Rules and Regulations of the State of Georgia

Department 375 RULES OF DEPARTMENT OF DRIVER SERVICES

Current through Rules and Regulations filed through November 6, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapter 375-2-1 entitled "Organization" has been adopted. F. Nov. 28, 2001; eff. Dec. 18, 2001.

Chapter 375-2-2 entitled "County Tag Agents" has been adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.

Chapters 375-1-1 entitled "Organization" and 375-5-1 entitled "Driver Training and Driver Improvement" have been adopted. F. June 10, 2002; eff. June 30, 2002.

Chapter 375-3-2 entitled "Renewals" has been adopted. F. Sept. 10, 2002; eff. Sept. 30, 2002.

Chapters 375-1-2 entitled "Motor Vehicle Title Review Board", 375-3-1 entitled "General Provisions", 375-3-8 entitled "Access for Motor Vehicle Records", 375-6-2 entitled "Accident Reporting" and 375-8-1 entitled "Georgia Electronic Insurance Compliance System" have been adopted. F. Sept. 11, 2002; eff. Oct. 1, 2002.

Chapter 375-6-1 entitled "Public School Bus Inspection" has been adopted. F. Sept. 13, 2002; eff. Oct. 3, 2002.

Chapter 375-3-3 entitled "Revocation and Suspension" has been adopted. F. Jan. 9, 2003; eff. Jan. 29, 2003.

Rules 375-5-1-.01, .04, .07 to .10, .12 to .14 have been amended. Rules 375-5-1-.15 to .21 have been adopted. F. Feb. 20, 2003; eff. Mar. 12, 2003.

Rules 375-1-1-.03 and 375-3-8-.02 have been adopted. Chapter 375-2-12 entitled "Certificate of Title Applications", Chapter 375-2-13 entitled "Wreckage or Salvage Vehicles", and Chapter 375-2-31 entitled "Creation and Foreclosure of Liens on Removed or Stored Vehicles" have been adopted. F. Apr. 16, 2003; eff. May 6, 2003.

Chapter 375-1-3 entitled "Overweight Assessment Citation" has been adopted. Rules 375-5-1-.05 and .16 have been amended. F. June 19, 2003; eff. July 9, 2003.

Chapters 375-1-6 entitled "Driver Training, Driver Improvement, Emergency Light Appeals" and 375-7-4 entitled "Safety Program" have been adopted. Rules 375-3-3-.07, 375-5-1-.04, .13, .20, 375-8-1-.01 to .06 have been amended. F. Sept. 18, 2003; eff. Oct. 8, 2003.

Rule 375-2-12-.01 has been repealed and a new Rule adopted. Rule 375-3-8-.03 has been adopted. F. Dec. 18, 2003; eff. Jan. 7, 2004.

Chapter 375-2-3 entitled "Special Prestige License Plates" has been adopted. F. Jan. 27, 2004; eff. Feb. 16, 2004.

Rules 375-2-3-.01 and 375-2-12-.08 have been adopted. Chapter 375-2-4 entitled "Motor Vehicle Dealers" has been adopted. Rule 375-2-12-.06 has been amended. F. Apr. 21, 2004; eff. May 11, 2004.

Rules 375-1-1-.04, 375-2-3-.03, and 375-3-1-.02 have been adopted. Rules 375-1-2-.01 and 375-2-12-.04 have been repealed and new Rules adopted. Rules 375-1-2-.02 to .04 have been repealed. Rules 375-3-3-.01, .04, and 375-6-2-.02 have been amended. Chapter 375-5-3 entitled "Commercial Driver Training Schools" has been adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.

Rule 375-2-3-.02 has been amended. Rule 375-5-1-.22 has been adopted. Chapter 375-5-2 entitled "Driver Training Schools" has been adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.

Rules 375-1-1-.01, 375-3-3-.04, and 375-6-1-.09 have been amended. F. Jan. 24, 2005; eff. Feb. 13, 2005.

Rule 375-5-1-.04 has been amended. F. Mar. 15, 2005; eff. Apr. 4, 2005.

Rule 375-2-31-.03 has been amended. F. July 27, 2005; eff. Aug. 16, 2005.

Rule 375-3-1-.01 has been amended. F. Aug. 11, 2005; eff. Aug. 31, 2005.

Rule 375-1-1-.01 has been repealed and a new Rule adopted. Rules 375-1-1-.03, 375-3-1-.02, 375-3-2-.01 to .03 have been amended. F. Dec. 14, 2005; eff. Jan. 3, 2006.

Rules 375-3-1-.03 to .12, .16 to .24, 375-3-2-.04, 375-3-3-.09 to .18, and 375-7-4-.16 have been adopted. Rules 375-3-1-.13 to .15 have been reserved. Chapters 375-3-4 entitled "Uniform Traffic Citations", 375-3-5 entitled "Driver's License Advisory Board", 375-3-6 entitled "Ignition Interlock Devices", 375-3-7 entitled "Safety Responsibility", and 375-3-11 entitled "Restricted Commercial Driver's License" have been adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-2-13-.01 has been repealed. F. Apr. 19, 2006; eff. May 9, 2006.

Chapters 375-5-4 entitled "Alcohol and Drug Awareness Program" and 375-5-5 entitled "Limousine Chauffeur Permits" have been adopted. F. May 10, 2006; eff. May 30, 2006.

Rules 375-3-1-.02, 375-3-8-.03, 375-5-2-.01 to .35 have been amended. F. Sept. 11, 2006; eff. Oct. 1, 2006.

Rule 375-3-3-.04 has been amended. F. Oct. 24, 2006; eff. Nov. 13, 2006.

Rules 375-3-1-.02, 375-3-2-.01, 375-3-2-.02 and 375-3-2-.04 have been repealed and new Rules adopted. Rule 375-3-3-.19 has been adopted. F. Mar. 22, 2007; eff. Apr. 11, 2007.

Rule 375-5-2-.02 has been repealed and a new Rule adopted. F. July 20, 2007; eff. Aug. 9, 2007.

Rules 375-3-1-.02, .24, 375-5-2-.02, .17, and .18 have been amended. F. Oct. 10, 2007; eff. Oct. 30, 2007.

Rule 375-3-1-.16 has been amended. F. Jan. 31, 2008; eff. Feb. 20, 2008.

Rules 375-1-1-.01 and 375-3-8-.03 have been amended. Rules 375-1-1-.05, 375-3-3-.20, and .21 have been adopted. F. May 16, 2008; eff. June 5, 2008.

Rule 375-1-1-.03 has been amended. F. Sept. 9, 2008; eff. Sept. 29, 2008.

Rules 375-3-3-.09, 375-3-4-.01, and 375-3-8-.03 have been repealed and new Rules adopted. F. Apr. 23, 2009; eff. May 13, 2009.

Rule 375-7-4-.04 has been amended. F. June 8, 2009; eff. June 28, 2009.

Rule 375-3-1-.12 has been amended. Chapter 375-5-6 entitled "DUI Alcohol or Drug Use Risk Reduction Program" has been adopted. F. July 24, 2009; eff. Aug. 13, 2009.

Rules 375-3-1-.23, 375-5-1-.05, .16, 375-5-2-.20 to .22, and 375-5-3-.20 have been amended. Rule 375-3-2-.01 has been repealed and a new Rule adopted. F. Sept. 3, 2009; eff. Sept. 23, 2009.

Rules 375-3-1-.01, .19, 375-3-4-.01, and 375-3-11-.18 have been amended. F. Sept. 22, 2009; eff. Oct. 12, 2009.

Rules 375-3-1-.13 and .14 have been adopted. F. Oct. 30, 2009; eff. Nov. 19, 2009.

Rule 375-3-1-.02 has been repealed and a new Rule adopted. F. Nov. 23, 2009; eff. Dec. 13, 2009.

Rule 375-2-2-.13 has been repealed. F. June 17, 2010; eff. July 7, 2010.

Rules 375-3-1-.25 and .26 have been adopted. Rules 375-3-2-.01, 375-3-3-.01, .04, .10, .11, 375-7-4-.06, .07, .10, .11, .13, and .16 have been repealed and new Rules adopted. Rules 375-5-2-.11, .18, 375-7-4-.02, .03, .05, .14, and .15 have been amended. Rules 375-7-4-.08, .09, and .12 have been repealed. F. Aug. 24, 2010; eff. Sept. 13, 2010.

Rule 375-3-1-.27 has been reserved. Rule 375-3-1-.28 has been adopted. Rule 375-3-3-.07 has been repealed. Rule 375-3-5-.08 has been amended. F. Oct. 13, 2010; eff. Nov. 2, 2010.

Rule 375-3-1-.27 has been adopted. Rules 375-3-8-.03 and 375-5-2-.29 have been amended. F. Mar. 18, 2011; eff. Apr. 7, 2011.

Rules 375-3-1-.02, 375-3-1-.14, 375-3-1-.25, 375-3-2-.01, 375-3-2-.04, 375-3-3-.21 repealed and readopted. Rules 375-3-1-.13, 375-3-1-.16, 375-3-1-.23, 375-3-2-.02, 375-3-3-.01, 375-3-3-.12, 375-3-5-.09 amended. Rules 375-3-1-.29, 375-3-1-.30, 375-3-3-.22, 375-5-1-.23, 375-5-2-.36, 375-5-3-.24, 375-5-5-.07, 375-5-6-.30 adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

Rules 375-3-1-.24 and 375-3-3-.09 amended. F. July 24, 2012; eff. Aug. 13, 2012.

Rules 375-3-3-.10 and 375-3-1-.29 amended and rules 375-5-4-.08 and 375-3-1-.31 adopted. F. Dec. 26, 2012; eff. Jan. 15, 2013.

Rules 375-5-5-.01, 375-5-5-.02, 375-5-5-.03, 375-5-5-.04, 375-5-5-.05, 375-5-5-.06, 375-3-1-.02, 375-3-2-.01 amended and 375-3-1-.05 repealed and new rule adopted. F. Jan. 22, 2013; eff. Feb. 11, 2013.

Rules 375-1-1-.01, 375-3-2-.01, 375-5-2-.28 amended. Rule 375-5-6-.31 adopted. F: June 4, 2013; eff. June 24, 2013.

Rule 375-2-3-.02 repealed. F. Oct. 10, 2013; eff. Oct. 30, 2013.

Chapter 375-2-4 repealed. F. Dec. 5, 2013; eff. Dec. 25, 2013.

Rules 375-3-6-.09 and 375-5-3-.25 adopted. F. Dec. 6, 2013; eff. Dec. 26, 2013.

Rules 375-3-1-.02, 375-3-2-.01, 375-5-5-.05 amended. F. Jan. 21, 2014; eff. Feb. 10, 2014.

Rules 375-3-3-.05, 375-5-1-.10, 375-5-2-.11, 375-5-6-.03, 375-5-6-.12, 375-5-6-.18, amended. F. Mar. 25, 2014; eff. Apr. 14, 2014.

Rule 375-3-1-.32 adopted. F. Apr. 23, 2014; eff. May 13, 2014.

Rules 375-3-1-.02, 375-3-3-.09, 375-5-2-.02, 375-7-4-.06 amended. F. Apr. 24, 2014; eff. May 14, 2014.

Rule 375-7-4-.09 adopted. F. Apr. 23, 2014; eff. July 1, 2014, as specified by the Agency.

Rule 375-3-3-.10 amended. F. June 19, 2014; eff. July 9, 2014.

Rules 375-3-1-.02, 375-3-3-.01 amended. Rule 375-3-1-.33 adopted. F. Aug. 20, 2014; eff. Sept. 9, 2014.

Rule 375-1-1-.05 amended. F. Oct. 27, 2014; eff. Nov. 16, 2014.

Rules 375-3-1-.02, 375-3-1-.05 amended. F. Nov. 18, 2014; eff. Dec. 8, 2014.

Rules 375-5-2-.28, 375-5-2-.31 amended. F. Jan. 28, 2015; eff. Feb. 17, 2015.

Rule 375-5-2-.29 amended. F. Mar. 12, 2015; eff. Apr. 1, 2015.

Rule 375-5-6-.15 amended. F. May 7, 2015; eff. May 27, 2015.

Rules 375-3-1-.02, 375-3-1-.31, 375-3-3-.01, 375-3-3-.10 amended. F. Sept. 15, 2015; eff. Oct. 5, 2015.

Rule 375-5-2-.18 amended. F. Jan. 19, 2016; eff. Feb. 8, 2016.

Rules 375-5-5-.01 thru .06 amended. Chapter 375-6-2 repealed. F. Apr. 28, 2016; eff. May 18, 2016.

Rules 375-3-1-.12, 375-3-8-.02, 375-5-1-.01 amended. Rule 375-3-1-.15 adopted. F. June 10, 2016; eff. June 30, 2016.

Rules 375-1-1-.02, 375-3-1-.10, 375-3-8-.01, 375-5-1-.02, 375-5-1-.03, 375-5-1-.15 amended. F. July 19, 2016; eff. Aug. 8, 2016.

Rule 375-3-1-.02 amended. F. Sept. 20, 2016; eff. Oct. 10, 2016.

Rule 375-3-3-.23 adopted. Rule 375-5-2-.10 amended. F. Dec. 21, 2016; eff. Jan. 10, 2017.

Rule 375-3-1-.34 adopted. Rule 375-5-5-.03 amended. F. Apr. 17, 2017; eff. May 7, 2017.

Rules 375-5-1-.24, 375-5-6-.32 adopted. F. July 14, 2017; eff. Aug. 3, 2017.

Rules 375-3-1-.11, 375-3-3-.04 amended. F. Aug. 10, 2017; eff. Aug. 30, 2017.

Note: Rule 375-3-3-.04, correction of typographical error in subparagraph (6)(b)(2)(i), "business" corrected to "calendar," as originally promulgated and adopted on Aug. 9, 2017; submitted by Agency on Aug. 31, 2017. Eff. Aug. 31, 2017.

Rule 375-3-1-.35 adopted. F. Sept. 21, 2017; eff. Oct. 11, 2017.

Rules 375-3-1-.23, 375-3-2-.01 amended. Rule 375-3-1-.36 adopted. F. Jan. 19, 2018; eff. Feb. 8, 2018.

Chapters 375-1-2, 375-1-3, 375-2-1, 375-2-2, 375-2-3, 375-2-12, 375-2-13, 375-2-31, 375-6-1, 375-8-1 repealed. F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rules 375-3-3-.01, 375-3-3-.10, 375-3-8-.03 amended. Rule 375-3-8-.04 adopted. F. Apr. 12, 2018; eff. May 2, 2018.

Rule 375-3-1-.08 amended. F. May 17, 2018; eff. June 6, 2018.

Rules 375-1-1-.01, 375-3-1-.03, 375-3-6-.01, 375-3-7-.01, 375-5-1-.01, 375-5-2-.01, 375-5-3-.01, 375-5-4-.01, 375-5-5-.01, 375-5-6-.01, 375-7-4-.01 amended. F. July 19, 2018; eff. Aug. 8, 2018.

Subject 375-5-5 title amended to "For-hire Endorsements." F. Sept. 14, 2018; eff. Oct. 4, 2018.

Rule 375-3-1-.28 amended. F. Oct. 19, 2018; eff. Nov. 8, 2018.

Note: Rule 375-5-6-.22, correction of typographical error in Rule title on SOS Rules and Regulations website, as requested by the Agency. In accordance with the *Official Compilation Rules and Regulations of the State of Georgia* (as published Aug. 13, 2009), *"Student Contacts"* corrected to *"Student Contracts."* Effective Oct. 19, 2018.

Rules 375-1-1-.03, 375-3-1-.29 amended. F. Nov. 19, 2018; eff. Dec. 9, 2018.

Note: Rule 375-3-1-.29, correction of non-substantive typographical error in paragraph (3), as requested by the Agency. *"Customers who provide a document pursuant to paragraph 1(h) of this regulation ..."* corrected to *"Customers who provide a document pursuant to paragraph 1(i) of this regulation ..."* Effective Jan. 24, 2019.

Rules 375-5-4-.06, .07, .08 amended. F. Jan. 25, 2019; eff. Feb. 14, 2019.

Rules 375-5-4-.02, .03, .04, .05 amended. F. Apr. 8, 2019; eff. Apr. 28, 2019.

Rules 375-3-1-.01, .36, 375-3-2-.04 amended. F. May 15, 2019; eff. June 4, 2019.

Rule 375-3-3-.04 amended. F. June 14, 2019; eff. July 4, 2019.

Rules 375-5-2-.27, .29 amended. F. Sept. 13, 2019; eff. Oct. 3, 2019.

Rule 375-5-2-.32 amended. F. Sept. 17, 2019; eff. Oct. 7, 2019.

Rules 375-5-2-.20, 375-5-3-.20 amended. F. Oct. 18, 2019; eff. Nov. 7, 2019.

Rules 375-3-3-.06, .15, 375-3-7-.07 repealed. F. Jan. 30, 2020; eff. Feb. 19, 2020.

ER. 375-5-2-0.1-.10 adopted. F. Mar. 13, 2020; eff. Mar. 13, 2020, this rule to remain in effect through July 11, 2020 (*"...which is not longer than 120 days from the effective date*.") or until the adoption of a permanent rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Rules 375-3-1-.05, 375-5-2-.04, 375-5-2-.18 amended. Rules 375-5-2-.03, .05, .06, .07, .09 repealed. F. Mar. 17, 2020; eff. Apr. 6, 2020.

Rules 375-5-1-.04, 375-5-3-.03 amended. Rules 375-5-1-.06, 375-5-1-.07, 375-5-3-.04, .05, .06, .07, .09 repealed. F. Apr. 15, 2020; eff. May 5, 2020.

Rule 375-3-1-.02 amended. F. June 1, 2020; eff. June 21, 2020.

Rules 375-1-1-.01, .02, .05, 375-3-1-.31, 375-3-3-.09 amended. F. July 13, 2020; eff. Aug. 2, 2020.

Rules 375-3-1-.02, .06 amended. F. Oct. 15, 2020; eff. Nov. 4, 2020.

Rule 375-3-1-.16 amended. F. Nov. 19, 2020; eff. Dec. 9, 2020.

Rule 375-1-1-.04 adopted, Rules 375-5-1-.10, 375-5-2-.11, 375-5-3-.11, 375-5-6-.18 amended. F. Jan. 14, 2021; eff. Feb. 3, 2021.

Rule 375-3-1-.18 amended. F. Mar. 15, 2021; eff. Apr. 4, 2021.

Rules 375-3-1-.21, .29 amended. F. Apr. 19, 2021; eff. May 9, 2021.

Rules 375-3-1-.19, 375-7-4-.02 through .07, .09, .10, .11, .13 through .16 amended. F. May 19, 2021; eff. June 8, 2021.

Rules 375-3-1-.02, 375-3-2-.01 amended. F. June 16, 2021; eff. July 6, 2021.

Rule 375-3-1-.35 amended. F. Oct. 26, 2021; eff. Nov. 15, 2021.

Rule 375-3-3-.03 repealed. F. Apr. 20, 2022; eff. May 10, 2022.

Rules 375-3-1-.16, .32, 375-5-2-.18 amended. F. May 18, 2022; eff. June 7, 2022.

Rule 375-3-4-.01 amended. F. Aug. 15, 2022; eff. Sept. 4, 2022.

Rule 375-3-1-.02 amended. F. Mar. 15, 2023; eff. Apr. 4, 2023.

Rule 375-3-1-.37 adopted, Rules 375-3-3-.02, 375-3-4-.01 amended. F. May 10, 2023; eff. May 30, 2023.

Rule 375-3-3-.01 amended. F. June 15, 2023; eff. July 5, 2023.

Rules 375-3-3-.17, 375-7-4-.06, .07 amended. F. Aug. 11, 2023; eff. Aug. 31, 2023.

Rule 375-3-1-.02 amended. F. Mar. 25, 2024; eff. Apr. 14, 2024.

Rule 375-5-2-.20 amended. F. May 16, 2024; eff. June 5, 2024.

Rule 375-5-6-.02, .03, .04, .06, .07, .09 amended, Rules 375-5-6-.05, .08 repealed. F. June 12, 2024; eff. July 2, 2024.

Rule 375-5-6-.10, .11, .12, .13, .14 amended. F. Aug. 19, 2024; eff. Sept. 8, 2024.

Rules 375-5-5-.04, 375-5-6-.15, .16, .18, .21, .23, .24 amended, Rules 375-5-6-.19, .20, .22 repealed. F. Oct. 11, 2024; eff. Oct. 31, 2024.

Rules 375-3-1-.36, 375-5-6-.25, .26, .28, .29, .30, .31, .32 amended. F. Nov. 21, 2024; eff. Dec. 11, 2024.

Rule 375-3-3-.23 amended. F. Feb. 12, 2025; eff. Mar. 4, 2025.

Rules 375-3-3-.05, .07, .10 amended. F. May 28, 2025; eff. June 17, 2025.

Rules 375-3-3-.02, .23 amended, Rule 375-3-3-.24 adopted. F. Aug. 15, 2025; eff. Sept. 4, 2025.

Rule 375-3-1-.22 amended. F. Nov. 14, 2025; eff. Dec. 4, 2025.

Rules 375-3-1-.07, 375-5-1-.02, 375-5-1-.03 amended. F. Jan. 28, 2026; eff. Feb. 17, 2026.

Rules 375-3-1-.07, .23 amended. F. May 28, 2026; eff. June 17, 2026.

Chapter 375-1. ADMINISTRATION.

Subject 375-1-1. ORGANIZATION.

Rule 375-1-1-.01. Organization.

(1) The Department of Driver Services is composed of ten (10) divisions: the Office of the Commissioner, Human Resources Division, Legal Division, Field Operations Division, Governmental Affairs and Communications Division, Regulatory Compliance Division, Finance and Customer Service Support Division, Information Technology Division, Program Management Office, and the Office of Investigative Services.

(2) The Department's Headquarters is located at 2206 East View Parkway, Conyers, Georgia 30013.

(3) The Department's Headquarters mailing address is P.O. Box 80447, Conyers, Georgia 30013.

Cite as Ga. Comp. R. & Regs. R. 375-1-1-.01
Authority: O.C.G.A. §§ 40-5-4, 40-5-101, 40-16-1, 40-16-2, 40-16-3, 40-16-4, 40-16-5.
History. Original Rule entitled "DMVS Organization" adopted. F. June 10, 2002; eff. June 30, 2002.
Amended: F. Jan. 24, 2005; eff. Feb. 13, 2005.
Repealed: New Rule entitled "Organization" adopted. F. Dec. 14, 2005; eff. Jan. 3, 2006.
Amended: F. May 16, 2008; eff. June 5, 2008.
Amended: New title "Organization. Amended." F. Jun. 4, 2013; eff. Jun. 24, 2013.
Amended: F. July 19, 2018; eff. August 8, 2018.
Amended: F. July 13, 2020; eff. August 2, 2020.

Rule 375-1-1-.02. Service of Process.

(1) Appeals to Superior Courts

(a) Appeals to the superior courts from a final agency decision rendered by the Office of State Administrative Hearings under the Administrative Procedure Act, pursuant to O.C.G.A. § 50-13-41(e)(3) shall be served by personal delivery to the Legal Division of the Department at 2201 Eastview Parkway, Conyers, Georgia 30013, or by mail to the Department of Driver Services, Legal Division, P. O. Box 80447, Conyers, Georgia 30013. The party or counsel shall also furnish a copy of

the appeal by mail to the Office of State Administrative Hearings and to the Department of Law, Public Safety Section, 40 Capitol Square, SW, Atlanta, Georgia 30334-1300.

(b) Appeals to the superior courts from a final agency decision rendered by the agency itself under the Administrative Procedure Act, pursuant to O.C.G.A. § 50-13-41(e)(3) shall be served by personal delivery to the Legal Division of the Department at 2201 Eastview Parkway, Conyers, Georgia 30013, or by mail to the Department of Driver Services, Legal Division, P. O. Box 80447, Conyers, Georgia 30013. The party or counsel shall also furnish a copy of the appeal by mail to the Department of Law, Public Safety Section, 40 Capitol Square, SW, Atlanta, Georgia 30334-1300.

(c) Appeals to the Superior Court from a final agency decision not governed by the Administrative Procedure Act shall be served on the Department by personal service to the Legal Division of the Department of Driver Services at 2201 Eastview Parkway, Conyers, Georgia 30013. The party or counsel shall also furnish a copy of the appeal by mail to the Department of Law, Public Safety Section, 40 Capitol Square, SW, Atlanta, Georgia 30334-1300.

(d) Service upon any other person, agency, or entity shall not be considered service on or notice to the Department of the action for the purpose of appeals of contested cases under the Act.

(2) Service of process of all other actions to which the Department or its Commissioner are named as parties shall be as provided by law.

(3) The General Counsel, Deputy General Counsel, Assistant General Counsel, and such other persons as may be designated by the Commissioner, are authorized to accept service of process on behalf of the Department and the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 375-1-1-.02
Authority: O.C.G.A. § 40-16-1 et seq.
History. Original Rule entitled "Service of Process" adopted. F. June 10, 2002; eff. June 30, 2002.
Amended: F. July 19, 2016; eff. August 8, 2016.
Amended: F. July 13, 2020; eff. August 2, 2020.

Rule 375-1-1-.03. General Administrative Definitions.

(1) "Board" shall mean the Board of Driver Services of the State of Georgia.

(2) "Commissioner" shall mean the Commissioner of Driver Services of the State of Georgia.

(3) "Department" shall mean the Department of Driver Services of the State of Georgia.

(4) "Electronic signature" means an electronic mark or symbol attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(5) "Hearing" shall mean a right of the Department and of parties affected by any action of the Department who have filed an appeal pursuant to Ga. Comp. R. & Regs. R. 375-1-1-.06 to present relevant information, testimony, documents, evidence, and legal arguments as to why such action should or should not be taken.

(a) "Hearing Examiner" or "Hearing Officer" or "Reviewing Officer" shall mean an officer or employee of the Department or other person so designated by the Commissioner or the Board who shall be employed or appointed by the Department for purpose as needed and shall be authorized to exercise such powers as are given such persons by statute or rule.

(b) "Administrative Law Judge" or "ALJ" shall mean an employee of the Office of State Administrative Hearings so designated by the Chief State Administrative Law Judge to conduct a hearing and shall be authorized to exercise such powers as are given such persons by statute or rule.

(6) "Signature" shall mean the hand-written or electronic recording of a person's full legal name, without the use of nicknames or any other verbiage. In the event a customer is unable to write his or her name, he or she may provide a signature by making his or her customary mark.

(7) "Full legal name" shall mean an individual's first name, middle name(s), and last name or surname, without use of initials or nicknames. In the event a customer's full legal name exceeds the number of characters the Department can capture using its then existing technology, the customer's full legal name shall be recorded using the truncation protocol set forth in International Civil Aviation Organization (ICAO) 9303, "Machine Readable Travel Documents" Part IV Sixth Edition, 2005 or such other standard as required under state or federal law.

Cite as Ga. Comp. R. & Regs. R. 375-1-1-.03
Authority: O.C.G.A. §§ 10-12-12, 10-12-18, 40-5-4, 40-5-101, 40-16-1, 40-16-2, 40-16-3, 40-16-4, 40-16-5.
History. Original Rule entitled "General Definitions" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Amended: F. Dec. 14, 2005; eff. Jan. 3, 2006.
Amended: F. Sept. 9, 2008; eff. Sept. 29, 2008.
Amended: F. Nov. 19, 2018; eff. Dec. 9, 2018.
Amended: New title "General Administrative Definitions." F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-1-1-.04. Electronic Signatures.

(1) Definitions

(a) "Electronic Signature" means an electronic symbol or process attached to or associated with an electronic record and executed or adopted by a person with the intent to sign a record.

(b) "Electronic Record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(c) "Electronic Transaction" means a transaction conducted or performed, in whole or in part, by electronic means or electronic records.

(d) "Approved Electronic Signature Method" means a method that has been approved by the Commissioner, in accordance with this rule and all applicable state and federal laws, and which specifies the form of the electronic signature, and the significance of the use of the electronic signature.

(2) Use of Electronic Signature

(a) Where a departmental policy requires that a record have a signature of a customer or responsible person, the requirement is met when the electronic record has associated with it, an electronic signature using an approved electronic signature method.

(b) When a signature is required, the signature requirement is met when the electronic record has an electronic signature associated with it using an approved electronic signature method, in compliance with all state and federal laws.

(3) Acceptable Forms of Electronic Signature Methods

The following are approved electronic signature methods:

(a) A typed name (i.e., typed into a signature block on a website form)

(b) A digitized image of a handwritten signature that is attached to an electronic record

(c) A shared secret (i.e., password or PIN) used by a person to sign the electronic record

(d) Clicking or checking an on-screen button (i.e., clicking or checking an "I Agree" or "I Consent" button)

(e) Other reasonable and comparable methods may also be appropriate so long as it is clear to the signer that he/she is signing the record.

(4) Identification and Authentication of Signer

(a) The electronic signature must be associated with a person. The Department may require a physical or "wet" signature be on file to ensure the validity of any electronically signed record.

(b) The specific data object that constitutes the electronic signature or the overall method of signing must be able to generate evidence of the person the electronic signature belongs to, as well as generate evidence that the identified person is actually associated with the electronic record.

Cite as Ga. Comp. R. & Regs. R. 375-1-1-.04
Authority: O.C.G.A. §§ 10-12-7, 40-5-4, 40-5-101, 40-16-2, 40-16-3, 40-16-5.
History. Original Rule entitled "Final Agency Decisions in Administrative Hearings' adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.
Repealed: F. Aug. 12, 2020; eff. Sept. 1, 2020.
Adopted: New rule entitled "Electronic Signatures." F. Jan. 14, 2021; eff. Feb. 3, 2021.

Rule 375-1-1-.05. Procedures for Requesting Rule Changes.

(1) A person whose legal rights are affected by these rules may petition the Board of Driver Services to enact, amend, or repeal any rule pertaining to the primary responsibilities of the Department as set forth in O.C.G.A. § 40-16-2.

(2) The petition must set forth the proposed new regulation or amendment, or identify the rule for which repeal is sought and the reasons therefore. In addition, the petition must include the petitioner's name and address, and a statement of their interest in the matter. The petition shall be sent by certified mail, return receipt requested, addressed to "Legal Division, Department of Driver Services, P.O. Box 80447, Conyers, Georgia 30013."

(3) Upon receipt of such petition by the Legal Division, the division shall consider the petition in accordance with O.C.G.A. § 50-13-9.

Cite as Ga. Comp. R. & Regs. R. 375-1-1-.05
Authority: O.C.G.A. §§ 40-16-2, 50-13-9.
History. Original Rule entitled "Procedure for Requesting Rule Changes" adopted. F. May 16, 2008; eff. June 5, 2008.
Amended: F. Oct. 27, 2014; eff. Nov. 16, 2014.
Amended: F. July 13, 2020; eff. August 2, 2020.

Rule 375-1-1-.06. Appeals.

(1) Where state law permits appeal of Department decisions or actions, the subject party of such may submit an appeal request for hearing. The purpose of the appeal will be to determine whether the Department acted in accordance with the law in taking such action.

(a) Upon receipt of a timely, properly filed appeal in a contested case which is not presided over by the agency head or board or body which is the ultimate decision maker in accordance with O.C.G.A. § 50-13-41, the Department will forward the appeal and all pertinent documents to the Office of State Administrative Hearings in accordance with that agency's rules.

(b) An appeal will not stay agency action except in accordance with O.C.G.A. §§ 40-5-67.1(g)(3) and 40-9-32(c)(1).

(2) Cases shall be conducted in accordance with the following procedures:

(a) Initiating a case. Any person who is legally entitled to contest a ruling or order of the Department may do so by filing with the Department a request for hearing within ten (10) days after receipt of the Department's ruling or order, except where additional time is permitted under O.C.G.A. §§ 40-5-35 and 40-5-67.1. Notice is considered received three (3) days after mailing.

(b) Request for hearing shall be submitted to DDS via postal service to the address included in the notice of agency action or a Customer Service Center, on a form prescribed and furnished by the department which shall be completed in its entirety and must contain the following:

(i) The legal authority under which the appeal is filed, including all code sections;

(ii) A prayer setting forth the relief sought;

(c) All requests for a hearing must be signed by the party requesting the hearing or by the party's counsel, if represented by counsel.

(d) Limitation on right to a hearing. The Department will grant hearings as a matter of right only upon timely receipt of a complete request as described above, but may, in its discretion, allow extensions of time and amendments of requests for good cause shown. Where requests are not submitted in accordance with the above, rights to an appeal and hearing shall be considered waived.

(e) Hearings. All hearings will be held in accordance with all applicable statutes and rules.

(f) Appeals of suspensions imposed pursuant to O.C.G.A. § 40-5-67.1.

(i) In addition to the requirements set forth in paragraph (2) (a-d), supra, any person who appeals an administrative license suspension or implied consent suspension arising under O.C.G.A. § 40-5-67.1 shall submit a nonrefundable filing fee of $150.00. The timeliness provisions of paragraph (3), supra, shall apply to the payment of such fees, except that for appeals

authorized by O.C.G.A. § 40-5-67.1 the appeal shall be timely if received or postmarked within thirty (30) calendar days of the issuance or serve date of the notice of intent to suspend (1205 or 1205s). The hearings unit will not accept hearing requests by fax.

(ii) In hearings conducted pursuant to O.C.G.A. § 40-5-67.1, the arresting law enforcement officer may act on behalf of the Department as the complainant.

(iii) Withdrawal of Suspension by Arresting Officer.

1) The arresting officer may at his or her discretion withdraw the administrative license suspension at any time prior to the docketing of the case at OSAH.

2) If the licensee does not timely appeal the suspension, the suspension shall be upheld as the Final Decision of the Department by operation of law, and the arresting officer may not withdraw the administrative license suspension thereafter.

3) If the licensee submits an appeal within the statutorily allotted period for same, the arresting officer may withdraw the administrative license suspension at his or her discretion at any point prior to the issuance of the Final Decision by the Administrative Law Judge. Upon the issuance of the Final Decision, the arresting officer may not withdraw the suspension.

(iv) If the licensee does not timely appeal the suspension as set forth in paragraph (f)(i), the right to a hearing will be deemed waived.

1) The decision as to the timeliness of the hearing shall be a final decision of the Department, unless granted reconsideration.

2) If a hearing request has been deemed untimely, the licensee may request reconsideration by mail, in writing to RM - Hearing Requests, P.O. Box 80447, Conyers, Georgia 30013. The request must be received or postmarked within five (5) calendar days after the date of the decision.

3) The request for reconsideration must be submitted in writing and include:

a) A clear indication of the reasons for failure to timely submit the hearing request

b) Documentation to support the indicated reasons

c) A copy of the 1205 notice

d) Documentation from the U.S. Postal Service, UPS, FedEx, or any other deliver entity indicating dates of delivery.

4) The decision from the request to reconsider shall be a final decision of the Department.

(g) Any decision issued by the Department or by an Administrative Law Judge in a matter referred to the Office of State Administrative Hearings shall be the Department's Final Decision without further agency action and without the expiration of a thirty (30)-day review period unless expressly provided elsewhere in these rules or by statute.

(h) Any appeals to the superior court from a final agency decision under this rule shall be served in accordance with Ga. Comp. R. & Regs. R. 375-1-1-.02. Agency action shall not be stayed while such appeal is pending.

Cite as Ga. Comp. R. & Regs. R. 375-1-1-.06
Authority: O.C.G.A. §§ 40-5-4, 40-5-35, 40-5-66, 40-5-67.1, 40-9-32, 40-16-2, 40-16-3, 50-13-11*et seq.*
History. Original Rule entitled "Appeals" adopted. F. Aug. 12, 2020; eff. Sept. 1, 2020.

Subject 375-1-2. Repealed.

Cite as Ga. Comp. R. & Regs. R. dept. 375, ch. 375-1, sub. 375-1-2

Rule 375-1-2-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-1-2-.01
Authority: O.C.G.A. §§ 40-3-6, 40-3-53.
History. Original Rule entitled "Establishment of the "Motor Vehicle Certificate of Title Board" and its Purpose" adopted. F. Sept. 11, 2002; eff. Oct. 1, 2002.
Repealed: New Rule entitled "Administrative Hearings Regarding Certificates of Title" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-1-2-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-1-2-.02
Authority: O.C.G.A. Secs. 40-3-6, 40-3-53.

History. Original Rule entitled "Membership of the Title Review Board" adopted. F. Sept. 11, 2002; eff. Oct. 1, 2002.
Repealed: F. Sept. 1, 2004; eff. Sept. 21, 2004.

Rule 375-1-2-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-1-2-.03
Authority: O.C.G.A. Secs. 40-3-6, 40-3-53, 50-13-13.
History. Original Rule entitled "Organization" adopted. F. Sept. 11, 2002; eff. Oct. 1, 2002.
Repealed: F. Sept. 1, 2004; eff. Sept. 21, 2004.

Rule 375-1-2-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-1-2-.04
Authority: O.C.G.A. Secs. 40-3-6, 40-3-53, 50-13-17, 50-13-19.
History. Original Rule entitled "Procedure for the Conduct of Hearings and Appeals" adopted. F. Sept. 11, 2002; eff. Oct. 1, 2002.
Repealed: F. Sept. 1, 2004; eff. Sept. 21, 2004.

Subject 375-1-3. Repealed.

Cite as Ga. Comp. R. & Regs. R. dept. 375, ch. 375-1, sub. 375-1-3

Rule 375-1-3-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-1-3-.01
Authority: O.C.G.A. §§ 32-6-27, 32-6-30.
History. Original Rule entitled "Enforcement of Laws Relating to Overweight Vehicles and Permits" adopted. F. June 19, 2003; eff. July 9, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-1-3-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-1-3-.02
Authority: O.C.G.A. § 50-13-4.
History. Original Rule entitled "Procedures for Enforcement" adopted. F. June 19, 2003; eff. July 9, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-1-3-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-1-3-.03
Authority: O.C.G.A. §§ 32-6-27, 50-13-1.
History. Original rule entitled "Method of Collection of Monies Due Under Code Section 32-6-27" adopted. F. June 19, 2003; eff. July 9, 2003.

Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Subject 375-1-6. Repealed.

Cite as Ga. Comp. R. & Regs. R. dept. 375, ch. 375-1, sub. 375-1-6

Rule 375-1-6-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-1-6-.01
Authority: O.C.G.A. §§ 40-5-80*et seq.*, 50-13-13*et seq.*, 50-13-41.
History. Original Rule entitled "Appeals of the Denial, Revocation, Suspension, or Cancellation of Driver Improvement Licenses, or of the Imposition of a Civil Penalty Against an Owner or Instructor of a Driver Improvement Clinic" adopted. F. Sept. 18, 2003; eff. Oct. 8, 2003.
Repealed: F. Aug. 12, 2020; eff. Sept. 1, 2020.

Chapter 375-2. REGISTRATION AND LICENSING OF VEHICLES.

Subject 375-2-1. Repealed.

Cite as Ga. Comp. R. & Regs. R. dept. 375, ch. 375-2, sub. 375-2-1

Rule 375-2-1-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-1-.01
Authority: O.C.G.A. § 40-16-2.
History. Original Rule entitled "Motor Vehicle Services Duties" adopted. F. Nov. 28, 2001; eff. Dec. 18, 2001.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Subject 375-2-2. Repealed.

Cite as Ga. Comp. R. & Regs. R. dept. 375, ch. 375-2, sub. 375-2-2

Rule 375-2-2-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.01
Authority: O.C.G.A. § 40-2-23.
History. Original Rule entitled "Establishment of Local Tag Agents" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-2-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.02
Authority: O.C.G.A. § 40-2-23.
History. Original Rule entitled "Responsibilities of County Tag Agents" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-2-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.03
Authority: O.C.G.A. § 40-2-24.
History. Original Rule entitled "Bond of Agents" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-2-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.04
Authority: O.C.G.A. § 40-2-26.
History. Original Rule entitled "Application for License Plates and Renewal Decals" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-2-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.05
Authority: O.C.G.A. §§ 40-2-22, 40-2-33, 40-6-1, 40-6-10.
History. Original Rule entitled "Issuance of License Plates and Renewal Decals" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-2-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.06
Authority: O.C.G.A. § 40-2-33.
History. Original Rule entitled "Inventory of License Plates and Renewal Decals Maintained by County Tag Agent" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-2-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.07
Authority: O.C.G.A. § 40-2-33.
History. Original Rule entitled "Upgrading of License Plates" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-2-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.08
Authority: O.C.G.A. § 40-2-23.
History. Original Rule entitled "Questionable Applications" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-2-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.09
Authority: O.C.G.A. § 40-3-28.
History. Original Rule entitled "Application by One Other Than the Vehicle Owner" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-2-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.10
Authority: O.C.G.A. § 40-1-1.
History. Original Rule entitled "Owner Defined" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-2-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.11
Authority: O.C.G.A. §§ 40-2-1, 40-2-90.
History. Original Rule entitled "Thirty (30) Day Grace Period" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-2-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.12
Authority: O.C.G.A. § 40-2-23.
History. Original Rule entitled "Intrastate Trucks" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-2-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.13
Authority: O.C.G.A. Secs. 40-2-11, 40-2-23, 40-2-140.
History. Original Rule entitled "Servicemen" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. June 17, 2010; eff. July 7, 2010.

Rule 375-2-2-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.14
Authority: O.C.G.A. § 40-2-23.
History. Original Rule entitled "Applications for License Plates and Renewal Decals to Be Numbered" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-2-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.15
Authority: O.C.G.A. § 40-2-23.
History. Original Rule entitled "Application to Be Validated by the Agent" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-2-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.16
Authority: O.C.G.A. § 40-2-23.
History. Original Rule entitled "Agent's Responsibility As to Application" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-2-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.17
Authority: O.C.G.A. §§ 40-2-34, 40-2-36.
History. Original Rule entitled "Tags and Renewal Decals to Be Sold in Numerical Sequence" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-2-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-2-.18
Authority: O.C.G.A. §§ 40-2-8, 40-2-20.
History. Original Rule entitled "Extension of the Initial Registration Period When a Georgia Dealer Has Not Applied for Title" adopted. F. Mar. 6, 2002; eff. Mar. 26, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Subject 375-2-3. Repealed.

Cite as Ga. Comp. R. & Regs. R. dept. 375, ch. 375-2, sub. 375-2-3

Rule 375-2-3-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-3-.01
Authority: O.C.G.A. § 40-3-2.
History. Original Rule entitled "Application for Registration of a Vehicle Not Eligible for a Certificate of Title" adopted. F. Apr. 21, 2004; eff. May 11, 2004.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-3-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-3-.02
Authority: O.C.G.A. §§ 40-2-60, 40-3-3, 40-16-12, 48-2-12.
History. Original Rule entitled "Special Prestige License Plates" adopted. F. Jan. 27, 2004; eff. Feb. 16, 2004.
Amended: F. Oct. 25, 2004; eff. Nov. 14, 2004.
Repealed: F. Oct. 10, 2013; eff. Oct. 30, 2013.

Rule 375-2-3-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-3-.03
Authority: O.C.G.A. § 40-2-1360.
History. Original Rule entitled "Affidavit of Need for the Issuance of a Special License Plate After Multiple Convictions for Driving Under the Influence" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Subject 375-2-4. REPEALED (375-2-4).

Cite as Ga. Comp. R. & Regs. R. dept. 375, ch. 375-2, sub. 375-2-4

Rule 375-2-4-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-4-.01
Authority: O.C.G.A. §§ 40-3-3, 40-3-28, 48-2-12 and 48-5C-1.
History. Original Rule entitled "Registration of Manufacturers, Distributors and Dealers of Motor Vehicles" adopted. F. Apr. 21, 2004; eff. May 11, 2004.
Repealed: F. Dec. 5, 2013; eff. Dec. 25, 2013.

Rule 375-2-4-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-4-.02
Authority: O.C.G.A. §§ 40-3-3, 40-3-28, 48-2-12 and 48-5C-1.
History. Original Rule entitled "Requirements for Dealer's Established Place of Business" adopted. F. Apr. 21, 2004; eff. May 11, 2004.
Repealed: Dec. 5, 2013; eff. Dec. 25, 2013.

Subject 375-2-12. Repealed.

Cite as Ga. Comp. R. & Regs. R. dept. 375, ch. 375-2, sub. 375-2-12

Rule 375-2-12-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-12-.01
Authority: O.C.G.A. §§ 40-3-3, 40-3-21, 40-3-36, 40-3-38, 48-2-12.
History. Original Rule entitled "First Certificate of Title" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Repealed: New Rule of same title adopted. F. Dec. 18, 2003; eff. Jan. 7, 2004.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-12-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-12-.02
Authority: O.C.G.A. §§ 40-3-3, 40-3-36, 40-3-38, 48-2-12.
History. Original Rule entitled "Affidavit of Title Held for Lien or Security Interest" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-12-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-12-.03
Authority: O.C.G.A. §§ 40-3-3, 40-3-36, 40-3-38, 48-2-12.
History. Original Rule entitled "Tag Agents to Accept Title Applications" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-12-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-12-.04
Authority: O.C.G.A. §§ 40-3-3, 40-3-36, 40-3-38, 48-2-12.
History. Original Rule entitled "Certified Transcripts of Title Records" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-12-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-12-.05
Authority: O.C.G.A. §§ 40-3-3, 40-3-36, 40-3-38, 48-2-12.
History. Original Rule entitled "Return of Rejected Title Applications" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-12-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-12-.06
Authority: O.C.G.A. §§ 40-3-2, 40-3-3, 40-3-36, 40-3-38, 48-2-12.
History. Original Rule entitled "Application for a Certificate of Title of a Vehicle Last Previously Registered in a Non-Title State or Country" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Amended: F. Apr. 21, 2004; eff. May 11, 2004.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-12-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-12-.07
Authority: O.C.G.A. § 40-3-3.
History. Original Rule entitled "Special Handling of Applications for Certificates of Title and Related Documents" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-12-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-12-.08
Authority: O.C.G.A. § 40-3-3.
History. Original Rule entitled "Certification of Inspection of Vehicle Identification Number" adopted. F. Apr. 21, 2004; eff. May 11, 2004.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Subject 375-2-13. Repealed.

Cite as Ga. Comp. R. & Regs. R. dept. 375, ch. 375-2, sub. 375-2-13

Rule 375-2-13-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-13-.01
Authority: Authority O.C.G.A. Secs. 40-3-3, 40-3-24, 40-3-36, 40-16-5.
History. Original Rule entitled "Definitions" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Repealed: F. Apr. 19, 2006; eff. May 9, 2006.

Rule 375-2-13-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-13-.02
Authority: O.C.G.A. § 40-3-5.
History. Original Rule entitled "Stolen Vehicles" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-13-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-13-.03
History. Original Rule number "Reserved."

Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-13-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-13-.04
Authority: O.C.G.A. §§ 40-3-5, 40-3-24.
History. Original Rule entitled "Application of These Regulations" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-13-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-13-.05
Authority: O.C.G.A. §§ 40-3-5, 40-3-24.
History. Original Rule entitled "When Rebuilt Vehicles to Be Titled" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-13-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-13-.06
Authority: O.C.G.A. §§ 40-3-5, 40-3-24.
History. Original Rule entitled "An Owner Who Scraps, Dismantles or Destroys a Vehicle" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Subject 375-2-31. Repealed.

Cite as Ga. Comp. R. & Regs. R. dept. 375, ch. 375-2, sub. 375-2-31

Rule 375-2-31-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-31-.01
Authority: O.C.G.A. § 40-11-1.
History. Original Rule entitled "Abandoned Motor Vehicles" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-31-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-31-.02
Authority: O.C.G.A. § 40-11-1.
History. Original Rule entitled "Notice to Owner, Lessor, Lessee, or Holder of a Security Interest or Lien" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-31-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-31-.03
Authority: O.C.G.A. § 40-11-1.
History. Original Rule entitled "Notice of Lien to Be Submitted to Department" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Amended: F. July 27, 2005; eff. August 16, 2005.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-2-31-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-2-31-.04
Authority: O.C.G.A. § 40-11-1.
History. Original Rule entitled "Foreclosure of Abandoned Vehicle Lien" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Chapter 375-3. DRIVER LICENSE SERVICES.

Subject 375-3-1. GENERAL PROVISIONS.

Rule 375-3-1-.01. Assignment of Customer Identification Number.

(1) Upon initial application to the Department for adriver's license or identification card, the applicant, upon satisfaction of the requirements for issuance of the document, will be assigned a unique identification number generated by a random number system.

(2) Any other document issued to the applicant by the Department will bear the identification number previously assigned.

(3) Requests for a change of the customer identification numbers will be honored under the following circumstances:

(a) The current customer identification number is the applicant's social security account number; or

(b) The applicant's driver's license and/or identification card has been stolen; or

(c) The Office of Investigative Services has authorized a change of customer identification number in writing; or

(d) The applicant submits documentation from a family violence program or family violence shelter, as those terms are defined in O.C.G.A. §§ 19-13-20(4) and (5), evidencing a need to change his or her identification number because he or she is the victim of family violence or the minor child of a victim of family violence; or

(e) The applicant's driver's license and/or identification card has been stolen, lost, or misplaced.

(4) All requests for a change of the customer identification number may be subject to verification/and or approval from the Office of Investigative Services.

(5) Change of the customer identification number will be limited to three (3) changes per customer or applicant within a twelve (12) month period, unless the request is accompanied by a police report.

(6) Applicants requesting a change of the customer identification number must complete an affidavit on a form prescribed and furnished by the Department.

(7) Applicants who are approved for a change of the customer identification number must pay the applicable replacement license or identification card fee.

(8) Customer identification numbers may also be changed, in the discretion of the Department, as needed to carry out the Department's obligations.

(9) For the purposes of this Chapter, the term "customer identification number" shall have the same meaning as the term "driver identification number," "distinguishing number," and "identification card number."

(10) Customers for whom the Department has not issued a driver's license, permit or identification card, but for whom it is necessary to create a driving record pursuant to O.C.G.A. § 40-5-2 shall also be issued a unique identification number generated by a random number system. Such number shall be used on any driver's license, permit or identification card subsequently issued to said customer, if any.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.01
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 40-5-1, 40-5-2, 40-5-28, 40-5-100, 40-5-171.
History. Original Rule entitled "Assignment of Customer Identification Number" adopted. F. Sept. 11, 2002; eff. Oct. 1, 2002.
Amended: F. Aug. 11, 2005; eff. Aug. 31, 2005.
Amended: F. Sept. 22, 2009; eff. Oct. 12, 2009.
Amended: F. May 15, 2019; eff. June 4, 2019.

Rule 375-3-1-.02. Applications and Supporting Documentation.

(1) Customers applying for issuance or renewal of any driver's license, permit, or identification card issued by the Department shall complete a written application in a form to be determined by the Department. Such application shall require the applicant to indicate the following:

(a) Whether he or she has ever been issued a driver's license by the State of Georgia or any other state or agency, and if so, the date and place of issuance with the license number, if known;

(b) Whether any previously issued license, whether issued by the State of Georgia or any other state or licensing agency, has ever been revoked, suspended or canceled, or whether any application for a motor vehicle driver's license has ever been denied. The application shall state the cause for revocation, suspension, cancellation or denial, the circumstances surrounding the action taken, the number of times such action has been taken and whether the license has been re-issued or application granted; and

(2) Applications executed pursuant to paragraph (1) shall include a declaration under penalty of perjury that the information contained in the application is true and correct.

(3) Each application must be supported by documentation of the customer's identity, specifically his or her name and date of birth. Documents that are acceptable include the following:

(a) Valid, unexpired U.S. passport;

(b) Certified copy of a birth certificate filed with the State Office of Vital Statistics or equivalent agency in the customer's state of birth;

(c) Consular Report of Birth Abroad issued by the U.S. Department of State, Form FS-240, DS-1350 or FS-545;

(d) Valid, unexpired Permanent Resident Card (Form I-551) issued by the U.S. Department of Homeland Security (DHS) or Immigration and Naturalization Service (INS);

(e) Unexpired Employment Authorization Document (Form I-766/EAD) issued by the DHS;

(f) Unexpired foreign passport with a valid unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States;

(g) Certificate of Naturalization issued by the DHS, Form N-550 or N-570;

(h) Certificate of Citizenship, Form N-560 or N-561, issued by the DHS; or

(i) An uncertified copy of a state-issued birth certificate or a hospital or other commemorative birth certificate for a birth in the State of Georgia if such can be verified electronically with the records of the Georgia Department of Public Health. The driver's license, permit or identification card issued by the Department

shall reflect the full legal name reflected on such documentation. If a customer's name has changed from the name listed in the document presented in satisfaction of this paragraph, such change must be supported by documentation in the form of a marriage license, marriage license application, divorce decree, adoption decree, or other court order. Original or certified copies of documents are required.

(4) Each customer may be required to provide documentation of his or her Social Security number in one of the following forms:

(a) Social Security card;

(b) DDS approved application pursuant to paragraph (1); or

(c) other approved documentation which contains the customer's Social Security number.

(5) Social security numbers provided pursuant to paragraph (4) shall be verified as required by 6 C.F.R. § 37.11(e)(2) and 6 C.F.R. § 37.13(b)(2). This paragraph shall not apply to non-U.S. citizen customers who are not eligible for issuance of a Social Security number due to their ineligibility to work pursuant to their immigration status. Customers claiming this exemption must provide documentation thereof from the Social Security Administration.

(6) Each customer must provide two documents to substantiate residence in the State of Georgia. Such documents must contain the customer's name and residence address, and they must be dated by the sender or postmarked within six months prior to the date on which they are presented. Renewal customers who are providing such documentation to satisfy the requirements of 6 C.F.R. § 37.11 may utilize any previously issued driver's license, permit, or identification card, and they may submit such documents electronically so long as the address reflected therein matches the address already reflected on such person's most recently issued driver's license, permit, or identification card.

The following forms of documentation are examples of what can be used to satisfy the proof of residence requirement.

This is not an exhaustive list as acceptable document types are subject to change.

*** Mortgage Documents**

*** Lease**

*** Military Housing Agreement Letter**

*** Utility Bills** - Dated within previous six months. Utility bill for services installed at your residential address (water, sewer, gas, electricity, cable/satellite TV, Internet, telephone/cell phone, or garbage collection). **Please redact account numbers.**

*** Motor Vehicle Information** - Vehicle Registration or Title, Insurance policy or Insurance Card with address displayed.

*** Documents Issued by Federal, State or Local Governments - From current or preceding calendar year**

(7) Each customer must provide documentation of his or her citizenship or lawful status in the United States. Pursuant to 6 C.F.R. § 37.3 a person has lawful status if he or she presents proof that he or she is a citizen or national of the United States; or an alien: lawfully admitted for permanent or temporary residence in the United States; with conditional permanent resident status in the United States; who has an approved application for asylum in the United States or has entered into the United States in refugee status; who has a valid nonimmigrant status in the United States; who has a pending application for asylum in the United States; who has a pending or approved application for temporary protected status (TPS) in the United States; who has approved deferred action status; or who has a pending application for lawful permanent residence (LPR) or conditional permanent resident status.

(a) The following documents shall suffice as proof of citizenship:

(i) Valid, unexpired U.S. passport;

(ii) Certified copy of a birth certificate filed with the State Office of Vital Statistics or equivalent agency in the customer's state of birth;

(iii) Consular Report of Birth Abroad issued by the U.S. Department of State, Form FS-240, DS-1350 or FS-545;

(iv) Certificate of Naturalization issued by the DHS, Form N-550 or N-570; or

(v) Certificate of Citizenship, Form N-560 or N-561, issued by the DHS.

(b) A valid, unexpired Permanent Resident Card (Form I-551) issued by the DHS or USCIS shall suffice as proof of lawful status in the United States. Non-U.S. citizen customers whose identities are proven using an unexpired Employment Authorization Document (Form I-766/EAD) issued by DHS; or an unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States; or a REAL ID driver's license or identification card issued in compliance with the standards established by 6 C.F.R. § 37.11 must also present a second verifiable document issued by the DHS or other Federal agencies demonstrating lawful status as determined by USCIS. All documentation of lawful

status is required to be verified with the DHS' Systematic Alien Verification for Entitlements Program (SAVE) in the manner prescribed in 6 C.F.R. § 37.13.

(8) (a) The Department shall not accept documents issued outside the United States except foreign passports. Notwithstanding the foregoing, if a customer cannot, for reasons beyond his or her control, present any other document as proof of his or her name, including changes thereto, such documentation shall be accepted pursuant to the foregoing exception process. Such documentation must be printed in English or translated into English by a professional translating service, non-profit corporation, consular official of the country of issuance, or other entity approved by the Department. The original certified document and the original English translation document must be presented to the Department.

(b) Customers who have been designated as asylees by the United States Department of Homeland Security may satisfy the requirements for proof of identity, lawful status in the United States, and residence by providing the following:

(i) Original I-94 indicating asylee status; and

(ii) Proof of residence as set forth in paragraph (6).

(c) Customers who have been designated as refugees by the United States Department of Homeland Security may satisfy the requirements for proof of identity, lawful status in the United States, and residence by providing the following:

(i) If the applicant is a refugee initially placed in the State of Georgia upon arrival in the United States:

1) Original I-94 indicating refugee status;

2) Reception and placement form identifying agency responsible for settling applicant in the State of Georgia; and

3) Refugee Affidavit form bearing notarized signature of representative of the placement agency identified in the reception and placement form submitted to satisfy paragraph (8)(c)(i)(2) and containing applicant's residence address. The Department will notarize said forms at the Customer Service Center at which the applicant applies for said initial issuance if the placement agency does not have a notary on staff.

(ii) If the applicant is a refugee age 18 or over who was initially placed in a state other than Georgia upon arrival in the United States, but who has since moved to the State of Georgia:

1) Original I-94 indicating refugee status;

2) Driver's license or identification card issued by previous state of residence; and

3) Proof of residence as set forth in paragraph (6).

(iii) If the applicant is a refugee under age 18 who was initially placed in a state other than Georgia upon arrival in the United States, but who has since moved to the State of Georgia:

1) Original I-94 indicating refugee status; and

2) Proof of residence as set forth in paragraph (6).

(d) If the applicant is an inmate being released from a Georgia Department of Corrections (GDC) Facility and is unable to present the required two proofs of residence, he or she may prove his or her residence address by a GDC Official submitting the Address Verification Form for Georgia Department of Corrections. The GDC Official should complete this form and submit it to the Department according to a mutually agreed upon protocol between the Department and GDC. The completed and accepted form may serve as proof of residence. The Address Verification Form for Georgia Department of Corrections must be prescribed and designated by the Department solely. The form shall only be submitted by a GDC Official and will not be accepted if received by the Department directly from the inmate (applicant) or another representative.

(e) If the applicant is a probationer, parolee or person who has been released from the custody of the Georgia Department of Corrections within the last 60 days, and he or she is unable to provide one or both documents needed to prove his or her residence, he or she may prove his or her residence address by submitting confirmation thereof from an employee of the Department of Corrections or the State Board of Pardons and Paroles on the form prescribed and designated by the Department.

