

SENATE SUBSTITUTE TO HB 1027

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
2 drivers' licenses, so as to provide for approval of programs' curriculums; to provide for
3 certificates of completion; to delete references to advanced defensive driving courses; to
4 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
9 is amended by revising paragraph (2) of Code Section 40-5-1, relating to definitions, as
10 follows:

11 "(2) Reserved 'Biometrics' means the measurement of physical characteristics for use in
12 verifying the identity of individuals."

13 **SECTION 2.**

14 Said chapter is further amended by revising subsection (a) of Code Section 40-5-81, relating
15 to court ordered attendance at driver improvement clinics and programs, as follows:

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

SECTION 3.

Said chapter is further amended by revising subsections (a) and (e) of Code Section 40-5-83, relating to establishment and approval of driver improvement clinics and programs, and adding a new subsection to read as follows:

"(a)(1) The commissioner shall establish criteria for the approval of classroom, Internet, or other technology based 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~~ to the department for approval, or notify the department of the clinic's legal authority to use a currently approved curriculum or program, a curriculum consisting of a minimum of six hours of classroom, Internet, or technology based theoretical instruction consisting of traffic safety related information designed for the improvement or remediation of an individual's knowledge of defensive driving techniques and traffic laws. This provision shall not be construed to restrict licensed and approved curriculum providers from updating information to accurately reflect changes in this Code section or other defensive driving material. 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~~ On or after July 1, 2008, 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 an Internet or technology based driver improvement program and \$75.00 for a classroom driver improvement program. On or after July 1, 2010, an approved Internet or technology based driver improvement program shall charge a fee of not more than \$45.00, and a classroom driver improvement program shall charge a fee of not more than \$75.00. 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.~~ The department shall establish security and operational standards consistent with the objectives of the training programs contained in this Code section.

(1.1)(A) No driver improvement clinic shall be permitted to use, adopt, or conduct any business under any name that is like or deceptively similar to any name used by any other driver improvement clinic, Georgia company, or Georgia corporation registered with the Secretary of State. This subparagraph shall not prohibit the franchising or

1 licensing of any part or all of the name of a driver improvement clinic by the owner or
2 the rights thereof to another licensed driver improvement clinic.

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

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

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

1 operated by local county boards of health or any other governmental entities shall be
 2 authorized to continue operation. New programs may be started in areas where no private
 3 DUI Alcohol or Drug Use Risk Reduction Programs have been made available to said
 4 community. The Department of Corrections is authorized to operate DUI Alcohol or Drug
 5 Use Risk Reduction Programs in its facilities where offenders are not authorized to
 6 participate in such programs in the community, provided that such programs meet the
 7 certification criteria promulgated by the Department of Driver Services. All such programs
 8 operated by the Department of Corrections shall be exempt from all fee provisions
 9 established in this subsection specifically including the rebate of any fee for the costs of
 10 administration. No DUI Alcohol or Drug Use Risk Reduction Program will be approved
 11 unless such clinic agrees in writing to pay to the state, for the costs of administration, a fee
 12 of \$15.00, for each offender assessed ~~or each offender attending for points reduction,~~
 13 provided that nothing in this Code section shall be construed so as to allow the department
 14 to retain any funds required by the Constitution of Georgia to be paid into the state
 15 treasury; and provided, further, that the department shall comply with all provisions of Part
 16 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' except Code Section 45-12-92,
 17 prior to expending any such miscellaneous funds.

18 (f) No person shall be permitted to participate in any Internet or technology based driver
 19 improvement clinic under this Code section for a violation of Code Section 40-5-57,
 20 40-5-57.1, 40-6-186, 40-6-270, 40-6-390, 40-6-393, 40-6-395, or 40-6-397.

21 (g) Any Internet or other technology based driver improvement clinic authorized under this
 22 Code section shall require the use of biometrics as defined in paragraph (2) of Code Section
 23 40-5-1."

24 SECTION 4.

25 Said chapter is further amended by revising subsections (b), (c), and (d) of Code Section
 26 40-5-84, relating to reinstatement of suspended licenses, as follows:

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

33 (c) The license of any person whose license is suspended for the first time as a result of
 34 the assessment of points pursuant to Code Section 40-5-57 shall be reinstated by the
 35 department immediately upon receipt by the department of a certificate of completion of
 36 an approved defensive driving course and the payment of a restoration fee of \$210.00 or
 37 \$200.00 when such reinstatement is processed by mail.

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

6 **SECTION 5.**

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

8 **SECTION 6.**

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