

House Bill 202 (COMMITTEE SUBSTITUTE)

By: Representatives Hitchens of the 161st, Burns of the 159th, Petrea of the 166th, Lumsden of the 12th, and Gravley of the 67th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 10 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated,
2 relating to the Georgia Driver's Education Commission, so as to amend "Joshua's Law" to
3 establish the Driver's Education Trust Fund for the purpose of providing driver education and
4 training; to increase the additional penalty amount upon traffic law and ordinance violations;
5 to provide for eligibility criteria; to remove a sunset provision; to provide for annual
6 reporting; to provide for compliance with constitutional requirements; to provide for related
7 matters; to provide for an effective date and automatic repeal; to repeal conflicting laws; and
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 10 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to
12 Georgia Driver's Education Commission, is amended by revising Code Section 15-21-178,
13 relating to commission disbursement of funds for driver education and training, as follows:
14 "15-21-178.

15 The commission may authorize the disbursement of available funds from moneys
16 appropriated to the commission by the General Assembly for purposes of providing driver

H. B. 202 (SUB)

17 education and training to a person, entity, or program eligible pursuant to criteria to be set
18 by the commission; provided that such criteria shall include eligibility of a person 21 years
19 of age or younger who has left foster care or protective custody of the Division of Family
20 and Children Services of the Department of Human Services by reason of having attained
21 the age of 18 years. Nothing in this Code section shall be construed to limit the authority
22 of the Department of Driver Services under Chapter 13 of Title 43, 'The Driver Training
23 School and Commercial Driver Training School License Act.'"

24 **SECTION 2.**

25 Said article is further amended by revising Code Section 15-21-179, relating to additional
26 penalty for violation of traffic laws or ordinances, as follows:

27 "15-21-179.

28 (a) In every case in which any court in this state shall impose a fine or bond payment,
29 which shall be construed to include costs, for any violation of the traffic laws of this state
30 or for violations of ordinances of political subdivisions which have adopted by reference
31 the traffic laws of this state, there shall be imposed as an additional penalty a sum equal to
32 ~~1.5~~ 3 percent of the original fine.

33 (b) Such sums shall be in addition to any amount required to be paid into any pension,
34 annuity, or retirement fund under Title 47 or any other law and in addition to any other
35 amounts provided for in this article.

36 ~~(c) This Code section shall be repealed in its entirety on June 30, 2022, unless extended~~
37 ~~by an Act of the General Assembly."~~

38 **SECTION 3.**

39 Said article is further amended by revising Code Section 15-21-180, relating to disposition
40 of funds from additional penalties, as follows:

41 "15-21-180.

42 (a) The state treasurer shall establish a separate trust fund in the state treasury that shall
43 be known as the Driver's Education Trust Fund. The director of the Governor's Office of
44 Highway Safety shall serve as trustee of the Driver's Education Trust Fund. The sums
45 provided for in Code Section 15-21-179 shall be assessed and collected by the clerk or
46 other court officer charged with the duty of collecting moneys from fines and shall be paid
47 over by the last day of the following month to the Georgia Superior Court Clerks'
48 Cooperative Authority for remittance to the Office of the State Treasurer to be deposited
49 into the ~~general fund of the state treasury~~ Driver's Education Trust Fund.

50 (b) The state treasurer shall invest the money held in the Driver's Education Trust Fund
51 in the same manner in which state funds are invested as authorized by the State Depository
52 Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the money held
53 in the trust fund shall be accounted for separately and shall be credited to the trust fund to
54 be disbursed as other moneys in the trust fund.

55 (c) Under the authority granted and subject to the conditions imposed by Article III,
56 Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on
57 July 1, 2022, and ending on June 30, 2032, all of the moneys collected pursuant to Code
58 Section 15-21-179 shall be annually appropriated to the Driver's Education Trust Fund
59 established by subsection (a) of this Code section and such funds shall not lapse as would
60 otherwise be required by Article III, Section IX, Paragraph IV(c) of the Constitution of
61 Georgia. Each annual appropriation shall be made through the General Appropriations Act
62 and shall include all of the moneys collected from such source during the most recently
63 completed fiscal year.

64 (d) All of the moneys appropriated to the Driver's Education Trust Fund pursuant to
65 subsection (c) of this Code section shall be dedicated for use only for the purposes set forth
66 in this article.

67 (e) Any person whose duty it is to collect and remit the sums provided for in this article
68 who refuses to so remit shall be guilty of a misdemeanor.

69 (f) This Code section shall stand repealed and reserved on July 1, 2032."

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SECTION 4.

71 Said article is further amended by revising Code Section 15-21-181, relating to report of
72 funds received from additional penalties, annual reporting requirement, and funds made
73 available to Driver's Education Commission, as follows:

74 "15-21-181.

75 ~~(a) As soon as practicable after the end of each fiscal year, the Office of the State~~
76 ~~Treasurer shall report the amount of funds received pursuant to Code Section 15-21-179~~
77 ~~to the Office of Planning and Budget and the commission. It is the intent of the General~~
78 ~~Assembly that, subject to appropriation, an amount equal to such proceeds received from~~
79 ~~such fines in any fiscal year shall be made available during the following fiscal year to the~~
80 ~~commission for the purposes set forth in Code Section 15-21-178. The director of the~~
81 Governor's Office of Highway Safety shall prepare an accounting of the funds expended
82 pursuant to this article during the most recently completed fiscal year to be provided to the
83 Office of Planning and Budget, the House Budget and Research Office, and the Senate
84 Budget and Evaluation Office by January 1 of each year.

85 (b) Not later than October 1 of each year, the commission shall provide a report to the
86 Governor, the President of the Senate, and the Speaker of the House of Representatives,
87 as well as the committee chairpersons for the standing committees in the Senate and the
88 House of Representatives that are assigned issues related to motor vehicles. The report
89 shall include the amount of funds collected from the additional penalty imposed under this
90 article for the previous three fiscal years, the amount of such funds appropriated to the
91 commission for each such corresponding year, and the manner and purposes for which such
92 funds have been expended."

93 **SECTION 5.**

94 In accordance with the requirements of Article III, Section IX, Paragraph VI(r) of the
95 Constitution of Georgia, this Act shall not become law unless it receives the requisite
96 two-thirds' majority vote in both the Senate and the House of Representatives and the amount
97 of the funds dedicated by this Act would not cause the aggregate amount of funds dedicated
98 pursuant to Article III, Section IX, Paragraph VI(r) of the Constitution of Georgia to exceed
99 1 percent of the previous fiscal year's state revenues subject to appropriations.

100 **SECTION 6.**

101 Except as provided for in Section 5 of this Act, this Act shall become effective on
102 July 1, 2022.

103 **SECTION 7.**

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