(f) If the applicant is a resident of a nursing home or other medical care facility, and he or she is unable to provide both documents needed to prove his or her residence, he or she may prove his or her residence address as the address of such nursing home or medical care facility based upon confirmation thereof from the nursing home or medical care facility on its letterhead. Such confirmation must include the customer's name and date of birth, the address of the nursing home, the name and phone number of a representative thereof, and the signature of such representative.

(g) If the applicant is a homeless individual, he or she may utilize the address of a homeless shelter or other service provider upon confirmation thereof from the homeless shelter or care provider. Such confirmation must include the customer's name and date of birth, the address of the homeless shelter or care provider, the name and phone number of a representative thereof, and the signature of such representative.

(h) If the applicant is in the care of the Department of Human Services or the Department of Juvenile Justice, he or she may prove his or her residence address by submitting confirmation thereof from an employee of thereof.

(i) If the applicant is age 70 or more, he or she may prove his or her name and date of birth utilizing an original discharge document from the military or a statement from the Social Security Administration containing the customer's name and date of birth.

(i) If the applicant became a United States citizen pursuant to the Child Citizenship Act of 2000 upon his or her adoption by a Georgia resident, then he or she may satisfy the requirements for proving his or her identity and citizenship by presenting a State of Georgia Certificate of Foreign Birth.

(k) If the applicant is age 60 or more and has held a Georgia driver's license, permit, or identification card for at least 20 years prior to making application for renewal thereof, he or she may prove his or her name and date of birth utilizing an original discharge document from the military or a statement from the Social Security Administration containing the customer's name and date of birth.

(l) As provided in 6 C.F.R. Part 37, if for reasons beyond the control of an applicant who has satisfied citizenship and is renewing their Georgia drivers' license, permit, or identification card cannot provide an identity document, the Department may accept a Georgia Driver's license, permit or identification card that is valid or has been expired less than two years provided it bears the name that has previously been and continues to verify through the Social Security Administration and the applicants' photographs continue to match without incident, and use of such card is approved by an authorized managing supervisor of the Department.

(m) In the event a customer is unable to satisfy the documentary requirements set forth herein, he or she may propose the use of alternative documents. Such requests shall contain a specific explanation of why the customer is unable to provide the documents, a showing that the alternative documents are equivalent to the documents required in the regulation and include copies of the documents proposed. The Department shall not accept alternative documentation as proof of lawful status in the United States.

(9) Customers applying for the renewal of a driver's license, permit or identification card by means other than personal appearance, shall be authorized to do so pursuant to Ga. Comp. R. & Regs. R. 375-3-2-.04.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.02
Authority: O.C.G.A. §§ 40-5-4, 40-5-101, 40-16-2, 40-16-3.
History. Original Rule entitled "Documentation Required for Initial Issuance" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.
Amended: F. Dec. 14, 2005; eff. Jan. 3, 2006.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Repealed: New Rule of same title adopted. F. Mar. 22, 2007; eff. Apr. 11, 2007.
Amended: F. Oct. 10, 2007; eff. Oct. 30, 2007.
Repealed: New Rule entitled "Documentation Required for Issuance" adopted. F. Nov. 23, 2009; eff. Dec. 13, 2009.
Repealed: New Rule entitled "Applications and Supporting Documentation" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.
Amended: F. Jan. 22, 2013; eff. Feb. 11, 2013.
Amended: F. Jan. 21, 2014; eff. Feb. 10, 2014.
Amended: F. Apr. 24, 2014; eff. May 14, 2014.
Amended: F. Aug. 20, 2014; eff. Sept. 9, 2014.
Amended: F. Nov. 18, 2014; eff. Dec. 8, 2014.
Amended: F. Sept. 15, 2015; eff. Oct. 5, 2015.
Amended: F. Sept. 20, 2016; eff. Oct. 10, 2016.
Amended: F. June 1, 2020; eff. June 21, 2020.
Amended: F. Oct. 15, 2020; eff. Nov. 4, 2020.
Amended: F. June 16, 2021; eff. July 6, 2021.
Amended: F. Mar. 15, 2023; eff. Apr. 4, 2023.
Amended: F. Mar. 25, 2024; eff. April 14, 2024.

Rule 375-3-1-.03. Organization.

The Field Operations Division of the Department of Driver Services is composed of a division director and such additional staff as the Commissioner deems necessary for the efficient operation of the Division. It is the duty of this Division to administer the laws with regard to the issuance of driver's licenses.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.03
Authority: O.C.G.A. §§ 40-16-1, 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101.
History. Original Rule entitled "Organization" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. July 19, 2018; eff. August 8, 2018.

Rule 375-3-1-.04. Licenses Restricted as to Use for Physical Impairment.

(1) No person who is incapacitated by reason of disease, mental or physical disability or by addiction to alcohol or drugs shall be issued a license or have their license renewed by the Department. However, the Department, at its discretion, may issue a license to those applicants for issuance or renewal of a license with certain physical disabilities subject to certain restrictions as follows:

(a) Vision.

(i) No license shall be issued to any person who does not have vision of 20/60 or better and a horizontal field of vision of at least 140 degrees. If corrective lenses are necessary to meet these vision standards, the applicant may only be issued licenses restricted to operating vehicles while wearing such corrective lenses.

(ii) Applicants whose vision, even with corrective lenses, is 20/60 or less in one eye may only be issued licenses restricted to operating vehicles with an outside rearview mirror on the left side.

(iii) In any case where the Department has questions concerning a person's vision it may require a statement with respect thereto made by a physician or osteopath licensed under Ga. Code Chap. 43-34 or under Ga. Code Chap. 43-30 (Optometrist).

(b) Musculoskeletal.

(i) Applicants with the following musculoskeletal disabilities may only be issued licenses restricted to operating vehicles equipped with special equipment as follows:

1) Applicants who have either a hand or arm missing or useless may be issued licenses restricted to operating vehicles equipped with directional signals and automatic shift.

2) Applicants who have either one foot or one leg missing or useless may be issued licenses restricted to operating vehicles equipped with automatic shift, hand dimmer, artificial foot pedal extension, manual brake or some combination thereof as the Department may determine is necessary for the individual applicant. If the applicant's right leg is missing or useless, the license may also be restricted to operating vehicles equipped with left foot accelerator and wide brake pedal.

3) Applicants with both legs missing or useless may be issued licenses restricted to operating vehicles equipped with hand dimmer switch, hand throttle and vacuum brake equipment, automatic shift, or any combination thereof as the Department may determine is necessary for the individual applicant.

(c) The Department may add such additional restrictions or combinations of restrictions to a person's license as it may deem necessary for such person to operate a vehicle safely.

(d) Applicants, before being issued a restricted license, may be required to demonstrate their ability to operate a motor vehicle safely upon highways of this state. This driving demonstration shall be as required in Ga. Comp. R. & Regs. R. 375-3-1-.10.

(2) Any applicant who is denied a license or any renewal thereof due to a mental or physical incapacity may apply to the Driver License Advisory Board pursuant to Chapter 375-3-5 of these Rules for a review of their capability to operate a motor vehicle safely.

(3) Any person who is issued a restricted license and operates a motor vehicle contrary to the restrictions on such license shall have such license revoked.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.04
Authority: O.C.G.A. §§ 40-5-4, 40-5-34.
History. Original Rule entitled "Licenses Restricted as to Use for Physical Impairment" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-3-1-.05. Reciprocity for Valid Licenses Issued by other Jurisdictions.

(1) Customers who hold a valid non-commercial driver's license issued by another state of the United States, the District of Columbia, or territories of the United States listed in subsection (a) of this paragraph may exchange such license for a Georgia driver's license of the equivalent class without completing knowledge or skills testing. If said license is expired, it must have been expired for less than two years. Vision testing is required.

(a) Customers who hold a valid non-commercial driver's license issued by the following territories may exchange such license pursuant to paragraph (1):

i. Puerto Rico

ii. Guan

iii. US Virgin Islands

iv. American Samoa

v. Northern Mariana Island

vi. Saipan

(b) Exchanges pursuant to paragraph (1)(a) apply to non-commercial licenses;

(c) The driver's license issued by another jurisdiction pursuant to paragraph (1) must be surrendered.

(2) If a customer is unable to surrender his or her non-commercial driver's license issued from another state of the United States, the District of Columbia, or territories of the United States listed in subsection (1)(a) of this paragraph at the time of making application for a Georgia driver's license, the Department shall accept a certified copy of his or her driving record from the previous state of issuance as documentation thereof. Such driving record must have been issued within thirty (30) days of the date of such customer's application for a Georgia driver's license.

(3) Customers who hold a valid non-commercial instructional permit issued by another state of the United States, the District of Columbia, or territories of the United States listed in subsection (1)(a) of this paragraph must successfully complete the Georgia knowledge examination for such class of license and a vision test in order to be issued a Georgia instructional permit in the same or comparable class.

(4) Customers age sixteen (16) who are applying for issuance of a Class D non-commercial license pursuant to this regulation may satisfy the requirement for submission of a certificate of completion of an approved driver's education course using an out-of-state program under the following circumstances:

(a) He or she was the dependent of active duty military personnel assigned to a base in such jurisdiction at the time the out-of-state course was completed;

(b) The driver's education course was taken at a facility or program licensed by such jurisdiction;

(c) The course completed was equivalent in scope, length and content to that approved by the Department for programs located in the State of Georgia; and

(d) The Certificate of completion indicates that the course was completed within (12) months of the date on which such customer makes application for a Class D non-commercial driver's license.

(5) Customers who hold a valid non-commercial driver's license issued by a foreign country that currently maintains a reciprocity agreement with the State of Georgia may exchange such license for a Georgia Class C driver's license without completing knowledge or skill testing. Vision testing is required. The Department shall verify with the country, either by letter issued by an authorized representative of the country or electronically, that the license was issued to the applicant and that the non-commercial privileges are in good standing.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.05
Authority: O.C.G.A. §§ 40-16-2, 40-16-3, 40-5-4, 40-5-5, 40-5-27, 40-5-101, 40-1-1.
History. Original Rule entitled "Reciprocity for Valid Licenses Issued Elsewhere" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Repealed: New Rule with same title adopted. F. Jan. 22, 2013; eff. Feb. 11, 2013.
Amended: F. Nov. 18, 2014; eff. Dec. 8, 2014.
Amended: New title "Reciprocity for Valid Licenses Issued by other Jurisdictions." F. Mar. 17, 2020; eff. Apr. 6,

2020.

Rule 375-3-1-.06. Vision Examination.

(1) A vision examination is an essential part of every application for any class of license or instructional permit. An applicant must meet the minimum standards established by Ga. Comp. R. & Regs. R. 375-3-5-.08.

(2) In lieu of a Departmental vision examination the applicant may submit proof that they have undergone a vision examination, within twenty-four (24) months immediately preceding the application for the license, that demonstrates that they have met the minimum vision standards established by Ga. Comp. R. & Regs. R. 375-3-5-.08. Such examination must have been conducted by a duly licensed physician, optometrist, or ophthalmologist.

(3) Persons under age sixty-four (64) authorized by the Department to renew a driver's license by means other than by personal appearance are exempt from this requirement unless their vision has changed. In such case, they would have to comply with paragraph (2) or visit in person.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.06
Authority: O.C.G.A. §§ 40-5-4, 40-5-32.
History. Original Rule entitled "Eye Examination" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: New title "Vision Examination." F. Oct. 15, 2020; eff. Nov. 4, 2020.

Rule 375-3-1-.07. Knowledge Tests.

(1) Applicants for all classes of licenses and non-commercial instruction permits must receive a grade of at least 75 points out of a possible 100 on the appropriate test examining their understanding of official traffic control devices, knowledge of safe driving practices and the traffic laws of Georgia. The applicant will be considered to have failed the examination for cheating on any portion of the tests.

(2) For motorcycle permits (MP), the knowledge test score shall be valid for one (1) calendar year.

(3) The MP is valid for six (6) months from the date of issuance and is limited to one renewal.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.07
Authority: O.C.G.A. §§ 40-5-4, 40-5-24(c).
History. Original Rule entitled "Knowledge Texts" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. Jan. 28, 2026; eff. Feb. 17, 2026.

Amended: F. May 28, 2026; eff. June 17, 2026.

Rule 375-3-1-.08. Oral Examination.

The Knowledge Exam may be administered orally by an examiner, other Department of Driver Services staff, or mechanical device supplied by the Department of Driver Services to those who are applying for a driver's license and express a need for such an accommodation due to learning disabilities or other limitations that do not include vision or cognitive impairment. The test will be equivalent to the written version of the knowledge exam and the minimum passing grade shall be the same. An accommodation of an oral examination may require the customer to schedule a reservation prior to being administered the oral exam.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.08
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, other applicable statutes.
History. Original Rule entitled "Oral Examination for Illiterates" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: New title "Oral Examination." F. May 17, 2018; eff. June 6, 2018.

Rule 375-3-1-.09. Sequence for Prerequisites to Driving Demonstration.

(1) Applicants for licenses and instruction permits of all classes are required to pass the eye examination before being permitted to take the appropriate knowledge tests.

(2) Applicants for licenses of all classes are required to pass the appropriate knowledge tests before being permitted to demonstrate driving ability.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.09
Authority: Authority O.C.G.A. Sec. 40-5-4.
History. Original Rule entitled "Sequence for Prerequisites to Driving Demonstration" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-1-.10. Driving Ability Demonstration.

(1) An applicant for a Class C license shall be tested on their ability to perform basic driving patterns to show their ability to exercise ordinary and reasonable control in the operation of a motor vehicle and to drive safely with traffic.

(2) An applicant for a Class C license shall be immediately disqualified on his driving ability test for the following:

(a) Accident, however slight, including contact with another motor vehicle, except slight bumper to bumper; contact with pedestrian; or contact with other property, including running off road into shrubbery or lawns, unless in the opinion of the examiner, the applicant was entirely blameless.

(b) Any act considered dangerous, including actions which require defensive driving by another to prevent an accident or dodging by a pedestrian, or which requires the observer to aid in controlling the motor vehicle; stalling motor vehicle in a busy intersection; or driving two wheels over curb or onto sidewalk.

(c) Traffic law violation, including any act for which the applicant could be arrested; or any act which might make the applicant liable for damages in case of an accident.

(d) Lack of cooperation or refusal to perform, including refusal to try a maneuver; offering bribes or gratuities; arguing about score.

(3) An applicant for a Class C license shall be disqualified on his driving ability test if he or she does not pass a driving skills test as prescribed by DDS through its Field Operations policy. A passing score is 75 points or more out of a possible 100 on the relevant parts of this subsection. Administering the driving demonstration test necessarily involves the examiner's discretion and circumstances may require modification of both duration and method of the test.

(4) Motorcycle Class M.

(a) An applicant for a Class M non-commercial license shall be required to achieve a passing grade on the appropriate parts of Subsection (2) and all other relevant Class M tests. Class M tests will include, but are not limited to, the following: identification of controls on the test vehicle; removal of feet from footpegs when necessary.

(b) An applicant for a Class M license shall be immediately disqualified under those circumstances specified under Sub-section (1).

(5) Applicants for licenses for vehicles in Classes A or B (non-commercial) must have a minimum of three (3) months and/or 3,000 miles experience in the vehicles of the class for which licensing is sought, or having successfully completed a commercial driver training course for the class of license sought, prior to the issuance of such a license. Such experience must be gained while applicant is in possession of a valid instructional permit for the appropriate class. No demonstration of driving ability is required. However, the applicant must present an affidavit from his employer establishing the requisite experience and ability to operate the vehicles within the particular Class A or B non-commercial license. Applicants who are self-employed may self-certify.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.10
Authority: O.C.G.A. §§ 40-5-4, 40-5-23.
History. Original Rule entitled "Driving Ability Demonstration" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. July 19, 2016; eff. August 8, 2016.

Rule 375-3-1-.11. Test Vehicle.

(1) Demonstration of driving ability shall be in a motor vehicle furnished by the applicant. No such demonstration shall be made if the motor vehicle lacks or has defective brakes with brake pedal coming within two inches (2") of the floorboard, unless the vehicle is equipped with power brakes. The vehicle shall also be equipped with a horn, rearview mirror, proper steering mechanism which does not have more than three inches (3") of play, directional signals if such are to be used, all required exterior lights, and a valid license plate.

(2) If the applicant is physically impaired, the motor vehicle which the applicant uses must be equipped with the special equipment required in Rule 375-3-1-.04.

(3) For all driver skills tests administered by the Department of Driver Services, the driver of the vehicle must be in actual physical control of the control/driving system. The purpose of the driver skills test is to evaluate the driver's demonstration of their ability to operate a motor vehicle. The vehicle furnished by the applicant must allow the driver to demonstrate his or her ability to operate the motor vehicle independent of automated convenience features.

(4) DDS will only administer a Class C driving skills test in a four-wheeled vehicle equipped with steering wheel for directional control.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.11
Authority: O.C.G.A. §§ 40-16-2, 40-16-3, 40-5-4, 40-5-101, 40-5-21, 40-5-23, 40-1-1.
History. Original Rule entitled "Condition of Test Vehicle" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: New title "Test Vehicle." F. Aug 10, 2017; eff. August 30, 2017.

Rule 375-3-1-.12. Re-Examination Upon Failure.

(1) Any applicant for a driver's license of any class, with the exception of CDL, who fails any part of the driving examination may re-attempt the examination according to the following schedule:

(a) First Failure--after the first failure the applicant must wait until the next day before retaking those parts of the driving examination that were failed earlier

(b) Second or Subsequent Failure--after the second failure the applicant must wait seven (7) calendar days before retaking those parts of the driving examination that were failed earlier.

(c) Reserved.

(2) Any failure of any part of the examination may equal failure of the complete examination for that testing day.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.12
Authority: O.C.G.A. § 40-5-4.
History. Original Rule entitled "Re-Examination Upon Failure" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. July 24, 2009; eff. August 13, 2009.
Amended: F. June 10, 2016; eff. June 30, 2016.

Rule 375-3-1-.13. Changes to Customer Information.

(1) A person may have the following personal data modified on his or her driver's license, permit, or identification card upon presentation of satisfactory documentation supporting the change as indicated:

(a) Date of Birth - submission of any document accepted as proof of identity pursuant to Ga. Admin. Comp. Ch. 375-3-1-.02.

(b) Social Security Number - Original Social Security Card or other original documentation from the Social Security Administration verifying the correct Social Security Number.

(c) U.S. Citizenship Status - submission of any document accepted as proof of citizenship pursuant to Ga. Admin. Comp. Ch. 375-3-1-.02.

(d) Residence or Mailing Address - submission of any document accepted as proof of Georgia residency pursuant to Ga. Admin. Comp. Ch. 375-3-1-.02.

(2) A person may have the following personal data modified on a driver's license, permit, or identification card by self-certifying that the requested change is correct on the License/Permit/ID application:

(a) Eye Color

(b) Height

(c) Weight

(d) Primary or Secondary Telephone Number

(3) A person requesting a change to the information recorded on his or her driving record and/or printed on his or her driver's license, permit, or identification card shall surrender all previously issued driver's licenses, permits, or identification cards in their possession and shall be required to pay either the renewal license fee or a duplicate or update fee, whichever is applicable. No rebate will be given for any license, permit, or identification cards surrendered.

(4) In all cases the decision to change customer personal data on the license, permit, or identification card is at the discretion of the Department based on a review of the documents provided to determine their validity and authenticity.

(5) Changes to a customer's information as provided in Paragraphs (1)(d) or (2) may be processed remotely. Changes to the information listed in Paragraphs (1)(a) through (c) must be processed in person.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.13
Authority: O.C.G.A. Sec. 40-5-4.
History. Original Rule entitled "Changes to Customer Information" adopted. F. Oct. 30, 2009; eff. Nov. 19, 2009.
Amended: F. Mar. 30, 2012; eff. Apr. 19, 2012.

Rule 375-3-1-.14. Verification of Customer Information. Revised.

(1) Any information provided by a customer pursuant to any provision of these regulations or under the auspices of a Code Section contained within Chapter 5 of Title 40 of the Official Code of Georgia Annotated relating to the issuance, renewal, reinstatement of a driver's license, permit, or identification card or other services provided by Department is subject to verification.

(2) The Department shall make copies or digital images of any documents presented by a customer for such purposes for use in such verification. All such documents shall be retained for no less than ten (10) years.

(3) Imaged documents shall be considered part of the customer's driving record and accessible only pursuant to the provisions of O.C.G.A. § 40-5-2.

(4) In the event the Department is unable to verify information provided pursuant to the requirements of O.C.G.A. § 19-11-9.1, the DDS shall initiate a cancellation of such customer's driver's license, permit or identification card as provided in O.C.G.A. § 40-5-50. Such cancellation shall be made effective no more than 120 days from the date on which the information was provided by the customer as reflected in the records of the Department.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.14
Authority: O.C.G.A. Sec. 40-5-4.
History. Original Rule entitled "Verification of Customer Information" adopted. F. Oct. 30, 2009; eff. Nov. 19, 2009.
Repealed: New Rule entitled "Verification of Customer Information. Revised" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

Rule 375-3-1-.15. Photographs on Cards or Credentials Issued by the Department.

(a) Each driver's license, permit, or identification card issued by the Department shall contain a photograph of the person depicted therein for identification purposes;

(b) The photograph shall contain a depiction of the applicant's face from crown to the base of the chin, from ear-to-ear, and shall be clearly visible and free of shadows. Any covering of the head or face in the photograph is prohibited.

(c) Exceptions.

(1) Any head or facial covering in the photograph is prohibited unless the covering is required for religious purposes or required for medical purposes;

(2) For religious exceptions, a sworn statement on a form approved by the Department must be submitted by the applicant verifying that the covering is worn daily for religious purposes;

(3) For medical exceptions, other than eyewear, a signed doctor's statement must be submitted by the applicant verifying that covering or item is required daily for medical purposes;

(d) Any covering of the face or head for religious or medical reasons must not obscure any facial features and not generate shadow in the photograph; and such covering must be adjusted to allow a full-faced photograph.

(e) Except as provided in section (c) of this rule, any covering or alterations of the head or face, including but not limited to headphones, wireless devices, disguises, hats, or costumes, shall not be visible in the photograph.

(f) The Department shall endeavor to accommodate persons objecting to being viewed or photographed by an employee of the opposite sex by having the photograph taken by a member of the same sex or by arranging for a private photograph at the Department's Headquarters.

(g) The Department shall require a retake of any photograph that it determines is not in compliance with the requirements of this rule and may refuse to issue a driver's license, permit, or identification card to any person who fails to comply with the requirements of this rule.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.15
Authority: O.C.G.A. §§ 40-5-4, 40-5-100, 40-5-101, 40-5-24.
History. Original Rule entitled "Photographs on Cards or Credentials Issued by the Department" adopted. F. June 10, 2016; eff. June 30, 2016.

Rule 375-3-1-.16. Eligibility for Veterans' or Honorary Driver's License and Identification Card.

(1)

(a) Veterans', or honorary driver's licenses and identification cards which have the "veteran" designation with the American flag symbol printed on said driver's license or identification card, shall be issued to veterans who have satisfied all other requirements for issuance of a driver's license upon receipt by the Department of a Certificate of Eligibility issued by the Georgia Department of Veterans Service or by presenting their Armed Forces Separation Papers (DD-214) with an acceptable separation/discharge.

(b) A veteran of the United States Armed Forces or United States allies must present evidence of the following:

(i) Residence:

1) A veteran must be a resident of the State of Georgia at the time of application for the license; and

(ii) Service:

1) A veteran must have served in the active military, naval, or air service; and

2) A veteran must have been discharged or released therefrom under conditions other than dishonorable.

3) A member of the National Guard or Reserve Forces who has served twenty (20) years of creditable service.

(2) A surviving spouse, of a deceased veteran, who would have been eligible for a veterans' license shall follow the procedure in paragraph (1) and may then be issued an honorary license. The surviving spouse is eligible for such license as long as they have not remarried.

(3) A spouse of a veteran who is or would have been eligible for a veteran's license but has been disabled to the extent that he or she is unable to operate a motor vehicle safely, shall acquire an honorary license by having the disabled veteran surrender his license to the Department, or if he or she has no license notify the Department of his disability. Such surrender of license or notification must be accompanied by a letter from a physician evidencing the disability. The applicant shall then follow the procedure set out in paragraph (1).

(4) Once eligibility is established pursuant to paragraphs (1) through (3) the licensee need not reestablish eligibility.

(5) Any customer who would be eligible for a free driver's license under the provisions of this regulation shall also be eligible for an identification card at no charge.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.16
Authority: O.C.G.A. §§ 40-5-4, 40-5-36, 40-5-103.
History. Original Rule entitled "Eligibility for Veterans, Honorary or Distinctive Drivers License" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. Jan. 31, 2008; eff. Feb. 20, 2008.
Amended: Changed title to "Eligibility for Veteran's, Honorary or Distinctive Driver's License and Identification Cards." adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.
Amended: New title "Eligibility for Veterans', Honorary or Distinctive Driver's License and Identification Cards." F. Nov. 19, 2020; eff. Dec. 9, 2020.
Amended: F. Jan. 13, 2022; eff. Feb. 2, 2022.
Amended: New title, "Eligibility for Veterans' or Honorary Driver's License and Identification Card." F. May 18, 2022; eff. June 7, 2022.

Rule 375-3-1-.17. Changing Gender on License.

(1) A person may have the gender designation on their driver's license changed after a gender reassignment operation upon the presentation to a driver examiner of either a court order reflecting such change, or a physician's letter certifying such change. The letter or court order shall state the person's name and date of birth, and the date of gender reassignment operation, as well as other identifying information.

(2) A person applying under Subsection (1) shall surrender all licenses in their possession and shall be required to pay either the renewal license fee or a duplicate license fee, whichever is applicable. No rebate will be given for any licenses surrendered.

(3) In all cases the decision to change the gender designation on the license is at the discretion of the Department.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.17
Authority: Authority O.C.G.A. Sec. 40-5-4.
History. Original Rule entitled "Changing Gender on License" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-1-.18. National Driver Register.

In every instance the applicant will be validated through the National Driver Register and the Problem Driver Pointer System (PDPS). If they are found to be in suspension, revocation, or cancellation in their former licensing jurisdiction, then their Georgia driver's license will subsequently be suspended, revoked, or cancelled. Applicable consequences will be applied to the driving privilege as required by law.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.18
Authority: O.C.G.A. § 40-5-4.
History. Original Rule entitled "New Resident Licensing Requirements" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: New title "National Driver Register." F. Mar. 15, 2021; eff. Apr. 4, 2021.

Rule 375-3-1-.19. Testing and MVR Requirements After Expiration of License.

(1) Testing

(a) If a customer's most recent license, from Georgia or another state of the United States, the District of Columbia, or territory of the United States listed in Ga. Comp. R. & Regs. R. 375-3-1-.05(1)(a), is expired more than two (2) years, the customer must pass the vision exam, knowledge exams, and driving skills test in order to obtain a new driver's license in the state of Georgia.

(b) If a customer's most recent license is from another state of the United States, the District of Columbia, or territory of the United States listed in Ga. Comp. R. & Regs. R. 375-3-1-.05(1)(a) and is valid or has been expired for less than two (2) years, the customer must only pass a vision exam in order to obtain a new equivalent driver's license in the State of Georgia.

(c) If a customer's previously issued Georgia driver's license has been expired for less than two (2) years, and the customer is not required by law to complete a vision exam, no driving skills test or knowledge exam is required in order to obtain a new driver's license in the State of Georgia.

(2) Motor Vehicle Report/Driving History

(a) Any customer whose most recent license is from another state of the United States, the District of Columbia, or territory of the United States listed in Ga. Comp. R. & Regs. R. 375-3-1-.05(1)(a) and the card is lost or stolen, must provide a motor vehicle report (MVR) dated within sixty (60) days.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.19
Authority: O.C.G.A. §§ 40-5-4, 40-5-27.
History. Original Rule entitled "Purged or Expired License" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. Sept. 22, 2009; eff. Oct. 12, 2009.
Amended: New title "Testing and MVR Requirements After Expiration of License." F. May 19, 2021; eff. June 8, 2021.

Rule 375-3-1-.20. Inmate Drivers Certificate.

Any Warden or Superintendent wishing an inmate to be certified pursuant to O.C.G.A. § 40-5-21(7), as amended, must meet the following requirements:

(a) All driver's licenses and instructional permits issued to such inmate must be surrendered to the Department prior to the issuance of the inmate drivers certificate;

(b) No inmate shall be issued an inmate drivers certificate if such inmate is currently under a departmental or court imposed suspension, cancellation or revocation;

(c) The Warden or Superintendent of the institution requesting that an inmate be issued an inmate drivers certificate shall file with the Department a completed application form prior to the issuance of such certificate;

(d) Each inmate requesting such certificate must pass all examinations required by law for the particular class of certificate applied for:

(e) An inmate drivers certificate shall be valid for four (4) years or until such time as the inmate is transferred, paroled, pardoned or released from the institution which requested the issuance of such certificate, whichever period of time is shorter;

(f) The inmate certificate will also be cancellable at the request of the Warden or Superintendent of the penal institution which requested the inmate be issued the certificate designated in this Rule.

(g) The inmate certificate shall contain the following information:

GEORGIA DEPARTMENT OF DRIVER SERVICES

APPLICATION FOR INMATE DRIVERS CERTIFICATE

PART I--DRIVER INFORMATION: (Please Print)

NAME _____ CURRENT GA. LIC. #

(Last) (First) (Middle)

DATE OF BIRTH _____ SOC. SEC. # _____

NAME OF CORRECTIONAL INSTITUTION _____

ADDRESS _____

(P.O. Box) (Street) (City) (State) (Zip Code)

SIGNATURE _____ DATE _____

NOTE--Your driving record will be checked. If you are under suspension or revocation this certificate will not be issued. All licenses in your possession must be surrendered upon issuance of Inmate Certificate. Each inmate requesting such certificate must pass all examinations (vision, written, and driving) required by law for the particular class of certificate applied for, unless successfully completed within sixty (60) days prior to application.

PART II--CERTIFICATION BY WARDEN OR SUPERINTENDENT

I hereby certify the above named person to be an inmate of said Institution. I realize that I may cancel the certificate at any time. Further, I affirm that I will receive from the inmate and return to the Department of Driver Services such certificate upon the inmate's transfer, parole, pardon, or release.

SIGNED_____

TITLE _____

DATE _____

PART III--CANCELLATION OF INMATE DRIVER'S CERTIFICATE

NAME OF INMATE _____

CERTIFICATE NUMBER _____

DATE OF BIRTH _____ SOC. SEC. # _____

NAME OF CORRECTIONAL INSTITUTION _____

ADDRESS _____

(P.O. Box) (Street) (City) (State) (Zip Code)

This will certify that the inmate named herein is no longer the holder of such driver's certificate issued on (Date) _____ due to: (Check one)

____ Cancellation

____ Parole

____ Transfer

____ Release

____ Pardon

____ Other (Specify)_____

Such certificate number _____ is enclosed.

SIGNED_____

TITLE_____

DATE _____

Mail this certification form and certificate to Department of Driver Services, P. O. Box 80447, Conyers, Georgia 30013.

(h) It shall be the responsibility of the Warden or Superintendent of the penal institution in which the inmate is incarcerated to secure the surrender of such certificate and return such certificate to the Department upon the inmate's transfer, parole, pardon or release.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.20
Authority: Authority O.C.G.A. Sec. 40-5-21.
History. Original Rule entitled "Inmate Drivers Certificate" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-1-.21. Distinctive Driver's License, Permit, and Identification Card for Persons Under Age Twenty-One (21).

All driver's licenses, permits, and identification cards issued to applicants under age twenty-one (21) shall have a vertical format and "Under 21" printed on the card. After having attained twenty-one (21) years of age, the holder of any such distinctive license, permit, or identification card may obtain a new card which shall not be distinctive.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.21
Authority: O.C.G.A. §§ 40-5-4, 40-5-26.
History. Original Rule entitled "Distinctive Drivers License for Persons Under Age 21" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: New title "Distinctive Driver's License, Permit, and Identification Card for Persons Under Age Twenty-One (21)."F. Apr. 19, 2021; eff. May 9, 2021.

Rule 375-3-1-.22. Disposition of DUI Citation.

(1) Court copy - The driver's license shall be attached to the court copy and forwarded to court having jurisdiction.

(2) Department of Driver Services copy - This copy shall be forwarded to the Department of Driver Services within ten (10) days of issuance.

(3) Citations may also be sent to the Department of Driver Services electronically through Georgia Electronic Conviction Processing System.

(4) Violator's copy - This copy is given to the violator.

(5) Officer's copy - This copy will be kept in the issuing agency's file to issue a duplicate copy if needed.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.22
Authority: O.C.G.A. §§ 40-5-4, 40-5-67.
History. Original Rule entitled "Disposition of DUI Citation" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. Nov. 14, 2025; eff. Dec. 4, 2025.

Rule 375-3-1-.23. Application for Personal Identification Cards.

(1) Georgia identification cards are available to Georgia residents only. Any Georgia resident, as defined in O.C.G.A. § 40-5-1, applying for an identification card shall provide to the Department the information as specified in O.C.G.A. § 40-5-100.

(2)
(a) Individuals with out-of-state driver's licenses may not obtain a Georgia identification card and maintain the out-of-state license. In order for these individuals to obtain a Georgia identification card, they must either obtain a Georgia driver's license prior to the issuance of the identification card or surrender the out-of-state license to the examiner at the time the identification card is issued.

(b) In order for these customers to be issued a Georgia driver's license at a later date, they must take and pass the road skills test.

(3) Customers who previously have been issued an identification card or driver's license in another country may retain said identification card or driver's license. The Department shall make a notation on the customer's driving record that the foreign driver's license or identification card was retained, and this notation shall be made available to law enforcement officers via the Georgia Crime Information Center.

(4) The Department shall collect a fee as listed in Ga. Comp. R. & Regs. R. 375-3-1-.36.

(5)
(a) All non-profit organizations referring anyone to the Department for an identification card shall provide that individual with a copy of an agreement previously entered into with the Department whereby such organization verifies that the individual applying for such identification card is indigent.

(b) It shall be the responsibility of the non-profit organization to provide the Department with an agreement. Upon approval by the Department and the non-profit organization, the Department may accept a copy of the agreement from the indigent referred by the non-profit organization in order to provide the identification card to the individual at a reduced fee of $5.00.

(6) (a) Any license, permit or identification card that is intended to be compliant with the requirements of 49 U.S.C. § 30301 note and 6 C.F.R. § 37.01, et seq. shall contain the information or design requirements set forth therein.

(b) No person may be issued a license, permit or identification card that is compliant with paragraph (a), supra, while he or she retains another such card. Customers are eligible for issuance of non-compliant cards in addition to the compliant card. Similarly, a customer may switch from one type of compliant card to another by surrendering the compliant card that is no longer desired and paying a replacement fee.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.23
Authority: O.C.G.A. §§ 40-5-100, 40-5-101, 40-16-2.
History. Original Rule entitled "Application for Personal Identification Cards" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. Sept. 3, 2009; eff. Sept. 23, 2009.
Amended: Rule with new title of "Application for Personal Identification Cards. Amended" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.
Amended: F. Jan. 19, 2018; eff. Feb. 8, 2018.
Amended: F. Jan. 13, 2022; eff. Feb. 2, 2022.
Amended: F. May 28, 2026; eff. June 17, 2026.

Rule 375-3-1-.24. Name on License or Identification Card.

Every driver's license or identification card shall be issued in the full legal name of the applicant as reflected on his or her birth certificate except as follows:

(1) (a) Customers whose surnames have changed by reason of a marriage that occurred in the State of Georgia prior to November 1, 1982 may obtain a driver's license or identification card bearing the married surname upon submission of a certified copy of a marriage license or state-issued marriage certificate for the marriage;

(b)
1. Except as provided in Subparagraph (1)(b)(2), infra, customers whose surnames have changed by reason of a marriage that occurred in the State of Georgia on or after November 1, 1982 may obtain a driver's license or identification card bearing the married surname upon submission of a certified copy of a marriage license application, marriage license or state-issued marriage certificate for the marriage;

2. In order to utilize a hyphenated surname based upon a marriage that occurred in the State of Georgia on or after November 1, 1982, the customer must present a certified copy of the marriage license application reflecting the selection of the hyphenated surname;

(c) Customers whose surnames have changed by reason of a marriage that occurred outside the State of Georgia may obtain a driver's license or identification card in the married surname upon submission of a certified copy of a marriage license application, marriage license or state-issued marriage certificate for the marriage;

(2) Customers whose names have changed by reason of adoption may obtain a driver's license or identification card in the adoptive name upon submission of a certified copy of an adoption certificate or order reflecting the adoption and change of name;

(3) Customers whose surnames have changed by reason of divorce may obtain a driver's license or identification card in the new name upon submission of a certified copy of the divorce decree reflecting the change of surname;

(4) Customers whose names have changed for any other reason may obtain a driver's license or identification card in the new name upon submission of a certified copy of the court order granting the change of name.

(5) The driver's license or identification card issued to any customer who proves his or her identity by utilizing a document that is acceptable pursuant to Ga. Admin. Comp. Ch. 375-3-1-.02(5) other than a birth certificate will be issued in the name reflected upon said document unless that name has been changed via one of the means listed in Paragraphs (1) through (4) of this regulation.

(6) Any name used by a customer must be electronically verifiable with the records for that customer maintained by the Social Security Administration.

(7) Any customer using a valid United States passport to prove his or her full legal name need not provide any other documentation thereof even if the name reflected on such passport is not the customer's birth name.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.24
Authority: O.C.G.A. Secs. 40-5-4, 40-5-25, 40-5-100.
History. Original Rule entitled "Name on License or Identification Card" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. Oct. 10, 2007; eff. Oct. 30, 2007.
Amended: F. Jul. 24, 2012; eff. Aug. 13, 2012.

Rule 375-3-1-.25. Restricted Instructional Permit for Child with Disabled Parent. Revised.

(1) (a) Any child age fourteen (14) whose parent or guardian is medically incapable of being license to operate a motor vehicle due to a visual impairment may apply for a restricted Class P instructional permit.

(b) The application for such restricted instructional permit shall be submitted on a form promulgated by the Department and must be accompanied by the following:

1. Documentation from the physician for the parent or guardian confirming the existence of the visual impairment;

2. A photocopy of the Georgia identification card issued to the parent or guardian, or documentation of his or her residency at the child's address sufficient to meet the requirements for proof of residency under Ga. Admin. Comp. Ch. 375-3-1-.02; and

3. Such other documentation as the Department shall deem necessary.

(c) Upon issuance of a restricted instructional permit, the child may operate a noncommercial Class C motor vehicle when accompanied by the disabled parent or guardian, or with a person who is at least twenty-one (21) years old and who holds a valid commercial or non-commercial driver's license.

(2)

(a) Any child age fifteen (15) or older whose parent or guardian is medically incapable of being license to operate a motor vehicle and has been issued an identification card containing the international handicapped symbol may apply for a restricted Class P instructional permit.

(b) The application for such restricted instructional permit shall be submitted on a form promulgated by the Department and must be accompanied by the following:

1. A photocopy of the Georgia identification card issued to the parent or guardian;

2. Documentation reflecting that such parent or guardian previously held a valid driver's license in the State of Georgia, another State, or the District of Columbia; and

3. Such other documentation as the Department shall deem necessary.

(c) Upon issuance of a restricted instructional permit, the child may operate a noncommercial Class C motor vehicle when accompanied by the disabled parent or guardian or with a person who is at least twenty-one (21) years old and who holds a valid commercial or noncommercial driver's license.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.25
Authority: O.C.G.A. Secs. 40-5-4, 40-5-22.
History. Original Rule entitled "Restricted Instructional Permit for Child with Disabled Parent" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010.
Repealed: New Rule entitled "Restricted Instructional Permit for Child with Disabled Parent. Revised" adopted. F.

Mar. 30, 2012; eff. Apr. 19, 2012.

Rule 375-3-1-.26. Non-Commercial Class E and F Driver's Licenses.

(1) Any resident who wishes to operate a Class A or B motor vehicle who is not required to possess a commercial driver's license to do so must obtain a non-commercial Class E or F driver's license. Examples of individuals who would be eligible to operate a Class A or B motor vehicle with a non-commercial Class E or F driver's license include, but are not limited to, agricultural vehicles, military vehicles, and firefighting apparatus or emergency vehicles.

(2) To be eligible for a non-commercial Class E or F driver's license, a person must meet the following requirements:

(a) Be at least 18 years of age;

(b) Possess a valid Class C driver's license;

(c) Successfully complete any knowledge examinations applicable for the class of vehicle to be operated;

(d) Pass a Vision Exam. The minimum acceptable vision is 20/60 in one eye, with or without corrective lenses, and a field of vision of at least 140 degrees: and

(e) Submit a Driving Affidavit (Form DS-36) attesting to a minimum of 3 months or 3,000 miles of driving experience has been completed in a vehicle which represents the license class. If an applicant does not possess the requisite driving experience, he or she may be issued an instructional permit in the appropriate class upon successful completion of the knowledge examination as provided in Paragraph (c), supra.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.26
Authority: Authority O.C.G.A. Sec. 40-5-4.
History. Original Rule entitled "Non-Commercial Class E and F Driver's Licenses" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010.

Rule 375-3-1-.27. Proving Identity Using a Birth Certificate from Puerto Rico.

(1) In accordance with Article 6 of Law 191 of 2009 (as amended by Law 68 of 2010), Puerto Rico Governor Luis G. Fortuño signed an executive order extending the validity of all Puerto Rico birth certificates issued before July 1, 2010 until October 30, 2010. According to the laws of Puerto Rico, only the new Puerto Rico birth certificates issued from July 1, 2010 onward will remain valid. Effective January 1, 2011, the Department

shall not accept a birth certificate issued in Puerto Rico prior to July 1, 2010 as proof of a customer's identity for any purpose.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.27
Authority: Authority O.C.G.A. Sec. 40-5-4.
History. Original Rule entitled "Proving Identity Using a Birth Certificate" adopted. F. Mar. 18, 2011; eff. Apr. 7, 2011.

Rule 375-3-1-.28. Requests for Medical Alert Information.

(1) (a) Any person who has been diagnosed with a medical condition, illness or disorder named herein may request to have a notation of such diagnosis placed on his or her driver's license, permit, or identification card.

(b) The following conditions, illnesses, and disorders may be recorded on a driver's license, permit, or identification card as medical alert information at the request of the customer:

1. Post traumatic stress disorder;
2. Diabetes;
3. Heart conditions;
4. Epilepsy;
5. Drug allergies;
6. Alzheimers or dementia
7. Physical Disability
8. Vision Loss
9. Pacemaker
10. Lung Disease
11. Hearing Loss
12. Autism
13. Renal Condition
14. Seizures

15. Hemophilia

16. Developmental Disability

17. Brain Injury

18. Mental Health Disability; and

19. Other conditions as approved by the Commissioner or his/her designee.

(2) Any person requesting the inclusion of a medical alert notation on his or her driver's license, permit, or identification card shall submit an application form to include a waiver of liability for the release of any medical information to the Department, any person who is eligible under O.C.G.A. 40-5-2 for access to such medical information as recorded on the person's driving record, and any other person who may view or receive notice of such medical information by virtue of having seen such person's driver's license, permit, or identification card. Such application shall advise the person that he or she will be consenting to the release of such medical information to anyone who sees or copies his or her driver's license, permit, or identification card even if such person is otherwise ineligible to access to such medical information under state and/or federal law.

(3) Such application shall include space for a person requesting the inclusion of a medical alert notation on his or her driver's license, permit, or identification card to obtain a sworn statement from a person licensed to practice medicine or psychology in this state verifying such diagnosis.

(4) Any person who has been issued a driver's license, permit, or identification card bearing medical alert information may be issued a replacement driver's license, permit, or identification card excluding such medical alert information at his or her request and upon payment the fee provided in O.C.G.A. 40-5-31 for replacement of lost licenses.

(5)

(a) No medical alert information shall be printed on or removed from a driver's license, permit or identification card without the express consent of the customer.

(b) If the customer is a child under the age of eighteen (18), consent for the printing of medical alert information shall be provided by the parent or guardian of the child when he or she signs the application for the driver's license, permit or identification card as required by O.C.G.A. 40-5-26.

(c) If the customer is an incapacitated adult, consent for the printing of medical alert information shall be given by the guardian of such adult as appointed by a court of competent jurisdiction.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.28
Authority: O.C.G.A. §§ 40-5-4, 40-5-22, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 40-5-172.

History. Original Rule entitled "Requests for Medical Alert Information" adopted. F. Oct. 13, 2010; eff. Nov. 2, 2010.
Amended: F. Oct. 19, 2018; eff. Nov. 8, 2018.

Rule 375-3-1-.29. Replacement of Lost, Stolen, or Destroyed Cards.

(1) Customers who are REAL ID compliant and only hold a regular non-commercial driver's license or permit, or identification card may apply for replacement of a lost, stolen, or destroyed card via electronic means.

(2) Customers who are REAL ID compliant and applying in-person for replacement of a lost, stolen, or destroyed license, permit, or identification card may be asked to provide proof of their identity using one of the documents listed in Ga. Comp. R. & Regs. R. 375-3-1-.02(3) or proof of the following:

(a) Social Security Number; and

(b) Address

(3) Customers who are not REAL ID compliant must apply in-person for replacement of a lost, stolen, or destroyed license, permit, or identification card and provide the required documents listed in Ga. Comp. R. & Regs. R. 375-3-1-.02.

(4) Non-U.S. citizen customers must apply in-person for replacement of a lost, stolen, or destroyed card and provide proof of their identity using one of the documents listed in Ga. Comp. R. & Regs. R. 375-3-1-.02(3) or the following:

(a) Copy of receipt for replacement immigration document containing USCIS A#

(5) Non-U.S. citizen customers must be verified through SAVE (Systematic Alien Verification for Entitlements) and will be issued a replacement credential with an expiration date not to exceed the length of their authorized stay in the United States, and in accordance with DDS rules and regulations.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.29
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101.
History. New Rule entitled "Replacement of Lost, Stolen or Destroyed Cards" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.
Amended: F. Dec. 26, 2012; eff. Jan. 15, 2012.
Amended: F. Nov. 19, 2018; eff. Dec. 9, 2018.
Note: Correction of non-substantive typographical error in paragraph (3), as requested by the Agency. "Customers who provide a document pursuant to paragraph 1(h) of this regulation." corrected to "Customers who provide a document pursuant to paragraph 1(i) of this regulation." Effective January 24, 2019.
Amended: New title "Replacement of Lost, Stolen, or Destroyed Cards. "F. Apr. 19, 2021; eff. May 9, 2021.

Rule 375-3-1-.30. Exceptions Process.

(1) The Department adheres to the General Assembly's position that "the strict application of rules can lead to unreasonable, uneconomical, and unintended results in particular instances" and authorized all state agencies to grant waivers from administrative regulations when the application of a particular provision imposes a substantial hardship upon an individual as set forth in O.C.G.A. § 50-13-9.1. The term "substantial hardship" is defined as "a significant, unique, and demonstrable economic, technological, legal, or other type of hardship to the person requesting a variance or waiver which impairs the ability of the person to continue to function in the regulated practice or business." O.C.G.A. § 50-13-9.1(b)(1). Customers may petition for waivers of any administrative rule applicable to their individual situations.

(2) Customers must submit petitions for rule waivers in writing. Such petitions must contain the following elements:

(a) The rule from which a variance or waiver is requested;

(b) The type of action requested;

(c) The specific facts of substantial hardship which would justify a variance or waiver for the petitioner, including the alternative standards which the person seeking the variance or waiver agrees to meet and a showing that such alternative standards will afford adequate protection for the public health, safety, and welfare; and

(d) The reason why the variance or waiver requested would serve the purpose of the underlying statute.

(3) If the waiver relates to the documentary requirements of Ga. Comp. R. & Regs. 375-3-1-.02, the customer is encouraged to include copies of the alternative documents proposed to prove his or her identity, citizenship or residency. Suggested records include, but are not limited to, their parents' birth and death certificates, children's birth and death certificates, school records, employment records, business records, court records, church records, tax records, census records, bank records, driving records from other jurisdictions, and other similar material. If he or she has have ever been issued a driver's license or identification card in the State of Georgia or in any other state, the petition should address the whereabouts of these documents.

(4) Waiver petitions must be posted for at least fifteen (15) days before voted on by the Board of Driver Services. Waiver petitions will be resolved within sixty (60) days unless prevented by unavoidable delay.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.30
Authority: O.C.G.A. § 50-13-9.1(d).
History. New Rule entitled "Exceptions Process" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

Rule 375-3-1-.31. Satisfaction of School Requirements for Customers Under Age Eighteen (18).

(1) Any customer under age eighteen (18) who is applying for a driver's license or instructional permit shall provide satisfactory documentation of his or her enrollment in school. Documents that will satisfy this requirement must contain the first and last name of the customer. These documents include, but are not limited to, the following:

(a) Form DS-1, Certificate of School Enrollment. The form must be completed and dated within the past six (6) months.

(b) Transcript provided by the customer's most recent school of attendance.

(c) Most recent progress or grade report.

(d) Current school identification card issued by the school or school system.

(e) Other forms of school identification.

(2) Customers under age eighteen (18) who are home-schooled may satisfy the school requirements of O.C.G.A. § 40-5-22 by supplying a Certificate of Enrollment from the Georgia Department of Education or a Declaration of Intent To Utilize a Home Study Program filed with the Georgia Department of Education.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.31
Authority: O.C.G.A. §§ 40-5-4, 40-5-22.
History. Original Rule entitled "Satisfaction of School Requirements for Customers Under Age Eighteen (18)" adopted. F. Dec. 26, 2012; eff. Jan. 15, 2013.
Amended: F. Sep. 15, 2015; eff. Oct. 5, 2015.
Amended: F. July 13, 2020; eff. August 2, 2020.

Rule 375-3-1-.32. Eligibility for Active-Duty National Guard Driver's License and Identification Card.

National Guard driver's licenses shall be issued free of charge by the Department to any guardsman who meets the requirements of O.C.G.A. § 40-5-36. Each guardsman shall present to any driver's license examiner a completed Certificate of Eligibility for Georgia National Guard Driver's License. The National Guard driver's license shall be valid for eight (8) years or until the Department receives written notice from the Adjutant General, or his agent, that the guardsman is no longer a member of the Georgia National Guard in good standing.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.32
Authority: O.C.G.A. §§ 40-5-4, 40-5-28.
History. Original Rule entitled "Eligibility for Veteran Designation with American Flag Symbol on Driver's License and Identification Card" adopted. F. Apr. 23, 2014; eff. May 13, 2014.
Amended: New title, "Eligibility for Active-Duty National Guard Driver's License and Identification Card." F. May 18, 2022; eff. June 7, 2022.

Rule 375-3-1-.33. Term of Receipt for Online Issuance.

(a) When a customer completes an online license or permit issuance event (issuance, renewal, replacement, or reinstatement), and the license status is shown as Valid, a receipt will be available for printing by the customer, and will be sent via email to the customer.

(b) Said receipt may be presented to law enforcement personnel for a period of forty-five (45) days to meet the requirement of having a driver's license in the driver's immediate possession while operating a motor vehicle when valid driving privileges have been confirmed by either the Department or the Georgia Crime Information Center (GCIC), pursuant to O.C.G.A. § 40-5-29.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.33
Authority: O.C.G.A. §§ 40-5-4, 40-5-29.
History. Original Rule entitled "Term of Receipt for Online Issuance" adopted. F. Aug. 20, 2014; eff. Sept. 9, 2014.

Rule 375-3-1-.34. Applications of Minors.

1. The application of any person under the age of eighteen (18) years for an identification card, instruction permit, or driver's license must be signed and verified by a parent or guardian of the applicant before a person authorized to administer oaths or, in the event there is no parent or guardian, by another responsible adult.

2. For purposes of this rule, the term "responsible adult" shall mean a person who is eighteen (18) years of age or older, competent to verify the application, and has personal knowledge of the applicant.

   a. A person who may qualify as a responsible adult may include, but not necessarily be limited to:

      i. a social worker who has worked with or assisted the applicant;

      ii. an employee of a homeless shelter where the applicant has resided;

      iii. a step-parent of the applicant, as verified by a valid marriage license or certificate, or other such document demonstrating that the stepparent is married to a parent of the applicant;

      iv. Such other persons whose identity can be verified by a state agency or official school official or certified school records, or documentation from a federal agency or entity

3. For an applicant committed to the care, custody, or control of the Department of Human Services (DHS) or the Department of Juvenile Justice (DJJ), a responsible adult may bean employee of the Division of Family and Children Services of the Department of Human Services (DFCS), an employee of DJJ, or an employee of a child-caring institution or a group-facility, as defined in O.C.G.A. § 49-5-3, or a caregiver, as defined in O.C.G.A. §

49-5-3. Such responsible adult must also submit employee identification to verify employment.

4. The person who signs as the responsible adult for a minor or person under eighteen (18) years of age will be asked to submit a state issued identification card or other documents to verify or confirm his or her identity. A person who is a responsible adult based on his or her employment must also submit an employee identification card to verify employment.

5. In conjunction with the application, the Department may require the responsible adult to submit an affidavit stating the responsible adult's relationship to the minor and reasons why a parent or guardian is unable to sign and verify the application. Reliable documentation showing why a parent or guardian is unable to sign and verify the application may also be required.

6. An emancipated minor, who can show court documentation to verify emancipation, is not required to have a parent, guardian, or responsible adult sign or verify the application of the emancipated minor.

7. A minor or person under the age of eighteen (18) years of age is not required to have a parent, guardian, or responsible adult sign or verify their application for identification card, instruction permit, or driver's license if the minor:

   a. is validly married;

   b. is on active duty with the armed forces of the United States

   c. is emancipated by court order pursuant to a petition filed with a juvenile court

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.34
Authority: O.C.G.A.§§ 40-16-2, 40-16-3, 40-5-4, 40-5-101, 15-11-720, 49-5-3.
History. Original Rule entitled "Applications of Minors" adopted. F. Apr. 17, 2017; eff. May 7, 2017.

Rule 375-3-1-.35. Open Records Requests.

(1) All Open Records Requests must be made in accordance with O.C.G.A. § 50-18-70 et. seq. Open Records Requests to the Department of Driver Services shall be submitted and addressed to the Open Records Office.

   (a) Requests shall be submitted to the Open Records Office via only one of the following methods:

      (i) e-mail to: DDSopenrecords@dds.ga.gov;

      (ii) fax to: (678) 413-8773;

(iii) or by U.S. Mail to:

Legal Division

ATTN: Open Records Office

Department of Driver Services

P.O. Box 80447

Conyers, Georgia 30013

(2) The request should include the Requestor's name, mailing address, contact telephone number, e-mail address (if available), and list of records requested.

(3) DDS will provide a response within a reasonable amount of time, not to exceed three business days of receiving the written request addressed to the Open Records Office.

(a) In accordance with the Open Records Act a reasonable fee may be charged for search, redactions, retrieval, production, copying and other direct administrative costs for fulfillment of the request.

(b) Driving histories, motor vehicle records (MVR), and other personal information maintained by DDS are not subject to open records.

(4) The release of all information maintained by DDS will be limited by provisions set forth in state and federal law.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.35
Authority: O.C.G.A. §§ 50-18-70*et. seq.*, 40-16-2, 40-16-3, 40-5-101, 40-5-4, 40-5-2.
History. Original Rule entitled "Open Records Requests" adopted. F. Sep. 21, 2017; eff. Oct. 11, 2017.
Amended: F. Oct. 26, 2021; eff. Nov. 15, 2021.

Rule 375-3-1-.36. Fees for Driver's Licenses, Instruction Permits, Identification Cards, and Temporary Driving Permits.

(1) For each application for an instruction permit or driver's license, except as provided in O.C.G.A. § 40-5-25(b)(2), the department shall collect fees as follows:

(a) For instruction permits for Classes C, E, F, and M drivers' licenses and for Class D drivers' licenses..... $10.00

(b) For up to five-year Classes C, E, F, and M noncommercial drivers' licenses..... $20.00

(c) For eight-year Classes C, E, F, and M noncommercial drivers' licenses..... $32.00

(d) For application for Classes A, B, C, and M commercial drivers' licenses or a Class P commercial driver's instruction permit..... $35.00

(e) For Class P commercial drivers' instruction permits for Classes A, B, C, and M commercial drivers' licenses..... $10.00

(f) For up to five-year Classes A, B, C, and M commercial drivers' licenses, initial issuance requiring a road test..... $70.00

(g) For eight-year Classes A, B, C, and M commercial drivers' licenses, initial issuance requiring a road test..... $82.00

(h) For up to five-year Classes A, B, C, and M commercial drivers' licenses, initial issuance not requiring a road test..... $20.00

(i) For eight-year Classes A, B, C, and M commercial drivers' licenses, initial issuance not requiring a road test..... $32.00

(j) For renewal of up to five-year Classes A, B, C, and M commercial drivers' licenses..... $20.00

(k) For renewal of eight-year Class A, B, C, and M commercial drivers' licenses..... $32.00

(l) For renewal of up to five-year Classes C, E, F, and M noncommercial drivers' licenses..... $20.00

(m) For renewal of eight-year Classes C, E, F, and M noncommercial drivers' licenses..... $32.00

(n) Initial issuance of Classes A, B, C, and M commercial drivers' licenses and Class P commercial drivers' instruction permits shall include all endorsement fees within the license fee. Each endorsement added after initial licensing..... $5.00

(o) Issuance of temporary driving permit or identification card issued pursuant to O.C.G.A. § 40-5-21.1..... $50.00

(2) For each application for a personal identification card, the department shall collect a fee of $20.00 or $32.00 except as provided in O.C.G.A. §§ 40-5-103(b),(c), and (d).

(3) Customers may request a refund in-person from the Department at a Customer Service Center (CSC), by telephone through the DDS contact center, or by mail to the Department.

(a) Refunds must be requested via a completed DDS designated "Request for Refund" form with the original payment receipt, or payment confirmation if paid online or through the mobile application (app).

(b) Refunds will be considered in the following circumstances:

1. Overpayment of fees;
2. Ineligibility for ALS hearings;
3. Errors by a CSC Team Member;
4. Duplicate payments for one transaction or service;
5. Reinstatement paid pre-effective date;
6. Incorrect purchase (only if the refund is requested prior to the purchased card being processed); or
7. If the payment is more than $10.00.

(c) Customers who submit payments online or by mobile app are eligible for refunds until midnight of the day of purchase.

(d) Processing time for refund requests may take up to 30 calendar days from the date of the refund request.

(e) A refund request submitted 120 days or more after the fee was paid will not be processed and the refund will not be made.

(f) Refunds may be delivered to the payer or customer electronically or by mail.

