

Senate Bill 298

By: Senators Murphy of the 27th, Unterman of the 45th, Mullis of the 53rd, Burke of the 11th, Hufstetler of the 52nd and others

**AS PASSED**

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 enact recommendations of the House Comprehensive Motor Vehicle and  
 3 Traffic Reform Study Committee; to correct cross-references; to amend Code Section  
 4 3-3-23.1, Article 1 of Chapter 18 of Title 15, Code Sections 17-10-3, 33-9-42, and 42-8-112,  
 5 Title 40, Title 43, and Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia  
 6 Annotated, relating to procedures and penalties for furnishing alcohol to persons under 21  
 7 years of age, general provisions for prosecuting attorneys, punishment for misdemeanors  
 8 generally, reduction in premiums for motor vehicle liability, first-party medical, and collision  
 9 coverages, timing for the issuance of certain limited driving permits, motor vehicles and  
 10 traffic, professions and businesses, and general provisions for registration, operation, and sale  
 11 of watercraft, respectively, so as to clarify provisions relating to the Department of Driver  
 12 Services' certification and approval of certain driver improvement programs; to amend  
 13 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to  
 14 issuance, expiration, and renewal of licenses, so as to clarify provisions relating to driving  
 15 without a driver's license and examination of license applicants; to provide for an additional  
 16 method of demonstrating proof of license; to amend Code Section 40-2-74.1 of the Official  
 17 Code of Georgia Annotated, relating to special vehicle decals for persons with disabilities,  
 18 so as to provide for the submission of a doctor's prescription with an application for a special  
 19 parking decal in lieu of an affidavit; to amend Code Section 40-6-391 of the Official Code  
 20 of Georgia Annotated, relating to driving under the influence of alcohol, drugs, or other  
 21 intoxicating substances, so as to require the completion of certain educational programs  
 22 within a determined time-frame; to amend Article 4 of Chapter 5 of Title 40 of the Official  
 23 Code of Georgia Annotated, relating to restoration of licenses to persons completing  
 24 defensive driving course or alcohol or drug program, so as to increase the fees that may be  
 25 charged; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating  
 26 to drivers' licenses, so as to provide for Class E and Class F drivers' licenses free of charge  
 27 to qualified volunteer firefighters; to revise the contents for certain documents issued by the

28 department; to provide for related matters; to provide for effective dates; to repeal conflicting  
29 laws; and for other purposes.

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

31 PART I  
32 DEPARTMENT OF DRIVER SERVICES  
33 CERTIFIED OR APPROVED DRIVING PROGRAMS  
34 SECTION 1-1.

35 Code Section 3-3-23.1 of the Official Code of Georgia Annotated, relating to procedures and  
36 penalties for furnishing alcohol to persons under 21 years of age, is amended by revising  
37 subsection (f) as follows:

38 "(f) In addition to any other punishment or sentence, the court may order all persons  
39 convicted under subsection (b) of this Code section or sentenced under subsection (c) of  
40 this Code section to complete a DUI Alcohol or Drug Use Risk Reduction Program  
41 ~~prescribed~~ certified by the Department of Driver Services within 120 days of such  
42 conviction or sentence. Failure to complete such program within 120 days shall be  
43 contempt of court and shall be punished by a fine of not more than \$300.00 or 20 ~~days~~  
44 days' imprisonment, or both. If the conviction or sentence results from a charge of  
45 unlawful possession of alcoholic beverages while operating a motor vehicle, the court shall  
46 report such conviction or sentence to the Department of Driver Services within ten days  
47 after conviction or sentencing."

48 SECTION 1-2.

49 Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to  
50 general provisions for prosecuting attorneys, is amended by adding a new Code section to  
51 read as follows:

52 "15-18-31.  
53 When a prosecuting attorney determines that prosecution of a traffic offense, or municipal  
54 ordinance involving a traffic offense, is or is not warranted, and regardless of whether a  
55 court order is entered for such offense or a referral is made to a pretrial intervention,  
56 pretrial release, pretrial diversion program, or other similar pretrial program, a prosecuting  
57 attorney may condition any other action regarding such offense upon the satisfactory  
58 completion of a defensive driving course or defensive driving program approved by the  
59 Department of Driver Services but shall not be authorized to mandate the completion of  
60 any other driving program."

61 **SECTION 1-3.**

62 Code Section 17-10-3 of the Official Code of Georgia Annotated, relating to punishment for  
63 misdemeanors generally, is amended by revising paragraph (2) of subsection (d) as follows:

64 "(2) Satisfactory completion of a defensive driving course or defensive driving program  
65 approved by the Department of Driver Services ~~Attendance at, and satisfactory~~  
66 ~~completion of, a driver improvement course meeting standards approved by the court;"~~

67 **SECTION 1-4.**

68 Code Section 33-9-42 of the Official Code of Georgia Annotated, relating to reduction in  
69 premiums for motor vehicle liability, first-party medical, and collision coverages for certain  
70 named drivers, is amended by revising paragraph (3) of subsection (b) and subsections (d)  
71 and (g) as follows:

72 "(3) Complete one of the following types of driving courses:

73 (A) A ~~course in~~ defensive driving course of not less than six hours from a driver  
74 improvement clinic or commercial or noncommercial driving school approved by and  
75 under the jurisdiction of the Department of Driver Services;

76 (B) An emergency vehicles operations course at the Georgia Public Safety Training  
77 Center;

78 (C) A ~~course in~~ defensive driving course of not less than six hours from a driver  
79 improvement program which is administered by a nonprofit organization such as the  
80 American Association of Retired People, the American Automobile Association, the  
81 National Safety Council, or a comparable organization and which meets the ~~standards~~  
82 ~~promulgated by~~ rules and regulations of the Department of Driver Services pursuant to  
83 subsection ~~(f)~~ (g) of this Code section; or

84 (D) A ~~course in~~ defensive driving course of not less than six hours which is offered by  
85 an employer to its employees and their immediate families, ~~which course has been~~  
86 ~~approved by~~ and which meets the rules and regulations of the Department of Driver  
87 Services."

88 "(d) Upon completion of one of the defensive driving courses specified in paragraph (3)  
89 of subsection (b) or preparatory courses offered to new drivers specified in paragraph (3)  
90 of subsection (c), as applicable, of this Code section by each named driver, eligibility for  
91 reductions in premiums for such policy shall continue for a period of three years, provided  
92 any named driver under such policy does not commit a traffic offense or have a claim  
93 against the policy based on any such driver's fault."

