

Representatives Powell of the 29th and Beardon of the 68th move to amend the Senate substitute to HB 501 by striking all matter beginning with line 3 of page 1 through the end of the document and inserting in lieu thereof the following:

"revise and modernize driver's licensure practices; to change provisions relating to fees for issuance of driver's record information and the manner of issuance of such information; to change provisions relating to the period of time for which licenses shall be issued and the fees for licenses; to change provisions relating to the types of examinations required for issuance of a license under certain circumstances; to provide for the Department of Motor Vehicle Safety to contract with driver training schools for certain examination and license issuance functions; to provide for the locations at which the department may perform certain functions; to provide for electronic signatures of license applications under certain circumstances; to require courts having jurisdiction over traffic offenses to transmit conviction information to the department electronically; to eliminate reexamination for reinstatement of suspended young drivers' licenses under certain circumstances; to provide for the method of determination of the age of young drivers for certain license suspension purposes; to change provisions relating to the period of time for which identification cards shall be issued and the fees for identification cards; to provide for transfer to the Department of Motor Vehicle Safety of certain functions relating to DUI Alcohol or Drug Use Risk Reduction Programs; to provide for other related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 3-3-23.1 of the Official Code of Georgia Annotated, relating to punishment for offenses involving furnishing alcoholic beverages to, and purchasing, attempting to purchase, and possession of alcoholic beverages by, a person under 21 years of age, is amended by striking subsection (f) and inserting in its place a new subsection to read as follows:

'(f) In addition to any other punishment or sentence, the court may order all persons convicted under subsection (b) of this Code section or sentenced under subsection (c) of this Code section to complete a DUI Alcohol or Drug Use Risk Reduction Program prescribed by the Department of ~~Human Resources~~ Motor Vehicle Safety within 120 days of such conviction or sentence. Failure to complete such program within 120 days shall be contempt of court and shall be punished by a fine of not more than \$300.00 or 20 days imprisonment, or both. If the conviction or sentence results from a charge of unlawful possession of alcoholic beverages while operating a motor vehicle, the court shall report

such conviction or sentence to the Department of Motor Vehicle Safety within ten days after conviction or sentencing.'

SECTION 2.

Code Section 10-1-393 of the Official Code of Georgia Annotated, relating to prohibited unfair or deceptive practices in consumer transactions, is amended by striking paragraph (28) of subsection (b) and inserting in its place a new paragraph to read as follows:

'(28) Any violation of the rules and regulations promulgated by the Department of ~~Human Resources~~ Motor Vehicle Safety pursuant to subsection (e) of Code Section 40-5-83 which relates to the consumer transactions and business practices of DUI Alcohol or Drug Use Risk Reduction Programs, except that the Department of ~~Human Resources~~ Motor Vehicle Safety shall retain primary jurisdiction over such complaints;'

SECTION 3.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended in Code Section 40-5-1, relating to definitions applicable to said chapter, by striking paragraphs (1), (9), and (10) and inserting in their respective places new paragraphs to read as follows:

'(1) "Assessment component" means the standard screening instrument or instruments designated by the Department of ~~Human Resources~~ Motor Vehicle Safety which are used to screen for the extent of an individual's alcohol or drug use and its impact on driving.'

'(9) "DUI Alcohol or Drug Use Risk Reduction Program" means a program certified by the Department of ~~Human Resources~~ Motor Vehicle Safety which consists of two components: assessment and intervention. In the case of a conviction or plea of nolo contendere to a violation of Code Section 40-6-391 or in any other instance in which a person may be referred to a DUI Alcohol or Drug Use Risk Reduction Program, the program administers the assessment component and refers such offender to the intervention component.

(10) "Intervention component" means a program which delivers therapeutic education about alcohol and drug use and driving and peer group counseling concerning alcohol and drug use over a period of 20 hours utilizing a methodology and curriculum approved and certified by the Department of ~~Human Resources~~ Motor Vehicle Safety for the DUI Alcohol or Drug Use Risk Reduction Programs under subsection (e) of Code Section 40-5-83.'

SECTION 4.

Said Chapter 5 of Title 40 is further amended in Code Section 40-5-2, relating to driver's records, by striking and replacing subsection (j) and adding a new subsection (l) so that subsections (j) and (l) shall read, respectively, as follows:

'(j) The commissioner is authorized to promulgate any rules, regulations, or policies as are necessary to carry out the provisions of this Code section. ~~The department and the Georgia Technology Authority are each authorized to charge~~ In accordance with paragraph (6) of subsection (a) of Code Section 50-25-4, reasonable fees ~~to defray costs incurred in affording access to or disseminating~~ shall be assessed for furnishing information from records or data bases pursuant to provisions of this Code section; provided, however, that the fee for furnishing an abstract of a driver's record shall not exceed \$10.00; ~~and provided, further, that the fee for furnishing the limited information provided for purposes of insurance rating pursuant to division (c)(1)(B)(ii) of this Code section shall not exceed 20 percent of the fee for furnishing the abstract of a driver's record.'~~

'(l) In any case in which the release or transmittal of one or more driver's records is authorized under this Code section or any other provision of law, the commissioner may determine the method of release or transmittal of the record or records, including without limitation release or transmittal by mail or by means of the Internet or other electronic means.'