(g) Refunds will be delivered to the payer if payment is made in any form other than cash. Cash payments will be refunded by check to the customer of record for the transaction.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.36
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-21.1, 40-5-25, 40-5-100, 40-5-101, 40-5-103.
History. Original Rule entitled "Fees for Driver's Licenses, Instruction Permits, Identification Cards, and Temporary Driving Permits" adopted. F. Jan. 19, 2018; eff. Feb. 8, 2018.
Amended: F. May 15, 2019; eff. June 4, 2019.
Amended: F. Nov. 21, 2024; eff. Dec. 11, 2024.

Rule 375-3-1-.37. Video Recording, Photography, and Solicitation at DDS Facilities.

(1) Filming and Photography On Department of Driver Services Owned or Controlled Property

(a) In that it has been previously declared by state law that the use of the capitol building and grounds shall be limited to departments of state government and to state and national political organizations and for no other purposes unless specifically authorized by law and in that the employees of the departments of state government, and of state agencies, authorities, commissions, boards, bureaus, and other state entities located in the capitol building and other state buildings are engaged in the business of the citizens of the state and should not be unreasonably interrupted in the performance of their public duties, it is, therefore, in the best interest of the state and its citizens that a public policy against such unreasonable disruptions of state employees in the performance of their official duties be declared, and it is in this Code section so declared. O.C.G.A. § 50-9-9(a).

(b) Department of Driver Services Customer Service Centers are non-public forums in which customers do not anticipate being filmed or photographed. Customers have an expectation of privacy in conducting these personal matters which include the exchange of personal information. For this reason, filming and photography are prohibited in all Customer Service Centers.

(2) Soliciting On Department of Driver Services Owned or Controlled Property

(a) Without the express written consent of the director of the Georgia Building Authority, his or her designee, or his or her successor in office first having been received and except as otherwise provided by state law, it shall be illegal for any person, firm, group, organization, or other entity to beg, panhandle, solicit, or to sell goods, wares, or any other objects or services within any buildings or on the grounds, sidewalks, or other ways owned by or under the control of the state, its agencies, authorities, commissions, boards, bureaus, or other state entities. O.C.G.A. § 50-9-9(b).

(b) Solicitation of any kind is prohibited on Department of Driver Services owned or controlled properties.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.37
Authority: O.C.G.A. §§ 40-5-4, 40-5-101, 40-16-2, 40-16-5.
History. Original Rule entitled "Video Recording, Photography, and Solicitation at DDS Facilities" adopted. F. May 10, 2023; eff. May 30, 2023.

Subject 375-3-2. RENEWALS.

Rule 375-3-2-.01. Term of Driver's License, Permit, and Identification Card.

(1) (a) Except as otherwise provided in this regulation or any Georgia or Federal provision, licenses and identification cards issued to citizens of the United States expire on the person's birthday in the eighth (8th) year after issuance.

(b) (i) Except as provided in paragraph (c), any person who is not a citizen of the United States who provides proof of lawful status in the United States that satisfies the requirements of 6 C.F.R. 37.11 and Ga. Comp. R. & Regs. R. 375-3-1-.02, and is otherwise eligible for the issuance of a driver's license, permit, or identification card may be issued a temporary driver's license, permit, or identification card. Such temporary driver's license, permit, or identification card shall be valid only during the lesser of the period of time of the applicant's authorized stay in the United States as reflected on such documentation or the maximum term which is five (5) years and shall reflect that it is issued for a limited term.

(ii) Any person who presents immigration documentation that does not bear an expiration date shall be eligible for a temporary driver's license, permit, or identification card valid for one (1) year, unless the person's immigration documentation, as confirmed pursuant to O.C.G.A. § 40-5-21.2, indicates that they are an approved asylee, refugee, or lawful permanent resident. The card shall reflect that it is issued for a limited term.

1) Asylees, refugees, and lawful permanent residents holding verifiable immigration documentation thereof that does not bear an expiration date shall be eligible for a temporary driver's license, permit, or identification card valid for up to five (5) years. The card shall reflect that it is issued for a limited term.

(iii) Pursuant to H.R. 3398, the "Real Id Act Modification for Freely Associated States Act," a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau who has been admitted to the United States as a nonimmigrant pursuant to a Compact of Free Association between the United States and the Republic or Federated States is eligible for a driver's license or identification card valid for up to eight (8) years or the expiration date of their immigration documents, whichever is sooner. The card shall reflect that it is issued for a limited term. Individuals must provide an unexpired Freely Associated States (FAS) passport with the appropriate country code and one of the following:

1) I-766/Employee Authorization Document (EAD) listing the COA (Class of Admission) Category Code of A08; or

2) I-94 document.

(c) Non-citizen customers who have a limited-term Georgia driver's license, permit, or identification card that has expired or will expire within thirty (30) days of making application for renewal may be issued a temporary driving permit or identification card thereof valid for 120 days if they present documentation showing that they have applied for, but not received, an extension of their previously verified lawful immigration status. No additional temporary driving permits or identification cards shall be issued upon expiration of the 120 day-period pursuant to O.C.G.A. § 40-5-21.1. The card shall reflect that is it issued for a limited term.

(d) No temporary license, permit, or identification card issued pursuant to this regulation shall be renewed by any means other than in person.

(e) Veterans' licenses and veterans' identification cards shall be valid for eight (8) years.

(2) Licenses and identification cards may be renewed up to one hundred fifty (150) days prior to the date of expiration. No license or identification card may be renewed prior to that time without prior approval by the Commissioner or his designee. Such a renewal will terminate the license or identification card renewed, and no rebate of fees will be authorized.

(3) Each customer applying for renewal of a license, permit or identification card shall present documentation of his or her identity, citizenship or lawful status in the United States, and residence in the State of Georgia as provided in Ga. Comp. R. & Regs. R. 375-3-1-.02 and the REAL ID Act (as regulated by 6 C.F.R. 37).

Cite as Ga. Comp. R. & Regs. R. 375-3-2-.01
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-21.1, 40-5-32, 40-5-100(b), 40-5-172(a).
History. Original Rule entitled "Renewal of License and Identification Card: When Licenses and Identification Cards May Be Renewed" adopted. F. Sept. 10, 2002; eff. Sept. 30, 2002.
Amended: F. Dec. 14, 2005; eff. Jan. 3, 2006.
Repealed: New Rule of same title adopted. F. Mar. 22, 2007; eff. Apr. 11, 2007.
Repealed: New Rule entitled "Expiration of License and Identification Card: When Licenses and Identification Cards May Be Renewed" adopted. F. Sept. 3, 2009; eff. Sept. 23, 2009.
Repealed: New Rule entitled "Renewal of License and Identification Card: When Licenses and Identification Cards May Be Renewed" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: F. Mar. 30, 2012; eff. Apr. 19, 2012.
Amended: Title changed to "Expiration of License and Identification Card: When Licenses and Identification Cards May Be Renewed. Revised." F. Jan. 22, 2013; eff. Feb. 11, 2013.
Amended: F. Jun. 4, 2013; eff. Jun. 24, 2013.
Amended: F. Jan. 21, 2014; eff. Feb. 10, 2014.
Amended: F. Jan. 19, 2018; eff. Feb. 8, 2018.
Amended: New title "Term of Driver's License, Permit, and Identification Card." F. June 16, 2021; eff. July 6,

2021.

Rule 375-3-2-.02. Alternative Means of Renewal.

(1) The Commissioner may authorize, consistent with Georgia law and with these regulations, renewal of a driver's license or identification card by the following means:

(a) Personal appearance;

(b) Renewal by mail;

(c) Renewal by telephone; and/or

(d) Renewal via electronic means.

(2) Except as otherwise authorized by the Commissioner, licenses, permits and identification cards must be renewed by personal appearance at a Department of Driver Services facility before a driver's license examiner of the Department.

(3) The Commissioner is authorized to waive the requirement of a personal appearance under the following circumstances:

(a) All such waivers shall be consistent with public safety considerations;

(b) All such waivers shall be designed so as to promote efficiency of service to the holders of licenses, permits and identification cards;

(c) No person may be granted a waiver from renewal by personal appearance if that person's license or identification card is currently revoked, suspended, or cancelled. If a license or identification card is revoked, suspended, or cancelled after a waiver has been granted, the waiver shall be deemed to be withdrawn without the necessity of further action by the Department, and the person shall be required to appear in person to reinstate the license or identification card prior to renewal.

(d) Persons granted a waiver from the requirement of a personal appearance for the renewal of a driver's license shall certify that their vision and physical condition have not significantly changed since the last personal appearance before the Department, and that the person remains mentally and physically capable of the safe operation of a motor vehicle of the class for which the license is being renewed.

(e) Persons age sixty-four (64) or older granted a waiver from the requirement of personal appearance must submit proof that they have undergone an examination, within twenty-four (24) months immediately preceding the application for the license, that demonstrates that they have met the minimum vision standards

established by Ga. Comp. R. & Regs. R. 375-3-5-.08. Such examination must have been conducted by a physician, optometrist, or ophthalmologist, licensed by the State of Georgia.

(f) A person granted a waiver will not be required to surrender the driver's license or identification card being renewed if the waiver is exercised; however, the Department will advise the person of reasons why the license or identification card should be destroyed by the person.

(g) No person will be granted a waiver unless the person's photograph and signature are on file via digital image.

(h) No temporary license, permit or special identification card issued pursuant to O.C.G.A. § 40-5-21.1 shall be issued via any means other than in person.

(i) In order to be eligible for renewal of a license, permit or identification card via alternative means, a customer must have complied with the provisions of Ga. Comp. R. & Regs. R. 375-3-2-.01(3) on or after July 1, 2012.

(j) Each customer must conduct at least one (1) in-person transaction every sixteen (16) years.

Cite as Ga. Comp. R. & Regs. R. 375-3-2-.02
Authority: O.C.G.A. §§ 40-5-21.1, 40-5-32, 40-5-100, 40-5-172.
History. Original Rule entitled "Renewal of License and Identification Card: Alternative Means of Renewal" adopted. F. Sept. 10, 2002; eff. Sept. 30, 2002.
Amended: F. Dec. 14, 2005; eff. Jan. 3, 2006.
Repealed: New Rule of same title adopted. F. Mar. 22, 2007; eff. Apr. 11, 2007.
Repealed: New Rule of same title adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.
Amended: F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-3-2-.03. Renewal of License and Identification Card: Fees for Alternative Means of Renewal.

(1) The fee charged to the person who opts to renew a drivers license or identification card by means other than by personal appearance shall be reduced by $5.00.

(2) Persons who renew by mail may pay the applicable fee by certified check, cashiers check, postal money order, or personal check. Checks must be made payable to the Department of Driver Services.

(3) Persons who renew by telephone or by electronic means may pay the applicable fee by use of such credit cards or debit cards as from time to time may be authorized for use by the Department.

(4) If a check is returned by the drawer's bank for any reason, the Department shall assess a returned check fee of $30.00 or 5 percent of the face amount of the instrument, whichever is greater. Additionally, the Department shall charge an additional fee in an amount equal to that charged to the Department by the bank or financial institution as a result of the check not being honored. The license or identification card shall be cancelled, and shall not be reinstated until the person pays the applicable fee and the returned check fee. The Department may require that payment in this circumstance be made in cash. For the purposes of this regulation, payment through the use of a debit card shall be deemed to be payment by check.

(5) If a credit card transaction is rejected or the subject of a "charge back," the license or identification card shall be cancelled, and shall not be reinstated until the person pays the applicable fee. The Department may require that payment in this circumstance be made in cash.

(6) The Commissioner may, in his sole discretion, debit any "merchant fee" imposed by a credit card issuer against receipts prior to transmission of receipts to the Treasury, or may impose a convenience fee as provided by law on credit card transactions.

Cite as Ga. Comp. R. & Regs. R. 375-3-2-.03
Authority: O.C.G.A. Secs. 16-9-20, 40-5-25, 40-5-32, 40-5-100, 40-5-172, 50-1-6.
History. Original Rule entitled "Renewal of License and Identification Card: Fees for Alternative Means of Renewal" adopted. F. Sept. 10, 2002; eff. Sept. 30, 2002.
Amended: F. Dec. 14, 2005; eff. Jan. 3, 2006.

Rule 375-3-2-.04. Remote Renewal of Licenses, Permits, and Identification Cards. Revised.

(1) Driver's licenses, permits and identification cards may be renewed by mail, provided that the licensee's photograph, and signature are on file via digital image. Applicants may be eligible for renewal by mail if they meet the requirements of paragraph (2). The applicant applying for the renewal of the license must make written request for the renewal and include therein:

(a) Payment of the appropriate fee for the class license, permits, or identification cards currently held by the licensee. This fee must be in the form of a personal check, cashier's check, postal money order or credit card authorization

(b) Proof of Georgia residence

(c) Complete and submit a notarized DDS-23 MIR

(d) Military personnel, their dependents and commanding officer must complete and sign the Georgia Department of Driver Services "Affidavit for Military Personnel Unable to Visit A Customer Service Center" (DDS-359 MIR) stating that they are

active duty military or a dependent. A "Vision Screening Results" Form (DDS-274A) must also be completed for those 64 or older.

(e) Students must submit, along with their renewal request, a letter from a school official stating that he/she is a full-time student. A "Vision Screening Results" Form (DDS-274A) must also be completed for those 64 or older.

(f) Customers temporarily located out of state for employment purposes must submit a completed, signed and notarized Georgia Department of Driver Services "Affidavit for Customers on Temporary Work Assignment Out of State Unable to Visit A Customer Service Center" (DDS-360 MIR) by the employee and employer. A "Vision Screening Results" Form (DDS-274A) must also be completed for those 64 or older.

(g) Customers physically unable to visit a DDS location in person due to physical incapacitation must submit a completed, signed and notarized Georgia Department of Driver Services "Affidavit for Customers Physically Unable to Visit a Customer Service Center" (DDS-361 MIR) documenting their incapacitation and inability to visit a customer service center from a licensed physician. An identification card will be issued upon approval of the remote renewal request. Customers with an active Georgia driver's license, the license will be surrendered upon issuance of the identification card.

(2) Customers seeking to renew by mail must show evidence that they are Georgia residents who are:

(a) Temporarily located out of state due to:

(i) active duty military service or their dependents stationed outside of Georgia; or

(ii) attendance of school outside of Georgia or their dependents who are located out-of-state with them; or

(iii) employment assignment.

(b) Physically unable to visit a DDS location in person due to their physical or medical incapacitation.

(3) Notwithstanding satisfaction of the requirements set forth above, the records of the Department must include a usable photograph and signature image for the customer to complete the renewal process by mail.

(4) Customers will be allowed one full-term renewal by the remote renewal process.

(5) Each customer applying for renewal of a license, permit or identification card pursuant to this regulation on or after July 1, 2012 must satisfy the requirements of Ga. Comp. R. & Regs. 375-3-1-.02.

Cite as Ga. Comp. R. & Regs. R. 375-3-2-.04
Authority: O.C.G.A. §§ 40-5-4, 40-5-32, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101.
History. Original Rule entitled "Remote Renewal of Licenses for Military and Students" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Repealed: New Rule of same title adopted. F. Mar. 22, 2007; eff. Apr. 11, 2010; eff. Sept. 13, 2010.
Repealed: New Rule of same title adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.
Amended: New title "Remote Renewal of Licenses, Permits, and Identification Cards. Revised." F. May 15, 2019; eff. June 4, 2019.

Subject 375-3-3. REVOCATION AND SUSPENSION.

Rule 375-3-3-.01. Penalties for Violations of Uniform Rules of the Road.

(1) The Department shall impose the following penalties upon receipt of a conviction of a violation of any of the listed offenses found within the Uniform Rules of the Road:

Code Section	Offense	Penalty
40-6-2	Failure to Obey Person Directing Traffic	3 points
40-6-6	Emergency Vehicle Violation	3 points
40-6-10	No Insurance	Suspension - O.C.G.A. § 40-5-70
40-6-11	No Proof of Insurance-Motorcycle	3 points
40-6-14	Limits on Sound Volume	3 points
40-6-15	Suspended/Revoked/Cancelled Registration	HV Contributor
40-6-16(b)	"Move Over" Violation	3 points
40-6-16(c)	Improper Passing of a Stationary Utility Service Vehicle	3 points
40-6-16.1	Improper Passing of an Active Sanitation Vehicle	3 points
40-6-17	Use of Traffic-Control Device Preemption Emitter (while operating a motor vehicle)	3 points
40-6-20	Disregard of Traffic Control Device or Signal	3 points
40-6-21	Failure to Obey Traffic Signal or Light	3 points
40-6-23	Failure to Obey Flashing Signal	3 points
40-6-24	Lane Direction Violation	3 points

40-6-26(a)	Tampering with Traffic Signs or Signals (while operating vehicle)	3 points
40-6-26(b)	Operating Vehicle on Closed Roadway	3 points
40-6-40	Improper Lane Usage	3 points
40-6-41	Failure to Yield to Oncoming Traffic	3 points
40-6-42	Improper Passing	3 points
40-6-43	Improper Passing on the Right	3 points
40-6-44	Improper Passing	3 points
40-6-45	Improper Passing on Hill or Curve	4 points
40-6-46	Passing in a No Passing Zone	3 points
40-6-47(b)	Wrong Way on One-Way Road	3 points
40-6-47(c)	Rotary Traffic Island Violation	3 points
40-6-48	Failure to Maintain Lane	3 points
40-6-49	Following Too Closely	3 points
40-6-50	Driving Within Gore or Improper Entry to Controlled Access Highway	3 points
40-6-51	Improper Use of Controlled-Access Road	3 points
40-6-51 (a)(1)	Improper Use of Controlled Access Road	3 points
40-6-51 (a)(2)	Improper Use of Controlled Access Road	3 points
40-6-52	Truck Lane Usage Violation	3 points
40-6-53	Bus or Motorcoach Lane Violation	3 points
40-6-55	Failure to Yield to Bicycle	3 points
40-6-56	Failure to Maintain Safe Distance from Bicycle	3 points
40-6-54	HOV Lane Violation	1 point for 4th +
40-6-70	Failure to Yield at Intersection	3 points
40-6-71	Failure to Yield when Turning Left	3 points
40-6-72	Stop/Yield Sign Violation	3 points
40-6-73	Failure to Yield when Crossing or Entering Road	3 points
40-6-74	Failure to Yield to Emergency Vehicle	3 points
40-6-75	Failure to Yield to Construction Vehicle	3 points
40-6-76	Failure to Yield to Funeral Procession	3 points

40-6-77	Failure to Yield Resulting in Serious Injury	Suspension - O.C.G.A. § 40-5-57.3 for 2nd+ in 5 years
40-6-91	Failure to Yield to Pedestrian	3 points
40-6-93	Failure to Exercise Due Care Near Pedestrian	3 points
40-6-94	Failure to Yield to Blind Pedestrian	3 points
40-6-98	Driving Through Safety Zone	3 points
40-6-120	Improper Turning	3 points
40-6-121	Improper U-Turn	3 points
40-6-122	Improper Starting	3 points
40-6-123	Failure to Signal Turn	3 points
40-6-124	Improper Use of Signal	3 points
40-6-125	Improper Use of Hand Signal	3 points
40-6-126	Improper Use of Turn Lane	3 points
40-6-140	Railroad Grade Crossing Violation	3 points
40-6-141	Disregard of Stop Sign at Railroad Grade Crossing	3 points
40-6-142	Failure to Stop at Railroad Grade Crossing	3 points
40-6-143	Improper Movement of Heavy Equipment at Railroad Grade Crossing	3 points
40-6-144	Improper Emerging from Alley, Driveway or Building	3 points
40-6-160	School Bus Speeding Violation	15-18 mph - 2 points 19-23 mph - 3 points 24-33 mph - 4 points 34+ mph - 6 points
40-6-161	School Bus Headlight or Communication Device Violation	3 points
40-6-162	School Bus Signal Violation	3 points
40-6-163	Unlawful Passing of School Bus	6 points
40-6-164	School Bus Disembarking Violation	3 points
40-6-165	School Bus Operation Violation	3 points
40-6-181	Speeding	15-18 mph - 2 points

		19-23 mph - 3 points 24-33 mph - 4 points 34+ mph - 6 points
40-6-184	Impeding the Flow of Traffic	3 points
40-6-184(a)	Speed Less than Minimum	3 points
40-6-184(c)	Impeding the Flow of Traffic	3 points
40-6-185	Speeding on Bridge or Structure	15-18 mph - 2 points 19-23 mph - 3 points 24-33 mph - 4 points 34+ mph - 6 points
40-6-186	Racing	HV Contributor
40-6-188	Speeding in Work Zone	15-18 mph - 2 points 19-23 mph - 3 points 24-33 mph - 4 points 34+ mph - 6 points
40-6-205	Obstructing an Intersection	3 points
40-6-240	Improper Backing	3 points
40-6-241(b)	Failure to Exercise Due Care	1st offense - 1 point 2nd offense - 2 points 3rd or subsequent offense - 3 points
40-6-241(c)	Unlawful Use of Wireless Device	1st offense - 1 point 2nd offense - 2 points 3rd or subsequent offense - 3 points
40-6-241(d)	Unlawful Use of Wireless Device	1st offense - 1 point

		2nd offense - 2 points 3rd or subsequent offense - 3 points
40-6-242	Driving with Obstructed View	3 points
40-6-244	Allowing Passenger in House Trailer	3 points
40-6-245	Improper Mountain/Canyon Driving	3 points
40-6-246	Coasting	3 points
40-6-247	Improper Following of Emergency Vehicle	3 points
40-6-248	Crossing Fire Hose	3 points
40-6-248.1	Unsecured Load	2 points
40-6-250	Wearing Device Impairing Vision or Hearing	3 points
40-6-251	Laying Drags	3 points
40-6-252	Cruising	3 points
40-6-253	Open Container	2 points
40-6-253.1	Improper Transportation of Infectious Substance	3 points
40-6-254	Unsecured Load	2 points
40-6-270	Hit and Run	HV Contributor
40-6-271	Violation of Duty Upon Striking Unattended Vehicle	3 points
40-6-272	Violation of Duty Upon Striking Fixed Object	3 points
40-6-273	Failure to Report Accident	3 points
40-6-275	Failure to Remove Vehicle From Roadway	3 points
40-6-311	Improper Operation of Motorcycle	3 points
40-6-312	Motorcycle Lane Violation	3 points
40-6-312(e)	Operation of Motorcycle Without Head/Tail Light	3 points
40-6-313	Clinging to Vehicle While on Motorcycle	3 points
40-6-314	Motorcycle Equipment Violation	3 points
40-6-315	Motorcycle Protective Gear Violation	3 points
40-6-326	Operating Personal Assistive Mobility Device While Intoxicated	3 points
40-6-352	Moped Headgear Violation	3 points
40-6-361	Low Speed Vehicle Lane Violation	3 points

40-6-362	Low Speed Vehicle Roadway Violation	3 points
40-6-390	Reckless Driving	4 points
40-6-391	Driving Under the Influence	HV Contributor
40-6-391(1)	Endangering a Child by DUI	HV Contributor
40-6-393(a)	Vehicular Homicide-1st Degree	Suspension - O.C.G.A. § 40-5-63(d)
40-6-393(b)	Vehicular Homicide-1st Degree	HV Contributor
40-6-393(c)	Vehicular Homicide-2nd Degree	HV Contributor
40-6-393(d)	Vehicular Homicide-1st Degree	HV Contributor
40-6-393.1(b)	Feticide by Vehicle-1st Degree	HV Contributor
40-6-393.1(c)	Feticide by Vehicle-2nd Degree	3 points
40-6-394	Serious Injury by Vehicle	Suspension - O.C.G.A. § 40-5-63(d)
40-6-395	Fleeing and Attempting to Elude	HV Contributor
40-6-397	Aggressive Driving	6 points
40-8-76	Child or Youth Restraint Not Properly Used (Under the Age of 8)	1st offense - 1 point 2nd or subsequent offense - 2 points

(2) The assessment of points for any of the aforementioned offenses may result in the suspension of the customer's driver's license pursuant to O.C.G.A. §§ 40-5-57 and /or 40-5-57.1.

(3) Notwithstanding the provisions of paragraph (2), *supra*, points shall not be assessed if the Department receives notification from the trial court that the points for such offense are to be avoided pursuant to O.C.G.A. § 40-5-57(c)(1)(C) or the customer entered a plea of *nolo contendere* to the offense.

(a) The aforementioned points avoidance measures are only available to each customer once every five (5) years.

(b) The Department shall treat a plea of *nolo contendere* as a conviction for purposes of imposing a suspension pursuant to O.C.G.A. § 40-5-57.1 for customers under age twenty-one (21) at the time of the conviction.

(4) In addition to the offenses set forth in paragraph 1, points shall also be assessed for upon receipt of convictions for child safety restraint requirements as set forth in O.C.G.A. § 40-8-76.

(5) Notwithstanding the provisions of paragraph 1, *supra*, no points shall be assessed for an unsecured load that does not result in litter or a safety hazard. Additionally, if the unsecured load that resulted in the litter or safety hazard contained fresh farm produce, no points shall be assessed.

(6) The Department shall impose the penalty set forth in paragraph 1 upon receipt of notice of a conviction for an equivalent offense in another state as if the conviction had been entered by a court in the State of Georgia.

(7) Notwithstanding the provisions of paragraph 1, *supra*, no points shall be assessed for a conviction imposed by a Georgia court against a non-resident.

(8) The penalty set forth in paragraph 1 shall be assessed for each conviction, including multiple convictions from a single incident.

(9) Any offense identified herein as an HV contributor shall result in a driver's license suspension pursuant to O.C.G.A. §§ 40-5-54 and 40-5-63 or a habitual violator revocation pursuant to O.C.G.A. § 40-5-58 depending upon the customer's prior driving record within five years as calculated between or among the dates of the applicable incidents.

(a) As provided in O.C.G.A. §§ 40-5-54, 40-5-63 and 40-5-58, offenses not included in this regulation may also contribute to a license suspension or revocation under said statutes.

(b) In the event that an offense which occurred after a prior offense results in a conviction or is processed before the earlier offense is resolved or processed, the Department shall impose suspensions and/or revocations based upon the order in which the convictions are processed.

(10) Customers convicted of any of the offenses listed herein may be subject to a commercial driving disqualification in addition to the listed penalty.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.01
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101.
History. Original Rule entitled "Moving Traffic Violations Defined" adopted. F. Jan. 9, 2003; eff. Jan. 29, 2003.
Amended: F. Sept. 1, 2004; eff. Sept. 21, 2004.
Repealed: New Rule entitled "Penalties for Violations of Uniform Rules of the Road" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: F. Mar. 30, 2012; eff. Apr. 19, 2012.
Amended: F. Aug. 20, 2014; eff. Sept. 9, 2014.
Amended: F. Sep. 15, 2015; eff. Oct. 5, 2015.
Amended: F. Apr. 12, 2018; eff. May 2, 2018.
Amended: F. Jan. 13, 2022; eff. Feb. 2, 2022.
Amended: F. June 15, 2023; eff. July 5, 2023.

Rule 375-3-3-.02. Proof of Financial Responsibility.

(1) Proof of financial responsibility must be made by an authorized insurance company filing a Form SR-22 certifying that the violator has in effect a valid liability insurance policy covering the required future time span or, by the owner of a motor vehicle filing a Form DS-266 showing that the owner has provided insurance on the vehicle to be operated by the driver. Such proof of financial responsibility must include full name, license number and date of birth of operator.

(2) The Department will accept a "premium financed" SR-22 provided:

(a) It is clearly marked as premium financed;

(b) Cancellation of policy for non-payment of premium is not allowable under the expiration of 90 days from effective date of policy. The policy may be cancelled prior to expiration of 90 days set forth above upon sufficient reason in the discretion of the Commissioner being made known to him in writing.

(3) An SR-22 form not marked "premium financed" is accepted on the basis that it is paid in full. The Department will not accept a cancellation notice (SR-26) for non-payment of the premium and the policy must remain in effect for the statutory required length of time.

(4) The Department must be given 20 days' notice by the insurance carrier prior to acceptable termination or cancellation. The Department must be in receipt of Form SR-26 at least 20 days before effective date of cancellation.

(5) An SR-26 cancellation of coverage form is not acceptable if based on the non-payment of premium in addition to those originally assessed by the Company.

(6) If an SR-22 form filed on a premium financed policy is cancelled for non-payment of premium, another premium financed SR-22 will not be accepted by the Department for a period of 12 months from the date that the original SR-22 was accepted.

(7) An employer may furnish proof of financial responsibility on behalf of an employee operator and qualify such operator to operate motor vehicles for which proof is given by the employer, (DS-266). If the operator is only qualified to operate motor vehicles for an owner or employer, such restriction shall be designated by the Department on the license of the operator.

(8) For an insurance requirement violation, the liability insurance policy shall provide for payment of not less than $25,000 for bodily injury to or death of one person in any one crash, and not less than $50,000 for bodily injury to or death of two or more persons in any one crash, and to a limit of not less than $25,000 for injury to or destruction of property of others in any one crash.

(9) For a first conviction of driving under the influence of alcohol with a blood alcohol concentration of 0.08 grams or higher, of drugs, or of other intoxicating substances, the minimum liability insurance policy shall provide:

(a) Bodily injury to or death of one person in any one crash, not less than $50,000;

(b) Bodily injury to or death of all persons in any one crash, not less than $100,000; and

(c) Loss of, damage to, or destruction of property in any one crash, not less than $50,000.

(10) For a second or subsequence conviction of driving under the influence of alcohol with a blood alcohol concentration of 0.08 grams or higher, of drugs, or of other intoxicating substances, the minimum liability insurance policy shall provide:

(a) Bodily injury to or death of one person in any one crash, not less than $100,000;

(b) Bodily injury to or death of all persons in any one crash, not less than $300,000; and

(c) Loss of, damage to, or destruction of property in any one crash, not less than $100,000.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.02
Authority: O.C.G.A. §§ 40-5-4, 33-7-16.
History. Original Rule entitled "Proof of Financial Responsibility for Probationary License" adopted. F. Jan. 9, 2003; eff. Jan. 29, 2003.
Amended: F. May 10, 2023; eff. May 30, 2023.
Amended: New title, "Proof of Financial Responsibility." F. Aug. 15, 2025; eff. Sept. 4, 2025.

Rule 375-3-3-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.03
Authority: O.C.G.A. § 40-5-59.
History. Original Rule entitled "Recertification of Driving Ability under Georgia Assigned Risk Plan" adopted. F. Jan. 9, 2003; eff. Jan. 29, 2003.
Repealed: F. Apr. 20, 2022; eff. May 10, 2022.

Rule 375-3-3-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.04
Authority: O.C.G.A. §§ 40-16-2, 40-16-3, 40-5-4, 40-5-101, 40-5-22, 40-5-67, 40-5-67.1, 40-9-34.
History. Original Rule entitled "Departmental Hearings" adopted. F. Jan. 9, 2003; eff. Jan. 29, 2003.
Amended: F. Sept. 1, 2004; eff. Sept. 21, 2004.
Amended: F. Jan. 24, 2005; eff. Feb. 13, 2005.
Amended: F. Oct. 24, 2006; eff. Nov. 13, 2006.

Repealed: New Rule entitled "Appeals of Withdrawals" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: F. Aug. 10, 2017; eff. Aug. 30, 2017.
Note: Correction of typographical error in subparagraph (6)(b)(2)(i),"business" corrected to "calendar," as originally promulgated and adopted on August 9, 2017; submitted by Agency on August 31, 2017. Effective August 31, 2017.
Amended: F. June 14, 2019; eff. July 4, 2019.
Repealed: F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-3-3-.05. Acceptance of Certificates for Reinstatement.

(a) In order to be accepted for license reinstatement or to avoid a pending license suspension, the certificate of completion from a Driver Improvement Clinic or DUI Drug or Alcohol Use Risk Reduction Program must indicate that the course was taken and completed after the violation date which caused the pending or active suspension.

(b) Approval of any clinic certificate except as set out herein must be made by the Commissioner or his designee.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.05
Authority: O.C.G.A. § 40-5-4.
History. Original Rule entitled "Acceptance of Clinic Certificates for Reinstatement" adopted. F. Jan. 9, 2003; eff. Jan. 29, 2003.
Amended: F. Mar. 25, 2014; eff. Apr. 14, 2014
Amended: New title, "Acceptance of Certificates for Reinstatement." F. May 28, 2025; eff. June 17, 2025.

Rule 375-3-3-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.06
Authority: O.C.G.A. § 40-5-4.
History. Original Rule entitled "Suspension, Revocation, and Cancellation Forms Based on Violations" adopted. F. Jan. 9, 2003; eff. Jan. 29, 2003.
Repealed: F. Jan. 30, 2020; eff. Feb. 19, 2020.

Rule 375-3-3-.07. Reinstatement of Habitual Violator Revocation.

(1) The Department shall reinstate a habitual violator revocation imposed pursuant to O.C.G.A. § 40-5-58 upon satisfaction of the following requirements:

(a) Five years have elapsed since the Department began calculating the customer's eligibility for reinstatement as provided in O.C.G.A. § 40-5-61(e);

(b) The customer has submitted a certificate of completion from an approved driver improvement clinic for any predicate offenses that were not violations of O.C.G.A. § 40-6-391;

(c) The customer has submitted a certificate of completion from an approved DUI Drug or Alcohol Use Risk Reduction Program, clinical evaluation and treatment (if recommended), and documentation of satisfaction of any applicable ignition interlock requirements for any predicate offenses that were violations of O.C.G.A. § 40-6-391;

(d) The customer successfully completes all testing required for the class and type of license to be reinstated; and

(e) The customer pays the applicable reinstatement fee of $210.00 (or $200.00 if paid by mail) for revocations imposed prior to July 1, 2009, or $410.00 (or $400.00 if paid by mail) for revocations imposed on or after July 1, 2009.

(2) The customer must surrender any previously issued driver's licenses or permits, including any habitual violator probationary licenses at the time of reinstatement.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.07
Authority: O.C.G.A. §§ 40-5-4, 40-5-61, 40-5-62, 40-5-63.
History. Original Rule entitled "Reinstatement of Habitual Violators at Expiration of Habitual Violator Revocation" adopted. F. Jan. 9, 2003; eff. Jan. 29, 2003.
Amended: F. Sept. 18, 2003; eff. Oct. 8, 2003.
Repealed: New Rule entitled "Reinstatement of Habitual Violator Revocation" adopted. F. Oct. 13, 2010; eff. Nov. 2, 2010
Amended: F. May 28, 2025; eff. June 17, 2025.

Rule 375-3-3-.08. Voluntary Cancellation.

(1) The holder of any valid Georgia driver's license may have that license voluntarily canceled provided that:

(a) The license is currently valid, and has not been revoked, suspended, or otherwise encumbered; and

(b) No charges are currently pending against the holder for violating any of the laws of the State of Georgia dealing with traffic violations, motor vehicles, or illegal drugs, which could result in or contribute to the revocation, suspension or would otherwise encumber the driver's license.

(2) The voluntary cancellation shall be made only upon receipt of a written request from the holder that his driver's license be canceled or voluntarily surrendered. The driver's license itself should accompany the written request, and if it did not, the license must be surrendered to the Department within two weeks after the holder has received his notification that his license has been voluntarily canceled.

(3) Any person whose license has been voluntarily canceled, may, at any time, reapply for a new license, provided that the applicant:

(a) Meets all the requirements for a new license (including taking and passing all exams); and

(b) Meeting all of the requirements for the license, including not being subject to any sanctions for having violated any law dealing with motor vehicles, traffic, illegal drugs, or otherwise.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.08
Authority: O.C.G.A. Secs. 40-5-50, 40-9-38.
History. Original Rule entitled "Voluntary Cancellation" adopted. F. Jan. 9, 2003; eff. Jan. 29, 2003.

Rule 375-3-3-.09. Extension of Temporary Driving Permits.

(1) Extension of 45-day temporary driving permit

(a) At the time a law enforcement officer takes a person's driver's license for refusal to submit to chemical testing or because the person's blood alcohol concentration is at a level requiring administrative license suspension, the officer shall issue the person a 45-day temporary driving permit. This temporary driving permit shall be on DDS Form 1205 and shall be valid until the expiration of 45 days from the incident date.

(b) If the person files an appeal of the license suspension within 30 days, the Department shall extend the temporary driving permit for an additional 90 days, but not beyond the date when the person's driving privilege is suspended or revoked.

(c) The 90-day extension will be a DDS form which, when accompanied with the driver's copy of DDS Form 1205, will serve as the temporary driver's permit for the 90-day extension.

(d) The Department may issue an extension of the 90-day temporary driving permit upon receipt of documentation from the Office of State Administrative Hearings (OSAH) indicating that a final decision has not yet been entered in the case and will not be entered prior to the expiration of the temporary driving permit.

(e) In the event an officer issues a DDS Form 1205 to a person whose driver's license or driving privilege is otherwise valid but neglects to sign the temporary driving permit at the bottom of such form, the Department shall issue a temporary driving permit to such person for the balance of the 45 days from the incident date. Such permit shall be subject to extension pursuant to paragraphs (b) and (d) of this subsection.

(2) Extension of 180-day temporary driving permit

(a) At the time a law enforcement officer takes a person's driver's license for a violation of O.C.G.A. § 40-6-391 for which the officer has not initiated an administrative license suspension under O.C.G.A. § 40-5-67.1, the officer shall issue a 180-day temporary driving permit.

(b) This permit shall be valid until the expiration of 180 days or until the person's driving privilege is suspended or revoked.

(c) In the event the case has not been resolved within 180 days, the Department shall issue another 180-day temporary driving permit. Additional extensions may be issued for as long as the case remains pending at OSAH.

(d) The Department shall extend the permit only upon receipt of documentation from the judge, clerk of court, or prosecutor from the court of jurisdiction stating that the case has not yet been adjudicated.

(3) Replacement of lost, stolen or destroyed temporary driving permits

(a) In the event a customer's temporary driving permit is lost, stolen or destroyed, a replacement may be issued by the Commissioner's designee on a form designated by the Department upon receipt of a written request from the customer.

(b) Customers seeking replacement of a 180-day temporary driving permit shall provide both a copy of the citation and documentation from the Court that such charge remains pending. Such permit shall be valid for the applicable period provided in paragraph (2).

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.09
Authority: O.C.G.A. §§ 40-5-4, 40-5-67, 40-5-67.1, 40-6-391.
History. Original Rule entitled "Extension of 30 Day Permit and 180 Day Permit" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Repealed: New Rule entitled "Extension of Temporary Driving Permits" adopted. F. Apr. 23, 2009; eff. May 13, 2009.
Amended: F. Jul. 24, 2012; eff. Aug. 13, 2012.
Amended: F. Apr. 24, 2014; eff. May 14, 2014.
Amended: F. July 13, 2020; eff. August 2, 2020.

Rule 375-3-3-.10. Limited Driving Permits.

(1) The issuance of limited driving permits and the permissible uses of such permits, which shall be reflected as restrictions on the permit, will be governed by the applicable provisions of state and federal law.

(2) Customers applying for a DUI limited driving permit following the suspension of a driver's license pursuant to O.C.G.A. § 40-5-63(a)(1) based upon a conviction for driving under the influence (DUI) in violation of O.C.G.A. § 40-6-391 or an equivalent offense must submit DDS Form 1126 completed by the convicting court or a certified copy of the conviction unless the DUI conviction is already reflected on the customers' driving record.

(3) The following applicants are not eligible for a limited driving permit:

(a) Customers who are not Georgia residents;

(b) Customers who have never been issued a Georgia driver's license; or

(c) Customers whose Georgia driver's license is suspended, revoked, cancelled, disqualified or otherwise withdrawn for any other reason in addition to the suspension imposed pursuant to O.C.G.A. § 40-5-63(a)(1) unless otherwise eligible for a limited driving permit for said withdrawal. This list should not be considered exhaustive, and the issuance of limited driving permits will be governed by the applicable provisions of state and federal law.

(4) Any customer applying for a limited driving permit must surrender any previously issued driver's license or execute a lost license affidavit on Form DS-250A.

(5) Issuance, renewal, and/or replacement of limited driving permits will be governed by the applicable provisions of state and federal law.

(6) Any person applying for an ignition interlock limited driving permit for a suspension imposed for a second conviction for DUI within five years pursuant to O.C.G.A. § 40-5-63(a)(2) must submit documentation satisfactory to the Department of the following:

(a) proof of installation of an approved ignition interlock device installed on any vehicle that he or she will be operating pursuant to such permit;

(b) A certificate of completion from a DUI Drug or Alcohol Use Risk Reduction program; and

(c) Authorization for issuance of such permit by the Court that handled the underlying DUI charge, and enrolled in a drug court or clinical treatment that satisfies the requirements of O.C.G.A. § 40-5-63.1.

1. No limited driving permit shall be available to any person subject to a driver's license suspension imposed pursuant to O.C.G.A. § 40-5-63(a)(2) who has been granted an exemption from installing an ignition interlock device limited driving due to financial hardship pursuant to O.C.G.A. § 42-8-111(a)(1) until such person has served at least 12 months of such suspensions.

(7) The Department shall interpret amendments to the statutory provisions relating to limited driving permit eligibility in the manner that is most advantageous to each customer so as to allow for the issuance of permits at the earliest date that is legally permissible.

(8) Any person applying for an ignition interlock permit due to a suspension triggered by a second DUI conviction within five years shall be required to maintain such ignition interlock device for the following period:

(a) For incidents prior to January 1, 2013: six months;

(b) For incidents between January 1, 2013 and June 30, 2013: eight months; and

(c) For incidents on or after July 1, 2013: 12 months. After maintaining such interlock for the time required, such customer shall be eligible for a permit without the interlock restriction if otherwise eligible.

(9) Any person who is subject to a suspension imposed pursuant to O.C.G.A § 40-5-75 who is participating in a drug court, mental health court, veteran's court program, or operating under the influence court for such conviction may be issued a limited driving permit for such suspension if authorized by the court.

(10) For the purposes of O.C.G.A. §§ 40-5-64(g) and 40-5-64.1(f) regarding the revocation of a limited driving permit, any bond forfeiture or plea of *nolo contendere* or conviction of O.C.G.A. §§ 40-8-76 or 40-8-76.1 shall not be considered a violation of state law relating to the movement of a motor vehicle, and shall not revoke a limited driving permit.

(11) Any person aged 18 or older whose driver's license has been suspended pursuant to O.C.G.A. § 40-5-57.1 as a result of a conviction for speeding where such person's speed was at least 24 miles per hour over the posted speed limit, but less than 34 miles per hour above the posted speed limit, shall be eligible for a limited driving permit.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.10
Authority: O.C.G.A. §§ 40-5-4, 40-5-57.1, 40-5-64, 40-5-64.1, 40-5-75.
History. Original Rule entitled "120 Day Limited Permit Application" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Repealed: New Rule entitled "Limited Driving Permits" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: F. Dec. 26, 2012; eff. Jan. 15, 2013.
Amended: F. June 19, 2014; eff. July 9, 2014.
Amended: F. Sept. 15, 2015; eff. Oct. 5, 2015.
Amended: F. Apr. 12, 2018; eff. May 2, 2018.
Amended: F. Jan. 13, 2022; eff. Feb. 2, 2022.
Amended: F. May 28, 2025; eff. June 17, 2025.

Rule 375-3-3-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.11
Authority: O.C.G.A. §§ 40-5-4, 40-5-64.

History. Original Rule entitled "One Year Limited Permit Application" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Repealed: New Rule entitled "Limited Driving Permits for Teen Drivers" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010.
Repealed: F. Jan. 13, 2022; eff. Feb. 2, 2022.

Rule 375-3-3-.12. Suspension of License for Failure to Appear.

(1) The Department shall suspend the driver's license or privilege to operate a motor vehicle in this state of any person who has failed to respond to a citation to appear before a court of competent jurisdiction of this state or of any other state for a traffic violation other than a parking violation. The Department shall forthwith notify such person that his license is to be suspended subject to review as provided for by law. Such suspension shall be effective no more than twenty-eight (28) days from the date on the notice of such suspension sent to such customer. If such customer is not a resident of the State of Georgia, information pertaining to his or her failure to appear shall be sent to his or her state of residence for imposition of the suspension in that jurisdiction as provided in the terms of the Non-Resident Violator Compact or such other interstate agreement or law that applies to such customer.

(2) Any customer who is notified of a pending suspension for failure to appear may request a hearing in accordance with Ga. Comp. R. & Regs. R. 375-1-1-.06.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.12
Authority: O.C.G.A. §§ 40-5-4, 40-5-56.
History. Original Rule entitled "Suspension of License for Failure to Appear" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. Mar. 30, 2012; eff. Apr. 19, 2012.
Amended: F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-3-3-.13. Drivers License as Bail in Traffic Violation Arrests.

(1) If the driver has displayed the driver's license in lieu of bail and has failed to appear and answer to the charge against him or her, the court in which the charges are lodged shall immediately complete the DDS-912 and mail to the Department of Driver Services the copy entitled "Home Jurisdiction Copy".

(2) When such individual shall respond and pay any fines and penalties imposed, the court shall:

(a) Mail to the individual the copy of the DDS-912 entitled "Defendant's Receipt", and

(b) Mail to the Department of Driver Services the copy of the DPS-912 entitled "Home Jurisdiction - Suspension Withdrawal".

(3) "Display" of a driver's license, as provided in O.C.G.A. § 17-6-11, shall mean that, upon request of the apprehending officer, the person shall remove the license from any wallet, case, or other container in which it is kept and hand it to the apprehending officer, who may retain the license until the citation(s) or warning have been issued. Once the citation(s) or warning have been issued, the apprehending officer shall return the license to the person unless otherwise provided by law.

(4) "Issued," for the purposes of Ga. Admin. Comp. Ch. 375-3-3-.13(3), means with respect to a uniform traffic citation that the apprehending officer has completed the applicable fields on the uniform traffic citation (DDS-32) and the licensee has signed the uniform traffic citation, acknowledging service of the summons and receipt of a copy of the same.

(5) "State that has not entered into a reciprocal agreement," as used in O.C.G.A. § 17-6-11, means Alaska, California, Michigan, Montana, Oregon, and Wisconsin.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.13
Authority: Authority O.C.G.A. Secs. 40-5-4, 40-5-56.
History. Original Rule entitled "Drivers License as Bail in Traffic Violation Arrests" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-3-.14. Suspension of Operating Privilege for Failure to Respond to Citation.

(1) An individual who fails to comply with a citation in which personal recognizance is permitted shall, pursuant to O.C.G.A. § 40-5-56, be notified that their license will be suspended.

(2) The court in which the charges are lodged shall:

(a) Complete the DDS-912 and mail to the violator the copy entitled "Defendant's Notice."

(b) The court shall then mail to the Department of Driver Services the copy of the DDS-912 entitled "Home Jurisdiction Copy."

(3) When such individual shall respond and pay any fines and penalties imposed, the court shall:

(a) Mail to the individual the copy of the DDS-912 entitled "Defendant's Receipt," and

(b) Mail to the Department of Public Safety the copy of the DDS-912 entitled "Home Jurisdiction -- Suspension Withdrawal."

(4) The Department of Driver Services shall take whatever action is required by law and/or any reciprocal agreements or compacts entered into with other states or jurisdictions.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.14
Authority: Authority O.C.G.A. Secs. 40-5-4, 40-5-56.
History. Original Rule entitled "Suspension of Operating Privilege for Failure to Respond to Citation" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-3-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.15
Authority: O.C.G.A. § 40-5-4, 40-5-56.
History. Original Rule entitled "Forms" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Repealed: F. Jan. 30, 2020; eff. Feb. 19, 2020.

Rule 375-3-3-.16. Reinstatement Procedure for Insurance Suspension.

(1) Proof of insurance that shall reflect a six (6) month pre-paid minimum insurance policy for reinstatement of licenses suspended under the following circumstances:

(a) A first conviction for no proof of insurance as provided in O.C.G.A. 40-6-10.

(b) A failure to respond within the specified time to a cancellation of insurance for first offense and/or second or subsequent offense as provided in O.C.G.A. § 40-5-71 on or before October 31, 2002.

(c) This section only applies to insurance cancellation prior to expiration.

(2) Proof of said insurance shall be stamped by the insurance company to indicate "paid in full" and shall reflect both a beginning and ending date for the six month policy.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.16
Authority: Authority O.C.G.A. Secs. 40-5-4, 40-5-70.
History. Original Rule entitled "Reinstatement Procedures for Insurance Suspensions" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-3-.17. Reinstatement Procedures for Suspensions Based on Second or Subsequent Convictions for No Proof of Insurance.

Reinstatement of driver's licenses suspended on second or subsequent convictions under O.C.G.A. § 40-6-10 will require an SR-22A to be filed and maintained for three (3) years from the date of conviction.

(1) Proof of financial responsibility must be made by certification from an authorized insurance company that the violator has in effect a valid liability insurance policy covering the required time span, said certification to be filed on form SR-22A as specified below.

(a) Each SR-22A Form shall be printed so that it is substantially similar to the one shown. Each item of information contained on each form shall be set forth in the order in which they are printed on the form. All information must be machine printed or typed. The form must be green in color.

(i) Front:

SR-22A

GEORGIA SAFETY RESPONSIBILITY INSURANCE CERTIFICATE

INSURED:

Name _____

Address _____

Case Number _____

Driver's License Number_____

Date of Birth _____

Social Security Number_____

Current Policy Number_____

Effective From _____

This certification is effective from _____ and continues until cancelled or terminated in accordance with the financial responsibility laws and regulations of this state.

The company signatory hereto certifies that there is in effect on the effective date of the certificate a Motor Vehicle Liability Policy, affording limits of $25,000/$50,000 bodily injury and $25,000 property damage.

Year of Model _____ Trade Name _____

Model _____ Body Type _____

Serial No. _____

Motor No. _____

If space above is insufficient to contain all motor vehicles covered, prepare list on paper of identical width and paste on.

Crash No. _____

Date of Crash _____

Place of Crash _____

Name of Insurance Company _____

Date _____

By _____

Authorized Representative

(ii) Back:

Georgia Laws 1951, Act 386, Section 7-A, Subsection (a) as amended by Georgia Laws 1956, Act 362; ".It is further provided that upon an insurance company filing a certification of an insurance policy or a surety company filing a surety bond with the Director in order for the operator to show the proof required herein, such bond or certification cannot be cancelled within a period of twelve (12) months from the effective date of such certification or bond except for subsequent conviction for some revocable offense as set forth in subsection (a) of this section with the provision that the Director shall be given at least twenty (20) days prior notice of such cancellation. The Director may, in his discretion, permit the cancellation of such certificate or bond for other cause made known to and approved by him."

(NOTE: Full information as to reason for cancellation or request for cancellation of such certification or bond must be attached to the notice of cancellation, Form SR-26.)

Name and Address of Insurance Company:

<Name> <Address> <City, State, Zip Code>

(2) After the first initial SR-22A filing marked "Paid in Full" for a period of six (6) months, the Department will accept a premium financed SR-22A provided:

(a) It is clearly marked as premium financed;

(b) Cancellation of policy for non-payment of premium is not allowable before the expiration of one hundred eighty (180) days from effective date of policy. The policy may be canceled prior to the expiration of one hundred eighty (180) days set forth above upon sufficient reason in the discretion of the Commissioner being made known to him in writing.

(3) An SR-22A Form that is not marked "premium financed" is accepted on the basis that it is paid in full. The Department will not accept a cancellation notice (SR-26) for non-payment of the premium and the policy must remain in effect for the statutory required length of time.

(4) The Department must be given thirty (30) days notice by the insurance carrier prior to acceptable termination or cancellation. The Department must be in receipt of Form SR-26 at least thirty (30) days before effective date of cancellation.

(5) An SR-26 cancellation of coverage form is not acceptable if based on the non-payment of premiums in addition to those originally assessed by the Company.

(6) An employer may furnish proof of financial responsibility on behalf of an employee operator and qualify such operator to operate motor vehicles for which proof is given by the employer. If the operator is only qualified to operate motor vehicles for an owner or employer, such restriction shall be designated by the Department on the license of the operator.

(7) The liability insurance policy shall provide for payment of not less than $25,000 for bodily injury to or death of one (1) person in any one (1) crash, and not less than $50,000 for bodily injury to or death of two (2) or more persons in any one (1) crash, and to a limit of not less than $25,000 for injury to or destruction of property of others in any one (1) crash.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.17
Authority: O.C.G.A. §§ 40-5-4, 40-5-70.
History. Original Rule entitled "Reinstatement Procedures for Suspensions Based on Second or Subsequent Convictions for No Proof of Insurance" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Amended: F. Aug. 11, 2023; eff. Aug. 31, 2023.

Rule 375-3-3-.18. Proof of Service When License Displayed in Lieu of Bail.

(1) Licensee's signature will constitute official service on license being in suspension for "License in Lieu of Bail" if ticket is not disposed of by the court of jurisdiction.

(2) Upon the Department of Driver Services receiving Form DDS-912 on a traffic offense with a violation date of July 1, 1988 or later, the Department of Driver Services shall enter the date the DDS-912 is signed by the court official as the suspense date and service date for official service regarding the "License in Lieu of Bail Suspension".

(3) Service indicated on the DDS-912 shall be used by the Department of Driver Service as authority for service.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.18
Authority: Authority O.C.G.A. Sec. 17-6-11.
History. Original Rule entitled "Proof of Service When License Displayed in Lieu of Bail" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-3-.19. Parental Revocation of Minor's Driver's License or Permit.

(1) The parent, guardian, responsible adult or authorized driving instructor who signed a minor's application for an instructional permit or driver's license may request revocation thereof at any time prior to the minor's eighteenth birthday. For purposes of this regulation, the term "responsible adult" shall be defined as a licensed driver over age eighteen (18).

(2) The person requesting revocation of a minor's instructional permit or driver's license shall submit his or her request for said revocation on the form designated by the Department. Said form shall require the person's notarized signature.

(3) The person requesting revocation of a minor's instructional permit or driver's license shall pay a non-refundable fee of $10.00.

(4) The minor's driver's license or instructional permit shall be surrendered at the time the person requests revocation thereof, if available.

(5) The period of revocation shall be three (3) months.

(6) The person who requested revocation of a minor's instructional permit or driver's license may rescind his or her request for said revocation within three (3) business days of making said request. For purposes of this regulation, business days shall include Tuesday through Saturday only. The withdrawal of a request for revocation must be made in

writing on the form designated by the Department. Said form shall require the person's notarized signature. The fee paid for the revocation shall not be returned. This section can only apply to licenses issued after January 1, 2007.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.19
Authority: Authority O.C.G.A. Secs. 40-5-4, 40-5-26.
History. Original Rule entitled "Parental Revocation of Minor's Driver's License or Permit" adopted. F. Mar. 22, 2007, eff. Apr. 11, 2007.

Rule 375-3-3-.20. Reinstatement Procedures for Suspensions Imposed for Drug Convictions.

(1) Applications for reinstatement of license suspensions imposed pursuant to O.C.G.A. § 40-5-75 for drug or controlled substance convictions entered prior to July 1, 2004 or after January 1, 2008 shall be made on the form designated by the Department.

(2) The Department shall not accept an application for reinstatement of a license suspension imposed pursuant to O.C.G.A. § 40-5-75 for a drug or controlled substance conviction entered prior to July 1, 2004 or after January 1, 2008 if the customer has any other active license suspension. Multiple license suspensions imposed pursuant to O.C.G.A. § 40-5-75 for drug or controlled substance convictions entered prior to July 1, 2004 or after January 1, 2008 shall run consecutively to one another.

(3) Upon the expiration of statutory period of suspension following the receipt of an application for reinstatement of a license suspension imposed pursuant to O.C.G.A. § 40-5-75 for a drug or controlled substance conviction entered prior to July 1, 2004 or after January 1, 2008, the Department shall reinstate the suspension upon receipt of the statutorily mandated reinstatement fee and the certificate of completion of the required DUI Drug or Alcohol Risk Reduction Course.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.20
Authority: Authority O.C.G.A. Sec. 40-5-4.
History. Original Rule entitled "Reinstatement Procedures for Suspensions Imposed for Drug Convictions" adopted. F. May 16, 2008; eff. June 5, 2008.

Rule 375-3-3-.21. Surrender of Driver's License. Revised.

(1) If a driver's license that is subject to surrender is not surrendered prior to its expiration, the Department shall consider the license to be surrendered on the day of its expiration.

(2) Any customer who applies for reinstatement of his or her driver's license on or after July 1, 2012 shall present documentation of his or her identity, citizenship or lawful presence

in the United States, and residency in the state of Georgia as provided in Ga. Comp. R. & Regs. 375-3-1-.02.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.21
Authority: O.C.G.A. Sec. 40-5-4.
History. Original Rule entitled "Surrender of Driver's License" adopted. F. May 16, 2008; eff. June 5, 2008.
Repealed: New Rule of same title adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

Rule 375-3-3-.22. Review of Withdrawals Resulting from Out-of-State Conduct.

(1) Any person whose driver's license, permit, or driving privilege has been suspended, revoked, cancelled, denied or disqualified as a result of conduct that occurred in another state shall have a review of such withdrawal once every five (5) years from the date of imposition of such withdrawal. Such review shall result in a determination of whether the withdrawal is still warranted and whether the person is otherwise eligible to operate a motor vehicle in the State of Georgia.

(2) Any person who appealed such withdrawal pursuant to Ga. Comp. R. & Regs. R. 375-1-1-.06 shall be eligible for such review upon the expiration of five (5) years from the date on which the Department entered its Final Decision in such appeal.

(3) In no case shall the Department authorize issuance of a driver's license or permit to any person who has failed to complete the requirements for reinstatement imposed by the state in which such conduct occurred.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.22
Authority: O.C.G.A. § 40-5-52.
History. New Rule entitled "Review of Withdrawals Resulting from Out-of-State Conduct" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.
Amended: F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-3-3-.23. Pauper's Affidavit for Reinstatement or Restoration Fees.

(1)
(a) A customer who is a current Georgia resident may file a Pauper's Affidavit (DDS-355) with the Department in lieu of paying the required driver's license reinstatement or restoration fee.

(b) The Pauper's Affidavit (DDS-355) may be submitted via mail if the customer submits a sworn statement that they are incarcerated or has a physical disability preventing him/her from traveling to a customer service center.

(c) Upon the submission and approval of the Pauper's Affidavit (DDS-355), the driver's license reinstatement or restoration fee shall be waived.

(d) Reinstatement or restoration fees for the following suspensions or withdrawals are not eligible for reduction under this provision:

1. Super Speeder (40-6-189)

2. Safety Responsibility (40-9-3)

3. Any other reinstatement or restoration fee not required by provisions contained in Chapter 5 of Title 40

(2)

(a) A customer seeking a waiver of the required reinstatement or restoration fee must do so by utilizing form DDS-355, "Pauper's Affidavit."

(b) The customer must provide proof of inability to pay along with the Pauper's Affidavit (DDS-355). Sufficient proof may be shown by a copy of the customer's eligibility for TANF, SNAP, WIC, or Medicaid, or a copy of his or her detention documentation dated within the previous six months. In the alternative, the customer may provide other documentation approved by the Department.

