

The House Committee on Judiciary Non-civil offers the following substitute to HB 671:

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 issuance of ignition interlock device limited driving permit, motor
 10 vehicles and traffic, professions and businesses, and general provisions for registration,
 11 operation, and sale of watercraft, respectively, so as to clarify provisions relating to the
 12 Department of Driver Services' certification and approval of certain driver improvement
 13 programs; to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia
 14 Annotated, relating to issuance, expiration, and renewal of licenses, so as to clarify
 15 provisions relating to driving without a driver's license; to amend Title 40 and Article 7 of
 16 Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to motor vehicles
 17 and traffic and ignition interlock devices as condition of probation, respectively, so as to
 18 require an offender who refused testing as required by implied consent laws and an offender
 19 convicted of DUI with a blood alcohol concentration of 0.15 grams or higher to install and
 20 maintain ignition interlock devices on his or her vehicle; to amend Code Section 40-6-391
 21 of the Official Code of Georgia Annotated, relating to driving under the influence of alcohol,
 22 drugs, or other intoxicating substances, so as to require the completion of certain educational
 23 programs within a determined time-frame; to amend Article 4 of Chapter 5 of Title 40 of the
 24 Official Code of Georgia Annotated, relating to restoration of licenses to persons completing
 25 defensive driving course or alcohol or drug program, so as to increase the fees that may be
 26 charged; to clarify provisions relating to submission of fingerprints for certain persons
 27 certified by the Department of Driver Services; to provide for related matters; to repeal
 28 conflicting laws; and for other purposes.

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

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

47 SECTION 1-2.

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

51 "15-18-31.
 52 When a prosecuting attorney determines that prosecution of a traffic offense, or municipal
 53 ordinance involving a traffic offense, is not warranted, and neither a court order is entered
 54 for such offense, nor referral to a pretrial intervention, pretrial release, pretrial diversion
 55 program, or other similar pretrial program is made, a prosecuting attorney may condition
 56 any other action regarding such offense upon the satisfactory completion of a defensive
 57 driving course or defensive driving program approved by the Department of Driver
 58 Services but shall not be authorized to mandate the completion of any other driving
 59 program."

60 **SECTION 1-3.**

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

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

66 **SECTION 1-4.**

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

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

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

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

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

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

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

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

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

107 **SECTION 1-5.**

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

111 "(15.3) 'DUI Alcohol or Drug Use Risk Reduction Program' means a program certified
 112 by the Department of Driver Services in accordance with subsection (e) of Code Section
 113 40-5-83."

114 **SECTION 1-6.**

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

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

120 **SECTION 1-7.**

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

124 "(C) A court may order a person to attend a driver improvement defensive driving
 125 course approved by the commissioner pursuant to Code Section 40-5-83 for any
 126 violation for which points are assessed against a driver's license under this subsection
 127 or may accept the attendance by a person at a driver improvement clinic approved by
 128 the commissioner pursuant to Code Section 40-5-83 after the issuance of a citation for
 129 such offense and prior to such person's appearance before the court, in which event the

130 court shall reduce the fine assessed against such person by 20 percent, and no points
 131 shall be assessed by the department against such driver. The disposition and court order
 132 shall be reported to the department and shall be placed on the motor vehicle record with
 133 a zero point count. This plea may be accepted by the court once every five years as
 134 measured from date of arrest to date of arrest."

135 **SECTION 1-8.**

136 Said title is further amended by revising paragraph (1) of subsection (c) of Code Section
 137 40-5-57.1, relating to suspension of licenses of persons under age 21 for certain offenses, as
 138 follows:

139 "(c)(1) Any driver's license suspended under subsection (a) of this Code section for
 140 commission of any offense other than violation of Code Section 40-6-391 shall not
 141 become valid and shall remain suspended until such person submits proof of completion
 142 of a defensive driving ~~program approved by the department~~ course approved by the
 143 commissioner pursuant to Code Section 40-5-83 and pays the applicable reinstatement
 144 fee. Any driver's license suspended under subsection (a) of this Code section for
 145 commission of a violation of Code Section 40-6-391 shall not become valid and shall
 146 remain suspended until such person submits proof of completion of a DUI ~~Drug or~~
 147 Alcohol or Drug Use Risk Reduction Program and pays the applicable reinstatement fee."

148 **SECTION 1-9.**

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

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

155 **SECTION 1-10.**

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

158 "(b) The department shall not issue a new license nor restore a person's suspended license
 159 or nonresident's operating privilege unless and until it is satisfied after investigation of the
 160 character, habits, and driving ability of such person that it will be safe to grant the privilege
 161 of driving a motor vehicle on the public highways. Notwithstanding subsection (a) of this
 162 Code section or any other provision of this title, the department shall not issue a new
 163 license to any person whose license was revoked as a habitual violator for three violations

164 of Code Section 40-6-391 within a five-year period unless and until such person submits
 165 proof of completion of ~~an approved~~ a DUI Alcohol or Drug Use Risk Reduction Program.
 166 The department may issue rules and regulations providing for reinstatement hearings. In
 167 the case of a revocation pursuant to Code Section 40-5-58, the department shall charge a
 168 fee of \$410.00 or \$400.00 if processed by mail in addition to the fee prescribed by Code
 169 Section 40-5-25 to issue a new driver's license to a person whose driver's license has been
 170 revoked."

171 **SECTION 1-11.**

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

174 "(1) Upon the first conviction of any such offense, with no arrest and conviction of and
 175 no plea of nolo contendere accepted to such offense within the previous five years, as
 176 measured from the dates of previous arrests for which convictions were obtained to the
 177 date of the current arrest for which a conviction is obtained, the period of suspension shall
 178 be ~~for~~ 12 months. At the end of 120 days, the person may apply to the department for
 179 early reinstatement of ~~said his or her~~ driver's license. Such license shall be reinstated if
 180 such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction
 181 Program and pays a restoration fee of \$210.00 or \$200.00 when such reinstatement is
 182 processed by mail ~~unless such conviction was a recidivist conviction in which case the~~
 183 ~~restoration fee shall be \$510.00 or \$500.00 when such reinstatement is processed by mail,~~
 184 provided that, if such license was suspended as a result of a conviction of an offense
 185 listed in Code Section 40-5-54, such license shall be reinstated if such person submits
 186 proof of completion of either a defensive driving ~~program~~ course approved by the
 187 ~~department~~ commissioner pursuant to Code Section 40-5-83 or a DUI Alcohol or Drug
 188 Use Risk Reduction Program and pays the prescribed restoration fee. A driver's license
 189 suspended as a result of a conviction of a violation of Code Section 40-6-391 shall not
 190 become valid and shall remain suspended until such person submits proof of completion
 191 of a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed
 192 restoration fee. For purposes of this paragraph, an accepted plea of nolo contendere to
 193 an offense listed in Code Section 40-5-54 by a person who is under 18 years of age at the
 194 time of arrest shall constitute a conviction. For the purposes of this paragraph only, an
 195 accepted plea of nolo contendere by a person 21 years of age or older, with no conviction
 196 of and no plea of nolo contendere accepted to a charge of violating Code Section
 197 40-6-391 within the previous five years, as measured from the dates of previous arrests
 198 for which convictions were obtained or pleas of nolo contendere accepted to the date of
 199 the current arrest for which a plea of nolo contendere is accepted, shall be considered a

200 conviction, and the court having jurisdiction shall forward, as provided in Code Section
 201 40-6-391.1, the record of such disposition of the case to the department and the record
 202 of such disposition shall be kept on file for the purpose of considering and counting such
 203 accepted plea of nolo contendere as a conviction under paragraphs (2) and (3) of this
 204 subsection. Any driver who refused testing as required by Code Section 40-5-67.1 or
 205 40-5-153 or whose blood alcohol concentration at the time of the offense that triggered
 206 such suspension was 0.15 grams or more shall not be eligible for early license
 207 reinstatement, and such license shall not become valid and shall remain suspended until
 208 such person provides proof of installation and maintenance of an ignition interlock device
 209 for a period of time coinciding with the issuance of an ignition interlock device limited
 210 driving permit as provided in Code Section 40-5-64;

