Alcohol or Drug Use Risk Reduction Program
 4 ~~approved by the Department of Human Resources~~ or an assessment and intervention
 5 program approved by the juvenile court."

6 SECTION 5.

7 Said title is further amended by striking Code Section 40-5-80, relating to the purpose of the
 8 'Georgia Driver Improvement Act,' and inserting in its place a new Code section to read as
 9 follows:

10 "40-5-80.

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

18 (1) Charge a fee for the consideration of applications for approval of driver improvement
 19 clinics and instructors. The amount of this fee shall be established by the commissioner
 20 ~~of motor vehicle safety~~ and shall, as best as the commissioner shall determine,
 21 approximate the expense incurred by the ~~Department of Motor Vehicle Safety~~ department
 22 in consideration of an application. These licenses and each renewal thereof shall be valid
 23 for a period of four years unless suspended or revoked prior to the expiration of that time
 24 period; and

25 (2) Require, in addition to the criteria established by the commissioner for approval of
 26 driver improvement clinics ~~established by the commissioner of motor vehicle safety~~ and
 27 DUI Alcohol or Drug Use Risk Reduction Programs ~~established by the Department of~~
 28 ~~Human Resources~~, as provided in subsections (a) and (e) of Code Section 40-5-83,
 29 ~~respectively~~, that every driver improvement clinic and DUI Alcohol or Drug Use Risk
 30 Reduction Program shall, as a condition of approval, provide a continuous surety
 31 company bond for the protection of the contractual rights of students in such form as will
 32 meet with the approval of the ~~Department of Motor Vehicle Safety or the Department~~
 33 ~~of Human Resources, as applicable~~ department, and written by a company authorized to
 34 do business in this state. The principal sum of the bond shall be established by the
 35 commissioner ~~of motor vehicle safety or the Board of Human Resources, as applicable;~~
 36 however, in no event shall this amount be less than ~~\$2,500.00~~ \$10,000.00 per location,

1 and a single bond at such rate may be submitted for all locations under the same
 2 ownership. If at any time said bond is not valid and in force, the license of the clinic or
 3 program shall be deemed suspended by operation of law until a valid surety company
 4 bond is again in force."

5 SECTION 6.

6 Said title is further amended in Code Section 40-5-81, relating to selection of driver
 7 improvement programs, by striking subsection (c) and inserting in its place a new subsection
 8 to read as follows:

9 "(c) It shall be unlawful for the owner, agent, servant, or employee of any driver
 10 improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program licensed by the
 11 ~~Department of Motor Vehicle Safety or the Department of Human Resources~~ department
 12 to directly or indirectly solicit business by personal solicitation on public property, by
 13 phone, or by mail. A violation of this subsection shall be a misdemeanor. Advertising in
 14 any mass media, including, but not limited to, newspapers, radio, television, magazines,
 15 or telephone directories by a driver improvement clinic or DUI Alcohol or Drug Use Risk
 16 Reduction Program shall not be considered a violation of this subsection."

17 SECTION 7.

18 Said title is further amended by striking Code Section 40-5-82, relating to administration of
 19 the Driver Improvement Program, and inserting in its place a new Code section to read as
 20 follows:

21 "40-5-82.

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

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

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

1 (d) All DUI Alcohol or Drug Use Risk Reduction Program records including, but not
 2 limited to, assessment results and other components attended shall be confidential and shall
 3 not be released without the written consent of the DUI offender, except that such records
 4 shall be made available to the Department of Human Resources and the Department of
 5 ~~Motor Vehicle Safety~~. Driver Services. The provision of assessments to the Department of
 6 Human Resources shall be according to an interagency agreement between the Department
 7 of Driver Services and the Department of Human Resources, and the agreement may
 8 provide for assessment fees to be transmitted to the Department of Human Resources.