(c) The form will contain an oath for the customer to affirm his or her poverty and his or her resulting inability to pay the required driver's license reinstatement or restoration fee. The form will also contain the following notice: "WARNING: Any person knowingly making a false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony."

(d) The Pauper's Affidavit (DDS-355) must be signed by the customer seeking the discounted fee and notarized by a duly authorized notary. For minors, a parent, legal guardian, or responsible adult will be required to complete and sign the Pauper's Affidavit (DDS-355). Verification of the identity of the parent, legal guardian, or responsible adult will be required.

(3)

(a) If the information on the customer's Pauper's Affidavit (DDS-355) is not adequate to prove eligibility, the waiver will be denied.

(b) After a denial, the customer will not be allowed to reapply in that same visit. A customer may be reconsidered after completion of a new Pauper's Affidavit (DDS-355) no sooner than 30 days from submission of the previous Pauper's Affidavit (DDS-355).

(4) Provisions contained in this regulation only apply to reinstatement or restoration fees, and do not affect or eliminate other non-financial reinstatement requirements such as required courses or time required to be served on a suspension or withdrawal.

(5) A Pauper's Affidavit (DDS-355) does not waive fees associated with other DDS services or transactions, and no additional services may be combined with or waived under this Pauper's Affidavit (DDS-355).

(6) Pauper's Affidavits (DDS-355) submitted to the Department are subject to audit by the State of Georgia and Investigative Services Division of the Department of Driver Services. Such forms are not subject to Open Records.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.23
Authority: O.C.G.A. §§ 40-16-2, 40-16-3, 40-5-4, 40-5-9.
History. Original Rule entitled "Pauper's Affidavit for Reinstatement or Restoration Fees" adopted. F. Dec. 21, 2016; eff. Jan. 10, 2017.
Amended: F. Feb. 12, 2025; eff. Mar. 4, 2025.
Amended: F. Aug. 15, 2025; eff. Sept. 4, 2025.

Rule 375-3-3-.24. Reinstatement Procedures for Suspensions Based on Convictions for Driving Under the Influence.

Reinstatement of driver's licenses suspended for convictions under O.C.G.A. § 40-6-391 will require an SR-22 to be filed and maintained for three years from the date of conviction.

(1) Proof of liability insurance must be made by certification from an authorized insurance company that the violator has in effect a valid liability insurance policy covering the required time span, said certification to be filed on form SR-22 as specified below.

(a) Each SR-22 form shall be printed so that it is substantially similar to the one shown below. Each item of information contained on each form shall be set forth in the order in which they are printed on the form. All information must be machine printed or typed. The form must be green in color.

1. Front:

SR-22

GEORGIA SAFETY RESPONSIBILITY INSURANCE CERTIFICATE
INSURED:

Name _____

Address _____

Case Number _____

Driver's License Number _____

Social Security Number _____

Current Policy Number _____

Effective From _____

This certification is effective from _____ and continues until cancelled or terminated in accordance with the financial responsibility laws and regulations of this state.

The company signatory hereto certifies that there is in effect on the effective date of the certificate a Motor Vehicle Liability Policy affording limits of $50,000/$100,000 for bodily injury/death and $50,000 for property damage upon a first conviction of driving under the influence, or $100,000/$300,000 for bodily injury/death and $100,000 for property damage upon a second or subsequent conviction of driving under the influence.

Year of Model _____ Trade Name _____

Model _____ Body Type _____

Serial Number _____

Motor Number _____

If the space above is insufficient to contain all motor vehicles covered, prepare a list on paper of identical width and attach.

Name of Insurance Company _____

Date _____

By _____

Authorized Representative

2. Back:

Georgia Laws 1951, Act 386, Section 7-A, Subsection (a) as amended by Georgia Laws 1956, Act 362; "It is further provided that upon an insurance

company filing a certification of an insurance policy or a surety company filing a surety bond with the Director in order for the operator to show the proof required herein, such bond or certification cannot be cancelled within a period of twelve (12) months from the effective date of such certification or bond except for subsequent conviction for some revocable offense as set forth in subsection (a) of this section with the provision that the Director shall be given at least twenty (20) days prior notice of such cancellation. The Director may, in his discretion, permit the cancellation of such certificate or bond for other cause made known to and approved by him."

(NOTE: Full information as to reason for cancellation or request for cancellation of such certification or bond must be attached to the notice of cancellation, Form SR-26.)

Name and Address of Insurance Company:

<Name>

<Address>

<City, State, Zip Code>

(2) After the initial SR-22 filing marked "Paid in Full" for a period of six months, the Department will accept a premium financed SR-22 provided:

(a) It is clearly marked as premium financed;

(b) Cancellation of the policy for non-payment of premium is not allowable before the expiration of 180 days from the effective date of the policy. The policy may be canceled prior to the expiration of 180 days set forth above upon sufficient reason in the discretion of the Commissioner being made known to him in writing.

(3) An SR-22 form that is not marked "premium financed" is accepted on the basis that it is paid in full. The Department will not accept a cancellation notice (SR-26) for non-payment of the premium and the policy must remain in effect for the statutorily required length of time.

(4) The Department must be given 30 days' notice by the insurance carrier prior to acceptable termination or cancellation. The Department must be in receipt of Form SR-26 at least 30 days before the effective date of cancellation.

(5) An SR-26 cancellation of coverage form is not acceptable if based on the non-payment of premiums in addition to those originally assessed by the Company.

(6) An employer may furnish proof of financial responsibility on behalf of an employee operator and qualify such operator to operate motor vehicles for which proof is given by the employer. If the operator is only qualified to operate motor vehicles for an owner or employer, such restriction shall be designated by the Department on the license of the operator.

(7) Upon a first conviction for driving under the influence of alcohol with a blood alcohol concentration of 0.08 grams or higher, of drugs, or of other intoxicating substances in violation of O.C.G.A. § 40-6-391, the liability insurance policy shall provide for payment of:

(a) Not less than $50,000 for bodily injury to or death of one person in any one accident;

(b) Not less than $100,000 for bodily injury to or death of all persons in any one accident; and

(c) Not less than $50,000 for loss of, damage to, or destruction of property in any one accident.

(8) Upon a second or subsequent conviction for driving under the influence of alcohol with a blood alcohol concentration of 0.08 grams or higher, of drugs, or of other intoxicating substances in violation of O.C.G.A. § 40-6-391, the liability insurance policy shall provide for payment of:

(a) Not less than $100,000 for bodily injury to or death of one person in any one accident;

(b) Not less than $300,000 for bodily injury to or death of all persons in any one accident; and

(c) Not less than $100,000 for loss of, damage to, or destruction of property in any one accident.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.24
Authority: O.C.G.A. §§ 40-5-4, 40-5-63, 33-7-16.
History. Original Rule entitled "Reinstatement Procedures for Suspensions Based on Convictions for Driving Under the Influence" adopted. F. Aug. 15, 2025; eff. Sept 4, 2025.

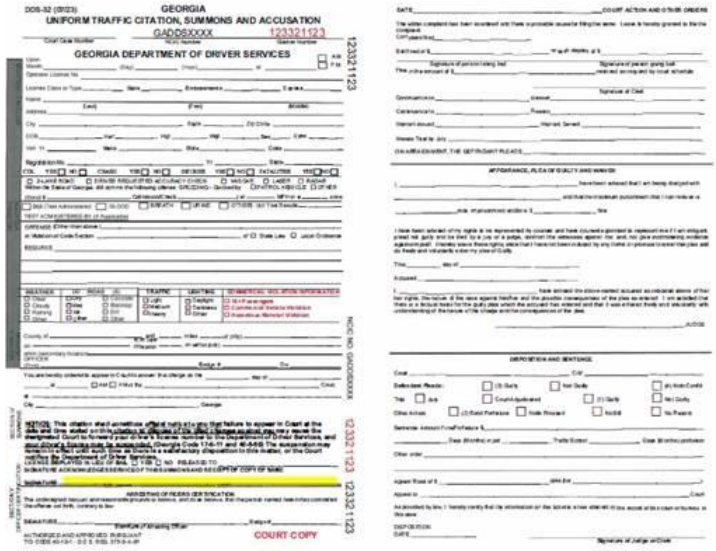
Subject 375-3-4. UNIFORM TRAFFIC CITATIONS.

Rule 375-3-4-.01. Uniform Traffic Citation Form.

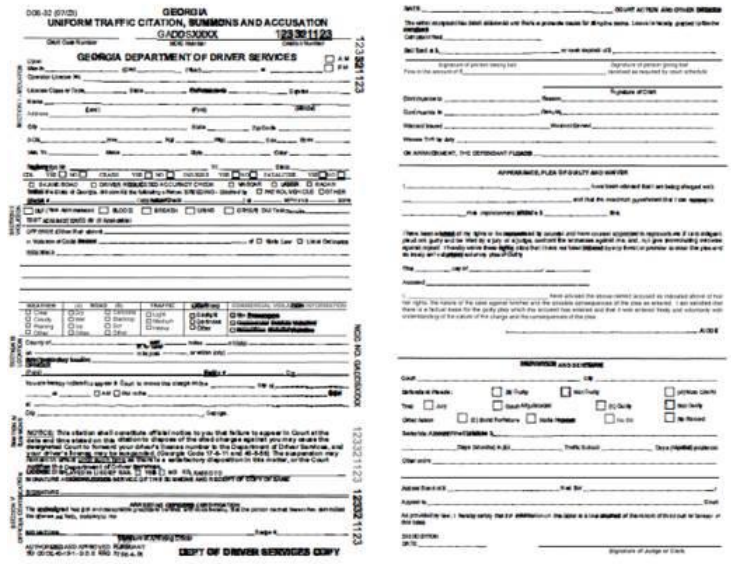
(1) DDS-32, Uniform Traffic Citation, Summons and Accusation, shall be used by all law enforcement officers who are empowered to enforce the traffic laws and ordinances in

effect in this State. The amended version of Form DDS-32, shown in sections (1)(a) through (1)(e) of this rule, shall be effective July 1, 2023 and may be used beginning on July 1, 2023. Such citation shall be by the following form in a five-part series, at least 5 1/2 inches in width and 8 1/2 inches in length except that computer generated or electronically submitted citations shall not have a series requirement and may appear up to 8 1/2 inches in width and 11 inches in length.

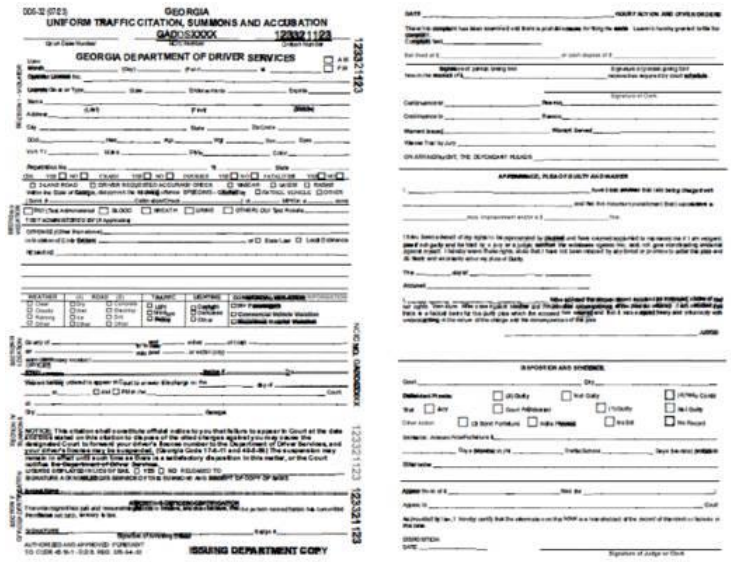
(a) Court Copy, front and back:



(b) Department of Driver Services copy, front and back:

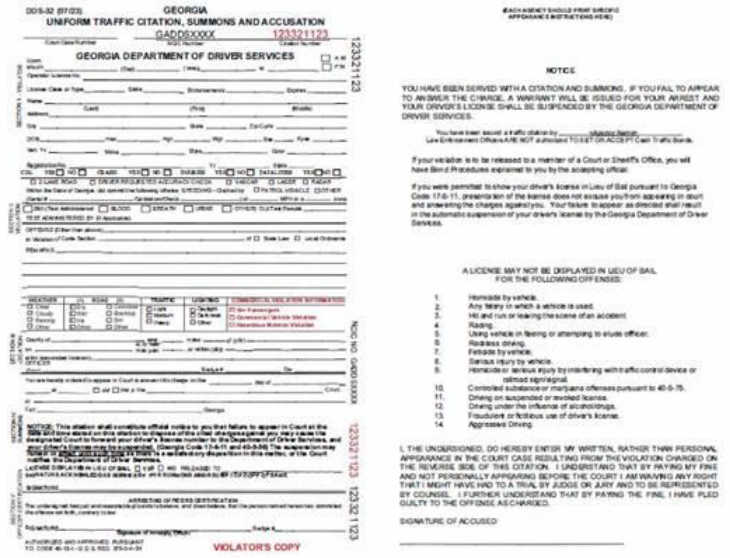


(c) Issuing department copy, front and back:



GEORGIA
UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION
GADDSXXXX 123321123
GEORGIA DEPARTMENT OF DRIVER SERVICES
ISSUING DEPARTMENT COPY

(d) Violator's copy, front and back:



GEORGIA
UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION
GADDSXXXX 123321123
GEORGIA DEPARTMENT OF DRIVER SERVICES
VIOLATOR'S COPY

NOTICE

YOU HAVE BEEN SERVED WITH A CITATION AND SUMMONS. IF YOU FAIL TO APPEAR TO ANSWER THE CHARGE, A WARRANT WILL BE ISSUED FOR YOUR ARREST AND YOUR DRIVER'S LICENSE SHALL BE SUSPENDED BY THE GEORGIA DEPARTMENT OF DRIVER SERVICES.

Law Enforcement Officers ARE NOT authorized TO SET OR ACCEPT Cash Traffic Bonds.

If your violator is to be released to a member of a Court or Sheriff's Office, you will have Bond Procedures explained to you by the accepting official.

If you were permitted to show your driver's license in Lieu of Bail pursuant to Georgia Code 17-6-11, preparation of the license does not excuse you from appearing in court and answering the charges against you. Your failure to appear as directed shall result in the automatic suspension of your driver's license by the Georgia Department of Driver Services.

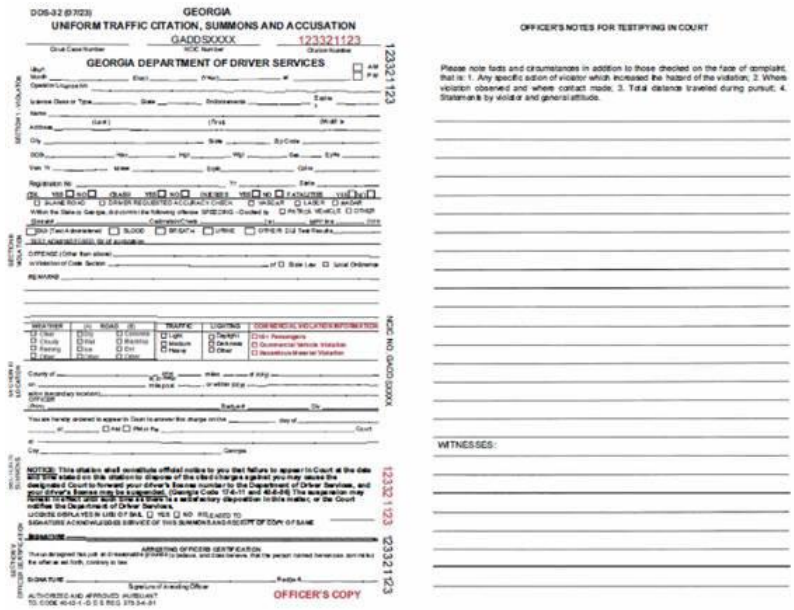
A LICENSE MAY NOT BE DISPLAYED IN LIEU OF BAIL
FOR THE FOLLOWING OFFENSES:

1. Homicide by vehicle.
2. Any felony in which a vehicle is used.
3. Hit and run or leaving the scene of an accident.
4. Racing.
5. Using vehicle in fleeing or attempting to elude officer.
6. Reckless driving.
7. Felonies by vehicle.
8. Serious injury by vehicle.
9. Homicide or serious injury by interfering with traffic control device or railroad signal signal.
10. Controlled substance or marijuana offenses pursuant to 40-6-75.
11. Driving on suspended or revoked license.
12. Driving under the influence of alcohol/drugs.
13. Fraudulent or fictitious use of driver's license.
14. Aggressive Driving.

I, THE UNDERSIGNED, DO HEREBY ENTER MY WRITTEN, RATHER THAN PERSONAL APPEARANCE IN THE COURT CASE RESULTING FROM THE VIOLATION CHARGED ON THE REVERSE SIDE OF THIS CITATION. I UNDERSTAND THAT BY PAYING MY FINE AND NOT PERSONALLY APPEARING BEFORE THE COURT I AM WAIVING ANY RIGHT THAT I MIGHT HAVE HAD TO A TRIAL BY JUDGE OR JURY AND TO BE REPRESENTED BY COUNSEL. I FURTHER UNDERSTAND THAT BY PAYING THE FINE, I HAVE PLED GUILTY TO THE OFFENSE AS CHARGED.

SIGNATURE OF ACCUSED

(e) Officer's copy, front and back:



(2) The bar code, accuracy check box, and highlighted offender signature bar on the front of each part of the Uniform Traffic Citation form are optional.

Cite as Ga. Comp. R. & Regs. R. 375-3-4-.01
Authority: O.C.G.A. § 40-13-1.
History. Original Rule entitled "Uniform Traffic Citation Form" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Repealed: New Rule of same title adopted. F. Apr. 23, 2009; eff. May 13, 2009.
Amended: F. Sept. 22, 2009; eff. Oct. 12, 2009.
Amended: F. Aug. 15, 2022; eff. Sep. 4, 2022.
Amended: F. May 10, 2023; eff. May 30, 2023.

Rule 375-3-4-.02. Numbering and Accountability for Uniform Traffic Citations.

(1) Each uniform traffic citation shall have a unique number which will include an agency identifying number assigned by the Commissioner.

(2) Any law enforcement agency which utilizes the uniform traffic citation shall establish a system of accountability for each citation which comes into its possession. This system shall include a file or files containing, in numerical order, or alphabetical order, the agency copy of each issued citation and such additional records and files as may be necessary to account, by unique number, for:

(a) The date of distribution of each blank citation (or block of citations) and the officer to whom given.

(b) All copies of all voided citations.

(c) The circumstances under which any citation (or block of citations) has been lost or misplaced.

(3) Agency records concerning the uniform traffic citation are public records. They shall be made available to any agent of the Governor, Attorney General, Secretary of State, Commissioner or Georgia Bureau of Investigation upon request and to other persons at reasonable times and places.

Cite as Ga. Comp. R. & Regs. R. 375-3-4-.02
Authority: Authority O.C.G.A. Sec. 40-13-1.
History. Original Rule entitled "Numbering and Accountability for Uniform Traffic Citations" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Subject 375-3-5. DRIVER'S LICENSE ADVISORY BOARD.

Rule 375-3-5-.01. Purpose.

(1) The purpose of this chapter is to establish guidelines for the Drivers License Advisory Board and Departmental procedures to be followed in determining whether to recommend the issuance or revocation of driver's licenses to functionally incapacitated persons. The guidelines are not to be construed as the exclusive basis upon which the Board may recommend refusal or revocation of licenses. Commercial driver's physical qualifications are regulated under the Federal Motor Carrier Safety Regulations (FMCSR) Subpart E, 391.41.

(2) The Board may recommend that a limited license be granted in lieu of denying the issuance of an unrestricted license or revoking such license.

Cite as Ga. Comp. R. & Regs. R. 375-3-5-.01
Authority: Authority O.C.G.A. Secs. 40-5-4, 40-5-34.
History. Original Rule entitled "Purpose" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-5-.02. Alterations of Consciousness.

(1) Episodic alteration of consciousness, severe enough to cause the person to lose his postural attitude or to be unable to continue whatever action he was involved in, whether or not caused by disorders primary to the central nervous system, would cause that individual to be reviewed under this section. Isolated incidents of lapses of consciousness without likelihood of recurrence need not be considered here.

(2) All individuals who have had one episode of altered consciousness should be grouped as follows:

(a) Group A-Individuals who have had an episode of altered consciousness but not within the last year.

(b) Group B-Individuals who have had an episode of altered consciousness in the preceding year.

	Class C	Class M	Class B	Class A
Group A	Yes	Yes	Yes	Yes
Group B	No	No	No	No

	Periodic Evaluation	Limited License
Group A	Yes	No
Group B	Yes	Yes*

* Nocturnal epilepsy and stress hypoglycemia.

(c) Notwithstanding the foregoing, an individual who had an episode of altered consciousness due to epilepsy may be issued a Class C license, if otherwise qualified, if the episode did not occur within the last six months.

Cite as Ga. Comp. R. & Regs. R. 375-3-5-.02
Authority: Authority O.C.G.A. Secs. 40-5-4, 40-5-34.
History. Original Rule entitled "Alterations of Consciousness" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-5-.03. Cardiovascular Function.

Certain cases of heart disease, hypertensive vascular disease, peripheral vascular disease, and aneurysms will cause the suffering individual to be reviewed under this section.

(a) Heart disease--Organic heart disease is divided into three groups. A fourth group deals with certain arrhythmias.

1. Group A--A driver is in Group A when:

(i) he has asymptomatic heart disease; and

(ii) the single or double masters' two step test does not produce symptoms, or alterations of the ECG; and

(iii) prolonged exertion, emotional stress, hurrying, hill climbing, recreation, or daily activities do not produce pathological symptoms, and

(iv) signs of congestive heart failure are not present.

2. Group B--A driver is in Group B when he has organic heart disease and one or more of the following:

   (i) walking one or two level blocks, climbing one flight of stairs, or the performance of usual activities produces symptoms, or

   (ii) master's Two Step Test produces symptoms and ECG changes indicative of anoxia, or

   (iii) emotional stress, hurrying, hill climbing, recreation, or similar activities produce pathologic symptoms, or

   (iv) signs of congestive failure, if present, or relieved by therapy.

3. Group C--A driver is in Group C when he has organic heart disease with symptoms at rest, and one or both of the following:

   (i) The performance of any of the activities of daily living beyond the personal toilet or its equivalent produces increased discomfort, or

   (ii) Signs of congestive failure, if any present, are resistant to therapy.

4. Group D--This group includes individuals with cardia arryhthmias. While some of these ailments, such as chronic asymptomatic atrial fibrillation usually do not present notable impairments, other such as paroxysmal atrial flutter do present a high risk of catastrophe. Hence, consideration must be based on their risk factor, which can be arrived at only by evaluating each disease entity.

	Class C	Class M	Class B
A	Yes	Yes	Individual Consideration
B	Yes	No	No
C	Unsafe-No	No	No
D	Individual Consideration	Individual Consideration	Individual Consideration

	Class A	Periodic Reevaluation	Limited License
A	Individual Consideration	Yes	No
B	No	Yes	Yes
C	No	Yes	Yes
D	Individual Consideration	Yes	Yes

(b) Cardiac Pacemakers--Individuals with implanted pacemakers to control heart rate should not be recommended for Class M, A or B licenses. They may reasonably be given a medical review at yearly intervals by a physician familiar with cardiac pacemakers.

(c) Hypertensive Vascular Disease--A repeatedly elevated diastolic pressure over 90 mm Hg. in an untreated individual is, for purposes of these guidelines assumed, to be diagnostic of hypertension. Transient headaches from this disease must be judged on an individual basis to determine their severity, frequency, and subsequent interference with the individual's driving ability.

1. Group A--Diastolic pressure repeatedly over 90 mm. Hg. and none of the following:

   (i) abnormalities of urinalysis or urinary function tests;

   (ii) history of hypertensive cerebrovascular damage;

   (iii) evidence of left ventricular hypertrophy; or

   (iv) hypertensive abnormalities of the optic fundus.

2. Group B--A repeatedly elevated diastolic pressure over 90 mm. Hg. and any one of the following:

   (i) proteinuria and abnormalities is the urinary sediment but no impairment to the renal function;

   (ii) evidence of left ventricular hypertrophy, or

   (iii) definite hypertensive changes in the retinal arterioles without hemorrhages.

3. Group C--A repeatedly elevated diastolic pressure over 90 mm. Hg. and any two of the following:

   (i) diastolic pressure usually in excess of 120 mm. Hg.;

   (ii) proteinuria and abnormalities in the urinary sediment, with evidence of impaired renal function;

   (iii) hypertensive cerebrovascular damage with permanent neurological residuals;

   (iv) left ventricular hypertrophy;

   (v) retinopathy of arterioles, with hemorrhages and exudates. (Keith-Wagner Retinopathy, Stage III)

4. Group D--Repeatedly elevated diastolic pressure over 120 mm. Hg. and any two of the following:

   (i) diastolic pressure usually in the range of 140mm. Hg. or more;

   (ii) proteinuria and abnormalities of the urinary sediment with evidence of nitrogen retention;

   (iii) hypertensive cerebrovascular damage with permanent neurological impairment;

   (iv) left ventricular hypertrophy;

   (v) retinopathy of arterioles with papilledema (Keith-Wagner Retinopathy, Stage IV)

	Class C	Class M	Class B
A	Yes	Yes	Yes
B	Yes	No	No
C	Individual Consideration	No	No
D	Individual Consideration	No	No

	Class A	Periodic Reevaluation	Limited License
A	Yes	Yes	No
B	No	Yes	Yes
C	No	Yes	Individual Consideration
D	No	NO	NO

(d) Vascular Disease Affecting the Extremities. The importance of this category to the ability to drive safely depends on the impairment of the functional use of the affected extremity or extremities. This category is divided into three groups. Presence of vascular disease is presumed to have been diagnosed by existing conventional methods. Loss of pulses or arterial calcification is not considered an impairment to driving.

1. Group A--A driver is in Group A when he has vascular disease and:

   (i) experiences either intermittent claudication or pain at rest, or

   (ii) experiences only transient edema.

2. Group B--A driver is in Group B when he has vascular disease with any one of the following:

   (i) intermittent claudication occurring on walking more than 50 yards;

   (ii) vascular damage evidenced by healed amputation of any number of digits of one extremity or amputations at or above the wrist or ankle of one extremity with evidence of persistent vascular disease;

   (iii) healed or persistent superficial ulceration, and

   (iv) moderate to marked edema which is only partially controlled by elastic supports.

3. Group C--A driver is in Group C when he has vascular disease with one of the following:

   (i) intermittent claudication of walking less than 50 yards, or severe and constant pain at rest;

   (ii) vascular damage evidenced by amputations of 3 or more digits of each of two extremities, with persistent vascular disease;

   (iii) persistent, widespread, or deep ulceration involving any number of extremities.

	Class C	Class M	Class B
A	Yes	Yes	Yes
B	No	No	No
C	Individual Consideration	No	No

	Class A	Periodic Reevaluation	Limited License
A	Yes	Yes	No
B	No	Yes	Yes
C	No	No	Yes

(e) Aneurysms. Each case should be given individual consideration. The following recommendations are intended to be very general.

1. Femoral and Popliteal Aneurysms. Persons with such conditions should be advised that long periods of sitting are dangerous. After such advice, however, they should be able to drive private automobiles safely. They should not be recommended for Classes M, A, or B licenses.

2. Aortic and Central Nervous Systems Aneurysms. In general, such individuals usually should not be recommended for a Class C or M license. None should be recommended for Class A or B licenses.

Cite as Ga. Comp. R. & Regs. R. 375-3-5-.03
Authority: Authority O.C.G.A. Secs. 40-5-4, 40-5-34.
History. Original Rule entitled "Cardiovascular Function" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-5-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-3-5-.04
Authority: O.C.G.A. §§ 40-5-4, 40-5-34.
History. Original Rule entitled "Hearing" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Repealed: F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-3-5-.05. Mental Condition.

(1) Emotional disturbance on the part of a motor vehicle operator as it affects his ability to drive should be individually considered.

(2) Factors to be considered in determining mental fitness to drive include, but are not limited to the following:

(a) The ability to maintain a reasonably stable and realistic personality;

(b) Manifestation of an emotionally erratic pattern, showing periods of irresponsibility, outward or inward aggressiveness, distorted perceptual thought impulsiveness, suicidal tendencies or paranoid thoughts.

(3) A person with 2 or more convictions for crimes of violence against others may have severe emotional disturbances and should have careful evaluation of his mental function before being recommended for any class of license.

(4) These personality characteristics often become apparent in police records, work records, job disability records, and in the histories of martial difficulty, and these records should be considered.

Cite as Ga. Comp. R. & Regs. R. 375-3-5-.05
Authority: Authority O.C.G.A. Secs. 40-5-4, 40-5-34.
History. Original Rule entitled "Mental Condition" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-5-.06. Musculoskeletal Performance.

While in many cases the best evaluation of driving performance still remains the practical road test, in order to insure adequate manual control in driving an automobile the following guidelines for musculoskeletal performance should be used.

(a) Motor Power Requirements.

1. The strength of muscles required to perform the task of driving should be determined. This determination is based on two factors: the force of gravity and the resistance applied by the examining physician to the muscle group being tested. A determination should be made based on the physicians interpretation as to whether the strength is:

   (i) Normal--Complete range of motion against gravity with full resistance.

   (ii) Good--Complete range of motion against gravity with some resistance.

   (iii) Fair--Complete range of motion against gravity without resistance.

   (iv) Poor--Complete range of motion with gravity eliminated.

   (v) Trace--Evidence of slight contractility, no joint motion.

   (vi) Zero--No evidence of contractility.

2. Impairment to driving caused by motor power deficiency may be group as follows:

   (i) Group A.

      (I) A normal muscle power as tested at all of the following joints:

         I. Right ankle dorsi and plantor flexion.

         II. Right Knee extension.

         III. Hip flexion and extension.

         IV. Grip--both hands.

         V. Both wrists--extension and flexion.

         VI. Both elbows--extension and flexion.

      (II) At least good muscle power in flexion of the right knee.

   (ii) Group B.

      (I) Muscle power classified as good or better at any one or more of the following joints:

I. Right ankle dorsi and plantor flexion.

II. Right knee extension.

III. Hip flexion and extension.

IV. Grip--both hands.

V. Both wrists--extension and flexion.

VI. Both elbows--extension and flexion.

(II) At least fair muscle power in flexion of right knee.

(iii) Group C.

(I) Fair muscle power at any one or more of the following joints as listed in Group Aa and Group Bb.

(II) Poor or trace muscle power in flexion of the right knee.

1. Table Motor Power and Acceptable Level of Function for Driver Licensure.

	Class C	Class M	Class B
A	Yes	Yes	Yes
B	Yes	Yes	Individual Consideration
C	Individual Consideration	No	No
	Class A	Periodic Reevaluation	Limited License
A	Yes	No	No
B	Individual Consideration	Yes	Yes
C	No	Yes	Yes

(b) Active Range of Motion of Joints. A driver must have adequate mobility of the joints that are important to the safe operation of a motor vehicle. The range of motion necessary will vary as to the specific vehicle and as to the size of the individual evaluation of this category of driver impairment must be based on individual consideration by the examining physician and on the performance of the road test.

(c) Amputations. Whether or not an amputation will impair the ability to drive an automobile safely should be decided if brought to the medical board, on an individual basis.

Cite as Ga. Comp. R. & Regs. R. 375-3-5-.06
Authority: Authority O.C.G.A. Secs. 40-5-4, 40-5-34.
History. Original Rule entitled "Musculoskeletal Performance" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-5-.07. Respiratory Function.

Respiratory impairment leads to a decreased ability to adequately provide sufficient oxygenation of the blood to meet the demands, required of drivers.

(a) Tests of Ventilatory Function.

1. Since tests require maximal voluntary effort on the part of the patient they are not infallible, and should be repeated if significant impairment is noted.

2. A bronchodilator should be administered if the cause of the respiratory deficiency is suspected to be bronchial obstruction. If there is a 15 percent improvement in subsequent tests after this treatment, these values must be considered to be the true state of the individuals respiratory capacity.

(b) The tests most likely to give a survey of the driver's ventiliatory capacity are:

1. The 1 second forced expiratory volume (F.E.V.);

2. The forced vital capacity (F.V.C.);

3. The determination of the maximal voluntary ventilation (M.V.V.).

(c) Test requirements.

1. Results of the above tests should be expressed in terms of liters or liters per minute and also as a percentage of the predicted normal.

2. The FEVT.O and the FVC should be administered three times, with the best test result determined as the most representative of the patients capacity.

3. The MVV is a fatiguing test, requiring considerable muscular effort, thus the better of two attempts should be accepted.

(d) Groupings of impairment to driving caused by ventilatory deficiency:

1. Group A--Chest X-Ray are usually normal, but may show healed or inactive disease of the chest. Dyspnea, if it occurs is consistent with the type and degree of physical exertion. Values obtained from at least two of the ventilatory function tests

are no less than 85 percent of predicted normal values for patient's age, sex and height. Blood gases are usually within the normal range.

2. Group B--Chest X-Rays are normal or abnormal. Dyspnea does not occur at rest and usually does not occur during the performance of usual daily activities. The subject can keep a normal pace with persons of the same age and body build on level ground without breathlessness, but not on hills and stairs. Values obtained from at least two of the ventilatory function tests are in the range of 70 to 85 percent of the predicted normal values. Blood gases usually are normal but the oxygen partial pressure present on a random sample of arterial blood may be diminished to 75 mm. Hg. (Numerical values may differ among laboratories and it should be noted that the following values are based on a lower limit of 85 mm. Hg.)

3. Group C--Chest X-Rays may be normal but usually are not. Dyspnea does not occur at rest but is present during performance of usual daily activities. The individual can walk one mile at his own pace without dyspnea but is unable to keep up with his peers. Value of at least two ventilatory function tests are in the range of 55 to 70 percent of the predicted normal values. The blood gases are usually normal with partial pressure of arterial oxygen no less than 70 mm. Hg.

4. Group D -- Chest X-Rays are usually abnormal. Dyspnea occurs climbing one flight of stairs, walking 100 yards on the level, or even at rest. Values obtained from at least two ventilatory function tests are below 55 percent of the predicted normal value. The partial pressure of arterial oxygen is less than 65 mm. Hg.

   (i) Table acceptable levels of respiratory function for Drivers Licensure.

	Class C	Class M	Class B
A	Yes	Yes	Yes
B	Yes	Yes	Individual Consideration
C	Yes	Yes	Individual Consideration
D	Individual Consideration	No	No
	Class A	Periodic Reevaluation	Limited License
A	Yes	No	No
B	Individual Consideration	Yes	Yes
C	Individual Consideration	Yes	Yes
D	No	Yes	Yes

Cite as Ga. Comp. R. & Regs. R. 375-3-5-.07
Authority: Authority O.C.G.A. Secs. 40-5-4, 40-5-34.
History. Original Rule entitled "Respiratory Function" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-5-.08. Vision.

(1) Certain cases of poor function in visual acuity, visual fields, ocular mobility, dark adaptation, and color blindness will cause the individual to be reviewed under this section.

(a) Visual acuity should be recorded using the Snellen notation.

(b) Individuals with visual acuity of at least 20/60 corrected or uncorrected, in at least one eye or better and a horizontal field of vision with both eyes open of at least 140 degrees or, in the event that one eye only has usable vision, horizontal field of vision must be at least 70 degrees temporally and 50 degrees nasally.

(c) Individuals with visual acuity less than 20/60 but better than 20/200 using spectacles, contact lenses, or the carrier portion of the bioptic spectacles shall be considered eligible for a driver's license if not otherwise disqualified from having a driver's license under the following provisions:

1. The person can attain a visual acuity of at least 20/60 through utilizing bioptic telescopes;

2. The telescopes are prescribed by a licensed optometrist or ophthalmologist;

3. The person presents documentation of having satisfactorily completed training in the use of the bioptic telescope as certified by the prescribing doctor;

4. The person completes a standard driver's education course while using the bioptic telescopes prior to the on-the-road evaluation;

5. The person present documentation from the prescribing doctor; proof of completing a standard driver's education course to the Department of Driver Services certified driver's license examiner at the time of the on-the-road evaluation; satisfactorily completes any recommended training in driving while using bioptic telescopes from the Department of Driver Services examiner; and, passes a written and driver's test examination at the exam station.

(d) Any person who is licensed to drive using bioptic telescopes shall be subject to restrictions placed on his or her license as determined or recommended by the prescribing optometrist or ophthalmologist or the Department of Driver Services driver's license examiner.

(e) Any recommended restrictions shall be reported to the Department in writing and presented to the examiner at the time the person appears for a driver's license examination.

(f) Restrictions may include the following:

1. Daylight driving only;
2. Outside rear-view mirrors;
3. Certain area;
4. Time restrictions;
5. No interstate driving;
6. Yearly reevaluations by an optometrist or ophthalmologist;

   and

7. Other such restrictions deemed appropriate.

(g) Any restrictions imposed shall be subject to review and reconsideration after one year by completing all of the steps described in subparagraphs 1. through 5. of paragraph (c), which may include completing any additional testing under special conditions, as determined by the optometrist or ophthalmologist.

(h) The user of a bioptic telescope shall be required every two years to renew his or her driver's license, be reevaluated by an optometrist or ophthalmologist and pass the driver's road test examination administered by the Department of Driver Services.

(i) The user of a bioptic telescope, in addition to paragraph (h), is required to present to the Department of Driver Services, at time of renewal, a certification by the optometrist or ophthalmologist, that the user's visual acuity, visual field, and eye health remain stable.

(j) In the event changes in vision are determined, the person's driver's license shall expire and the person must successfully repeat all of the steps described in paragraphs (b) through (e).

(2)

(a) Any person applying for a license to operate a commercial motor vehicle as defined in O.C.G.A. § 40-5-142, who is not required to obtain a commercial driver's license to operate such vehicle, and who has lost some or all of the vision in one (1) eye may be exempted from the vision standard set forth in paragraph (1)(b) of this regulation by providing the Department with medical evidence

satisfactory to the Department that said applicant's visual acuity in the other eye is at least 20/40 corrected or uncorrected. Said medical evidence shall include the following a signed statement on letterhead from an ophthalmologist or optometrist who has examined the applicant within three (3) months of the date of the application which:

1. Identifies and defines the nature and duration of the vision deficiency;
2. States the date of examination;
3. Certifies that the visual deficiency is stable;
4. Identifies the visual acuity of each eye, corrected and uncorrected;
5. Identifies the field of vision of each eye, including central and peripheral fields, testing to at least 120° in the horizontal. (Formal perimetry is required. The doctor must submit the formal perimetry for each eye and interpret the results in degrees of field of vision.);
6. Identifies if the applicant has the ability to recognize the colors of traffic control signals and devices showing red, green, and amber; and
7. Certifies that in his/her medical opinion, the applicant has sufficient vision to perform the driving tasks required to operate a commercial vehicle.

(b) An exemption may be issued for a maximum of 2 years, but may be renewed at the discretion of the Department.

Cite as Ga. Comp. R. & Regs. R. 375-3-5-.08
Authority: Authority O.C.G.A. Secs. 40-5-4, 40-5-27, 40-5-34.
History. Original Rule entitled "Vision" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. Oct. 13, 2010; eff. Nov. 2, 2010.

Rule 375-3-5-.09. Medical Review Procedures for Persons Believed to be Incompetent or Unqualified.

(1) No license shall be issued to or retained by any person who is unable to safely operate a motor vehicle due to:

(a) a disorder characterized by lapses of consciousness;

(b) a mental or physical disability affecting the ability to drive safely; or

(c) an addiction to alcohol or drugs to the extent that such person is incompetent to operate a motor vehicle.

(2) Upon receipt of a report that a person with a disability or disorder defined in paragraph (1) (a) through (c) may be unqualified to be licensed, the Department may obtain the advice of the Driver License Advisory Board. Such review by the Driver License Advisory Board may also be requested by the licensee. The Board may base its advice on records and reports provided by the department, an examination and report made by a Board member or other qualified person designated by the Board, or a written report provided by a licensed physician chosen by licensee. The submission of such reports shall be without expense to the State or the Department.

(3)

(a) Whenever the Department has good cause to believe a licensee is incompetent or unqualified to safely operate a motor vehicle, the licensee shall be required to submit to an examination at the nearest driver's license facility within ten (10) days of receipt of written notice from the Department. Based upon the results of the examination, the Department may revoke the license or issue a license with the appropriate restrictions. If the licensee does not comply with the Department's request to submit to an examination, then the driver's license shall be revoked.

(b) Whenever the Department receives a Request for Driver Review (form DDS-270), the Department shall conduct an investigation to determine whether the licensee is qualified to be licensed.

(i) After the completion of said investigation, the Department shall determine whether there is evidence to support the allegation that the licensee is unqualified to be licensed. If the investigation does not substantiate the allegations, no further action shall be taken by the Department.

(c) If the Department shall determine that there is evidence to support the allegation that the licensee is unqualified to be licensed, the Department shall send the licensee a notice containing the following information:

(i) That a licensee unable to drive safely due to a disability and/or disorder as provided in paragraph (1)(a) through (c) may not retain a driver's license under Georgia Law;

(ii) That a question has arisen as to the licensee's capacity to drive;

(iii) That enclosed medical report forms must be completed by a licensed physician of the licensee's choice and returned by the physician directly to the Department within thirty (30) days of receipt;

(iv) That, after review of the medical reports, the Department will make a determination of whether to allow such licensee to retain their driver's license, add restrictions to their driver's license, or impose a revocation of the license;

(v) That the letter may be considered that licensee's authority to drive pending subsequent notification from the Department of Driver Services that their driver's license has been retained, retained with restrictions, or revoked;

(vi) That, should the licensee fail to submit completed medical reports to the Department within thirty (30) days, their driver's license shall be revoked and they shall be deemed to have waived their right to appeal the revocation of the driver's license.

(4) If the Department has not received completed medical reports from the licensee within thirty (30) days, their driver's license shall be revoked and they shall be deemed to have waived their right to appeal or otherwise contest the revocation.

(5) The Department may, upon good cause shown, extend the time periods established above. The Department's decisions in this regard shall be final and not subject to review.

(6) After receipt of the recommendation of the Driver License Advisory Board, where applicable, and any other pertinent information, the Department shall notify the licensee, by mail, of the retention, retention with restrictions, or revocation of his driver's license. As the Department is authorized by statute to impose any restrictions which it may determine are appropriate to assure the safe operation of any motor vehicle by the licensee, no appeal shall be granted regarding the Department's decision to impose restrictions on a person's driver's license. If the driver's license is revoked, the licensee may appeal that revocation as provided hereinafter.

(7) The licensee may, within fifteen (15) days of receipt of notice of revocation, request a hearing by a designated hearing officer of the Department. Such request must be made in accordance with the appeal requirements in Ga. Comp. R. & Regs. R. 375-1-1-.06 and received by the Department within the 15-day period specified. If no request for hearing is received within the 15-day time period, the licensee shall be considered to have waived their right to a hearing and to appeal the revocation of their driver's license. The notice of revocation shall advise the driver of this requirement.

(8) The hearing and appeal procedures shall be as specified in Ga. Comp. R. & Regs. R. 375-1-1-.06.

(9) The department is authorized to revoke the license of a licensee without a preliminary examination or hearing upon a recommendation by a court or prosecutor, or upon a showing by the records of the department, that the licensee is unable to drive safely due to a disability and/or disorder as provided in paragraph (1)(a) through (c).

(10) Once a licensee is found to be physically and/or mentally qualified, the Department shall require such person to present an application for a new license and complete the applicable knowledge and/or skills tests for issuance of a driver's license. Any person who fails an applicable skills or knowledge test may make another attempt at such test in

the time intervals established in Ga. Comp. R. & Regs. R. 375-3-1-.12. Notwithstanding the foregoing, if a person successfully completes the knowledge test(s) but does not take or fails the applicable skills test(s), they may be issued an instructional permit in the applicable license class.

Cite as Ga. Comp. R. & Regs. R. 375-3-5-.09
Authority: O.C.G.A. §§ 40-5-1(16), 40-5-4, 40-5-34, 40-5-35, 40-5-59, 40-5-62(a)(4).
History. Original Rule entitled "Incapacitated Drivers; Procedure" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. Mar. 30, 2012; eff. Apr. 19, 2012.
Amended: New title "Medical Review Procedures for Persons Believed to be Incompetent or Unqualified." F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-3-5-.10. Applicants-Physical and Mental Conditions.

(1) Whenever the Department has reason to believe that an applicant is physically or mentally incompetent to operate a motor vehicle, the applicant shall be given a medical report form which must be completed by a licensed physician of the applicant's choice and returned by the licensed physician directly to the Department before the application will be taken under consideration by the Department. The submission of such reports is to be without expense to the State.

(2) Upon receipt of the completed medical report forms, the Department may send copies of the same to a licensed physician on the Driver License Advisory Board. to the licensed physician shall review each applicant's report and make recommendations to the Department. If necessary to aid in its evaluation, the Board may request that further information be supplied by the applicant, or that the applicant submit to a re-examination by a medical specialist within the applicant's geographical area. If re-examination by a specialist is required, the applicant shall be given a list of approved specialists from which to choose for re-examination and additional medical report forms, which are to be sent directly by the specialist to the Department. The Department will then route the specialist's report as outlined for the original medical reports. Submission of specialists' reports is to be without cost to the State.

(3) If either the original medical reports or any supplemental specialist's reports shall confirm the applicant's failure to meet the State's visual standards, the Department shall not approve the application for driver's license and shall so advise the applicant.

(4) If upon receipt of the Driver License Advisory Board's recommendation or other pertinent information, the Department decides to disapprove the application for driver's license, the applicant shall be advised of this decision and the opportunity for a hearing as provided in Ga. Comp. R. & Regs. R. 375-1-1-.06.

(5) An applicant with a physical impairment that the Department believes requires special consideration for safe driving, may be given the driver's license examination and be

issued a driver's license that is restricted in use according to the requirements of Ga. Comp. R. & Regs. R. 375-3-1-.04.

Cite as Ga. Comp. R. & Regs. R. 375-3-5-.10
Authority: O.C.G.A. §§ 40-5-4, 40-5-34, 40-5-35.
History. Original Rule entitled "Applicants - Physical and Mental Condition" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. Aug. 12, 2020; eff. Sept. 1, 2020.

Subject 375-3-6. IGNITION INTERLOCK DEVICES.

Rule 375-3-6-.01. Organization.

The Ignition Interlock Device Program shall be administered by the Director of the Regulatory Compliance Division of the Department of Driver Services, and such additional staff as the Commissioner deems necessary for the efficient operation of the program.

Cite as Ga. Comp. R. & Regs. R. 375-3-6-.01
Authority: O.C.G.A. §§ 40-16-1, 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101.
History. Original Rule entitled "Organization" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. July 19, 2018; eff. August 8, 2018.

Rule 375-3-6-.02. Duties and Responsibilities.

(1) The Regulatory Compliance Division shall administer the Ignition Interlock Device program as specified in Title 42, Chapter 8, Article 7 of the Official Code of Georgia Annotated; develop the certification of Ignition Interlock Devices and service providers; and initiate the administrative procedures as specified in O.C.G.A. Title 42, Chapter 8.

(2) The Regulatory Compliance Division shall develop all documents and procedural guidelines necessary to implement, complete and manage the ignition interlock program.

Cite as Ga. Comp. R. & Regs. R. 375-3-6-.02
Authority: Authority O.C.G.A. Sec. 42-8-110*et seq.*
History. Original Rule entitled "Duties and Responsibilities" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-6-.03. Definitions.

The following words, whenever used, shall have the same meaning as defined below when used in this chapter:

(a) "Cancellation" - the termination of a provider center's certification because of some error or defect in the certification or because the provider center is no longer entitled to such certification. This formal action is taken by the Department and is without prejudice. The applicant may apply for certification at any time after the cancellation, once the defect is cured.

(b) "Circumvention and Tampering" - an overt, conscious attempt to bypass the device by:

1. Providing samples other than the natural unaltered breath of the user;

2. Failing to provide the required breath sample when requested by a random moving retest;

3. Starting the vehicle without using the ignition switch, or any other act intended to start the vehicle without first taking and passing a breath test;

4. Physically tampering with the device to disable or otherwise disconnect the device from its power source.

(c) "Certification" - the formal acceptance by the Department of a provider center or device.

(d) "Department" - the Department of Driver Services.

(e) "Ignition Interlock Device" or "Device" - an instrument that provides a constant monitoring system designed to prevent a driver from operating a motor vehicle with a blood alcohol concentration of more than 0.02 grams percent.

(f) "Provider Center" - a facility established for the purpose of providing, installing and maintaining an ignition interlock device.

(g) "Revocation of certification" - the termination by formal action by the Department of a provider center's certification to install, operate or distribute devices in this State.

(h) "Suspension of certification" - the temporary withdrawal by formal action by the Department of a provider center's certification, which temporary withdrawal shall be for a period specifically designated by the Department.

(i) "User" - any person who, by operation of law or court order, may operate a motor vehicle only if that vehicle is equipped with an ignition interlock device and has had such a device installed in that vehicle.

Cite as Ga. Comp. R. & Regs. R. 375-3-6-.03
Authority: Authority O.C.G.A. Sec. 42-8-110*et seq.*
History. Original Rule entitled "Definitions" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-6-.04. Provider Center Certification.

(1) To be certified by the Department, a provider center must:

(a) Reserved;

(b) Maintain a provider service center which is easily accessible and open during normal business hours;

(c) Lease or purchase any ignition interlock device certified by the Department;

(d) Install when required by the Department or court an ignition interlock device that has been certified by the Department;

(e) Repair or replace at its own expense any device that is found to be malfunctioning; however, any expense incurred by a provider center because of any user mistreatment shall be the responsibility of the user;

(f) Provide to the user proof of installation of the device, utilizing a form prescribed by the Department;

(g) Require proof that the Department or the court has authorized de-installation of the device before removing the device from a vehicle;

(h) Provide to the Department or the sentencing court, upon request, all information or documentation regarding the purchasing, installation, maintenance, suspected or known acts of tampering or circumventing the device, or removal of a required ignition interlock device from a user's vehicle;

(i) Charge reasonable fees for installation, removal and monitoring of the device as follows:

1. Such fees shall not exceed:

(i) $75.00 for each installation, de-installation, or secured deposit of a device, and

(ii) $75.00 for each inspection and recalibration of an installed device every 30 days;

2. At the time of device installation, a provider center may charge an installation fee and may collect a security deposit. No installation or monitoring fee shall be charged to the user prior to providing to the user such service.

(j) Inspect and recalibrate each installed device every thirty (30) days as measured from the installation date to ensure proper operation;

(k) Place a warning label on each device as specified below:

Warning Any user who knowingly or through negligence allows the act of tampering or circumventing the use of this device shall be guilty of a misdemeanor and may be subject to all civil liabilities attached to this act. A misdemeanor is punishable by a fine of not more than one-thousand (1,000) dollars and/or up to twelve (12) months of imprisonment, or both.

(l) Provide the user with oral and written instructions as to the proper use of the device which will include the administrative requirements that must be met by the user to ensure the proper operation of the device;

(m) Report any device that exhibits signs of circumvention or tampering to the court ordering use of the device. This report shall be in writing and directed to the proper authority that required the installation of the device within five (5) days from the date of discovery.

(2) The Department may deny, cancel, suspend or revoke a provider center's certification if the provider center:

(a) Voluntarily requests such action be taken;

(b) Provides false or inaccurate information to the Department or court relating to the installation of a device;

(c) Assists in or provides information that will enable the user to circumvent or tamper with a device;

(d) Violates the provisions contained in the rules and regulations of this Department.

Cite as Ga. Comp. R. & Regs. R. 375-3-6-.04
Authority: Authority O.C.G.A. Sec. 42-8-110*et seq.*
History. Original Rule entitled "Provider Center Certification" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-6-.05. Device Certification.

(1) To be certified by the Department, an interlock device must meet the following general and technical requirements:

(a) General Requirements.

1. The device shall be manufactured by a party who will provide liability insurance;

2. The device shall be backed by a company that can provide a focal point of responsibility for the maintenance and service of such device.

(b) Technical requirements.

1. The Department, as a condition of certification, shall require proof that the device meets or exceeds model federal standards for alcohol ignition interlock devices as approved by the National Highway Traffic Safety Administration and published in Volume 57, Number 67 of the Federal Register on April 7, 1992 (57 Fed. Reg. 11,772 (1992)).

2. The commissioner of the Department may utilize information from an independent agency to certify ignition interlock devices on or off the premises of the manufacturer in accordance with rules and regulations promulgated pursuant to this article. The cost of certification shall be borne by the manufacturers of the ignition interlock device.

(2) The Department shall maintain a list of manufacturers and the brand name of the devices that have been certified. This list shall be made available to all certified provider centers.

(3) The Department may cancel, suspend or revoke certification of a device, and remove it from the list of certified devices for the following reasons:

(a) Defects in design, materials or workmanship causing repeated failures of a device;

(b) Termination or cancellation of a manufacturer's liability insurance;

(c) When device is discontinued by manufacturer;

(d) Voluntary request by a manufacturer to cancel certification of a device;

(e) When materially false or inaccurate information is provided relating to a device's performance standards;

(f) Assisting certified provider centers or users in circumventing or tampering with a device;

(g) Violations of the provisions contained in the rules and regulations of the Department.

Cite as Ga. Comp. R. & Regs. R. 375-3-6-.05
Authority: Authority O.C.G.A. Sec. 42-8-110*et seq.*
History. Original Rule entitled "Device Certification" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-6-.06. Responsibilities of the Manufacturer of the Ignition Interlock Device.

(1) Indemnification. A vendor and manufacturer shall indemnify and hold harmless the State of Georgia, the Department and its officers, employees and agents from all claims, demands, actions and costs whatsoever that may arise, directly or indirectly, out of any act or omission by the manufacturer.

(2) A manufacturer shall carry product liability insurance with minimum liability limits of one million (1,000,000) dollars per occurrence, with three million (3,000,000) dollars aggregate total. The liability insurance shall include coverage for defects in product design and materials as well as in the manufacturing, calibration, installation and removal of devices. The proof of insurance shall include a statement from the insurance company that thirty (30) days notice will be given to the Department before cancellation of the insurance. The manufacturer must provide documentation of the insurer's authorization to transact business in the State of Georgia.

(3) Modifications. A manufacturer shall notify the Department in writing of any material modifications or alteration in the components, design or installation and operating instructions of any device approved for use in this State. This notification shall also include satisfactory proof that these modifications or alterations do not adversely affect the ability of the device to satisfy the requirements of Section 375-3-6-.05.

(4) Upon request, the manufacturer shall make available to the city or county government or provider center a qualified service representative to demonstrate the product and provide the specifications and operational characteristics of the device.

(5) The manufacturer shall make available, whether leased or purchased to a certified provider, a device that has met all the requirements specified by the Department for certification. In no event shall a device be substituted, delivered, or offered to a provider that does not meet these requirements.

(6) The manufacturer shall instruct each provider center in the proper installation, calibration, maintenance and reading of the data stored in the device; to include, the recognition of techniques used in circumventing or tampering with the device and all other techniques, conditions or procedures necessary for the installation, maintenance, evaluation and operation.

(7) The manufacturer shall provide to the lessor or buyer of a device a manufacturer's warranty of at least one (1) year which will cover all maintenance and service required under normal use. If a device is no longer covered by a warranty and must be restored to an operational status, the manufacturer may charge a fee that is reasonable. The warranty or service work must be performed and returned to the provider center expeditiously.

Cite as Ga. Comp. R. & Regs. R. 375-3-6-.06
Authority: Authority O.C.G.A. Sec. 42-8-110*et seq.*

History. Original Rule entitled "Responsibilities of the Manufacturer of the Ignition Interlock Device" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-6-.07. Denial and Withdrawal of Authority of Provider Centers or Devices.

The Department may deny, suspend, cancel or revoke the certification of any provider center or device for any violation of the law, rules or regulations relating to the Ignition Interlock Program:

(1) The affected provider center shall not operate in any capacity while under any cancellation, suspension or revocation;

(2) The cancellation, suspension or revocation becomes effective on the date indicated by the Department's order;

(3) After cancellation, suspension, revocation or voluntary surrender of an approval, a provider center shall remain responsible for the removal of all devices from customers' vehicles. A provider center shall be responsible for any costs connected with the removal of its devices from the customer's vehicle and the installation of a new device from the Department's list of approved devices.

(4) The provider center may request a hearing as prescribed in Ga. Comp. R. & Regs. R. 375-1-1-.06.

Cite as Ga. Comp. R. & Regs. R. 375-3-6-.07
Authority: O.C.G.A. §§ 42-8-110*et seq.*, 43-12A-9.
History. Original Rule entitled "Denial and Withdrawal of Authority" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: New title "Denial and Withdrawal of Authority of Provider Centers or Devices." F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-3-6-.08. Ignition Interlock Provider Appeal.

A provider center may request a Departmental hearing pursuant to Ga. Comp. R. & Regs. R. 375-1-1-.06.

Cite as Ga. Comp. R. & Regs. R. 375-3-6-.08
Authority: O.C.G.A. §§ 42-8-110, 43-12A-1*et seq.*
History. Original Rule entitled "Hearing Procedures" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: New title "Ignition Interlock Provider Appeal." F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-3-6-.09. Pending Charges Against Provider Center Applicants.

1. If at the time of application the applicant is charged with any offense that a conviction for which would result in said applicant's ineligibility for certification, consideration of the application shall be suspended until entry of a plea or verdict or dismissal of said charge.

2. If after the issuance of a permit a person is charged any offense that a conviction for which would result in said applicant's ineligibility for certification, the permit may be suspended pending disposition of such charge. If the person is convicted of such charge, the permit shall be revoked.

Cite as Ga. Comp. R. & Regs. R. 375-3-6-.09
Authority: O.C.G.A. § 43-12A-9.
History. Original Rule entitled "Pending Charges Against Provider Center Applicants" adopted. F. Dec. 6, 2013; eff. Dec. 26, 2013.

Subject 375-3-7. SAFETY RESPONSIBILITY.

Rule 375-3-7-.01. Organization.

The Director of the Regulatory Compliance Division of the Department of Driver Services, and such additional staff as the Commissioner deems necessary, shall administer the laws regarding Safety Responsibility prescribed in "Motor Vehicle Safety Responsibility Act".

Cite as Ga. Comp. R. & Regs. R. 375-3-7-.01
Authority: O.C.G.A. §§ 40-16-1, 40-5-4, 40-9-1, 40-9-2, 40-9-3, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101.
History. Original Rule entitled "Organization" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. July 19, 2018; eff. August 8, 2018.

Rule 375-3-7-.02. Vehicle Driven Without Owner's Permission.

Pursuant to Georgia Code 40-9-34(7), the requirements of security under 40-9-32 shall not apply to the owner of a vehicle if at the time of the accident the vehicle was being operated without their permission, express, or implied, or was parked by a person who had been operating such vehicle without such permission. The Department may accept as evidence of the above a verified stolen car report on file with a law enforcement agency or any other evidence that the Department deems sufficient.

