

House Bill 1027

By: Representatives Rice of the 51st, Roberts of the 154th, Bearden of the 68th, and Floyd of the 147th

A BILL TO BE ENTITLED
AN ACT

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

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 4 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
10 persons completing defensive driving course or alcohol or drug program, is amended by
11 revising subsection (a) of Code Section 40-5-81, relating to court ordered attendance at driver
12 improvement clinics and programs, as follows:

13 "(a) Any driver improvement program at which attendance is required by court order shall
14 conform to the requirements of this article. Courts shall only order or authorize individuals
15 to attend or register for classroom, Internet, or other technology based driver improvement
16 programs or pretrial diversion programs that are licensed and approved by the department
17 under the provisions of Code Sections 40-5-82 and 40-5-83. Certificates of completion
18 from unlicensed classroom, Internet, or other technology based driver improvement
19 programs shall not be recognized for any purposes under this article."

20 **SECTION 2.**

21 Said article is further amended by revising subsections (a) and (e) of Code Section 40-5-83,
22 relating to establishment and approval of driver improvement clinics and programs, as
23 follows:

24 "(a)(1) The commissioner shall establish criteria for the approval of classroom, Internet,
25 or other technology based driver improvement clinics. To be approved, a clinic shall

1 provide ~~and operate either a defensive driving course, an advanced defensive driving~~
 2 ~~course, or a professional defensive driving course or any combination thereof~~ to the
 3 department for approval, or notify the department of the clinic's legal authority to use a
 4 currently approved curriculum or program, a curriculum consisting of a minimum of six
 5 hours of classroom, Internet, or technology based theoretical instruction consisting of
 6 traffic safety related information designed for the improvement or remediation of an
 7 individual's knowledge of defensive driving techniques and traffic laws. This provision
 8 shall not be construed to restrict licensed and approved curriculum providers from
 9 updating information to accurately reflect changes in this Code section or other defensive
 10 driving material. Clinics shall be composed of uniform education and training programs
 11 ~~consisting of six hours of instruction~~ designed for the rehabilitation of problem drivers.
 12 The commissioner shall establish standards and requirements concerning the contents of
 13 courses, qualifications of instructors, attendance requirements for students, and
 14 examinations. Approved clinics shall charge a fee of \$75.00 for ~~a defensive driving~~
 15 ~~course, an advanced defensive driving course, or a professional defensive driving course~~
 16 an Internet or technology based driver improvement program and \$75.00 for a classroom
 17 driver improvement program; except that such clinics may charge different fees of their
 18 own choosing if the person is not enrolling in such course pursuant to court order, pretrial
 19 diversion program, or department requirement. No clinic shall be approved unless such
 20 clinic agrees in writing to allow the examination and audit of the books, records, and
 21 financial statements of such clinic. ~~Clinics may be operated by any individual,~~
 22 ~~partnership, corporation, association, civic group, club, county, municipality, board of~~
 23 ~~education, school, or college.~~ The department shall establish security and operational
 24 standards consistent with the objectives of the training programs contained in this Code
 25 section.

26 (1.1)(A) No driver improvement clinic shall be permitted to use, adopt, or conduct any
 27 business under any name that is like or deceptively similar to any name used by any
 28 other driver improvement clinic, Georgia company, or Georgia corporation registered
 29 with the Secretary of State. This subparagraph shall not prohibit the franchising or
 30 licensing of any part or all of the name of a driver improvement clinic by the owner or
 31 the rights thereof to another licensed driver improvement clinic.

32 (B) This paragraph shall not prohibit the franchising or licensing of any part or all of
 33 ~~the name of a clinic~~ an approved curriculum by the owner of the rights therein to
 34 another licensed driver improvement clinic, either directly or through a third-party
 35 provider.

