

The House Committee on Motor Vehicles offers the following substitute to HB 269:

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 definitions; to provide that a driver granted a license due
 3 to an impairment of his or her parent or guardian must be accompanied while driving; to
 4 provide a definition of immediate family; to add an offense which mandates a suspension of
 5 the offender's driver's license upon conviction; to change certain fees regarding reinstatement
 6 of licenses; to provide for issuance of limited driving permits in certain situations; to change
 7 the requirement that certain statements by law enforcement officers need to be sworn
 8 statements; to provide that defensive driving courses be certified and approved by the
 9 Department of Driver Services; to provide that certificates of completion from unlicensed
 10 courses shall not be recognized; to change certain provisions regarding issuance of
 11 identification cards; to change certain definitions regarding issuance of commercial drivers'
 12 licenses; to change certain requirements for issuance of an identification card for persons
 13 with disabilities; to amend Chapter 16 of Title 40 of the Official Code of Georgia Annotated,
 14 relating to the Department of Driver Services, so as to grant authority to the commissioner
 15 to conduct background checks for certain applicants; to amend Chapter 8 of Title 42 of the
 16 Official Code of Georgia Annotated, relating to probation, so as to exempt certain
 17 transactions relating to ignition interlock devices from subject matter jurisdiction
 18 requirement; to amend Chapter 13 of Title 43 of the Official Code of Georgia Annotated,
 19 relating to instructors in driver training and operators of driver training schools, so as to
 20 increase fees related to driving training programs; to provide for an effective date; to repeal
 21 conflicting laws; to provide for related matters; and for other purposes.

22 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

23 **SECTION 1.**

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

H. B. 269 (SUB)

27 "(9) 'DUI Alcohol or Drug Use Risk Reduction Program' means a program certified by
 28 the Department of Driver Services which consists of two components: assessment and
 29 intervention. ~~In the case of a conviction or plea of nolo contendere to a violation of Code~~
 30 ~~Section 40-6-391 or in any other instance in which a person may be referred to a DUI~~
 31 ~~Alcohol or Drug Use Risk Reduction Program, the program administers the assessment~~
 32 ~~component and refers such offender to the intervention component."~~

33 **SECTION 2.**

34 Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section
 35 40-5-22, relating to minimum ages for licensees, as follows:

36 "(b)(1) Notwithstanding the provisions of subsection (a) of this Code section, any
 37 person 14 years of age or older who has a parent or guardian who is medically
 38 incapable of being licensed to operate a motor vehicle due to visual impairment may
 39 apply for and, subject to the approval of the commissioner, may be issued a restricted
 40 noncommercial Class P instruction permit for the operation of a noncommercial Class
 41 C vehicle. Any person permitted pursuant to this subsection shall be accompanied ~~by~~
 42 ~~such visually impaired parent or guardian whenever operating a motor vehicle~~
 43 whenever operating a motor vehicle by such physically impaired parent or guardian or
 44 by a person at least 21 years of age who is licensed as a driver for a commercial or
 45 noncommercial Class C vehicle, who is fit and capable of exercising control over the
 46 vehicle, and who is occupying a seat beside the driver. The department shall require
 47 satisfactory proof that the physically impaired parent or guardian previously held a
 48 valid driver's license in the State of Georgia, another state, or the District of Columbia
 49 before issuing an instructional permit pursuant to this paragraph."

50 **SECTION 3.**

51 Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section
 52 40-5-24, relating to instruction permits and graduated licensing, as follows:

53 "(2) The department shall, after all applicable requirements have been met, issue to the
 54 applicant a Class D driver's license which shall entitle the applicant, while having such
 55 license in his or her immediate possession, to drive a Class C vehicle upon the public
 56 highways of this state under the following conditions:

57 (A) Any Class D license holder shall not drive a Class C motor vehicle on the public
 58 roads, streets, or highways of this state between the hours of 12:00 Midnight and 6:00
 59 A.M. eastern standard time or eastern daylight time, whichever is applicable; and

60 (B)(i) Any Class D license holder shall not drive a Class C motor vehicle upon the
 61 public roads, streets, or highways of this state when more than three other passengers

62 in the vehicle who are not members of the driver's immediate family are less than 21
63 years of age.

64 (ii) During the six-month period immediately following issuance of such license, any
65 Class D license holder shall not drive a Class C motor vehicle upon the public roads,
66 streets, or highways of this state when any other passenger in the vehicle is not a
67 member of the driver's immediate family.

68 (iii) Notwithstanding the provisions of division (i) of this subparagraph, during the
69 second six-month period immediately following issuance of such license, any Class
70 D license holder shall not drive a Class C motor vehicle upon the public roads, streets,
71 or highways of this state when more than one other passenger in the vehicle who is
72 not a member of the driver's immediate family is less than 21 years of age;

73 provided, however, that a Class D license holder shall not be charged with a violation of
74 this paragraph alone but may be charged with violating this paragraph in addition to any
75 other traffic offense.