Cite as Ga. Comp. R. & Regs. R. 375-3-7-.02
Authority: Authority O.C.G.A. Sec. 40-9-1*et seq.*
History. Original Rule entitled "Vehicle Driven Without Owner's Permission" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-7-.03. Safety Responsibility Appeals/Hearings.

If a hearing is requested on any action taken by the Safety Responsibility Unit, whether or not it is subject to review under the Administrative Procedure Act, the hearing shall be held in accordance with the Ga. Comp. R. & Regs. R. 375-1-1-.06.

Cite as Ga. Comp. R. & Regs. R. 375-3-7-.03
Authority: O.C.G.A. § 40-9-1*et seq.*
History. Original Rule entitled "Departmental Hearings" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: New title "Safety Responsibility Appeals/Hearings." F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-3-7-.04. Contents of Demand for Security.

Whenever security is required to be furnished under "The Motor Vehicle Safety Responsibility Act" the Department may evaluate any or all of the following to determine the amount of security required:

(a) A notarized affidavit, (Form DDS-202), executed by the owner of the damaged property or if for personal injury, a notarized affidavit from the injured party along with personal injury affidavit and physician's report, a copy of the individual's accident report (DDS-190), upon request, and a copy of the investigating officer's report of the accident. If the accident was not investigated, a statement advising of such fact will also be required and an itemized estimate of damages, Loss and Salvage Report if vehicle was a total loss. Claim must be filed within one year from date of an accident.

(b) A judgment against the licensee, or owner of the vehicle. Judgment must state name of defendant, date of accident, amount of judgment, that judgment is final, that it is unsatisfied, that time for appeal has expired, and must have signature and seal of clerk.

(c) A certification from a foreign jurisdiction that the operating privilege of a licensee of this State has been suspended or revoked for failure to show proof of financial responsibility to cover damages arising out of a motor vehicle accident.

Cite as Ga. Comp. R. & Regs. R. 375-3-7-.04
Authority: Authority O.C.G.A. Sec. 40-9-1*et seq.*
History. Original Rule entitled "Contents of Demand for Security" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-7-.05. Security.

The Department will accept as security under "The Motor Vehicle Safety Responsibility Act", O.C.G.A. § 40-9-33, cash deposits and real property bonds. Cash deposits are to be made in the form of certified checks, cashiers checks, or money orders.

Cite as Ga. Comp. R. & Regs. R. 375-3-7-.05
Authority: Authority O.C.G.A. Sec. 40-9-1*et seq.*
History. Original Rule entitled "Security" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-7-.06. Disbursement of Security Based on Unsatisfied Judgment.

The Commissioner of the Department of Driver Services is authorized to disburse the security posted, in compliance with the provisions of the Safety Responsibility Act, upon receiving a certificate from the Clerk of any Court wherein a judgment has been obtained against the person on whose behalf the deposit was made. Such certificates should set forth the party to the litigation, time, place and date of the accident. The fact that the judgment is unsatisfied of record and that the time for appeal has expired or that the judgment has been affirmed on appeal should also be indicated. It shall be the duty of the Commissioner to immediately transmit to the Clerk of said court any cash security held by the Department to be applied to the satisfaction of said judgment and any accrued interest or court cost. Any additional security over and above the amount required to satisfy the foregoing shall be returned by the Commissioner to the depositor.

Cite as Ga. Comp. R. & Regs. R. 375-3-7-.06
Authority: Authority O.C.G.A. Sec. 40-9-1*et seq*.
History. Original Rule entitled "Disbursement of Security Based on Unsatisfied Judgment" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-7-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-3-7-.07
Authority: O.C.G.A. §§ 40-5-4, 40-5-56.
History. Original Rule entitled "Safety Responsibility Forms" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Repealed: F. Jan. 30, 2020; eff. Feb. 19, 2020.

Subject 375-3-8. ACCESS FOR MOTOR VEHICLE RECORDS.

Rule 375-3-8-.01. Access to Driver History Record Information for Law Enforcement Agencies and Fire Departments for Employment Purposes.

A law enforcement agency or fire department operated by the State of Georgia or any political subdivision thereof may apply for and obtain access to driver history record information regarding any employee of the agency or applicant for employment with the agency. Access shall be obtained by submitting a request to, and subject to approval by, the Department of Driver Services and in accordance with a contract with the Georgia Technology Authority for such access. No fee shall be charged to the agency or department if the record is accessed electronically.

Cite as Ga. Comp. R. & Regs. R. 375-3-8-.01
Authority: O.C.G.A. §§ 40-5-2(f)(4), 40-5-2(d)(1).
History. Original Rule entitled "Access to Driver Record Information for Law Enforcement Agencies and Fire Departments for Employment Purposes" adopted. F. Sept. 11, 2002; eff. Oct. 1, 2002.
Amended: F. July 19, 2016; eff. August 8, 2016.

Rule 375-3-8-.02. Access to Driver History Record Information for State Agencies, Municipalities, Counties, and Public Boards of Education for Employment Purposes.

A state agency, municipal government, county government, or school board of a municipality or county may apply for and obtain access to driver history record information regarding any employee or applicant for employment who has given written consent for such access. Access shall be obtained by submitting a request to, and subject to approval by, the Department of Driver Services and in accordance with a contract with the Georgia Technology Authority for such access. No fee shall be charged to the agency or department if the record is accessed electronically.

Cite as Ga. Comp. R. & Regs. R. 375-3-8-.02
Authority: O.C.G.A. §§ 40-5-2(c)(1)(A), 40-5-2(c)(1)(E), 40-5-2(d)(1).
History. Original Rule entitled "Access to Driver Record Information for State Agencies, Municipalities, Counties, and Public Boards of Education for Employment Purposes" adopted. F. Apr. 16, 2003; eff. May 6, 2003.
Amended: F. June 10, 2016; eff. June 30, 2016.

Rule 375-3-8-.03. Access to Driving Record Information.

(1) Driving record information maintained by the Department pursuant to O.C.G.A. § 40-5-2 and personal information contain therein shall not be released to anyone except upon the written permission of the licensee who is the subject of the record or as otherwise permitted by the aforementioned statute, applicable federal law including, but not limited to the Driver's Privacy Protection Act of 1994, 18 U.S.C. § 2721, et seq., or as otherwise provided by law. Notwithstanding the foregoing, the Department may confirm or verify the status of a driver's license or permit to anyone without the written consent of the driver.

(2) Unless submitted electronically or in person, requests for driver's records must be accompanied by the specified fee, addressed to the Department of Driver Services, Motor Vehicle Records Unit, P.O. Box 804477, Conyers, Georgia 30013.

(3) The written authorization required herein or otherwise by law may be submitted on a form promulgated by the Department. Said written authorization must include the following information about the driver: first name, last name, date of birth, and driver's license number. The Department shall not release any driving record information unless all of the aforementioned information matches the licensee's driving record exactly. Said authorization also must specify the person or persons to whom the record or information contained therein may be given, including, but not limited to any third party that is authorized to obtain said information on behalf of the person or entity to whom said consent is given. The burden of proving authorization rests solely upon the person requesting the record.

(4) The authority granted by a licensee for the release of a record shall include a period not to exceed sixty (60) days, unless the authorization granted by the licensee allows for a longer period or upon renewal of the authorization by the licensee.

(5) Upon obtaining a Driver's Record from the Department, no person shall transfer the record, a copy or the contents thereof, nor use the record of the contents thereof for any purpose not specified in the authorization or permitted by these rules or by law.

(6) Any person purchasing a driving record pertaining to himself or herself or any other person shall review the driving record provided to him or her to verify that it is for the correct licensee and for the period of time requested. Upon completing this review, such person shall acknowledge receipt of the driving record on a form prescribed by the Department.

(7) Any person appearing in person to purchase the driving record of a licensee other than himself or herself, including a person appearing on behalf of a corporation, must show a government issued form of identification bearing his or her photograph.

(8) In the event that an adverse decision is based upon driving record information obtained from the Department, the party obtaining said information shall inform the named licensee of all information pertinent to the decision upon request, including, but not limited to specific information contained within the driving record and otherwise comply with the requirements of the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq.

(9) Improper, false, fraudulent, or invalid conviction information may be removed from the driving record of a licensee upon receipt of satisfactory proof from the court from which said conviction was submitted or as otherwise approved by the Commissioner. The Commissioner's determination in this regard shall be deemed final.

Cite as Ga. Comp. R. & Regs. R. 375-3-8-.03
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 40-5-2.
History. Original Rule entitled "Access to Driving Record Information" adopted. F. Dec. 18, 2003; eff. Jan. 7, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Amended: F. May 16, 2008; eff. June 5, 2008.
Repealed: New Rule of same title adopted. F. Apr. 23, 2009; eff. May 13, 2009.
Amended: F. Mar. 18, 2011; eff. Apr. 7, 2011.
Amended: F. Apr. 12, 2018; eff. May 2, 2018.

Rule 375-3-8-.04. Bulk MVR Access and Certification.

Definitions:

(1) Words, whenever used in this Chapter, shall have the same meaning as ascribed to them in Chapter 5 of Title 40 of the Official Code of Georgia Annotated unless otherwise defined in the rule of which they are part.

(2) The following words and phrases, whenever used in this Chapter, shall have the meaning as in this section ascribed to them unless where used in the context thereof shall clearly indicate to the contrary or unless otherwise defined in the section of which they are part.

(a) **Auditor:** Shall include Georgia Technology Authority (GTA), Department Driver Services (DDS), the Georgia Department of Audits and Accounts, and their respective representatives.

(b) **Bulk Entity:** Refers to organizations, businesses, agencies, local, federal and state governments that have been authorized as Bulk Users/Requestors by the Department of Driver Services.

(c) **Bulk Requestor:** Shall mean an entity authorized as a Bulk Requestor by the Department of Driver Services as evidenced by having on site a valid copy of the entity's Bulk Requestor Authorization obtained from the Department of Driver Services. Bulk Requestors can request MVRs only to distribute to other Bulk Users and cannot retain copies of any MVRs requested. The Requestor shall not share, sell or otherwise disseminate any information included in the Motor Vehicle Report to any other person or company except its Users.

(d) **Bulk User:** Shall mean an entity authorized as a Bulk User by the Department of Driver Services as evidenced by having on site a valid copy of the entity's Bulk User Authorization obtained from the Department of Driver Services. Bulk Users can only request MVRs for the User's exclusive use and explicitly authorized purpose. The User shall not share, sell or otherwise disseminate any information included in the Motor Vehicle Report to any other person or company.

(e) **Credit:** One type of MVR purpose as defined by the Department. This report can be requested and obtained for credit purposes in accordance with the Fair Credit Reporting Act. The information for this purpose of request includes name, DOB, address, license number and license status.

(f) **Department:** Shall mean the Department of Driver Services (DDS) of the State of Georgia.

(g) **Employment:** One type of MVR purpose as defined by the Department. A requestor can ascertain copies of driver records for employment purposes. Each company must have written consent on file from the individual to request the driver record. The information for this purpose of request includes name, DOB, address, license number, license type/class, descriptions/dates, and other information deemed applicable by the Department.

(h) **Georgia Technology Authority:** Shall mean the Georgia Technology Authority (GTA) of the State of Georgia.

(i) **Insurance:** One type of MVR purpose as defined by the Department. Insurance companies and/or insurance support organizations can request Motor Vehicle

Reports for the purposes specified in S.B. 69. The information for this purpose of request includes name, DOB, status, citation descriptions, suspension descriptions/dates, and other information deemed applicable by the Department.

(j) **Limited Rating Information:** One type of MVR purpose as defined by the Department. Only insurance agents can request the limited rating report. This information for this purpose of request includes name, DOB, license number, and status. A LRI report also consists of a summary of the number of violations relating to driving under the influence of alcohol, drugs, or other intoxicating substances, and the number and type of other moving traffic violations which were committed by the proposed insured driver or drivers.

(k) **Insurance-Support Organization (ISO):** Shall mean any Person, including its successors and assigns, who regularly engages, in whole or in part, in the practice of assembling or collecting information about natural persons for the primary purpose of providing the information to an Insurer for processing insurance transactions.

(l) **Insurer:** Shall mean any Person engaged as indemnitor, surety, or contractor who issues insurance, annuity or endowment contracts, subscriber certificates, or other contracts of insurance by whatever name called.

(m) **Insurer's Agent:** Shall mean any Person appointed or employed by an insurer who solicits insurance or procures applications for insurance; who in any way, directly or indirectly, makes or causes to be made any contract of insurance for or on account of an insurer; or who as representative of an insurer receives money for transmission to the insurer for a contract of insurance, anything in the application or contract to the contract notwithstanding, and who has on file with the Commissioner of Insurance a certificate of authority from each insurer with who the agent places insurance.

(n) **Person:** Shall mean any natural person, corporation, limited liability company, limited liability partnership, general partnership, limited partnership, trust, association, or other legal person of entity of any kind, legal constituted.

(o) **Rental Car Agency:** Agencies that maintain their own insurance division can ascertain MVRs for insurance purposes. These insurance divisions are certified by the Insurance Commissioner to ensure their vehicles and handle their own claims.

(p) **Revocation:** Shall mean the termination of Certification by formal action of the Department, which Certification shall not be subject to renewal or restoration, except that an application for new Certification may be presented to and acted upon by the Department after the expiration of the full Certification period of time prescribed by the Department.

(q) **Suspension:** Shall mean the temporary withdrawal of Certification by formal action of the Department, which temporary withdrawal shall be for a period specifically designated by the Department.

(3) Bulk Users or Requestors must pay required fees and complete an application packet.

(a) Any fees paid to Department of Driver Services and Georgia Technology Authority for certification and/or access are non-refundable.

(b) Mail the completed application package to:

Department of Driver Services

Attn: Bulk MVR

P.O. Box 80447

Conyers, GA 30013

(4) The following requirements must be met to obtain and maintain certification as a Bulk MVR Users/Requestors:

(a) The written authorization required herein or otherwise by law may be submitted on a form promulgated by the Department. Said written authorization must include the following information about the driver: first name, last name, date of birth, and driver's license number. The Department shall not release any driving record information unless all the aforementioned information matches the licensee's driving record exactly. Said authorization also must specify the person or persons to whom the record or information contained therein may be given, including, but not limited to any third party that is authorized to obtain said information on behalf of the person or entity to whom said consent is given. The burden of proving authorization rests solely upon the person requesting the record.

(b) The authority granted by a license for the release of a record shall include a period not to exceed sixty (60) days, unless the authorization granted by the licensee allows for a longer period or upon renewal of the authorization by the licensee.

(c) Upon obtaining a Driver's Record from the Department, no person shall transfer the record, a copy or the contents thereof, nor use the record the contents thereof for any purpose not specified in an agreement with the Department or the Georgia Technology Authority (GTA) or authorization or permitted by these rules or by law.

(d) Bulk MVR Users/Requestors must request a minimum of fifty (50) MVRs within a twelve-month period following the certification or recertification issue date, unless the Bulk Entity is a local, federal or state government entity.

(e) Bulk Users and Bulk Requestors may obtain electronic access to driving record information by entering into agreements with the Department and the Georgia Technology Authority. The Commissioner's signature on such an agreement between the Department and a Bulk Requestor or a Bulk User shall serve as designation as such. Bulk access agreements with the Department shall be removed every two (2) years.

(f) In lieu of providing the Department with written authorization from the licensee or otherwise demonstrating their exemption from the requirement of obtaining such authorization, Bulk Users and Bulk Requestors shall retain such records as necessary to establish the authorization for release of each licensee's driving record information and make said records available for the examination of the Department upon reasonable notice. The burden of proving the existence of such authorization or a statutory exemption therefrom shall always be upon the Bulk User and/or Bulk Requestor.

(g) Prior to obtaining driving record information on behalf of a Bulk User or other customer, each Bulk Requestor must execute a written agreement with said Bulk User that requires said Bulk User or other customer to comply with the requirements imposed upon Bulk Requestor in its agreements with the Georgia Technology Authority and the Department, this Rule and all applicable laws when obtaining and using driving record information, including, but not limited to, an express provision prohibiting further dissemination of the driving record information obtained pursuant to said agreement.

(h) All applicants for designation as a Bulk Requestor and any applicant for designation as a Bulk User that requests driving record information as part of providing a background investigation for another person or company may be considered a private detective business that must be licensed by the Secretary of State through the Georgia Board of Private Detective and Security Agencies and must produce a valid private detective agency license or verifiable documentation that it is not subject to the requirements of the "Georgia Private Detective and Security Agencies Act." O.C.G.A. 43-38-1, et seq.

(i) Notwithstanding the language in Paragraph 5, infra, the Department shall release driving record information if the electronic submission exactly matches the licensee's driver's license number and any two (2) of the remaining three (3) search criteria as they are found in the licensee's driving record.

(j) Bulk requests for driving record information are limited to the following purposes:

(i) Employment, which may include paid employees, contractors, and volunteers;

(ii) Credit;

(iii) Insurance;

(iv) Limited Rating Information; and

(v) Car Rental customers seeking access to driving records for any other purpose must submit a written request for such records by mail or in person.

(k) If an authorized Bulk User or Bulk Requestor leaves the employment of or is otherwise separated from any Bulk Entity, the Bulk Entity shall immediately notify the Department, in writing. Said notice shall contain the following information:

(i) Name of employee

(ii) User ID

(iii) Customer ID

(iv) Date of separation

(l) Certification for a Bulk Entity, User, or Requestor cannot be assigned or transferred to another Entity or person. Each Entity or person must be certified through the process outlined in DDS Rules and Regulations.

(5) Bulk Users/Requestors Entities must submit to inspection and audit by the Department.

(a) The Department is authorized to inspect and investigate Bulk MVR Users/Requestors to determine compliance with the Rules and Regulations of the Department.

(b) Bulk Users/Requestors shall agree to accommodate the Auditor(s) for an inspection, review or audit on one business day's notice and to allow on-site audits during regular business hours.

(c) Bulk MVR Users/Requestors shall maintain confidentiality when accessing customers' record.

(d) Bulk MVR Users/Requestors shall not share or divulge their login credentials with unauthorized persons.

(e) Bulk Users/Requestors shall provide the Certification Notice for inspection upon request.

(f) Maintain Bulk MVR Log - Bulk MVR Users/Requestors shall maintain either an electronic or "hard" copy Bulk MVR log. The log shall contain the following information:

i. Name as it appears on the license

ii. Date of Birth, and

iii. Driver's License #

iv. Date of Request

v. How many years requested

vi. Name of Bulk User/Requestor making the request

(g) Bulk Users/Requestors shall maintain copies of customers' written authorization for MVR requests.

(h) Customers' MVR records and Bulk MVR Log should be kept in secure file storage for 4 years before secure destruction. Electronic files shall be, at minimum, password protected.

(6) The Department shall have the authority to suspend or revoke the certification of any Bulk Users/Requestors for noncompliance with the Rules and Regulations of the Department.

(7) Any Bulk Entity or person whose certification is suspended or revoked by the Department shall have its access terminated immediately.

Cite as Ga. Comp. R. & Regs. R. 375-3-8-.04
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 40-5-2.
History. Original Rule entitled "Bulk MVR Access and Certification" adopted. F. Apr. 12, 2018; eff. May 2, 2018.

Subject 375-3-11. RESTRICTED COMMERCIAL DRIVER'S LICENSE.

Rule 375-3-11-.01. Reserved.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.01

Rule 375-3-11-.02. Reserved.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.02

Rule 375-3-11-.03. Reserved.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.03

Rule 375-3-11-.04. Reserved.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.04

Rule 375-3-11-.05. Reserved.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.05

Rule 375-3-11-.06. Reserved.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.06

Rule 375-3-11-.07. Reserved.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.07

Rule 375-3-11-.08. Reserved.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.08

Rule 375-3-11-.09. Reserved.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.09

Rule 375-3-11-.10. Reserved.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.10

Rule 375-3-11-.11. Reserved.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.11

Rule 375-3-11-.12. Reserved.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.12

Rule 375-3-11-.13. Reserved.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.13

Rule 375-3-11-.14. Reserved.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.14

Rule 375-3-11-.15. Reserved.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.15

Rule 375-3-11-.16. Reserved.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.16

Rule 375-3-11-.17. Applications for Restricted Commercial Drivers Licenses.

(1) All applications for the issuance of a restricted commercial driver's license should be submitted at least 60 days and not more than 150 days prior to receiving a restricted commercial driver's license.

(2) All items of information on the application must be completed in full or the application may be returned or rejected.

(3) An applicant must certify that during the two years preceding the CDL application date he/she:

(a) has not had more than one driver's license;

(b) has not had a license revocation, suspension, or cancellation;

(c) has not been involved in a chargeable accident;

(d) has not received any citations which would initiate a suspension, revocation, cancellation, or disqualification; and

(e) has not had more than one conviction for any violation of a serious traffic violation as defined in O.C.G.A. § 40-5-142(22).

(4) An applicant must certify that he/she has held a valid driver's license for at least one year and possesses at least one year of driving experience.

(5) An applicant must certify employment in one of the following:

(a) farm retail outlet and/or suppliers;

(b) custom harvesters;

(c) agri-chemical business;

(d) livestock feeders.

(6) No application or licensing fee will be required from applicants possessing a veteran's status license or those who have qualified through the Veteran's Administration. Such

qualification shall be submitted in writing with the form DDS-516 and must be attached to the commercial driver's license application when submitted to the Department.

(7) Out of state CDL applicants are not exempt from the $35.00 application fee unless the applicant has previously held a Georgia veteran's license and proof is shown accordingly.

(8) Upon approval of the application, the applicant may obtain a Restricted Commercial Driver's License. The Commercial Driver's License Unit will issue the Farm Service Related Industries Waiver card. The card will be issued for a continuous 180 day period. Applicants are permitted to obtain one waiver card in any twelve month period. In order for the restricted commercial driver license holder to operate a commercial motor vehicle, he/she must also possess a valid Farm Related Services Waiver card. The restricted commercial driver's license will be issued for a four year period and will allow the operation of non-commercial vehicles during this time.

(9) Holders of restricted commercial driver's license will be required to yearly submit application and fee to the Commercial Driver's License Unit. Upon receipt, the Commercial Drivers License Unit will issue a new Farm Related Service Industry card to applicants who have not been disqualified.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.17
Authority: Authority O.C.G.A. Sec. 40-5-148.1.
History. Original Rule entitled "Applications for Restricted Commercial Driver's Licenses" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-11-.18. Procedure for Changing Information on Restricted CDL.

(1) Customers who need to change the name, date of birth, gender, or Social Security number reflected on their restricted commercial driver's licenses must bring acceptable documentary evidence of such change to a customer service center for review by a license examiner. Such customers shall also execute an affidavit confirming such changes on a document promulgated by the Department.

(2) If the license examiner determines that the documents provided by a customer pursuant to paragraph (1) of this regulation are satisfactory, he or she shall forward copies of the affidavit and any supporting documents to the Commercial Driver's License Unit (CDL Unit) of the Customer Service Licensing and Records Division at Headquarters.

(3) Upon receipt of documentation from a license examiner as provided in paragraph (2) of this regulation, the CDL Unit shall confirm the changes and notify the customer that his or her request has been approved. Such approval shall be provided in writing upon documentation promulgated by the Department.

(4) Customers who receive approval documentation pursuant to paragraph (3) of this regulation shall present such documentation to a license examiner at a customer service center to obtain a new restricted commercial driver's license.

(5) The fees for such changes shall be as follows:

(a) Renewal of a restricted commercial driver's license shall be $20.00;

(b) No fee shall be charged for a restricted commercial driver's license for a veteran; and

(c) No fee shall be charged for a first change of name or address to a restricted commercial driver's license. Any subsequent changes within the same renewal period shall be $20.00.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.18
Authority: Authority O.C.G.A. Sec. 40-5-148.1.
History. Original Rule entitled "Procedure for Changing Information on Restricted CDL" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Amended: F. Sept. 22, 2009; eff. Oct. 12, 2009.

Rule 375-3-11-.19. Minimum Physical Requirements Required to Obtain a Restricted Commercial Drivers License.

(1) Applicants must comply with minimum Federal requirements as set forth in Federal Motor Carrier Safety Regulations, Sec. 391.41.

(2) Applicants must possess a valid Department of Transportation Medical Card, and may be required to submit a medical form to the Department.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.19
Authority: Authority O.C.G.A. Sec. 40-5-148.1.
History. Original Rule entitled "Minimum Physical Requirements Required to Obtain a Restricted Commercial Driver's License" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-11-.20. Driver Qualification for Restricted CDL.

(1) 21 years of age.

(2) Applicants between 18-20 years of age, upon completion of an application and approval, shall be issued a restricted commercial drivers license with a "Georgia Only" restriction.

(3) Comply with the minimum federal standards as set forth in Federal Motor Carrier Safety Regulations Sec. 391.41.

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.20
Authority: Authority O.C.G.A. Sec. 40-5-148.1.
History. Original Rule entitled "Driver Qualifications for Restricted CDL" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Rule 375-3-11-.21. Suspension of Restricted CDL.

(1) A lifetime suspension may be reduced to 10 years after an applicant furnishes proof of rehabilitation which has been approved by the Department of Driver Services.

(2) Drivers possessing a restricted commercial driver's license that is suspended, revoked or canceled shall not be issued a limited permit or probationary license to operate a restricted commercial vehicle.

(3) Nolo pleas will be recognized by the Department of Driver Services as convictions and may generate a drivers license suspension.

(4) Upon suspension of the restricted commercial driver's license, the Farm Waiver Card will also be suspended. The restricted commercial driver's license can be reinstated to operate a non-commercial vehicle. However, the Farm Waiver Card cannot be renewed until the driver meets the application requirements of 375-3-11-.17(3).

Cite as Ga. Comp. R. & Regs. R. 375-3-11-.21
Authority: Authority O.C.G.A. Sec. 40-5-148.1.
History. Original Rule entitled "Suspension of Restricted CDL" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Chapter 375-5. DRIVER TRAINING AND DRIVER IMPROVEMENT.

Subject 375-5-1. DRIVER IMPROVEMENT.

Rule 375-5-1-.01. Organization.

The Driver Improvement Program of the Department of Driver Services shall be administered by the Director of the Regulatory Compliance Division of the Department of Driver Services, and such additional staff as the Commissioner deems necessary.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.01
Authority: O.C.G.A. §§ 40-16-1, 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-83, 40-5-101.
History. Original Rule entitled "Organization" adopted. F. June 10, 2002; eff. June 30, 2002.
Amended: F. June 10, 2016; eff. June 30, 2016.
Amended: F. July 19, 2018; eff. August 8, 2018.

Rule 375-5-1-.02. Definitions.

(1) The following words and phrases, whenever used in this Chapter, shall have the meaning as in this section ascribed to them unless where used in the context thereof shall clearly indicate to the contrary or unless otherwise defined in the section of which they are part.

Applicant - Any person who has submitted an application to become a certified Driver Improvement Clinic owner or instructor.

Cancellation - The annulment or termination of a certification by formal action of the Department because of some error or defect in the certification, or because the certificate holder was not entitled to such certification. The cancellation of a certification is without prejudice, and an application for a new certification may be made at any time after such cancellation.

Certification - Written authorization from the Department to any owner or instructor at a Driver Improvement Clinic, which allows the holder to operate a clinic, or to provide instruction.

Clinic Location - Any certified location where a student receives Driver Improvement Clinic services in person.

Clinic Requirements - Any provision of state or federal law, rule, regulation, or operations guidelines of the Department; or administrative or judicial order that applies to Clinics or Instructors.

Department - The Department of Driver Services.

Instructor - Any individual who is certified by the Department to give instruction for the purpose of meeting the requirements of "The Georgia Driver Improvement Act".

Fine - A monetary punishment of up to $1,000 for each violation of the Rules and Regulations.

Online Platform - A digital service that facilitates interactions between instructors and students via the internet.

Owner - Any person who has a controlling interest and/or legal responsibility in a Driver Improvement Clinic.

Person - Any individual, agent, representative, governing or operating authority, board, organization, partnership, agency, association, corporation, or other entity, whether public or private.

Policies and Procedures - The directions, forms, and instructions established by the Department to implement these rules and regulations.

Remote Classroom - A certified program's online classroom where synchronous instruction is provided by an instructor certified by the Department.

Revocation - The permanent termination of certification by formal action of the Department.

Satellite Location - a certified program location that is separate from the main program location.

Student - Any person who has signed a Driver Improvement contract and takes the prescribed course.

Suspension - The temporary withdrawal of certification by formal action of the Department for a specific period of time.

Synchronous Instruction - Instructors and students interact using a specific online platform at a specific time.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.02
Authority: L. 1973, Act 1495, (Ga. Code Title 68D); O.C.G.A. §§ 33-9-42, 40-5-83, 40-5-88.
History. Original Rule entitled "Definitions" adopted. F. June 10, 2002; eff. June 30, 2002.
Amended: F. Feb. 20, 2003; eff. Mar. 12, 2003.
Amended: F. July 19, 2016; eff. August 8, 2016.
Amended: F. Jan. 28, 2026; eff. Feb. 17, 2026.

Rule 375-5-1-.03. Exclusions.

(1) No employee of the Department, or any immediate family member to include but not limited to a spouse, child, stepchild, parent, or stepparent of such employee, shall be an owner, operator, instructor, or employee of a Clinic.

(2) No judge, public or private probation officer, public or private probation employee or agent, bail bondsman, employee or agent of a bonding company, law enforcement or peace officer, employee of a court in this or any or any other state, or any immediate family member to include but not limited to a spouse, child, stepchild, or parent of such employee thereof, shall be an owner, operator, instructor or employee.

(3) No Person shall be certified by the Department if his or her Certification as a Clinic Owner, or Instructor could pose an actual, potential, or implied conflict of interest due to the existence of any relationship that would place such Person in a position to exert undue influence on, exploit, take undue advantage of, or breach the confidentiality of any Student or potential student.

(4) No Person who is neither a United States citizen nor a non-citizen who is lawfully present in the United States shall be certified by the Department as a Clinic Owner or Instructor.

(5) Any Clinic Owner or Instructor shall notify the Department if he or she has a change in his or her immigration status that creates an exclusion, as defined in this chapter, within five (5) business days immediately following such event. The Department may suspend, revoke, or cancel any Clinic Owner or Instructor Certification upon receipt of such notice.

(6) Any Clinic Owner or Instructor shall notify the Department if he or she, or his or her spouse, dependent child, or dependent stepchild has a change in employment status that creates an exclusion, as defined in this chapter, within five (5) business days immediately following such event. The Department may suspend, revoke, or cancel any Clinic Owner or Instructor Certification upon receipt of any such notice.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.03
Authority: O.C.G.A. §§ 40-5-80, 40-5-81, 40-5-82, 40-5-83.
History. Original Rule entitled "Department of Motor Vehicle Safety Employees and Other Members and/or Employees of the Criminal Justice System" adopted. F. June 10, 2002; eff. June 30, 2002.
Amended: New title "Department of Driver Services Employees and Other Members and/or Employees of the Criminal Justice System." F. July 19, 2016; eff. August 8, 2016.
Amended: New title "Exclusions." F. Jan. 28, 2026; eff. Feb. 17, 2026.

Rule 375-5-1-.04. Driver Improvement Clinic License.

(1) Clinic Requirements: Application

(a) Any individual, partnership, corporation, association, civic group, club, county, municipality, board of education, school, or college desiring to be licensed or certified as a Driver Improvement Clinic in the State of Georgia shall complete an application to the Department on a form prepared and furnished by the Department, which shall include:

(i) The title or name of the clinic together with complete ownership and name and addresses of directors, officers and controlling stockholders therein.

(ii) The place or places where such instruction will be given.

(b) The application by the owner, partners, officers, or controlling stockholders of any Driver Improvement Clinic shall be accompanied by two sets of fingerprints of each digit of the right and left hands, an affidavit from a state, county or city officer qualified to make such fingerprints that the fingerprints are those of the applicant(s), and a processing fee for the actual cost of processing for each set of fingerprint cards.

(c) The application by the owner, partners, officers or controlling stockholders of any Driver Improvement Clinic shall be accompanied by one photograph of the

applicant(s). The photograph shall have been taken within thirty days of the date of filing the application and must show a full view of the face, neck, shoulders, and uncovered head.

(d) The application must contain a notarized certification of the adopted business name if such business is to be conducted under an adopted business name.

(e) The applicant must submit to the Department, in addition to all other requirements, the following:

(i) Samples of any and all contracts to be used by the clinic.

(ii) Sample copies of all forms to be used by the clinic which will be furnished or delivered to its students.

(iii) Sample copies of all forms or receipts to be used by the clinic.

(iv) A list designating the full names and addresses of all instructors of the clinic.

(f) It shall be the duty and responsibility of the clinic owner(s) to submit the renewal form and all other required items at least thirty days prior to the date of expiration to the Department. Absent good cause, noncompliance will require that the owner submit an application which will be considered under the statutes, rules and regulations then in force with regard to new applicants.

(g) Every clinic shall be inspected by the respective municipal or county government to ensure compliance with fire and building requirements. Copies of these inspectional reports shall be made available upon request of the Department.

(h) It shall be the duty and responsibility of the clinic owner(s) to issue to each student who has passed the course a Certificate of Completion. Such a certificate shall only be issued to students who obtain seventy points out of a possible one hundred points on a comprehensive written examination of the course material. If the student is illiterate, the instructor may administer an oral examination in the format prescribed by the Department. Clinic owner(s) shall provide each student with a Certificate of Completion in the format prescribed by the Department for reinstatement, point's reduction, out of state reinstatement, or as required by a court. When a Certificate of Completion is issued for the purpose of reinstatement, point's reduction, out of state reinstatement, or as required by a court, the student's stated purpose for taking the course shall be appropriately noted as required by the format of the Certificate of Completion. A class roster shall be submitted to the Department within three (3) business days following the completion of the class indicating the reason(s) for taking the class. Students who are taking a class for the purpose of insurance reduction only, without any requirement by any court, Department point reduction or reinstatement purpose, or out of state reinstatement,

shall be issued a Certificate of Completion appropriately noted as required by the format of the Certificate. The fee for such class shall be determined by the driver improvement clinic. Such fee cannot exceed the fee for a defensive driving course. The Certificate issued for insurance reduction only cannot be used for reinstatement, point's reduction, out of state reinstatement or as required by a court.

(i) Every original application for a Driver Improvement Clinic License must be accompanied by a license fee of $200.00 payable as prescribed by these Rules and Regulations which shall be refunded by the Department if the license is denied.

(j) Each license issued for a Driver Improvement Clinic shall expire four years from the date on which the license was issued, each license must be renewed in the manner prescribed by the Department. The fee for such renewal shall be $100.00 payable as prescribed in these Rules and Regulations. Each application for renewal must be accompanied by a current surety bond continuation certificate and by a current certificate of curriculum approval.

(k) Owners that allow their Clinic's license to expire will not be permitted to operate the Clinic under any condition during the period in which the License is expired. All forms and correspondence submitted to the Department shall bear the expiration date of the clinic license thereon.

(l) Each clinic is responsible for the security and safekeeping of all certificates of completion, from issuance by the Department to the clinic until properly awarded to the student.

(m) A clinic may, at the election of the licensee, submit an individual surety bond in the amount of $2,500.00 or, if more than one clinic shares common ownership, submit a surety bond providing coverage in the amount of $2,500.00 per location (i.e., for ten clinics, a surety bond in the amount of $25,000.00). If this option is elected, the certificate must clearly demonstrate coverage for each clinic for which coverage is to be provided.

(2) Nontransferability

(a) Any license for a Driver Improvement Clinic shall be nontransferable. In the event of a change of ownership, except in the case of a corporation unless there is a sale of the controlling interest, application for a new license shall be made to the Department and the old license surrendered to the Department before another license can be issued to the new owner(s).

(b) The application for a license by a new owner shall be made in the same manner as for an original license for a Driver Improvement Clinic and the fee shall be the same as for an original license.

(3) Display of License

(a) The Driver Improvement Clinic license must be clearly displayed in a conspicuous location at all times.

(b) If either the clinic license or instructor's certificate is lost, mutilated or destroyed, a duplicate will be issued by the Department upon receipt of an affidavit stating the following:

(i) The date the license or certificate was lost, mutilated or destroyed.

(ii) The circumstances of the loss, mutilation or destruction.

(c) The fee for a duplicate license or certificate shall be the same as the fee for a renewal of the license or certificate.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.04
Authority: O.C.G.A. §§ 40-5-4, 40-5-83.
History. Original Rule entitled "Clinic Requirements: Application" adopted. F. June 10, 2002; eff. June 30, 2002.
Amended: F. Feb. 20, 2003; eff. Mar. 12, 2003.
Amended: F. Sept. 18, 2003; eff. Oct. 8, 2003.
Amended: F. Mar. 15, 2005; eff. Apr. 4, 2005.
Amended: New title "Driver Improvement Clinic License." F. Apr. 15, 2020; eff. May 5, 2020.

Rule 375-5-1-.05. Qualification of Clinic Owners.

(1) Only qualified people may own, operate, or instruct in a Driver Improvement Clinic.

(a) No person with a conviction of a felony or any other crime of moral turpitude, or a pattern of misdemeanors that evidences a disregard for the law, will be licensed unless he or she has received a pardon and can produce evidence of same. For the purposes of this subparagraph, a plea of nolo contendere shall be considered to be a conviction. For the purposes of this subparagraph, a conviction for which a person has been free from custody and free from supervision for at least ten years will not be considered, unless the conviction is for an offense which is a dangerous sexual offense as defined in O.C.G.A. § 42-1-12 or the criminal offense was committed against a victim who was a minor at the time of the offense.

(b) Consideration will be given to educational background. A minimum of a high school diploma or GED equivalent is required.

(c) The Department shall consider the experience and moral character of the applicant and may require letters of recommendation from upstanding members of the community to be served.

(d) Presenting false material information on an application shall preclude any individual, partnership, or corporation from obtaining a license and, if discovered after the issuance of the license, shall be grounds for cancellation or revocation of that license.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.05
Authority: O.C.G.A. Sec. 40-5-83.
History. Original Rule entitled "Qualification of Clinic Owners" adopted. F. June 10, 2002; eff. June 30, 2002.
Amended: F. June 19, 2003; eff. July 9, 2003.
Amended: F. Sept. 3, 2009; eff. Sept. 23, 2009.

Rule 375-5-1-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.06
Authority: O.C.G.A. § 40-5-83.
History. Original Rule entitled "Nontransferability" adopted. F. June 10, 2002; eff. June 30, 2002.
Repealed: F. Apr. 15, 2020; eff. May 5, 2020.

Rule 375-5-1-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.07
Authority: O.C.G.A. § 40-5-83.
History. Original Rule entitled "Display of License" adopted. F. June 10, 2002; eff. June 30, 2002.
Amended: F. Feb. 20, 2003; eff. Mar. 12, 2003.
Repealed: F. Apr. 15, 2020; eff. May 5, 2020.

Rule 375-5-1-.08. Changes of Officers or Address.

(1) The Department must be notified in writing within then (10) days of any change of address of the owner, partner, or officer of any driver improvement clinic.

(2) The Department must be notified in writing within ten (10) days of any change in officers, directors, or controlling shareholders of any corporation or association holding a license. In such case, each new officer, director or controlling stockholder must provide to the Department the same information as required for the original license application.

(3) Failure to notify the Department of such changes shall be grounds for immediate suspension of the clinic license or the imposition of a civil penalty.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.08
Authority: O.C.G.A. Sec. 40-5-83.
History. Original Rule entitled "Changes of Officers or Address" adopted. F. June 10, 2002; eff. June 30, 2002.

Amended: F. Feb. 20, 2003; eff. Mar. 12, 2003.

Rule 375-5-1-.09. Location of Driver Improvement Clinic.

(1) Any clinic that wishes to offer its service other than at the principal place of business must establish a classroom at the new location.

(2) All classrooms shall be licensed in the same manner and subject to the same qualifications as the principal office of the clinic with the exception of telephone, office, films, brochures and other printed materials. Necessary films, brochures and other printed materials shall be used in providing all courses of instruction. Only in the event that duplicate material exists as required will a clinic be authorized to provide more than one class on the same date.

(3) Approval of the office or classroom will be determined after the inspection of said location is made by a representative of the Department and verification that the location complies with all legal requirements.

(4) A Driver Improvement License will not be issued for a location where the distribution of or sale of alcoholic beverages has been approved.

(5) If the office or a classroom location of a Driver Improvement Clinic is to be moved and/or relocated for any reason, the following requirements are necessary prior to this move.

(a) Notify the Department in writing of the change of the office and/or classroom.

(b) Inspection of the new office or classroom must be made by a representative of the Department and approved prior to any instruction of students.

(6) Any school or classroom facility utilized for or approved for the purposes of a Driver Improvement Clinic shall comply with the requirements set forth by the Americans with Disabilities Act of 1990, before a permit is issued. The owner shall certify to the Department that the facility complies with the Act and its implementing regulations.

(7)

(a) A licensed driver improvement clinic that provides instruction via distance learning methods in a classroom of a secondary school, technical school, college, or approved driver improvement clinic classroom shall not be required to obtain a separate license for the use of that classroom; provided that prior notice must be given to, and approval granted by, the Department prior to the use of such a facility. Such approval will be considered only if requested by a licensed Driver Improvement Clinic that has held a license in good standing for the preceding five years prior to application.

(b) A classroom used for distance learning must be staffed by a licensed instructor or proctor at all times during the provision of instruction. The clinic must ensure that adequate equipment is provided at the remote site to enable students to view and hear the instructor and to enable the instructor to hear comments and questions from the students at the remote site. In the event the equipment ceases to function at any time, no further instruction may be provided at the remote site unless a licensed instructor is present to continue instruction in person. Certificates of completion may be issued only by a licensed instructor.

(8) If a licensed Driver Improvement Clinic closes a facility, the clinic must furnish 30 days' advance written notice of the closing to the Department. A copy of said notice shall be posted on the exterior door of the facility so as to be visible to the clinic's customers.

Any license for that facility must be surrendered to the Department. Unused Certificates of Completion must be transferred to another clinic facility or returned to the Department. Class rosters must be transferred to another clinic facility or submitted to the Department prior to closure of the facility.

(9)

(a) The Department may develop policies and procedures for the delivery of remote classroom instruction for certified Driver Improvement Clinics in the event of a public health state of emergency, natural disaster, or man-made disaster.

(b) A certified Driver Improvement Clinic may utilize remote services for classroom instruction. Such instruction and training may be done via web services, such as, but not limited to, Skype, Zoom, or Web Ex. Instruction must be synchronous instruction allowing for real-time instruction and interaction in a specific virtual place, through a specific online medium, at a specific time.

(c) Schools utilizing such methods must notify and obtain prior approval from the Department and keep rosters and required documents of students enrolled in these programs pursuant to existing rules and regulations of the Department. Such programs shall continue to be subject to all monitoring, training, and auditing pursuant to existing rules and regulations of the Department.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.09
Authority: O.C.G.A. §§ 40-5-4, 40-5-83.
History. Original Rule entitled "Location of Clinic" adopted. F. June 10, 2002; eff. June 30, 2002.
Amended: F. Feb. 20, 2003; eff. Mar. 12, 2003.
Amended: New title "Location of Driver Improvement Clinic." F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-5-1-.10. Driver Improvement Clinic Office Requirements.

(1) The clinic shall permit authorized representatives of the Department to make periodic, scheduled or unscheduled inspections of all clinic facilities. During each inspection each owner, partner, associate, corporate director, office manager or employee of the clinic shall cooperate with the Departments representative and upon demand shall exhibit all records, instructional aides or such other materials as may be called for to be inspected.

(2) The telephone must be used exclusively for the operation of the clinic. The telephone may be used in conjunction with an Alcohol Program licensed by the Georgia Department of Behavioral Health and Developmental Disabilities, or with a driver training school or ignition interlock provider licensed by the Department. The clinic must notify the Department in writing within ten (10) days of any telephone number changes for the clinic.

(3) Sufficient indoor space must be provided for the purpose of instruction, to include individual desks or tables with chairs to accommodate students comfortably. Classes of instruction are limited to a maximum number of forty (40) students per class unless the Department determines that the space is inadequate for that number of students. In those situations, the maximum number will be calculated on twenty square feet per student with a minimum number of fifteen students per class. The minimum square feet of an indoor classroom must be at least 300 square feet of useable classroom space. Programs licensed prior to the enactment of the 300 square foot minimum may continue to utilize existing classrooms that satisfied the prior requirement of 250 square feet. Such programs may not add new classrooms that are less than 300 square feet in size. The maximum number of students per class determined by the Department does not supersede the occupancy load or maximum for the building determined by the local governing entity (i.e. county or city fire marshal, inspector, or agent). A copy of the Certificate of Occupancy must be submitted during the certification application process.

(4) A clinic shall maintain business hours of at least fifteen (15) hours per week, half of which must fall within the Department's normal business hours. An employee of the clinic must be available during this time to furnish information of operation, verify attendance to a class, or to produce the necessary records or documents whenever requested by a member of the Department. The clinic may close for a lunch hour at a set time, upon notice to the Department of the scheduled lunch hour. Each clinic is responsible for notifying the Department of times during which the business office of the clinic will be closed for lunch or vacation and of the regularly scheduled hours of operation of the business office.

(5) Each clinic must have a principal office. The principal office cannot be located in a private residence unless a separate public outside entrance is provided.

(6) Any school, office, or classroom facility utilized for or approved for the purposes of a Driver Improvement Clinic shall comply with the requirements set forth by the Americans with Disabilities Act of 1990, before a permit is issued. The owner shall certify to the Department that the office and/or classroom complies with the Act, its implementing regulations, and Georgia laws governing access for the handicapped.

(7) Any school, office, or classroom facility utilized for or approved for the purpose of a Driver Improvement Clinic shall be clean and safe from health hazards such as rodents, pest infestation, and mold.

(8) Any driver improvement clinic which is to be closed on a weekday other than for federal or state holidays must give the Department written notice of the closure two weeks in advance. Confirmation of the receipt of the notice will be issued by the Department. The clinic is not relieved of its obligations to make records and documents available for inspection unless it has received confirmation of receipt of the notice of proposed closure from the Department.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.10
Authority: O.C.G.A. §§ 40-5-80, 40-5-83.
History. Original Rule entitled "Office Requirements" adopted. F. June 10, 2002; eff. June 30, 2002.
Amended: F. Feb. 20, 2003; eff. Mar. 12, 2003.
Amended: F. Mar. 25, 2014; eff. Apr. 14, 2014.
Amended: New title "Driver Improvement Clinic Office Requirements." F. Jan. 14, 2021; eff. Feb. 3, 2021.

Rule 375-5-1-.11. Name of Clinic.

(1) No driver improvement clinic will be permitted to use, adopt, or conduct any business under any name that is like or deceptively similar to any name used by any other driver improvement clinic without prior approval of the Commissioner. This provision will not be applied to restrict the use of trade names where the holder of the trade name is the party making the request.

(2) A driver improvement clinic shall not use the word "State" in any part of the clinic name.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.11
Authority: O.C.G.A. Sec. 40-5-83.
History. Original Rule entitled "Name of Clinic" adopted. F. June 10, 2002; eff. June 30, 2002.

Rule 375-5-1-.12. Driver Improvement Clinic Advertising.

(1) No driver improvement clinic shall advertise in any manner until such time as the clinic is properly licensed by the Department.

(2) No licensed driver improvement clinic or driver improvement instructor may advertise or represent themselves to be an agent or employee of the Department. No individual, partnership, association or corporation shall purchase, use or allow the use of any advertisement which would reasonably have the effect of leading the public to believe that they are or were an employee or representative of the Department.

(3) Each driver improvement clinic may use its licensed name or any portion thereof for advertising and advertisements, so long as the clinic is clearly identifiable from the advertisement. The Department's determination in this regard shall be final.

(4) No driver improvement clinic or driver improvement instructor shall, by any advertisement or otherwise, state or imply directly or indirectly that any license to operate a motor vehicle is guaranteed or assured to any student or individual who will take or complete any instruction or course of instruction to enroll or otherwise receive instruction in any driver improvement clinic.

(5) A Driver Improvement Clinic that is licensed by the Department may indicate in its advertisements that it is "licensed by the State" or "State licensed", however, no Driver Improvement Clinic may use any advertisement that states or implies that the clinic is endorsed by the State or the Department.

(6) No driver improvement clinic may advertise or imply, that free lessons will be given individuals or students unless the lessons are in fact offered or given without monetary considerations.

(7) No driver improvement clinic may make a false or misleading claim in any of its advertisements.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.12
Authority: O.C.G.A. Sec. 40-5-83.
History. Original Rule entitled "Driver Improvement Clinic Advertising" adopted. F. June 10, 2002; eff. June 30, 2002.
Amended: F. Feb. 20, 2003; eff. Mar. 12, 2003.

Rule 375-5-1-.13. Responsibility for Employees.

(1) No Driver Improvement Clinic shall employ or otherwise engage any individual to give classroom instruction unless the individual has a valid, current driver improvement instructor's certificate issued by the Department for the particular course(s) of instruction taught by the individual.

(a) It shall be the duty and responsibility of each clinic owner to ensure all instructors associated with their clinic have met all requirements for licensure and have in their possession a valid instructor's certificate.

(b) It shall be the duty of the clinic owner and/or the instructor to ensure that all students who attend are sober and free from the influence of drugs, are on time for all sessions of the course, maintain correct deportment while on the premises of the clinic, and that all student rescheduling for missed sessions by students are completed in 60 days. If courses are being taught via distance learning, this

authority may be delegated to a proctor if a licensed instructor is not on site at the distance learning site.

(2) Each Driver Improvement instructor and proctor employed by or associated with any Driver Improvement Clinic shall be deemed an agent of the clinic and the clinic shall share the responsibility for all acts performed by the instructor or proctor which are within the scope of his or her employment and which occur during the course of his or her employment.

(3) The clinic shall immediately notify the Department in writing of the termination of an instructor for cause, indicating the name, address, and license number of the clinic and the instructor, the termination date and the alleged reason for termination.

(4) The defensive driving courses will be taught in the following manner. The course will be held in 2 days with 3 hours of instruction per day or in 1 day with a 1 hour break after 3 hours of instruction. At the end of each instructional hour with the exception of the last hour taught per day, a ten minute break will be given. After 6 hours of instruction, certificates will be presented to students taking the 6 hour course. No clinic will extend any class beyond 11:00 p.m. for any reason.

(5) The instructor or agent of the clinic will furnish each student who successfully completes the Driver Improvement Course requirements a Certificate of Completion (DMVS0014-CV) furnished by the Department.

(a) The instructor or clinic owner shall not provide any student with a duplicate or new Certificate of Completion. The clinic may issue a replacement for these certificates on DMVS-584b titled "Lost Certificates" at a cost not to exceed $5.00 to the student.

(6) If a certificate of completion is voided for any reason, it shall be the responsibility of the clinic to forward this voided certificate to the Department along with the roster for the class in which it would have been used.

(7) The clinic shall be responsible for reimbursing the Department for the actual cost of printing the certificates of Completion (DMVS0014-CV) not to exceed ten cents per certificate, plus the actual cost of postage when requested to be sent by certified mail.

(a) Each clinic will receive a bill from the Department regarding the expense incurred in distributing these requested certificates.

(b) Payment shall be required prior to delivery of such certificates.

(c) Payment shall be by certified check, cashier's check, company check or money order only.

(8) A student with an acceptable excuse shall be enrolled in the next available course to cover the material missed because of an absence.

(9) Each clinic shall maintain a current mailing address with the Department and shall be further required to check the mail each day for incoming correspondence.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.13
Authority: O.C.G.A. Sec. 40-5-83.
History. Original Rule entitled "Responsibility for Employees" adopted. F. June 10, 2002; eff. June 30, 2002.
Amended: F. Feb. 20, 2003; eff. Mar. 12, 2003.
Amended: F. Sept. 18, 2003; eff. Oct. 8, 2003.

Rule 375-5-1-.14. Records and Contracts.

(1) Every driver improvement clinic shall maintain the following records which shall be available for inspection by the Department at all times:

(a) A file containing the original copy of every contract entered into by the clinic and its students for the purpose of obtaining any instructions. A copy of the contract must be furnished to the students and the original thereof must be retained by the clinic for a period of three (3) years.

(b) A roster of each class listing the clinic's number, name and address, the instructor's number and instructor's full name, the student's name, date of birth, driver's license number, certificate number and amount of fee paid must be maintained in the records of the clinic for a period of three (3) years after the date on which the class was completed. The clinic shall furnish copies of the roster to the Department on request.

(c) A schedule for all classes of instruction, giving the date and time of classes must be maintained in the records of the clinic for a period of three (3) years after the date on which the class was completed. The clinic shall furnish copies of the schedule to the Department on request.

(d) The class roster, student contracts, final exams and course evaluation forms will be filed together by month and year that the class was held.

(2) Clinic records may be audited periodically by the Department.

(3) The schedules and class rosters may be maintained electronically, rather than on paper. Student contracts, final exams, and course evaluation forms may be scanned for the purpose of electronic storage. The clinic shall utilize a software program(s) approved by the Department for this purpose if electronic storage is chosen.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.14
Authority: O.C.G.A. Sec. 40-5-83.

History. Original Rule entitled "Records and Contracts" adopted. F. June 10, 2002; eff. June 30, 2002.
Amended: F. Feb. 20, 2003; eff. Mar. 12, 2003.

Rule 375-5-1-.15. Contents of Contracts.

Every contract entered into by the clinic and another individual shall contain the clinic's name, address, and phone number as well as the following:

(a) The agreed contract price per course.

(b) Type of course or program.

(c) Duration of course or program, including the date and time the course or program is to be taught.

(d) Requirements for completion of course or program.

(e) Breach of contract provision.

(f) A clause stating that this course or program has been approved by the Department of Driver Services.

(g) A clause stating that each instructor is certified by the Department of Driver Services.

(h) A clause stating that the clinic is licensed by the Department of Driver Services in accordance with Title 40-5-80 (Driver Improvement Act) and the rules and regulations promulgated thereunder.

(i) The contract shall be signed by the student and an officer legally constituted to bind the clinic.

(j) The contracts must be pre-numbered.

(k) A clause stating that a performance bond in the principal sum of ten thousand ($10,000) dollars has and will be maintained for the protection of the contractual rights of the students by an authorized bonding company.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.15
Authority: O.C.G.A. §§ 40-5-4, 40-5-83.
History. Original Rule entitled "Contents of Contracts" adopted. F. Feb. 20, 2003; eff. Mar. 12, 2003.
Amended: F. July 19, 2016; eff. August 8, 2016.

Rule 375-5-1-.16. Qualifications of Instructors.

(1) Only qualified people may instruct in a Driver Improvement Clinic.

(a) Every applicant must possess a high school diploma or GED.

(b) The Department shall consider the experience and moral character of the applicant and may require letters of recommendation from upstanding members of the community to be served.

(c) Presenting false material information on an application shall preclude any individual from obtaining a license and, if discovered after the issuance of the license, shall be grounds for cancellation or revocation of that license.

(2) Every Driver Improvement instructor shall be a person of good moral character, and at least twenty-one (21) years of age. No person with a conviction of a felony or any other crime involving violence or a crime of moral turpitude, or a pattern of misdemeanors that evidences a disregard for the law, will be licensed unless he or she has received a pardon and can produce evidence of same. For the purposes of this subparagraph, a plea of nolo contendere shall be considered to be a conviction. For the purposes of this subparagraph, a conviction for which a person has been free from custody and free from supervision for at least ten years will not be considered, unless the conviction is for an offense which is a dangerous sexual offense as defined in O.C.G.A. § 42-1-12 or the criminal offense was committed against a victim who was a minor at the time of the offense.

(3) Every instructor shall have a valid driver's license to operate a motor vehicle unless otherwise approved by the Department before applying for a Driver Improvement Instructor's Certificate.

(4) No applicant will be approved who has had his driver's license suspended for any reason or who has pled guilty, had a bond forfeiture, or pled nolo contenders for any mandatory suspension offense within one (1) year prior to making application.

(5) No applicant will be approved whose driver's license has been suspended two or more times or has pled guilty, had a bond forfeiture, or pled nolo contenders to two or more mandatory suspension offenses within five (5) years prior to making application.

(6) Every applicant must make application on a form prepared by the Department.

(7) Every application shall be accompanied by two (2) sets of fingerprints of each digit of the right and left hands, an affidavit from a state, county, or city officer qualified to make such fingerprints that the fingerprints are those of the applicant and a processing fee for the actual cost of processing for each set of fingerprint cards.

(8) Every application shall be accompanied by one (1) photograph of the applicant. The photograph shall have been taken within thirty (30) days of the date of filing the application and show a full view of the face, neck, shoulders, and uncovered head.

(9) Every application shall be accompanied by an official transcript or diploma from an accredited college, junior college, high school, or GED equivalent indicating that the applicant has successfully completed the requirements and received a degree, diploma, or GED certificate, as appropriate, from such institution.

(10) Every applicant must successfully complete the Department's Driver Improvement Program Instructor Training Course for the curriculum to be utilized by the instructor. In order to successfully complete the course, the applicant must have an overall score of 70 points out of a possible 100 points.

(11) The instructor's certificate will expire four (4) years from the date of issuance.

(12) Application from renewal of an instructor's certificate shall be made on a form prepared by the Department and submitted at least thirty (30) days prior to the date of expiration. Each renewal application shall be accompanied by one (1) photograph taken within thirty (30) days of the date of filing the renewal application.

(13) Instructors who allow their instructor's certificate to expire will not be permitted to instruct a Driver Improvement Clinic under any condition during the period in which the certificate is in an expired state.

(14) Any person whose instructor's certificate has not been renewed within a one (1) year period after expiration must re-qualify for a new instructor's certificate pursuant to the rules and regulations then applicable.

(15) Every original application for an instructor's certificate must be accompanied by an application fee of one hundred dollars ($100.00) payable as prescribed in these Rules and Regulations.

(16) Each license must be renewed in the manner prescribed by the Department. The fee for such renewal shall be fifty dollars ($50.00) payable as prescribed in these Rules and Regulations.

(17) The Department may, after receipt of a completed application, issue a temporary instructor permit, pending completion of a background investigation of the applicant. Said permit shall expire on the ninety-first (91st) day following issuance, unless the application is denied, in which case the permit shall be deemed to have been revoked by operation of law. No additional fee will be charged for this permit.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.16
Authority: O.C.G.A. Secs. 40-5-4, 40-5-83.
History. Original Rule entitled "Qualifications of Instructors" adopted. F. Feb. 20, 2003; eff. Mar. 12, 2003.
Amended: F. June 19, 2003; eff. July 9, 2003.
Amended: F. Sept. 3, 2009; eff. Sept. 23, 2009.

Rule 375-5-1-.17. Suspension or Revocation of License of Clinic and/or Instructor.