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

21 SECTION 8.

22 Said title is further amended in Code Section 40-5-83, relating to establishment, approval,
 23 and operation of clinics, by striking paragraph (1) of subsection (a), paragraph (3) of
 24 subsection (b), and subsection (e) and inserting in their respective places new paragraphs
 25 and a new subsection to read as follows:

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, qualifications of instructors, attendance
 33 requirements for students, and examinations. Approved clinics shall charge a fee of
 34 \$75.00 for a defensive driving course, an advanced defensive driving course, or a
 35 professional defensive driving course; except that such clinics may charge different fees
 36 of their own choosing if the person is not enrolling in such course pursuant to court order

1 or department requirement. No clinic shall be approved unless such clinic agrees in
 2 writing to allow the examination and audit of the books, records, and financial statements
 3 of such clinic. Clinics may be operated by any individual, partnership, corporation,
 4 association, civic group, club, county, municipality, board of education, school, or
 5 college."

6 "(3) Driving under the influence and alcohol and drug programs, clinics, and courses
 7 outside of the State of Georgia shall not be required to comply with the provisions of
 8 subsection (e) of this Code section; provided, however, that the department shall not
 9 accept certificates of completion from any such program, clinic, or course unless said
 10 program, clinic, or course has been certified by the ~~Department of Human Resources~~
 11 department as substantially conforming, with respect to course content, with the standards
 12 and requirements promulgated by the ~~Department of Human Resources~~ department under
 13 subsection (e) of this Code section. Certificates of completion from an out-of-state
 14 program, clinic, or course not so certified by the ~~Department of Human Resources~~
 15 department may be accepted only for the purpose of permitting persons who are not
 16 residents of the State of Georgia to reinstate nonresident operating privileges."

17 "(e) The ~~Department of Human Resources~~ department is designated as the agency
 18 responsible for establishing criteria for the approval of DUI Alcohol or Drug Use Risk
 19 Reduction Programs. An applicant must meet the certification criteria promulgated by the
 20 ~~Department of Human Resources~~ department through its standards and must provide the
 21 following services: (1) the assessment component and (2) the intervention component. The
 22 ~~Department of Human Resources~~ department is designated as the agency responsible for
 23 establishing rules and regulations concerning the contents and duration of the components
 24 of DUI Alcohol or Drug Use Risk Reduction Programs, qualifications of instructors,
 25 attendance requirements for students, examinations, and program evaluations. Qualified
 26 instructors shall be certified for periods of four years each, which may be renewed.
 27 Approved DUI Alcohol or Drug Use Risk Reduction Programs shall charge a fee of \$75.00
 28 for the assessment component and \$190.00 for the intervention component. An additional
 29 fee for required student program materials shall be established by the ~~Department of~~
 30 ~~Human Resources~~ department in such an amount as is reasonable and necessary to cover
 31 the cost of such materials. No DUI Alcohol or Drug Use Risk Reduction Program shall be
 32 approved unless such clinic agrees in writing to submit reports as required in the rules and
 33 regulations of the ~~Department of Human Resources~~ department and to allow the
 34 examination and audit of the books, records, and financial statements of such DUI Alcohol
 35 or Drug Use Risk Reduction Program by the ~~Department of Human Resources~~ department
 36 or its authorized agent. DUI Alcohol or Drug Use Risk Reduction Programs may be
 37 operated by any public, private, or governmental entity; provided, however, that, except

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

23 SECTION 9.

24 Said title is further amended by adding a new subsection (d) to Code Section 40-5-103,
 25 relating to fees for identification cards, to read as follows:

26 "(d) The department shall not be authorized to collect a fee for an identification card from
 27 any person who:

28 (1)(A) Is 65 years of age or older; or

29 (B) Swears under oath that he or she is indigent and cannot pay the fee for an
 30 identification card; and

31 (2) Swears under oath that he or she desires an identification card in order to vote in a
 32 primary or election in Georgia and that he or she does not have any other form of
 33 identification that is acceptable under Code Section 21-2-417 for identification at the
 34 polls in order to vote.

35 This subsection shall not apply to a person who has a valid driver's license issued under
 36 this chapter."

