

The House Committee on Motor Vehicles offers the following substitute to SB 160:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to require submission of proof of completion of a DUI Alcohol or Drug Use
3 Risk Reduction Program by certain applicants to obtain limited driving permits; to provide
4 that completion of such courses shall be credited toward any reinstatement requirements for
5 drivers whose licenses were suspended for certain offenses; to authorize written consent for
6 release of certain information to be obtained and transferred electronically; to revise the
7 authorized fee for driver improvement clinics; to revise a definition; to require intervention
8 components of DUI Alcohol or Drug Use Risk Reduction Programs be conducted in person;
9 to require certain training for clinical evaluators performing assessment components relative
10 to DUI Alcohol or Drug Use Risk Reduction Programs; to revise the authorized fees relative
11 to DUI Alcohol or Drug Use Risk Reduction Programs; to provide a sentencing court with
12 authority to order the installation of a device which limits the speed of a motor vehicle as part
13 of the punishment for conviction of the offense of reckless stunt driving; to provide for a
14 definition; to provide for procedures and conditions upon issuance of such orders; to provide
15 for notification to the Department of Revenue; to provide for a penalty; to provide for related
16 matters; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 160 (SUB)

18 **SECTION 1.**

19 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
20 amended in Code Section 40-5-1, relating to definitions relative to drivers' licenses, by
21 revising paragraph (10) as follows:

22 "(10) 'Intervention component' means a program which delivers in-person therapeutic
23 education about alcohol and drug use and driving and peer group counseling concerning
24 alcohol and drug use over a period of 20 hours utilizing a methodology and curriculum
25 approved and certified by the department for the DUI Alcohol or Drug Use Risk
26 Reduction Programs under subsection (e) of Code Section 40-5-83."

27 **SECTION 2.**

28 Said title is further amended in Code Section 40-5-64, relating to limited driving permits for
29 certain offenders, by revising subsection (a) and adding a new subsection to read as follows:

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

31 (1) Notwithstanding any contrary provision of this Code section or Code
32 Section 40-5-57, 40-5-57.2, 40-5-63, 40-5-75, 40-5-121, or 42-8-111, any person who has
33 not been previously convicted or adjudicated delinquent for a violation of Code
34 Section 40-6-391 within five years, as measured from the dates of previous arrests for
35 which convictions were obtained or pleas of nolo contendere were accepted to the date
36 of the current arrest, may apply for a limited driving permit when that person's driver's
37 license has been suspended in accordance with:

38 (A) Code Section 40-5-54.1 and upon receipt of a record of such from a court or the
39 agency within the Department of Human Services which is responsible for enforcing
40 orders for child support;

41 (B) Subsection (d) of Code Section 40-5-57;

42 (C) Paragraph (1) of subsection (a) of Code Section 40-5-57.2;

43 (D) Paragraph (1) of subsection (a) of Code Section 40-5-63;

44 (E) Paragraph (1) of subsection (a) of Code Section 40-5-67.2 and upon submission of
45 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program;

46 (F) Subsection (a) of Code Section 40-5-57.1, when the person is 18 years of age or
47 older and his or her license was suspended for exceeding the speed limit by 24 miles
48 per hour or more but less than 34 miles per hour, and the sentencing judge, in his or her
49 discretion, decides it is reasonable to issue a limited driving permit; or

50 (G) Paragraph (1) of subsection (a) of Code Section 40-5-75.

51 (2) No person who has been granted an exemption from the ignition interlock device
52 requirements of Article 7 of Chapter 8 of Title 42 due to undue financial hardship under
53 Code Section 42-8-111 shall be eligible for a limited driving permit, an ignition interlock
54 device limited driving permit, or any other driving privilege for a period of one year.

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

61 "(e.1) Credit. The department shall credit any DUI Alcohol or Drug Use Risk Reduction
62 Program completed to obtain a permit pursuant to this Code section toward the
63 requirements of Code Sections 40-5-57.1, 40-5-63, and 40-5-67.2 relating to such course."