94 "(g) The power of supervision granted to the Department of Driver Services over driver  
95 improvement programs administered by nonprofit organizations under this Code section  
96 shall be limited to the establishment of minimum standards and requirements relative to the

97 content of specific courses offered by such programs and relative to investigation and  
 98 resolution of any complaints directed towards the content or operation of any course by a  
 99 person enrolled in such course. The Department of Driver Services may adopt rules and  
 100 regulations necessary to carry out the provisions of this subsection. The Department of  
 101 Driver Services shall not require a nonprofit organization to obtain a license or permit or  
 102 to pay a fee in order to administer a driver improvement program in the state. The  
 103 Department of Driver Services shall not require a commercial driving school licensed by  
 104 such department to obtain an additional license to teach a defensive driving course, as  
 105 described in subparagraph (b)(3)(A) or preparatory course offered to new drivers as  
 106 described in paragraph (3) of subsection (c) of this Code section, at any location in this  
 107 state."

108 **SECTION 1-5.**

109 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
 110 amended by adding a new paragraph to Code Section 40-1-1, relating to definitions for Title  
 111 40, as follows:

112 "(15.3) 'DUI Alcohol or Drug Use Risk Reduction Program' means a program certified  
 113 by the Department of Driver Services in accordance with subsection (e) of Code Section  
 114 40-5-83."

115 **SECTION 1-6.**

116 Said title is further amended by revising paragraph (9) of Code Section 40-5-1, relating to  
 117 definitions for Chapter 5, as follows:

118 ~~"(9) 'DUI Alcohol or Drug Use Risk Reduction Program' means a program certified by~~  
 119 ~~the Department of Driver Services which consists of two components: assessment and~~  
 120 ~~intervention Reserved."~~

121 **SECTION 1-7.**

122 Said title is further amended by revising subsection (d) of Code Section 40-5-27, relating to  
 123 examination of license applicants, as follows:

124 "(d)(1) The department shall authorize licensed driver training schools to conduct  
 125 knowledge tests, on-the-road driving skills tests, and other tests required for issuance of  
 126 a driver's license as provided in this subsection. ~~The department may authorize licensed~~  
 127 ~~driver training schools to issue driver's licenses to successful applicants as provided in~~  
 128 ~~this subsection.~~ The department shall, prior to approving a licensed driver training school  
 129 to conduct tests ~~or issue licenses or both~~ as provided in this subsection, make a  
 130 determination that the school has been licensed for a minimum of two years and has

131 conducted driver education courses on a full-time basis for such two-year period and that  
 132 such school meets all other standards which the department may establish as a condition  
 133 for approval to conduct such tests ~~or issue licenses or both~~. The department shall  
 134 authorize a driver training school licensed pursuant to Chapter 13 of Title 43 and  
 135 approved by the department to administer the on-the-road driving skills testing provided  
 136 for in this Code section, provided that the applicant has successfully completed a driver  
 137 training course which includes a minimum of 30 class hours of instruction and six hours  
 138 of private in-car training. The department may establish by rules and regulations the type  
 139 of tests or demonstrations to be made by applicants for any Class P instructional permit,  
 140 Class C driver's license, or Class D driver's license under this Code section.

141 (2) The department may authorize public and private high schools to conduct knowledge  
 142 tests required for issuance of a Class P instructional permit or Class D driver's license or  
 143 both."

144 **SECTION 1-8.**

145 Said title is further amended by revising subparagraph (c)(1)(C) of Code Section 40-5-57,  
 146 relating to suspension or revocation of license of habitually negligent or dangerous driver,  
 147 as follows:

148 "(C) A court may order a person to attend a ~~driver improvement~~ defensive driving  
 149 course approved by the commissioner pursuant to Code Section 40-5-83 for any  
 150 violation for which points are assessed against a driver's license under this subsection  
 151 or may accept the attendance by a person at a driver improvement clinic approved by  
 152 the commissioner pursuant to Code Section 40-5-83 after the issuance of a citation for  
 153 such offense and prior to such person's appearance before the court, in which event the  
 154 court shall reduce the fine assessed against such person by 20 percent, and no points  
 155 shall be assessed by the department against such driver. The disposition and court order  
 156 shall be reported to the department and shall be placed on the motor vehicle record with  
 157 a zero point count. This plea may be accepted by the court once every five years as  
 158 measured from date of arrest to date of arrest."

159 **SECTION 1-9.**

160 Said title is further amended by revising paragraph (1) of subsection (c) of Code Section  
 161 40-5-57.1, relating to suspension of licenses of persons under age 21 for certain offenses, as  
 162 follows:

163 "(c)(1) Any driver's license suspended under subsection (a) of this Code section for  
 164 commission of any offense other than violation of Code Section 40-6-391 shall not  
 165 become valid and shall remain suspended until such person submits proof of completion

166 of a defensive driving ~~program approved by the department~~ course approved by the  
 167 commissioner pursuant to Code Section 40-5-83 and pays the applicable reinstatement  
 168 fee. Any driver's license suspended under subsection (a) of this Code section for  
 169 commission of a violation of Code Section 40-6-391 shall not become valid and shall  
 170 remain suspended until such person submits proof of completion of a DUI ~~Drug or~~  
 171 Alcohol or Drug Use Risk Reduction Program and pays the applicable reinstatement fee."

172 **SECTION 1-10.**

173 Said title is further amended by revising subparagraph (e)(1)(C) of Code Section 40-5-58,  
 174 relating to habitual violators and probationary licenses, as follows:

175 "(C) Such person has successfully completed, prior to the issuance of the probationary  
 176 driver's license, a defensive driving course approved by the commissioner pursuant to  
 177 Code Section 40-5-83 or a DUI Alcohol or Drug Use Risk Reduction Program as  
 178 designated by the department;"

179 **SECTION 1-11.**

180 Said title is further amended by revising subsection (b) of Code Section 40-5-62, relating to  
 181 periods of revocation and conditions to restoration of license, as follows:

182 "(b) The department shall not issue a new license nor restore a person's suspended license  
 183 or nonresident's operating privilege unless and until it is satisfied after investigation of the  
 184 character, habits, and driving ability of such person that it will be safe to grant the privilege  
 185 of driving a motor vehicle on the public highways. Notwithstanding subsection (a) of this  
 186 Code section or any other provision of this title, the department shall not issue a new  
 187 license to any person whose license was revoked as a habitual violator for three violations  
 188 of Code Section 40-6-391 within a five-year period unless and until such person submits  
 189 proof of completion of ~~an approved~~ a DUI Alcohol or Drug Use Risk Reduction Program.  
 190 The department may issue rules and regulations providing for reinstatement hearings. In  
 191 the case of a revocation pursuant to Code Section 40-5-58, the department shall charge a  
 192 fee of \$410.00 or \$400.00 if processed by mail in addition to the fee prescribed by Code  
 193 Section 40-5-25 to issue a new driver's license to a person whose driver's license has been  
 194 revoked."

