

House Bill 621

By: Representative Powell of the 32nd

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 drivers' licenses to persons completing defensive driving course or
3 alcohol or drug program, so as to provide for approval of certain programs' curriculums; to
4 provide for certificates of completion; to provide for related matters; to provide for an
5 effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 4 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
9 restoration of drivers' licenses to persons completing defensive driving course or alcohol or
10 drug program, is amended by revising subsection (a) of Code Section 40-5-81, relating to
11 court ordered attendance at driver improvement clinics and programs, as follows:

12 "(a) Any driver improvement program at which attendance is required by court order shall
13 conform to the requirements of this article. When a defensive driving course is required
14 by a court having jurisdiction over misdemeanor traffic law offenses or by any prosecuting
15 attorney thereof, such course shall be certified and approved by the department under the
16 provisions of Code Sections 40-5-82 and 40-5-83. Certificates of completion from
17 unlicensed defensive driving courses shall not be recognized for any purposes under this
18 article. Courts shall have the discretion to order or authorize individuals to attend or
19 register for online or classroom driver improvement programs that are licensed and
20 approved by the department under the provisions of Code Sections 40-5-82 and 40-5-83.
21 Courts shall not be allowed to operate licensed or unlicensed online or classroom driver
22 improvement programs under a pretrial intervention and diversion program pursuant to
23 Article 4 of Chapter 18 of Title 15 or Article 5 of Chapter 8 of Title 42. This Code section
24 shall prohibit and shall not be construed or interpreted to allow the creation or licensing of
25 any Internet, online, or other technology based DUI Alcohol or Drug Use Risk Reduction
26 Programs."

27 **SECTION 2.**

28 Said article is further amended by revising paragraphs (1) and (1.1) of subsection (a) of Code
 29 Section 40-5-83, relating to establishment and approval of driver improvement clinics and
 30 programs, and adding a new subsection to read as follows:

31 "(a)(1) The commissioner shall establish criteria for the approval of classroom, Internet,
 32 or other technology based driver improvement clinics. To be approved, a clinic shall
 33 provide and operate a defensive driving course. Clinics shall be composed of uniform
 34 education and training programs consisting of six hours of instruction designed for the
 35 rehabilitation of problem drivers. The commissioner shall establish standards and
 36 requirements concerning the contents of courses, qualifications of instructors, attendance
 37 requirements for students, and examinations. On or after July 1, 2013, approved
 38 Approved clinics shall charge a fee of \$75.00 for a defensive driving course, except that
 39 such an Internet or technology based driver improvement program and \$75.00 for a
 40 classroom driver improvement program. Such clinics may charge different fees of their
 41 own choosing if the person is not enrolling in such course pursuant to court order or
 42 department requirement. No clinic shall be approved unless such clinic agrees in writing
 43 to allow the examination and audit of the books, records, and financial statements of such
 44 clinic. Clinics may be operated by any individual, partnership, or corporation. Nothing
 45 in this paragraph shall be construed to affect in any way driving programs established for
 46 purposes of insurance premium reductions under the provisions of Code Section 33-9-42.
 47 The department shall establish security and operational standards consistent with the
 48 objectives of the training programs contained in this Code section.

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

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

59 "(g) Persons convicted pursuant to Code Section 40-5-57 or 40-5-57.1 shall be permitted
 60 to participate in an Internet or technology based licensed defensive driving course."

61 **SECTION 3.**

62 This Act shall become effective on July 1, 2013.

63

SECTION 4.

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