SECTION 5.

Said Chapter 5 of Title 40 is further amended in Code Section 40-5-21, relating to exemptions from licensing, by striking paragraph (11) of subsection (a) and inserting in its place a new paragraph to read as follows:

'(11) Any resident who is 15 years of age or over while taking actual in-car training in a training vehicle other than a commercial motor vehicle under the direct personal supervision of a driving instructor when such driving instructor and training vehicle are licensed by the department in accordance with the provisions of Chapter 13 of Title 43, "The Driver Training School License Act." As used in the previous sentence, the term "commercial motor vehicle" shall have the meaning specified in Code Section 40-5-142. All vehicles utilized for the in-car training authorized under this paragraph shall be equipped with dual controlled brakes and shall be marked with signs in accordance with the ~~Department of Motor Vehicle Safety~~ rules of the department clearly identifying such vehicles as training cars belonging to a licensed driving school. A driving instructor shall test the eyesight of any unlicensed person who will be receiving actual in-car training prior to commencement of such training, and no unlicensed driver shall receive in-car training unless such person has at least the visual acuity and horizontal field of vision as

is required for issuance of a driver’s license in subsection (c) of Code Section 40-5-27; and'.

SECTION 6.

Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-22.1, relating to reinstatement of license of child under 16 years convicted of driving under influence of alcohol or drugs, and inserting in its place a new Code section to read as follows:

'40-5-22.1.

Notwithstanding any other provision of law, if a child under 16 years of age is adjudicated delinquent of driving under the influence of alcohol or drugs or of possession of marijuana or a controlled substance in violation of Code Section 16-13-30 or of the unlawful possession of a dangerous drug in violation of Code Section 16-13-72 or convicted in any other court of such offenses, the court shall order that the privilege of such child to apply for and be issued a driver’s license or learner’s permit shall be suspended and delayed until such child is 17 years of age for a first conviction and until such child is 18 years of age for a second or subsequent such conviction. Upon reaching the required age, such license privilege shall be reinstated if the child submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ or an assessment and intervention program approved by the juvenile court and pays a fee of \$210.00 to the Department of Motor Vehicle Safety or \$200.00 when such application is processed by mail. The court shall notify the ~~Department of Motor Vehicle Safety~~ department of its order delaying the issuance of such child’s license within 15 days of the date of such order. The ~~Department of Motor Vehicle Safety~~ department shall not issue a driver’s license or learner’s permit to any person contrary to a court order issued pursuant to this Code section.'

SECTION 7.

Said Chapter 5 of Title 40 is further amended by striking subsections (a) through (d) of Code Section 40-5-25, relating to driver’s license applications, and inserting in their respective places new subsections to read as follows:

(a) Every application for an instruction permit or for a driver’s license shall be made upon a form furnished by the department. Every application shall be accompanied by the proper license fee. The fees shall be as established by the commissioner, not to exceed:

- (1) For instruction permits for Classes A, B, C, and M drivers’ licenses and for Class D drivers’ licenses \$ 10.00
- (2) For five-year Classes A, B, C, and M noncommercial drivers’ licenses 15.00
licenses 20.00

<u>(2.1) For ten-year Classes A, B, C, and M noncommercial driver's licenses</u>	<u>35.00</u>
(3) For Classes A, and B , <u>C, and M commercial</u> drivers' licenses	15.00 <u>20.00</u>
(4) For application for Classes A, B, C, and M commercial drivers' licenses or a Class P commercial driver's instruction permit	35.00
(5) For Class P commercial drivers' instruction permits for Classes A, B, C, and M commercial drivers' licenses	10.00
(6) For Classes A, B, C, and M commercial drivers' licenses, initial issuance requiring a road test	65.00 <u>70.00</u>
(7) For Classes A, B, C, and M commercial drivers' licenses, initial issuance not requiring a road test	15.00 <u>20.00</u>
(8) For renewal of Classes A, B, C, and M commercial drivers' licenses ..	15.00 <u>20.00</u>
<u>(8.1) For renewal of five-year Classes A, B, C, and M noncommercial drivers' licenses</u>	<u>20.00</u>
<u>(8.2) For renewal of ten-year Classes A, B, C, and M noncommercial drivers' licenses</u>	<u>35.00</u>
(9) Initial issuance of Classes A, B, C, and M commercial drivers' licenses and Class P commercial drivers' instruction permits shall include all endorsement fees within the license fee. Each endorsement added after initial licensing	5.00

The commissioner may by rule provide incentive discounts in otherwise applicable fees reflecting cost savings to the department where a license is renewed by means other than personal appearance. The discount for renewal of a Class C or Class M license shall be \$5.00 and any other discounts shall be as determined by the commissioner. Except as provided in Code Section 40-5-36, relating to veterans' licenses, and Code Section 40-5-149, relating to application fees for public school bus drivers, there shall be no exceptions to the fee requirements for a commercial driver's license or a commercial driver's license permit. Notwithstanding any other provision of this Code section, there shall be no fee whatsoever for replacement of any driver's license solely due to a change of the licensee's name or address, provided that such replacement license shall be valid only for the remaining period of such original license; and provided, further, that only one such free replacement license may be obtained within ~~any four-year~~ the period for which

the license was originally issued. Any application for the replacement of a lost license pursuant to Code Section 40-5-31 or due to a change in the licensee's name or address submitted within 150 days of the expiration of said license shall be treated as an application for renewal subject to the applicable license fees as set forth in this subsection.