195 **SECTION 1-12.**

196 Said title is further amended by revising paragraphs (1) and (2) of subsection (a) and  
 197 subsection (e) of Code Section 40-5-63, relating to periods of suspension, as follows:

198 "(1) Upon the first conviction of any such offense, with no arrest and conviction of and  
 199 no plea of nolo contendere accepted to such offense within the previous five years, as

200 measured from the dates of previous arrests for which convictions were obtained to the  
201 date of the current arrest for which a conviction is obtained, the period of suspension shall  
202 be for 12 months. At the end of 120 days, the person may apply to the department for  
203 early reinstatement of ~~said~~ his or her driver's license. Such license shall be reinstated if  
204 such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction  
205 Program and pays a restoration fee of \$210.00 or \$200.00 when such reinstatement is  
206 processed by mail ~~unless such conviction was a recidivist conviction in which case the~~  
207 ~~restoration fee shall be \$510.00 or \$500.00 when such reinstatement is processed by mail,~~  
208 provided that, if such license was suspended as a result of a conviction of an offense  
209 listed in Code Section 40-5-54, such license shall be reinstated if such person submits  
210 proof of completion of either a defensive driving ~~program~~ course approved by the  
211 ~~department~~ commissioner pursuant to Code Section 40-5-83 or a DUI Alcohol or Drug  
212 Use Risk Reduction Program and pays the prescribed restoration fee. A driver's license  
213 suspended as a result of a conviction of a violation of Code Section 40-6-391 shall not  
214 become valid and shall remain suspended until such person submits proof of completion  
215 of a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed  
216 restoration fee. For purposes of this paragraph, an accepted plea of nolo contendere to  
217 an offense listed in Code Section 40-5-54 by a person who is under 18 years of age at the  
218 time of arrest shall constitute a conviction. For the purposes of this paragraph only, an  
219 accepted plea of nolo contendere by a person 21 years of age or older, with no conviction  
220 of and no plea of nolo contendere accepted to a charge of violating Code Section  
221 40-6-391 within the previous five years, as measured from the dates of previous arrests  
222 for which convictions were obtained or pleas of nolo contendere accepted to the date of  
223 the current arrest for which a plea of nolo contendere is accepted, shall be considered a  
224 conviction, and the court having jurisdiction shall forward, as provided in Code Section  
225 40-6-391.1, the record of such disposition of the case to the department and the record  
226 of such disposition shall be kept on file for the purpose of considering and counting such  
227 accepted plea of nolo contendere as a conviction under paragraphs (2) and (3) of this  
228 subsection;

229 (2) Upon the second conviction of any such offense within five years, as measured from  
230 the dates of previous arrests for which convictions were obtained to the date of the  
231 current arrest for which a conviction is obtained, the period of suspension shall be for  
232 three years. At the end of 120 days, the person may apply to the department for  
233 reinstatement of ~~such~~ his or her driver's license; except that if such license was suspended  
234 as a result of a second conviction of a violation of Code Section 40-6-391 within five  
235 years, the person shall not be eligible to apply for license reinstatement until the end of  
236 18 months. Such license shall be reinstated if such person submits proof of completion

237 of a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of  
 238 \$210.00 or \$200.00 when such reinstatement is processed by mail ~~unless such conviction~~  
 239 ~~was a recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00~~  
 240 ~~when processed by mail~~, provided that, if such license was suspended as a result of a  
 241 conviction of an offense listed in Code Section 40-5-54, such license shall be reinstated  
 242 if such person submits proof of completion of either a defensive driving ~~program~~ course  
 243 approved by the ~~department~~ commissioner pursuant to Code Section 40-5-83 or a DUI  
 244 Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee.  
 245 A driver's license suspended as a result of a conviction of a violation of Code Section  
 246 40-6-391 shall not become valid and shall remain suspended until such person submits  
 247 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program, provides  
 248 proof of installation and maintenance of an ignition interlock device for a period of one  
 249 year coinciding with the issuance of an ignition interlock device limited driving permit  
 250 as provided in Code Section 40-5-64 unless waived due to financial hardship, and pays  
 251 the prescribed restoration fee. For purposes of this paragraph, a plea of nolo contendere  
 252 and all previous accepted pleas of nolo contendere to an offense listed in Code Section  
 253 40-5-54 within such five-year period of time shall constitute a conviction. For the  
 254 purposes of this paragraph, a plea of nolo contendere to a charge of violating Code  
 255 Section 40-6-391 and all prior accepted pleas of nolo contendere within five years, as  
 256 measured from the dates of previous arrests for which convictions were obtained or pleas  
 257 of nolo contendere were accepted to the date of the current arrest for which a plea of nolo  
 258 contendere is accepted, shall be considered and counted as convictions; or"  
 259 "(e) The driver's license of any person under 21 years of age who is convicted of unlawful  
 260 possession of alcoholic beverages in violation of Code Section 3-3-23 while operating a  
 261 motor vehicle may be suspended for a period of not less than 120 days. At the end of 120  
 262 days, the person may apply to the department for reinstatement of ~~said~~ his or her driver's  
 263 license. Such license shall be reinstated only if the person submits proof of completion of  
 264 ~~an approved~~ a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration  
 265 fee of \$35.00 or \$25.00 when processed by mail. For purposes of this subsection, a  
 266 sentence under subsection (c) of Code Section 3-3-23.1 shall not be considered a  
 267 conviction, and the driver's license of such person shall not be suspended, provided that  
 268 such person completes a DUI Alcohol or Drug Use Risk Reduction Program within 120  
 269 days after sentencing."



270 **SECTION 1-13.**

271 Said title is further amended by revising paragraph (2) of Code Section 40-5-80, relating to  
 272 the purpose of the article relating to restoration of licenses to persons completing defensive  
 273 driving course or alcohol or drug program, as follows:

274 "(2) Require, in addition to the criteria established by the commissioner for approval of  
 275 driver improvement clinics and certification of DUI Alcohol or Drug Use Risk Reduction  
 276 Programs, as provided in subsections (a) and (e) of Code Section 40-5-83, respectively,  
 277 that every driver improvement clinic and DUI Alcohol or Drug Use Risk Reduction  
 278 Program shall, as a condition of approval or certification, provide a continuous surety  
 279 company bond for the protection of the contractual rights of students in such form as will  
 280 meet with the approval of the department; and written by a company authorized to do  
 281 business in this state. The principal sum of the bond shall be established by the  
 282 commissioner; however, in no event shall ~~this~~ the amount of the bond be less than  
 283 \$10,000.00 per location, and a single bond at such rate may be submitted for all locations  
 284 under the same ownership. If at any time said bond is not valid and in force, the license  
 285 of the driver improvement clinic or program DUI Alcohol or Drug Use Risk Reduction  
 286 Program shall be deemed suspended by operation of law until a valid surety company  
 287 bond is again in force."

288 **SECTION 1-14.**

289 Said title is further amended by revising Code Section 40-5-81, relating to program optional  
 290 and certification and approval of courses, as follows:

291 "40-5-81.

