

House Bill 538

By: Representative Rice of the 51st

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 usage of licensed defensive driving courses in pretrial
3 diversion programs; to provide that certificates of completion from unlicensed courses shall
4 not be recognized; to provide for related matters; to provide an effective date; to repeal
5 conflicting laws; and for 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 subsection (a) of Code Section 40-5-81, relating to court ordered
10 attendance at driver improvement clinics and programs, as follows:

11 "(a) Any driver improvement program at which attendance is required by court order shall
12 conform to the requirements of this article. Courts with jurisdiction over misdemeanor
13 traffic law offenses under any pretrial diversion program shall require the offender to
14 complete, at a minimum, a defensive driving course licensed and approved by the
15 department under the provisions of Code Sections 40-5-82 and 40-5-83. Certificates of
16 completion from unlicensed defensive driving courses shall not be recognized for any
17 purposes under this article."

18 **SECTION 2.**

19 Said chapter is further amended by revising paragraphs (1) and (1.1) of subsection (a) of
20 Code Section 40-5-83, relating to establishment and approval of driver improvement clinics
21 and programs, as follows:

22 "(a)(1) The commissioner shall establish criteria for the approval of driver improvement
23 clinics. To be approved, a clinic shall provide ~~and operate either a defensive driving~~
24 ~~course, an advanced defensive driving course, or a professional defensive driving course~~
25 ~~or any combination thereof~~ to the department for approval, or notify the department of

26 the clinic's legal authority to use a currently approved curriculum or program, a
 27 curriculum consisting of a minimum of six hours of theoretical instruction consisting of
 28 traffic safety related information designed for the improvement or remediation of an
 29 individual's knowledge of defensive driving techniques and traffic laws. This provision
 30 shall not be construed to restrict licensed and approved curriculum providers from
 31 updating information to accurately reflect changes in this Code section or other defensive
 32 driving material. Clinics shall be composed of uniform education and training programs
 33 ~~consisting of six hours of instruction~~ designed for the rehabilitation of problem drivers.
 34 The commissioner shall establish standards and requirements concerning the contents of
 35 courses, qualifications of instructors, attendance requirements for students, and
 36 examinations. ~~Approved~~ On or after the effective date of this paragraph, clinics shall
 37 charge a fee of \$75.00 for ~~a defensive driving course, an advanced defensive driving~~
 38 ~~course, or a professional defensive driving course, except that such a driver improvement~~
 39 program. On or after July 1, 2010, a driver improvement program shall charge a fee of
 40 not more than \$75.00. Such clinics may charge different fees of their own choosing if the
 41 person is not enrolling in such course pursuant to court order or department requirement.
 42 No clinic shall be approved unless such clinic agrees in writing to allow the examination
 43 and audit of the books, records, and financial statements of such clinic. ~~Clinics may be~~
 44 ~~operated by any individual, partnership, corporation, association, civic group, club,~~
 45 ~~county, municipality, board of education, school, or college.~~ The department shall
 46 establish security and operational standards consistent with the objectives of the training
 47 programs contained in this Code section.

48 (1.1)(A) No driver improvement clinic shall be permitted to use, adopt, or conduct any
 49 business under any name that is like or deceptively similar to any name used by any
 50 other driver improvement clinic, Georgia company, or Georgia corporation registered
 51 with the Secretary of State. This subparagraph shall not prohibit the franchising or
 52 licensing of any part or all of the name of a driver improvement clinic by the owner or
 53 the rights thereof to another licensed driver improvement clinic.

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

58 SECTION 3.

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

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SECTION 4.

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