~~(b) Notwithstanding the provisions of subsection (a) of this Code section, any Class 1 or 2 license issued prior to April 3, 1989, shall remain valid until its expiration unless otherwise lost, destroyed, suspended, or revoked prior to its expiration. A Class 3, 4, or 5 license shall remain valid unless lost, destroyed, suspended, revoked, or canceled, until its expiration or its earlier replacement under Article 7 of this chapter, the "Uniform Commercial Driver's License Act." Reserved.~~

(c) Every such application shall state the full legal name, date of birth, sex, and residence address of the applicant; shall briefly describe the applicant; ~~and~~ shall state whether the applicant has theretofore been licensed as a driver and, if so, when and by what state or country, and whether any such license has ever been suspended, revoked, or refused, and, if so, the date of and reason for such suspension, revocation, or refusal; and shall state such other information as the commissioner may require to determine the applicant's identity, competence, and eligibility. The application shall include any other information as required by paragraph (1) of subsection (a.1) of Code Section 19-11-9.1. The department shall not issue a license until a complete examination of the applicant's record has been completed. The commissioner may issue such rules and regulations as shall be necessary for the orderly processing of license applications.

(d)(1) The General Assembly finds that it is in the best interest of the state to encourage improved public education and awareness regarding anatomical gifts of human organs and tissues and to address the ever increasing need for donations of anatomical gifts for the benefit of the citizens of Georgia.

~~(2) Notwithstanding the provisions of paragraph (2) or (3) of subsection (a) of this Code section, each applicant for the issuance, reissuance, or renewal of a Class C, M, A, or B driver's license under paragraph (2) or (3) of subsection (a) of this Code section shall accompany such application with a license fee as established by the commissioner, not to exceed \$8.00, if such applicant executes an anatomical gift pursuant to Code Section 40-5-6.~~

~~(3)~~(2) The department shall make available to those federally designated organ procurement organizations the name, license number, date of birth, and most recent address of any person who obtains a an organ donor driver's license ~~with the reduced fee provided for in paragraph (2) of this subsection.~~ Information so obtained by such organizations shall be used for the purpose of establishing a state-wide organ donor

registry accessible to organ tissue and eye banks authorized to function as such in this state and shall not be further disseminated.'

SECTION 8.

Said Chapter 5 of Title 40 is further amended in Code Section 40-5-27, relating to examination of applicants, by striking subsections (a), (d), and (e) and inserting in their respective places new subsections to read as follows:

'(a) The department shall examine every applicant for a driver's license, except as otherwise provided by subsection (d) of this Code section. Such examination shall include a test of the applicant's eyesight, his or her ability to understand official traffic-control devices, and his or her knowledge of safe driving practices and the traffic laws of this state and shall also include a comprehensive on-the-road driving test during which the applicant shall be required to fully demonstrate his or her ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or general class of vehicles he or she desires a license to drive; provided, however, that the on-the-road driving test requirement shall not apply to any applicant for a Class C driver's license who holds a Class D driver's license issued on or after January 1, 2002. ~~Applicants~~ An applicant 18 years of age and older with a valid and current license, or a license that has been expired for less than two years, issued by another state of the United States or the District of Columbia who ~~surrender their previous licenses~~ surrenders his or her previous license to obtain a Georgia license shall be exempt from taking such tests other than tests of eyesight. The examination may also include such further physical and mental examination as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways. The commissioner may establish by rules and regulations the type of tests or demonstrations to be made by applicants for any class of license.'

'(d) The department shall ~~implement a six-month pilot program to determine licensing requirements for licensed driver training schools to conduct on-the-road driving tests as provided in subsection (e) of this Code section. The department shall report the results of such pilot program to the House Committee on Motor Vehicles.~~ (e) ~~If the department determines that the pilot program provided for in subsection (d) of this Code section is successful, it shall authorize licensed driver training schools to conduct on-the-road driving tests~~ and other tests required for issuance of a driver's license as provided in this subsection. The department may authorize licensed driver training schools to issue driver's licenses to successful applicants as provided in this subsection. The department shall, prior to approving a licensed driver training school to conduct ~~on-the-road driving tests~~ or issue licenses or both as provided in this subsection, make a determination that the school has been licensed for a minimum of ~~one year~~ two years and has conducted driver education ~~and~~

~~adult education~~ courses on a full-time basis for such ~~one-year~~ two-year period and that such school meets all other standards which the department may establish as a condition for approval to conduct such tests or issue licenses or both. The department shall authorize a driver training school licensed pursuant to Chapter 13 of Title 43 and approved by the department to administer the testing provided for in this Code section, provided that the applicant has successfully completed a driver training course which includes a minimum of 30 class hours of instruction and six hours of private in-car training. The department may establish by rules and regulations the type of tests or demonstrations to be made by applicants for any Class C or Class D driver's license under this Code section.'