292 (a) Any ~~driver improvement program~~ defensive driving course or defensive driving  
 293 program at which attendance is required by court order shall conform to the requirements  
 294 of this article. When a defensive driving course, defensive driving program, or DUI  
 295 Alcohol or Drug Use Risk Reduction Program is required by a court having jurisdiction  
 296 over misdemeanor traffic law offenses or by any prosecuting attorney thereof, such course  
 297 or program shall be certified ~~and~~ or approved by the department under the provisions of  
 298 Code Sections 40-5-82 and 40-5-83, as applicable. Certificates of completion from  
 299 unlicensed defensive driving courses shall not be recognized for any purposes under this  
 300 article.

301 (b) Whenever any person is authorized or required to attend a driver improvement clinic  
 302 or DUI Alcohol or Drug Use Risk Reduction Program as a condition of any sentence  
 303 imposed under this title or any ordinance enacted pursuant to this title or as a condition of  
 304 the retention or restoration of the person's driving privilege, such person, in complying with  
 305 such condition, shall be authorized to attend any driver improvement clinic approved under

306 this article or DUI Alcohol or Drug Use Risk Reduction Program certified under this  
 307 article; and no judicial officer, probation officer, law enforcement officer, or other officer  
 308 or employee of a court or person who owns, operates, or is employed by a private company  
 309 which has contracted to provide private probation services for misdemeanor cases shall  
 310 specify, directly or indirectly, a particular driver improvement clinic or DUI Alcohol or  
 311 Drug Use Risk Reduction Program which the person may or shall attend. This Code  
 312 section shall not prohibit any judicial officer, probation officer, law enforcement officer,  
 313 or other officer or employee of a court or owner, operator, or employee of a private  
 314 company which has contracted to provide probation services for misdemeanor offenders  
 315 from furnishing any person, upon request, the names of ~~certified~~ approved driver  
 316 improvement clinics or certified DUI Alcohol or Drug Use Risk Reduction Programs.

317 (c) It shall be unlawful for the owner, agent, servant, or employee of any driver  
 318 improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program licensed by the  
 319 department to directly or indirectly solicit business by personal solicitation on public  
 320 property, by phone, by e-mail, or by mail. A violation of this subsection shall be a  
 321 misdemeanor. Advertising in any mass media, including, but not limited to, newspapers,  
 322 radio, television, magazines, Internet, or telephone directories, by a driver improvement  
 323 clinic or DUI Alcohol or Drug Use Risk Reduction Program shall not be considered a  
 324 violation of this subsection."

325 **SECTION 1-15.**

326 Said title is further amended by revising subsection (c) of Code Section 40-5-82, relating to  
 327 administration of program, as follows:

328 "(c) The department is designated as the agency responsible for the ~~approval and~~  
 329 certification of DUI Alcohol or Drug Use Risk Reduction Programs and staff. This  
 330 responsibility includes selection of the assessment instrument, development of the  
 331 intervention curricula, training of program staff, and monitoring of all DUI Alcohol or  
 332 Drug Use Risk Reduction Programs under this article."

333 **SECTION 1-16.**

334 Said title is further amended by revising paragraph (1) of subsection (a) and subsection (e)  
 335 of Code Section 40-5-83, relating to establishment and approval of clinics and programs, as  
 336 follows:

337 "(a)(1) The commissioner shall establish criteria for the approval of driver improvement  
 338 clinics. To be approved, a clinic shall provide and operate a defensive driving course.  
 339 Clinics shall be composed of uniform education and training programs consisting of six  
 340 hours of instruction designed for the rehabilitation of problem drivers. The commissioner

341 shall establish standards and requirements concerning the contents of defensive driving  
 342 courses, qualifications of instructors, attendance requirements for students, and  
 343 examinations. Approved clinics shall charge a fee of ~~\$75.00~~ \$95.00 for a defensive  
 344 driving course, except that such clinics may charge different fees of their own choosing  
 345 if the person is not enrolling in such course pursuant to court order or department  
 346 requirement. No clinic shall be approved unless such clinic agrees in writing to allow the  
 347 examination and audit of the books, records, and financial statements of such clinic.  
 348 Clinics may be operated by any individual, partnership, or corporation. Nothing in this  
 349 paragraph shall be construed to affect in any way driving programs established for  
 350 purposes of insurance premium reductions under the provisions of Code Section  
 351 33-9-42."

352 "(e)(1) The department is designated as the agency responsible for establishing criteria  
 353 for the approval certification of DUI Alcohol or Drug Use Risk Reduction Programs. An  
 354 applicant shall meet the certification criteria promulgated by the department through its  
 355 standards and shall provide ~~the following services:~~ (1) the assessment component services  
 356 and (2) the intervention component services. A certified DUI Alcohol or Drug Use Risk  
 357 Reduction Program shall require that a risk assessment component be conducted prior to  
 358 administering the intervention component of such program. A certified DUI Alcohol or  
 359 Drug Use Risk Reduction Program may include a clinical evaluation component after an  
 360 individual completes risk assessment and intervention services. Only clinical evaluators  
 361 licensed by the Department of Behavioral Health and Developmental Disabilities shall  
 362 be qualified to conduct clinical evaluations. The department is designated as the agency  
 363 responsible for establishing rules and regulations concerning the contents and duration  
 364 of the components of DUI Alcohol or Drug Use Risk Reduction Programs, qualifications  
 365 of instructors, attendance requirements for students, examinations, and program  
 366 evaluations. Qualified instructors shall be certified for periods of four years each, which  
 367 may be renewed.

368 (2) Certified Approved DUI Alcohol or Drug Use Risk Reduction Programs shall charge  
 369 a fee of ~~\$82.00~~ \$100.00 for the assessment component and ~~\$190.00~~ \$235.00 for the  
 370 intervention component. An additional fee for required student program materials shall  
 371 be established by the department in such an amount as is reasonable and necessary to  
 372 cover the cost of such materials.

373 (3) No DUI Alcohol or Drug Use Risk Reduction Program shall be approved certified  
 374 unless such clinic program agrees in writing to submit reports as required in the rules and  
 375 regulations of the department and to allow the examination and audit of the books,  
 376 records, and financial statements of such DUI Alcohol or Drug Use Risk Reduction  
 377 Program by the department or its authorized agent.

378 (4) DUI Alcohol or Drug Use Risk Reduction Programs may be operated by any public,  
 379 private, or governmental entity; provided, however, that, except as otherwise provided  
 380 in this subsection, in any political subdivision in which a DUI Alcohol or Drug Use Risk  
 381 Reduction Program is operated by a private entity, whether for profit or nonprofit, neither  
 382 the local county board of health nor any other governmental entity shall fund any new  
 383 programs in that area. Programs ~~currently~~ in existence prior to July 1, 1990, which are  
 384 operated by local county boards of health or any other governmental entities shall be  
 385 authorized to continue operation. New programs may be started in areas where no private  
 386 DUI Alcohol or Drug Use Risk Reduction Programs have been made available ~~to said~~  
 387 ~~community~~ in the political subdivision.

