

House Bill 247

By: Representatives Powell of the 33rd, Crowe of the 118th, Jasperse of the 11th, Ridley of the 6th, Corbett of the 174th, and others

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 authorize written consent for release of certain information to be
4 obtained and transferred electronically; to require certain training for clinical evaluators
5 performing assessment components; to revise the authorized fees relating to such courses;
6 to provide for related matters; 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 subsection (d) of Code Section 40-5-82, relating to
12 administration of program, as follows:

13 "(d) All DUI Alcohol or Drug Use Risk Reduction Program records including, but not
14 limited to, assessment results and other components attended shall be confidential and shall
15 not be released without the written consent of the DUI offender, except that such records
16 shall be made available to the Department of Behavioral Health and Developmental

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17 Disabilities and the Department of Driver Services. The written consent required by this
18 subsection may be obtained and transferred in electronic format. The provision of
19 assessments to the Department of Behavioral Health and Developmental Disabilities shall
20 be according to an interagency agreement between the Department of Driver Services and
21 the Department of Behavioral Health and Developmental Disabilities, and the agreement
22 may provide for assessment fees to be transmitted to the Department of Behavioral Health
23 and Developmental Disabilities."

24 **SECTION 2.**

25 Said article is further amended in Code Section 40-5-83, relating to approval and operation
26 of driver improvement clinics and criteria for defensive driving courses, alcohol and drug
27 courses, and driving under the influence risk reduction programs, by revising paragraph (1)
28 of subsection (a) and paragraphs (1) and (2) of subsection (e) as follows:

29 "(a)(1) The commissioner shall establish criteria for the approval of driver improvement
30 clinics. To be approved, a clinic shall provide and operate a defensive driving course.
31 Clinics shall be composed of uniform education and training programs consisting of six
32 hours of instruction designed for the rehabilitation of problem drivers. The commissioner
33 shall establish standards and requirements concerning the contents of defensive driving
34 courses, qualifications of instructors, attendance requirements for students, and
35 examinations. Approved clinics shall charge a fee of ~~\$95.00~~ \$125.00 for a defensive
36 driving course, except that such clinics may charge different fees of their own choosing
37 if the person is not enrolling in such course pursuant to court order or department
38 requirement. No clinic shall be approved unless such clinic agrees in writing to allow the
39 examination and audit of the books, records, and financial statements of such clinic.
40 Clinics may be operated by any individual, partnership, or corporation. Nothing in this
41 paragraph shall be construed to affect in any way driving programs established for

42 purposes of insurance premium reductions under the provisions of Code Section 33-9-42.”
43 “(e)(1) The department is designated as the agency responsible for establishing criteria
44 for the certification of DUI Alcohol or Drug Use Risk Reduction Programs. An applicant
45 shall meet the certification criteria promulgated by the department through its standards
46 and shall provide assessment component services and intervention component services.
47 A certified DUI Alcohol or Drug Use Risk Reduction Program shall require that a risk
48 assessment component be conducted prior to administering the intervention component
49 of such program. A certified DUI Alcohol or Drug Use Risk Reduction Program may
50 include a clinical evaluation component after an individual completes risk assessment and
51 intervention services. Only clinical evaluators licensed by the Department of Behavioral
52 Health and Developmental Disabilities with training in alcohol and drug abuse evaluation
53 or assessment shall be qualified to conduct clinical evaluations. The department is
54 designated as the agency responsible for establishing rules and regulations concerning the
55 contents and duration of the components of DUI Alcohol or Drug Use Risk Reduction
56 Programs, qualifications of instructors, attendance requirements for students,
57 examinations, and program evaluations. Qualified instructors shall be certified for
58 periods of four years each, which may be renewed.
59 (2) Certified DUI Alcohol or Drug Use Risk Reduction Programs shall charge a fee of
60 ~~\$100.00~~ \$150.00 for the assessment component and ~~\$235.00~~ \$350.00 for the intervention
61 component. The fee for intervention component services authorized by this paragraph
62 shall include any costs associated with the transfer of documents associated with the
63 performance of a required assessment component. An additional fee for required student
64 program materials shall be established by the department in such an amount as is
65 reasonable and necessary to cover the cost of such materials.”

66 **SECTION 3.**

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