(1) The Department may suspend or revoke the license or certificate of any Driver Improvement Clinic or any instructor, employee or agent thereof for any violation of the law, rules or regulations relating to the operation of a Driver Improvement Clinic. All license(s) and/or certificate(s) will be sent to the Department immediately upon demand unless the license or certificate holder seeks to appeal the Department's order pursuant to Ga. Comp. R. & Regs. R. 375-1-1-.06.

(a) The affected clinic will not operate in any capacity while it is under any suspension or revocation.

(b) The revocation or suspension becomes effective on the date indicated by the Department's order, but no time will be credited on the revocation or suspension until the affected license(s) or certificate (s) have been received by the Department.

(2) Actions which may lead to the suspension or revocation of a license or certificate shall include, but shall not be limited to the following:

(a) Any conviction of an instructor or clinic operator of a felony or any crime involving violence, dishonesty, deceit, fraud, indecency or moral turpitude.

(b) Knowingly presenting false or misleading information to the Department.

(c) Addiction or habitual use of alcohol or dangerous or narcotic drugs by an instructor or operator.

(d) The failure of any instructor to teach within the guidelines as prescribed in the rules and regulations or who demonstrates a lack of ability to instruct in the driver improvement program.

(e) Failure or refusal to permit the Department to inspect a clinic, its class, instruction records or any operation of the facility pertaining to the clinic.

(f) Failure or refusal to submit to the Department any application for a license or certificate in the manner prescribed by the Department.

(g) Failure to maintain proper standards in instruction, instructors, equipment or teaching facilities sufficient to operate a clinic.

(h) Employing an instructor, teacher or agent that is not certified by the Department.

(i) Any change of ownership or controlling stockholders of a school without immediately notifying the Department.

(j) Whenever any owner, instructor, employee or agent has aided or assisted any person in obtaining a driver's license and/or reinstatement of a driver's license by dishonest or fraudulent means.

(k) Failure of the driver improvement clinic or instructor to notify the Department immediately in writing of any reportable accident involving its instructors, any revocation, suspension, or cancellation of the driver's license of any instructor, or any charge made against an instructor of the clinic as a result of a violation of the motor vehicle laws.

(l) Failure of the Driver Improvement Clinic to maintain a telephone for the exclusive use of the clinic.

(m) If a person holds one or more licenses as a Driver Improvement Clinic owner(s) and/or instructor and one is suspended or cancelled, this may be grounds in itself for all licenses issued to that person to be suspended or cancelled.

(n) When a Driver Improvement Clinic and/or instructor operates or instructs while license is expired.

(3) The Department may impose a monetary fine in addition to, or in lieu of, the suspension or revocation of a license for any violation of Georgia law or the regulations governing driver improvement clinics.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.17
Authority: O.C.G.A. §§ 40-5-4, 40-5-83, 40-5-88.
History. Original Rule entitled "Suspension or Revocation of License of Clinic and/or Instructor" adopted. F. Feb. 20, 2003; eff. Mar. 12, 2003.
Amended: F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-5-1-.18. Complaints.

(1) All complaints by an individual, partnership, group, corporation or association against any individual, partnership, group, corporation or association relating to driver improvement clinics or driver improvement instructors must be in writing and signed by the complainant.

(2) The Department or its authorized representative may ask the complainant to sign a sworn statement indicating the nature of the complaint and the identity of the complainant.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.18
Authority: O.C.G.A. Sec. 40-5-83.
History. Original Rule entitled "Complaints" adopted. F. Feb. 20, 2003; eff. Mar. 12, 2003.

Rule 375-5-1-.19. Fees.

The fees required under this chapter shall be paid to the Department by cash, certified or cashier's check, company check or money order.

(a) A fee for the Defensive Driving Course completion certificates will be charged to the clinics. This charge will be the actual cost incurred by the Department. The actual cost of postage will be charged if the clinic requests that the certificates be sent by certified mail.

(b) Field personnel will be assigned the duty of undercover monitoring of clinics within the purview of the Driver Improvement Act. These persons will pay tuition as required by the clinic, and the clinic will reimburse these funds upon demand by the Department.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.19
Authority: O.C.G.A. Sec. 40-5-83.
History. Original Rule entitled "Fees" adopted. F. Feb. 20, 2003; eff. Mar. 12, 2003.

Rule 375-5-1-.20. Contractual Bond Requirements.

(1) No Driver Improvement Clinic may operate in the State of Georgia unless it provides and files with the Department a continuous performance bond in the principal sum of twenty-five hundred ($2500.00) dollars for the protection of the contractual rights of each student, written by a bonding company authorized to do business in the State of Georgia. If at any time said bond is not valid and in force, the license of the Clinic shall be deemed suspended by operation of law until a valid surety company bond is again in force.

(2) A clinic may, at the election of the licensee, submit an individual surety bond in the amount of $2,500.00 or, if more than one clinic shares common ownership, submit a surety bond providing coverage in the amount of $2,500.00 per location (i.e., for ten clinics, a surety bond in the amount of $25,000.00). If this option is elected, the certificate must clearly demonstrate coverage for each clinic for which coverage is to be provided.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.20
Authority: O.C.G.A. Secs. 40-5-4, 40-5-83.
History. Original Rule entitled "Contractual Bond Requirements" adopted. F. Feb. 20, 2003; eff. Mar. 12, 2003.
Amended: F. Sept. 18, 2003; eff. Oct. 8, 2003.

Rule 375-5-1-.21. Submission of Proof of Completion.

It is the responsibility of the licensee to submit a certificate of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Human Resources to the Department of Motor Vehicle Safety. It is the responsibility of the licensee to ensure that the Department actually receives the certificate within the time established by law. Certificates may

be submitted by hand delivery to the Driver's License Services Section at the Department's headquarters, or by first class or certified mail addressed to that section at the Department's mailing address. If the licensee chooses to submit the certificate by mail, the licensee bears the risk of loss. If the Department does not receive a certificate sent by mail, a replacement certificate must be received by the Department within the time originally permitted by law, or the driver's license will be suspended and a restoration fee will be required for reinstatement.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.21
Authority: O.C.G.A. Secs. 40-5-4, 40-5-83.
History. Original Rule entitled "Submission of Proof of Completion" adopted. F. Feb. 20, 2003; eff. Mar. 12, 2003.

Rule 375-5-1-.22. Pending Charges Against Owners and Instructors.

(1) If at the time of application the applicant is charged with any offense that a conviction for which would result in said applicant's ineligibility for certification, consideration of the application shall be suspended until entry of a plea or verdict or dismissal of said charge.

(2) If after the issuance of a permit a person is charged any offense that a conviction for which would result in said applicant's ineligibility for certification, the permit may be suspended pending disposition of such charge. If the person is convicted of such charge, the permit shall be revoked.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.22
Authority: O.C.G.A. Secs. 40-5-4, 40-5-83.
History. Original Rule entitled "Pending Charges Against Owners and Instructors" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.

Rule 375-5-1-.23. Alternative Resources for Background Investigations.

In the event the Department is unable to obtain classifiable electronically recorded fingerprints from an applicant for reasons that are beyond the applicant's control, the Department may conduct a background investigation of such applicant utilizing the CJIS Name Search procedures authorized by the Federal Bureau of Investigations and the Georgia Bureau of Investigations.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.23
Authority: O.C.G.A. § 40-16-5.
History. New Rule entitled "Alternative Resources for Background Investigations" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

Rule 375-5-1-.24. Driver Improvement Gratuities.

(1) The following items are prohibited from being advertised or offered by an owner, agent, representative, instructor, or employee to any student or prospective student: legal tender,

meals including beverages, gift cards, transportation, products or services for free or at a discounted price, or anything of monetary value not deemed to be a customer service exclusion. Customer service exclusions are limited to ink pens, pencils, water, coffee, candy, and Wi-Fi (wireless internet connection).

(2) A first violation shall result in an administrative fine of $300. A second or subsequent violation shall result in a 30-day suspension. A violation of 40-5-81(d) is a crime punishable as a misdemeanor. Each person convicted of a second offense shall have his or her certification revoked.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.24
Authority: O.C.G.A. §§ 40-16-2, 40-16-3, 40-5-4, 40-5-81.
History. Original Rule entitled "Driver Improvement Gratuities" adopted. F. July 14, 2017; eff. August 3, 2017.

Subject 375-5-2. DRIVER TRAINING SCHOOLS.

Rule 375-5-2-.01. Organization.

The Driver Training Program shall be administered by the Director of the Regulatory Compliance Division of the Department of Drivers Services, and such additional staff as the Commissioner deems necessary.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.01
Authority: O.C.G.A. §§ 40-16-1, 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 43-13-8.
History. Original Rule entitled "Organization" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Amended: F. July 19, 2018; eff. August 8, 2018.

Rule 375-5-2-.02. Definitions.

(1) Words, whenever used in this Chapter, shall have the same meaning as ascribed to them in Title 43, Chapter 13 of the Georgia Code, unless otherwise defined in the rule of which they are part.

(2) Motor Vehicle - Every vehicle which is self-propelled or by which any person is or property may be transported or drawn upon a public highway except devices used exclusively upon stationary rails or tracks.

(3) Driver Training School - Any person, partnership, limited liability company, or corporation, giving driving instruction to ten (10) or more persons per calendar year for the purpose of assisting such persons to meet the requirements for licensed driving of Class C or Class M motor vehicles in this state, except for motorcycle operator safety training programs conducted by or on behalf of the Department of Driver Services pursuant to Chapter 15 of Title 40. The term shall also include any public school system

offering a driver training course during the regular school day as part of a student curriculum at no cost to the student. Term shall not include hospitals and state licensed rehabilitation centers offering a deliver training course for the purpose of rehabilitating persons to maintain or obtain a Class C license; provided, that such facilities shall file a prescribed memorandum of understanding with the Commissioner.

(4) Limited Driver Training School - Any person, partnership, limited liability company, or corporation, giving driving instruction to ten (10) or more persons per calendar year by offering a for-hire defensive driving safety course for the purpose of training to assist persons to obtain a Class C of Class M license through means of behind-the-wheel training, simulator training, of offering a defensive driving course consisting of less than 30 hours of classroom and six hours of behind-the-wheel training.

(5) Temporary Driver Training Permit - Any person, partnership, limited liability company, or corporation, which offers occasional driving instruction to ten (10) or more persons per calendar year by offering a for-hire defensive driving safety course for that does not maintain permanent classroom located within the state.

(6) Person - Every natural person, firm, partnership, limited liability company, corporation, association or school. The term "school" shall not apply to colleges conducting a driver training program.

(7) Department - The Georgia Department of Driver Services acting directly or through its duly authorized officers or agents.

(8) Distance Learning - Means the use of satellite or cable narrowcast technology to create two-way, interactive learning environment in which an instructor may simultaneously present instruction in multiple classrooms. The school is responsible for ensuring that students at all locations may clearly view the instructor and any visual aids or films used by the instructor, may comment to or ask questions of the instructor. The school is also responsible for providing a proctor at a location used for distance learning to fulfill the school's obligations under these rules and regulations with respect to students.

(9) Proctor - A proctor serves as the school's representative at a location used for distance learning. The proctor is responsible for ensuring that all responsibilities of the school with respect to the students are fulfilled at the location. The proctor may be a licensed instructor of the school; if not, the proctor must be a high school graduate or possess a GED, be at least 18 years of age, and not have been convicted of a felony or any other crime of moral turpitude, or a pattern of misdemeanors that evidences a disregard for the law, unless he or she has received a pardon and can produce evidence of same.

(10) Driver License Examiner - Any person appointed by the Department of Driver Services for the purpose of administering driver license examinations.

(11) Driver Training Instructor - Any person, whether employed by a driver training school, limited driver training school, or operating in his or her own behalf, or whether acting in behalf of any school located within or outside the State of Georgia, including a

motorcycle safety coach as defined in 375-7-4-.03(6), who gives driving instructions for the purpose of assisting persons to meet the requirements for licensed driving of Class C or Class M motor vehicles in this state at a driving training school, limited driver training school, whether such instruction is theoretical or practical or both.

(12) Driver Training Program - That series of courses developed or approved by the Department of Driver Services for the purpose of assisting persons to meet the requirements for licensed driving of Class C or Class M motor vehicles in this state to include, but not limited to a thirty (30) hour classroom and six (6) hours of actual behind the wheel instruction; classroom instruction; behind-the-wheel instruction; instruction by means of simulation training; defensive driving, distance learning, or virtual drivers training courses approved by the Department.

(13) Suspension - The privilege to operate a driver training school or to instruct (as provided in these regulations) is temporarily withdrawn by formal action of the department, which temporary withdrawal shall be for a period specifically designated by the department.

(14) Revocation - The privilege to operate a driver training school or to instruct (as provided in these regulations) is terminated by formal action of the department, which privilege shall not be subject to renewal or restoration, except that an application for a new license may be presented to and acted upon by the department after the expiration of the applicable period of time prescribed by the department. A revocation shall be for a period of at least one (1) year or indefinitely.

(15) Cancellation - A license previously issued to or presently held by a person, firm, partnership, corporation, association, or school is terminated by the Department because of some error or defect in the license or because the licensee is no longer entitled to such license. The cancellation of a license is without prejudice, and application for a new license may be made at any time after such cancellation.

(16) Applicant - The owner of a sole proprietorship, the partners in a firm, partnership or association or the controlling stockholders of a corporation, the principal, or designated representative of a secondary school.

(17) Controlling Stockholders - All stockholders of any corporation, public or private, owning more than ten percent (10%) of the outstanding shares in such corporation.

(18) Passenger type vehicle - Any vehicle that requires a class C noncommercial driver's license.

(19) Motorcycle - Any vehicle that requires a class M driver's license.

(20) Fine - means the use of a pecuniary punishment of up to $1,000 for each violation of the Rules and Regulations.

(21) Certificate of curriculum approval - means a certification issued by the Department authorizing the use of a specific curriculum by a driver training school. The certification shall expire on the same date as the driver training school license.

(22) Certificate of Completion - means a certificate prescribed by the Department and issued by a licensed driver training school to all students who successfully complete thirty (30) hours of classroom and six (6) hours of behind the wheel training.

(23) Simulator - means a driving apparatus that is designed as a learning tool to replicate actual driving conditions using various driving environments and situations.

(24) Limited Certificate of Completion - means a certificate prescribed by the Department and issued to all students who successfully complete a driver training course consisting of less than thirty (30) hours of classroom and six (6) hours of behind the wheel training.

(25) Virtual driver training course - means a web based course of instruction approved by the Department that provides a minimum of thirty (30) hours of on line instruction that must include training in controlling of vehicles, basic vehicle maneuvers, signs, roadway markings, driving in urban, rural, expressway and adverse conditions, maintaining the vehicle, alcohol and other drugs while driving, state insurance and Department licensing requirements.

(26) Multiple Vehicle Driving Range - means a driver training facility that enables the driver training instructor, from a position outside the vehicle utilizing electronic and/or oral communication, to instruct and supervise several students simultaneously, each of whom is operating a vehicle at an off-street facility specifically designed for that type of instruction.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.02
Authority: O.C.G.A. § 43-13-1, *et seq.*
History. Original Rule entitled "Definitions" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Repealed: New Rule of same title adopted. F. July 20, 2007; eff. August 9, 2007.
Amended: F. Oct. 10, 2007; eff. Oct. 30, 2007.
Amended: F. Apr. 24, 2014; eff. May 14, 2014.

Rule 375-5-2-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.03
Authority: O.C.G.A. §§ 43-13-2, 43-13-8.
History. Original Rule entitled "Procedures for Original Driver Training School License" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Repealed: F. Mar. 17, 2020; eff. Apr. 6, 2020.

Rule 375-5-2-.04. Driver Training and Limited Driver Training School Licenses.

1. **Procedures for Original Driver Training School and Limited Driver Training School License**
   a. Driver training schools and Limited Driver Training schools shall be required to obtain a license as a driver training school.

   b. Before any original license may be issued to any person for a driver training school or limited driver training school to operate in the State of Georgia, an application shall be made in writing to the Department, on a form prepared and furnished by the Department which shall include a statement showing:
      i. The title or name of the school together with complete ownership and names and addresses of directors, officers and controlling stockholders therein.

      ii. The specific curriculum of instruction that will be offered by the school.

      iii. The principal place of business and other locations where instruction will be provided that may include; behind the wheel instruction, utilization of simulators, range, road, and road test.

      iv. Virtual driver training programs may have a principal place of business located outside of the state.

      v. A statement that the owners of the driver training school or limited driver training school are twenty-one (21) years of age or over.

   c. Every application for a driver training school license and limited driver training school license must be accompanied by a fee of $25.00 by money order, certified or cashier's check payable to the Georgia Department of Driver Services and attached to the application form. Such fee shall be non-refundable.

   d. The applicant must submit a certified copy from the clerk of the appropriate Superior Court evidencing the registration of a business or trade name if the business is to be conducted under such a trade name in lieu of the name of the corporation or limited liability corporation, which owns such driver training school.

   e. The applicant must register the legal name of a corporation or limited liability corporation with the Georgia Secretary of State listing all owners controlling stockholders as officers.

   f. The application must contain a valid business license of the adopted business name certifying the school may operate in the local jurisdiction.

g. The application by the owners, partners, officers or controlling stockholders of any driver training or limited driver training school shall complete fingerprinting using the Georgia Applicant Processing System and consent to a criminal background check.

h. Every school shall be inspected by the respective municipal or county government to ensure compliance with fire and building requirements. Copies of these inspectional reports shall be made available to the Department.

i. Every school shall submit an individual surety bond in the amount of $10,000.00 or, if more than one clinic shares common ownership, submit a surety bond providing coverage in the amount of $10,000.00 per location (i.e., for ten clinics, a surety bond in the clinics, a surety bond in the amount of $100,000). If this option is elected, the certificate must clearly demonstrate coverage for each clinic for which coverage is to be provided.

2. **Display of License**

a. The license must be clearly displayed in a conspicuous public location at all times in the school.

b. Virtual driver training programs must clearly display name of business, principal place of business of the school and contact number on the virtual program website.

c. If either the license, instructor's license, or vehicle registration card issued pursuant to this Chapter is lost, mutilated, or destroyed, a duplicate will be issued by the Department upon receipt of an affidavit showing the following:

i. The date the license, or card was lost, mutilated, or destroyed.

ii. The circumstances of the loss, mutilation, or destruction.

iii. The fee for a duplicate license or card shall be $10.00.

3. **Nontransferability**

a. Any license for a driver training school or limited driver training school shall be nontransferable. In the event of a change of ownership, except in the case of a corporation unless there is a sale of the controlling interest, application for a new license shall be made to the Department and the old license, as well as the vehicle registration cards, must be surrendered to the Department before another license can be issued to the new owner.

b. The application for a new license shall be made in the same manner as for an original license for a driver training school and/or limited driver training school. The fees shall be the same as for an original license.

4. **Renewal of License**

   a. Each license for driver training school or limited driver training school shall expire four years from date of issuance. Each such license must be renewed every four years in the manner prescribed by the Department.

   b. Application for a renewal of the license for a driver training school or limited driver training school shall be made on a form prescribed and furnished by the Department. A fee of $25.00 must accompany the renewal application by money order, certified or cashier's check payable to the Georgia Department of Driver Services. Such fee shall be non-refundable.

   c. Renewal application forms (for school license) must be submitted to the Department not more than sixty days nor less than ten days preceding the expiration date to be renewed.

   d. Owners who allow their school's license to expire will not be permitted to operate the school under any condition during the period in which the license is in an expired state.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.04
Authority: O.C.G.A. §§ 40-16-2, 40-16-3, 40-5-4, 40-5-5, 40-5-27, 40-5-101, 40-1-1.
History. Original Rule entitled "License Fees" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Amended: New title "Driver Training and Limited Driver Training School Licenses." F. Mar. 17, 2020; eff. Apr. 6, 2020.

Rule 375-5-2-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.05
Authority: O.C.G.A. §§ 43-13-3, 43-13-6, 43-13-8.
History. Original Rule entitled "Expiration of License" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Repealed: F. Mar. 17, 2020; eff. Apr. 6, 2020.

Rule 375-5-2-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.06
Authority: O.C.G.A. § 43-13-8.
History. Original Rule entitled "Nontransferability" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Repealed: F. Mar. 17, 2020; eff. Apr. 6, 2020.

Rule 375-5-2-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.07
Authority: O.C.G.A. § 43-13-8.
History. Original Rule entitled "Display of License" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Repealed: F. Mar. 17, 2020; eff. Apr. 6, 2020.

Rule 375-5-2-.08. Changes of Officers or Address.

(1) The Department must be notified in writing within ten (10) days of any change of address of the owner, partner, officer, principal or designated representative of a secondary school, or instructor of any driver training school or limited driver training school.

(2) The Department must be notified in writing within ten (10) days of any change of owner, partner, or officers, directors or controlling stockholders of any corporation or association holding a license,or any change in the principal or designated representative of a secondary school. In such case each new officer, director, controlling stockholder, or principal or designated representative of a secondary school must provide to the Department the same information as required for an original license application.

(3) Failure to notify the Department of such changes shall be grounds for immediate suspension or revocation of the school license or the imposition of a civil penalty.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.08
Authority: O.C.G.A. Secs. 43-13-7, 43-13-8.
History. Original Rule entitled "Changes of Officers or Address" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Rule 375-5-2-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.09
Authority: O.C.G.A. §§ 43-13-4, 43-13-6, 43-13-8.
History. Original Rule entitled "Renewal of License" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006
Repealed: F. Mar. 17, 2020; eff. Apr. 6, 2020.

Rule 375-5-2-.10. Location of Driver Training School or Limited Driver Training School.

(1) A branch office of any driver training school and/or limited driver training school shall be licensed in the same manner and subject to the same qualifications as the principal office of the school. Paragraph (1) through (7) does not apply to a limited driver training school offering a virtual program only.

(a) The fee for a license for a branch office shall be the same as required for any original application.

(b) Any location containing a classroom separate from the licensed facility shall be considered a separate branch office.

(2) No driver training school and/or limited driver training school shall not be located within 500 feet of any building or portion of any building that is used for the purpose of conducting examination for a driver license or for the issuance of a driver license.

(3) No billboard of a driver training school may be displayed within 500 feet of any building or portion of any building that is used by the Department for the purpose of conducting driver examinations or the issuance of driver licenses, unless such sign or advertisement existed prior to the Department establishing a new facility. The Department may approve other advertisements within or nearby a DDS facility.

(4) Any school or classroom facility utilized for or approved for the purposes of a driver training school shall comply with the requirements set forth by the Americans with Disabilities Act of 1990, before a permit is issued. The owner shall certify to the Department that the facility complies with the Act and its implementing regulations.

(5)

(a) A licensed driver training school and/or limited driver training school that provides instruction via distance learning methods in a classroom of a secondary school, or approved driver training school classroom shall not be required to obtain a separate license for the use of that classroom; provided that prior notice must be given to, and approval granted by, the Department prior to the use of such a facility. Such approval will be considered only if requested by a licensed driver training school and/or limited driver training school that has held a license in good standing for the preceding five years prior to the application.

(b) A classroom used for distance learning must be staffed by a licensed instructor or proctor at all times during the provision of instruction. The school must ensure that adequate equipment is provided at the remote site to enable students to view and hear the instructor and to enable the instructor to hear comments and questions from the students at the remote site. In the event the equipment ceases to function at any time, no further instruction may be provided at the remote site unless a licensed instructor is present to continue instruction in person. Only a licensed instructor may issue certificates of completion.

(6) If a licensed driver training school and/or limited driver training school closes a facility, the school must furnish thirty (30) days' advance written notice of the closing to the Department. A copy of said notice shall be posted on the exterior door of the facility so as to be visible to the school's customers or students. Any license for that facility must be surrendered to the Department. Unused Certificates of Completion must be transferred to

another school facility or returned to the Department. Class rosters must be transferred to another school facility or submitted to the Department prior to the closure of the facility.

(7) All classrooms shall provide the necessary films, brochures and other printed and/or electronic materials to be used in providing all courses of instruction.

(8) All Virtual Driver Training Programs shall provide a student workbook approved by the Department.

(9) Driver Training Schools that provide classes of instruction via distance learning methods must also provide at the same location, six (6) hours of behind the wheel instruction by a licensed driver training school instructor.

(10) Limited Driver Training Schools will not be required to comply with (9) above.

(11)

(a) The Department may develop policies and procedures for the delivery of remote classroom instruction for certified Driver Training programs in the event of a public health state of emergency, natural disaster, or man-made disaster.

(b) A certified Driver Training program may utilize remote services for classroom instruction. Such instruction and training may be done via web services, such as, but not limited to, Skype, Zoom, or Web Ex. Instruction must be synchronous instruction allowing for real-time instruction and interaction in a specific virtual place, through a specific online medium, at a specific time.

(c) Schools utilizing such methods must notify and obtain prior approval from the Department and keep rosters and required documents of students enrolled in these programs pursuant to existing rules and regulations of the Department. Such programs shall continue to be subject to all monitoring, training, and auditing pursuant to existing rules and regulations of the Department.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.10
Authority: O.C.G.A. §§ 40-16-2, 40-16-3, 40-5-4, 43-13-4, 43-13-8.
History. Original Rule entitled "Location of School" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Amended: F. Dec. 21, 2016; eff. Jan. 10, 2017.
Amended: New title "Location of Driver Training School or Limited Driver Training School." F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-5-2-.11. Driver Training School and/or Limited Driver Training School Office Requirements.

(1) A residence may not be used to provide classroom instruction or behind the wheel instruction, except when such residence meets all the qualifications of a school and

provided that such operation is not in conflict with local zoning laws regulating commercial businesses and the residence has a separate public outside entrance for the driver training school, limited driver training school and a separate restroom facility.

(2) A driver training school and/or limited driver training school shall maintain an office in the following manner:

(a) The license of the school must be conspicuously displayed in a public location.

(b) The school shall permit authorized representatives of the Department of Driver Services to make periodic scheduled and unscheduled inspections of all school facilities. During such inspection, each owner, partner, associate, corporate director, officer, manager, or employee of the school shall cooperate with the Department's representatives and upon demand, shall exhibit all records or other documents that are required to be maintained by such school under this Chapter.

(c) The telephone must be used exclusively for the operation of the school.

(d) Sufficient indoor space must be provided for the purpose of instruction, to include individual desks or table with chairs to accommodate students comfortably. Classes of instruction are limited to a maximum number of forty (40) students per class unless the Department determines that the space is inadequate for that number of students. In those situations, the maximum number will be calculated on twenty square feet per student and instructor. The minimum square feet of an indoor classroom must be at least 300 square feet of useable classroom space. Programs licensed prior to the enactment of the 300 square foot minimum may continue to utilize existing classrooms that satisfied the prior requirement of 250 square feet. Such programs may not add new classrooms that are less than 300 square feet in size. The maximum number of students per class determined by the Department does not supersede the occupancy load or maximum for the building determined by the local governing entity (i.e. county or city fire marshal, inspector, or agent). A copy of the Certificate of Occupancy must be submitted during the certification application process.

(e) Each school shall be inspected by the respective municipal or county government to ensure that the facilities of such school are in compliance with fire, sanitation, and building requirements in force and effect at the time of the commencement of operations of such school at such location or with the requirements imposed thereafter in conjunction with modifications or improvements previously made to such facilities. Copies of such inspection reports shall be made available upon request to the Department. In addition, the Department shall inspect the designated office space prior to approval of any application submitted to the Department.

(f) An employee of the school must be available to furnish information of operation or to produce necessary records or documents whenever requested by a member of the Department.

(g) The business office of the school cannot be operated entirely through a telephone answering service or telephone answering machine.

(h) A driver training school shall maintain business hours of at least fifteen (15) hours per week, half of which must fall within the Department's normal business hours. An employee of the driving training school and/or limited driver training school must be available during this time to furnish information of operation, verify attendance to a class, or to produce the necessary records or documents whenever requested by a member of the Department. The school may close for a lunch hour at a set time upon notice to the Department of the scheduled lunch hour. The school shall be responsible for notifying the Department of those times during which the business office will be closed for lunch or vacation and of the regularly scheduled hours of operation of the business office.

(i) Any school or classroom facility utilized for or approved for the purposes of a driver training school and/or limited driver training school shall comply with the requirements set forth by the Americans with Disabilities Act of 1990, before a permit or license is issued. The owner shall certify to the Department that the facility complies with the Act and its implementing regulations.

(j) Any school, office, or classroom facility utilized for or approved for the purpose of a driver training school and/or limited driver training school shall be clean and safe from health hazards such as rodents, pest infestation, and mold.

(k) A virtual driver training school shall furnish to the Department, upon request, reports of all students attending the virtual program. Reports must be in the prescribed format of the Department.

(l) A virtual driver training school must provide a "student help desk" for technical support.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.11
Authority: O.C.G.A. §§ 43-13-4, 43-13-8.
History. Original Rule entitled "Office Requirements" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Amended: F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: F. Mar. 25, 2014; eff. Apr. 14, 2014.
Amended: New title "Driver Training School and/or Limited Driver Training School Office Requirements." F. Jan. 14, 2021; eff. Feb. 3, 2021.

Rule 375-5-2-.12. Name of School.

(1) No driver training school and/or limited driver training school will be permitted to use, adopt, or conduct any business under any name that is like, or deceptively similar to any name used by any other driver training school without the prior approval of the

Department. This provision will not be applied to restrict the use of trade names where the holder of the trade name is the party making the request.

(2) A driver training school and/or limited driver training school shall not use the word "State" in any part of the school name.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.12
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Name of School" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Rule 375-5-2-.13. Driver Training School Advertising.

(1) No person or entity shall advertise for students to engage in driver license training or limited driver training school for the purpose of assisting such persons to obtain a Class C or Class M drivers license or provide testing for a driver's license in any manner until such time as the school is properly licensed by the Department.

(2) No person or entity may advertise a driver training school, limited driver training school or the business of giving instructions for hire in assisting persons to meet the requirements for licensed driving of Class C or Class M motor vehicles or the business of preparing an applicant for a driver's license of any kind unless licensed by the Department as a driver training school and/or limited driver training school.

(3) No driver training school licensed as a driver training school, limited driver training school or driver training instructor may advertise or represent themselves to be an agent or employee of the Department, nor shall any individual, partnership, association, or corporation purchase, use, allow the use of any advertisement which would reasonably have the effect of leading the public to believe that they are or were an employee or representative of the Department of Driver Services.

(4) Each driver training school and/or limited driver training school shall use only its licensed name for advertising and advertisements, and no driver training school and/or limited drivertraining school may use less than its full name or another name in any advertisement. This provision will not be applied to restrict the use of trade names where the holder of the trade name is the party making the request.

(5) No driver training school, limited driver training school or driver training instructor shall, by any advertisement or otherwise, state or imply directly or indirectly that any license to operate a motor vehicle is guaranteed or assured to any student or individual who will take or complete any instruction or course of instruction or enroll or otherwise receive instruction in any school.

(6) A driver training school and/or limited driver training school that is licensed by the Department may indicate in its advertisements that it is "licensed by the State" or "State

licensed," however, no school may use any advertisement that states or implies any of the following:

(a) That the school is approved or endorsed by the State or the Department.

(b) The school is certified by the State or the Department.

(c) The school is recognized by the State or the Department.

(d) The school is anything but inspected and licensed by the State.

(7) No driver training school or limited driver training school may advertise or imply that free lessons will be given to individuals who fail the State examination for a driver license. Driver training schools and/or limited driver training school may state that,"IF A STUDENT FAILS TO PASS A STATE EXAMINATION, FURTHER INSTRUCTIONS WILL BE GIVEN AT NO ADDITIONAL COST," provided the statement is true and provided the school indicates the maximum number of lessons available to such students.

(8) No driver training school and/or limited driver training school may advertise or imply that free lessons will be given to individuals or students unless the lessons are in fact offered or given without any monetary considerations.

(9) No driver training school and/or limited driver training school may make any false or misleading claim or statement in any of its advertisements.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.13
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Driver Training School Advertising" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Rule 375-5-2-.14. Responsibility for Employees.

(1) No driver training school or limited driver training school shall employ or otherwise engage any individual to give classroom instruction or behind the wheel instruction unless the individual has a valid current driver training instructor's license issued by the Department for that specific school.

(a) It shall be the duty and responsibility of each driver training school owner, limited driver training school owner or secondary school designated representative to ensure all instructors associated with their school have met all requirements for licensure and have in their possession a valid instructor's license.

(b) It shall be the duty of the driver training school owner, limited driver training school owner or secondary school designated representative and/or the instructor to ensure that all students who attend are on time for all sessions of the course,

maintain correct deportment while on the premises of the school, and that all student rescheduling for missed sessions are completed within six (6) months. If courses are being taught via distance learning, this authority may be delegated to a proctor if a licensed instructor is not on site at the distance-learning site.

(2) Qualified and recognized experts in the fields of driver education, driver training, traffic regulation or motor vehicle safety may give occasional classroom lectures without having a driver training instructor's license. Schools must provide the Department with a list of such experts in advance at least once a quarter.

(3) Each driver-training instructor or proctor employed by or associated with any driver training school shall be deemed an agent of the school and the school shall share the responsibility for all acts performed by the instructor or proctor which are within the scope of his or her employment and which occur during the course of his or her employment.

(4) If a licensed instructor leaves the employment of or otherwise terminates his association with any driver training school or limited driver training school the school shall immediately notify the Department, in writing. Said notice shall contain the following information:

(a) The name, address, and license number of the school;

(b) The name, address, and license number of the instructor;

(c) The date of and reason for the termination date of his/her employment.

(5) The instructor or driver training school owner or secondary school representative shall furnish each student who successfully completes a Driver Training thirty (30) hours of classroom and six (6) hours of actual behind the wheel training preparatory course offered to assist persons to meet the requirements for licensed driving of Class C or Class M motor vehicles in this state, a Certificate of Completion prescribed by the Department.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.14
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Responsibility for Employees" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Rule 375-5-2-.15. Procedures for Records and Contracts.

(1) Every driver training school and/or limited driver training school shall maintain, if required, the following records which shall be available for inspection by the Department during normal business hours. Normal business hours shall be 10:30 a.m. to 5:00 p.m. daily. Flexibility in the time may be observed as long as the school is open at least six (6)

hours per day, at least three (3) hours of which must fall within the period of 10:30 a.m. to 5:00 p.m.

(a) A daily log of all classroom instruction and on the road hours shall be maintained for each student. Such log shall include: observation time, actual driving time, student name, instructor name, the license plate of the vehicle used to conduct the actual driving instructions. Such log can be maintained electronically.

(b) A file containing the original or copyof every contract entered into by the school and its students for the purpose of obtaining any instructions relating to the operations of a motor vehicle or procedures to obtain a drivers license. A copy of the contract must be furnished to the student and the school thereof must retain the original or legible copy for a period of three (3) years.

(c) A roster of each class listing the school's number, name and address, the instructor's license number and the instructor's full name as it appears on the license, the student's name, date of birth.

(d) A schedule for all classes of instruction, giving the date and time of classes must be maintained in the records of the school for a period of three (3) years after the date on which the class was completed. The driver training school or limited driver training school shall furnish copies of the schedule to the Department on request.

(2) Contracts and receipts may be incorporated provided the combined document contains paragraphs a and b of Chapter XV, Contents of Contracts, of these Rules and Regulations.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.15
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Procedures for Records and Contracts" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Rule 375-5-2-.16. Contents of Contracts.

(1) Every contract entered into by the school and another individual shall contain the following:

(a) An agreed contract price per hour of lesson or a total contract price for the number of hours of instruction to be given.

(b) Whether an additional charge will be made for the use of school's vehicle for the actual driving instruction, or for picking up a student or taking his/her to the desired destination upon completion of a lesson.

(2) No contract or agreement shall give the impression, directly or implied that upon completion of the course the student will receive a license to operate a motor vehicle.

(3) A sample contract is available from the Department.

(4) Duration of course or program, including the date and time the course or program is to be taught.

(5) A clause stating that each instructor is certified by the Department of Driver Services.

(6) A clause stating that the school is licensed by the Department of Driver Services in accordance with Title 43-13-1 (The Driver Training School and Commercial Driver Training School License Act) and the rules and regulations of the Department.

(7) The contracts must be pre-numbered.

(8) A clause stating that a performance bond in the principal sum of twenty-five hundred ($2500.00) dollars has and will be maintained for the protection of the contractual rights of the students by an authorized bonding company.

(9) Breach of contract provision.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.16
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Contents of Contracts" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Rule 375-5-2-.17. Program of Instruction.

(1) A driver training school licensed by the Department must have available, if requested by students, both theoretical and practical instruction regarding the operation of a motor vehicle.

(2) The theoretical instruction shall be classroom instruction in specific areas of traffic safety to include subject matter relating to the rules and regulations of the road, safe driving practices, proper attitudes, pedestrian safety and driver responsibility that meets the standards set by the Department.

(3) Practical instruction shall be behind the wheel experience and shall include demonstration and actual performance of stopping, starting, shifting (if straight shift), turning, backing, parallel parking and steering in a vehicle which meets the requirements of the Department. Behind the wheel means the actual time the student is behind the steering wheel driving or being instructed.

(4) Questions prepared by the school for instructional purposes shall not be worded or constructed in the same manner as the questions used by the Department on its official driver examination.

(5) All motorcycle training shall be conducted in accordance with the Motorcycle Safety Program established by the Georgia General Assembly provided for in O.C.G.A. § 40-15-1, *et seq*.

(6) Any licensed driver training school may offer and teach a driver education program, commonly referred to as a 30 and 6, which means thirty (30) hours of classroom instruction and six (6) hours of behind the wheel training. A student enrolled in this program must receive a minimum of thirty (30) hours of classroom instruction and a minimum of six (6) hours of actual behind the wheel training. Simulator training shall not be used to substitute for any portion of the six (6) hours of actual behind the wheel training.

(7) The student must pass a written test with a minimum grade of seventy (70) to successfully complete the course and receive a certificate of completion. In the event of excused absence, sickness, etc., the student shall be required to attend makeup classes for each hour not attended by the student.

(8) Upon satisfactory completion of thirty (30) hours of classroom instruction and six (6) hours of behind the wheel training, the driver training school shall issue a certificate of completion. The certificate must include the name and address of the school, the student's name, the number of hours of instruction, the instructor's signature or the signature of a duly authorized employee of the school, and the date of completion. The certificates shall be numbered, and a roster of each class listing each student's name, date of completion, instructor's name, and fee paid and certificate number will be kept by the driver training school.

(9) All road training must include: city, streets and interstate driving.

(10) Multiple vehicle driving range experience may be used to substitute for up to four (4) hours of the six (6) hour requirement for actual behind the wheel training upon written approval for such substitution from the Department and subject to the following requirements:

(a) Multiple vehicle driving ranges shall have minimum paved course dimensions of 200' x 250'.

(b) Each multiple vehicle driving range shall be equipped with an observation tower. Said tower may be permanently affixed or mobile. It shall be of a height that allows at least one (1) instructor to be positioned so that he or she is able to observe every vehicle on the multiple vehicle driving range.

(c) At least one (1) licensed driver training instructor shall be present in the observation tower at all times during which students are present on a multiple vehicle driving range.

(d) During driver training instruction, multiple vehicle driving range parameters must be affixed with permanent or portable barriers, defined to restrict vehicle and pedestrian access.

(e) Multiple vehicle driving ranges shall be marked with proper lane markings and signage. Lane markings must be permanent and include, but are not limited to: one-way traffic, two-way traffic, railroad crossing(s), pedestrian crosswalk(s), stop lines, parallel parking, straight parking, angled parking, turn about, four (4) way stop, and straight line backing. Signage may be permanently affixed or portable.

(f) Sufficient stanchions or rubber cones of sufficient height shall be used to allow the instructor to prepare the student for the various maneuvers required of an applicant in the driving portion of the state licensing examination.

(g) Each vehicle operated on a multiple vehicle driving range shall be equipped with in-vehicle communication devices to permit the driver training instructor to communicate with each student while driving on a multiple vehicle driving range, and the instructor positioned in the observation tower shall instruct the students on driving maneuvers via said devices.

(h) Credit for multiple vehicle driving range experience shall be given on an hour-for-hour basis.

(11) Upon satisfactory completion of an approved course of instruction at a limited driver training school, the school shall issue a limited certificate of completion. The certificate must include the name and address of the school, the student's name, the number of hours of instruction, type of instruction, the instructor's signature or the signature of a duly authorized employee of the school, and the date of completion.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.17
Authority: O.C.G.A. Secs. 40-15-2, 40-15-3, 43-13-8.
History. Original Rule entitled "Program of Instruction" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Amended: F. Oct. 10, 2007; eff. Oct. 30, 2007.

Rule 375-5-2-.18. Driver Training and Limited Driver Training School Insurance and Safety Requirements.

(1) Every vehicle used by a driver training school for the purpose of driver training must be registered with the Department. A Department-issued Vehicle Registration Card (VRC) must be inside the vehicle at all times.

(a) Vehicles used for actual behind-the-wheel instruction on public roadways or highways shall be less than twelve (12) years old and have less than 300,001 miles, whichever comes first.

(i) A vehicle whose years of service and/or mileage exceed(s) the standards set forth in (a) of paragraph (1) of this Chapter may continue to be used for the purpose of driver training provided the following criteria are met:

1) Said vehicle was previously certified by the Department and has remained continuously certified thereafter; and

2) Said vehicle is inspected annually by a mechanic certified by Automotive Service Excellence and meets the safety criteria established by the Department. The inspection shall be documented on a form provided by the Department.

(b) Vehicles used for driving range only instruction or for other purposes shall be less than thirteen (13) years old and have less than 325,001 miles, whichever comes first.

(i) The VRC issued for such vehicles shall be marked clearly with the statement "Driving Range Use Only."

(ii) Such vehicles shall not be used for behind-the-wheel instruction on public roadways or highways.

(iii) A vehicle whose years of service and/or mileage exceed(s) the standards set forth in (b) of paragraph (1) of this Chapter may continue to be used for the purpose of driver training provided the following criteria are met:

1) Said vehicle was previously certified by the Department and has remained continuously certified thereafter; and

2) Said vehicle is inspected annually by a mechanic certified by Automotive Service Excellence and meets the safety criteria established by the Department. The inspection shall be documented on a form provided by the Department.

(c) Any vehicle used for driver training in any manner shall be equipped with operational safety belts.

(d) No vehicle shall be initially certified by the Department whose years of service and/or mileage limit exceed(s) the standards set forth in (a) and/or (b) of paragraph (1) of this Chapter.

(2)

(a) Any vehicle purchased for the purpose of driver training shall be inspected by the Department prior to use. The Department may accept written verification from the driver training school that the vehicle has less than 10,000 miles and satisfies inspection standards, in lieu of the Department's inspection.

(b) Following the initial inspection, the Department shall inspect each vehicle used for driver training on an annual basis.

(c) No VRC shall be issued for any vehicle that does not successfully pass said inspection.

(3) No driver training school will be issued a VRC unless the school has provided to the Department a Certificate of Liability Insurance from a company authorized to do business in Georgia.

(a) Insurance limits contained in the Certificate of Liability Insurance must meet the following:

(i) At least $100,000.00 to cover bodily injury to, or death of, any one person in any one accident and subject to said limit for one person; and

(ii) At least $300,000.00 to cover bodily injury to, or death of any two or more persons in any one accident; and

(iii) At least $50,000.00 to cover destruction of property of others in any one accident.

(b) Limited driver training schools offering classroom, virtual, or simulator training only will not be required to obtain liability insurance as defined in O.C.G.A. § 43-13-4.

(c) The Certificate of Liability Insurance shall stipulate that the Department shall be notified when the policy expires or is canceled. The Certificate of Liability Insurance shall include the make, model, and vehicle identification number.

(d) Written notification must be provided to the Department when a vehicle is added to a fleet policy. The written notification must include the vehicle make, model, and vehicle identification number.

(4) Every passenger vehicle used by a school for practical driving instruction shall be equipped with the following special equipment to allow the driver training instructor to take control of the vehicle, if necessary:

(a) Extra foot brake pedal operable from the instructor's position on the passenger side of the car.

(b) Extra foot clutch pedal, if the vehicle has a manual transmission, operable from the instructor's position on the passenger side of the car.

(c) Two sideview mirrors, one on either side of the vehicle.

(d) Two rearview mirrors, one for the student driver and one for the driving instructor.

(e) Vehicles used for driving range only instruction need not be equipped with the extra pedals or mirrors required in this subsection.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.18
Authority: O.C.G.A. § 43-13-8.
History. Original Rule entitled "Insurance and Safety Requirements" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Amended: F. Oct. 10, 2007; eff. Oct. 30, 2007.
Amended: F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: F. Jan. 19, 2016; eff. Feb. 8, 2016.
Amended: F. Mar. 17, 2020; eff. Apr. 6, 2020.
Amended: New title, "Driver Training and Limited Driver Training School Insurance and Safety Requirements." F. May 18, 2022; eff. June 7, 2022.

Rule 375-5-2-.19. Procedure for Instructor's License.

(1) Application for an instructor's license must be made to the Department on a form prescribed by and issued by the Department.

(2) Each application for an instructor's license must be accompanied by a notarized statement from the owner or operator of the school, principal or designated representative of a secondary school (unless such owner or operator, principal or designated representative of a secondary school is making application for the instructor's license) that the applicant is or will be employed by the school. THIS APPLIES TO ALL RENEWAL OR DUPLICATE APPLICATIONS FOR THE INSTRUCTOR'S LICENSE.

(3) Every licensed instructor currently employed by a licensed driver training school, that accepts employment with another driver training school must submit a notarized statement from the secondary driver training school, on a form prescribed by the Department, that the secondary driver training school will employ the licensed instructor.

(4) The Department's approval of secondary employment shall be contingent upon the instructor satisfying all of the requirements set forth in 375-8-.02 -.19.

(5) Every application shall be accompanied by two (2) sets of fingerprints of each digit of the right and left hands, an affidavit from a state, county or city officer qualified to make such fingerprints that the fingerprints are those of the applicant, an executed consent for background form, and the processing fee for the actual cost of processing for each set of fingerprint cards.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.19
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Procedure for Instructor's License" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Rule 375-5-2-.20. Qualifications of Driver Training Instructors.

(1) Every driver training school instructor shall be a person of good moral character, and at least 21 years of age.

(2) Every driver training school instructor applicant, at time of application, shall possess a valid driver's license. Said license must be the same class of license for the driver training class being taught.

(a) No driver training school instructor applicant will be approved if his or her driver's license has been suspended within one year prior to making application for a conviction or combination of convictions directly related to the operation of a motor vehicle.

(b) No driver training school instructor applicant will be approved if his or her driver's license has been suspended two or more times within five years prior to making application for a conviction or combination of convictions directly related to the operation of a motor vehicle.

(c) No person with a conviction of a felony or any other crime involving violence or a crime of moral turpitude, or a pattern of misdemeanors that evidences a disregard for the law, will be licensed unless he or she has received a pardon and can produce evidence of same. For the purposes of this chapter, a plea of nolo contendere shall be considered to be a conviction. For the purposes of this chapter, a conviction for which a person has been free from custody and free from supervision for at least 10 years will not be considered, unless the conviction is for an offense which is a dangerous sexual offense as defined in O.C.G.A. § 42-1-12 or the criminal offense was committed against a victim who was a minor at the time of the offense.

(3) Every application for an instructor's certification must be accompanied by a laboratory report for drug screening prescribed by the department and administered within 30 days prior to application submission.

(4) Every applicant must:

(a) Present to the Department an official transcript from a college or university which indicates that the applicant has earned such college credits in driver education and safety; or

(b) Successfully complete a written examination administered by the Department, which will test the applicant's knowledge in the field of driver education and his or her ability to impart driving skills and safety to students.

(c) Every instructor application shall be accompanied by one 2 X 2 inch photograph of the applicant; the photograph shall be taken within 30 days of the date of filing the application. The photograph must show a full view of the face, neck, shoulders and uncovered head.

(5) The driver training instructor examination will be administered on the 2nd and 4th Thursday of each month at the Department headquarters unless specifically notified of change in schedule in advance.

(6) Application for an examination must be accompanied by a fee of $25.00 by money order, certified or cashier's check payable to the Department. The fee is non-refundable.

(7) Applicants must pass this examination in three attempts or within three months of date of application, whichever comes first, or the application will be rejected.

(8) Every application for an instructor's license must be accompanied by a fee of $5.00, by money order, certified or cashier's check payable to the Department. Such fee shall be non-refundable if the application is denied.

(9) Every application for a renewal of an instructor's license shall be made on a form prescribed by the Department and must be filed with the Department not more than 60 days nor less than 10 days preceding the expiration date of the license. A fee of $5.00 must accompany the application by money order, certified or cashier's check payable to the Department. Such fee shall be non-refundable if the application for renewal is denied.

(10) The instructor's license will expire four years from date of issuance unless otherwise canceled, suspended, or revoked by the Department.

(11) Any person whose instructor license has not been renewed within a one-year period shall re-qualify for a new instructor's license pursuant to these rules.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.20
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-5, 43-13-5, 43-13-6, 43-13-8.
History. Original Rule entitled "Qualifications of Instructors" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.

Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Amended: F. Sept. 3, 2009; eff. Sept. 23, 2009.
Amended: New title, "Qualifications of Driver Training Instructors." F. Oct. 18, 2019; eff. Nov. 7, 2019.
Amended: F. May 16, 2024; eff. June 5, 2024.

Rule 375-5-2-.21. General Regulations.

(1) No license, or permit as provided for by the Georgia Driver Training School License Act will be issued to any applicant who has been convicted of any felony or any crime involving violence, dishonesty, deceit, fraud, indecency or moral turpitude unless such applicant has received a pardon and can produce evidence of such pardon to the Department. When requested, each applicant will furnish a copy of the disposition of any case. For the purposes of this subparagraph, a plea of nolo contendere shall be considered a conviction. For the purposes of this subparagraph, a conviction for which a person has been free from custody and free from supervision for at least ten years will not be considered, unless the conviction is for an offense which is a dangerous sexual offense as defined in O.C.G.A. § 42-1-12 or the criminal offense was committed against a victim who was a minor at the time of the offense.

(2) No employee of the Department, nor any employee's spouse, dependent child, dependent stepchild, or dependent adopted child shall be an owner, operator, instructor or employee in any State approved driver training school program.

(3) The school shall agree to permit the Department to inspect the school and all records or documents pertaining thereto during normal business hours, and the Department shall have the right and privilege of reproducing such records or documents, as it deems necessary. Normal business hours shall be 10:30 a.m. to 5:00 p.m. daily. Flexibility in the time may be observed as long as the school is open at least six (6) hours per day, at least three (3) hours of which must fall within the period of 10:30 a.m. to 5:00 p.m. Except when a secondary school is licensed as a driver training school or limited driver training school and provides driver training to students other than during normal business hours of the school business office.

(4) The school must exhibit on each motor vehicle registered by the Department for the purpose of driver instruction a sign identifying the school by name. This identification may be painted or displayed by decal on the front, side or rear of the vehicle, in clearly legible block letters not less than two (2) inches in size. Any such decal may be permanently affixed or removable and detached when the vehicle is not used for driving instruction. If the identification is not painted on the rear or sides of the vehicle, a portable sign must be attached securely to the rear bumper or to the top of the vehicle so that it is visible from the rear, provided that such sign conforms to the above requirements.

(5) A sign must be visible from the rear of the vehicle in clear legible block letters not less than two (2) inches in size with the words STUDENT DRIVER, unless a rear decal or portable sign on the rear bumper or vehicle roof includes the term "Driving School" or

"Driver Education" or "Student Driver" and such term is clearly visible from the rear of the vehicle.

(6) An owner, instructor, employee, or agent of a driver training school and/or limited driver training school shall not imply, directly or indirectly, to a student that his driver license will be obtained upon the completion of a course of driving instruction by the school.

(7) It shall be the duty and responsibility of the driver training school, limited driver training school instructor, or its instructor or agent, to ensure that an unlicensed student meets the vision requirements set forth in Georgia law before any on-street driving instruction is initiated.

(8) No person shall perform any instructional duties as an owner or employee of any driver training school and/or limited driver training school or branch thereof unless such person shall meet the qualifications for an instructor as herein provided, and all instructional personnel must possess a valid instructor's license issued by the Department.

(9) The instructor's license and the vehicle registration card issued by the Department must be carried in the school vehicle at all times whenever driving instructions are being given.

(10) No driver training school or limited driver training school owner, instructor, employee or agent will be permitted to loiter in or on the premises maintained by the Department for the purpose of administering driver license examinations or issuing driver licenses. "Loitering", for the purposes of this subparagraph, shall include a driver training school instructor, employee, or agent remaining or wandering around the Department's premises for the purpose of soliciting business.

(11) No driver training school or limited driver training school owner, instructor, employee or agent will be permitted to solicit any individual for the purpose of enrolling such person in any course or service of the school while on the premises or in any office or facility of the Department.

(12) No driver training school or limited driver training school instructor, employee or agent will be permitted to use the premises or any office or facility maintained by the Department to give driving instructions to any student.

(13) No driver training school instructor, employee or agent shall be attired in any uniform or clothing which would give the appearance of being a member or employee of the Department.

(14) Whenever any school or branch thereof shall be discontinued for any reason, the license of such school or branch shall be surrendered to the Department within ten (10) days of the permanent closing of the facility.

(15) Whenever any employee licensed by the Department is separated from such school for any reason, the school shall notify the Department within ten (10) days in writing of

such separation, giving the name, license number, if applicable, and date of such separation.

(16) No driver training school or limited driver training school may sell, transfer, exchange, trade or otherwise dispose of any contract, part of a contract, agreement or obligation by or between any school and any student or instructor unless the school has obtained the written consent of the student.

(17) No student may sell, transfer, exchange, trade, or otherwise dispose of any contract, part of a contract, agreement or obligation by or between the school and any student and/or instructor, unless the student has obtained the written consent of the school.

(18) Any driver training schools must provide classroom and road training and have proper equipment available for the students.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.21
Authority: O.C.G.A. Secs. 40-5-21, 43-13-4, 43-13-5, 43-13-8.
History. Original Rule entitled "General Regulations" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Amended: F. Sept. 3, 2009; eff. Sept. 23, 2009.

Rule 375-5-2-.22. Contributing Factors to the Suspension, Revocation, or Cancellation of Driver Training School and/or Instructor Licenses.

(1) Actions which may lead to the suspension, revocation or cancellation of a license, certificate or permit shall include but not be limited to the following:

(a) Any conviction for a felony or any crime involving violence, or a crime of moral turpitude, or a pattern of misdemeanors that evidences a disregard for the law unless the applicant has received a pardon and can produce evidence of the same. For the purposes of this subparagraph, a plea of nolo contendere shall be considered a conviction. For the purposes of this subparagraph, a conviction for which a person has been free from custody and free from supervision for at least ten (10) years will not be considered, unless the conviction is for an offense which is a dangerous sexual offense as defined in O.C.G.A. § 42-1-12 or the criminal offense was committed against a victim who was a minor at the time of the offense.

(b) Knowingly presenting false or misleading information to the Department.

(c) Addiction or habitual use of alcohol, dangerous or narcotic drugs.

(d) The failure of any instructor to teach within the guidelines as prescribed in the rules and regulations or who demonstrates a lack of ability to instruct in a driver training school.

(e) Failure or refusal to permit the Department to inspect a school, its class of instruction, records, vehicles, or any operation or facility pertaining to the school during normal business hours.

(f) Failure or refusal to submit to the Department any application for a license or permit in the manner prescribed by the Department.

(g) Failure or refusal to produce a license or permit on demand of a prospective student, the Department, or any constituted law enforcement official or agency.

(h) Failure to maintain proper standards of instruction, instructors, or equipment sufficient to operate a driver training school or limited driver training school.

(i) Employing an instructor, teacher or agent that does not have a license from the Department.

(j) Any change of ownership or controlling stockholders of a school without immediately notifying the Department.

(k) Whenever any owner, instructor, employee, or agent has aided or assisted any person in obtaining a driver license by dishonest or fraudulent means.

(l) Whenever instructions to students are contrary to the restrictions imposed on the student's driver license.

(m) For unauthorized possession of application forms, questionnaires, tests, or other materials used by the Department for the purpose of conducting driver examinations or issuing driver licenses.

(n) Whenever any owner, instructor, employee, or agent has issued a certificate of completion or signed a contract stating the number of classroom hours and/or behind the wheel hours when the student did not, in fact, receive the number of hours stated.

(o) Failure of a driver training school or limited driver training school to maintain a telephone for the exclusive use of the school.

(p) If a person holds one or more license(s) as a driver training school owner and/or limited driver training school and/or instructor and one is suspended, revoked, or canceled, this will be grounds in itself for all licenses issued to that person to be suspended, revoked, or canceled.

(2) A suspension, revocation, or cancellation of an instructor's license automatically terminates any employment relationship that the instructor may have established with other driver training schools.

(3) Any violation, which results in the suspension or revocation of the instructor's motor vehicle operator's license, will constitute grounds for the suspension of the instructor's license or permit.

(4) The driver training school or limited driver training school shall notify the Department immediately in writing of any reportable accident involving a school vehicle or any of its instructors, or of any charge made against an instructor of the school as a result of a violation of the motor vehicle laws.

(5) The Department may impose a monetary fine in addition to, or in lieu of, suspension or revocation of a license for any violation of Georgia law or the regulations governing driver training schools and/or limited driver training schools.

(6) A driver training school and/or instructor may appeal any action taken in accordance with this rule pursuant to Ga. Comp. R. & Regs. R. 375-1-1-.06.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.22
Authority: O.C.G.A. §§ 43-13-7, 43-13-8.
History. Original Rule entitled "Suspension or Revocation of License" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Amended: F. Sept. 3, 2009; eff. Sept. 23, 2009.
Amended: New title "Contributing Factors to the Suspension, Revocation, or Cancellation of Driver Training School and/or Instructor Licenses." F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-5-2-.23. Complaints.

(1) All complaints by any individual, partnership, group, corporation or association against any individual, partnership, group, corporation or association relating to driver training schools, limited driver training schools, driver training instructors, or these rules and regulations, must be in writing and signed by the complainant.

(2) The Department or its authorized representative may ask the complainant to sign a sworn statement indicating the nature of the complaint and the identity of the complainant.

(3) The acceptance or the use of any statement by the Department shall not be deemed an acknowledgement, admission or charge by the Department of the matters contained in the statement.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.23
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Complaints" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Rule 375-5-2-.24. Contractual Bond Requirements.

(1) No driver training school may operate in the State of Georgia unless it provides and files with the Department a continuous surety bond in the principal sum of two thousand five hundred dollars ($2,500.00) for the protection of the contractual rights of students, written by a company authorized to do business in the State of Georgia.

(2) A driver training school may submit an individual surety bond in the amount of $2,500.00 or, if more than one school shares common ownership, or secondary schools located in the same county, submit a surety bond providing coverage in the amount of $2,500.00 per location (i.e., for ten schools, a surety bond in the amount of $25,000.00). If this option is elected the certificate must clearly demonstrate coverage for each school for which coverage is to be provided.