388 (5) The Department of Corrections ~~is~~ shall be authorized to operate DUI Alcohol or Drug  
 389 Use Risk Reduction Programs in its facilities where offenders are not authorized to  
 390 participate in such programs in the community, provided that such programs meet the  
 391 certification criteria promulgated by the Department of Driver Services. All such  
 392 programs operated by the Department of Corrections shall be exempt from all fee  
 393 provisions established in this subsection specifically including the rebate of any fee for  
 394 the costs of administration.

395 (6) No DUI Alcohol or Drug Use Risk Reduction Program shall be ~~approved~~ certified  
 396 unless such ~~clinic~~ program agrees in writing to pay to the state, for the costs of  
 397 administration, a fee of ~~\$22.00~~ \$30.00 for each offender assessed ~~or each offender~~  
 398 ~~attending for points reduction~~, provided that nothing in this Code section shall be  
 399 construed ~~so~~ as to allow the department to retain any funds required by the Constitution  
 400 to be paid into the state treasury; and provided, further, that the department shall comply  
 401 with all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,'  
 402 except Code Section 45-12-92, prior to expending any such miscellaneous funds."

403

#### SECTION 1-17.

404 Said title is further amended by revising subsections (b) and (e) of Code Section 40-5-84,  
 405 relating to reinstatement of license suspended for certain offenses or for points, as follows:

406 "(b) The license of any person whose license is suspended for the second time as a result  
 407 of the conviction of an offense listed in Code Section 40-5-54 shall, at the expiration of 120  
 408 days following the date the license is suspended, be reinstated by the department upon  
 409 receipt by the department of a certificate of completion of ~~an advanced~~ a defensive driving  
 410 course approved by the department and the payment of a restoration fee of \$310.00 or  
 411 \$300.00 when such reinstatement is processed by mail."

412 "(e) The license of any person whose license is suspended for the third or subsequent time  
 413 within a five-year period as a result of the assessment of points pursuant to Code Section

414 40-5-57 shall be reinstated by the department upon receipt by the department of a  
 415 certificate of completion of ~~an advanced~~ a defensive driving course approved by the  
 416 department and the payment of a restoration fee of \$410.00 or \$400.00 when such  
 417 reinstatement is processed by mail."

418 **SECTION 1-18.**

419 Said title is further amended by revising Code Section 40-5-86, relating to reduction of point  
 420 count upon completion of course, as follows:

421 "40-5-86.

422 Upon the accumulation of points pursuant to Code Section 40-5-57, the total number of  
 423 points accumulated by any driver shall be reduced by seven points, but to not less than zero  
 424 points, upon the satisfactory completion by such driver of ~~an approved~~ a defensive driving  
 425 course approved by the department and the submission of a certificate by such driver to the  
 426 department. The provisions of this Code section shall be available one time only to each  
 427 driver in any five-year period."

428 **SECTION 1-19.**

429 Said title is further amended by revising subparagraphs (c)(1)(D), (c)(2)(D), (c)(3)(D), and  
 430 (c)(4)(D) of Code Section 40-6-391, relating to driving under the influence of alcohol, drugs,  
 431 or other intoxicating substances, as follows:

432 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120  
 433 days following his or her conviction; provided, however, that if the defendant is  
 434 incarcerated and such program cannot be completed within 120 days, it shall be  
 435 completed within 90 days of his or her release from custody. The sponsor of any such  
 436 program shall provide written notice of the ~~department's approval~~ Department of Driver  
 437 Services' certification of the program to the person upon enrollment in the program;"

438 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120  
 439 days following his or her conviction; provided, however, that if the defendant is  
 440 incarcerated and such program cannot be completed within 120 days, it shall be  
 441 completed within 90 days of his or her release from custody. The sponsor of any such  
 442 program shall provide written notice of the ~~department's approval~~ Department of Driver  
 443 Services' certification of the program to the person upon enrollment in the program;"

444 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120  
 445 days following his or her conviction; provided, however, that if the defendant is  
 446 incarcerated and such program cannot be completed within 120 days, it shall be  
 447 completed within 90 days of his or her release from custody. The sponsor of any such

448 program shall provide written notice of the ~~department's approval~~ Department of Driver  
 449 Services' certification of the program to the person upon enrollment in the program;"

450 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120  
 451 days following his or her conviction; provided, however, that if the defendant is  
 452 incarcerated and such program cannot be completed within 120 days, it shall be  
 453 completed within 90 days of his or her release from custody. The sponsor of any such  
 454 program shall provide written notice of the ~~department's approval~~ Department of Driver  
 455 Services' certification of the program to the person upon enrollment in the program;"

456 **SECTION 1-20.**

457 Code Section 42-8-112 of the Official Code of Georgia Annotated, relating to timing for  
 458 issuance of certain limited driving permits, is amended by revising subparagraphs (a)(2)(A)  
 459 and (b)(2)(A) as follows:

460 "(A) That the person to whom such permit is to be issued has completed a DUI Alcohol  
 461 or Drug Use Risk Reduction Program certified by the Department of Driver Services;"

462 "(A) That the person to whom such permit is to be issued has completed a DUI Alcohol  
 463 or Drug Use Risk Reduction Program certified by the Department of Driver Services;"

464 **SECTION 1-21.**

465 Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to  
 466 general provisions for registration, operation, and sale of watercraft, is amended by revising  
 467 subparagraphs (m)(1)(D), (m)(2)(D), (m)(3)(D), and (m)(4)(D) of Code Section 52-7-12,  
 468 relating to operation of watercraft while under the influence of alcohol, toxic vapors, or  
 469 drugs, as follows:

470 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program as defined  
 471 in Code Section ~~40-5-1~~ 40-1-1. The sponsor of any such program shall provide written  
 472 notice of the Department of ~~Drivers Service's approval~~ Driver Services' certification of  
 473 the program to the person upon enrollment in the program;"

474 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program as defined  
 475 in Code Section ~~40-5-1~~ 40-1-1. The sponsor of any such program shall provide written  
 476 notice of the Department of ~~Drivers Service's approval~~ Driver Services' certification of  
 477 the program to the person upon enrollment in the program;"

478 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program as defined  
 479 in Code Section ~~40-5-1~~ 40-1-1. The sponsor of any such program shall provide written  
 480 notice of the Department of ~~Drivers Service's approval~~ Driver Services' certification of  
 481 the program to the person upon enrollment in the program;"

482 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program as defined  
 483 in Code Section ~~40-5-1~~ 40-1-1. The sponsor of any such program shall provide written  
 484 notice of the Department of ~~Drivers Service's approval~~ Driver Services' certification of  
 485 the program to the person upon enrollment in the program;"