SECTION 9.

Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-28, relating to issuance of drivers' licenses, and inserting in its place a new Code section to read as follows:

'40-5-28.

(a) The department shall, upon payment of the required fee, issue to every applicant qualifying therefor a driver's license indicating the type or general class of vehicles the licensee may drive, which license shall be upon a form prescribed by the department and which shall bear thereon a distinguishing number assigned to the licensee, a color photograph of the licensee, the licensee's full name, either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with a pen and ink immediately upon receipt of the license, and such other information or identification as is required by the department. No license shall be valid until it has been so signed by the licensee. Specifically but without limitation, the department may require applicants to submit fingerprints by means of an inkless fingerprint scanning device upon application.

(b) The commissioner may determine the location and manner of issuance of drivers' licenses. Without limiting the generality of the foregoing, it is specifically provided that the commissioner may designate county tag agents, if they so agree, as agents of the department for this purpose and may authorize the issuance of drivers' licenses by county tag agents. No county tag agent shall be required to issue or renew drivers' licenses unless such county tag agent agrees in writing to perform such functions. No county tag agent shall be required to issue or renew drivers' licenses for residents of any county other than the residents of the county for which he or she serves as tax commissioner.'

SECTION 10.

Said Chapter 5 of Title 40 is further amended in Code Section 40-5-31, relating to replacement permits or licenses, by striking subsection (b) and inserting in its place a new subsection to read as follows:

'(b) The department shall issue a temporary permit or driver's license to each individual who has lost by misplacement, and not by revocation or suspension, his or her instruction permit or driver's license and who has made application under oath on a form furnished by the department which states that the applicant presently has a valid permit or license which has been lost or misplaced. In lieu of the applicant's signature on a form, any application for the issuance of a replacement license submitted electronically shall contain an acknowledgment and attestation under penalty of perjury that he or she meets each requirement of this Code section.'

SECTION 11.

Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-32, relating to driver's license renewal, and inserting in its place a new Code section to read as follows:

'40-5-32.

(a)(1) ~~Every~~ Except as otherwise provided in this Code section, every driver's license shall expire on the licensee's birthday in the ~~fourth~~ fifth year following the issuance of such license. Notwithstanding the foregoing, any commercial license that contains an H or X endorsement as defined in subsection (c) of Code Section 40-5-150 shall expire on the date of expiration of the licensee's security threat assessment conducted by the Transportation Security Administration of the United States Department of Homeland Security. An applicant for a Class A, B, C, or M noncommercial driver's license who is under age 60 shall at the applicant's option apply for a license which shall expire on the licensee's birthday in the fifth or tenth year following the issuance of such license. Every such license shall be renewed on or before its expiration upon application, payment of the required fee, and, if applicable, satisfactory completion of the examination required or authorized by subsection (c) of this Code section.

(2) Except as otherwise provided by subsection (c) of this Code section, every ~~holder of~~ a veteran's or honorary license shall ~~meet the requirements of subsection (c) of this Code section~~ be valid until the holder reaches age 65 and shall thereafter be subject to renewal pursuant to paragraph (1) of this subsection on or before his or her birthday every ~~four~~ five years, ~~beginning from the date on which the holder was last required to take an examination under former Ga. L. 1972, p. 1076, as amended by Ga. L. 1973, pp. 916, 917.~~ The department may allow a veteran or honorary license holder to retain his or her expired veteran's or honorary license as a souvenir.

(3) The commissioner shall issue such rules and regulations as are required to enforce this subsection.

(b) An application for driver's license renewal may be submitted by means of:

(1) Personal appearance before the department; or

(2) Subject to rules or regulations of the department which shall be consistent with considerations of public safety and efficiency of service to licensees, means other than such personal appearance which may include without limitation by mail or electronically. The department may by such rules or regulations exempt persons renewing drivers' licenses under this paragraph from the license surrender requirement of subsection (c) of Code Section 40-5-20.

(c)(1) The department shall require every person applying for renewal of a driver's license to take and pass successfully such test of his or her eyesight as the department shall prescribe or provide a certification from a licensed optometrist of the results of the optometrist's examination of the applicant's eyesight, unless otherwise provided by rule or regulation for purposes of paragraph (2) of subsection (b) of this Code section.

(2) The commissioner may issue such rules and regulations as are necessary to implement this subsection.'

SECTION 12.

Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-33, relating to change of address of a licensed driver, and inserting in its place a new Code section to read as follows:

'40-5-33.