(3) The school shall submit to the Department the contract, or specimen thereof, the obligations of which are guaranteed by the bond.

(4) The surety on any such bond may cancel the bond providing thirty (30) days' written notice to the Department.

(5) If at any time said surety bond is not valid and in force, the license of the school of program shall be deemed suspended by operation of low until a valid surety company bond is again in force.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.24
Authority: O.C.G.A. Secs. 43-13-4, 43-13-8.
History. Original Rule entitled "Contractual Bond Requirements" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Rule 375-5-2-.25. Notices.

Any proposed changes in these rules shall be required to be mailed or otherwise delivered to each driver training school or limited driver training school at least thirty (30) days in advance of the effective date of such proposed rule.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.25
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Notices" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Rule 375-5-2-.26. Driver Training School or Limited Driver Training School Fines.

(1) The Commissioner of the Department may impose an administrative fine not to exceed $1,000 per violation against any driver training school or limited driver training school that fails to comply with the rules and regulations of the Department.

(a) Violations that are minor in nature as determined by the Department shall be punished only by a written reprimand unless the person, firm, or corporation fails to remedy the violation within thirty (30) days.

(b) Failure to remedy violations that are minor in nature within thirty (30) days may result in an administrative fine, not to exceed $250.00.

(2) The Department shall issue, by U.S. Mail or personal service, a notice including the following information:

(a) A concise statement of violations and applicable statutes and regulations;

(b) A statement of the legal authority and jurisdiction under which the notice has been issued;

(c) A notice of amount claimed and notice of the maximum amount authorized pursuant to applicable statutory provisions;

(d) A statement regarding the driver training school or limited driver training school's right to pay the fine assessed or, within thirty (30) days of receipt of the notice, request a hearing to contest the imposition of the fines.

(e) Such notice shall be deemed received three (3) days after mailing.

(3) In the event that the driver training school or limited driver training school fails to request a hearing within thirty (30) days' receipt of the notice, any rights to an appeal and hearing shall be considered to have been waived; and the assessed fine shall become effective upon the expiration of the thirty (30) day notice period.

(4) A driver training school and/or limited driver training school may appeal the imposition of a fine pursuant to Ga. Comp. R. & Regs. R. 375-1-1-.06.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.26
Authority: O.C.G.A. §§ 43-13-8, 50-13-17, 50-13-19.
History. Original Rule entitled "Fines" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Amended: New title "Driver Training School or Limited Driver Training School Fines." F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-5-2-.27. Third Party Tester Program Definitions.

(1) Third Party Tester Program - A program authorized by Code Section 40-5-27 of the Official Code of Georgia Annotated whereby licensed driver training schools approved by the Department of Driver Services may administer an on the road test to students who

successfully complete any of the approved methods of driver training specified in paragraph (1) of subsection (d) of said Code Section.

(2) Approved Road Course - A course approved by the Department of Driver Services for the purpose of conducting on the road testing by a licensed Driver Training School approved as a Third Party Tester.

(3) Cancellation - A Tester or Examination's certification is terminated by the Department because of some error defect in the certification or because the Tester or Examiner is no longer entitled to such certification. The cancellation of certification is without prejudice, and application for a new certification may be made at any time after such cancellation.

(4) Department - Department of Driver Services.

(5) Examiner - Any natural person, not an employee of the Department, who is certified by the Department as a Third Party Examiner to administer Driver's License testing through a Third Party Tester at an approved Driver Training School.

(6) Monitor - An employee of the Department who is responsible for conducting random examinations, inspections and audits of Third Party Testers and Examiners for compliance with state laws and agency rules and regulations. Random examinations may be performed by a Monitor or at a Department Customer Service Center.

(7) Revocation - A Tester or Examiner's certification is terminated by formal action of the Department which privilege shall not be subject to renewal or restoration, except that an application for a new license may be presented to and acted upon by the Department after the expiration of the applicable period of time prescribed by the Department. A revocation shall be for a period of at least one (1) year or indefinitely.

(8) Suspension - A Tester or Examination's certification is temporarily withdrawn by formal action of the Department, which temporary withdrawal shall be for a period specifically designated by the Department.

(9) Tester - Any licensed driver training school that has been licensed to conduct driver's license testing through approved Third Party Examiners. The Driver Training School must have been licensed for a minimum of two (2) years prior to applying as a Third Party Tester.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.27
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-27, 40-5-101.
History. Original Rule entitled "Third Party Tester Program Definitions" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Amended: F. Sep. 13, 2019; eff. Oct. 3, 2019.

Rule 375-5-2-.28. Minimum Requirements for Examiners.

(1) In order to be eligible to conduct third party driving skills tests, a driver training instructor must be trained and certified to conduct skills testing for issuance of driver's license by the Department or its authorized representatives and comply with the following:

(a) Must have a high school diploma or its equivalent;

(b) Be a regular employee of the driver training school and recommended by the school or secondary school designee;

(c) Shall not be a convicted felon;

(d) Shall not have been convicted of any serious moving violation as defined Title 40 within three (3) years prior to application;

(e) Shall not have been enrolled or participated in a state approved DUI Drug or Alcohol Use Risk Reduction Program within ten (10) years prior to making application for certification as a third party examiner;

(f) Must be qualified as a Motor Vehicle Operator and must have held a valid instructor license for minimum of two (2) years prior to application for Third Party Examiner;

(g) Must successfully complete the Department's prescribed course in driver's license classroom instruction and behind the wheel examination;

(h) Must pass all knowledge tests on the first day of the training session;

(j) Upon completion of specialized training administered by the Department or its authorized representative, the Examiner will be issued a certification card qualifying them to examine applicants for skills in license classes equal to their training certification; and

(k) Must possess a current and valid certification identification card with photograph that shall be evidence of the Examiner's certification status.

(2) Examiner applicants shall be issued a certification card upon approval from the Department. These certifications shall expire four (4) years from the date of issuance, unless suspended, revoked, or cancelled, and must be renewed every four (4) years thereafter.

(3) An Examiner whose certification has expired or driver training school license has expired, shall not administer any part of the driver examination until completion of one of the following:

(a) An Examiner with expired certification may be recertified within one (1) years after expiration by performing an examination to the satisfaction of the Department.

(b) If more than one (1) year has lapsed since expiration, the Examiner must successfully complete the Department's prescribed course in classroom instruction and behind the wheel examination for recertification.

(4) Must conduct at least ten (10) tests per calendar year. Failure to do so will result in suspension from conducting further driver's license tests.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.28
Authority: O.C.G.A. § 40-5-4; O.C.G.A. § 40-5-27.
History. Original Rule entitled "Minimum Requirements for Examiners" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Amended: New title "Minimum Requirements for Examiners. Amended." F. Jun. 4, 2013; eff. Jun. 24, 2013.
Amended: F. Jan. 28, 2015; eff. Feb. 17, 2015.

Rule 375-5-2-.29. Minimum Requirements for Testers.

1) Must have held a Driver Training School license for a minimum of two (2) years.

(a) Must have vehicles registered with the Department for the purpose of conducting training and/or testing.

(b) Must maintain adequate driver records reflecting the driver history of each Examiner.

(c) Must enter into a Driver's License Third Party Tester Agreement with the Department.

(d) Agree to have the Third Party Tester Program monitored by the Department.

(e) The skills test plan must be approved by an authorized member of the Department prior to being used.

(f) Tester applicants shall be issued a certification card upon approval from the Department. These certifications shall expire four (4) years from the date of issuance, unless suspended, revoked, or cancelled, and must be renewed every four (4) years thereafter.

2) Shall ensure that Examiners submit to the Department Program Manager or Monitor a testing schedule for all testing to be conducted. This schedule will be submitted and received on Friday prior to the week of testing. A 24-hour notice will be given for

cancellation. The Program Manager or Monitor may approve changes in schedule as necessary. Testing at times and dates not submitted on the schedule or Department approved changes will violate the agreement between the Tester and the Department.

3) Must ensure that all examiners employed by the Tester are certified by the Department and that the Examiners comply with the Department Rules and Regulations, all applicable state laws and Department instructions.

4) Test Administration

   (a) Skill tests will be conducted strictly in accordance with policy used by the Department Examiners. Such instruction may include information on skills test content, route selection/revision, test forms, Examiner procedures, and administration procedures and/or changes.

   (b) Skills tests shall be conducted:

      1. On test routes approved by the Department.

      2. In a vehicle representative of the class and type of vehicle for which the applicant seeks to be certified and for which the Examiner is qualified to test.

      3. Using the Department approved content, forms, and scoring procedures.

      4. Only on approved days of the week during daylight hours only.

5) Only students who have successfully completed a thirty (30) hour classroom and six (6) hours of behind the wheel training at a licensed driver training school with approval from the Department may be tested.

6) Examiners must complete each test before beginning another test and may not start a test within forty-five (45) minutes of starting the previous test.

7) Examiners shall not administer any part of the test unless the Examiner's certification identification card is current and valid and the Examiner is wearing or visibly displaying the card on the Examiner's person.

8) It shall be the responsibility of the Tester prior to administering the skills test to ensure students have satisfactorily completed the thirty (30) hour classroom or online portion of driver training in addition to the six (6) hour behind-the-wheel portion of driver training.

   (a) A thirty (30) hour classroom or online driver training certificate of completion issued by the Department's Online Certificate Reporting Application (OCRA) shall be sufficient proof that a student satisfactorily completed the thirty (30) hour portion of driver training.

(b) A six (6) hour behind-the-wheel certificate of completion issued by OCRA shall be sufficient proof that a student satisfactorily completed the six (6) hour behind-the-wheel portion of driver training.

(c) The Tester shall maintain copies of both the thirty (30) hour classroom or online driver training certificate of completion and the six (6) hour behind-the-wheel certificate of completion in the student's student file, which shall be subject to audit by the Department.

(d) If the student cannot produce a copy of his or her thirty (30) hour classroom or online certificate of completion or a copy of his or her six (6) hour behind-the-wheel certificate of completion prior to administration of the skills test, it shall be the responsibility of the student to obtain a replacement certificate from the driver training program that issued said certificate.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.29
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-27, 40-5-101.
History. Original Rule entitled "Minimum Requirements for Testers" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Amended: F. Mar. 18, 2011; eff. Apr. 7, 2011.
Amended: F. Mar. 12, 2015; eff. Apr. 1, 2015.
Amended: F. Sep. 13, 2019; eff. Oct. 3, 2019.

Rule 375-5-2-.30. Record Requirements for Tester.

(1) Licensed Driver Training Schools authorized to conduct on the road skills tests under the Third Party Program shall maintain the following records for the Third Party Examiner file:

(a) A copy of each Examiner's current certification identification card with photograph.

(b) A copy of Examiner's MVR (current update, a minimum of once per year).

(c) Examiner and Tester Certifications must be displayed.

(d) Tester must maintain these records for the previous two (2) years and for the current year.

(e) Tester must maintain these records on an Examiner for at least two (2) years after that Examiner leaves the Tester's employment.

(2) Records shall be maintained for Driver examination applicants tested:

(a) A copy of the DDS prescribed score sheet on each applicant tested (passing or failing copies with the applicant's actual score).

(b) A copy of the DDS letter of authorization for testing from the Department; or a current MVR (three months minimum) and current physical.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.30
Authority: O.C.G.A. Sec. 40-5-27.
History. Original Rule entitled "Record Requirements for Tester" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Rule 375-5-2-.31. Notification Requirements.

(1) Testers approved under the Third Party Program must:

(a) Notify the Department in writing thirty (30) days prior to any change in the Tester's name and/or address.

(b) Notify the Department in writing within (2) days of any change in:

(i) The Examiners who are employed by the Tester; and

(ii) Any Examiner's driving status.

(2) Notify the Department in writing within (10) days of any of the following occurrences:

(a) The Driver Training School ceases to do business in Georgia or the Driver Training School program under a secondary school determines they are discontinuing the program.

(b) The Tester fails to comply with any of the Department's requirements.

(c) Examiner receives notice from the Department of any driver's license suspension, revocation, disqualification, cancellation or DUI conviction.

(d) Any Examiner fails to comply with any of the Department's requirements.

(3) Request and obtain approval from the Department of any proposed changes in the skills test(s) route(s), test content, or Examiner administrative procedures.

(a) The Examiner shall notify the Department within ten (10) days of leaving the employ of a Tester.

(b) The following reports shall be submitted to the Department:

(i) A copy of skills test roster of applicants tested;

(ii) A copy of test schedules; and

(iii) All fines for the previous two (2) years and for the current year.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.31
Authority: O.C.G.A. § 40-5-4; O.C.G.A. § 40-5-27.
History. Original Rule entitled "Notification Requirements" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Amended: F. Jan. 28, 2015; eff. Feb. 17, 2015.

Rule 375-5-2-.32. Denial/Suspension/Revocation/Cancellation of Third Party Testing Program Certification.

(1) The Department may deny any application for a Tester or Examiner's certification or cancel certification if the applicant does not qualify for certification under these rules. Misstatements or misrepresentations in the application may be grounds for cancellation.

(2) Any Tester or Examiner may relinquish a certification upon thirty (30) days written notice to the Department. All forms, manuals, or supplies that the Department has furnished, including certification and certification identification cards of Examiners shall be surrendered.

(3) The Department may cancel the Third Party Testing Program provided for in these requirements in its entirety.

(4) The Department may suspend or revoke a Tester or Examiner's certification upon any of the following grounds:

(a) Failure to comply with or satisfy any of the provisions of these requirements, the Department's instructions or the Third Party Tester agreement.

(b) Falsification of any records or information relating to the Third Party Testing Program.

(c) Commission of any act which compromises the integrity of the Third Party Program.

(d) Failure to fully cooperate with the Monitor, including providing the Monitor access to:

(i) All Third Party Tester Program documents and records;

(ii) Any facility where testing is performed; or

(e) For the Examiner: driver's license suspension, revocation, recall, or disqualifications.

(f) If applicable, failure to maintain a copy of the student's OCRA issued thirty (30) hour classroom or online driver training certificate of completion in the student's student file.

(g) Administering a skills test to a student who did not complete the six (6) hour behind-the-wheel portion of driver training at the Tester's Driver Training school.

(h) If the Department determines that grounds for cancellation of certification exists for failure to comply with or satisfy any of these requirements or the Third Party Tester Agreement, the Department may postpone action and allow the Tester or Examiner thirty (30) days to correct the deficiency.

(5) A tester and/or examiner may appeal any action taken in accordance with this rule pursuant to Ga. Comp. R. & Regs. R. 375-1-1-.06.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.32
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-27, 40-5-101.
History. Original Rule entitled "Denial/Suspension/Revocation/Cancellation of Third Party Testing Program Certification" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Amended: F. Sep. 17, 2019; eff. Oct. 7, 2019.
Amended: F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-5-2-.33. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.33
Authority: O.C.G.A. § 40-5-27.
History. Original Rule entitled "Suspension/Revocation and Appeal Procedures" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Repealed: F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-5-2-.34. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.34
Authority: O.C.G.A. § 40-5-27.
History. Original Rule entitled "Emergency Order" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.
Repealed: F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-5-2-.35. Pending Charges Against Owners and Instructors.

(1) If at the time of application the applicant is charged with any offense that a conviction for which would result in said applicant's ineligibility for certification, consideration of the application shall be suspended until entry of a plea or verdict or dismissal of said charge.

(2) If after the issuance of a permit a person is charged any offense that a conviction for which would result in said applicant's ineligibility for certification, the permit may be suspended pending disposition of such charge. If the person is convicted of such charge, the permit shall be revoked.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.35
Authority: O.C.G.A. Sec. 40-5-27.
History. Original Rule entitled "Pending Charges Against Owners and Instructors" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.
Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Rule 375-5-2-.36. Alternative Resources for Background Investigations.

In the event the Department is unable to obtain classifiable electronically recorded fingerprints from an applicant for reasons that are beyond the applicant's control, the Department may conduct a background investigation of such applicant utilizing the CJIS Name Search procedures authorized by the Federal Bureau of Investigations and the Georgia Bureau of Investigations.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.36
Authority: O.C.G.A. § 40-16-5.
History. New Rule entitled "Alternative Resources for Background Investigations" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

Subject 375-5-3. COMMERCIAL DRIVER TRAINING SCHOOLS.

Rule 375-5-3-.01. Organization.

The Commercial Driver Training Program shall be administered by the Director of the Regulatory Compliance Division of the Department of Driver Services, and such additional staff as the Commissioner deems necessary.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.01
Authority: O.C.G.A. §§ 40-16-1, 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 43-13-8.
History. Original Rule entitled "Organization" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.
Amended: F. July 19, 2018; eff. August 8, 2018.

Rule 375-5-3-.02. Definitions.

The following words and phrases, whenever used in this Chapter, shall have the meaning as in this section ascribed to them unless where used in the context thereof shall clearly indicate to the contrary or unless otherwise defined in the section of which they are part.

(a) "Commercial Motor Vehicle Training School" means any person, partnership, limited liability company, corporation, association, or other legal entity engaged in giving driving instruction to ten (10) or more persons per calendar year for the purpose of meeting requirements for CDL licensed driving of motor vehicles in the State of Georgia, except an accredited elementary school, junior college or college conducting a driver training course and driver improvement schools operated by this state, a county or a municipality thereof.

(b) "Person" means every natural person, firm, partnership, limited liability company, corporation, association or school.

(c) "Driver License Examiner" means any person appointed by the Department for the purpose of administering driver license examinations.

(d) "Instructor" shall mean any person, whether employed by a commercial driver training school or operating in his or her own behalf, or whether acting on behalf of any school located within or outside the State of Georgia, who gives driving instructions for the purpose of meeting requirements for licensed driving of motor vehicles in the State of Georgia at a driver training school.

(e) "Suspension" means the privilege to operate a commercial driver training school or to instruct (as provided in these regulations) is temporarily withdrawn by formal action of the department, which temporary withdrawal shall be for a period specifically designated by the Department.

(f) "Revocation" means the privilege to operate a commercial driver training school or to instruct (as provided in these regulations) is terminated by formal action of the Department, which privilege shall not be subject to renewal or restoration, except that an application for a new license may be presented to and acted upon by the Department after the expiration of the applicable period of time prescribed by the Department. A revocation may be for a period of one (1) year or indefinitely.

(g) "Cancellation" means a license previously issued to or presently held by a person, firm, partnership, corporation, association, or school is terminated by the Department because of some error or defect in the license or because the licensee is no longer entitled to such license. The cancellation of a license is without prejudice, and application for a new license may be made at any time after such cancellation.

(h) "Applicant" means the owner of a sole proprietorship, the partners in a firm, partnership or association or the controlling stockholders of a corporation, or the principal of a secondary school.

(i) "Controlling Stockholders" mean all stockholders of any corporation, public or private, owning more than ten percent (10%) of the outstanding shares in such corporation.

(j) "Passenger type vehicle" means any vehicle that requires a Commercial driver's license and is defined as a bus.

(k) "Non-Passenger type vehicle" means any vehicle that requires a class A, B, or C commercial driver's license.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.02
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Definitions" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.

Rule 375-5-3-.03. Commercial Driver Training School License.

(1) Procedures for Commercial Driver Training School License

(a) Before any original license may be issued to any person for a commercial driver training school to operate in the State of Georgia, an application shall be made in writing to the Department, on a form prepared and furnished by the Department. The application shall include the following minimum information:

(i) The title or name of the school together with complete ownership and names and addresses of directors, officers and controlling stockholders therein.

(ii) The specific curriculum of instruction, submitted to the Department for approval shall include the number of hours for classroom, range and on the road training. On the road training shall be defined as actual individual behind the wheel training on the streets and highways within Georgia.

(iii) The place or places where such instruction will be given.

(iv) A statement that the owners of the commercial driver training school are twenty-one (21) years of age or over.

(b) The applicant must submit a certified copy from the clerk of the appropriate Superior Court evidencing the registration of a business or trade name if the business is to be conducted under such a trade name in lieu of the name of the corporation, person, partnership, or other entity, which owns such driver training school.

(c) The application by the owner, partners, officers or controlling stockholders of any commercial driver training school shall be accompanied by one (1) 2 X 2 photograph of the applicant. The photograph shall be taken within thirty (30) days

of the date of filing the application. The photograph must show a full view of the face, neck, shoulders and uncovered head.

(d) The applicant must submit a notarized certification of the adopted business name if such business is to be conducted under an adopted business name. The application shall list the complete corporate name and any trade name to be used.

(e) The applicant must submit to the Department, in addition to all other requirements, the following:

(i) Samples of any and all contracts to be used by the school.

(ii) Sample copies of all forms to be used by the school that will be furnished or delivered to its students.

(iii) Sample copies of all forms or receipts to be used by the school.

(iv) A list designating the full names and addresses of all instructors of the school.

(f) The application by the owner, partners, officers or controlling stockholders of any commercial driver training school shall be accompanied by two (2) sets of fingerprints of each digit of the right and left hands, an affidavit from a state, county, or city officer qualified to make such fingerprints that the fingerprints are those of the applicants, and a processing fee for the actual cost of processing for each set fingerprint cards.

(2) License Fees

Every application for a commercial driver training school license must be accompanied by a fee of $25.00 by money order, certified or cashier's check payable to the Department and attached to the application form. Such fee shall be non-refundable.

(3) Display of License

(a) The license must be clearly displayed in a conspicuous location at all times where it can be viewed by the public in the principal place of business of the school.

(b) If either the license or vehicle registration card issued pursuant to this Chapter is lost, mutilated, or destroyed, a duplicate will be issued by the Department upon receipt of an affidavit showing the following:

(i) The date the license or card was lost, mutilated or destroyed.

(ii) The circumstances of the loss, mutilation, or destruction.

(c) The fee for a duplicate license or card shall be the same as the fee for renewal of the license or card.

(4) Nontransferability

(a) Any license for a commercial driver training school shall be non-transferable. In the event of a change of ownership, except in the case of a corporation unless there is a sale of the controlling interest, application for a new license shall be made to the Department and the old license must be surrendered to the Department before another license can be issued to the new owner.

(b) The application for a new license shall be made in the same manner as for an original license for a commercial driver training school and the fee shall be the same as for an original license.

(5) Expiration of License

Each license for a commercial driver training school and each instructor's license shall expire four (4) years from date of issuance. Each such license must be renewed every four years in the manner prescribed by the Department.

(6) Renewal of License

(a) Application for a renewal of the license for a commercial driver training school and/or vehicle registration card shall be made on a form prescribed by and furnished by the Department. A fee of $25.00 must accompany the renewal application by money order, certified or cashier's check payable to the Department. Such fee shall be non-refundable.

(b) Renewal application forms (for school license and/or vehicle registration card) must be submitted to the Department not more than sixty days nor less than thirty (30) days preceding the expiration date of the license to be renewed.

(c) Owners who allow their school's license to expire will not be permitted to operate the school under any condition during the period in which the license is in an expired state.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.03
Authority: O.C.G.A. §§ 43-13-4, 43-14-6, 43-13-8.
History. Original Rule entitled "Procedures for Commercial Driver Training School License" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.
Amended: New title "Commercial Driver Training School License." F. Apr. 15, 2020; eff. May 5, 2020.

Rule 375-5-3-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.04
Authority: O.C.G.A. §§ 43-13-4, 43-13-8.
History. Original Rule entitled "License Fees" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.
Repealed: F. Apr. 15, 2020; eff. May 5, 2020.

Rule 375-5-3-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.05
Authority: O.C.G.A. § 43-13-8.
History. Original Rule entitled "Expiration of License" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.
Repealed: F. Apr. 15, 2020; eff. May 5, 2020.

Rule 375-5-3-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.06
Authority: O.C.G.A. § 43-13-8.
History. Original Rule entitled "Non-transferability" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.
Repealed: F. Apr. 15, 2020; eff. May 5, 2020.

Rule 375-5-3-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.07
Authority: O.C.G.A. § 43-13-8.
History. Original Rule entitled "Display of License" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.
Repealed: F. Apr. 15, 2020; eff. May 5, 2020.

Rule 375-5-3-.08. Changes of Officers or Address.

(1) The Department must be notified in writing within ten (10) days of any change of address of the owner, partner, and officer, of any commercial driver training school.

(2) The Department must be notified in writing within ten (10) days of any change of officers, directors or controlling stockholders of any corporation or association holding a license. In such case each new officer, director, or controlling stockholder must provide to the Department the same information as required for an original license application.

(3) Failure to notify the Department of such changes shall be grounds for immediate suspension or revocation of the school license or the imposition of a civil penalty.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.08
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Changes of Officers or Address" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.

Rule 375-5-3-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.09
Authority: O.C.G.A. §§ 43-13-6, 43-13-8.
History. Original Rule entitled "Renewal of License" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.
Repealed: F. Apr. 15, 2020; eff. May 5, 2020.

Rule 375-5-3-.10. Location of Commercial Driver Training School.

(1) A branch office of any commercial driver training school shall be licensed in the same manner and subject to the same qualifications as the principal office of the school.

(a) The fee for a license for a branch office shall be the same as required for any original application.

(b) Any location containing a classroom separate from the licensed facility shall be considered a separate branch office.

(2) No commercial driver training school shall be located within 500 feet of any building or portion of a building that is used for the purpose of conducting examination for a driver license or for the issuance of a driver license.

(3) No billboard or other such public advertisement of a driver training school may be displayed within 500 feet of any building or portion of any building that is used for the purpose of conducting driver examinations or the issuance of driver licenses.

(4) Any school or classroom facility utilized for or approved for the purposes of a driver training school shall comply with the requirements set forth by the Americans with Disabilities Act of 1990, before a permit is issued. The owner shall certify to the Department that the facility complies with the Act and its implementing regulations.

(5)

(a) The Department may develop policies and procedures for the delivery of remote classroom instruction for certified Commercial Driver Training programs in the event of a public health state of emergency, natural disaster, or man-made disaster.

(b) A certified Commercial Driver Training program may utilize remote services for classroom instruction and the administration of assessments. Such instruction, training, and assessments may be done via web services, such as, but not limited to, Skype, Zoom, or Web Ex. Instruction must be synchronous instruction allowing for real-time instruction and interaction in a specific virtual place, through a specific online medium, at a specific time.

(c) Schools utilizing such methods must notify and obtain prior approval from the Department and keep rosters and required documents of students enrolled in these programs pursuant to existing rules and regulations of the Department. Such

programs shall continue to be subject to all monitoring, training, and auditing pursuant to existing rules and regulations of the Department.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.10
Authority: O.C.G.A. § 43-13-8.
History. Original Rule entitled "Location of School" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.
Amended: New title "Location of Commercial Driver Training School." F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-5-3-.11. Commercial Driver Training School Office Requirements.

(1) A residence may not be used as the place of business for a commercial driver training school.

(2) A commercial driver training school shall maintain an office in the following manner:

(a) The license of the school must be conspicuously displayed.

(b) The school shall permit authorized representatives of the Department to make periodic scheduled and unscheduled inspections of all school facilities. During such inspection, each owner, partner, associate, corporate director, officer, manager, or employee of the school shall cooperate with the Department's representatives and upon demand, shall exhibit all records or other documents required to be maintained by such school under this Chapter.

(c) The telephone must be used exclusively for the operation of the school.

(d) An indoor classroom must be enclosed in such a manner that interference by the general public will be minimized. Sufficient indoor space must be provided for the purpose of instruction, to include individual desks or table with chairs to accommodate students comfortably. Classes of instruction are limited to a maximum number of forty students per class unless the Department determines that the space is inadequate for that number of students. In those situations, the maximum number will be calculated on twenty square feet per student with a minimum number of fifteen students per class. The maximum number of students per class determined by the Department does not supersede the occupancy load or maximum for the building determined by the local governing entity (i.e. county or city fire marshal, inspector, or agent). A copy of the Certificate of Occupancy must be submitted during the certification application process.

(e) Each school shall be inspected by the respective municipal or county government to ensure that the facilities of such school are in compliance with fire, sanitation, and building requirements in force and effect at the time of the commencement of operations of such school at such location or with the requirements imposed thereafter in conjunction with modifications or improvements previously made to

such facilities. Copies of such inspection reports shall be made available upon request to the Department. In addition, the Department shall inspect the designated office space prior to approval of any application submitted to the Department.

(f) An employee of the school must be available to furnish information of operation or to produce necessary records or documents whenever requested by a member of the Department.

(g) The business office of the school cannot be operated entirely through a telephone answering service or telephone answering machine.

(h) The school may use the services of an answering service to answer the telephone only when the office is unmanned. The owner or operator of a school will be permitted to list their residence telephone number in any advertisement or on business cards provided such listing specifically states that such number may be called after a designated hour.

EXAMPLE: If the residence telephone number of the owner or operator is 224-4444, the advertisement must read, `Call 244-4444 after 6:00 p.m.'

(i) Any commercial driver training school may use a telephone number answering service in connection with the school; however, such service must be secondary to the operation of the school and shall be used only when there is no one in the school office to answer the telephone.

(j) An 800 number or other telephone number may be answered at the principal office provided it is a toll-free call from the county where the classroom is located.

(k) Any school or classroom facility utilized for or approved for the purposes of a commercial driver training school shall be clean and safe from health hazards such as rodents, pest infestation, and mold, and must comply with the requirements set forth by the Americans with Disabilities Act of 1990, before a permit is issued. The owner shall certify to the Department that the facility complies with the Act and its implementing regulations.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.11
Authority: O.C.G.A. § 43-13-8.
History. Original Rule entitled "Office Requirements" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.
Amended: New title "Commercial Driver Training School Office Requirements." F. Jan. 14, 2021; eff. Feb. 3, 2021.

Rule 375-5-3-.12. Name of School.

(1) No commercial driver training school will be permitted to use, adopt, or conduct any business under any name that is like, or deceptively similar to any name used by any other commercial driver training school without the prior approval of the Department.

(2) A commercial driver training school shall not use the word "State" in any part of the school name.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.12
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Name of School" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.

Rule 375-5-3-.13. Advertising.

(1) No commercial driver training school shall advertise in any manner until such time as the school is properly licensed by the Department.

(2) No commercial driver training school may advertise a commercial driver training school or the business of giving instructions for hire in the driving of motor vehicles or the business of preparing an applicant for a driver's license of any kind unless licensed by the Department as a commercial driver training school.

(3) No commercial driver training school licensed by the department or commercial driver training instructor may advertise or represent themselves to be an agent or employee of the Department, nor shall any individual, partnership, association, or corporation purchase, use, allow the use of any advertisement, which would reasonably have the effect of leading the public to believe that they are or were an employee or representative of the Department.

(4) Each commercial driver training school shall use only its licensed name for advertising and advertisements, and no commercial driver training school may use less than its full name or another name in any advertisement.

(5) No commercial driver training school or commercial driver training instructor shall, by any advertisement or otherwise, state or imply directly or indirectly that any license to operate a commercial motor vehicle is guaranteed or assured to any student or individual who will take or complete any instruction or course of instruction or enroll or otherwise receive instruction in any commercial driver training school.

(6) A commercial driver training school that is licensed by the Department may indicate in its advertisements that it is "licensed by the State" or "State licensed," however, no commercial driver training school may use any advertisement that states or implies any of the following:

(a) The school is approved or endorsed by the State or the Department.

(b) The school is certified by the State or the Department.

(c) The school is recognized by the State or the Department.

(d) The school is anything but inspected and licensed by the State.

(7) No commercial driver training school may advertise or imply that free lessons will be given to individuals who fail the State examination for a commercial driver license. Commercial driver training schools may state that, "IF A STUDENT FAILS TO PASS A STATE EXAMINATION, FURTHER INSTRUCTIONS WILL BE GIVEN AT NO ADDITIONAL COST," provided the statement is true and provided the school indicates the maximum number of lessons available to such students.

(8) No commercial driver training school may advertise or imply that free lessons will be given to individuals or students unless the lessons are in fact offered or given without any legal considerations.

(9) No commercial driver training school may make any false or misleading claim or statement in any of its advertisements.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.13
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Advertising" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.

Rule 375-5-3-.14. Responsibility for Employees.

(1) No commercial driver training school shall employ or otherwise engage any individual to give classroom instruction or behind the wheel instruction unless the individual has a valid current driver training instructor's license issued by the Department for that specific school.

(2) Qualified and recognized experts in the fields of commercial driver education, driver training, traffic regulation or Federal Motor Carrier Safety Regulations may give occasional classroom lectures without having a commercial driver training instructor's license, provided the commercial driver training school that secures the services of such expert notifies the Department in advance, indicating the name, address and qualifications of the expert, the proposed lecture date and secures the approval of the Department.

(3) Each commercial driver-training instructor employed by or associated with any commercial driver training school shall be deemed an agent of the school and the school shall share the responsibility for all acts performed by the instructor which are within the scope of his employment and which occur during the course of his employment.

(4) If a licensed instructor leaves the employment of or otherwise terminates his association with any commercial driver training school, the school shall immediately notify the Department, in writing. Said notice shall contain the following information:

(a) The name, address, and license number of the school;

(b) The name, address, and license number of the instructor;

(c) The date of and reason for the termination of his/her employment.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.14
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Responsibility for Employees" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.

Rule 375-5-3-.15. Records and Contracts.

(1) Every commercial driver training school shall maintain the following records, which shall be available for inspection by the Department during normal business hours. Normal business hours shall be between 8:30 a.m. and 4:30 p.m. daily. One hour of flexibility in the time may be observed as long as the school is open eight (8) hours per day.

(a) A daily log of all range and on the road hours shall be maintained for each student. Such log shall include: observation time, actual driving time, student name, instructor name, vehicle designate whether its actual range or road time.

(b) A file containing the original of every contract entered into by the school and its students for the purpose of obtaining any instructions relating to the operations of a motor vehicle or procedures to obtain a commercial drivers license. A duplicate copy of the contract must be furnished to the student and the school thereof must retain the original for a period of three (3) years.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.15
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Records and Contracts" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.

Rule 375-5-3-.16. Contents of Contracts.

(1) Every contract entered into by the school and another individual shall contain the following:

(a) An agreed contract price per hour of lesson or a total contract price for the number of hours of instruction to be given.

(b) Whether an additional charge will be made for the use of school's vehicle for the actual driving instruction, or for picking up a student or taking him to his desired destination upon completion of a lesson.

(2) No contract or agreement shall give the impression, directly or implied, that upon completion of the course the student will receive a license to operate a motor vehicle or a commercial vehicle.

(3) A sample contract is available from the Department.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.16
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Contents of Contracts" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.

Rule 375-5-3-.17. Commercial Driver Training School Program of Instruction.

(1) A commercial driver training school certified by the Department must provide the student both theoretical and practical instruction regarding the operation of a commercial motor vehicle in accordance with 49 C.F.R. Parts 383 and 384.

(2) The theoretical instruction shall be classroom instruction in specific areas of traffic safety to include subject matter relating to the rules and regulations of the road, safe driving practices, proper attitudes, pedestrian safety, and driver responsibility.

(3) Practical instruction shall be behind-the-wheel experience and shall include demonstration and actual performance of stopping, starting, shifting (if straight shift), turning, backing, parallel parking and steering in a vehicle which meets the requirements of the Department. Behind-the-wheel is defined as the actual time the student is behind the steering wheel driving or being instructed.

(4) Test or exam questions prepared by the school for instructional purposes shall not be worded or constructed in the same manner as the questions used by the Department on its official driver examination.

(5) The student must pass a written exam with a minimum grade of eighty (80) to successfully complete the course and receive a certificate of completion. In the event of excused absence, sickness, etc., the student shall be required to attend makeup classes for each hour exceeding ten (10) percent of the road or range time specifically outlined in the approved school curriculum. The certificate must include the name and address of the school, DDS Certification number, the student's name, the number of hours of instruction, the instructor's signature or the signature of a duly authorized employee of the school, and the date of completion. The certificates shall be numbered, and a roster of each class listing each student's name, date of completion, instructor's name, fee paid, and certificate

number must be kept by the commercial driver training school for a minimum of three (3) years.

(6) All non-passenger road training must include city, rural, and interstate driving.

(7) Every school providing instruction for non-passenger vehicles and passenger vehicles meeting the definition of a bus shall maintain, for practical truck and/or bus driver training, a range 250 ft. X 250 ft. or a minimum of 62,500 square feet. Approval for additional vehicles requires inspection by the Department to determine that adequate space is available. Each range will be equipped with sufficient cones and/or barrels for non-passenger vehicles to perform the following mandatory maneuvers:

(a) Straight Line Backing

(b) Off-set Backing

(i) Off-set left

(ii) Off-set right

(c) Parallel Parking

(i) Sight Side

(ii) Blind Side

(d) Alley Dock

(i) 45 degree

(ii) 90 degree

(8) In accordance with 49 C.F.R. Parts 383 and 384, effective February 7, 2022, commercial drivers are required to complete entry-level driver training.

(a) Except as provided in subsection (b), on or after February 7, 2022, any entry-level commercial driver shall be required to successfully complete an entry-level driver training program approved by the Federal Motor Carrier Safety Administration, in accordance with 49 C.F.R. Parts 383 and 384. The term "entry-level commercial driver" shall mean any person who:

(i) seeks to obtain a new Class A or Class B commercial driver's license;

(ii) seeks to upgrade any existing commercial driver's license to a higher Class commercial driver's license;

(iii) seeks to obtain a new school bus (S), passenger (P), or hazardous materials (H) endorsement; or

(iv) is otherwise subject to the entry-level driver training requirements set forth in 49 C.F.R. Parts 383 and 384.

(b) The entry-level driver training requirements set forth in subsection (a) shall not apply to the following persons:

(i) commercial drivers who hold a valid commercial driver's license or an S, P, or H endorsement that was issued prior to February 7, 2022;

(ii) commercial drivers who obtained a commercial learner's permit prior to February 7, 2022, and upgrade to a commercial driver's license before the commercial learner's permit expires; or

(iii) any person who is exempted from taking a skills test pursuant to 49 C.F.R. Part 383.

(c) Effective February 7, 2022, in order to add a hazardous materials (H) endorsement to a commercial driver's license, the driver must:

(i) complete entry-level driver training prior to taking the knowledge exam for the hazardous materials (H) endorsement;

(ii) complete the Hazardous Materials Endorsement Threat Assessment Program administered by the Transportation Security Administration (TSA);

(iii) pass the knowledge exam for the hazardous materials (H) endorsement; and

(iv) renew their commercial driver's license to have the H or X (Tank Vehicles and Hazardous Material) endorsement added.

(9) Effective February 7, 2022, every commercial driver training school and every CDL third-party tester certified by the Department shall provide, prior to administering a third-party skills test or as part of its instructional curriculum, a human trafficking awareness and prevention course that is administered to every student it tests and/or trains, and evidence of such completion as required by the department.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.17
Authority: O.C.G.A. §§ 40-15-3, 43-13-8.
History. Original Rule entitled "Program of Instruction" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.
Amended: New title, "Commercial Driver Training School Program of Instruction." F. Jan. 13, 2022; eff. Feb. 2, 2022.

Rule 375-5-3-.18. Insurance and Safety Requirements.

(1) Every vehicle used by a school for the purpose of commercial driver training must be registered with the Department and a Vehicle Registration Card, issued by the Department, must be displayed conspicuously inside the vehicle at all times.

(2) A non-passenger type vehicle must have been inspected by a member of the Department and determined to be in a safe operating condition prior to a vehicle card being issued. Vehicle registration cards issued for a vehicle used for off road vehicle training will be marked FOR OFF-ROAD USE ONLY.

(3) No school vehicle registration card will be issued unless the school has filed with the Department evidence of insurance by a company authorized to do business in Georgia in the amount of at least $100,000.00 to cover bodily injury to, or death of, any one person in any one accident and subject to said limit for one person, to a limit of at least $200,000.00 to cover bodily injury to, or death of any two or more persons in any one accident, and at least $20,000.00 to cover destruction of property of others in any one accident.

   (a) The school shall furnish evidence of such insurance, in the form of a certificate from the insurance company which shall stipulate that the Commissioner shall be notified when the policy expires or if it is canceled, and shall include the make, model, and vehicle identification number.

   (b) If the school is covered under a fleet policy and another vehicle is added to the fleet, the school should notify the Department that another vehicle (giving the make, model, and vehicle identification number) has been added so as to avoid the necessity of the insurance company furnishing the Department with another copy of the policy each time another vehicle is added to the school fleet.

(4) Every truck or passenger type vehicle used by a school for practical driving instruction shall be equipped with the following special equipment.

   (a) Extra brake pedal operable from the instructor's position.

   (b) Extra clutch pedal, if the vehicle has conventional gearshift, operable from the instructor's position.

   (c) Two outside rearview mirrors, one on either side of the vehicle and two inside rearview mirrors, one for the use of the student driver and one for the use of the driving instructor.

   (d) Cushions for the proper seating of students when necessary.

   (e) Sufficient stanchions or rubber cones of sufficient height to allow the instructor to prepare the student for the various maneuvers required of an applicant in the driving portion of the state licensing examination.

(5) Every non-passenger type vehicle used by a school for practical driving instructions shall be equipped with the following equipment:

(a) Two outside rear view mirrors, one on each side of the vehicle.

(b) Cushions for the proper seating of students when necessary.

(c) Some type brake or lever must be installed on the passenger side of all tractors to allow the instructor to apply brakes on the trailer of all tractor-trailers that are used for on road training. This brake will not be required for off-road training.

(d) Non-passenger type vehicles that are not tractor-trailers must be equipped with an extra brake operable from the instructor's position.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.18
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Insurance and Safety Requirements" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.

Rule 375-5-3-.19. Application for Instructor's License.

(1) Application for an instructor's license must be made to the Department on a form prescribed and issued by the Department.

(2) Each application for an instructor's license must be accompanied by a notarized statement from the owner or operator of the school (unless such owner or operator is making application for the instructor's certificate) that the applicant is or will be employed by the school. THIS APPLIES TO ALL RENEWAL OR DUPLICATE APPLICATIONS FOR THE INSTRUCTOR'S LICENSE.

(3) Every applicant shall complete a background investigation form and submit with application. No instructor shall teach or give any instruction until such time as a valid instructors license is issued.

(4) Every application shall be accompanied by two (2) sets of fingerprints of each digit of the right and left hands, an affidavit from a state, county or city officer qualified to make such fingerprints that the fingerprints are those of the applicant and a processing fee for the actual cost of processing for each set of fingerprint cards.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.19
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Application for Instructor's License" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.

Rule 375-5-3-.20. Qualifications of Commercial Driver Training Instructors.

(1) Every commercial driver training school instructor shall be a person of good moral character, and at least twenty-one years of age.

(2) Every commercial driver training school instructor applicant, at time of application, shall possess a valid driver's license. Said driver's license must be the same class of license for the commercial driver training class being taught.

(a) No commercial driver training school instructor applicant will be approved if his or her driver's license has been suspended within one (1) year prior to making application for a conviction or combination of convictions directly related to the operation of a motor vehicle.

(b) No commercial driver training instructor applicant will be approved if his or her driver's license has been suspended two (2) or more times within five (5) years prior to making application for a conviction or combination of convictions directly related to the operation of a motor vehicle.

(c) No person with a conviction of a felony or any other crime involving violence or a crime of moral turpitude, or a pattern of misdemeanors that evidences a disregard for the law, will be licensed unless he or she has received a pardon and can produce evidence of same. For the purposes of this chapter, a plea of nolo contendere shall be considered to be a conviction. For the purposes of this chapter, a conviction for which a person has been free from custody and free from supervision for at least ten (10) years will not be considered, unless the conviction is for an offense which is a dangerous sexual offense as defined in O.C.G.A. § 42-1-12 or the criminal offense was committed against a victim who was a minor at the time of the offense.

(3) Every application for an instructor's license must be accompanied by a physical examination report, administered within thirty (30) days prior to the application, on a form prescribed and furnished by the Department.

(4) Every applicant must:

(a) Present to the Department an official transcript from a college or university which indicates that the applicant has earned such college credits as may be required by law; or

(b) Successfully complete a written examination administered by the Department, which will test the applicant's knowledge in the field of commercial vehicle education and his ability to impact driving skills and safety to students. The commercial driver instructor examination will be administered on the 2nd and 4th Thursday of each month at the Department headquarters unless specifically notified of change in schedule in advance.

(5) Application for examination must be accompanied by a fee of $25.00 by money order, certified or cashier's check payable to the Department. The fee is non-refundable.

(6) Applicants must pass this examination in three (3) attempts or within three (3) months of date of application, whichever comes first, or the application will be rejected.

(7) Every application for an instructor's license must be accompanied by a fee of $5.00, by money order, certified or cashier's check made payable to the Department. Such fee shall be non-refundable if the application is denied.

(8) Application for a renewal of an instructor's license shall be made on a form prescribed by the Department and must be filed with the Department not more than sixty days nor less than twenty (20) days preceding the expiration date of the license. A fee of $5.00 must accompany the application by money order, certified or cashier's check payable to the Department. Such fee shall be non-refundable if the application for renewal is denied.

(9) The instructor's license will expire four years from date of issuance unless otherwise canceled, suspended, or revoked by the Department.

(10) Any person whose instructor license has not been renewed within a three-year period shall re-qualify for a new instructor's license pursuant to these rules.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.20
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 43-13-5, 43-13-6, 43-13-8.
History. Original Rule entitled "Qualifications of Instructors" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.
Amended: F. Sept. 3, 2009; eff. Sept. 23, 2009.
Amended: New title "Qualifications of Commercial Driver Training Instructors." F. Oct. 18, 2019; eff. Nov. 7, 2019.

Rule 375-5-3-.21. General Regulations.

(1) No license, certificate, or permit as provided for by the Georgia Driver Training School License Act will be issued to any applicant who has been convicted of any felony or any crime involving violence, dishonesty, deceit, fraud, indecency or moral turpitude unless such applicant has received a pardon and can produce evidence of such pardon to the Department. When requested, each applicant will furnish a copy of the disposition of any case.

(2) No employee of the Department, nor any member of the immediate family of such an employee, shall be connected in any manner with any driver training school licensed by the Department.

(3) The school shall agree to permit the Department to inspect the school and all records or documents pertaining thereto during normal business hours, and the Department shall have the right and privilege of reproducing such records or documents, as it deems necessary. Normal business hours shall be 8:30 a.m. to 4:30 p.m. daily. One-hour flexibility in the time may be observed as long as the school is opened eight (8) hours per day.

(4) The school must exhibit on each motor vehicle registered by the Department for the purpose of driver instruction a sign identifying the school by name. This identification may be painted on the front, side or rear of the vehicle, in clearly legible block letters not less than two (2) inches in size. If the identification is not painted on the rear of the vehicle, a portable sign must be attached securely to the rear bumper or to the top of the vehicle so that it is visible from the rear, provided that such sign conforms to the above requirements. All road vehicles must have a DOT number issued by the Department and must be readily readable from a distance of fifty (50) feet.

(a) A sign must be visible from the rear of the vehicle in clear legible block letters not less than two (2) inches in size with the words STUDENT DRIVER.

(5) An owner, instructor, employee, or agent of a commercial driver training school shall not imply, directly or indirectly, to a student that his driver license will be obtained upon the completion of a course of driving instruction by the school.

(6) It shall be the duty and responsibility of the commercial driver training school, or its instructor or agent, to determine that a student possesses a valid Georgia instructional permit for the class of vehicle he or she is learning to operate before any on street driving instruction is initiated.

(7) No person shall perform any instructional duties as an owner or employee of any commercial driver training school or branch thereof unless such person shall meet the qualifications for an instructor as herein provided, and all instructional personnel must possess a valid instructor's license issued by the Department.

(8) The instructor's license and the vehicle registration card issued by the Department must be carried in the school vehicle at all times whenever driving instructions are being given.

(9) No commercial driver training school instructor, employee or agent will be permitted to accompany any student into any office maintained and operated by the Department for the purpose of administering driver license examinations or issuing driver licenses.

(10) No commercial driver training school instructor, employee or agent will be permitted to loiter in or on the premises maintained by the Department for the purpose of administering driver license examinations or issuing driver licenses.

(11) No commercial driver training school instructor, employee or agent will be permitted to solicit any individual for the purpose of enrolling such person in any course or service of the school while on the premises or in any office or facility of the Department.

(12) No commercial driver training school instructor, employee or agent will be permitted to use the premises or any office or facility maintained by the Department to give driving instructions to any student.

(13) No commercial driver training school instructor, employee or agent shall be attired in any uniform or clothing which would give the appearance of being a member or employee of the Department.

(14) Whenever any school or branch thereof shall be discontinued for any reason, the license of such school or branch shall be surrendered to the Department immediately.

(15) Whenever any employee licensed by the Department is separated from such school for any reason, the school shall notify the Department immediately in writing of such separation, giving the name, license number, if applicable, and date of such separation.

(16) No commercial driver training school may sell, transfer, exchange, trade or otherwise dispose of any contract, part of a contract, agreement or obligation by or between any school and any student or instructor unless the school has obtained the written consent of the student.

(17) No student may sell, transfer, exchange, trade, or otherwise dispose of any contract, part of a contract, agreement or obligation by or between the school and any student and/or instructor, unless the student has obtained the written consent of the school.

(18) All commercial driving training schools must provide classroom, range and road training and have proper equipment available for the students.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.21
Authority: O.C.G.A. Secs. 40-5-101, 43-13-8.
History. Original Rule entitled "General Regulations" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.

Rule 375-5-3-.22. Contributing Factors to the Suspension, Revocation, or Cancellation of Commercial Driver Training School and/or Instructor Licenses.

(1) Actions which may lead to the suspension, revocation or cancellation of a license, certificate or permit shall include but not be limited to the following:

(a) Any conviction for a felony or any crime involving violence, dishonesty, deceit, fraud, indecency or moral turpitude.

(b) Knowingly presenting false or misleading information to the Department.

(c) Addiction or habitual use of alcohol, dangerous or narcotic drugs.

(d) The failure of any instructor to teach within the guidelines as prescribed in the rules and regulations or who demonstrates a lack of ability to instruct in a commercial driver training school.

(e) Failure or refusal to permit the Department to inspect a school, its class of instruction, records, vehicles, or any operation of facility pertaining to the school during normal business hours.

(f) Failure or refusal to submit to the Department any application for a license, certificate or permit in the manner prescribed by the Department.

(g) Failure or refusal to produce a license, certificate or permit on demand of a prospective student, the Department, or any constituted law enforcement official or agency.

(h) Failure to maintain proper standards of instruction, instructors, or equipment sufficient to operate a school.

(i) Employing an instructor, teacher or agent who is not licensed by the Department.

(j) Any change of ownership or controlling stockholders of a school without immediately notifying the Department.

(k) Whenever any owner, instructor, employee or agent has aided or assisted any person in obtaining a driver license by dishonest or fraudulent means.

(l) Whenever instructions to students are contrary to the restrictions imposed on the student's driver license.

(m) For unauthorized possession of application forms, questionnaires, tests, or other materials used by the Department for the purpose of conducting driver examinations or issuing driver licenses.

(n) Whenever any owner, instructor, employee, or agent has issued a certificate of completion or signed a contract stating the number of classroom hours and/or behind the wheel hours when the student did not, in fact, receive the number of hours stated.

(o) Failure of a driver training school to maintain a telephone for the exclusive use of the school.

(p) If a person holds one or more license(s) as a driver training school owner and/or instructor and one is suspended, revoked, or canceled, this will be grounds in itself for all licenses issued to that person to be suspended, revoked, or canceled.

(2) Any violation which results in the suspension or revocation of the instructor's motor vehicle operator's license will constitute grounds for the suspension of the instructor's permit.

(3) The commercial driver training school shall notify the Department immediately in writing of any reportable accident involving a school vehicle or any of its instructors, or of any charge made against an instructor of the school as a result of a violation of the motor vehicle laws.

(4) The Department may impose a monetary fine in addition to, or in lieu of, suspension or revocation of a license for any violation of Georgia law or the regulations governing commercial driver training schools.

(5) A commercial driver training school and/or instructor may appeal any action taken in accordance with this rule pursuant to Ga. Comp. R. & Regs. R. 375-1-1-.06.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.22
Authority: O.C.G.A. §§ 43-13-7, 43-13-8.
History. Original Rule entitled "Suspension or Revocation of License" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.
Amended: New title "Contributing Factors to the Suspension, Revocation, or Cancellation of Commercial Driver Training School and/or Instructor Licenses." F. Aug. 12, 2020; eff. Sept. 1, 2020.

Rule 375-5-3-.23. Contractual Bond Requirements.

(1) No commercial driver training school may operate in the State of Georgia unless it provides and files with the Department a continuous surety bond in the principal sum of two thousand five hundred dollars ($2,500.00) for the protection of the contractual rights of students, written by a company authorized to do business in the State of Georgia.

(2) The school shall submit to the Department the contract, or specimen thereof, the obligations of which are guaranteed by the bond.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.23
Authority: O.C.G.A. Sec. 43-13-8.
History. Original Rule entitled "Contractual Bond Requirements" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.

Rule 375-5-3-.24. Alternative Resources for Background Investigations.

In the event the Department is unable to obtain classifiable electronically recorded fingerprints from an applicant for reasons that are beyond the applicant's control, the Department may conduct a background investigation of such applicant utilizing the CJIS Name Search procedures authorized by the Federal Bureau of Investigations and the Georgia Bureau of Investigations.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.24
Authority: O.C.G.A. § 40-16-5.
History. New Rule entitled "Alternative Resources for Background Investigations" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

Rule 375-5-3-.25. Pending Charges Against Owners and Instructors.

1. If at the time of application the applicant is charged with any offense that a conviction for which would result in said applicant's ineligibility for certification, consideration of the application shall be suspended until entry of a plea or verdict or dismissal of said charge.

2. If after the issuance of a permit a person is charged any offense that a conviction for which would result in said applicant's ineligibility for certification, the permit may be suspended pending disposition of such charge. If the person is convicted of such charge, the permit shall be revoked.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.25
Authority: O.C.GA. § 43-13-8.
History. Original Rule entitled "Pending Charges Against Owners and Instructors" adopted. F. Dec. 6, 2013; eff. Dec. 26, 2013.

Subject 375-5-4. ALCOHOL AND DRUG AWARENESS PROGRAM.

Rule 375-5-4-.01. Organization.

The Alcohol and Drug Awareness Program (ADAP) of the Department of Driver Services shall be administered by the Director of the Regulatory Compliance Division of the Department of Driver Services, and such additional staff as the Commissioner deems necessary.

Cite as Ga. Comp. R. & Regs. R. 375-5-4-.01
Authority: O.C.G.A. §§ 40-16-1, 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 20-2-142.
History. Original Rule entitled "Organization" adopted. F. May 10, 2006; eff. May 30, 2006.
Amended: F. July 19, 2018; eff. August 8, 2018.

Rule 375-5-4-.02. Scope.

To provide instructions to young people of this State regarding the dangers of alcohol and drug use as it relates to the operation of motor vehicles; to provide for instructors; to provide for the issuance of certificates to persons who successfully complete the ADAP course.

Cite as Ga. Comp. R. & Regs. R. 375-5-4-.02
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 20-2-142(b)(1).
History. Original Rule entitled "Definitions" adopted. F. May 10, 2006; eff. May 30, 2006.
Amended: New title "Scope." F. Apr. 8, 2019; eff. Apr. 28, 2019.

Rule 375-5-4-.03. Definitions.

(1) Terms used in these rules have the following meaning:

(a) "ADAP" means the Alcohol and Drug Awareness Program established by the Department of Driver Services and State Board of Education.

(b) "Certificate of Completion" means a standardized numbered certificate prescribed by the Department and issued by the instructor or school administrator to all students who successfully complete the ADAP course and pass a written examination with a score of at least 70.

(c) "Curriculum" means an approved four (4) hour course to provide instructions to young people of this State regarding the dangers of alcohol and drug use as it relates to the operation of motor vehicles.

(d) "Department" means the Department of Driver Services.

(e) "Replacement Certificate" means a certificate issued by the Department to a student who has successfully completed the course and has lost or been unable to locate the original Certificate of Completion.

(f) "Instructor" means a person approved by the Department to provide instruction in the ADAP curriculum.

(g) "Student" means a person in grades nine and above required by Georgia law to complete the ADAP course prior to issuance of a Georgia Class "D" provisional driver's license.

(h) "Student Roster" means a document listing the class instructor, class location, date, student's full name, date of birth and whether the student passed or failed the course.

Cite as Ga. Comp. R. & Regs. R. 375-5-4-.03
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 20-2-142(b)(1).
History. Original Rule entitled "General Regulations" adopted. F. May 10, 2006; eff. May 30, 2006.
Amended: New title "Definitions." F. Apr. 8, 2019; eff. Apr. 28, 2019.

Rule 375-5-4-.04. General Regulations.

(1) All schools with grade nine and above which receive funds in any manner from the state shall make available to eligible students the ADAP course at least once annually.

(2) Scheduling for such courses shall adhere to school policies and procedures.

(3) Make-up classes shall be made available to those students who are unable to obtain an ADAP class in public or private schools or home-schooled students.

(4) Make up classes may be offered online.

(5) The maximum number of students attending an ADAP class shall not exceed 60 students per one instructor without prior approval of the Department.

(6) Schools shall permit authorized representatives of the Department to make periodic, scheduled inspections. During each inspection, each owner, partner, associate, corporate director, office manager, or employee of the school shall cooperate with the Department's representative and upon demand shall exhibit all records, instructional aides or such other materials as may be called for to be inspected.

Cite as Ga. Comp. R. & Regs. R. 375-5-4-.04
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 20-2-142(b)(1).
History. Original Rule entitled "Instructor Requirements" adopted. F. May 10, 2006; eff. May 30, 2006.
Amended: New title "General Regulations." F. Apr. 8, 2019; eff. Apr. 28, 2019.

Rule 375-5-4-.05. Instructor Requirements.

(1) All ADAP instructors must be approved by the Department.

(2) Instructors must complete an application prescribed by the Department for access to the online ADAP program for administrative purposes prior to any class presentation.

(3) Instructors must conduct the ADAP course in a four (4) hour period with a ten (10) minute break each hour.

(4) The instructional program shall consist of one four (4) hour session or two (2) two-hour sessions, except classes consisting of five (5) students or less may be conducted in one session consisting of a minimum of 2.5 hours.

(5) Classes may be conducted during the week or on weekends. All classes must be concluded by 9:30 p.m.

Cite as Ga. Comp. R. & Regs. R. 375-5-4-.05
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 20-2-142(b)(1).
History. Original Rule entitled "Scope" adopted. F. May 10, 2006; eff. May 30, 2006.
Amended: New title "Instructor Requirements." F. Apr. 8, 2019; eff. Apr. 28, 2019.

Rule 375-5-4-.06. Course Content and Materials.

(1) The curriculum format must be approved by the Department.

(2) The course shall consist of four (4) sessions relating to:

(a) TADRA;

(b) Traffic Laws and Safe Driving;

(c) Alcohol and Drug Awareness;

(d) Summary and Discussion.

(3)

(a) The instructor shall distribute all materials provided by the Department, including, but not limited to the following:

(i) Student workbooks;

(ii) Pamphlets when available;

(iii) Certificates of Completion;

(iv) Videos related to alcohol and drug use and safe driving.

