

The Senate Public Safety Committee offered the following substitute to HB 1027:

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 prohibit and shall not be construed or
20 interpreted to allow the creation or licensing of any Internet, online, or other technology
21 based DUI Alcohol or Drug Use Risk Reduction Programs."

22 **SECTION 2.**

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

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

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

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

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

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

1 certification criteria promulgated by the Department of Driver Services. All such programs
 2 operated by the Department of Corrections shall be exempt from all fee provisions
 3 established in this subsection specifically including the rebate of any fee for the costs of
 4 administration. No DUI Alcohol or Drug Use Risk Reduction Program will be approved
 5 unless such clinic agrees in writing to pay to the state, for the costs of administration, a fee
 6 of \$15.00, for each offender assessed ~~or each offender attending for points reduction,~~
 7 provided that nothing in this Code section shall be construed so as to allow the department
 8 to retain any funds required by the Constitution of Georgia to be paid into the state
 9 treasury; and provided, further, that the department shall comply with all provisions of Part
 10 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' except Code Section 45-12-92,
 11 prior to expending any such miscellaneous funds."

12 SECTION 3.

13 Said article is further amended by revising subsections (b), (c), and (d) of Code Section
 14 40-5-84, relating to reinstatement of suspended licenses, as follows:

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

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

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

31 SECTION 4.

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

33 SECTION 5.

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