211 (2) Upon the second conviction of any such offense within five years, as measured from
 212 the dates of previous arrests for which convictions were obtained to the date of the
 213 current arrest for which a conviction is obtained, the period of suspension shall be ~~for~~
 214 three years. At the end of 120 days, the person may apply to the department for
 215 reinstatement of ~~such~~ his or her driver's license; except that if such license was suspended
 216 as a result of a second conviction of a violation of Code Section 40-6-391 within five
 217 years, the person shall not be eligible to apply for license reinstatement until the end of
 218 18 months. Such license shall be reinstated if such person submits proof of completion
 219 of a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of
 220 \$210.00 or \$200.00 when such reinstatement is processed by mail ~~unless such conviction~~
 221 ~~was a recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00~~
 222 ~~when processed by mail~~, provided that, if such license was suspended as a result of a
 223 conviction of an offense listed in Code Section 40-5-54, such license shall be reinstated
 224 if such person submits proof of completion of either a defensive driving ~~program~~ course
 225 approved by the ~~department~~ commissioner pursuant to Code Section 40-5-83 or a DUI
 226 Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee.
 227 A driver's license suspended as a result of a conviction of a violation of Code Section
 228 40-6-391 shall not become valid and shall remain suspended until such person submits
 229 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program, provides
 230 proof of installation and maintenance of an ignition interlock device for a period of one
 231 year coinciding with the issuance of an ignition interlock device limited driving permit
 232 as provided in Code Section 40-5-64 unless waived due to financial hardship, and pays
 233 the prescribed restoration fee. For purposes of this paragraph, a plea of nolo contendere
 234 and all previous accepted pleas of nolo contendere to an offense listed in Code Section
 235 40-5-54 within such five-year period of time shall constitute a conviction. For the
 236 purposes of this paragraph, a plea of nolo contendere to a charge of violating Code

237 Section 40-6-391 and all prior accepted pleas of nolo contendere within five years, as
 238 measured from the dates of previous arrests for which convictions were obtained or pleas
 239 of nolo contendere were accepted to the date of the current arrest for which a plea of nolo
 240 contendere is accepted, shall be considered and counted as convictions; or"

241 "(e) The driver's license of any person under 21 years of age who is convicted of unlawful
 242 possession of alcoholic beverages in violation of Code Section 3-3-23 while operating a
 243 motor vehicle may be suspended for a period of not less than 120 days. At the end of 120
 244 days, the person may apply to the department for reinstatement of ~~said~~ his or her driver's
 245 license. Such license shall be reinstated only if the person submits proof of completion of
 246 ~~an approved~~ a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration
 247 fee of \$35.00 or \$25.00 when processed by mail. For purposes of this subsection, a
 248 sentence under subsection (c) of Code Section 3-3-23.1 shall not be considered a
 249 conviction, and the driver's license of such person shall not be suspended, provided that
 250 such person completes a DUI Alcohol or Drug Use Risk Reduction Program within 120
 251 days after sentencing."

252 **SECTION 1-12.**

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

256 "(2) Require, in addition to the criteria established by the commissioner for approval of
 257 driver improvement clinics and certification of DUI Alcohol or Drug Use Risk Reduction
 258 Programs, as provided in subsections (a) and (e) of Code Section 40-5-83, respectively,
 259 that every driver improvement clinic and DUI Alcohol or Drug Use Risk Reduction
 260 Program shall, as a condition of approval or certification, provide a continuous surety
 261 company bond for the protection of the contractual rights of students in such form as will
 262 meet with the approval of the department; and written by a company authorized to do
 263 business in this state. The principal sum of the bond shall be established by the
 264 commissioner; however, in no event shall ~~this~~ the amount of the bond be less than
 265 \$10,000.00 per location, and a single bond at such rate may be submitted for all locations
 266 under the same ownership. If at any time said bond is not valid and in force, the license
 267 of the driver improvement clinic or ~~program~~ DUI Alcohol or Drug Use Risk Reduction
 268 Program shall be deemed suspended by operation of law until a valid surety company
 269 bond is again in force."

270 **SECTION 1-13.**

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

273 "40-5-81.

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

283 (b) Whenever any person is authorized or required to attend a driver improvement clinic
 284 or DUI Alcohol or Drug Use Risk Reduction Program as a condition of any sentence
 285 imposed under this title or any ordinance enacted pursuant to this title or as a condition of
 286 the retention or restoration of the person's driving privilege, such person, in complying with
 287 such condition, shall be authorized to attend any driver improvement clinic approved under
 288 this article or DUI Alcohol or Drug Use Risk Reduction Program certified under this
 289 article; and no judicial officer, probation officer, law enforcement officer, or other officer
 290 or employee of a court or person who owns, operates, or is employed by a private company
 291 which has contracted to provide private probation services for misdemeanor cases shall
 292 specify, directly or indirectly, a particular driver improvement clinic or DUI Alcohol or
 293 Drug Use Risk Reduction Program which the person may or shall attend. This Code
 294 section shall not prohibit any judicial officer, probation officer, law enforcement officer,
 295 or other officer or employee of a court or owner, operator, or employee of a private
 296 company which has contracted to provide probation services for misdemeanor offenders
 297 from furnishing any person, upon request, the names of ~~certified~~ approved driver
 298 improvement clinics or certified DUI Alcohol or Drug Use Risk Reduction Programs.

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

307 **SECTION 1-14.**

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

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

315 **SECTION 1-15.**

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

319 "(a)(1) The commissioner shall establish criteria for the approval of driver improvement
320 clinics. To be approved, a clinic shall provide and operate a defensive driving course.
321 Clinics shall be composed of uniform education and training programs consisting of six
322 hours of instruction designed for the rehabilitation of problem drivers. The commissioner
323 shall establish standards and requirements concerning the contents of defensive driving
324 courses, qualifications of instructors, attendance requirements for students, and
325 examinations. Approved clinics shall charge a fee of ~~\$75.00~~ \$95.00 for a defensive
326 driving course, except that such clinics may charge different fees of their own choosing
327 if the person is not enrolling in such course pursuant to court order or department
328 requirement. No clinic shall be approved unless such clinic agrees in writing to allow the
329 examination and audit of the books, records, and financial statements of such clinic.
330 Clinics may be operated by any individual, partnership, or corporation. Nothing in this
331 paragraph shall be construed to affect in any way driving programs established for
332 purposes of insurance premium reductions under the provisions of Code Section
333 33-9-42."

334 "(e)(1) The department is designated as the agency responsible for establishing criteria
335 for the ~~approval~~ certification of DUI Alcohol or Drug Use Risk Reduction Programs. An
336 applicant shall meet the certification criteria promulgated by the department through its
337 standards and shall provide ~~the following services: (1) the assessment component services~~
338 ~~and (2) the intervention component services.~~ A certified DUI Alcohol or Drug Use Risk
339 Reduction Program shall require that a risk assessment component be conducted prior to
340 administering the intervention component of such program. A certified DUI Alcohol or
341 Drug Use Risk Reduction Program may include a clinical evaluation component after an
342 individual completes risk assessment and intervention services. Only clinical evaluators

343 licensed by the Department of Behavioral Health and Developmental Disabilities shall
 344 be qualified to conduct clinical evaluations. The department is designated as the agency
 345 responsible for establishing rules and regulations concerning the contents and duration
 346 of the components of DUI Alcohol or Drug Use Risk Reduction Programs, qualifications
 347 of instructors, attendance requirements for students, examinations, and program
 348 evaluations. Qualified instructors shall be certified for periods of four years each, which
 349 may be renewed.