76 (C) For purposes of this paragraph, the term 'immediate family' shall include the
77 license holder's parents and step-parents, siblings and step-siblings, children, and any
78 other person who resides at the license holder's residence."

79 **SECTION 4.**

80 Said chapter is further amended by revising subsection (a) of Code Section 40-5-54, relating
81 to mandatory suspensions of drivers' licenses, as follows:

82 "(a) The department shall forthwith suspend, as provided in Code Section 40-5-63, the
83 license of any driver upon receiving a record of such driver's conviction of the following
84 offenses, whether charged as a violation of state law or of a local ordinance adopted
85 pursuant to Article 14 of Chapter 6 of this title:

86 (1) Homicide by vehicle, as defined by Code Section 40-6-393;

87 (2) Any felony in the commission of which a motor vehicle is used;

88 (3) Hit and run or leaving the scene of an accident in violation of Code Section 40-6-270;

89 (4) Racing on highways and streets;

90 (5) Using a motor vehicle in fleeing or attempting to elude an officer;

91 (6) Fraudulent or fictitious use of or application for a license as provided in Code Section
92 40-5-120 or 40-5-125; ~~or~~

93 (7) Operating a motor vehicle with a revoked, canceled, or suspended registration in
94 violation of Code Section 40-6-15; or

95 (8) Any felony violation of Article 1 of Chapter 9 of Title 16 if such offense related to
96 an identification document as defined in Code Section 16-9-4."

SECTION 5.

97

98 Said chapter is further amended by revising subsection (b) and subparagraph (e)(1)(B) of
99 Code Section 40-5-58, relating to habitual violators, as follows:

100 ~~"(b) When the records of the department disclose that any person has been arrested and~~
101 ~~convicted of a violation of Chapter 6 of this title, or of a valid local ordinance adopted~~
102 ~~pursuant thereto, of an offense occurring on or after January 1, 1976, which record of arrest~~
103 ~~and conviction, when taken with and added to previous arrests and convictions of such~~
104 ~~person as contained in the files of the department, reveals that such person is a habitual~~
105 ~~violinator as defined in subsection (a) of this Code section, the department shall forthwith~~
106 ~~notify such person that upon the date of notification such person has been declared by the~~
107 ~~department to be a habitual violinator, and that henceforth his or her driver's license has been~~
108 ~~revoked by operation of law and that it shall be unlawful for such habitual violinator to~~
109 ~~operate a motor vehicle in this state unless otherwise provided in this Code section. Notice~~
110 ~~shall be given by certified mail or statutory overnight delivery, with return receipt~~
111 ~~requested; or, in lieu thereof, notice may be given by personal service upon such person.~~
112 ~~In the event that at the time of determination the habitual violinator had been issued a driver's~~
113 ~~license, such license shall be revoked by such notice and shall be surrendered to the~~
114 ~~department within ten days of notification of such determination. For the purposes of this~~
115 ~~chapter, notice given by certified mail or statutory overnight delivery with return receipt~~
116 ~~requested mailed to the person's last known address shall be prima-facie evidence that such~~
117 ~~person received the required notice. In addition to the procedure set forth in this~~
118 ~~subsection, the sentencing judge or prosecutor in a conviction which conviction classifies~~
119 ~~the defendant as a habitual violinator may, at the time of sentencing, declare such defendant~~
120 ~~to be a habitual violinator. The judge or prosecutor shall, when declaring a defendant to be~~
121 ~~a habitual violinator, then give personal notice to such defendant on forms provided by the~~
122 ~~department that henceforth it shall be unlawful for such habitual violinator to operate a motor~~
123 ~~vehicle in this state unless otherwise provided in this Code section. The judge or~~
124 ~~prosecutor, as the case may be, shall within three days forward to the department the order~~
125 ~~declaring that the defendant is a habitual violinator, the notice of service, with the defendant's~~
126 ~~driver's license or a sworn affidavit of the defendant declaring that the driver's license has~~
127 ~~been lost, and the department's copy of the uniform citation or the official notice of~~
128 ~~conviction attached thereto."~~

129 ~~"(B) Such person has not been convicted, or pleaded nolo contendere to a charge, of~~
130 ~~a violation of any provision of this chapter or Chapter 6 of this title which resulted in~~
131 ~~the death or injury of any individual;"~~

132 **SECTION 6.**

133 Said chapter is further amended by revising Code Section 40-5-60, relating to effective dates
134 of revocations and suspensions, as follows:

135 "40-5-60.

136 (a) All revocations and suspensions provided for in this chapter shall be effective on the
137 day the driver receives actual knowledge or legal notice thereof, whichever occurs first.
138 Notice of suspension by operation of law shall be considered legal notice. Any license
139 suspension or revocation mandated in this chapter following a person's conviction for any
140 offense, including suspensions due to the accumulation of points pursuant to Code Section
141 40-5-57, shall be by operation of law.

