

The Senate Committee on Public Safety offered the following substitute to SB 473:

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 authorize the collection of fees;  
7 to revise the authorized fee for driver improvement clinics; to revise the authorized fees  
8 relative to DUI Alcohol or Drug Use Risk Reduction Programs; to provide for related  
9 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for  
10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

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

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

17 (1) Notwithstanding any contrary provision of this Code section or Code  
18 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  
19 not been previously convicted or adjudicated delinquent for a violation of Code  
20 Section 40-6-391 within five years, as measured from the dates of previous arrests for  
21 which convictions were obtained or pleas of nolo contendere were accepted to the date  
22 of the current arrest, may apply for a limited driving permit when that person's driver's  
23 license has been suspended in accordance with:

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

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

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

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

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

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

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

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

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

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

51 **SECTION 2.**

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

55 "(d) All DUI Alcohol or Drug Use Risk Reduction Program records including, but not  
56 limited to, assessment results and other components attended shall be confidential and shall  
57 not be released without the written consent of the DUI offender, except that such records  
58 shall be made available to the Department of Behavioral Health and Developmental  
59 Disabilities and the Department of Driver Services. The written consent required by this  
60 subsection may be obtained and transferred in electronic format. The provision of  
61 assessments to the Department of Behavioral Health and Developmental Disabilities shall  
62 be according to an interagency agreement between the Department of Driver Services and  
63 the Department of Behavioral Health and Developmental Disabilities, and ~~the agreement~~  
64 ~~may provide for assessment fees to be transmitted to the Department of Behavioral Health~~  
65 ~~and Developmental Disabilities~~ shall be authorized to collect a fee of \$15.00 for each  
66 offender assessed."

67

**SECTION 3.**

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

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

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

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

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

115 (2) Certified DUI Alcohol or Drug Use Risk Reduction Programs shall charge a fee of  
116 ~~\$100.00 for the assessment component and \$235.00 for the intervention component~~  
117 \$380.00. An additional fee for required student program materials shall be established

118 by the department in such an amount as is reasonable and necessary to cover the cost of  
119 such materials; provided, however, that such fee shall not exceed \$15.00.

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

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

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

142 (6) No DUI Alcohol or Drug Use Risk Reduction Program shall be certified unless such  
143 program agrees in writing to pay to the state, for the costs of administration, a fee of  
144 ~~\$30.00~~ \$15.00 for each offender assessed, provided that nothing in this Code section shall

145 be construed to allow the department to retain any funds required by the Constitution to  
146 be paid into the state treasury; and provided, further, that the department shall comply  
147 with all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,'  
148 except Code Section 45-12-92, prior to expending any such miscellaneous funds."

149 **SECTION 4.**

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

152 **SECTION 5.**

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