350 (2) Certified ~~Approved~~ DUI Alcohol or Drug Use Risk Reduction Programs shall charge
 351 a fee of ~~\$82.00~~ \$85.00 for the assessment component and ~~\$190.00~~ \$225.00 for the
 352 intervention component. An additional fee for required student program materials shall
 353 be established by the department in such an amount as is reasonable and necessary to
 354 cover the cost of such materials.

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

360 (4) DUI Alcohol or Drug Use Risk Reduction Programs may be operated by any public,
 361 private, or governmental entity; provided, however, that, except as otherwise provided
 362 in this subsection, in any political subdivision in which a DUI Alcohol or Drug Use Risk
 363 Reduction Program is operated by a private entity, whether for profit or nonprofit, neither
 364 the local county board of health nor any other governmental entity shall fund any new
 365 programs in that area. Programs currently in existence prior to July 1, 1990, which are
 366 operated by local county boards of health or any other governmental entities shall be
 367 authorized to continue operation. New programs may be started in areas where no private
 368 DUI Alcohol or Drug Use Risk Reduction Programs have been made available to said
 369 community in the political subdivision.

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

377 (6) No DUI Alcohol or Drug Use Risk Reduction Program shall be approved certified
 378 unless such clinic program agrees in writing to pay to the state, for the costs of
 379 administration, a fee of \$22.00 for each offender assessed ~~or each offender attending for~~

380 ~~points reduction~~, provided that nothing in this Code section shall be construed so as to
 381 allow the department to retain any funds required by the Constitution to be paid into the
 382 state treasury; and provided, further, that the department shall comply with all provisions
 383 of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' except Code Section
 384 45-12-92, prior to expending any such miscellaneous funds."

385 **SECTION 1-16.**

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

388 "(b) The license of any person whose license is suspended for the second time as a result
 389 of the conviction of an offense listed in Code Section 40-5-54 shall, at the expiration of 120
 390 days following the date the license is suspended, be reinstated by the department upon
 391 receipt by the department of a certificate of completion of ~~an advanced~~ a defensive driving
 392 course approved by the department and the payment of a restoration fee of \$310.00 or
 393 \$300.00 when such reinstatement is processed by mail."

394 "(e) The license of any person whose license is suspended for the third or subsequent time
 395 within a five-year period as a result of the assessment of points pursuant to Code Section
 396 40-5-57 shall be reinstated by the department upon receipt by the department of a
 397 certificate of completion of ~~an advanced~~ a defensive driving course approved by the
 398 department and the payment of a restoration fee of \$410.00 or \$400.00 when such
 399 reinstatement is processed by mail."

400 **SECTION 1-17.**

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

403 "40-5-86.

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

410 **SECTION 1-18.**

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

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

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

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 427 days following his or her conviction; provided, however, that if the defendant is
 428 incarcerated and such program cannot be completed within 120 days, it shall be
 429 completed within 90 days of his or her release from custody. The sponsor of any such
 430 program shall provide written notice of the ~~department's approval~~ Department of Driver
 431 Services' certification of the program to the person upon enrollment in the program;"

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 **SECTION 1-19.**

439 Code Section 42-8-112 of the Official Code of Georgia Annotated, relating to timing for
 440 issuance of ignition interlock device limited driving permit, is amended by revising
 441 subparagraphs (a)(2)(A) and (b)(2)(A) as follows:

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

446 **SECTION 1-20.**

447 Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to
 448 general provisions for registration, operation, and sale of watercraft, is amended by revising

449 subparagraphs (m)(1)(D), (m)(2)(D), (m)(3)(D), and (m)(4)(D) of Code Section 52-7-12,
 450 relating to operation of watercraft while under the influence of alcohol, toxic vapors, or
 451 drugs, as follows:

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

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

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

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

468 **SECTION 1-21.**

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

471 "(1) Upon the first suspension pursuant to subsection (d) of Code Section 52-7-12.5
 472 within the previous five years, as measured from the dates of previous arrests for which
 473 a suspension was obtained to the date of the current arrest for which a suspension is
 474 obtained, the period of suspension shall be ~~for~~ one year. Not sooner than 120 days
 475 following the effective date of suspension, the person may apply to the department for
 476 reinstatement of his or her operator's privilege. Such privilege shall be reinstated if such
 477 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction
 478 Program ~~approved~~ certified by the Department of Driver Services and pays a restoration
 479 fee of \$200.00, ~~unless such conviction was a recidivist conviction, in which case the~~
 480 ~~restoration fee shall be \$500.00~~. An operator's privilege suspended pursuant to Code
 481 Section 52-7-12.5 shall remain suspended until such person submits proof of completion
 482 of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved~~ certified by the
 483 Department of Driver Services and pays a restoration fee of \$200.00, unless such
 484 conviction was a recidivist conviction, in which case the restoration fee shall be \$500.00;

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

507
508
509

PART II
UNLICENSED DRIVERS
SECTION 2-1.

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

513 "(a) No person, except those expressly exempted in this chapter, shall drive any motor
 514 vehicle upon a highway in this state unless such person has a valid driver's license under
 515 this chapter for the type or class of vehicle being driven. Any person who is a resident of
 516 this state for 30 days shall obtain a Georgia driver's license before operating a motor
 517 vehicle in this state. ~~Any violation of this subsection shall be punished as provided in Code~~
 518 ~~Section 40-5-121, except the violation of driving with an expired license, or a violation of~~
 519 ~~Code Section 40-5-29 or if such person produces in court a valid driver's license issued by~~

520 ~~this state to such person, he or she shall not be guilty of such offenses.~~ Any court having
 521 jurisdiction over traffic offenses in this state shall report to the department the name and
 522 other identifying information of any individual convicted of driving without a license. This
 523 Code section shall not apply to a person driving with a suspended license or license that has
 524 been revoked. Any person convicted of violating this Code section shall be punished as
 525 provided in subsection (a) of Code Section 40-5-121; provided, however, that if:
 526 (1) Such person is driving with a driver's license issued by this state that has been
 527 expired for less than 31 days at the time of the offense and he or she produces in court a
 528 driver's license that would have been valid at the time of the offense, he or she shall not
 529 be guilty of such offense; and
 530 (2) Such person is driving without a valid driver's license in his or her possession but he
 531 or she has a valid driver's license, Code Section 40-5-29 shall apply to such offense."

532 **SECTION 2-2.**

533 Said article is further amended by revising subsection (b) of Code Section 40-5-29, relating
 534 to license to be carried and exhibited on demand, as follows:

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

539 **PART III**

540 **IGNITION INTERLOCK DEVICE WHEN DRIVER**
 541 **REFUSES TO SUBMIT TO CHEMICAL TESTS OR**
 542 **WHEN DRIVER'S BAC IS 0.15 GRAMS OR HIGHER**
 543 **ON FIRST DUI IN FIVE-YEAR PERIOD**

544 **SECTION 3-1.**

545 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 546 amended by revising subparagraph (b)(2)(A) of Code Section 40-5-57.1, relating to
 547 suspension of licenses of persons under age 21 for certain offenses, as follows:

548 "(2)(A) Upon the first conviction of a violation of Code Section 40-6-391, with no
 549 arrest and conviction of and no plea of nolo contendere accepted to such offense within
 550 the previous five years, as measured from the dates of previous arrests for which
 551 convictions were obtained to the date of the current arrest for which a conviction is
 552 obtained, have his or her license suspended for a period of six months unless the
 553 driver's blood alcohol concentration at the time of the offense was 0.08 grams or more

554 ~~or the person has previously been subject to a suspension pursuant to paragraph (1) of~~
 555 ~~this subsection, in which case the period of suspension shall be for 12 months;~~
 556 ~~provided, however, that any driver who refused testing as required by Code Section~~
 557 ~~40-5-67.1 or 40-5-153 or whose blood alcohol concentration at the time of the offense~~
 558 ~~that triggered such suspension was 0.15 grams or more shall not be eligible for license~~
 559 ~~reinstatement, and such license shall not become valid and shall remain suspended until~~
 560 ~~such person provides proof of installation and maintenance of an ignition interlock~~
 561 ~~device for a period of time coinciding with the issuance of an ignition interlock device~~
 562 ~~limited driving permit as provided in Code Section 40-5-64."~~

563

SECTION 3-2.