64 **SECTION 3.**

65 Said title is further amended in Code Section 40-5-82, relating to administration of driver
66 improvement clinic program and DUI Alcohol or Drug Use Risk Reduction Program, by
67 revising subsection (d) as follows:

68 "(d) All DUI Alcohol or Drug Use Risk Reduction Program records including, but not
69 limited to, assessment results and other components attended shall be confidential and shall

70 not be released without the written consent of the DUI offender, except that such records
71 shall be made available to the Department of Behavioral Health and Developmental
72 Disabilities and the Department of Driver Services. The written consent required by this
73 subsection may be obtained and transferred in electronic format. The provision of
74 assessments to the Department of Behavioral Health and Developmental Disabilities shall
75 be according to an interagency agreement between the Department of Driver Services and
76 the Department of Behavioral Health and Developmental Disabilities, and the agreement
77 may provide for assessment fees to be transmitted to the Department of Behavioral Health
78 and Developmental Disabilities. No fee shall be charged by any party which provides
79 assessment component software for the electronic transfer of any assessment results."

80

SECTION 4.

81 Said title is further amended in Code Section 40-5-83, relating to approval and operation of
82 driver improvement clinics, criteria for defensive driving courses, alcohol and drug courses,
83 and driving under the influence risk reduction programs, by revising subsections (a) and (e)
84 and adding a new subsection to read as follows:

85 "(a)(1) The commissioner shall establish criteria for the approval of driver improvement
86 clinics. To be approved, a clinic shall provide and operate a defensive driving course.
87 Clinics shall be composed of uniform education and training programs consisting of six
88 hours of instruction designed for the rehabilitation of problem drivers. The commissioner
89 shall establish standards and requirements concerning the contents of defensive driving
90 courses, qualifications of instructors, attendance requirements for students, and
91 examinations. Approved clinics shall charge a fee of ~~\$95.00~~ \$125.00 for a defensive
92 driving course, except that such clinics may charge different fees of their own choosing
93 if the person is not enrolling in such course pursuant to court order or department
94 requirement. No clinic shall be approved unless such clinic agrees in writing to allow the
95 examination and audit of the books, records, and financial statements of such clinic.

96 Clinics may be operated by any individual, partnership, or corporation. Nothing in this
97 paragraph shall be construed to affect in any way driving programs established for
98 purposes of insurance premium reductions under the provisions of Code Section 33-9-42.

99 (2)(A) No driver improvement clinic shall be permitted to use, adopt, or conduct any
100 business under any name that is like or deceptively similar to any name used by any
101 other driver improvement clinic, Georgia company, or Georgia corporation registered
102 with the Secretary of State. This subparagraph shall not prohibit the franchising or
103 licensing of any part or all of the name of a driver improvement clinic by the owner or
104 the rights thereof to another licensed driver improvement clinic.

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

108 "(e)(1) The department is designated as the agency responsible for establishing criteria
109 for the certification of DUI Alcohol or Drug Use Risk Reduction Programs. An applicant
110 shall meet the certification criteria promulgated by the department through its standards
111 and shall provide assessment component services and intervention component services.
112 A certified DUI Alcohol or Drug Use Risk Reduction Program shall require that a risk
113 assessment component be conducted prior to administering the intervention component
114 of such program. A certified DUI Alcohol or Drug Use Risk Reduction Program may
115 include a clinical evaluation component after an individual completes risk assessment and
116 intervention services. Only clinical evaluators licensed by the Department of Behavioral
117 Health and Developmental Disabilities who have training in alcohol and drug abuse
118 evaluation or assessment shall be qualified to conduct clinical evaluations. The
119 department is designated as the agency responsible for establishing rules and regulations
120 concerning the contents and duration of the components of DUI Alcohol or Drug Use
121 Risk Reduction Programs, qualifications of instructors, attendance requirements for
122 students, examinations, and program evaluations; provided, however, that intervention

123 components of such courses shall be conducted in-person and online courses or remote
124 participation platforms which provide in-person instruction shall be prohibited. Qualified
125 instructors shall be certified for periods of four years each, which may be renewed.

126 (2) Certified DUI Alcohol or Drug Use Risk Reduction Programs shall charge a fee of
127 \$100.00 for the assessment component and \$235.00 for the intervention component in an
128 amount set forth in subsection (g) of this Code section. ~~An additional fee for required~~
129 ~~student program materials shall be established by the department in such an amount as~~
130 ~~is reasonable and necessary to cover the cost of such materials.~~

131 (3) No DUI Alcohol or Drug Use Risk Reduction Program shall be certified unless such
132 program agrees in writing to submit reports as required in the rules and regulations of the
133 department and to allow the examination and audit of the books, records, and financial
134 statements of such DUI Alcohol or Drug Use Risk Reduction Program by the department
135 or its authorized agent.