Whenever any person, after applying for or receiving a driver's license, shall move from the address named in such application or in the license issued to him or her or when the name of a licensee is changed by marriage or otherwise, such person shall apply to the department for a license showing the correct name or address within 60 days. Failure to change the name or address shall not deem the license invalid. The commissioner may determine the locations at which applications shall be accepted for applications due to change of name or address. Without limiting the generality of the foregoing, it is specifically provided that the commissioner may designate county tag agents, if they so agree, as agents of the department for this purpose.'

SECTION 13.

Said Chapter 5 of Title 40 is further amended by striking subsection (b) of Code Section 40-5-53, relating to reports of convictions and forwarding of licenses by courts, and inserting in its place a new subsection to read as follows:

'(b) Every court in each county of this state having jurisdiction over offenses committed under this chapter and Chapter 6 of this title or any other law of this state or ordinance adopted by a local authority regulating the operation of motor vehicles on highways shall forward to the department, within ten days after the conviction of any person in such court for a violation of any such law other than regulations governing speeding in a noncommercial motor vehicle for which no points are assigned under Code Section 40-5-57, standing, or parking, a uniform citation form authorized by Article 1 of Chapter 13 of this title. Notwithstanding any other provision of this title, in satisfaction of the reporting requirement of this subsection, the courts of this state ~~may~~ shall transmit the information contained on the uniform citation form by electronic means, ~~provided that the department has first given approval to the reporting court for using~~ the electronic reporting method ~~utilized~~ approved by the department. The department shall pay to the clerk of the court forwarding the required report 40¢ for each report transmitted electronically in a timely manner as required in this subsection and ~~10¢ for each report transmitted otherwise~~; and notwithstanding any general or local law to the contrary, the clerk shall pay such fees over to the general fund of the city or county operating the court. Where a court has not implemented transmittal by electronic means, the commissioner may require such court or courts to submit by electronic means no later than a future date to be determined by the commissioner.'

SECTION 14.

Said Chapter 5 of Title 40 is further amended in Code Section 40-5-57.1, relating to suspension of licenses of young drivers, by striking subsection (b) and inserting in its place a new subsection to read as follows:

'(b) A person whose driver's license has been suspended under subsection (a) of this Code section shall:

(1) Subject to the requirements of subsection (c) of this Code section and except as otherwise provided by paragraph (2) of this subsection:

(A) Upon a first such suspension, be eligible to apply for license reinstatement and, subject to ~~successful recompletion of the examination requirements of Code Section 40-5-27~~ and payment of required fees, have his or her driver's license reinstated after six months; and

(B) Upon a second or subsequent such suspension, be eligible to apply for license reinstatement and, subject to ~~successful recompletion of the examination requirements of Code Section 40-5-27~~ and payment of required fees, have his or her driver's license reinstated after 12 months; or

(2)(A) If the driver's license was suspended upon conviction for violation of Code Section 40-6-391, be subject to the provisions of Code Section 40-5-63.

(B) If such driver was convicted of driving under the influence of alcohol or of having an unlawful alcohol concentration and is otherwise subject to the provisions of paragraph (1) of subsection (a) of Code Section 40-5-63, then such person shall not be eligible for a limited driving permit under Code Section 40-5-64, and:

(i) If the driver's alcohol concentration at the time of the offense was less than 0.08 grams, he or she shall not be eligible for license reinstatement until the end of six months; or

(ii) If the driver's alcohol concentration at the time of the offense was 0.08 grams or more, he or she shall not be eligible for license reinstatement until the end of 12 months.

~~(C) Any driver subject to the provisions of this paragraph shall, as an additional prerequisite for license reinstatement, be required to successfully recomplete the examination requirements of Code Section 40-5-27.'~~

SECTION 15.

Said Chapter 5 of Title 40 is further amended in said Code Section 40-5-57.1 by adding at the end of the Code section a new subsection (d) to read as follows:

'(d) A suspension provided for in this Code section shall be imposed based on the person's age on the date of the conviction giving rise to the suspension.'

SECTION 16.

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

'40-5-63.

(a) The driver's license of any person convicted of an offense listed in Code Section 40-5-54 or of violating Code Section 40-6-391, unless the driver's license has been previously suspended pursuant to Code Sections 40-5-67.1 and 40-5-67.2, shall by operation of law be suspended and such suspension shall be subject to the following terms and conditions; provided, however, that any person convicted of a drug related offense pursuant to Code Section 40-6-391 shall be governed by the suspension requirements of Code Section 40-5-75:

