

The Senate Committee on Judiciary offered the following substitute to HB 267:

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 revise the authorized fee for driver improvement clinics; to provide for
3 instruction standards for DUI Alcohol or Drug Use Risk Reduction Programs; to revise the
4 authorized fees relative to such programs; to require restitution for certain convictions of
5 homicide by vehicle in which the offense was caused by the operation of such vehicle under
6 the influence of alcohol or drugs; to provide for standards for such award amount; to provide
7 for related matters; to provide for an effective date and applicability; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
12 amended in Code Section 40-5-83, relating to approval and operation of driver improvement
13 clinics, criteria for defensive driving courses, alcohol and drug courses, and driving under
14 the influence risk reduction programs, by revising subsections (a) and (e) as follows:

15 "(a)(1) The commissioner shall establish criteria for the approval of driver improvement
16 clinics. To be approved, a clinic shall provide and operate a defensive driving course.

17 Clinics shall be composed of uniform education and training programs consisting of six
18 hours of instruction designed for the rehabilitation of problem drivers. The commissioner
19 shall establish standards and requirements concerning the contents of defensive driving
20 courses, qualifications of instructors, attendance requirements for students, and
21 examinations. Approved clinics shall charge a fee of ~~\$95.00~~ \$125.00 for a defensive
22 driving course, except that such clinics may charge different fees of their own choosing
23 if the person is not enrolling in such course pursuant to court order or department
24 requirement. No clinic shall be approved unless such clinic agrees in writing to allow the
25 examination and audit of the books, records, and financial statements of such clinic.
26 Clinics may be operated by any individual, partnership, or corporation. Nothing in this
27 paragraph shall be construed to affect in any way driving programs established for
28 purposes of insurance premium reductions under the provisions of Code Section 33-9-42.

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

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

38 "(e)(1) The department is designated as the agency responsible for establishing criteria
39 for the certification of DUI Alcohol or Drug Use Risk Reduction Programs. An applicant
40 shall meet the certification criteria promulgated by the department through its standards
41 and shall provide assessment component services and intervention component services.
42 A certified DUI Alcohol or Drug Use Risk Reduction Program shall require that a risk
43 assessment component be conducted prior to administering the intervention component

44 of such program. A certified DUI Alcohol or Drug Use Risk Reduction Program may
45 include a clinical evaluation component after an individual completes risk assessment and
46 intervention services. Only clinical evaluators licensed by the Department of Behavioral
47 Health and Developmental Disabilities shall be qualified to conduct clinical evaluations.
48 The department is designated as the agency responsible for establishing rules and
49 regulations concerning the contents and duration of the components of DUI Alcohol or
50 Drug Use Risk Reduction Programs, qualifications of instructors, attendance
51 requirements for students, examinations, and program evaluations. Qualified instructors
52 shall be certified for periods of four years each, which may be renewed, and instruction
53 shall be provided through in-person instruction or remote participation platforms utilizing
54 in-person instruction providers.

55 (2) Certified DUI Alcohol or Drug Use Risk Reduction Programs shall charge a fee of
56 ~~\$100.00 for the assessment component and \$235.00 for the intervention component~~
57 \$395.00. An additional fee for required student program materials shall be established
58 by the department in such an amount as is reasonable and necessary to cover the cost of
59 such materials.

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

65 (4) DUI Alcohol or Drug Use Risk Reduction Programs may be operated by any public,
66 private, or governmental entity; provided, however, that, except as otherwise provided
67 in this subsection, in any political subdivision in which a DUI Alcohol or Drug Use Risk
68 Reduction Program is operated by a private entity, whether for profit or nonprofit, neither
69 the local county board of health nor any other governmental entity shall fund any new
70 programs in that area. Programs in existence prior to July 1, 1990, which are operated

71 by local county boards of health or any other governmental entities shall be authorized
72 to continue operation. New programs may be started in areas where no private DUI
73 Alcohol or Drug Use Risk Reduction Programs have been made available in the political
74 subdivision.

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

82 (6) No DUI Alcohol or Drug Use Risk Reduction Program shall be certified unless such
83 program agrees in writing to pay to the state, for the costs of administration, a fee of
84 \$30.00 for each offender assessed, provided that nothing in this Code section shall be
85 construed to allow the department to retain any funds required by the Constitution to be
86 paid into the state treasury; and provided, further, that the department shall comply with
87 all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' except
88 Code Section 45-12-92, prior to expending any such miscellaneous funds."

89 **SECTION 2.**

90 Said title is further amended in Code Section 40-6-393, relating to homicide by vehicle, by
91 adding a new subsection to read as follows:

92 "(e)(1) In addition to the penalties provided for in this Code section, the court shall order
93 any person 18 years of age or older convicted, under subsection (a) or (d) of this Code
94 section, of causing the death of another person through a violation of subsection (a) of
95 Code Section 40-6-391 to make restitution pursuant to Article 1 of Chapter 14 of Title 17
96 when the deceased person was the parent or guardian of a minor child. Such restitution

97 shall be in the form of financial assistance to each minor child of the deceased person
98 until the earlier date of when such child reaches the age of 18 or graduates from high
99 school. In making a determination of the appropriate amount of financial assistance for
100 a child, the court shall consider:

- 101 (A) The financial resources and needs of the child;
102 (B) The financial resources and needs of the surviving parent or guardian of the child,
103 which may include the state if the child is in the protective custody of the Division of
104 Family and Children Services of the Department of Human Services;
105 (C) The standard of living to which the child is accustomed;
106 (D) The physical and emotional condition of the child and the child's educational
107 needs;
108 (E) The child's physical and legal custody arrangements; and
109 (F) The reasonable work related child care expenses of the surviving parent or
110 guardian.

111 (2) Restitution made pursuant to this subsection shall not preclude any party from
112 obtaining any other civil or criminal remedy available under any other provision of law."

113 **SECTION 3.**

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

116 **SECTION 4.**

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