142 (b) Notwithstanding any other provision of this chapter to the contrary, for any suspension
143 or revocation for which the department is required to send notice to the driver, the
144 department shall be authorized to direct such notice to the driver's new address as reflected
145 in the records of the United States Postal Service in lieu of or in addition to sending such
146 notice to the address reflected in his or her driving record."

147 **SECTION 7.**

148 Said chapter is further amended by revising paragraph (2) of subsection (a) of Code Section
149 40-5-63, relating to periods of suspension and conditions of return of drivers' licenses, as
150 follows:

151 "(2) Upon the second conviction of any such offense within five years, as measured from
152 the dates of previous arrests for which convictions were obtained to the date of the
153 current arrest for which a conviction is obtained, the period of suspension shall be for
154 three years. At the end of 120 days, the person may apply to the department for
155 reinstatement of said driver's license; except that if such license was suspended as a result
156 of a second conviction of a violation of Code Section 40-6-391 within five years, the
157 person shall not be eligible to apply for license reinstatement until the end of 18 months.
158 Such license shall be reinstated if such person submits proof of completion of a DUI
159 Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of \$210.00 or
160 \$200.00 when such reinstatement is processed by mail unless such conviction was a
161 recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when
162 processed by mail, provided that, if such license was suspended as a result of a conviction
163 of an offense listed in Code Section 40-5-54, such license shall be reinstated if such
164 person submits proof of completion of either a defensive driving program approved by
165 the department or a DUI Alcohol or Drug Use Risk Reduction Program and pays the
166 prescribed restoration fee. A driver's license suspended as a result of a conviction of a
167 violation of Code Section 40-6-391 shall not become valid and shall remain suspended

168 until such person submits proof of completion of a DUI Alcohol or Drug Use Risk
 169 Reduction Program, provides proof of installation and maintenance of an ignition
 170 interlock device for a period of six months coinciding with the issuance of an ignition
 171 interlock device limited driving permit as provided in Code Section 40-5-64 unless
 172 waived due to financial hardship, and pays the prescribed restoration fee. For purposes
 173 of this paragraph, a plea of nolo contendere and all previous accepted pleas of nolo
 174 contendere to an offense listed in Code Section 40-5-54 within such five-year period of
 175 time shall constitute a conviction. For the purposes of this paragraph, a plea of nolo
 176 contendere to a charge of violating Code Section 40-6-391 and all prior accepted pleas
 177 of nolo contendere within five years, as measured from the dates of previous arrests for
 178 which convictions were obtained or pleas of nolo contendere were accepted to the date
 179 of the current arrest for which a plea of nolo contendere is accepted, shall be considered
 180 and counted as convictions; or"

181

182

SECTION 8.

183 Said chapter is further amended by revising subsection (a) of Code Section 40-5-64, relating
 184 to limited driving permits, as follows:

185 "(a) **To whom issued.**

186 (1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any
 187 other Code section of this chapter, any person who has not been previously convicted or
 188 adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as
 189 measured from the dates of previous arrests for which convictions were obtained or pleas
 190 of nolo contendere were accepted to the date of the current arrest for which a conviction
 191 is obtained or a plea of nolo contendere is accepted, may apply for a limited driving
 192 permit when and only when that person's driver's license has been suspended in
 193 accordance with paragraph (2) of subsection (a.1) of Code Section 40-5-22, subsection
 194 (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63,
 195 paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code
 196 Section 40-5-57.1, when the person is 18 or over and his or her license was suspended for
 197 exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour,
 198 and the sentencing judge, in his or her discretion, decides it is reasonable to issue a
 199 limited driving permit.

200 (2) Any person whose driver's license has been suspended and who is subject to a court
 201 order for installation and use of an ignition interlock device as a condition of probation
 202 pursuant to the provisions Article 7 of Chapter 8 of Title 42 may apply for a limited
 203 driving permit.

204 (3) To the extent a person is subject to more than one suspension for which a permit may
 205 be issued, the department shall not issue such permit unless the suspensions are for a
 206 conviction for driving under the influence in violation of Code Section 40-6-391 imposed
 207 pursuant to Code Section 40-5-63 and an administrative suspension imposed pursuant to
 208 paragraph (1) of subsection (a) of Code Section 40-5-67.2 arising from the same
 209 incident."