564 Said title is further amended by revising paragraph (1) of subsection (a) of Code Section
 565 40-5-63, relating to periods of suspension, as follows:

566 "(1) Upon the first conviction of any such offense, with no arrest and conviction of and
 567 no plea of nolo contendere accepted to such offense within the previous five years, as
 568 measured from the dates of previous arrests for which convictions were obtained to the
 569 date of the current arrest for which a conviction is obtained, the period of suspension shall
 570 be for 12 months. At the end of 120 days, the person may apply to the department for
 571 early reinstatement of ~~said~~ his or her driver's license. Such license shall be reinstated if
 572 such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction
 573 Program and pays a restoration fee of \$210.00 or \$200.00 when such reinstatement is
 574 processed by mail ~~unless such conviction was a recidivist conviction in which case the~~
 575 ~~restoration fee shall be \$510.00 or \$500.00 when such reinstatement is processed by mail,~~
 576 provided that, if such license was suspended as a result of a conviction of an offense
 577 listed in Code Section 40-5-54, such license shall be reinstated if such person submits
 578 proof of completion of either a defensive driving ~~program~~ course approved by the
 579 ~~department~~ commissioner pursuant to Code Section 40-5-83 or a DUI Alcohol or Drug
 580 Use Risk Reduction Program and pays the prescribed restoration fee. A driver's license
 581 suspended as a result of a conviction of a violation of Code Section 40-6-391 shall not
 582 become valid and shall remain suspended until such person submits proof of completion
 583 of a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed
 584 restoration fee. For purposes of this paragraph, an accepted plea of nolo contendere to
 585 an offense listed in Code Section 40-5-54 by a person who is under 18 years of age at the
 586 time of arrest shall constitute a conviction. For the purposes of this paragraph only, an
 587 accepted plea of nolo contendere by a person 21 years of age or older, with no conviction
 588 of and no plea of nolo contendere accepted to a charge of violating Code Section
 589 40-6-391 within the previous five years, as measured from the dates of previous arrests

590 for which convictions were obtained or pleas of nolo contendere accepted to the date of
 591 the current arrest for which a plea of nolo contendere is accepted, shall be considered a
 592 conviction, and the court having jurisdiction shall forward, as provided in Code Section
 593 40-6-391.1, the record of such disposition of the case to the department and the record
 594 of such disposition shall be kept on file for the purpose of considering and counting such
 595 accepted plea of nolo contendere as a conviction under paragraphs (2) and (3) of this
 596 subsection. Any driver who refused testing as required by Code Section 40-5-67.1 or
 597 40-5-153 or whose blood alcohol concentration at the time of the offense that triggered
 598 such suspension was 0.15 grams or more shall not be eligible for early license
 599 reinstatement, and such license shall not become valid and shall remain suspended until
 600 such person provides proof of installation and maintenance of an ignition interlock device
 601 for a period of time coinciding with the issuance of an ignition interlock device limited
 602 driving permit as provided in Code Section 40-5-64;"

603

SECTION 3-3.

604 Said title is further amended by revising subsections (a), (c), and (c.1) and subparagraph
 605 (g)(1)(C) of Code Section 40-5-64, relating to limited driving permits for certain offenders,
 606 as follows:

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

608 (1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any
 609 other Code section of this chapter, any person who has not been previously convicted or
 610 adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as
 611 measured from the dates of previous arrests for which convictions were obtained or pleas
 612 of nolo contendere were accepted to the date of the current arrest for which a conviction
 613 is obtained or a plea of nolo contendere is accepted, may apply for a limited driving
 614 permit when and only when that person's driver's license has been suspended in
 615 accordance with ~~paragraph:~~

616 ~~(A) Paragraph (2) of subsection (a.1) of Code Section 40-5-22, subsection;~~

617 ~~(B) Subsection (d) of Code Section 40-5-57, paragraph;~~

618 ~~(C) Paragraph (1) of subsection (a) of Code Section 40-5-63, paragraph;~~

619 ~~(D) Paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection; or~~

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

624 (2) Any person whose driver's license has been suspended as a result of a second
 625 conviction for violating Code Section 40-6-391 within five years, as measured from the

626 dates of previous arrests for which convictions were obtained to the date of the current
 627 arrest for which a conviction is obtained, may apply for an ignition interlock device
 628 limited driving permit after serving at least 120 days of the suspension required for such
 629 conviction and providing ~~either~~ a certificate of eligibility from a drug court program in
 630 the court in which he or she was convicted of the offense for which such suspension was
 631 imposed ~~or~~, by submitting proof of enrollment in clinical treatment as provided in Code
 632 Section 40-5-63.1, or by submitting proof that he or she has otherwise satisfied the
 633 provisions of Code Section 40-5-63.1. ~~No person who has been granted an exemption~~
 634 ~~from the ignition interlock device requirements of Article 7 of Chapter 8 of Title 42 shall~~
 635 ~~be eligible for a limited driving permit or any other driving privilege for a period of one~~
 636 ~~year.~~

637 (3) Any person whose driver's license was suspended pursuant to subsection (a) of Code
 638 Section 40-5-57.1 or paragraph (1) of subsection (a) of Code Section 40-5-63 as a result
 639 of a first conviction for violating Code Section 40-6-391 within five years and who either
 640 refused testing as required by Code Section 40-5-67.1 or 40-5-153 or whose blood
 641 alcohol concentration at the time of the offense that triggered such suspension was 0.15
 642 grams or more may apply for an ignition interlock device limited driving permit.

643 ~~(3)(4)~~ To the extent a person is subject to more than one suspension for which a limited
 644 driving permit may be issued, the department shall not issue such permit unless the
 645 suspensions are for a conviction for driving under the influence in violation of Code
 646 Section 40-6-391 imposed pursuant to Code Section 40-5-63 and an administrative
 647 suspension imposed pursuant to paragraph (1) of subsection (a) of Code Section
 648 40-5-67.2 arising from the same incident."

649 "(c) **Standards for approval.** The department shall issue a limited driving permit if the
 650 application indicates that refusal to issue such permit would cause extreme hardship to the
 651 applicant. Except as otherwise provided by subsection (c.1) of this Code section, for the
 652 purposes of this Code section, 'extreme hardship' means that the applicant cannot
 653 reasonably obtain other transportation, and therefore the applicant would be prohibited
 654 from:

- 655 (1) Going to his or her place of employment;
- 656 (2) Receiving scheduled medical or emergency care or obtaining prescription drugs;
- 657 (3) Attending a college or school at which he or she is regularly enrolled as a student;
- 658 (4) Attending regularly scheduled sessions or meetings of support organizations for
 659 persons who have addiction or abuse problems related to alcohol or other drugs, **which**
 660 so long as such organizations are recognized by the commissioner;

- 661 (5) Attending under court order any driver education or improvement school or alcohol
 662 or drug program or course approved by the court which entered the judgment of
 663 conviction resulting in suspension of his or her driver's license or by the commissioner;
 664 (6) Attending court, reporting to a probation office or officer, or performing community
 665 service; or
 666 (7) Transporting an immediate family member who does not hold a valid driver's license
 667 for work, medical care, or prescriptions or to school.

