

House Bill 454

By: Representative Levitas of the 82<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 40-5-83 of the Official Code of Georgia Annotated, relating to  
2 establishment and approval of driver clinics and programs, so as to increase the assessment  
3 fees for approved DUI Alcohol or Drug Use Reduction Programs; to provide for related  
4 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 40-5-83 of the Official Code of Georgia Annotated, relating to establishment  
8 and approval of driver clinics and programs, is amended by revising subsection (e) as  
9 follows:

10 "(e) The department is designated as the agency responsible for establishing criteria for the  
11 approval of DUI Alcohol or Drug Use Risk Reduction Programs. An applicant ~~must~~ shall  
12 meet the certification criteria promulgated by the department through its standards and  
13 ~~must~~ shall provide the following services: (1) the assessment component and (2) the  
14 intervention component. The department is designated as the agency responsible for  
15 establishing rules and regulations concerning the contents and duration of the components  
16 of DUI Alcohol or Drug Use Risk Reduction Programs, qualifications of instructors,  
17 attendance requirements for students, examinations, and program evaluations. Qualified  
18 instructors shall be certified for periods of four years each, which may be renewed.  
19 Approved DUI Alcohol or Drug Use Risk Reduction Programs shall charge a fee of ~~\$75.00~~  
20 \$82.00 for the assessment component and \$190.00 for the intervention component. An  
21 additional fee for required student program materials shall be established by the department  
22 in such an amount as is reasonable and necessary to cover the cost of such materials. No  
23 DUI Alcohol or Drug Use Risk Reduction Program shall be approved unless such clinic  
24 agrees in writing to submit reports as required in the rules and regulations of the  
25 department and to allow the examination and audit of the books, records, and financial

26 statements of such DUI Alcohol or Drug Use Risk Reduction Program by the department  
 27 or its authorized agent. DUI Alcohol or Drug Use Risk Reduction Programs may be  
 28 operated by any public, private, or governmental entity; provided, however, that, except  
 29 as otherwise provided in this subsection, in any political subdivision in which a DUI  
 30 Alcohol or Drug Use Risk Reduction Program is operated by a private entity, whether for  
 31 profit or nonprofit, neither the local county board of health nor any other governmental  
 32 entity shall fund any new programs in that area. Programs currently in existence which are  
 33 operated by local county boards of health or any other governmental entities shall be  
 34 authorized to continue operation. New programs may be started in areas where no private  
 35 DUI Alcohol or Drug Use Risk Reduction Programs have been made available to said  
 36 community. The Department of Corrections is authorized to operate DUI Alcohol or Drug  
 37 Use Risk Reduction Programs in its facilities where offenders are not authorized to  
 38 participate in such programs in the community, provided that such programs meet the  
 39 certification criteria promulgated by the Department of Driver Services. All such programs  
 40 operated by the Department of Corrections shall be exempt from all fee provisions  
 41 established in this subsection specifically including the rebate of any fee for the costs of  
 42 administration. No DUI Alcohol or Drug Use Risk Reduction Program ~~will~~ shall be  
 43 approved unless such clinic agrees in writing to pay to the state, for the costs of  
 44 administration, a fee of ~~\$15.00~~ \$22.00, for each offender assessed or each offender  
 45 attending for points reduction, provided that nothing in this Code section shall be construed  
 46 so as to allow the department to retain any funds required by the Constitution of Georgia  
 47 to be paid into the state treasury; and provided, further, that the department shall comply  
 48 with all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' except  
 49 Code Section 45-12-92, prior to expending any such miscellaneous funds."

50 **SECTION 2.**

51 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 52 without such approval.

53 **SECTION 3.**

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