210 **SECTION 9.**

211 Said chapter is further amended by revising subsections (c), (d), and (f) of Code Section
 212 40-5-67.1, relating to testing for driving under the influence and administrative license
 213 suspensions, as follows:

214 "(c) If a person under arrest or a person who was involved in any traffic accident resulting
 215 in serious injuries or fatalities submits to a chemical test upon the request of a law
 216 enforcement officer and the test results indicate that a suspension or disqualification is
 217 required under this Code section, the results shall be reported to the department. Upon the
 218 receipt of a ~~sworn~~ report of the law enforcement officer that the officer had reasonable
 219 grounds to believe the arrested person had been driving or was in actual physical control
 220 of a moving motor vehicle upon the highways or elsewhere throughout this state in
 221 violation of Code Section 40-6-391 or that such person had been driving or was in actual
 222 physical control of a moving motor vehicle upon the highways or elsewhere throughout this
 223 state and was involved in a traffic accident involving serious injuries or fatalities and that
 224 the person submitted to a chemical test at the request of the law enforcement officer and
 225 the test results indicate either an alcohol concentration of 0.08 grams or more or, for a
 226 person under the age of 21, an alcohol concentration of 0.02 grams or more, the department
 227 shall suspend the person's driver's license, permit, or nonresident operating privilege
 228 pursuant to Code Section 40-5-67.2, subject to review as provided for in this chapter.
 229 Upon the receipt of a ~~sworn~~ report of the law enforcement officer that the arrested person
 230 had been operating or was in actual physical control of a moving commercial motor vehicle
 231 and the test results indicate an alcohol concentration of 0.04 grams or more, the department
 232 shall disqualify the person from operating a motor vehicle for a minimum period of one
 233 year.

234 (d) If a person under arrest or a person who was involved in any traffic accident resulting
 235 in serious injuries or fatalities refuses, upon the request of a law enforcement officer, to
 236 submit to a chemical test designated by the law enforcement officer as provided in
 237 subsection (a) of this Code section, no test shall be given; but the law enforcement officer
 238 shall report the refusal to the department. Upon the receipt of a ~~sworn~~ report of the law
 239 enforcement officer that the officer had reasonable grounds to believe the arrested person

240 had been driving or was in actual physical control of a moving motor vehicle upon the
241 highways or elsewhere throughout this state in violation of Code Section 40-6-391 or that
242 such person had been driving or was in actual physical control of a moving motor vehicle
243 upon the highways or elsewhere throughout this state and was involved in a traffic accident
244 which resulted in serious injuries or fatalities and that the person had refused to submit to
245 the test upon the request of the law enforcement officer, the department shall suspend the
246 person's driver's license, permit, or nonresident operating privilege for a period of one year
247 or if the person was operating or in actual physical control of a commercial motor vehicle,
248 the department shall disqualify the person from operating a commercial motor vehicle and
249 shall suspend the person's driver's license, permit, or nonresident operating privilege,
250 subject to review as provided for in this chapter."

251 "(f)(1) The law enforcement officer, acting on behalf of the department, shall personally
252 serve the notice of intention to suspend or disqualify the license of the arrested person or
253 other person refusing such test on such person at the time of the person's refusal to submit
254 to a test or at the time at which such a test indicates that suspension or disqualification
255 is required under this Code section. The law enforcement officer shall take possession
256 of any driver's license or permit held by any person whose license is subject to suspension
257 pursuant to subsection (c) or (d) of this Code section, if any, and shall issue a 30 day
258 temporary permit. The officer shall forward the person's driver's license to the
259 department along with the notice of intent to suspend or disqualify and the ~~sworn~~ report
260 required by subsection (c) or (d) of this Code section within ten calendar days after the
261 date of the arrest of such person. This paragraph shall not apply to any person issued a
262 180 day temporary permit pursuant to subsection (b) of Code Section 40-5-67. The
263 failure of the officer to transmit the ~~sworn~~ report required by this Code section within ten
264 calendar days shall not prevent the department from accepting such report and utilizing
265 it in the suspension of a driver's license as provided in this Code section.

266 (2) If notice has not been given by the arresting officer, the department, upon receipt of
267 the ~~sworn~~ report of such officer, shall suspend the person's driver's license, permit, or
268 nonresident operating privilege or disqualify such person from operating a motor vehicle
269 and, by regular mail, at the last known address, notify such person of such suspension or
270 disqualification. The notice shall inform the person of the grounds of suspension or
271 disqualification, the effective date of the suspension or disqualification, and the right to
272 review. The notice shall be deemed received three days after mailing."

273

SECTION 10.