(1) Upon the first conviction of any such offense, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the

date of the current arrest for which a conviction is obtained, the period of suspension shall be for 12 months. At the end of 120 days, the person may apply to the department for reinstatement of said driver's license. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ and pays a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail unless such conviction was a recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when such reinstatement is processed by mail, provided that, if such license was suspended as a result of a conviction of an offense listed in Code Section 40-5-54, such license shall be reinstated if such person submits proof of completion of either a defensive driving program approved by the ~~Department of Motor Vehicle Safety~~ department or a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ and pays the prescribed restoration fee. A driver's license suspended as a result of a conviction of a violation of Code Section 40-6-391 shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ and pays the prescribed restoration fee. For purposes of this paragraph, an accepted plea of nolo contendere to an offense listed in Code Section 40-5-54 by a person who is under 18 years of age at the time of arrest shall constitute a conviction. For the purposes of this paragraph only, an accepted plea of nolo contendere by a person 21 years of age or older, with no conviction of and no plea of nolo contendere accepted to a charge of violating Code Section 40-6-391 within the previous five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere accepted to the date of the current arrest for which a plea of nolo contendere is accepted, shall be considered a conviction, and the court having jurisdiction shall forward, as provided in Code Section 40-6-391.1, the record of such disposition of the case to the department and the record of such disposition shall be kept on file for the purpose of considering and counting such accepted plea of nolo contendere as a conviction under paragraphs (2) and (3) of this subsection;

(2) Upon the second conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for three years. At the end of 120 days, the person may apply to the department for reinstatement of said driver's license; except that if such license was suspended as a result of a second conviction of a violation of Code Section 40-6-391 within five years, the person shall not be eligible to apply for license reinstatement until the end of 18 months. Such license shall be reinstated if such person submits proof of completion of a DUI

Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ and pays a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail unless such conviction was a recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when processed by mail, provided that, if such license was suspended as a result of a conviction of an offense listed in Code Section 40-5-54, such license shall be reinstated if such person submits proof of completion of either a defensive driving program approved by the department or a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ and pays the prescribed restoration fee. A driver's license suspended as a result of a conviction of a violation of Code Section 40-6-391 shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ and pays the prescribed restoration fee. For purposes of this paragraph, a plea of nolo contendere and all previous accepted pleas of nolo contendere to an offense listed in Code Section 40-5-54 within such five-year period of time shall constitute a conviction. For the purposes of this paragraph, a plea of nolo contendere to a charge of violating Code Section 40-6-391 and all prior accepted pleas of nolo contendere within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a plea of nolo contendere is accepted, shall be considered and counted as convictions; or

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

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

(c) In all cases in which the department may return a license to a driver prior to the termination of the full period of suspension, the department may require such tests of

driving skill and knowledge as it determines to be proper, and the department's discretion shall be guided by the driver's past driving record and performance, and the driver shall pay the applicable restoration fee. In addition to any other requirement the department may impose, a driver's license suspended as a result of a conviction of a violation of Code Section 40-6-391 shall not become valid, shall remain suspended, and shall not be returned to such driver or otherwise reinstated until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~.

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

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

(f) The driver's license of any person who is convicted of attempting to purchase an alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23 upon the first conviction shall be suspended for a period of six months and upon the second or subsequent conviction shall be suspended for a period of one year. At the end of the period of suspension, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated upon payment of a restoration fee of \$35.00 or \$25.00 when processed by mail. For purposes of this subsection, a sentence under subsection (c) of Code Section 3-3-23.1 shall not be considered a conviction, and the driver's license of such person shall not be suspended.'

SECTION 17.

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

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

(1) Upon the first suspension pursuant to subsection (c) of Code Section 40-5-67.1 within the previous five years, as measured from the dates of previous arrests for which a suspension was obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for one year. Not sooner than 30 days following the effective date of suspension, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ and pays a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail unless such conviction was a recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when processed by mail. A driver's license suspended pursuant to Code Section 40-5-67.1 shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ and pays the prescribed restoration fee.

(2) Upon the second suspension pursuant to subsection (c) of Code Section 40-5-67.1 within five years, as measured from the dates of previous arrests for which suspensions were obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for three years. The person shall be eligible to apply to the department for license reinstatement not sooner than 18 months following the effective date of suspension. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ and pays a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail unless such conviction was a recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when processed by mail. A driver's license suspended pursuant to Code Section 40-5-67.1 shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ and pays the prescribed restoration fee.

(3) Upon the third or subsequent suspension pursuant to subsection (c) of Code Section 40-5-67.1 within five years, as measured from the dates of previous arrests for which suspensions were obtained to the date of the current arrest for which a suspension is

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

SECTION 18.

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

(1) Upon the first conviction of any such offense, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for not less than 180 days. At the end of 180 days, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated only if the person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ and pays to the Department of Motor Vehicle Safety a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail unless such conviction was a recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when such reinstatement is processed by mail. For purposes of this paragraph, a plea of nolo contendere by a person to a charge of any drug related offense listed in this subsection shall, except as provided in subsection (c) of this Code section, constitute a conviction;

(2) Upon the second conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for three years, provided that after one year from the date of the conviction the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ and paying to the Department of Motor Vehicle Safety a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail unless such conviction was a recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when such reinstatement is processed by mail. For purposes

of this paragraph, a plea of nolo contendere and all previous pleas of nolo contendere within such five-year period of time shall constitute a conviction; and'

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

SECTION 19.

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

'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 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~~ department in consideration of an application. These licenses and each renewal thereof shall be valid for a period of four years unless suspended or revoked prior to the expiration of that time period; and

(2) Require, in addition to the criteria established by the commissioner 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~~ department, 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~~ \$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.'

