

House Bill 1133

By: Representatives Rice of the 51st and Powell of the 29th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated,
2 relating to restoration of licenses to persons completing defensive driving course or alcohol
3 or drug program, so as to require certified driver improvement programs for purposes of
4 completing certain probation requirements; to modify provisions relating to certified DUI
5 Alcohol or Drug Use Risk Reduction Programs; to provide for related matters; to provide an
6 effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 4 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
10 restoration of licenses to persons completing defensive driving course or alcohol or drug
11 program, is amended by revising subsections (a) and (e) of Code Section 40-5-83, relating
12 to establishment and approval of driver improvement clinics, as follows:

13 "(a)(1) The commissioner shall establish criteria for the approval of driver improvement
14 clinics. To be approved, a clinic shall provide and operate a defensive driving course.
15 Clinics shall be composed of uniform education and training programs consisting of six
16 hours of instruction designed for the rehabilitation of problem drivers. The commissioner
17 shall establish standards and requirements concerning the contents of courses,
18 qualifications of instructors, attendance requirements for students, and examinations.
19 Approved clinics shall charge a fee of ~~\$75.00~~ \$95.00 for a defensive driving course,
20 except that such clinics may charge different fees of their own choosing if the person is
21 not enrolling in such course pursuant to court order or department requirement. No clinic
22 shall be approved unless such clinic agrees in writing to allow the examination and audit
23 of the books, records, and financial statements of such clinic. Clinics may be operated
24 by any individual, partnership, or corporation. Nothing in this paragraph shall be
25 construed to affect in any way driving programs established for purposes of insurance
26 premium reductions under the provisions of Code Section 33-9-42.

27 (1.1)(A) No driver improvement clinic shall be permitted to use, adopt, or conduct any
 28 business under any name that is like or deceptively similar to any name used by any
 29 other driver improvement clinic, Georgia company, or Georgia corporation registered
 30 with the Secretary of State. This subparagraph shall not prohibit the franchising or
 31 licensing of any part or all of the name of a driver improvement clinic by the owner or
 32 the rights thereof to another licensed driver improvement clinic.

33 (B) This paragraph shall not prohibit the franchising or licensing of any part or all of
 34 the name of a clinic by the owner of the rights therein to another licensed driver
 35 improvement clinic.

36 (2) The commissioner may issue a special license to the instructor of any ~~commercial~~
 37 licensed driver training school authorizing such instructor to teach a defensive driving
 38 course, ~~advanced defensive driving course, or professional defensive driving course~~ of
 39 a driver improvement clinic provided pursuant to this Code section if such instructor is
 40 qualified to teach a teen-age driver education course which consists of a minimum of 30
 41 hours of classroom and six hours of behind-the-wheel training and such instructor
 42 certifies to the commissioner that he or she has provided at least 250 hours of
 43 behind-the-wheel training in a teen-age driver education course."

44 "(e) The department is designated as the agency responsible for establishing criteria for the
 45 approval of DUI Alcohol or Drug Use Risk Reduction Programs. An applicant shall meet
 46 the certification criteria promulgated by the department through its standards and shall
 47 provide the following services: (1) the assessment component and (2) the intervention
 48 component. The department is designated as the agency responsible for establishing rules
 49 and regulations concerning the contents and duration of the components of DUI Alcohol
 50 or Drug Use Risk Reduction Programs, qualifications of instructors, attendance
 51 requirements for students, examinations, and program evaluations. Qualified instructors
 52 shall be certified for periods of four years each, which may be renewed. Approved DUI
 53 Alcohol or Drug Use Risk Reduction Programs shall charge a fee of ~~\$82.00~~ \$85.00 for the
 54 assessment component and ~~\$190.00~~ \$225.00 for the intervention component. An additional
 55 fee for required student program materials shall be established by the department in such
 56 an amount as is reasonable and necessary to cover the cost of such materials. No DUI
 57 Alcohol or Drug Use Risk Reduction Program shall be approved unless such clinic agrees
 58 in writing to submit reports as required in the rules and regulations of the department and
 59 to allow the examination and audit of the books, records, and financial statements of such
 60 DUI Alcohol or Drug Use Risk Reduction Program by the department or its authorized
 61 agent. DUI Alcohol or Drug Use Risk Reduction Programs may be operated by any public,
 62 private, or governmental entity; provided, however, that, except as otherwise provided in
 63 this subsection, in any political subdivision in which a DUI Alcohol or Drug Use Risk

64 Reduction Program is operated by a private entity, whether for profit or nonprofit, neither
65 the local county board of health nor any other governmental entity shall fund any new
66 programs in that area. Programs currently in existence which are operated by local county
67 boards of health or any other governmental entities shall be authorized to continue
68 operation. New programs may be started in areas where no private DUI Alcohol or Drug
69 Use Risk Reduction Programs have been made available to said community. The
70 Department of Corrections is authorized to operate DUI Alcohol or Drug Use Risk
71 Reduction Programs in its facilities where offenders are not authorized to participate in
72 such programs in the community, provided that such programs meet the certification
73 criteria promulgated by the Department of Driver Services. All such programs operated
74 by the Department of Corrections shall be exempt from all fee provisions established in this
75 subsection, specifically including the rebate of any fee for the costs of administration. No
76 DUI Alcohol or Drug Use Risk Reduction Program shall be approved unless such clinic
77 agrees in writing to pay to the state, for the costs of administration, a fee of \$22.00 for each
78 offender assessed ~~or each offender attending for points reduction~~, provided that nothing in
79 this Code section shall be construed so as to allow the department to retain any funds
80 required by the Constitution to be paid into the state treasury; and provided, further, that
81 the department shall comply with all provisions of Part 1 of Article 4 of Chapter 12 of Title
82 45, the 'Budget Act,' except Code Section 45-12-92, prior to expending any such
83 miscellaneous funds."

84 **SECTION 2.**

85 This Act shall become effective on July 1, 2012.

86 **SECTION 3.**

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