274 Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section
 275 40-5-75, relating to suspensions of drivers' licenses for controlled substance convictions, as
 276 follows:

277 "(3) Upon the third or subsequent conviction of any such offense within five years, as
 278 measured from the dates of previous arrests for which convictions were obtained to the date
 279 of the current arrest for which a conviction is obtained, such person's license shall be
 280 suspended for a period of five years. At the end of two years, the person may apply to the
 281 department for a three-year driving permit upon compliance with the following conditions:

282 (A) Such person has not been convicted or pleaded nolo contendere to any drug related
 283 offense, including driving under the influence, for a period of two years immediately
 284 preceding the application for such permit;

285 (B) Such person submits proof of completion of a licensed drug treatment program.
 286 Such proof shall be submitted within two years of the license suspension and prior to
 287 the issuance of the permit. Such licensed drug treatment program shall be paid for by
 288 the offender. The offender shall pay a permit fee of \$25.00 to the department;

289 (C) Such person submits proof of financial responsibility as provided in Chapter 9 of
 290 this title; and

291 (D) Refusal to issue such permit would cause extreme hardship to the applicant. For
 292 the purposes of this subparagraph, the term 'extreme hardship' means that the applicant
 293 cannot reasonably obtain other transportation, and, therefore, the applicant would be
 294 prohibited from:

295 (i) Going to his or her place of employment or performing the normal duties of his
 296 or her occupation;

297 (ii) Receiving scheduled medical care or obtaining prescription drugs;

298 (iii) Attending a college or school at which he or she is regularly enrolled as a
 299 student; or

300 (iv) Attending regularly scheduled sessions or meetings of support organizations for
 301 persons who have addiction or abuse problems related to alcohol or other drugs,
 302 which organizations are recognized by the commissioner.

303 At the end of five years from the date on which the license was suspended, the person
 304 may apply to the department for reinstatement of his or her driver's license by submitting
 305 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying
 306 to the Department of Driver Services a restoration fee of \$410.00 or \$400.00 when such
 307 reinstatement is processed by mail. For purposes of this paragraph, a plea of nolo
 308 contendere and all previous pleas of nolo contendere within such five-year period of time
 309 shall constitute a conviction."

310 **SECTION 11.**

311 Said chapter is further amended by revising subsection (a) of Code Section 40-5-81, relating
 312 to optional driver improvement programs, as follows:

313 "(a) Any driver improvement program at which attendance is required by court order shall
 314 conform to the requirements of this article. When a defensive driving course is required
 315 by a court having jurisdiction over misdemeanor traffic law offenses or by any prosecuting
 316 attorney thereof, such course shall be certified and approved by the department under the
 317 provisions of Code Sections 40-5-82 and 40-5-83. Certificates of completion from
 318 unlicensed defensive driving courses shall not be recognized for any purposes under this
 319 article."

320 **SECTION 12.**

321 Said chapter is further amended by revising paragraph (1) of subsection (a) and subsections
 322 (c) and (e) of Code Section 40-5-83, relating to establishment and approval of driver
 323 improvement clinics, as follows:

324 "(a)(1) The commissioner shall establish criteria for the approval of driver improvement
 325 clinics. To be approved, a clinic shall provide and operate ~~either a defensive driving~~
 326 ~~course, an advanced defensive driving course, or a professional defensive driving course~~
 327 ~~or any combination thereof.~~ Clinics shall be composed of uniform education and training
 328 programs consisting of six hours of instruction designed for the rehabilitation of problem
 329 drivers. The commissioner shall establish standards and requirements concerning the
 330 contents of courses, qualifications of instructors, attendance requirements for students,
 331 and examinations. Approved clinics shall charge a fee of ~~\$75.00~~ \$95.00 for a defensive
 332 driving course, ~~an advanced defensive driving course, or a professional defensive driving~~
 333 ~~course;~~ except that such clinics may charge different fees of their own choosing if the
 334 person is not enrolling in such course pursuant to court order or department requirement.
 335 No driver improvement clinic shall be approved unless such clinic agrees in writing to
 336 pay to the state, for the costs of administration, a fee of \$5.00 for each student or each
 337 offender who enrolls in the program that pays to the driver improvement clinic the
 338 aforementioned fee, provided that nothing in this Code section shall be construed so as
 339 to allow the department to retain any funds required by the Constitution to be paid into
 340 the state treasury. No clinic shall be approved unless such clinic agrees in writing to
 341 allow the examination and audit of the books, records, and financial statements of such
 342 clinic. Clinics may be operated by any individual, partnership, or corporation;
 343 ~~association, civic group, club, county, municipality, board of education, school, or~~
 344 ~~college.~~ Nothing in this paragraph shall be construed to affect in any way driving

345 programs established for purposes of insurance premium reductions under the provisions
 346 of Code Section 33-9-42. "