668 (c.1) **Exception to standards for approval.**

669 (1) The provisions of paragraphs (2), (3), (4), and (5) of subsection (c) of this Code
 670 section shall not apply and shall not be considered for purposes of granting a limited
 671 driving permit or imposing conditions thereon under this Code section in the case of a
 672 driver's license suspension under paragraph (2) of subsection (a.1) of Code Section
 673 40-5-22.

674 (2) Subsection (c) of this Code section shall not apply and shall not be considered for the
 675 purpose of granting an ~~An ignition interlock device limited driving permit shall be~~
 676 ~~restricted to allow the holder thereof to drive solely for the following purposes: pursuant~~
 677 ~~to paragraph (3) of subsection (a) of this Code section or imposing any conditions on~~
 678 such permit.

679 ~~(A) Going to his or her place of employment;~~

680 ~~(B) Attending a college or school at which he or she is regularly enrolled as a student;~~

681 ~~(C) Attending regularly scheduled sessions or meetings of treatment support~~
 682 ~~organizations for persons who have addiction or abuse problems related to alcohol or~~
 683 ~~other drugs, which organizations are recognized by the commissioner; and~~

684 ~~(D) Going for monthly monitoring visits with the permit holder's ignition interlock~~
 685 ~~device service provider."~~

686 "(C)(i) The department shall revoke a permittee's ignition interlock device limited
 687 driving permit upon ~~Upon~~ receipt of notice from a provider center for ignition
 688 interlock devices that are:

689 (I) An ignition interlock device which a permittee is required to use has been
 690 tampered with ~~or the;~~

691 (II) The permittee has failed to report for monitoring of such device as required by
 692 law, the; or

693 (III) The permittee attempted to use an ignition interlock device after consuming
 694 alcohol.

695 (ii) The department shall revoke such permittee's limited driving permit and, notify
 696 the permittee of such revocation by regular mail to his or her last known address;
 697 ~~notify such person of such revocation.~~ Such notice of revocation shall inform the

698 person permittee of the grounds for and effective date of the revocation and of the
 699 right to review. The notice of revocation shall be deemed received three days after
 700 mailing."

701 **SECTION 3-4.**

702 Said title is further is amended by revising subsection (d) of Code Section 40-5-67.1, relating
 703 to chemical tests, implied consent notices, rights of motorists, test results, refusal to submit
 704 to testing, and suspension of licenses, as follows:

705 "(d) If a person under arrest or a person who was involved in any traffic accident resulting
 706 in serious injuries or fatalities refuses, upon the request of a law enforcement officer, to
 707 submit to a chemical test designated by the law enforcement officer as provided in
 708 subsection (a) of this Code section, no test shall be given; but the law enforcement officer
 709 shall report the refusal to the department. Upon the receipt of a report of the law
 710 enforcement officer that the officer had reasonable grounds to believe the arrested person
 711 had been driving or was in actual physical control of a moving motor vehicle upon the
 712 highways or elsewhere throughout this state in violation of Code Section 40-6-391 or that
 713 such person had been driving or was in actual physical control of a moving motor vehicle
 714 upon the highways or elsewhere throughout this state and was involved in a traffic accident
 715 which resulted in serious injuries or fatalities and that the person had refused to submit to
 716 the test upon the request of the law enforcement officer, the department shall suspend the
 717 person's driver's license, permit, or nonresident operating privilege for a period of one year
 718 unless such person provides proof of installation and maintenance of an ignition interlock
 719 device for a period of time coinciding with the issuance of an ignition interlock device
 720 limited driving permit as provided in Code Section 40-5-64 or if the person was operating
 721 or in actual physical control of a commercial motor vehicle, the department shall disqualify
 722 the person from operating a commercial motor vehicle and shall suspend the person's
 723 driver's license, permit, or nonresident operating privilege, subject to review as provided
 724 for in this chapter."

725 **SECTION 3-5.**

726 Said title is further amended by revising paragraphs (1) and (2) of subsection (a) of Code
 727 Section 40-5-67.2, relating to terms and conditions for suspension of license under subsection
 728 (c) of Code Section 40-5-67.1, as follows:

729 "(1) Upon the first suspension pursuant to subsection (c) of Code Section 40-5-67.1
 730 within the previous five years, as measured from the dates of previous arrests for which
 731 a suspension was obtained to the date of the current arrest for which a suspension is
 732 obtained, the period of suspension shall be for one year. Not sooner than 30 days

733 following the effective date of suspension, the person may apply to the department for
 734 early reinstatement of his or her driver's license. Such license shall be reinstated if such
 735 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction
 736 Program and pays a restoration fee of \$210.00 or \$200.00 when such reinstatement is
 737 processed by mail ~~unless such conviction was a recidivist conviction in which case the~~
 738 ~~restoration fee shall be \$510.00 or \$500.00 when processed by mail.~~ A driver's license
 739 suspended pursuant to Code Section 40-5-67.1 shall not become valid and shall remain
 740 suspended until such person submits proof of completion of a DUI Alcohol or Drug Use
 741 Risk Reduction Program and pays the prescribed restoration fee; provided, however, that
 742 any driver who refused testing as required by Code Section 40-5-67.1 or 40-5-153 or
 743 whose blood alcohol concentration at the time of the offense that triggered such
 744 suspension was 0.15 grams or more shall not be eligible for early license reinstatement,
 745 and such license shall not become valid and shall remain suspended until such person
 746 provides proof of installation and maintenance of an ignition interlock device for a period
 747 of time coinciding with the issuance of an ignition interlock device limited driving permit
 748 as provided in Code Section 40-5-64.

749 (2) Upon the second suspension pursuant to subsection (c) of Code Section 40-5-67.1
 750 within five years, as measured from the dates of previous arrests for which suspensions
 751 were obtained to the date of the current arrest for which a suspension is obtained, the
 752 period of suspension shall be for three years. The person shall be eligible to apply to the
 753 department for license reinstatement not sooner than 18 months following the effective
 754 date of suspension. Such license shall be reinstated if such person submits proof of
 755 completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays a
 756 restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail
 757 ~~unless such conviction was a recidivist conviction in which case the restoration fee shall~~
 758 ~~be \$510.00 or \$500.00 when processed by mail.~~ A driver's license suspended pursuant
 759 to Code Section 40-5-67.1 shall not become valid and shall remain suspended until such
 760 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction
 761 Program and pays the prescribed restoration fee."

762 **SECTION 3-6.**

763 Said title is further amended by revising the introductory paragraph of paragraph (1) of
 764 subsection (c) and subparagraph (c)(1)(B) of Code Section 40-6-391, relating to driving
 765 under the influence of alcohol, drugs, or other intoxicating substances, as follows:

766 "(1) For the first ~~First~~ conviction with no conviction of and no plea of nolo contendere
 767 accepted to a charge of violating this Code section within the previous ten years, as
 768 measured from the dates of previous arrests for which convictions were obtained or pleas

769 of nolo contendere were accepted to the date of the current arrest for which a conviction
770 is obtained or a plea of nolo contendere is accepted:"

771 "(B) A period of imprisonment of not fewer than ten days nor more than 12 months,
772 which ~~period of imprisonment~~ may, at the sole discretion of the judge, be suspended,
773 stayed, or probated, except that if the offender's blood alcohol concentration at the time
774 of the offense was 0.08 grams or more, the judge may suspend, stay, or probate all but
775 24 hours of any term of imprisonment imposed under this subparagraph; and provided,
776 further, that if the offender's blood alcohol concentration at the time of the offense was
777 0.15 grams or more, the judge shall probate at least a portion of such term of
778 imprisonment, in accordance with subparagraph (F) of this paragraph, thereby
779 subjecting the offender to the provisions of Article 7 of Chapter 8 of Title 42 and to
780 such other terms and conditions as the judge may impose."