136 (4) DUI Alcohol or Drug Use Risk Reduction Programs may be operated by any public,
137 private, or governmental entity; provided, however, that, except as otherwise provided
138 in this subsection, in any political subdivision in which a DUI Alcohol or Drug Use Risk
139 Reduction Program is operated by a private entity, whether for profit or nonprofit, neither
140 the local county board of health nor any other governmental entity shall fund any new
141 programs in that area. Programs in existence prior to July 1, 1990, which are operated
142 by local county boards of health or any other governmental entities shall be authorized
143 to continue operation. New programs may be started in areas where no private DUI
144 Alcohol or Drug Use Risk Reduction Programs have been made available in the political
145 subdivision.

146 (5) The Department of Corrections shall be authorized to operate DUI Alcohol or Drug
147 Use Risk Reduction Programs in its facilities where offenders are not authorized to
148 participate in such programs in the community, provided that such programs meet the
149 certification criteria promulgated by the Department of Driver Services. All such

150 programs operated by the Department of Corrections shall be exempt from all fee
 151 provisions established in this ~~subsection~~ Code section specifically including the rebate
 152 of any fee for the costs of administration.

153 (6) No DUI Alcohol or Drug Use Risk Reduction Program shall be certified unless such
 154 program agrees in writing to pay to the state, for the costs of administration, a fee of
 155 ~~\$30.00~~ in an amount set forth in subsection (g) of this Code section for each offender
 156 assessed, provided that nothing in this Code section shall be construed to allow the
 157 department to retain any funds required by the Constitution to be paid into the state
 158 treasury; and provided, further, that the department shall comply with all provisions of
 159 Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' except Code
 160 Section 45-12-92, prior to expending any such miscellaneous funds."

161 "(g) A certified DUI Alcohol or Drug Use Risk Reduction Program shall be authorized to
 162 charge the following fees:

- 163 (1) An assessment component fee of \$100.00;
 164 (2) An intervention component fee of \$275.00; and
 165 (3) A course enrollment fee, which shall include:
 166 (A) A course materials fee of up to \$25.00;
 167 (B) A state administration fee of \$30.00; and
 168 (C) An assessment fee of \$10.00."

169 **SECTION 5.**

170 Said title is further amended in Code Section 40-6-390.1, relating to reckless stunt driving,
 171 is amended by adding a new subsection to read as follows:

172 "(b.1)(1) As used in this subsection, the term 'intelligent speed assistance device' means
 173 a device designed to be installed within a motor vehicle to actively monitor and prevent
 174 the operator from exceeding a preset speed. Such term shall not include any technology

175 provided by the motor vehicle manufacturer as a component of a motor vehicle that
176 controls or affects the speed of a motor vehicle.

177 (2) Upon conviction of a violation of this Code section and in addition to the punishment
178 provided for in subsection (a) of this Code section, a court shall be authorized to order
179 the installation of an intelligent speed assistance device upon the motor vehicle operated
180 by the offender during such violation when the offender is the registered owner of such
181 motor vehicle as shown in the records of the Department of Revenue. Such order shall
182 set the maximum speed limit for an intelligent speed assistance device installed upon a
183 motor vehicle at a speed limit of no greater than 20 percent above the posted speed limit.
184 An intelligent speed assistance device shall be installed within ten days of the issuance
185 of such order and remain on the vehicle for a period of time ordered by the court which
186 shall be no less than six months. The costs relating to the installation of an intelligent
187 speed assistance device upon a motor vehicle and any monitoring thereof shall be borne
188 by the offender. Any court which orders an intelligent speed assistance device to be
189 placed upon a motor vehicle pursuant to this subsection shall provide the Department of
190 Revenue with a copy of such order. The records of the Department of Revenue shall
191 contain a record reflecting that the motor vehicle shall only be operated when equipped
192 with a functioning intelligent speed assistance device. The operation of a motor vehicle
193 without an intelligent speed assistance device for which an order for installation of an
194 intelligent speed assistance device has been issued pursuant to this subsection by the
195 offender issued such order shall be punished as for a misdemeanor."

196 **SECTION 6.**

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