SECTION 20.

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

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

SECTION 21.

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

'40-5-82.

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

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

(c) The ~~Department of Human Resources~~ department is designated as the agency responsible for the approval and certification of DUI Alcohol or Drug Use Risk Reduction Programs and staff. This responsibility includes selection of the assessment instrument,

development of the intervention curricula, training of program staff, and monitoring of all DUI Alcohol or Drug Use Risk Reduction Programs under this article.

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

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

SECTION 22.

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

'(a)(1) The commissioner ~~of motor vehicle safety~~ shall establish criteria for the approval of driver improvement clinics. To be approved, a clinic shall provide and operate either a defensive driving course, an advanced defensive driving course, or a professional defensive driving course or any combination thereof. Clinics shall be composed of uniform education and training programs consisting of six hours of instruction designed for the rehabilitation of problem drivers. The commissioner shall establish standards and requirements concerning the contents of courses, qualifications of instructors, attendance requirements for students, and examinations. Approved clinics shall charge a fee of \$75.00 for a defensive driving course, an advanced defensive driving course, or a

professional defensive driving course; except that such clinics may charge different fees of their own choosing if the person is not enrolling in such course pursuant to court order or department requirement. No clinic shall be approved unless such clinic agrees in writing to allow the examination and audit of the books, records, and financial statements of such clinic. Clinics may be operated by any individual, partnership, corporation, association, civic group, club, county, municipality, board of education, school, or college.'

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

'(e) The ~~Department of Human Resources~~ department is designated as the agency responsible for establishing criteria for the approval of DUI Alcohol or Drug Use Risk Reduction Programs. An applicant must meet the certification criteria promulgated by the ~~Department of Human Resources~~ department through its standards and must provide the following services: (1) the assessment component and (2) the intervention component. The ~~Department of Human Resources~~ department is designated as the agency responsible for establishing rules and regulations concerning the contents and duration of the components of DUI Alcohol or Drug Use Risk Reduction Programs, qualifications of instructors, attendance requirements for students, examinations, and program evaluations. Qualified instructors shall be certified for periods of four years each, which may be renewed. Approved DUI Alcohol or Drug Use Risk Reduction Programs shall charge a fee of \$75.00 for the assessment component and \$190.00 for the intervention component. An additional fee for required student program materials shall be established by the ~~Department of Human Resources~~ department in such an amount as is reasonable and necessary to cover the cost of such materials. No DUI Alcohol or Drug Use Risk Reduction Program shall be approved unless such clinic agrees in writing to submit reports as required in the rules and regulations of the ~~Department of Human Resources~~ department 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~~ department

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~~ Motor Vehicle Safety. 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~~ department 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~~ department 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.'

SECTION 23.

Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-88, relating to administrative penalties, and inserting in its place a new Code section to read as follows:

'40-5-88.

(a) As an alternative to criminal or other civil enforcement, the commissioner ~~of motor vehicle safety or the commissioner of human resources, whichever is applicable~~, in order to enforce this article or any orders, rules, or regulations promulgated pursuant to this article, may issue an administrative fine not to exceed \$1,000.00 for each violation, whenever ~~that~~ the commissioner, after a hearing, determines that any person, firm, or corporation has violated any provisions of this article or any regulations or orders promulgated under this article. Notwithstanding the foregoing, violations that are minor in nature and committed by a person, firm, or corporation shall be punished only by a written

reprimand unless the person, firm, or corporation fails to remedy the violation within 30 days, in which case an administrative fine, not to exceed \$250.00, may be issued.

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

SECTION 24.

Said Chapter 5 of Title 40 is further amended in Code Section 40-5-142, relating to definitions applicable to the 'Uniform Commercial Driver's License Act,' by striking paragraph (7) and inserting in its place a new paragraph to read as follows:

'(7) "Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property:

(A) If the vehicle has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating as determined by federal regulation;

(B) If the vehicle is designed to transport 16 or more passengers, including the driver;
or

(C) If the vehicle is transporting hazardous materials and is required to be placarded in accordance with the Motor Carrier Safety Rules prescribed by the United States Department of Transportation, Title 49 C.F.R. Part 172, subpart F;

provided, however, that for the purposes of this article, no agricultural vehicle, military vehicle operated by military personnel, recreational vehicle, or fire-fighting or emergency equipment vehicle shall be considered a commercial vehicle. As used in this paragraph, the term "agricultural vehicle" means a farm vehicle which is controlled and operated by a farmer; used to transport agricultural products, farm machinery, or farm supplies to or from a farm; and operated within 150 miles of such person's farm; which vehicle is not used in the operations of a ~~common or contract~~ motor carrier. Any other waiver by the Federal Highway Administration pursuant to Federal Law 49 C.F.R. Parts 383, 391, RIN 2125-AB 68, of the United States Department of Transportation shall supersede state law in authorizing the Department of Motor Vehicle Safety to exempt said classes.'

SECTION 25.