781 **SECTION 3-7.**

782 Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to
783 ignition interlock devices as condition of probation, is amended in Code Section 42-8-111,
784 relating to court issuance of certificate for installation of ignition interlock devices, revising
785 subsections (a), (b), (c), and (f) and adding a new subsection to read as follows:

786 "(a) Upon a first conviction of a resident of this state for violating Code Section 40-6-391
787 within five years, as measured from the dates of previous arrests for which convictions
788 were obtained to the date of the current arrest for which a conviction is obtained, for which
789 such person refused testing as required by Code Section 40-5-67.1 or 40-5-153 or for which
790 such person's blood alcohol concentration at the time of the offense was 0.15 grams or
791 more, the court shall authorize the issuance of an ignition interlock device limited driving
792 permit immediately upon such conviction if such person is otherwise eligible for issuance
793 of a limited driving permit as determined by the Department of Driver Services. Such
794 person shall install and maintain a certified ignition interlock device in any motor vehicle
795 that he or she will be operating and shall not drive any motor vehicle that is not equipped
796 with such device.

797 (a.1)(1) Upon a second or subsequent conviction of a resident of this state for violating
798 Code Section 40-6-391 within five years, as measured from the dates of previous arrests
799 for which convictions were obtained to the date of the current arrest for which a
800 conviction is obtained, for which such person is granted probation, the court shall issue
801 a certificate of eligibility for an ignition interlock device limited driving permit or
802 probationary license, subject to the following conditions:

803 ~~(1) Such person shall have installed and shall maintain in each motor vehicle registered~~
 804 ~~in such person's name for a period of not less than one year a functioning, certified~~
 805 ~~ignition interlock device;~~

806 (2)(A) Such person shall have installed and shall maintain in any other motor vehicle
 807 to be driven by such person for a period of not less than one year a functioning,
 808 certified ignition interlock device, and such person shall not drive any motor vehicle
 809 whatsoever that is not so equipped during such period. Upon successful completion of
 810 one year of monitoring of such ignition interlock device, the restriction for maintaining
 811 and using such ignition interlock device shall be removed, and the permit may be
 812 renewed for additional periods of two months as provided in paragraph (1) of
 813 subsection (e) of Code Section 40-5-64; and

814 ~~(3)(B)~~ Such person shall participate in a substance abuse treatment program as defined
 815 in paragraph (16.2) of Code Section 40-5-1 or a drug court program in compliance with
 816 Code Section 15-1-15 for a period of not less than 120 days unless he or she has
 817 otherwise provided proof that he or she has satisfied the provisions of Code Section
 818 40-5-63.1.

819 (2) For the purposes of this subsection, a plea of nolo contendere shall constitute a
 820 conviction; and a conviction of any offense under the law of another state or territory
 821 substantially conforming to any offense under Code Section 40-6-391 shall be deemed
 822 a conviction of violating said Code section.

823 (b) The court may, in its discretion, decline to issue a certificate of eligibility for an
 824 ignition interlock device limited driving permit or probationary license for any reason ~~or~~
 825 ~~exempt a person from any or all.~~ If the ignition interlock device requirements upon a
 826 determination that such requirements would subject such a person to undue financial
 827 hardship, he or she may petition the court for a waiver of the fees for such device. The
 828 court shall make written findings of fact with respect to the determination of a person
 829 having undue financial hardship. If the court finds that a person cannot pay for an ignition
 830 interlock device, but otherwise qualifies for an ignition interlock device limited driving
 831 permit or probationary license, it shall issue an order requiring such device to be installed
 832 at the expense of an ignition interlock device provider. Notwithstanding any contrary
 833 provision of Code Section 40-13-32 or 40-13-33, a determination of financial hardship may
 834 be made at the time of conviction or any time thereafter. ~~If a court grants an exemption~~
 835 ~~from the ignition interlock device requirements, such person shall not be eligible for a~~
 836 ~~limited driving permit or any other driving privilege for a period of one year.~~

837 (c) In the case of any person subject to the provisions of subsection (a) or (a.1) of this
 838 Code section, the court shall include in the record of conviction or violation submitted to
 839 the Department of Driver Services a copy of the certificate of eligibility for an ignition

840 interlock device limited driving permit or probationary license issued by the court or
 841 documentation of the court's decision to decline to issue such certificate. For persons
 842 subject to subsection (a) or (a.1) of this Code section, such Such certificate shall specify
 843 any exemption ~~from the installation requirements of paragraph (1) of subsection (a) of this~~
 844 ~~Code section and any vehicles subject to the installation requirements of paragraph (2) of~~
 845 ~~such subsection~~ permitted by the court. The records of the Department of Driver Services
 846 shall contain a record reflecting such certificate, and the person's driver's license, limited
 847 driving permit, or probationary license shall contain a notation that the person may only
 848 operate a motor vehicle equipped with a functioning, certified ignition interlock device."
 849 "(f) Exemptions granted due to financial hardship pursuant to ~~paragraph (1) of subsection~~
 850 ~~(a) of this Code section~~ shall be exempt from the subject matter jurisdiction limitations
 851 imposed in Code Sections 40-13-32 and 40-13-33."

852 **SECTION 3-8.**

853 Said article is further amended by revising subparagraphs (a)(2)(B) and (b)(2)(B) of Code
 854 Section 42-8-112, relating to timing for issuance for ignition interlock device limited driving
 855 permit, as follows:

856 "(B) That such person has completed a clinical evaluation as defined in Code Section
 857 40-5-1 and enrolled in a substance abuse treatment program approved by the
 858 Department of Human Services or is enrolled in a drug court program or proof that he
 859 or she has otherwise satisfied the provisions of Code Section 40-5-63.1;"

860 "(B) That such person has completed a clinical evaluation as defined in Code Section
 861 40-5-1 and enrolled in a substance abuse treatment program approved by the
 862 Department of Human Services or is enrolled in a drug court program or proof that he
 863 or she has otherwise satisfied the provisions of Code Section 40-5-63.1;"

864 **SECTION 3-9.**

865 Said article is further amended by revising Code Section 42-8-115, relating to certification
 866 of ignition interlock devices, by revising subsection (a) as follows:

867 "(a) The commissioner of driver services or the commissioner's designee shall certify
 868 ignition interlock devices required by this article and the providers of such devices and
 869 shall promulgate rules and regulations for the certification of said devices and providers.
 870 The rules and regulations for certification of providers shall include a requirement that
 871 ignition interlock devices be provided to defendants without charge if so ordered by a
 872 court. The standards for certification of such devices shall include, but not be limited to,
 873 those standards for such devices promulgated by the National Highway Traffic Safety
 874 Administration and adopted by rule or regulation of the Department of Driver Services."

875 **SECTION 3-10.**

876 Said article is further amended by revising Code Section 42-8-117, relating to revocation of
 877 driving privilege upon violation of probation imposed by Code Section 42-8-111, as follows:
 878 "42-8-117.

879 (a)(1) In the event the sentencing court revokes a person's probation after finding that
 880 such person has violated the terms of the certificate of eligibility for an ignition interlock
 881 device limited driving permit or probationary license issued pursuant to subsection (a) or
 882 (a.1) of Code Section 42-8-111, the Department of Driver Services shall revoke that
 883 person's driving privilege for one year from the date the court revokes that person's
 884 probation. The court shall report such probation revocation to the Department of Driver
 885 Services by court order.

886 (2) This subsection shall not apply to any person whose limited driving permit has been
 887 revoked under subsection (d) of Code Section 42-8-112.

888 (b) In the event the sentencing court revokes a person's probation after finding that such
 889 person has twice violated the terms of the certificate of eligibility for an ignition interlock
 890 device limited driving permit or probationary license issued pursuant to subsection (a) or
 891 (a.1) of Code Section 42-8-111 during the same period of probation, the Department of
 892 Driver Services shall revoke that person's driving privilege for five years from the date the
 893 court revokes that person's probation for a second time. The court shall report such
 894 probation revocation to the Department of Driver Services by court order."

