

The Senate Public Safety Committee offered 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 update the types of approved driver improvement courses;  
11 to change certain provisions regarding issuance of identification cards; to change certain  
12 definitions regarding issuance of commercial drivers' licenses; to change certain requirements  
13 for issuance of an identification card for persons with disabilities; to amend Chapter 16 of  
14 Title 40 of the Official Code of Georgia Annotated, relating to the Department of Driver  
15 Services, so as to grant authority to the commissioner to conduct background checks for  
16 certain applicants; to amend Chapter 8 of Title 42 of the Official Code of Georgia Annotated,  
17 relating to probation, so as to exempt certain transactions relating to ignition interlock  
18 devices from subject matter jurisdiction requirement; to provide for an effective date; to  
19 repeal conflicting laws; to provide for related matters; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

21 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
22 is amended by revising paragraph (9) of Code Section 40-5-1, relating to definitions, as  
23 follows:  
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25 "(9) 'DUI Alcohol or Drug Use Risk Reduction Program' means a program certified by  
26 the Department of Driver Services which consists of two components: assessment and

27 intervention. ~~In the case of a conviction or plea of nolo contendere to a violation of Code~~  
 28 ~~Section 40-6-391 or in any other instance in which a person may be referred to a DUI~~  
 29 ~~Alcohol or Drug Use Risk Reduction Program, the program administers the assessment~~  
 30 ~~component and refers such offender to the intervention component."~~

31 **SECTION 2.**

32 Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section  
 33 40-5-22, relating to minimum ages for licensees, as follows:

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

48 **SECTION 3.**

49 Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section  
 50 40-5-24, relating to instruction permits and graduated licensing, as follows:

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

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

58 (B)(i) Any Class D license holder shall not drive a Class C motor vehicle upon the  
 59 public roads, streets, or highways of this state when more than three other passengers  
 60 in the vehicle who are not members of the driver's immediate family are less than 21  
 61 years of age.

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

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

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

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

#### 77 SECTION 4.

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

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

- 84 (1) Homicide by vehicle, as defined by Code Section 40-6-393;
- 85 (2) Any felony in the commission of which a motor vehicle is used;
- 86 (3) Hit and run or leaving the scene of an accident in violation of Code Section 40-6-270;
- 87 (4) Racing on highways and streets;
- 88 (5) Using a motor vehicle in fleeing or attempting to elude an officer;
- 89 (6) Fraudulent or fictitious use of or application for a license as provided in Code Section  
 90 40-5-120 or 40-5-125; ~~or~~
- 91 (7) Operating a motor vehicle with a revoked, canceled, or suspended registration in  
 92 violation of Code Section 40-6-15; or
- 93 (8) Any felony violation of Article 1 of Chapter 9 of Title 16 if such offense related to  
 94 an identification document as defined in Code Section 16-9-4."

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## SECTION 5.

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

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

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

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### SECTION 6.

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

"40-5-60.

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

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

### SECTION 7.

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

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

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

179 **SECTION 8.**

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

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

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

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

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

207 **SECTION 9.**

208 Said chapter is further amended by revising subsections (c), (d), and (f) of Code Section  
 209 40-5-67.1, relating to testing for driving under the influence and administrative license  
 210 suspensions, as follows:

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

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

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

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

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



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**SECTION 10.**

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

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

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

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

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

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

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

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

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

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

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

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**SECTION 11.**

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

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

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**SECTION 12.**

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

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"(a)(1) The commissioner shall establish criteria for the approval of 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.~~ 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 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 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, or corporation, ~~association, civic group, club, county, municipality, board of education, school, or college.~~ Nothing in this paragraph shall be construed to affect in any way driving programs established for purposes of insurance premium reductions under the provisions of Code Section 33-9-42."

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

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343 license to ~~the~~ a licensed instructor of any ~~commercial~~ driver training school to teach the  
344 alcohol and drug course prescribed in subsection (b) of Code Section 20-2-142 who is  
345 qualified to teach a teen-age driver education course, which course consists of a minimum  
346 of 30 hours of classroom and six hours of behind-the-wheel training. The alcohol and drug  
347 program may be included in the 30 hours of classroom training as part of a curriculum  
348 approved by the department. Any fee authorized by law for such a drug and alcohol course  
349 may be included in the tuition charge for a teen-age driver education course. Any text or  
350 workbook provided or required by the Department of ~~Public Safety~~ Driver Services for  
351 such alcohol and drug course shall be provided by the department at the same fee as  
352 currently charged by the department to any public or private school, contractor, or  
353 appropriate representative currently teaching the program."

354 "(e) The department is designated as the agency responsible for establishing criteria for the  
355 approval of DUI Alcohol or Drug Use Risk Reduction Programs. An applicant shall meet  
356 the certification criteria promulgated by the department through its standards and shall  
357 provide the following services: (1) the assessment component and (2) the intervention  
358 component. The department is designated as the agency responsible for establishing rules  
359 and regulations concerning the contents and duration of the components of DUI Alcohol  
360 or Drug Use Risk Reduction Programs, qualifications of instructors, attendance  
361 requirements for students, examinations, and program evaluations. Qualified instructors  
362 shall be certified for periods of four years each, which may be renewed. Approved DUI  
363 Alcohol or Drug Use Risk Reduction Programs shall charge a fee of \$82.00 for the  
364 assessment component and \$190.00 for the intervention component. An additional fee for  
365 required student program materials shall be established by the department in such an  
366 amount as is reasonable and necessary to cover the cost of such materials. No DUI Alcohol  
367 or Drug Use Risk Reduction Program shall be approved unless such clinic agrees in writing  
368 to submit reports as required in the rules and regulations of the department and to allow the  
369 examination and audit of the books, records, and financial statements of such DUI Alcohol  
370 or Drug Use Risk Reduction Program by the department or its authorized agent. DUI  
371 Alcohol or Drug Use Risk Reduction Programs may be operated by any public, private, or  
372 governmental entity; provided, however, that, except as otherwise provided in this  
373 subsection, in any political subdivision in which a DUI Alcohol or Drug Use Risk  
374 Reduction Program is operated by a private entity, whether for profit or nonprofit, neither  
375 the local county board of health nor any other governmental entity shall fund any new  
376 programs in that area. Programs currently in existence which are operated by local county  
377 boards of health or any other governmental entities shall be authorized to continue  
378 operation. New programs may be started in areas where no private DUI Alcohol or Drug  
379 Use Risk Reduction Programs have been made available to said community. The