347 "(c) The commissioner shall be authorized to issue a special license to the instructor of any
 348 driver improvement clinic who is qualified to teach the alcohol and drug course prescribed
 349 in subsection (b) of Code Section 20-2-142. A driver improvement clinic shall offer such
 350 alcohol and drug course only through a qualified instructor and shall not charge a fee for
 351 such course of more than ~~\$25.00~~ \$35.00. No driver improvement clinic shall be approved
 352 to offer such alcohol and drug course unless such clinic agrees in writing to pay to the state,
 353 for the costs of administration, a fee of \$5.00 for each student or each offender who enrolls
 354 in the program that pays to the driver improvement clinic the aforementioned fee, provided
 355 that nothing in this Code section shall be construed so as to allow the department to retain
 356 any funds required by the Constitution to be paid into the state treasury. The commissioner
 357 shall be authorized to issue a special license to ~~the~~ a licensed instructor of any ~~commercial~~
 358 driver training school to teach the alcohol and drug course prescribed in subsection (b) of
 359 Code Section 20-2-142 who is qualified to teach a teen-age driver education course, which
 360 course consists of a minimum of 30 hours of classroom and six hours of behind-the-wheel
 361 training. The alcohol and drug program may be included in the 30 hours of classroom
 362 training as part of a curriculum approved by the department. Any fee authorized by law
 363 for such a drug and alcohol course may be included in the tuition charge for a teen-age
 364 driver education course. Any text or workbook provided or required by the Department
 365 of ~~Public Safety~~ Driver Services for such alcohol and drug course shall be provided by the
 366 department at the same fee as currently charged by the department to any public or private
 367 school, contractor, or appropriate representative currently teaching the program."

368 "(e) The department is designated as the agency responsible for establishing criteria for the
 369 approval of DUI Alcohol or Drug Use Risk Reduction Programs. An applicant shall meet
 370 the certification criteria promulgated by the department through its standards and shall
 371 provide the following services: (1) the assessment component and (2) the intervention
 372 component. The department is designated as the agency responsible for establishing rules
 373 and regulations concerning the contents and duration of the components of DUI Alcohol
 374 or Drug Use Risk Reduction Programs, qualifications of instructors, attendance
 375 requirements for students, examinations, and program evaluations. Qualified instructors
 376 shall be certified for periods of four years each, which may be renewed. Approved DUI
 377 Alcohol or Drug Use Risk Reduction Programs shall charge a fee of ~~\$82.00~~ \$87.00 for the
 378 assessment component and ~~\$190.00~~ \$205.00 for the intervention component. An additional
 379 fee for required student program materials shall be established by the department in such
 380 an amount as is reasonable and necessary to cover the cost of such materials. No DUI
 381 Alcohol or Drug Use Risk Reduction Program shall be approved unless such clinic agrees

382 in writing to submit reports as required in the rules and regulations of the department and
 383 to allow the examination and audit of the books, records, and financial statements of such
 384 DUI Alcohol or Drug Use Risk Reduction Program by the department or its authorized
 385 agent. DUI Alcohol or Drug Use Risk Reduction Programs may be operated by any public,
 386 private, or governmental entity; provided, however, that, except as otherwise provided in
 387 this subsection, in any political subdivision in which a DUI Alcohol or Drug Use Risk
 388 Reduction Program is operated by a private entity, whether for profit or nonprofit, neither
 389 the local county board of health nor any other governmental entity shall fund any new
 390 programs in that area. Programs currently in existence which are operated by local county
 391 boards of health or any other governmental entities shall be authorized to continue
 392 operation. New programs may be started in areas where no private DUI Alcohol or Drug
 393 Use Risk Reduction Programs have been made available to said community. The
 394 Department of Corrections is authorized to operate DUI Alcohol or Drug Use Risk
 395 Reduction Programs in its facilities where offenders are not authorized to participate in
 396 such programs in the community, provided that such programs meet the certification
 397 criteria promulgated by the Department of Driver Services. All such programs operated
 398 by the Department of Corrections shall be exempt from all fee provisions established in this
 399 subsection specifically including the rebate of any fee for the costs of administration. No
 400 DUI Alcohol or Drug Use Risk Reduction Program shall be approved unless such clinic
 401 agrees in writing to pay to the state, for the costs of administration, a fee of ~~\$22.00~~ \$27.00,
 402 for each offender assessed or each offender attending for points reduction, provided that
 403 nothing in this Code section shall be construed so as to allow the department to retain any
 404 funds required by the Constitution of Georgia to be paid into the state treasury; and
 405 provided, further, that the department shall comply with all provisions of Part 1 of Article
 406 4 of Chapter 12 of Title 45, the 'Budget Act,' except Code Section 45-12-92, prior to
 407 expending any such miscellaneous funds."

408 SECTION 13.

409 Said chapter is further amended by revising subsection (d) of Code Section 40-5-84, relating
 410 to reinstatement of suspended drivers' licenses for points, as follows:

411 "(d) The license of any person whose license is suspended for the second time within a
 412 five-year period as a result of the assessment of points pursuant to Code Section 40-5-57
 413 shall be reinstated by the department immediately upon receipt by the department of a
 414 certificate of completion of an ~~advanced~~ approved defensive driving course and the
 415 payment of a restoration fee of \$310.00 or \$300.00 when such reinstatement is processed
 416 by mail."

417 **SECTION 14.**

418 Said chapter is further amended by revising subsections (c), (e), and (f) of Code Section
 419 40-5-103, relating to identification cards, as follows:

420 "(c) The department shall not be authorized to collect a fee for an identification card from
 421 those persons who are entitled to a free veterans' or honorary driver's license under the
 422 provisions of Code Section 40-5-36."