895 **SECTION 3-11.**

896 Said article is further amended by revising subsections (a) and (b) of Code Section 42-8-118,
 897 relating to requesting or soliciting another to blow into device, as follows:

898 "(a) It is unlawful for any person whose driving privilege is restricted pursuant to
 899 subsection (a) or (a.1) of Code Section 42-8-111 to request or solicit any other person to
 900 blow into an ignition interlock device or to start a motor vehicle equipped with the device
 901 for the purpose of providing the person so restricted with an operable motor vehicle.

902 (b) It is unlawful for any person to blow into an ignition interlock device or to start a motor
 903 vehicle equipped with the device for the purpose of providing an operable motor vehicle
 904 to a person whose driving privilege is restricted pursuant to subsection (a) or (a.1) of Code
 905 Section 42-8-111."

906 PART IV
 907 COMPLETION OF DUI ALCOHOL OR DRUG USE
 908 REDUCTION PROGRAM
 909 SECTION 4-1.

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

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

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

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

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

937 PART V
 938 FEES FOR DRIVING PROGRAMS;
 939 CONTENTS; FINGERPRINTING.
 940 SECTION 5-1.

941 Article 4 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
 942 restoration of licenses to persons completing defensive driving course or alcohol or drug
 943 program, is amended by revising subsection (e) of Code Section 40-5-82, relating to
 944 administration of program, as follows:

945 "(e) The department shall conduct a records check for any applicant for certification as an
 946 operator, director, or instructor of a DUI Alcohol or Drug Use Risk Reduction Program.
 947 Each applicant shall submit at least one set of classifiable fingerprints to the department in
 948 accordance with the fingerprint system of identification established by the director of the
 949 Federal Bureau of Investigation; provided, however, that when an applicant has previously
 950 submitted an acceptable set of classifiable electronically recorded fingerprints to the
 951 department for initial certification, he or she shall not be required to resubmit such
 952 fingerprints for an application for recertification or renewal. The department shall transmit
 953 the fingerprints to the Georgia Crime Information Center, which shall submit the
 954 fingerprints to the Federal Bureau of Investigation for a search of bureau records and an
 955 appropriate report and shall promptly conduct a search of state records based upon the
 956 fingerprints. After receiving the report from the Georgia Crime Information Center and the
 957 Federal Bureau of Investigation, the department shall determine whether the applicant may
 958 be certified. No applicant shall be certified who has previously been convicted of a felony.
 959 The department shall promulgate rules and regulations regarding certification requirements,
 960 including restrictions regarding misdemeanor convictions. No applicant shall be certified
 961 unless he or she is a United States citizen, or if not a citizen, he or she presents federal
 962 documentation verified by the United States Department of Homeland Security to be valid
 963 documentary evidence of lawful presence in the United States under federal immigration
 964 law."

965 SECTION 5-2.

966 Said article is further amended by revising subsections (a) and (e) and paragraph (1) of
 967 subsection (f) of Code Section 40-5-83, relating to establishment and approval of clinics and
 968 programs, as follows:

969 "(a)(1) The commissioner shall establish criteria for the approval of driver improvement
 970 clinics. To be approved, a clinic shall provide and operate a defensive driving course.
 971 Clinics shall be composed of uniform education and training programs consisting of six

972 hours of instruction designed for the rehabilitation of problem drivers. The commissioner
 973 shall establish standards and requirements concerning the contents of defensive driving
 974 courses, qualifications of instructors, attendance requirements for students, and
 975 examinations. Approved clinics shall charge a fee of ~~\$75.00~~ \$95.00 for a defensive
 976 driving course, except that such clinics may charge different fees of their own choosing
 977 if the person is not enrolling in such course pursuant to court order or department
 978 requirement. No clinic shall be approved unless such clinic agrees in writing to allow the
 979 examination and audit of the books, records, and financial statements of such clinic.
 980 Clinics may be operated by any individual, partnership, or corporation. Nothing in this
 981 paragraph shall be construed to affect in any way driving programs established for
 982 purposes of insurance premium reductions under the provisions of Code Section 33-9-42.

983 (1.1)(A) No driver improvement clinic shall be permitted to use, adopt, or conduct any
 984 business under any name that is like or deceptively similar to any name used by any
 985 other driver improvement clinic, Georgia company, or Georgia corporation registered
 986 with the Secretary of State. This subparagraph shall not prohibit the franchising or
 987 licensing of any part or all of the name of a driver improvement clinic by the owner or
 988 the rights thereof to another licensed driver improvement clinic.

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

992 (2) The commissioner may issue a special license to the instructor of any ~~commercial~~
 993 licensed driver training school authorizing such instructor to teach a defensive driving
 994 course, ~~advanced defensive driving course, or professional defensive driving course of~~
 995 at a driver improvement clinic provided approved pursuant to this Code section if such
 996 instructor is qualified to teach a teen-age driver education course which consists of a
 997 minimum of 30 hours of classroom and six hours of behind-the-wheel training and such
 998 instructor certifies to the commissioner that he or she has provided at least ~~250~~ 300 hours
 999 of behind-the-wheel training in a teen-age driver education course."

1000 "(e)(1) The department is designated as the agency responsible for establishing criteria
 1001 for the ~~approval~~ certification of DUI Alcohol or Drug Use Risk Reduction Programs. An
 1002 applicant shall meet the certification criteria promulgated by the department through its
 1003 standards and shall provide ~~the following services: (1) the assessment component services~~
 1004 ~~and (2) the intervention component services.~~ A certified DUI Alcohol or Drug Use Risk
 1005 Reduction Program shall require that a risk assessment component be conducted prior to
 1006 administering the intervention component of such program. A certified DUI Alcohol or
 1007 Drug Use Risk Reduction Program may include a clinical evaluation component after an
 1008 individual completes risk assessment and intervention services. Only clinical evaluators

1009 licensed by the Department of Behavioral Health and Developmental Disabilities shall
 1010 be qualified to conduct clinical evaluations. The department is designated as the agency
 1011 responsible for establishing rules and regulations concerning the contents and duration
 1012 of the components of DUI Alcohol or Drug Use Risk Reduction Programs, qualifications
 1013 of instructors, attendance requirements for students, examinations, and program
 1014 evaluations. Qualified instructors shall be certified for periods of four years each, which
 1015 may be renewed.

1016 (2) Certified ~~Approved~~ DUI Alcohol or Drug Use Risk Reduction Programs shall charge
 1017 a fee of ~~\$82.00~~ \$85.00 for the assessment component and ~~\$190.00~~ \$225.00 for the
 1018 intervention component. An additional fee for required student program materials shall
 1019 be established by the department in such an amount as is reasonable and necessary to
 1020 cover the cost of such materials.

1021 (3) No DUI Alcohol or Drug Use Risk Reduction Program shall be ~~approved~~ certified
 1022 unless such ~~clinic~~ program agrees in writing to submit reports as required in the rules and
 1023 regulations of the department and to allow the examination and audit of the books,
 1024 records, and financial statements of such DUI Alcohol or Drug Use Risk Reduction
 1025 Program by the department or its authorized agent.

1026 (4) DUI Alcohol or Drug Use Risk Reduction Programs may be operated by any public,
 1027 private, or governmental entity; provided, however, that, except as otherwise provided
 1028 in this subsection, in any political subdivision in which a DUI Alcohol or Drug Use Risk
 1029 Reduction Program is operated by a private entity, whether for profit or nonprofit, neither
 1030 the local county board of health nor any other governmental entity shall fund any new
 1031 programs in that area. Programs ~~currently~~ in existence prior to July 1, 1990, which are
 1032 operated by local county boards of health or any other governmental entities shall be
 1033 authorized to continue operation. New programs may be started in areas where no private
 1034 DUI Alcohol or Drug Use Risk Reduction Programs have been made available ~~to said~~
 1035 community in the political subdivision.