486 **SECTION 1-22.**

487 Said article is further amended by revising paragraphs (1) through (3) of subsection (a) of  
 488 Code Section 52-7-12.6, relating to terms of suspension, as follows:

489 "(1) Upon the first suspension pursuant to subsection (d) of Code Section 52-7-12.5  
 490 within the previous five years, as measured from the dates of previous arrests for which  
 491 a suspension was obtained to the date of the current arrest for which a suspension is  
 492 obtained, the period of suspension shall be ~~for~~ one year. Not sooner than 120 days  
 493 following the effective date of suspension, the person may apply to the department for  
 494 reinstatement of his or her operator's privilege. Such privilege shall be reinstated if such  
 495 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction  
 496 Program ~~approved~~ certified by the Department of Driver Services and pays a restoration  
 497 fee of \$200.00, ~~unless such conviction was a recidivist conviction, in which case the~~  
 498 ~~restoration fee shall be \$500.00~~. An operator's privilege suspended pursuant to Code  
 499 Section 52-7-12.5 shall remain suspended until such person submits proof of completion  
 500 of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved~~ certified by the  
 501 Department of Driver Services and pays a restoration fee of \$200.00, unless such  
 502 conviction was a recidivist conviction, in which case the restoration fee shall be \$500.00;  
 503 (2) Upon the second suspension pursuant to subsection (d) of Code Section 52-7-12.5  
 504 within five years, as measured from the dates of previous arrests for which suspensions  
 505 were obtained to the date of the current arrest for which a suspension is obtained, the  
 506 period of suspension shall be ~~for~~ three years. Not sooner than 18 months following the  
 507 effective date of suspension, the person may apply to the department for reinstatement  
 508 of ~~the person's~~ his or her operator's privilege. Such privilege shall be reinstated if such  
 509 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction  
 510 Program ~~approved~~ certified by the Department of Driver Services and pays a restoration  
 511 fee of \$200.00, ~~unless such conviction was a recidivist conviction, in which case the~~  
 512 ~~restoration fee shall be \$500.00~~. An operator's privilege suspended pursuant to Code  
 513 Section 52-7-12.5 shall remain suspended until such person submits proof of completion  
 514 of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved~~ certified by the  
 515 Department of Driver Services and pays a restoration fee of \$200.00, ~~unless such~~  
 516 ~~conviction was a recidivist conviction, in which case the restoration fee shall be \$500.00;~~

517 (3) Upon the third or subsequent suspension pursuant to subsection (d) of Code Section  
 518 52-7-12.5 within five years, as measured from the dates of previous arrests for which  
 519 suspensions were obtained to the date of the current arrest for which a suspension is  
 520 obtained, the period of suspension shall be ~~for~~ not less than five years and until such  
 521 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction  
 522 Program ~~approved~~ certified by the Department of Driver Services and pays a restoration  
 523 fee of \$200.00, ~~unless such conviction was a recidivist conviction, in which case the~~  
 524 ~~restoration fee shall be \$500.00; and"~~

525 PART II  
 526 UNLICENSED DRIVERS  
 527 SECTION 2-1.

528 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to  
 529 issuance, expiration, and renewal of licenses, is amended by revising subsection (a) of Code  
 530 Section 40-5-20, relating to requiring a license, as follows:

531 "(a) No person, except those expressly exempted in this chapter, shall drive any motor  
 532 vehicle upon a highway in this state unless such person has a valid driver's license under  
 533 this chapter for the type or class of vehicle being driven. Any person who is a resident of  
 534 this state for 30 days shall obtain a Georgia driver's license before operating a motor  
 535 vehicle in this state. ~~Any violation of this subsection shall be punished as provided in Code~~  
 536 ~~Section 40-5-121, except the violation of driving with an expired license, or a violation of~~  
 537 ~~Code Section 40-5-29 or if such person produces in court a valid driver's license issued by~~  
 538 ~~this state to such person, he or she shall not be guilty of such offenses. Any court having~~  
 539 ~~jurisdiction over traffic offenses in this state shall report to the department the name and~~  
 540 ~~other identifying information of any individual convicted of driving without a license. This~~  
 541 ~~Code section shall not apply to a person driving with a suspended license or license that has~~  
 542 ~~been revoked. Any person convicted of violating this Code section shall be punished as~~  
 543 ~~provided in subsection (a) of Code Section 40-5-121; provided, however, that if:~~

544 (1) Such person is driving with a driver's license issued by this state that has been  
 545 expired for less than 31 days at the time of the offense and he or she produces in court a  
 546 driver's license that would have been valid at the time of the offense, he or she shall not  
 547 be guilty of such offense; and

548 (2) Such person is driving without a valid driver's license or receipt issued by the  
 549 department reflecting issuance, renewal, replacement, or reinstatement in his or her  
 550 possession but he or she has a valid driver's license, Code Section 40-5-29 shall apply to  
 551 such offense."



552 **SECTION 2-2.**

553 Said article is further amended by revising Code Section 40-5-29, relating to carrying and  
 554 exhibition of a driver's license, as follows:

555 "40-5-29.

556 (a) Every licensee shall have his or her driver's license in his or her immediate possession  
 557 at all times when operating a motor vehicle. Any person who has a receipt issued by the  
 558 department reflecting issuance, renewal, replacement, or reinstatement of his or her driver's  
 559 license in his or her immediate possession shall be considered to have such license in his  
 560 or her immediate possession if such is confirmed to be valid by the department or through  
 561 the Georgia Crime Information Center. The department may establish by rule and  
 562 regulation the term of such receipt. Notwithstanding the foregoing, no receipt issued by  
 563 the department shall be accepted as proof of such person's identity for any other purpose,  
 564 including but not limited to proof of voter identification or proof of age for purposes of  
 565 purchasing alcoholic beverages.

566 (b) Every licensee shall display his or her license upon the demand of a law enforcement  
 567 officer. A refusal to comply with such demand not only shall constitute a violation of this  
 568 subsection but shall also give rise to a presumption of a violation of subsection (a) of this  
 569 Code section and of Code Section 40-5-20.

570 (c) A person convicted of a violation of subsection (a) of this Code section shall be fined  
 571 no more than \$10.00 if he or she produces in court a license theretofore issued to him or  
 572 her and valid at the time of his or her arrest."

573 **PART III**574 **SPECIAL LICENSE PLATE DECALS FOR PERSON WITH DISABILITIES**575 **SECTION 3-1.**

576 Code Section 40-2-74.1 of the Official Code of Georgia Annotated, relating to special  
 577 vehicle decals for persons with disabilities, is amended by adding a new subsection to read  
 578 as follows:

579 "(i) For purposes of this Code section the department shall accept, in lieu of an affidavit,  
 580 a signed and dated statement from the doctor which includes the same information as  
 581 required in an affidavit written upon security paper as defined in paragraph (38.5) of Code  
 582 Section 26-4-5."