423 "(e) The commissioner may by rule authorize incentive discounts where identification
 424 cards are renewed by Internet, telephone, or mail. Any person who has previously been
 425 issued a driver's license who transitions from such license or applies for an identification
 426 card in addition to such license shall be eligible for such incentive discounts.

427 (f)(1) Every identification card shall be renewed on or before its expiration upon
 428 application, payment of the required fee, and, if applicable, satisfactory completion of any
 429 other requirements imposed by law.

430 (2) An application for renewal of an identification card may be submitted by:

431 (A) Personal appearance before the department; or

432 (B) Subject to rules or regulations of the department consistent with considerations of
 433 public safety and efficiency of service to identification card holders, means other than
 434 personal appearance which may include, without limitation, by mail or electronically.

435 The department may by such rules or regulations exempt persons renewing, obtaining,
 436 or transitioning to identification cards under this paragraph from any surrender
 437 requirement imposed under Georgia law.

438 (3) Notwithstanding any other provision of this Code section, there shall be no fee
 439 whatsoever for replacement of any identification card solely due to a change of the
 440 identification card holder's name or address, provided that such replacement identification
 441 card shall be valid only for the remaining period of such original term; and provided,
 442 further, that only one such free replacement identification card may be obtained within
 443 the period for which the identification card was originally issued. Any application for the
 444 replacement of a lost identification card or due to a change in the identification card
 445 holder's name or address submitted within 150 days of the expiration of said
 446 identification card shall be treated as an application for renewal subject to the applicable
 447 fees as set forth in this Code section."

448 **SECTION 15.**

449 Said chapter is further amended by revising paragraph (22) of Code Section 40-5-142,
 450 relating to definitions applicable to commercial drivers' licenses, as follows:

451 "(22) 'Serious traffic violation' means conviction of any of the following offenses or a
 452 conviction of any law or ordinance equivalent thereto in this state, in any other state, or

453 in any foreign jurisdiction, when operating either a commercial motor vehicle or, unless
 454 otherwise specified, a noncommercial motor vehicle:

- 455 (A) Speeding 15 or more miles per hour above the posted speed limit;
 456 (B) Reckless driving;
 457 (C) Following another vehicle too closely;
 458 (D) Improper or erratic lane change, including failure to signal a lane change;
 459 (E) A violation, arising in connection with a fatal crash, of state law or a local
 460 ordinance, relating to motor vehicle traffic control, excluding parking, weight, length,
 461 height, and vehicle defect violations, and excluding homicide by vehicle as defined in
 462 Code Section 40-6-393;
 463 (F) A railroad grade crossing violation in a noncommercial motor vehicle;
 464 (G) Driving a commercial motor vehicle without obtaining a commercial driver's
 465 license;
 466 (H) Driving a commercial motor vehicle without a commercial driver's license in the
 467 driver's immediate possession, and excluding such violations when the person's
 468 commercial driver's license or commercial driving privilege is suspended, revoked,
 469 canceled, or disqualified; ~~or~~
 470 (I) Driving a commercial motor vehicle without a commercial driver's license of the
 471 proper class and endorsements for the specific vehicle being operated or for the
 472 passengers or type of cargo transported; or
 473 (J) Use of a wireless telecommunications device in violation of Code Section
 474 40-6-241.2."

475 **SECTION 16.**

476 Said chapter is further amended by adding a new Code section to read as follows:

477 "40-5-148.3.

478 (a) Any person applying for issuance or renewal of a commercial driver's license shall
 479 submit a certification of his or her type of driving and a current medical examiner's
 480 certificate to the department as required by 49 C.F.R. Parts 383 and 391. Receipt of such
 481 current medical examiner's certificate shall be reflected upon such person's driving record
 482 and posted to his or her CDLIS driver record as his or her medical certification status.

483 (b) Upon the expiration of the medical examiner's certificate submitted to the department
 484 pursuant to this Code section, the department shall update the medical certification status
 485 of such person on his or her driving record and his or her CDLIS driving record. The
 486 department shall notify such person of the change of his or her medical certification status
 487 and advise such person that he or she will be disqualified from operating a commercial
 488 motor vehicle indefinitely if such person does not submit a current medical examiner's

489 certificate to the department within 60 days. Such notice shall be sent via certified mail or
 490 such other delivery service obtained by the department that results in delivery confirmation
 491 to the address reflected on its records as the driver's mailing address.

492 (c) A commercial driving disqualification imposed as the result of the expiration of a
 493 medical examiner's certificate shall be reinstated, and changes to a person's medical
 494 certification status shall be updated upon receipt of a current medical examiner's certificate.

495 (d) The department shall suspend the commercial driving privilege or commercial driver's
 496 license of any person who submits a medical examiner's certificate containing false
 497 information. The period of such suspension shall be 60 days."

