

Senate Bill 473

By: Senators Robertson of the 29th, Bearden of the 30th, Anavitarte of the 31st, Hatchett of the 50th, Cowsert of the 46th and others

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 certified DUI Alcohol or Drug  
3 Use Risk Reduction Programs by certain applicants to obtain limited driving permits; to  
4 provide for the crediting of completion of such courses toward reinstatement requirements  
5 for certain drivers' license suspensions; to authorize written consent for release of certain  
6 information to be obtained and transferred electronically; to remove the assessment  
7 component required for DUI Alcohol or Drug Use Risk Reduction Programs; to revise the  
8 authorized fee for driver improvement clinics; to revise the authorized fees relative to DUI  
9 Alcohol or Drug Use Risk Reduction Programs; to require completion of a DUI Alcohol or  
10 Drug Use Risk Reduction Program for acceptance of a reduced plea for a charge of driving  
11 under the influence of drugs or alcohol; to provide for related matters; to provide for an  
12 effective date and applicability; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14

**SECTION 1.**

15 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
16 amended in Code Section 40-5-64, relating to limited driving permits for certain offenders,  
17 by revising subsection (a) and by adding a new subsection to read as follows:

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

19 (1) Notwithstanding any contrary provision of this Code section or Code  
20 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  
21 not been previously convicted or adjudicated delinquent for a violation of Code  
22 Section 40-6-391 within five years, as measured from the dates of previous arrests for  
23 which convictions were obtained or pleas of nolo contendere were accepted to the date  
24 of the current arrest, may apply for a limited driving permit when that person's driver's  
25 license has been suspended in accordance with:

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

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

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

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

32 (E) Paragraph (1) of subsection (a) of Code Section 40-5-67.2 and upon submission  
33 of proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program  
34 certified by the Department of Driver Services;

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

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

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

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

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

53 **SECTION 2.**

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

57 "(d) All DUI Alcohol or Drug Use Risk Reduction Program records ~~including, but not~~  
 58 ~~limited to, assessment results and other components attended~~ shall be confidential and shall  
 59 not be released without the written consent of the DUI offender, except that such records  
 60 shall be made available to the Department of Behavioral Health and Developmental  
 61 Disabilities and the Department of Driver Services. The written consent required by this  
 62 subsection may be obtained and transferred in electronic format. ~~The provision of~~  
 63 ~~assessments to the Department of Behavioral Health and Developmental Disabilities shall~~  
 64 ~~be according to an interagency agreement between the Department of Driver Services and~~  
 65 ~~the Department of Behavioral Health and Developmental Disabilities, and the agreement~~

66 may provide for assessment fees to be transmitted to the Department of Behavioral Health  
67 and Developmental Disabilities."

68 **SECTION 3.**

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

73 "(a)(1) The commissioner shall establish criteria for the approval of driver improvement  
74 clinics. To be approved, a clinic shall provide and operate a defensive driving course.  
75 Clinics shall be composed of uniform education and training programs consisting of six  
76 hours of instruction designed for the rehabilitation of problem drivers. The commissioner  
77 shall establish standards and requirements concerning the contents of defensive driving  
78 courses, qualifications of instructors, attendance requirements for students, and  
79 examinations. Approved clinics shall charge a fee of ~~\$95.00~~ \$125.00 for a defensive  
80 driving course, except that such clinics may charge different fees of their own choosing  
81 if the person is not enrolling in such course pursuant to court order or department  
82 requirement. No clinic shall be approved unless such clinic agrees in writing to allow the  
83 examination and audit of the books, records, and financial statements of such clinic.  
84 Clinics may be operated by any individual, partnership, or corporation. Nothing in this  
85 paragraph shall be construed to affect in any way driving programs established for  
86 purposes of insurance premium reductions under the provisions of Code Section 33-9-42.

87 (2)(A) No driver improvement clinic shall be permitted to use, adopt, or conduct any  
88 business under any name that is like or deceptively similar to any name used by any  
89 other driver improvement clinic, Georgia company, or Georgia corporation registered  
90 with the Secretary of State. This subparagraph shall not prohibit the franchising or

91 licensing of any part or all of the name of a driver improvement clinic by the owner or  
92 the rights thereof to another licensed driver improvement clinic.