583 PART IV  
 584 COMPLETION OF DUI ALCOHOL OR DRUG USE  
 585 REDUCTION PROGRAM  
 586 SECTION 4-1.

587 Code Section 40-6-391 of the Official Code of Georgia Annotated, relating to driving under  
 588 the influence of alcohol, drugs, or other intoxicating substances, is amended by revising  
 589 subparagraphs (c)(1)(D), (c)(2)(D), (c)(3)(D), and (c)(4)(D), as follows:

590 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120  
 591 days following his or her conviction; provided, however, that if the defendant is  
 592 incarcerated and such program cannot be completed within 120 days, it shall be  
 593 completed within 90 days of his or her release from custody. The sponsor of any such  
 594 program shall provide written notice of the ~~department's approval~~ Department of Driver  
 595 Services' certification of the program to the person upon enrollment in the program;"

596 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120  
 597 days following his or her conviction; provided, however, that if the defendant is  
 598 incarcerated and such program cannot be completed within 120 days, it shall be  
 599 completed within 90 days of his or her release from custody. The sponsor of any such  
 600 program shall provide written notice of the ~~department's approval~~ Department of Driver  
 601 Services' certification of the program to the person upon enrollment in the program;"

602 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120  
 603 days following his or her conviction; provided, however, that if the defendant is  
 604 incarcerated and such program cannot be completed within 120 days, it shall be  
 605 completed within 90 days of his or her release from custody. The sponsor of any such  
 606 program shall provide written notice of the ~~department's approval~~ Department of Driver  
 607 Services' certification of the program to the person upon enrollment in the program;"

608 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120  
 609 days following his or her conviction; provided, however, that if the defendant is  
 610 incarcerated and such program cannot be completed within 120 days, it shall be  
 611 completed within 90 days of his or her release from custody. The sponsor of any such  
 612 program shall provide written notice of the ~~department's approval~~ Department of Driver  
 613 Services' certification of the program to the person upon enrollment in the program;"

614 PART V  
 615 FEES FOR DRIVING PROGRAMS;  
 616 CONTENTS; FINGERPRINTING.  
 617 SECTION 5-1.

618 Article 4 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to  
 619 restoration of licenses to persons completing defensive driving course or alcohol or drug  
 620 program, is amended by revising subsections (a) and (e) of Code Section 40-5-83, relating  
 621 to establishment and approval of clinics and programs, as follows:

622 "(a)(1) The commissioner shall establish criteria for the approval of driver improvement  
 623 clinics. To be approved, a clinic shall provide and operate a defensive driving course.  
 624 Clinics shall be composed of uniform education and training programs consisting of six  
 625 hours of instruction designed for the rehabilitation of problem drivers. The commissioner  
 626 shall establish standards and requirements concerning the contents of defensive driving  
 627 courses, qualifications of instructors, attendance requirements for students, and  
 628 examinations. Approved clinics shall charge a fee of ~~\$75.00~~ \$95.00 for a defensive  
 629 driving course, except that such clinics may charge different fees of their own choosing  
 630 if the person is not enrolling in such course pursuant to court order or department  
 631 requirement. No clinic shall be approved unless such clinic agrees in writing to allow the  
 632 examination and audit of the books, records, and financial statements of such clinic.  
 633 Clinics may be operated by any individual, partnership, or corporation. Nothing in this  
 634 paragraph shall be construed to affect in any way driving programs established for  
 635 purposes of insurance premium reductions under the provisions of Code Section 33-9-42.

636 (1.1)(A) No driver improvement clinic shall be permitted to use, adopt, or conduct any  
 637 business under any name that is like or deceptively similar to any name used by any  
 638 other driver improvement clinic, Georgia company, or Georgia corporation registered  
 639 with the Secretary of State. This subparagraph shall not prohibit the franchising or  
 640 licensing of any part or all of the name of a driver improvement clinic by the owner or  
 641 the rights thereof to another licensed driver improvement clinic.

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

645 (2) The commissioner may issue a special license to the instructor of any ~~commercial~~  
 646 licensed driver training school authorizing such instructor to teach a defensive driving  
 647 course, ~~advanced defensive driving course, or professional defensive driving course of~~  
 648 at a driver improvement clinic provided approved pursuant to this Code section if such  
 649 instructor is qualified to teach a teen-age driver education course which consists of a

650 minimum of 30 hours of classroom and six hours of behind-the-wheel training and such  
 651 instructor certifies to the commissioner that he or she has provided at least ~~250~~ 300 hours  
 652 of behind-the-wheel training in a teen-age driver education course."

653 "(e)(1) The department is designated as the agency responsible for establishing criteria  
 654 for the ~~approval~~ certification of DUI Alcohol or Drug Use Risk Reduction Programs. An  
 655 applicant shall meet the certification criteria promulgated by the department through its  
 656 standards and shall provide ~~the following services:~~ (1) the assessment component services  
 657 and (2) the intervention component services. A certified DUI Alcohol or Drug Use Risk  
 658 Reduction Program shall require that a risk assessment component be conducted prior to  
 659 administering the intervention component of such program. A certified DUI Alcohol or  
 660 Drug Use Risk Reduction Program may include a clinical evaluation component after an  
 661 individual completes risk assessment and intervention services. Only clinical evaluators  
 662 licensed by the Department of Behavioral Health and Developmental Disabilities shall  
 663 be qualified to conduct clinical evaluations. The department is designated as the agency  
 664 responsible for establishing rules and regulations concerning the contents and duration  
 665 of the components of DUI Alcohol or Drug Use Risk Reduction Programs, qualifications  
 666 of instructors, attendance requirements for students, examinations, and program  
 667 evaluations. Qualified instructors shall be certified for periods of four years each, which  
 668 may be renewed.

669 (2) Certified ~~Approved~~ DUI Alcohol or Drug Use Risk Reduction Programs shall charge  
 670 a fee of ~~\$82.00~~ \$100.00 for the assessment component and ~~\$190.00~~ \$235.00 for the  
 671 intervention component. An additional fee for required student program materials shall  
 672 be established by the department in such an amount as is reasonable and necessary to  
 673 cover the cost of such materials.

674 (3) No DUI Alcohol or Drug Use Risk Reduction Program shall be ~~approved~~ certified  
 675 unless such ~~clinic program~~ agrees in writing to submit reports as required in the rules and  
 676 regulations of the department and to allow the examination and audit of the books,  
 677 records, and financial statements of such DUI Alcohol or Drug Use Risk Reduction  
 678 Program by the department or its authorized agent.