498 **SECTION 17.**

499 Said chapter is further amended by revising Code Section 40-5-172, relating to identification
 500 cards for persons with disabilities, as follows:

501 "40-5-172.

502 (a) The identification card for persons with disabilities shall be issued to a person with a
 503 permanent disability for a period of ~~four~~ five years and shall be renewable on the
 504 applicant's birthday in the fourth year following such issuance. Such identification cards
 505 shall be issued to persons:

- 506 (1) With obvious permanent disabilities without further verification of disability; and
 507 (2) With disabilities which are not obvious upon presentation of the current sworn
 508 affidavit of at least one medical doctor attesting to such permanent disability. A current
 509 affidavit shall be presented at each request for renewal.

510 (b) The identification card for persons with disabilities shall be issued to a person with a
 511 temporary disability upon presentation of a sworn affidavit of at least one medical doctor
 512 attesting to such disability and estimating the duration of such disability. Such
 513 identification cards shall be issued for periods of six months. A current affidavit of a
 514 medical doctor attesting to the continuance of such disability shall be presented at each
 515 request for renewal thereafter.

516 (c) The commissioner may by rule authorize renewal of an identification card issued to a
 517 person with a permanent disability by means other than personal appearance. No further
 518 documentation of such person's disability shall be required for such renewal."

519 **SECTION 18.**

520 Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the Department
 521 of Driver Services, is amended by adding a new subsection to Code Section 40-16-5, relating
 522 to the authority of the commissioner, as follows:

523 "(f) Notwithstanding any provision of law to the contrary, the commissioner is authorized
 524 to promulgate regulations allowing for background investigations of applicants for
 525 credentials in any of the industries regulated by the department by means other than
 526 classifiable electronically recorded fingerprints in instances in which an applicant attempts
 527 to comply with the applicable statutory language mandating such background investigation,
 528 but his or her fingerprints cannot be captured electronically for reasons that are beyond the
 529 applicant's control."

530 **SECTION 19.**

531 Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation, is
 532 amended by adding a new subsection to Code Section 42-8-111, relating to court ordered
 533 installation of ignition interlock devices, as follows:

534 "(f) Exemptions granted due to financial hardship pursuant to paragraph (1) of subsection
 535 (a) of this Code section shall be exempt from the subject-matter jurisdiction limitations
 536 imposed in Code Sections 40-13-32 and 40-13-33."

537 **SECTION 20.**

538 Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in
 539 driver training and operators of driver training schools, is amended by revising paragraph (4)
 540 of Code Section 43-13-4, relating to qualifications of driver training school operators, as
 541 follows:

542 "(4) Provide a continuous surety company bond in the principal sum of \$2,500.00
 543 \$10,000.00 for the protection of the contractual rights of students in such form as will
 544 meet with the approval of the department and written by a company authorized to do
 545 business in this state; provided, however, that the aggregate liability of the surety for all
 546 breaches of the condition of the bond in no event shall exceed the principal sum of
 547 ~~\$2,500.00~~ \$10,000.00 per location, and a single bond at such rate for all schools operated
 548 by the same person may be provided in satisfaction of this paragraph. The surety on any
 549 such bond may cancel such bond on giving 30 days' notice thereof in writing to the
 550 department and shall be relieved of liability for any breach of any condition of the bond
 551 which occurs after the effective date of cancellation. If at any time said bond is not valid
 552 and in force, the license of the school or program shall be deemed suspended by operation
 553 of law until a valid surety company bond is again in force;"

554 **SECTION 21.**

555 Said chapter is further amended by revising subsection (a) of Code Section 43-13-6.1,
556 relating to special licenses for driver training school instructors qualified to teach alcohol and
557 drug courses, as follows:

558 "(a) The commissioner shall be authorized to issue a special license to the instructor of any
559 driver training school who is qualified to teach the alcohol and drug course prescribed in
560 subsection (b) of Code Section 20-2-142. A driver training school shall offer such alcohol
561 and drug course only through a qualified instructor and shall not charge a fee for such
562 course of more than ~~\$25.00~~ \$35.00."

563 **SECTION 22.**

564 Said chapter is further amended by revising Code Section 43-13-9, relating to disposition of
565 money received from driver training programs, as follows:

566 "43-13-9.

567 (a) Every person completing a driver education program consisting of 30 hours of
568 classroom or online theoretical training and six hours of in-car training and who is
569 therefore entitled to a completion certificate issued by the department shall pay, for the
570 costs of administration, a fee of \$5.00 to the department. The \$5.00 administrative fee may
571 be included in the program tuition fee charged by a licensed clinic or school for their
572 approved driver education program.

573 (b) All moneys received under this chapter shall be deposited with the Office of the State
574 Treasurer."

575 **SECTION 23.**

576 This Act shall become effective on January 1, 2012.

577 **SECTION 24.**

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