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

96 "(e)(1) The department is designated as the agency responsible for establishing criteria  
97 for the certification of DUI Alcohol or Drug Use Risk Reduction Programs. An applicant  
98 shall meet the certification criteria promulgated by the department ~~through its standards~~  
99 and shall provide ~~assessment component services and intervention component services.~~  
100 ~~A certified DUI Alcohol or Drug Use Risk Reduction Program shall require that a risk~~  
101 ~~assessment component be conducted prior to administering the intervention component~~  
102 ~~of such program.~~ A certified DUI Alcohol or Drug Use Risk Reduction Program may  
103 include a clinical evaluation component after an individual completes ~~risk assessment and~~  
104 intervention services. Only clinical evaluators licensed by the Department of Behavioral  
105 Health and Developmental Disabilities qualified to conduct such evaluations shall be  
106 qualified to conduct clinical evaluations. The department is designated as the agency  
107 responsible for establishing rules and regulations concerning the contents and duration  
108 of the components of DUI Alcohol or Drug Use Risk Reduction Programs, qualifications  
109 of instructors, attendance requirements for students, examinations, and program  
110 evaluations. Qualified instructors shall be certified for periods of four years each, which  
111 may be renewed, and instruction shall be provided through in-person instruction or  
112 remote participation platforms utilizing in-person instruction providers.

113 (2) Certified DUI Alcohol or Drug Use Risk Reduction Programs shall charge a fee of  
114 ~~\$100.00 for the assessment component and \$235.00 for the intervention component~~  
115 \$380.00. An additional fee for required student program materials shall be established  
116 by the department in such an amount as is reasonable and necessary to cover the cost of  
117 such materials; provided, however, that such fee shall not exceed \$15.00.

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

123 (4) DUI Alcohol or Drug Use Risk Reduction Programs may be operated by any public,  
124 private, or governmental entity; provided, however, that, except as otherwise provided  
125 in this subsection, in any political subdivision in which a DUI Alcohol or Drug Use Risk  
126 Reduction Program is operated by a private entity, whether for profit or nonprofit, neither  
127 the local county board of health nor any other governmental entity shall fund any new  
128 programs in that area. Programs in existence prior to July 1, 1990, which are operated  
129 by local county boards of health or any other governmental entities shall be authorized  
130 to continue operation. New programs may be started in areas where no private DUI  
131 Alcohol or Drug Use Risk Reduction Programs have been made available in the political  
132 subdivision.

133 (5) The Department of Corrections shall be authorized to operate DUI Alcohol or Drug  
134 Use Risk Reduction Programs in its facilities where offenders are not authorized to  
135 participate in such programs in the community, provided that such programs meet the  
136 certification criteria promulgated by the Department of Driver Services. All such  
137 programs operated by the Department of Corrections shall be exempt from all fee  
138 provisions established in this subsection specifically including the rebate of any fee for  
139 the costs of administration.

140 ~~(6) No DUI Alcohol or Drug Use Risk Reduction Program shall be certified unless such~~  
141 ~~program agrees in writing to pay to the state, for the costs of administration, a fee of~~  
142 ~~\$30.00 for each offender assessed, provided that nothing in this Code section shall be~~  
143 ~~construed to allow the department to retain any funds required by the Constitution to be~~  
144 ~~paid into the state treasury; and provided, further, that the department shall comply with~~

145 ~~all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' except~~  
146 ~~Code Section 45-12-92, prior to expending any such miscellaneous funds."~~

147 **SECTION 4.**

148 Said title is further amended by adding a new Code section to read as follows:

149 "40-6-391.01.

150 Notwithstanding any other provision of law to the contrary, no court shall accept a plea  
151 to a lesser offense for an initial charge of violating Code Section 40-6-391 unless the  
152 defendant presents to the court proof of successful completion of a DUI Alcohol or Drug  
153 Use Risk Reduction Program."

154 **SECTION 5.**

155 This Act shall become effective on July 1, 2026, and shall apply to offenses committed on  
156 or after that date.

157 **SECTION 6.**

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