679 (4) DUI Alcohol or Drug Use Risk Reduction Programs may be operated by any public,  
 680 private, or governmental entity; provided, however, that, except as otherwise provided  
 681 in this subsection, in any political subdivision in which a DUI Alcohol or Drug Use Risk  
 682 Reduction Program is operated by a private entity, whether for profit or nonprofit, neither  
 683 the local county board of health nor any other governmental entity shall fund any new  
 684 programs in that area. Programs ~~currently~~ in existence prior to July 1, 1990, which are  
 685 operated by local county boards of health or any other governmental entities shall be  
 686 authorized to continue operation. New programs may be started in areas where no private

687 DUI Alcohol or Drug Use Risk Reduction Programs have been made available to said  
688 community in the political subdivision.

689 (5) The Department of Corrections ~~is~~ shall be authorized to operate DUI Alcohol or Drug  
690 Use Risk Reduction Programs in its facilities where offenders are not authorized to  
691 participate in such programs in the community, provided that such programs meet the  
692 certification criteria promulgated by the Department of Driver Services. All such  
693 programs operated by the Department of Corrections shall be exempt from all fee  
694 provisions established in this subsection specifically including the rebate of any fee for  
695 the costs of administration.

696 (6) No DUI Alcohol or Drug Use Risk Reduction Program shall be ~~approved~~ certified  
697 unless such ~~clinic~~ program agrees in writing to pay to the state, for the costs of  
698 administration, a fee of ~~\$22.00~~ \$30.00 for each offender assessed ~~or each offender~~  
699 ~~attending for points reduction~~, provided that nothing in this Code section shall be  
700 construed ~~so as~~ to allow the department to retain any funds required by the Constitution  
701 to be paid into the state treasury; and provided, further, that the department shall comply  
702 with all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,'  
703 except Code Section 45-12-92, prior to expending any such miscellaneous funds."

704 PART VI

705 WAIVER OF FEES FOR LICENSES

706 SECTION 6-1.

707 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
708 is amended by revising Code Section 40-5-28, relating to issuance of licenses, content,  
709 signature, prohibiting biological identifiers, and tag agents, as follows:

710 "40-5-28.

711 (a) ~~The~~ Except as provided in subsection (c) of this Code section, the department shall,  
712 upon payment of the required fee, issue to every applicant qualifying therefor a driver's  
713 license indicating the type or general class of vehicles the licensee may drive, which license  
714 shall be upon a form prescribed by the department and which shall bear thereon a  
715 distinguishing number assigned to the licensee, a color photograph of the licensee, the  
716 licensee's full legal name, either a facsimile of the signature of the licensee or a space upon  
717 which the licensee shall write his or her usual signature with a pen and ink immediately  
718 upon receipt of the license, and such other information or identification as is required by  
719 the department. No license shall be valid until it has been so signed by the licensee. The  
720 department shall not require applicants to submit or otherwise obtain from applicants any  
721 fingerprints or any other biological characteristic or information which uniquely identifies

722 an individual, including without limitation deoxyribonucleic acid (DNA) and retinal scan  
 723 identification characteristics but not including a photograph, by any means upon  
 724 application.

725 (b) The commissioner may determine the location and manner of issuance of drivers'  
 726 licenses. Without limiting the generality of the foregoing, it is specifically provided that  
 727 the commissioner may designate county tag agents, if they so agree, as agents of the  
 728 department for this purpose and may authorize the issuance of drivers' licenses by county  
 729 tag agents. No county tag agent shall be required to issue or renew drivers' licenses unless  
 730 such county tag agent agrees in writing to perform such functions. No county tag agent  
 731 shall be required to issue or renew drivers' licenses for residents of any county other than  
 732 the residents of the county for which he or she serves as tax commissioner.

733 (c) The department shall make available to qualified applicants who are also volunteer  
 734 firefighters Class E and Class F drivers' licenses without charge. In order to receive the  
 735 Class E or Class F endorsement without payment of a fee, the applicant shall provide:

736 (1) A copy of his or her firefighter certification indicating that he or she is currently a  
 737 certified firefighter in good standing; and

738 (2) A letter signed by the chief executive officer of the public entity he or she serves  
 739 which letter appears on such political entity's official agency letterhead and provides that  
 740 he or she is a volunteer firefighter for such public entity.

741 The provisions of this subsection shall apply to both original and renewal applicants for  
 742 Class E and Class F licenses, as these classes are identified in Code Section 40-5-23."

743 PART VII

744 DOCUMENT CONTENTS

745 SECTION 7-1.

746 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
 747 is amended by revising subsection (a) of Code Section 40-5-100, relating to the issuance of  
 748 personal identification cards by the Department of Driver Services, as follows:

749 "(a) The department shall issue personal identification cards to all residents as defined in  
 750 Code Section 40-5-1 who make application to the department in accordance with rules and  
 751 regulations prescribed by the commissioner. Cards issued to applicants under 21 years of  
 752 age shall contain the distinctive characteristics of drivers' licenses issued pursuant to Code  
 753 Section 40-5-26. The identification card shall be similar in form but distinguishable in  
 754 color from motor vehicle drivers' licenses and may contain a recent color photograph of the  
 755 applicant and include the following information:

756 (1) Full legal name;

- 757 (2) Address of residence;
- 758 (3) Birth date;
- 759 (4) Date identification card was issued;
- 760 (5) Sex;
- 761 (6) Height;
- 762 (7) Weight;
- 763 (8) Eye color;
- 764 (9) ~~Location where the identification card was issued;~~
- 765 ~~(10)~~ Signature of person identified or facsimile thereof; and
- 766 ~~(11)~~(10) Such other information or identification as required by the department;
- 767 provided, however, that the department shall not require an applicant to submit or
- 768 otherwise obtain from an applicant any fingerprints or any other biological characteristic
- 769 or information which uniquely identifies an individual, including without limitation
- 770 deoxyribonucleic acid (DNA) and retinal scan identification characteristics but not
- 771 including a photograph, by any means upon application."

772 **SECTION 7-2.**

773 Said chapter is further amended by revising subsection (a) of Code Section 40-5-150, relating

774 to contents of commercial drivers' licenses, as follows:

775 "(a) The commercial driver's license shall be marked 'Commercial Driver's License' or

776 'CDL' and shall be, to the maximum extent practicable, tamperproof, and shall include, but

777 not be limited to, the following information:

- 778 (1) The full legal name and residential address of the person;
- 779 (2) The person's color photograph;
- 780 (3) A physical description of the person, including sex, height, weight, and eye color;
- 781 (4) Full date of birth;
- 782 (5) The license number or identifier assigned by the department;
- 783 (6) The person's signature;
- 784 (7) The class or type of commercial motor vehicle or vehicles which the person is
- 785 authorized to drive, together with any endorsements or restrictions;
- 786 (8) The name of this state; and
- 787 (9) The dates between which the license is valid; ~~and~~
- 788 ~~(10) The license fee and fees for any endorsements."~~