1036 (5) The Department of Corrections is ~~is~~ shall be authorized to operate DUI Alcohol or Drug
 1037 Use Risk Reduction Programs in its facilities where offenders are not authorized to
 1038 participate in such programs in the community, provided that such programs meet the
 1039 certification criteria promulgated by the Department of Driver Services. All such
 1040 programs operated by the Department of Corrections shall be exempt from all fee
 1041 provisions established in this subsection specifically including the rebate of any fee for
 1042 the costs of administration.

1043 (6) No DUI Alcohol or Drug Use Risk Reduction Program shall be ~~approved~~ certified
 1044 unless such ~~clinic~~ program agrees in writing to pay to the state, for the costs of
 1045 administration, a fee of \$22.00 for each offender assessed ~~or each offender attending for~~

1046 ~~points reduction~~, provided that nothing in this Code section shall be construed so as to
 1047 allow the department to retain any funds required by the Constitution to be paid into the
 1048 state treasury; and provided, further, that the department shall comply with all provisions
 1049 of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' except Code Section
 1050 45-12-92, prior to expending any such miscellaneous funds.

1051 (f)(1) Each applicant for certification to own or operate a driver improvement clinic shall
 1052 submit at least one set of classifiable electronically recorded fingerprints to the
 1053 department in accordance with the fingerprint system of identification established by the
 1054 director of the Federal Bureau of Investigation; provided, however, that when an
 1055 applicant has previously submitted an acceptable set of classifiable electronically
 1056 recorded fingerprints to the department for initial certification, he or she shall not be
 1057 required to resubmit such fingerprints for an application for recertification or renewal.
 1058 The department shall transmit the fingerprints to the Georgia Crime Information Center,
 1059 which shall submit the fingerprints to the Federal Bureau of Investigation for a search of
 1060 bureau records and an appropriate report and promptly conduct a search of state records
 1061 based upon the fingerprints. After receiving the report from the Georgia Crime
 1062 Information Center and the Federal Bureau of Investigation, the department shall
 1063 determine whether the applicant may be certified."

1064 SECTION 5-3.

1065 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 1066 is amended by revising subsection (b) of Code Section 43-12A-4, relating to the requirements
 1067 of operating a center to install ignition interlock devices, as follows:

1068 "(b) The department shall conduct a records check for any applicant for certification as a
 1069 provider center operator. Each applicant shall submit two sets of classifiable fingerprints
 1070 to the department; provided, however, that when an applicant has previously submitted an
 1071 acceptable set of classifiable electronically recorded fingerprints to the department for
 1072 initial certification, he or she shall not be required to resubmit such fingerprints for an
 1073 application for recertification or renewal. The department shall transmit both sets of
 1074 fingerprints to the Georgia Crime Information Center, which shall submit one set of
 1075 fingerprints to the Federal Bureau of Investigation for a search of bureau records and an
 1076 appropriate report and shall retain one set of fingerprints and promptly conduct a search of
 1077 state records. After receiving a report from the Georgia Crime Information Center and the
 1078 Federal Bureau of Investigation, the department shall determine whether the applicant may
 1079 be licensed. The applicant shall be responsible for any fee or other charge allowed by law
 1080 or rule or regulation promulgated by the department, the Georgia Crime Information

1081 Center, or the Federal Bureau of Investigation for the submission, processing, and review
 1082 of such fingerprints."

1083 **SECTION 5-4.**

1084 Said title is further amended by revising paragraph (5) of Code Section 43-12A-6, relating
 1085 to acts disqualifying a person from operating a provider center or engaging in practice of
 1086 providing, installing, or monitoring ignition interlock devices, as follows:

1087 "(5) Shall submit at least one set of classifiable electronically recorded fingerprints to the
 1088 department in accordance with the fingerprint system of identification established by the
 1089 director of the Federal Bureau of Investigation; provided, however, that when an
 1090 applicant has previously submitted an acceptable set of classifiable electronically
 1091 recorded fingerprints to the department for initial certification, he or she shall not be
 1092 required to resubmit such fingerprints for an application for recertification or renewal.

1093 The department shall transmit the fingerprints to the Georgia Crime Information Center,
 1094 which shall submit the fingerprints to the Federal Bureau of Investigation for a search of
 1095 bureau records and an appropriate report and promptly conduct a search of state records
 1096 based upon the fingerprints. After receiving the report from the Georgia Crime
 1097 Information Center and the Federal Bureau of Investigation, the department shall
 1098 determine whether the applicant may be certified; and"

1099 **SECTION 5-5.**

1100 Said title is further amended by revising paragraph (7) of Code Section 43-13-4, relating to
 1101 qualifications of driver training school operators, as follows:

1102 "(7) Submit at least one set of classifiable electronically recorded fingerprints to the
 1103 department in accordance with the fingerprint system of identification established by the
 1104 director of the Federal Bureau of Investigation; provided, however, that when an
 1105 applicant has previously submitted an acceptable set of classifiable electronically
 1106 recorded fingerprints to the department for initial certification, he or she shall not be
 1107 required to resubmit such fingerprints for an application for recertification or renewal.

1108 The department shall transmit the fingerprints to the Georgia Crime Information Center,
 1109 which shall submit the fingerprints to the Federal Bureau of Investigation for a search of
 1110 bureau records and an appropriate report and promptly conduct a search of state records
 1111 based upon the fingerprints. After receiving the report from the Georgia Crime
 1112 Information Center and the Federal Bureau of Investigation, the department shall
 1113 determine whether the applicant may be certified; and"

SECTION 5-6.

1114
1115 Said title is further amended by revising paragraph (6) of Code Section 43-13-5, relating to
1116 qualifications of driver training school instructors, as follows:

1117 "(6) Submit at least one set of classifiable electronically recorded fingerprints to the
1118 department in accordance with the fingerprint system of identification established by the
1119 director of the Federal Bureau of Investigation; provided, however, that when an
1120 applicant has previously submitted an acceptable set of classifiable electronically
1121 recorded fingerprints to the department for initial certification, he or she shall not be
1122 required to resubmit such fingerprints for an application for recertification or renewal.

1123 The department shall transmit the fingerprints to the Georgia Crime Information Center,
1124 which shall submit the fingerprints to the Federal Bureau of Investigation for a search of
1125 bureau records and an appropriate report and promptly conduct a search of state records
1126 based upon the fingerprints. After receiving the report from the Georgia Crime
1127 Information Center and the Federal Bureau of Investigation, the department shall
1128 determine whether the applicant may be certified; and"

SECTION 5-7.

1129
1130 Said title is further amended by revising subsection (b) of Code Section 43-13-6.1, relating
1131 to special licenses for driver training school instructors qualified to teach alcohol and drug
1132 courses and fingerprinting, as follows:

1133 "(b) Each applicant shall submit at least one set of classifiable electronically recorded
1134 fingerprints to the department in accordance with the fingerprint system of identification
1135 established by the director of the Federal Bureau of Investigation; provided, however, that
1136 when an applicant has previously submitted an acceptable set of classifiable electronically
1137 recorded fingerprints to the department for initial certification, he or she shall not be
1138 required to resubmit such fingerprints for an application for recertification or renewal. The

1139 department shall transmit the fingerprints to the Georgia Crime Information Center, which
1140 shall submit the fingerprints to the Federal Bureau of Investigation for a search of bureau
1141 records and an appropriate report and promptly conduct a search of state records based
1142 upon the fingerprints. After receiving the report from the Georgia Crime Information
1143 Center and the Federal Bureau of Investigation, the department shall determine whether the
1144 applicant may be certified."

1145 PART VI
1146 REPEALER
1147 **SECTION 6-1.**

1148 All laws and parts of laws in conflict with this Act are repealed.