

House Bill 1134

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

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to
2 instructors in driver training and operators of driver training schools, so as to modify
3 provisions relating to definitions and exceptions to the operation of the chapter; to provide
4 for related matters; to provide an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in
9 driver training and operators of driver training schools, is amended by revising paragraph (4)
10 of subsection (a) of Code Section 43-13-2, relating to definitions regarding instructors in
11 driver training and operators of driver training schools, as follows:

12 "(4) 'Driver training school,' except as provided in subsection (b) of this Code section,
13 means any person, partnership, limited liability company, or corporation giving driving
14 instruction for hire to ten or more persons per calendar year for the purpose of assisting
15 such persons to meet the requirements for licensed driving of Class C or Class M motor
16 vehicles in this state, except for motorcycle operator safety training programs conducted
17 by or on behalf of the Department of Driver Services pursuant to Chapter 15 of Title 40.
18 The term shall also include any public school system offering a driver training course
19 during the regular school day as part of a student curriculum at no cost to the student or
20 any public school system offering a driver training course after the regular school day or
21 on any day school is not in session and where any fee or tuition is charged for the
22 participation of any student taking a driver training course or in-car, behind-the-wheel
23 lessons. Only full-time students who are registered with and attending the sponsoring
24 public school system offering an after school or after the regular school day driver
25 education course or driver training program shall be eligible to enroll and participate in
26 these programs."

27 **SECTION 2.**

28 Said chapter is further amended by repealing in its entirety Code Section 43-13-10, relating
 29 to exceptions to the operation of the chapter, and enacting a new Code Section 43-13-10 to
 30 read as follows:

31 "43-13-10.

32 (a) As used in this Code section, the term:

33 (1) 'Capital costs' means all costs of providing equipment or other assets used in the
 34 provision of any driver education program or driver training course which are capitalized
 35 in accordance with generally accepted governmental accounting principles.

36 (2) 'Cross-subsidize' means the payment of any item of direct costs or indirect costs of
 37 providing any driver education program or driver training course from a source other than
 38 from the revenues derived from the tuition or fees charged for any driver education
 39 program or driver training course, or a source that is not accounted for in the full-cost
 40 accounting of providing these programs.

41 (3) 'Direct costs' means those expenses of a public school which are directly attributable
 42 to the provision of any driver education program or driver training course that would be
 43 eliminated if the provision of such program or course were discontinued.

44 (4) 'Full-cost accounting' means the accounting for all costs incurred by any public
 45 school in providing a program or course, including all direct costs and indirect costs,
 46 utilizing cost accounting standards promulgated by the federal Costs Accounting
 47 Standards Board of the federal Office of Management and Budget so as to assure that all
 48 direct costs and indirect costs are included.

49 (5) 'Generally accepted governmental accounting principles' means the accounting
 50 standards promulgated from time to time by the Governmental Accounting Standards
 51 Board.

52 (6) 'Indirect costs' means any costs that are identified with two or more expenses or other
 53 public school provider functions and not directly identified with a single expense item.
 54 Indirect costs may include, but are not limited to, administration, accounting, personnel,
 55 purchasing, legal, insurance, advertising, postage, printing, graphic design, and other staff
 56 or departmental support. Indirect costs shall be allocated to two or more expense
 57 categories in proportion to the relative burden each respective expense places upon the
 58 cost category.

59 (7) 'Private provider' means any person, partnership, or corporation, other than a public
 60 provider, offering driver education program or driver training courses.

61 (8) 'Public provider' means any public school system or other political subdivision of the
 62 state which provides driver education programs or driver training courses, whether
 63 directly or indirectly, acting individually or jointly with any other public school system.

64 (b) Any public school conducting a driver training course or driver's education program,
 65 conducted after the regular school day or on any day school is not in session and where any
 66 fee or tuition is charged for the participation of any student taking a driver training course,
 67 shall:

68 (1) Prior to providing such programs, first solicit proposals from private providers within
 69 the public school jurisdiction;

70 (2) Prepare reasonable projections of at least a three-year cost-benefit analysis which
 71 identifies and discloses the total projected direct costs and indirect costs and revenues to
 72 be derived from providing the driver education program or driver training course. Such
 73 costs shall be determined in accordance with this chapter and generally accepted
 74 governmental accounting principles;

75 (3) Publish such three-year cost-benefit analysis in a newspaper of general circulation
 76 within the public school district of the public provider once a week for two weeks and
 77 provide each departmental licensed provider of any driver education programs or driver
 78 training courses within the county of the public school system, via United States Postal
 79 Service certified mail, a copy of such three-year cost-benefit analysis;

80 (4) Not cross-subsidize the costs, both direct costs and indirect costs, of any driver
 81 education program or driver training course with funds from any revenue source other
 82 than the tuition or fees paid by the individual participants in such programs or courses;

83 (5) When considering the utilization of a licensed driver education program or driver
 84 training course private provider for any after-school or out of session school day offering
 85 to its students, not employ terms less favorable or more burdensome than those imposed
 86 by any school system program; and

87 (6) If providing an after-school or nonschool day driver education program or driver
 88 training course, file with the Georgia Department of Education and Georgia General
 89 Assembly, within six months of the completion of the closure of the public school's fiscal
 90 year, an annual report of actual income and expenses, both direct costs and indirect costs,
 91 according to generally accepted governmental accounting principles."

92 **SECTION 3.**

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

94 **SECTION 4.**

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