Said Chapter 5 of Title 40 is further amended in Code Section 40-5-100, relating to issuance of identification cards, by striking subsection (b) and inserting in its place a new subsection to read as follows:

'(b) The identification card shall be valid for ~~four~~ a period of five or ten years, at the option of the applicant, and shall bear the signatures of the commissioner and the Governor and shall bear an identification card number which shall not be the same as the social security number, ~~unless the person specifically requests that the social security number be used, or, in the case of an individual who is not a citizen of the United States, the passport number of the person identified or any number the department deems necessary to implement this Code section.~~'

SECTION 26.

Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-103, relating to fees for issuance of identification cards, and inserting in its place a new Code section to read as follows:

'40-5-103.

(a) Except as provided in subsections (b) and (c) of this Code section, the department shall collect a fee of ~~\$10.00 for the identification card~~ \$20.00 for a five-year card and a fee of \$35.00 for a ten-year card, which fee shall be deposited in the state treasury in the same manner as other motor vehicle driver's license fees.

(b) The department shall collect a fee of \$5.00 for the identification card for all persons who are referred by a nonprofit organization which organization has entered into an agreement with the department whereby such organization verifies that the individual applying for such identification card is indigent. The department shall enter into such agreements and shall adopt rules and regulations to govern such agreements.

(c) The department shall not be authorized to collect a fee for an identification card from those persons who are entitled to a free veterans' driver's license under the provisions of Code Section 40-5-36.

(d) The commissioner may by rule authorize incentive discounts where identification cards are renewed by Internet, telephone, or mail.'

SECTION 27.

Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to rules of the road, is amended in Code Section 40-6-391, relating to driving under the influence, by striking subparagraphs (c)(1)(D), (c)(2)(D), and (c)(3)(D) and inserting in their respective places new subparagraphs to read as follows:

'(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of ~~Human Resources~~ Motor Vehicle Safety. The sponsor of any such program shall provide written notice of such approval to the person upon enrollment in the program; and'

'(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of ~~Human Resources~~ Motor Vehicle Safety. The sponsor of any such program shall provide written notice of such approval to the person upon enrollment in the program; and'

'(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of ~~Human Resources~~ Motor Vehicle Safety. The sponsor of any such program shall provide written notice of such approval to the person upon enrollment in the program; and'

SECTION 28.

Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation, is amended in Code Section 42-8-26, relating to probation supervisors, by striking paragraph (2) of subsection (c) and inserting in its place a new paragraph to read as follows:

'(2) No supervisor shall own, operate, have any financial interest in, be an instructor at, or be employed by any private entity which provides drug or alcohol education services or offers a DUI Alcohol or Drug Use Risk Reduction Program certified by the Department of ~~Human Resources~~ Motor Vehicle Safety.'

SECTION 29.

Said Chapter 8 of Title 42 is further amended in Code Section 42-8-104, relating to prohibited conflicts of interest relative to agreements for probation services, by striking paragraph (1) of subsection (c) and inserting in its place a new paragraph to read as follows:

'(c)(1) No private corporation, enterprise, or agency contracting to provide probation services under the provisions of this article on or after January 1, 1997, nor any employees of such entities, shall own, operate, have any financial interest in, be an instructor at, or be employed by any private entity which provides drug or alcohol education services or offers a DUI Alcohol or Drug Use Risk Reduction Program certified by the Department of ~~Human Resources~~ Motor Vehicle Safety.'

SECTION 30.

Title 52 of the Official Code of Georgia Annotated, relating to waters of the state, ports, and watercraft, is amended in Code Section 52-7-12.6, relating to boating privileges, by striking subsection (a) and inserting in its place a new subsection to read as follows:

'(a) Any operator's privilege to operate a vessel on the waters of this state required to be suspended under subsection (d) of Code Section 52-7-12.5 shall be suspended subject to the following terms and conditions:

(1) Upon the first suspension pursuant to subsection (d) of Code Section 52-7-12.5 within the previous five years, as measured from the dates of previous arrests for which a suspension was obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for one year. Not sooner than 30 days following the effective date of suspension, the person may apply to the department for reinstatement of his or her operator's privilege. Such privilege shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of ~~Human Resources~~ Motor Vehicle Safety. An operator's privilege suspended pursuant to Code Section 52-7-12.5 shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of ~~Human Resources~~ Motor Vehicle Safety;

(2) Upon the second suspension pursuant to subsection (d) of Code Section 52-7-12.5 within five years, as measured from the dates of previous arrests for which suspensions were obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for three years. Not sooner than 120 days following the effective date of suspension, the person may apply to the department for reinstatement of the person's operator's privilege. Such privilege shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of ~~Human Resources~~ Motor Vehicle Safety. An operator's privilege suspended pursuant to Code Section 52-7-12.5 shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of ~~Human Resources~~ Motor Vehicle Safety; and

(3) Upon the third or subsequent suspension pursuant to subsection (d) of Code Section 52-7-12.5 within five years, as measured from the dates of previous arrests for which suspensions were obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for not less than five years and until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of ~~Human Resources~~ Motor Vehicle Safety.'

SECTION 31.

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

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