36 (2) The commissioner may issue a special license to the instructor of any ~~commercial~~
 37 driver training school authorizing such instructor to teach a defensive driving course;

1 ~~advanced defensive driving course, or professional defensive driving course~~ of a driver
2 improvement clinic provided pursuant to this Code section if such instructor is qualified
3 to teach a teen-age driver education course which consists of a minimum of 30 hours of
4 classroom and six hours of behind-the-wheel training and such instructor certifies to the
5 commissioner that he or she has provided at least 250 hours of behind-the-wheel training
6 in a teen-age driver education course."

7 "(e) The department is designated as the agency responsible for establishing criteria for the
8 approval of DUI Alcohol or Drug Use Risk Reduction Programs. An applicant must meet
9 the certification criteria promulgated by the department through its standards and must
10 provide the following services: (1) the assessment component and (2) the intervention
11 component. The department is designated as the agency responsible for establishing rules
12 and regulations concerning the contents and duration of the components of DUI Alcohol
13 or Drug Use Risk Reduction Programs, qualifications of instructors, attendance
14 requirements for students, examinations, and program evaluations. Qualified instructors
15 shall be certified for periods of four years each, which may be renewed. Approved DUI
16 Alcohol or Drug Use Risk Reduction Programs shall charge a fee of \$75.00 for the
17 assessment component and ~~\$190.00~~ \$200.00 for the intervention component. An additional
18 fee for required student program materials shall be established by the department in such
19 an amount as is reasonable and necessary to cover the cost of such materials. No DUI
20 Alcohol or Drug Use Risk Reduction Program shall be approved unless such clinic agrees
21 in writing to submit reports as required in the rules and regulations of the department and
22 to allow the examination and audit of the books, records, and financial statements of such
23 DUI Alcohol or Drug Use Risk Reduction Program by the department or its authorized
24 agent. DUI Alcohol or Drug Use Risk Reduction Programs may be operated by any public,
25 private, or governmental entity; provided, however, that, except as otherwise provided in
26 this subsection, in any political subdivision in which a DUI Alcohol or Drug Use Risk
27 Reduction Program is operated by a private entity, whether for profit or nonprofit, neither
28 the local county board of health nor any other governmental entity shall fund any new
29 programs in that area. Programs currently in existence which are operated by local county
30 boards of health or any other governmental entities shall be authorized to continue
31 operation. New programs may be started in areas where no private DUI Alcohol or Drug
32 Use Risk Reduction Programs have been made available to said community. The
33 Department of Corrections is authorized to operate DUI Alcohol or Drug Use Risk
34 Reduction Programs in its facilities where offenders are not authorized to participate in
35 such programs in the community, provided that such programs meet the certification
36 criteria promulgated by the Department of Driver Services. All such programs operated by
37 the Department of Corrections shall be exempt from all fee provisions established in this

1 subsection specifically including the rebate of any fee for the costs of administration. No
 2 DUI Alcohol or Drug Use Risk Reduction Program will be approved unless such clinic
 3 agrees in writing to pay to the state, for the costs of administration, a fee of \$15.00, for
 4 each offender assessed ~~or each offender attending for points reduction~~, provided that
 5 nothing in this Code section shall be construed so as to allow the department to retain any
 6 funds required by the Constitution of Georgia to be paid into the state treasury; and
 7 provided, further, that the department shall comply with all provisions of Part 1 of Article
 8 4 of Chapter 12 of Title 45, the 'Budget Act,' except Code Section 45-12-92, prior to
 9 expending any such miscellaneous funds."

10 SECTION 3.

11 Said article is further amended by revising subsections (b), (c), and (d) of Code Section
 12 40-5-84, relating to reinstatement of suspended licenses, as follows:

13 "(b) The license of any person whose license is suspended for the second time as a result
 14 of the conviction of an offense listed in Code Section 40-5-54 shall, at the expiration of 120
 15 days following the date the license is suspended, be reinstated by the department upon
 16 receipt by the department of a certificate of completion of ~~an advanced~~ a defensive driving
 17 course and the payment of a restoration fee of \$210.00 or \$200.00 when such reinstatement
 18 is processed by mail.

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

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

29 SECTION 4.

30 This Act shall become effective on July 1, 2008.

31 SECTION 5.

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