380 Department of Corrections is authorized to operate DUI Alcohol or Drug Use Risk  
 381 Reduction Programs in its facilities where offenders are not authorized to participate in  
 382 such programs in the community, provided that such programs meet the certification  
 383 criteria promulgated by the Department of Driver Services. All such programs operated  
 384 by the Department of Corrections shall be exempt from all fee provisions established in this  
 385 subsection specifically including the rebate of any fee for the costs of administration. No  
 386 DUI Alcohol or Drug Use Risk Reduction Program shall be approved unless such clinic  
 387 agrees in writing to pay to the state, for the costs of administration, a fee of \$22.00 for each  
 388 offender assessed or each offender attending for points reduction, provided that nothing in  
 389 this Code section shall be construed so as to allow the department to retain any funds  
 390 required by the Constitution of Georgia to be paid into the state treasury; and provided,  
 391 further, that the department shall comply with all provisions of Part 1 of Article 4 of  
 392 Chapter 12 of Title 45, the 'Budget Act,' except Code Section 45-12-92, prior to expending  
 393 any such miscellaneous funds."

394 **SECTION 13.**

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

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

403 **SECTION 14.**

404 Said chapter is further amended by revising subsections (c), (e), and (f) of Code Section  
 405 40-5-103, relating to identification cards, as follows:

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

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

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

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

417 (A) Personal appearance before the department; or

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

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

424 (3) Notwithstanding any other provision of this Code section, there shall be no fee  
 425 whatsoever for replacement of any identification card solely due to a change of the  
 426 identification card holder's name or address, provided that such replacement identification  
 427 card shall be valid only for the remaining period of such original term; and provided,  
 428 further, that only one such free replacement identification card may be obtained within  
 429 the period for which the identification card was originally issued. Any application for the  
 430 replacement of a lost identification card or due to a change in the identification card  
 431 holder's name or address submitted within 150 days of the expiration of said  
 432 identification card shall be treated as an application for renewal subject to the applicable  
 433 fees as set forth in this Code section."

434 **SECTION 15.**

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

437 "(22) 'Serious traffic violation' means conviction of any of the following offenses or a  
 438 conviction of any law or ordinance equivalent thereto in this state, in any other state, or  
 439 in any foreign jurisdiction, when operating either a commercial motor vehicle or, unless  
 440 otherwise specified, a noncommercial motor vehicle:

441 (A) Speeding 15 or more miles per hour above the posted speed limit;

442 (B) Reckless driving;

443 (C) Following another vehicle too closely;

444 (D) Improper or erratic lane change, including failure to signal a lane change;

445 (E) A violation, arising in connection with a fatal crash, of state law or a local  
 446 ordinance, relating to motor vehicle traffic control, excluding parking, weight, length,  
 447 height, and vehicle defect violations, and excluding homicide by vehicle as defined in  
 448 Code Section 40-6-393;

- 449 (F) A railroad grade crossing violation in a noncommercial motor vehicle;
- 450 (G) Driving a commercial motor vehicle without obtaining a commercial driver's  
451 license;
- 452 (H) Driving a commercial motor vehicle without a commercial driver's license in the  
453 driver's immediate possession, and excluding such violations when the person's  
454 commercial driver's license or commercial driving privilege is suspended, revoked,  
455 canceled, or disqualified; ~~or~~
- 456 (I) Driving a commercial motor vehicle without a commercial driver's license of the  
457 proper class and endorsements for the specific vehicle being operated or for the  
458 passengers or type of cargo transported; or
- 459 (J) Use of a wireless telecommunications device in violation of Code Section  
460 40-6-241.2 while driving a commercial motor vehicle."

### 461 SECTION 16.

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

463 "40-5-148.3.

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

469 (b) Upon the expiration of the medical examiner's certificate submitted to the department  
470 pursuant to this Code section, the department shall update the medical certification status  
471 of such person on his or her driving record and his or her CDLIS driving record. The  
472 department shall notify such person of the change of his or her medical certification status  
473 and advise such person that he or she will be disqualified from operating a commercial  
474 motor vehicle indefinitely if such person does not submit a current medical examiner's  
475 certificate to the department within 60 days. Such notice shall be sent via certified mail or  
476 such other delivery service obtained by the department that results in delivery confirmation  
477 to the address reflected on its records as the driver's mailing address.

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

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

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**SECTION 17.**

485

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

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"40-5-172.

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

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(1) With obvious permanent disabilities without further verification of disability; and

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(2) With disabilities which are not obvious upon presentation of the current sworn affidavit of at least one medical doctor attesting to such permanent disability. A current affidavit shall be presented at each request for renewal.

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

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

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**SECTION 18.**

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

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

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**SECTION 19.**

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

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

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**SECTION 20.**

524

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

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

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**SECTION 21.**

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This Act shall become effective on January 1, 2012.

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**SECTION 22.**

543

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