

House Bill 1027 (COMMITTEE SUBSTITUTE) (AM)

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 programs' curriculums; to provide for certificates of completion; to
4 delete references to advanced defensive driving courses; to provide for related matters; to
5 provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

12 "(a) Any driver improvement program, or DUI Alcohol or Drug Use Risk Reduction
13 Program, at which attendance is required by court order shall conform to the requirements
14 of this article. Courts shall only order or authorize individuals to attend or register for
15 driver improvement programs or DUI Alcohol or Drug Use Risk Reduction Programs that
16 are licensed and approved by the department under the provisions of Code Sections
17 40-5-82 and 40-5-83. Certificates of completion from unlicensed classroom, Internet, or
18 other technology based driver improvement programs shall not be recognized for any
19 purposes under this article. This Code section shall not be construed or interpreted to allow
20 the creation or licensing of any Internet, online, or other technology based DUI Alcohol or
21 Drug Use Risk Reduction Programs."

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

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

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

1 DUI Alcohol or Drug Use Risk Reduction Programs have been made available to said
 2 community. The Department of Corrections is authorized to operate DUI Alcohol or Drug
 3 Use Risk Reduction Programs in its facilities where offenders are not authorized to
 4 participate in such programs in the community, provided that such programs meet the
 5 certification criteria promulgated by the Department of Driver Services. All such programs
 6 operated by the Department of Corrections shall be exempt from all fee provisions
 7 established in this subsection specifically including the rebate of any fee for the costs of
 8 administration. No DUI Alcohol or Drug Use Risk Reduction Program will be approved
 9 unless such clinic agrees in writing to pay to the state, for the costs of administration, a fee
 10 of \$15.00, for each offender assessed ~~or each offender attending for points reduction,~~
 11 provided that nothing in this Code section shall be construed so as to allow the department
 12 to retain any funds required by the Constitution of Georgia to be paid into the state
 13 treasury; and provided, further, that the department shall comply with all provisions of Part
 14 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' except Code Section 45-12-92,
 15 prior to expending any such miscellaneous funds."

16

SECTION 3.

17 Said article is further amended by revising subsections (b), (c), and (d) of Code Section
 18 40-5-84, relating to reinstatement of suspended licenses, as follows:

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

25 (c) The license of any person whose license is suspended for the first time as a result of
 26 the assessment of points pursuant to Code Section 40-5-57 shall be reinstated by the
 27 department immediately upon receipt by the department of a certificate of completion of
 28 an approved defensive driving course and the payment of a restoration fee of \$210.00 or
 29 \$200.00 when such reinstatement is processed by mail.

30 (d) The license of any person whose license is suspended for the second time as a result
 31 of the assessment of points pursuant to Code Section 40-5-57 shall be reinstated by the
 32 department immediately upon receipt by the department of a certificate of completion of
 33 ~~an advanced~~ a defensive driving course and the payment of a restoration fee of \$210.00 or
 34 \$200.00 when such reinstatement is processed by mail."

1 **SECTION 4.**

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

3 **SECTION 5.**

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