(b) Additional relevant materials may also be used and distributed.

(4)

(a) Instructors shall print and distribute certificates to students who achieve a passing grade.

(b) A record of all students receiving ADAP instruction must be made available to the Department by participating schools.

(c) Certificates of Completion shall be issued by the participating school in a manner and design approved by the Department.

(d) The Department will maintain records of each student completing the ADAP course for a period of five (5) years or until a student receives a Class "D" provisional driver's license, whichever occurs first.

(e) The instructor shall provide the principal a competency test score for all students which will be maintained by the local school or school system as a part of each student's permanent record.

(f) It will be the responsibility of each school principal to make any or all students' records available for audit at any time by the Department or the State Board of Education.

Cite as Ga. Comp. R. & Regs. R. 375-5-4-.06
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 20-2-142(b)(1).
History. Original Rule entitled "Course Content and Materials" adopted. F. May 10, 2006; eff. May 30, 2006.
Amended: F. Jan. 25, 2019; eff. Feb. 14, 2019.

Rule 375-5-4-.07. Testing.

(1) Each student must attend each of the four (4) sessions in order to qualify for the examination.

(a) Retest: Any student who has attended the referenced sessions may retest twice with a subsequent class without further instruction.

(b) Any retest may be scheduled at the discretion of the instructor or the school principal.

(c) Oral test may be conducted at the discretion of the school principal or instructor.

(2) A minimum score of 70 must be attained to authorize issuance of a Certificate of Completion.

Cite as Ga. Comp. R. & Regs. R. 375-5-4-.07
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 20-2-142(b)(1).
History. Original Rule entitled "Testing" adopted. F. May 10, 2006; eff. May 30, 2006.
Amended: F. Jan. 25, 2019; eff. Feb. 14, 2019.

Rule 375-5-4-.08. Parental Component.

(1) The ADAP course shall include a voluntary component available for participation by each child's parents or guardians.

(2) The content of the joint component shall include anti-drug and anti-alcohol material, while the parental component shall include material relating to drug prevention strategies, legal accountability information, an opportunity for parent or guardian to submit questions to an instructor or the Department, and any other information that the Department believes would be useful for parents and guardians to use to protect their children from alcohol and other drug use.

(3) The parental component of ADAP may be offered online.

(4) Each parent or guardian who completes the voluntary parental component of ADAP may obtain a one-time three-year online motor vehicle report for himself or herself. Parents and guardians may complete the parental component with each of their children and obtain additional driving records for each such session.

Cite as Ga. Comp. R. & Regs. R. 375-5-4-.08
Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 40-5-25.
History. Original Rule entitled "Parental Component" adopted. F. Dec. 26, 2012; eff. Jan. 15, 2013.
Amended: F. Jan. 25, 2019; eff. Feb. 14, 2019.

Subject 375-5-5. FOR-HIRE ENDORSEMENTS.

Rule 375-5-5-.01. Organization.

The For-hire License Endorsement Program of the Department of Driver Services shall be administered by the Director of the Regulatory Compliance Division of the Department of Driver Services, and such additional staff as the Commissioner deems necessary.

Cite as Ga. Comp. R. & Regs. R. 375-5-5-.01
Authority: O.C.G.A. §§ 40-16-1, 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 40-5-39, 40-5-158.
History. Original Rule entitled "Organization" adopted. F. May 10, 2006; eff. May 30, 2006.
Amended: F. Jan. 22, 2013; eff. Feb. 11, 2013.
Amended: F. Apr. 28, 2016; eff. May 18, 2016.
Amended: F. July 19, 2018; eff. August 8, 2018.

Rule 375-5-5-.02. Definitions.

Terms used in these rules have the following meaning:

(1) "Certificate" means a certificate issued by the Department of Public Safety, whether interim or permanent.

(2) "Chauffeur" means any person who meets the qualifications as prescribed in O.C.G.A. §§ 40-1-151(2) and 40-5-39 and who is authorized by the Department of Driver Services to operate a limousine.

(3) "DPS" means the Georgia Department of Public Safety.

(4) "Department" means the Department of Driver Services.

(5) "For hire" means to operate a motor vehicle in this state for the purpose of transporting passengers for compensation or donation as a limousine carrier, ride share network or driver, or taxi service.

(6) "For-hire license endorsement" means an endorsement to a driver's license pursuant to O.C.G.A. § 40-5-39 that authorizes the holder of the license to operate a motor vehicle for the purpose of transporting passengers in this state for compensation or donation as a limousine carrier, ride share network or driver, or taxi service.

(7) "Limousine" means any motor vehicle that meets the definition set forth in O.C.G.A. § 40-1-151(4).

(8) "Limousine carrier" means any person operating a service regularly rendered to the public by furnishing transportation for hire, not over fixed routes, by means of limousines, or extended limousines, on the basis of telephone contract or written contract.

(9) "Private Background Check" means a local and national criminal background check conducted by the taxi service, limousine carrier, or ride share network service that employs such driver which shall include a review of driving history, search of the national sex offender registry database, and search of criminal records.

(10) "Ride Share Driver" means an individual who uses his or her personal passenger car, as defined in O.C.G.A. § 40-1-1(41), to provide transportation for passengers arranged through a ride share network service.

(11) "Ride Share Network Service" means any person or entity that uses a digital network or internet network to connect passengers to ride share drivers for the purposes of prearranged transportation for hire or for donation. This term shall not include any corporate sponsored vanpool or exempt ride share as such terms are defined in O.C.G.A. § 40-1-100, provided that such corporate sponsored vanpool or exempt ride share is not operated for the purposes of generating a profit.

(12) "Taxi Service" means any taxicab company or provider which utilizes a motor vehicle or similar vehicle, device, machine, or conveyance to transport passengers; uses a taximeter; and is registered with the Department of Public Safety and, if applicable, is authorized to provide taxicab services pursuant to an ordinance of a local government of this state.

(13) "Taxi Driver" means an individual who is authorized to operate a taxicab for the purpose of carrying or transporting passengers.

Cite as Ga. Comp. R. & Regs. R. 375-5-5-.02
Authority: O.C.G.A. §§ 40-5-39; 40-16-5; 40-5-1.
History. Original Rule entitled "Definitions" adopted. F. May 10, 2006; eff. May 30, 2006.
Amended: F. Jan. 22, 2013; eff. Feb. 11, 2013.
Amended: F. Apr. 28, 2016; eff. May 18, 2016.

Rule 375-5-5-.03. For-hire Endorsement Requirements.

(1) Before any person may be issued a For-hire license endorsement to operate a motor vehicle for the purpose of transporting passengers in the State of Georgia for compensation or donation as a limousine carrier, ride share network or driver, or taxi service, an application shall be made in writing to the Department, on a form prescribed and furnished by the Department.

(2) The application shall include the following minimum information:

(a) The applicant's name, address, phone number, date of birth and driver's license number.

(b) Applicant must complete information for background investigation and sign authorization form.

(c) Submit a non-refundable application fee in the amount of $15.00.

(d) Provide a letter from a For-hire company showing proof of employment/affiliation.

Cite as Ga. Comp. R. & Regs. R. 375-5-5-.03
Authority: : O.C.G.A. §§ 40-5-39, 40-16-5.
History. Original Rule entitled "Chauffeur Permit Requirements" adopted. F. May 10, 2006; eff. May 30, 2006.
Amended: F. Jan. 22, 2013; eff. Feb. 11, 2013.
Amended: New title "For-hire Endorsement Requirements." F. Apr. 28, 2016; eff. May 18, 2016.
Amended: F. Apr. 17, 2017; eff. May 7, 2017.

Rule 375-5-5-.04. Qualifications for Issuance of a For-hire License Endorsement.

(1) For-hire license endorsement applicants must be at least 18 years of age.

(2) Applicants must possess a valid Georgia driver's license.

(3) Must pass a criminal background check in accordance with the provisions of O.C.G.A. § 40-5-39.

(4) Must be a U.S. citizen or submit proof of lawful status.

Cite as Ga. Comp. R. & Regs. R. 375-5-5-.04
Authority: O.C.G.A. §§ 40-5-4, 40-5-39, 40-16-2, 40-16-5.
History. Original Rule entitled "Qualifications for Issuance of Chauffeur's Permit" adopted. F. May 10, 2006; eff. May 30, 2006.
Amended: F. Jan. 22, 2013; eff. Feb. 11, 2013.
Amended: New title "Qualifications for Issuance of a For-hire License Endorsement." F. Apr. 28, 2016; eff. May 18, 2016.
Amended: F. Oct. 11, 2024; eff. Oct. 31, 2024.

Rule 375-5-5-.05. Suspension, Revocation, or Cancellation of a For-hire License Endorsement.

(1) (a) If at the time of application the applicant is charged with any offense that a conviction for which would result in said applicant's ineligibility for a For-hire

license endorsement, consideration of the application shall be suspended until entry of a plea or verdict or dismissal of said charge.

(b) If after the issuance of a For-hire license endorsement a person is charged any offense that a conviction for which would result in said applicant's ineligibility for the For-hire license endorsement may be suspended pending disposition of such charge. If the person is convicted of such charge, the For-hire license endorsement shall be revoked.

(c) The Department shall send written notice to the For-hire license endorsement holder of the suspension, revocation, or denial of his or her application for a For-hire license endorsement. Appeals of such actions shall be subject to the process outlined in Ga. Comp. R. & Regs. 375-3-3-.04.

(2) A For-hire license endorsement may be suspended or revoked if is found that the bearer gave false information on his or her application.

(3) The Department may at any time, after notice and opportunity to be heard, suspend or revoke any For-hire license endorsement, if it shall be made to appear that the holder has willfully violated the rules and regulations prescribed by the Department.

(4) If the Georgia driver's license of the For-hire license endorsement holder is suspended by the Department, the For-hire license endorsement will not be valid while the Georgia driver's license is under suspension, revocation, or cancellation.

Cite as Ga. Comp. R. & Regs. R. 375-5-5-.05
Authority: O.C.G.A. §§ 40-5-39, 40-16-5.
History. Original Rule entitled "Suspension or Revocation of Chauffeur's Permit" adopted. F. May 10, 2006; eff. May 30, 2006.
Amended: F. Jan. 22, 2013; eff. Feb. 11, 2013.
Amended: F. Jan. 21, 2014; eff. Feb. 10, 2014.
Amended: New title "Suspension, Revocation, or Cancellation of a For-hire License Endorsement." F. Apr. 28, 2016; eff. May 18, 2016.

Rule 375-5-5-.06. General Regulations.

(1) Any customer who is authorized to operate a motor vehicle for the purpose of transporting passengers in the State of Georgia for compensation or donation as a limousine carrier, ride share network or driver, or taxi service, and opts to hold a For-hire license endorsement in lieu of a private background check certification, shall have his or her driver's license endorsed to reflect such privilege. Customers holding a valid and unexpired chauffeur's permit issued prior to July 1, 2012 may have their driver's licenses updated to reflect the For-hire endorsement at any time, but no later than the expiration date of such permit.

(2) Every For-hire license endorsement holder shall his or her valid driver's license bearing the For-hire license endorsement in his or her immediate possession at all times while operating a motor vehicle for the purpose of transporting passengers in the State of Georgia for compensation or donation as a limousine carrier, ride share network or driver, or taxi service.

(3) In the event a For-hire license endorsement holder is required to surrender his or her driver's license pursuant to O.C.G.A. § 40-5-67, he or she may continue to operate under his or her For-hire endorsement unless and until a suspension or his or her endorsement or driving privilege is imposed, and the temporary driving permit issued at the time of his or her arrest shall be documentation of such privilege.

(4) For-hire license endorsements shall be valid for the term of the holder's driver's license unless it has been suspended, revoked, or cancelled.

(5) All complaints filed against the For-hire license endorsement holder must be in writing and plainly state the allegations against the endorsement holder.

(6) The For-hire license endorsement holder must be cognizant of the safety of the passengers at all times.

(7) Applicants for For-hire license endorsements are subject to the background investigations mandated in O.C.G.A. § 40-5-39 at the time of making an initial application and at renewal thereof. Upon expiration of the holder's current driver's license, applicants holding chauffeur permits issued prior to July 1, 2012, and/or driver's license chauffeur endorsements issued after July 1, 2012, or For-hire license endorsements issued after July 1, 2015, must reapply for the For-hire license endorsement and submit to a new background investigation before such privilege can be renewed and/or added to his or her driver's license. In the event a customer fails to reapply and satisfy the background requirement prior to the expiration of his or her previously issued driver's license, he or she may not be issued a driver's license bearing a For-hire license endorsement until after they have completed a new For-hire license endorsement application and the background requirement is met. He or she may renew his or her underlying driver's license, but such license shall not reflect the For-hire license endorsement, and he or she shall be prohibited from operating a limousine without such endorsement.

Cite as Ga. Comp. R. & Regs. R. 375-5-5-.06
Authority: O.C.G.A. §§ 40-5-39, 40-16-5.
History. Original Rule entitled "General Regulations" adopted. F. May 10, 2006; eff. May 30, 2006.
Amended: F. Jan. 22, 2013; eff. Feb. 11, 2013.
Amended: F. Apr. 28, 2016; eff. May 18, 2016.

Rule 375-5-5-.07. Alternative Resources for Background Investigations.

In the event the Department is unable to obtain classifiable electronically recorded fingerprints from an applicant for reasons that are beyond the applicant's control, the Department may

conduct a background investigation of such applicant utilizing the CJIS Name Search procedures authorized by the Federal Bureau of Investigations and the Georgia Bureau of Investigations.

Cite as Ga. Comp. R. & Regs. R. 375-5-5-.07
Authority: O.C.G.A. § 40-16-5.
History. New Rule entitled "Alternative Resources for Background Investigations" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

Subject 375-5-6. DUI ALCOHOL OR DRUG USE RISK REDUCTION PROGRAM.

Rule 375-5-6-.01. Organization.

The DUI Alcohol or Drug Use Risk Reduction Program shall be administered by the Regulatory Compliance Division of the Department of Driver Services, and such additional staff as the Commissioner deems necessary.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.01
Authority: O.C.G.A. §§ 40-5-4, 40-5-82, 40-5-83, 40-5-101, 40-16-1, 40-16-2, 40-16-3, 40-16-4, 40-16-5.
History. Original Rule entitled "Organization" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. July 19, 2018; eff. August 8, 2018.

Rule 375-5-6-.02. Definitions.

(1) Words, whenever used in this Chapter, shall have the same meaning as ascribed to them in Chapter 5 of Title 40 of the Official Code of Georgia Annotated, and any appellate decisions interpreting said verbiage, unless otherwise defined in the rule of which they are part.

(2) The following words and phrases, whenever used in this Chapter, shall have the meaning ascribed to them in this section, unless otherwise defined in the rule of which they are part.

(a) "Accredited college or university" - a postsecondary educational institution that is accredited by an accrediting agency or state approval agency recognized by the United States Department of Education Office of Postsecondary Education, or the successor agency thereof.

(b) "Applicant" - any person who has made application to become a certified DUI Alcohol or Drug Use Risk Reduction Program Owner or Instructor but has not been certified.

(c) "Assessment Component" - the standard screening instrument designated by the Department that is used by DUI Alcohol or Drug Use Risk Reduction Programs to

screen for the extent of an individual's alcohol and drug use and its impact on driving.

(d) "Cancellation" - the annulment or termination of a Certification by formal action of the Department because of some error or defect in the Certification, or because the certificate holder was not entitled to or is no longer entitled to such Certification. The cancellation of a Certification is without prejudice, and an application for a new Certification may be made at any time after such cancellation.

(e) "Certification" - written authorization from the Department to any Owner or Instructor at a DUI Alcohol or Drug Use Risk Reduction Program, which allows the holder to operate or direct a program, or to provide instruction.

(f) "Department" - the Department of Driver Services.

(g) "Denial" - an official refusal of certification based on statutory or regulatory disqualifications and/or exclusions.

(h) "Intervention Component" - the therapeutic education about alcohol and drug use and driving, and peer group counseling concerning alcohol and drug use given by a DUI Alcohol or Drug Use Risk Reduction Program over a period of at least 20 hours utilizing a methodology and curriculum approved by the Department.

(i) "Instructor" - an individual who has been certified by the Department to instruct the Intervention Component of the DUI Alcohol or Drug Use Risk Reduction Program.

(j) "Offender" - any person who may be required to enroll in a DUI Alcohol or Drug Use Risk Reduction Program, but who has not yet become a student at a particular program.

(k) "Online Platform" - a digital service used to facilitate interactions between instructors and students via the internet.

(l) "Owner" - any person who has a controlling interest and/or legal responsibility in a DUI Alcohol or Drug Use Risk Reduction Program.

(m) "Policies and Procedures" - the directions, forms, and instructions established by the Department in order to implement these rules and regulations.

(n) "Person" - any individual, agent, representative, governing or operating authority, board, organization, partnership, agency, association, corporation, or other entity, whether public or private.

(o) "Program" - any DUI Alcohol or Drug Use Risk Reduction Program that is certified by the Department to deliver the Assessment and Intervention Components.

(p) "Program location" - any location where a Student receives Program services in person.

(q) "Program requirements" - any provision of state or federal law, rule, regulation, or operations guidelines of the Department; or administrative or judicial order that applies to programs or instructors.

(r) "Rejection" - a dismissal of the application as a result of deficiencies including but not limited to the applicant submitting inaccurate information and/or not fulfilling application requirements.

(s) "Remote Classroom" - a certified program's online classroom where synchronous instruction is provided by an Instructor.

(t) "Revocation" - the termination of Certification by formal action of the Department for violation of rules or state laws. This Certification shall not be subject to renewal or restoration at the discretion of the Department.

(u) "Satellite Location" - a certified program classroom that is separate from the main program location.

(v) "Session" - a segment of the Intervention Component.

(w) "Student" - any person who has signed an assessment contract, taken an assessment, signed an intervention contract, and taken the Intervention Component at a program.

(x) "Suspension" - the temporary withdrawal of Certification by formal action of the Department for a specified period of time.

(y) "Synchronous Instruction" - instructors and students interact using a specific online platform at a specific time.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.02
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Organization" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. June 12, 2024; eff. July 2, 2024.

Rule 375-5-6-.03. Exclusions.

(1) No employee of the Department, the Department of Behavioral Health and Developmental Disabilities, or any immediate family member to include but not limited to a spouse, child, stepchild, parent, or stepparent of such employee, shall be an owner, operator, instructor, or employee of a Program.

(2) No judge, public or private probation officer, public or private probation employee or agent, bail bondsman, employee or agent of a bonding company, law enforcement or peace officer, employee of a court in this or any or any other state, or any immediate family member to include but not limited to a spouse, child, stepchild, parent, or stepparent of such employee thereof, except for such persons who were and have been continuously certified as of June 30, 2015, shall be an owner, operator, instructor or employee of a Program.

(3) No Person who owns, manages, operates, or is employed by a private company that has contracted to provide probation services for misdemeanor cases shall be an owner, operator, instructor, or employee of a Program.

(4) No Person shall be certified by the Department if his or her Certification as a Program Owner or Instructor could pose an actual, potential, or implied conflict of interest due to the existence of any relationship that would place such Person in a position to exert undue influence on, exploit, take undue advantage of, or breach the confidentiality of any Student or Offender.

(5) No Person who is neither a United States citizen nor a non-citizen who is lawfully present in the United States shall be certified by the Department as a Program Owner or Instructor.

(6) Any Program Owner or Instructor shall notify the Department if he or she has a change in their immigration status that creates an exclusion as defined in this chapter within five business days immediately following such event. The Department may suspend, revoke, or cancel any Program Owner or Instructor Certification upon receipt of such notice.

(7) Any Program Owner or Instructor shall notify the Department if he or she, or their spouse, child, stepchild, or parent has a change in employment status that creates an exclusion as defined in this chapter within five business days immediately following such event. The Department may suspend, revoke, or cancel any Program Owner or Instructor Certification upon receipt of any such notice.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.03
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Exclusions" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. Mar. 25, 2014; eff. Apr. 14, 2014.
Amended: F. June 12, 2024; eff. July 2, 2024.

Rule 375-5-6-.04. Qualifications of Program Owners.

(1) **Initial qualifications**. To be certified by the Department, each Applicant for Program Owner shall meet the following initial qualifications:

(a) **Clear criminal record**. Each Applicant for Program Owner shall be subject to a fingerprint-based check of their criminal history, as designated by the Department, for review of any convictions. For the purposes of this chapter, a plea of *nolo contendere* and "first offender" sentences imposed pursuant to O.C.G.A. § 42-8-60, *et seq.*, shall be considered a conviction.

1. Unless pardoned, an Applicant convicted of a felony shall be disqualified from Certification by the Department.

2. An Applicant convicted for a dangerous sexual offense or an offense against a victim who was a minor at the time of the offense shall be permanently disqualified from eligibility.

3. Unless pardoned, an Applicant with the following convictions shall be disqualified from Certification by the Department for a period of 10 years after release from custody or supervision:

   (i) a crime involving violence; or

   (ii) a crime of moral turpitude.

(b) **Safe driving record**. Each Applicant for Program Owner shall possess a valid driver's license from the state of their legal residence unless a medical condition makes them ineligible for a driver's license. Each Applicant for Program Owner shall be subject to a check of their driving history. No Person whose driver's license or privilege to drive has been suspended or revoked as the result of any conviction or combination of convictions during the five-year period of immediately preceding application for Certification shall be certified by the Department as a Program Owner.

(c) **Freedom from substance abuse and illicit drug use**. Each Applicant for Program Owner shall certify to the Department that he or she refrains, and will continue to refrain, from abusing alcoholic beverages or controlled substances and from using illicit drugs.

(d) **Age**. Applicants for Program Owner shall be at least 21 years of age.

(e) **Completion of Program Owner training course**. Applicants for Program Owner shall successfully complete a training course conducted by the Department within six months of the approval of the Program certification. Failure to complete this requirement shall result in the cancellation of the Program certification. The Department may set a fee to cover the cost of the course, which shall be paid by the Program.

(f) A minimum of a high school diploma or GED equivalent is required.

(2) **Ongoing qualifications**. Each Program Owner shall maintain the following qualifications, as applicable, on an ongoing basis:

(a) **Continued clear criminal record**. Each Program Owner shall maintain a criminal record free of felony or misdemeanor convictions or pleas. In addition, each Owner certified by the Department shall notify the Department if he or she pleads guilty or nolo contendere to, or is convicted of, any felony or misdemeanor within five business days immediately following such event. Further, each Program Owner certified by the Department shall, within five business days immediately thereafter, report to the Department any arrests, which, if convicted thereof, would have excluded him or her from becoming initially certified as a Program Owner pursuant to Ga. Comp. R. & Regs. R. 375-5-6-.04(1)(a). The Department may suspend, revoke, or cancel any Program Owner Certification upon receipt of notice of a conviction or arrest.

(b) **Continued safe driving record**. Each Program Owner shall continue to maintain a safe driving record during their period of Certification by the Department. Each Program Owner shall continue to possess a valid driver's license from the state of their legal residence, unless a medical condition makes them ineligible for a driver's license. Each Program Owner shall notify the Department, within five business days immediately thereafter, if their driver's license or privilege to drive is cancelled, suspended, or revoked in any jurisdiction, including the State of Georgia, for any reason. The Department may suspend, revoke, or cancel any Program Owner's Certification upon receipt of such notice of conviction.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.04
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Qualifications of Program Owners" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. June 12, 2024; eff. July 2, 2024.

Rule 375-5-6-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.05
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Qualifications of Program Directors" adopted. F. July 24, 2009; eff. August 13, 2009.
Repealed: F. June 12, 2024; eff. July 2, 2024.

Rule 375-5-6-.06. Qualifications of Program Instructors.

(1) **Initial qualifications**. To be certified by the Department, each Applicant for Program Instructor shall meet the following initial qualifications:

(a) **Clear criminal record**. Each Applicant for Program Instructor shall be subject to a fingerprint-based check of their criminal history, as designated by the Department, for review of any convictions. For the purposes of this chapter, a plea of *nolo contendere* and "first offender" sentences imposed pursuant to O.C.G.A. § 42-8-60, *et seq.*, shall be considered a conviction.

1. Unless pardoned, an Applicant convicted of a felony shall be disqualified from Certification by the Department.

2. An Applicant convicted for a dangerous sexual offense or an offense against a victim who was a minor at the time of the offense shall be permanently disqualified from eligibility.

3. Unless pardoned, an Applicant with the following convictions shall be disqualified from Certification by the Department for a period of 10 years from custody or supervision:

   (i) a crime involving violence; or

   (ii) a crime of moral turpitude.

(b) **Safe driving record**. Each Applicant for Program Instructor shall possess a valid driver's license from the state of their legal residence unless a medical condition makes them ineligible for a driver's license. Each Applicant for Program Instructor shall be subject to a check of their driving history. No Person whose driver's license or privilege to drive has been suspended or revoked as the result of any conviction or combination of convictions during the five-year period immediately preceding application for Certification shall be certified by the Department as a Program Instructor.

(c) **Academic and work experience qualifications**. Each Applicant for Program Instructor shall have the following documented academic and/or prior work experience requirements:

1. A degree from an accredited college or university; or

2. A high school diploma or GED and at least two years of full-time work experience as a licensed, certified, or credentialed substance abuse counselor with at least six months of experience in group counseling or group facilitation.

(d) **Age.** Each Applicant for Program Instructor shall be at least 21 years of age.

(e) **Freedom from substance abuse and illicit drug use.** Each Applicant for Program Instructor shall certify to the Department that they refrain from, and will continue to refrain from, abusing alcoholic beverages or controlled substances and from using illicit drugs.

(2) **Ongoing qualifications.** Each Instructor certified by the Department shall possess the following qualifications, on an ongoing basis:

(a) **Continued clear criminal record.** Each Program Instructor shall maintain a criminal record free of felony or misdemeanor convictions or pleas. In addition, each Instructor certified by the Department shall notify the Department if they plead guilty or nolo contendere to, or is convicted of, any felony or misdemeanor within five business days immediately following such event. Further, each Program Instructor certified by the Department shall, within five business days immediately thereafter, report to the Department any arrests that, if convicted thereof, would have excluded him or her from becoming initially certified as a Program Instructor pursuant to Ga. Comp. R. & Regs. R. 375-5-6-.06(1)(a). The Department may suspend or revoke any Program Instructor Certification upon receipt of notice of a conviction or arrest.

(b) **Continued safe driving record**. Each Program Instructor shall continue to maintain a safe driving record during their period of Certification by the Department. Each Program Instructor shall continue to possess a valid driver's license from the state of their legal residence, unless a medical condition makes them ineligible for a driver's license. Each Program Instructor shall notify the Department, within five business days immediately thereafter, if their driver's license or privilege to drive is cancelled, suspended, or revoked in any jurisdiction, including the State of Georgia, for any reason. The Department may suspend or revoke any Program Instructor's Certification upon receipt of such notice.

(c) **Continuing education**. Each Program Instructor shall complete a minimum of 32 hours of continuing education in alcohol and drug training or group facilitation training sponsored or approved by the Department every four years. A minimum of 16 hours shall be in Department-designated refresher courses specific to Program components. Each Program Instructor shall complete a minimum of 16 of the required 32 hours of continuing education training biannually and provide proof thereof to the Department on a biannual basis.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.06
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Qualifications of Program Instructors" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: New title, "DUI Alcohol or Drug Use Risk Reduction Qualifications of Program Instructors." F. Jan. 13, 2022; eff. Feb. 2, 2022.

Amended: New title, "Qualifications of Program Instructors." F. June 12, 2024; eff. July 2, 2024.

Rule 375-5-6-.07. Program Application, Certification, and Recertification Requirements.

(1) **Certification required**. No Program may operate without first being certified by the Department.

(2) **Management and control by owners, partners, or stockholders.** Only certified owners, partners, and stockholders are authorized to exercise management and control over Program operations.

(3) **Application for Program Certification requirements.**

(a) All applications for Program Owner shall be submitted on forms prepared by the Department, following the procedure prescribed by the Department.

(b) All applications for Program Owner shall be accompanied by all required materials and fees; and shall be truthful, accurate and complete.

(c) All Applicants must undergo a national and state fingerprint-based criminal background check utilizing a method prescribed by the Department.

(d) All Applicants for Program Owner shall submit to the Department the following materials in addition to the completed Program application:

1. A Consent for Background Investigation Form with notarized signatures from each Program Owner, partner, or stockholder;

2. Either a copy of the Program's Certificate of Incorporation from the State of Georgia Secretary of State's Office, a copy of the Program's Business License, or proof that the Program's adopted business (DBA) name has been filed with the Clerk of Superior Court in the county where the program is located, in accordance with O.C.G.A. § 10-1-490;

3. Proof of a continuous Surety Bond in the principal sum of $10,000 per Program location from a company authorized to conduct business in the State of Georgia indicating the Georgia Department of Driver Services as obligee. Where multiple Programs are owned by one entity, a single surety bond for all locations may be submitted reflecting an aggregate amount of $10,000 per Program location;

4. A certificate of occupancy from the local governing authority or fire code inspection report from a local, municipal, or state fire marshal showing no violations for each Program location and dated within 90 days of filing the Program application;

5. A copy of the Program's standard business hours and days of operation;

6. Each owner, partner, or stockholder certifies they will hold the identity of Student and Program records confidential as required on the program application.

(e) The Department shall conduct an on-site inspection of the Program location.

(f) The Department may require any Applicant for Program Owner Certification to submit additional information or verification that is reasonably related to making a determination regarding initial Program Certification.

(4) **Program Owner Recertification requirements.**

(a) Once certified, a Program Owner shall remain certified for a period of up to four years, or as long as the Program Owner remains in compliance with Program Requirements.

(b) Applications for Program Owner recertification shall be submitted to the Department no more than 60 days, and no less than 30 days, prior to the expiration date of the existing Certification. Failure to adhere to this requirement shall lead to program expiration and disruption in program operations.

(c) Any Program Owner whose Certification has expired shall not conduct business until a completed recertification application has been submitted to and approved by the Department. If a Program Owner's Certification has expired, and remained expired for a period of more than one year, a new application is required and the Certification process, as outlined in this chapter and Ga. Comp. R. & Regs. R. 375-5-6-.04, shall be followed.

(d) The Department may require any Program Owner applying for recertification to submit additional information or verification that is reasonably related to making a determination regarding recertification.

(5) **Non-transferability of Certification**. Any certification shall be nontransferable. In the event of a change of ownership, except in the case of a corporation unless there is a sale of the controlling interest, application for a new certification shall be made to the Department and the old certification surrendered to the Department before another can be issued to the new owner(s).

(6) If, within 90 days of the time that a person applies for issuance or renewal of their certification as a program owner, he or she has undergone a background investigation for issuance or renewal of his or her certification for another program regulated by the Department, he or she shall not be required to submit new fingerprints, and the Department shall utilize the criminal history information obtained from that investigation

in considering the person's eligibility for issuance or renewal of his or her certification as a program owner.

(7) Presenting false material information on an application shall preclude any individual, partnership, or corporation from obtaining a certification and, if discovered after the issuance of the certification, shall be grounds for revocation.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.07
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Program Owner Application, Certification, and Recertification Requirements" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: New title, "Program Application, Certification, and Recertification Requirements." F. June 12, 2024; eff. July 2, 2024.

Rule 375-5-6-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.08
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Program Director Application, Certification, and Recertification Requirements" adopted. F. July 24, 2009; eff. August 13, 2009.
Repealed: F. June 12, 2024; eff. July 2, 2024.

Rule 375-5-6-.09. Program Instructor Application, Certification, and Recertification Requirements.

(1) **Certification required.** No person may instruct in a Program without first being certified by the Department.

(2) **Application for Instructor Certification.**

(a) All applications for Instructor Certification shall be submitted on forms prepared by the Department, following a procedure prescribed by the Department.

(b) Instructor applications shall include all information and fees; and shall be truthful, accurate, and complete.

(c) All Applicants must undergo a national and state fingerprint-based criminal background check utilizing a method prescribed by the Department.

(d) Instructor applicants shall submit to the Department the following materials in addition to the completed Instructor application:

1. A notarized Consent for Background Investigation Form;

2. An official transcript from an accredited college/university or a copy of the applicant's degree, or high school diploma or GED, whichever is applicable;

3. Proof of successfully completing the Department-designated Program Instructor training course. The Department-designated curriculum provider will set a fee to cover the cost of the course, which shall be paid by the Applicant or the Program to which he or she is applying.

(e) The Department may require any Applicant for Instructor Certification to submit additional information or verification that is reasonably related to making a determination for Certification.

(f) After approval of a completed application evidencing that the Applicant meets the qualifications set forth in Ga. Comp. R. & Regs. R. 375-5-6-.06, and upon verification that the Applicant has successfully completed the Program Instructor training course, the Department shall certify the Applicant as a Program Instructor.

(3) **Recertification requirements.**

(a) An Instructor shall remain certified for a period up to four years; provided, however, that he or she remains in compliance with Program Requirements.

(b) Applications for Instructor recertification shall be submitted to the Department no more than 60 days, and no less than 30 days, prior to the expiration date of the existing Certification. In order to be recertified, a Program Instructor shall provide proof to the Department that he or she has instructed at least four classes during his or her four-year period of Certification.

(c) Each Program Instructor shall complete a minimum of 32 hours of continuing education in alcohol and drug training or group facilitation training sponsored or approved by the Department every four years. A minimum of 16 hours shall be in Department-designated refresher courses specific to Program components. Each Program Instructor shall complete a minimum of 16 of the required 32 hours of continuing education training biannually and provide proof thereof to the Department on a biannual basis.

(d) No Instructor whose Certification has expired shall instruct until a completed recertification application has been submitted to and approved by the Department. If the Instructor Certification has expired and has remained expired for a period of more than one year, a new application is required and the Certification process, as outlined by Ga. Comp. R. & Regs. R. 375-5-6-.06, shall be followed.

(e) The Department may require any Instructor applying for recertification to submit additional information or verification that is reasonably related to making a determination of recertification.

(4) If, within 90 days of the time that a person applies for issuance or renewal of his or her certification as an instructor, he or she has undergone a background investigation for issuance or renewal of his or her certification for another program regulated by the Department, he or she shall not be required to submit new fingerprints, and the Department shall utilize the criminal history information obtained from that investigation in considering the person's eligibility for issuance or renewal of his or her certification as an instructor.

(5) The Department may deny or reject any application if it is determined that the applicant has violated any provision of this chapter.

(6) Presenting false material information on an application shall preclude any individual, partnership, or corporation from obtaining a license and, if discovered after the issuance of the license, shall be grounds for cancellation or revocation of that license.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.09
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Program Instructor Application, Certification, and Recertification Requirements" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. June 12, 2024; eff. July 2, 2024.

Rule 375-5-6-.10. History of Compliance.

(1) When any Person who is or ever has been certified by the Department within any regulated area applies for Certification as a Program Owner or Instructor, the Department may consider that Applicant's history of compliance when determining eligibility for Certification.

(2) When any Program Owner or Instructor applies to be recertified, the Department may consider that Program Owner or Instructor's history of compliance in determining eligibility for recertification.

(3) Cancellation, Suspension, or Revocation of Certification in another program area regulated by the Department may result in the Cancellation, Suspension, or Revocation of Certification granted in this Program.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.10
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "History of Compliance" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. Aug. 19, 2024; eff. Sept. 8, 2024.

Rule 375-5-6-.11. Program Employees.

(1) Each Program employee, volunteer, agent, or representative who provides any Program service to Students or potential Students, or has access to Program records, shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Sign a confidentiality statement provided by the Department agreeing to hold the identity of Students and Student records confidential;

(c) Sign a statement provided by the Department affirming that he or she is not excluded by any of the provisions of Ga. Comp. R. & Regs. R. 375-5-6-.03;

(d) Sign a statement cosigned by the Program Owner that the employee has received orientation on Program rules and regulations; and

(e) Never have been found to have participated in the falsification of records or the issuance of false or fraudulent certificates.

(2) The Department may cancel, suspend, or revoke the Certification of any Program if it is determined that the Program or Program employees, volunteers, agents, or representatives have violated any provision of this chapter.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.11
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Program Employees" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. Aug. 19, 2024; eff. Sept. 8, 2024.

Rule 375-5-6-.12. General Program Owner Responsibilities.

In addition to meeting all other Program requirements, every Program Owner is responsible for adhering to the Department's policies and procedures governing the Risk Reduction Program.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.12
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "General Program Owner Responsibilities" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. Mar. 25, 2014; eff. Apr. 14, 2014.
Amended: F. Aug. 19, 2024; eff. Sept. 8, 2024.

Rule 375-5-6-.13. General Program Instructor Responsibilities.

In addition to meeting all other Program requirements, every certified Instructor shall be responsible for adhering to the Department's policies and procedures governing the Risk Reduction Program.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.13
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "General Program Instructor Responsibilities" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. Aug. 19, 2024; eff. Sept. 8, 2024.

Rule 375-5-6-.14. Assessment Component.

Programs shall only use the Assessment provider designated by the Department and should adhere to its policies and procedures governing the Risk Reduction Program.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.14
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Assessment Component" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. Aug. 19, 2024; eff. Sept. 8, 2024.

Rule 375-5-6-.15. Intervention Component.

(1) Programs shall only use the Intervention Component designated by the Department and should adhere to its policies and procedures governing the Risk Reduction Program.

(2) An Intervention Component contract between the Program and Student or prospective Student must be executed before the Intervention Component can be administered.

(3) The Intervention Component shall only be taught by Department certified Instructors.

(4) The Intervention Component shall be conducted in accordance with the following requirements:

(a) Programs shall schedule the Intervention Component so that all Sessions are completed within four weeks, with no more than two Sessions scheduled in a single day.

(b) Intervention Component course delivery, content, and sequence of instruction shall be in accordance with the Department designated Instructor's manual.

(c) The Intervention Component shall have a minimum of five paid contracts for Students planning to attend the scheduled course dates and can have no more than the maximum allowed by the Program's Certification, up to a maximum of 40 Students. A student may only be counted towards the five paid contracts a maximum of three times during the validity of an Assessment.

(d) Intervention Component courses may be instructed, canceled, or rescheduled at the discretion of the Owner if fewer than five Students appear for the first Session.

(e) No Students from one Intervention Component course may be combined with Students from another Intervention Component course to complete Sessions. However, a Student with an excused absence may attend another Intervention Component course to complete missed Sessions. An absence is considered excused if the Student is called for military duty, has a personal medical emergency or a medical emergency involving an immediate family member, or there is a death in the Student's immediate family. Other absences may be excused at the Program Owner's discretion.

(f) All Students shall be required to attend the Intervention Component for the entire 20 hours, and no Student may be admitted late or dismissed early from any Session;

(g) Intervention Component classes shall be held in accordance with the course schedule on file with the Department. Class schedules and all changes shall be submitted to the Department prior to the beginning of class.

(h) A class roll following a format prescribed by the Department shall be signed by each Student at the beginning of each Session;

(i) A class roll following a format prescribed by the Department shall be signed by the Instructor at the end of the final Session;

(j) Reasonable accommodations shall be provided for Students who are disabled and/or need assistance to read or write.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.15
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Intervention Component" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. May 7, 2015; eff. May 27, 2015.
Amended: F. Oct. 11, 2024; eff. Oct. 31, 2024.

Rule 375-5-6-.16. Program Records.

(1) **Confidentiality**. Program records shall be maintained in accordance with the confidentiality provisions of Ga. Comp. R. & Regs. R. 375-5-6-.24.

(2) **Required records**. All Program records shall be maintained at the Program's certified location. Each Program shall make available and accessible for inspection and copying by the Department all records for the periods set forth in policy.

(3) **Student Contracts.**

(a) Each Program and Student or prospective Student shall enter into a written contract for both the Assessment Component and Intervention Component, and a copy of the executed contract shall be furnished to the Student prior to the delivery of any service.

(b) The original Assessment Component and Intervention Component contracts shall be maintained by the Program for a period of three years from the date of execution.

(c) All Assessment Component and Intervention Component contracts shall follow a format prescribed by the Department and shall contain all information and provisions required by the Department.

(d) All contracts shall include the Program's "Doing Business As" (DBA/Trade) Name, Street Address, City, State, Zip Code, Telephone Number, and assigned Certification Number, as assigned by the Department, printed at the top of the form.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.16
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Program Records" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. Oct. 11, 2024; eff. Oct. 31, 2024.

Rule 375-5-6-.17. Program Name.

No Program may use the word "state" in any part of its name or suggest that it is owned, operated, or endorsed by the state. A Program may not use as its adopted business name "A DUI Alcohol or Drug Use Risk Reduction Program" or "Risk Reduction Program" or any other generic reference to the Program without additional modifiers in the name.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.17
Authority: O.C.G.A. Secs. 40-5-82, 40-5-83.
History. Original Rule entitled "Program Name" adopted. F. July 24, 2009; eff. August 13, 2009.

Rule 375-5-6-.18. Program Location and Hours of Operation.

(1) Programs shall only operate in locations that have been certified by the Department. The Department reserves the right to deny any location at the Department's discretion.

(2) Programs shall only hold courses in classrooms that have been certified by the Department.

(3) No program applying for certification shall share the same entrance with a facility where alcoholic beverages are sold or distributed.

(4) No program office or classroom shall be located within a private residence.

(5) Except as provided in subsection (11) below, program offices and classrooms shall be located on the same premises.

(6) The full certified program name and business hours shall be displayed and clearly visible from the outside of the premises.

(7) Program classrooms must have a minimum of 300 square feet of useable space. Program classrooms shall be certified to offer services at 20 square feet per person, up to a maximum of 40 students. Programs licensed prior to the enactment of the 300 square foot minimum may continue to utilize existing classrooms that satisfied the prior requirement of 250 square feet. Such programs may not add new classrooms that are less than 300 square feet in size. The maximum number of students per class determined by the Department does not supersede the occupancy load or maximum for the building determined by the local governing entity (i.e., county or city fire marshal, inspector, or agent).

(8) The program's certification shall be displayed in a conspicuous location on the premises of the program.

(9) Programs that are in compliance with the rules and regulations of the Department may apply to operate Satellite Locations.

(10) No satellite program shall operate without first being certified by the Department.

(11) Satellite locations shall meet all location and facility requirements as outlined in these rules and regulations, except as follows:

(a) Student or Program records may be maintained at the main program location;

(b) Programs may use the telephone number of the main program location;

(c) Programs may perform administrative duties at the main program location.

(12) Any school or classroom facility utilized or approved for the purposes of a DUI Alcohol or Drug Use Risk Reduction program shall comply with the requirements set forth by the Americans with Disabilities Act of 1990, before certification is issued. The owner shall certify to the Department that the facility complies with the Act and its implementing regulations.

(13) Any school, office, or classroom facility utilized or approved for the purpose of a DUI Alcohol or Drug Use Risk Reduction program shall be clean and safe from health hazards, such as, but not limited to, rodents, pest infestation, and mold.

(14)

(a) The Department may develop policies and procedures for the delivery of remote classroom instruction for certified DUI Alcohol or Drug Use Risk Reduction programs.

(b) A certified DUI Alcohol or Drug Use Risk Reduction program may utilize remote services for classroom instruction and the administration of assessments. Such instruction, training, and assessments may be done via web services, such as, but not limited to, Skype, Zoom, or Webex. Instruction must be synchronous allowing for real-time instruction and interaction in a specific virtual place, through a specific online platform, at a specific time.

(c) Schools utilizing remote classroom methods must notify the Department at least 24 hours prior to the beginning of class and keep rosters and required documents of students enrolled in these programs pursuant to existing rules and regulations. Such programs shall continue to be subject to all monitoring, training, and auditing pursuant to existing Department rules and regulations.

(15) Change of Location

(a) Each Program Owner shall submit a Program Relocation application in writing at least 30 days prior to any change in the Program location.

(b) No change of Program location shall be approved by the Department without a site inspection of the new premises.

(c) No Program shall operate in any new location until Certification has been granted by the Department and displayed onsite.

(d) Within at least 30 days of relocation approval, the Program shall send written notification, prior to changing locations as approved by the Department, to all Students who have either a valid assessment on file that have not completed the Intervention Component; been assessed within one year prior to the move who have not started; or completed the Program.

(e) If a Program relocates 10 or more miles from its original location, students with a valid Assessment who have not completed the Intervention Component may cancel their Intervention contract and receive a full refund or transfer to a Program of their choice at no charge. The Assessment components completed by Students within one year prior to the move who have not started or completed the Program shall be transferred to another Program of the Student's choice at no charge. Students may cancel their Intervention Component contracts with a Program that is relocating, and they shall receive a full refund upon such cancellation.

(f) Upon applying to the Department for a change of location, the Program shall post a notice of its request to move the Program. Such notice shall be clearly displayed

at the Program location stating the proposed new location address. The proposed new location shall be specified in the notice with complete address and mileage distance from the present location. The notice shall also inform Students of their right to transfer to another Program and/or to cancel their Intervention Component contract with the Program and receive a full refund.

(g) Any Program that has applied for a change of location shall provide written notice of its application to any prospective Student or Offender prior to executing an Assessment Component or Intervention Component contract.

(h) No Program relocation shall cause any Student to have Intervention course sessions in more than one location except in cases of emergency. Programs shall request emergency relocations to the Department within five business days.

(16) Hours of Operation

(a) Each Program shall maintain business hours of at least 15 hours per week, half of which must fall within the Department's normal business hours.

(b) Each Program shall notify the Department of its business hours upon application for Certification.

(c) Each Program shall report any deviations from the Program's set business hours to the Department, in writing, at least 48 hours in advance. In cases of an emergency, notification should be sent to the Department as soon as possible.

(d) Program staff shall be available during business hours to answer the telephone, furnish information about the Program's operation, verify services provided, and to produce records and documentation requested by the Department.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.18
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Program Location and Facilities" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. Mar. 25, 2014; eff. Apr. 14, 2014.
Amended: New title "DUI Alcohol or Drug Use Risk Reduction Program Location and Facilities." F. Aug. 12, 2020; eff. Sept. 1, 2020.
Amended: F. Jan. 14, 2021; eff. Feb. 3, 2021.
Amended: New title, "Program Location and Hours of Operation." F. Oct. 11, 2024; eff. Oct. 31, 2024.

Rule 375-5-6-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.19
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Program Hours of Operation" adopted. F. July 24, 2009; eff. August 13, 2009.
Repealed: F. Oct. 11, 2024; eff. Oct. 31, 2024.

Rule 375-5-6-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.20
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Change of Program Location" adopted. F. July 24, 2009; eff. August 13, 2009.
Repealed: F. Oct. 11, 2024; eff. Oct. 31, 2024.

Rule 375-5-6-.21. Program Closure.

(1) **Permanent Closures**

(a) Any Program that intends to permanently cease operations shall notify the Department in writing at least 30 days prior to the closure date stated in the notification.

(b) Any Program that intends to permanently cease operations shall post a notice of its intent to close in a conspicuous area at the Program location at least 30 days prior to the closure date stated in the notification.

(c) If a Program intends to permanently cease operations, Students with a valid Assessment who have not completed the Intervention Component may cancel their Intervention contract and receive a full refund or transfer to a Program of their choice at no charge.

(d) Any Program that intends to permanently cease operations shall notify students who have completed an Assessment Component but have not started the Intervention Component. Such notification shall be sent within five business days of notifying the Department. The notification shall indicate that the Student may cancel their Intervention contract and receive a full refund or transfer to a Program of their choice at no charge.

(e) Any Program that permanently ceases operations shall securely destroy the following materials within five business days of closing:

1. The official Program Certification; and

2. All Program Records.

(f) A Program that is permanently closed shall cease all advertising and Program operations.

(2) **Temporary Closures**

(a) A Program may request to temporarily cease operations for a period of up to 90 days.

(b) A Program approved by the Department to temporarily cease operations shall deliver the previous five years of Program records to the Department within five business days.

(c) A Program may be approved for temporary closure no more than two times within a four-year period.

(d) A Program must be in good standing with the Department to be eligible for temporary closure, which consists of but is not limited to the following:

1. Have no previous outstanding violations; and

2. Have no outstanding fees or fines with the Department.

(e) A Program that has been approved for temporary closure shall cease all advertising and Program operations.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.21
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Program Closure" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. Oct. 11, 2024; eff. Oct. 31, 2024.

Rule 375-5-6-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.22
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Student Contracts" adopted. F. July 24, 2009; eff. August 13, 2009.
Note: Correction of typographical error in Rule title on SOS Rules and Regulations website as requested by the Agency. In accordance with the Official Compilation Rules and Regulations of the State of Georgia (as published August 13, 2009), "Student Contacts" corrected to "Student Contracts." Effective October 19, 2018.
Repealed: F. Oct. 11, 2024; eff. Oct. 31, 2024.

Rule 375-5-6-.23. Certificates of Completion.

(1) Certificates of completion shall be issued to Students within one business day, but no more than 48 hours, after the Student has successfully completed all Program requirements, in the manner prescribed by the Department.

(2) All information contained on the certificate of completion shall be complete and accurate. Excessive errors, as determined by the Department, may result in adverse action. No student shall be issued more than one certificate of completion for a specific course.

(3) No certificate of completion shall be generated or issued to a Student prior to successful completion of the Intervention Component.

(4) Replacement certificates of completion shall be provided to a Student within five business days of any such request. Programs may charge a fee of up to $20.00 for a replacement certificate. Programs shall verify their records to confirm that each Student has completed the Intervention Component prior to issuing a replacement certificate.

(5) Immediately upon discovery, Programs shall notify the Department of any issuance of fraudulent or fictitious certificates of completion. Failure to report such an event may result in an administrative fine, Suspension, and/or Revocation of the Program's Certification.

(6) Fraudulent falsification or alteration of program records, including certificates of completion and replacement certificates, may result in Suspension or Revocation of Program and/or Instructor's Certification. Additionally, the Department may impose civil penalties and/or pursue criminal charges.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.23
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Certificates of Completion" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. Oct. 11, 2024; eff. Oct. 31, 2024.

Rule 375-5-6-.24. Confidentiality of Records.

All Program records that identify any Student or prospective Student by name or inference shall be maintained as confidential and shall not be released to any person, other than the Department, without the written consent of the Student/prospective Student, upon court order, or as otherwise required by law.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.24
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Confidentiality of Records" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. Oct. 11, 2024; eff. Oct. 31, 2024.

Rule 375-5-6-.25. Program Advertising and Solicitation.

(1) A Program must be certified by the Department to advertise.

(2) Program advertisement shall contain the Program's approved certified name and certification number.

(3) No Program shall advertise in any manner that is false or misleading.

(4) No Program shall advertise that reinstatement of a driver's license is guaranteed to Students or prospective Students, or that free or reduced fees will be given to any Student or prospective Student.

(5) No Program shall use the logo of the Department, any logo or symbol of any other governmental entity, or the seal of the State of Georgia in any advertising or on any Program stationary or correspondence.

(6) No Program Owner, Instructor, employee, or agent shall directly or indirectly solicit business by personal solicitation on public property, by phone, e-mail, or by mail.

(7) Violations of this regulation may result in the Cancellation, Suspension, or Revocation of Program Certification. Additionally, the Department may impose civil penalties and/or pursue criminal charges.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.25
Authority: O.C.G.A. §§ 40-5-81, 40-5-82, 40-5-83.
History. Original Rule entitled "Program Advertising and Solicitation" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. Nov. 21, 2024; eff. Dec. 11, 2024.

Rule 375-5-6-.26. Fees.

(1) Fees charged to Students by Programs for any Program component shall be in strict accordance with O.C.G.A. § 40-5-83(e).

(2) An additional fee shall be set by the Department for required Student Program materials. This fee shall be charged by each Program and is not optional, unless specifically exempted by law.

(3) No Program Owner, Instructor, employee, volunteer, agent, or representative may offer any Program component free of charge or charge a reduced or inflated fee for any Program component or required Student Program materials.

(4) Fees for the Assessment Component and the Intervention Component shall be paid at the time of contract execution.

(5) No Program Owner, Instructor, employee, volunteer, agent, or representative shall withhold, or allow the withholding of a certificate of completion from any Student who successfully completes all Program requirements because of non-payment of course fees.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.26
Authority: O.C.G.A. § 40-5-83.
History. Original Rule entitled "Fees" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. Nov. 21, 2024; eff. Dec. 11, 2024.

Rule 375-5-6-.27. Assessment Fees.

Each Program shall remit the statutorily required portion of the assessment fees to the Department, in the manner prescribed by the Department, as required by law.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.27
Authority: O.C.G.A. Secs. 40-5-82, 40-5-83.
History. Original Rule entitled "Assessment Fees" adopted. F. July 24, 2009; eff. August 13, 2009.

Rule 375-5-6-.28. Inspection, Investigations, and Program Monitoring.

(1) The Department is authorized to inspect, monitor, and investigate Programs to determine compliance with the Rules and Regulations of the Department.

(2) Program Owners, Instructors, staff, and any agents, shall cooperate with any inspection or investigation by the Department and shall immediately provide any information reasonably requested by the Department.

(3) Programs shall be notified of deficiencies in writing and advised of the target deadline for remediation.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.28
Authority: O.C.G.A. §§ 40-5-82, 40-5-83.
History. Original Rule entitled "Inspections, Investigation, and Program Monitoring" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. Nov. 21, 2024; eff. Dec. 11, 2024.

Rule 375-5-6-.29. Enforcement of Program Requirements.

(1) The Department shall have the authority to cancel, suspend, or revoke the Certification of any Program or Instructor for noncompliance with the Rules and Regulations of the Department; or assess administrative fines against any Program or Instructor for noncompliance with the Rules and Regulations of the Department.

(2) **Administrative fines.** The Department may choose to impose an administrative fine, up to $1,000 per violation, against a Program or Instructor.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.29
Authority: O.C.G.A. §§ 40-5-83, 40-5-88, 50-13-18.
History. Original Rule entitled "Enforcement of Program Requirements" adopted. F. July 24, 2009; eff. August 13, 2009.
Amended: F. Nov. 21, 2024; eff. Dec. 11, 2024.

Rule 375-5-6-.30. Alternative Resources for Background Investigations.

In the event the Department is unable to obtain fingerprint results from an applicant for reasons that are beyond the applicant's control, a background investigation of such applicant authorized by the Federal Bureau of Investigation and the Georgia Bureau of Investigation will be conducted.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.30
Authority: O.C.G.A. § 40-16-5.
History. New Rule entitled "Alternative Resources for Background Investigations" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.
Amended: F. Nov. 21, 2024; eff. Dec. 11, 2024.

Rule 375-5-6-.31. Pending Charges Against Owners and Instructors.

(1) If the applicant is charged with any offense that would result in ineligibility for certification if convicted, the application shall be denied until the disposition is provided.

(2) If, after certification, a person is charged with any offense for which a conviction would result in ineligibility for Certification, the Certification shall be suspended pending disposition of such charge. If the person is convicted of such charge, the Certification shall be revoked.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.31
Authority: O.C.G.A. § 40-5-83.
History. Original Rule entitled "Pending Charges Against Owners and Instructors" adopted. F. Jun. 4, 2013; eff. Jun. 24, 2013.
Amended: F. Nov. 21, 2024; eff. Dec. 11, 2024.

Rule 375-5-6-.32. DUI Gratuities.

(1) The following items are prohibited from being advertised or offered by an owner, agent, representative, instructor, or employee to any student or prospective student: legal tender, meals, gift cards, transportation, products or services for free or at a discounted price, or anything of monetary value not deemed to be a customer service exclusion. Customer service exclusions are limited to ink pens, pencils, water, coffee, candy, and Wi-Fi (wireless internet connection).

(2) A first violation shall result in an administrative fine. A second or subsequent violation shall result in a 30-day suspension.

(3) A violation of O.C.G.A. § 40-5-81(d) is a crime punishable as a misdemeanor. Each person convicted of a second criminal offense shall have their Certification revoked.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.32
Authority: O.C.G.A. §§ 40-16-2, 40-16-3, 40-5-4, 40-5-81.
History. Original Rule entitled "DUI Gratuities" adopted. F. July 14, 2017; eff. August 3, 2017.

Amended: F. Nov. 21, 2024; eff. Dec. 11, 2024.

Chapter 375-6. REGULATION OF VEHICLES.

Subject 375-6-1. Repealed.

Cite as Ga. Comp. R. & Regs. R. dept. 375, ch. 375-6, sub. 375-6-1

Rule 375-6-1-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-6-1-.01
Authority: O.C.G.A. § 40-8-220.
History. Original Rule entitled "Responsibility for Program" adopted. F. Sept. 13, 2002; eff. Oct. 3, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-6-1-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-6-1-.02
Authority: O.C.G.A. § 40-8-220.
History. Original Rule entitled "Definitions" adopted. F. Sept. 13, 2002; eff. Oct. 3, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-6-1-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-6-1-.03
Authority: O.C.G.A. § 40-8-220.
History. Original Rule entitled "Fees" adopted. F. Sept. 13, 2002; eff. Oct. 3, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-6-1-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-6-1-.04
Authority: O.C.G.A. § 40-8-220.
History. Original Rule entitled "Expiration Period of Inspection Sticker" adopted. F. Sept. 13, 2002; eff. Oct. 3, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-6-1-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-6-1-.05
Authority: O.C.G.A. § 40-8-220.
History. Original Rule entitled "Purchase of Bus" adopted. F. Sept. 13, 2002; eff. Oct. 3, 2002.

Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-6-1-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-6-1-.06
Authority: O.C.G.A. § 40-8-220.
History. Original Rule entitled "Inspection Sticker Location" adopted. F. Sept. 13, 2002; eff. Oct. 3, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-6-1-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-6-1-.07
Authority: O.C.G.A. § 40-8-220.
History. Original Rule entitled "Completion of Inspection Sticker" adopted. F. Sept. 13, 2002; eff. Oct. 3, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-6-1-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-6-1-.08
Authority: O.C.G.A. § 40-8-220.
History. Original Rule entitled "Inspection Reports" adopted. F. Sept. 13, 2002; eff. Oct. 3, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-6-1-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-6-1-.09
Authority: O.C.G.A. §§ 40-8-74, 40-8-111, 40-8-220.
History. Original Rule entitled "Minimum Requirements for Inspection" adopted. F. Sept. 13, 2002; eff. Oct. 3, 2002.
Amended: F. Jan. 24, 2005; eff. Feb. 13, 2005.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-6-1-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-6-1-.10
Authority: O.C.G.A. § 40-8-220.
History. Original Rule entitled "Body" adopted. F. Sept. 13, 2002; eff. Oct. 3, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-6-1-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-6-1-.11
Authority: O.C.G.A. § 40-8-220.

History. Original Rule entitled "Violation of Law and/or Rules: Penalty" adopted. F. Sept. 13, 2002; eff. Oct. 3, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-6-1-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-6-1-.12
Authority: O.C.G.A. § 40-8-220.
History. Original Rule entitled "Daily Inspections by Bus Operator" adopted. F. Sept. 13, 2002; eff. Oct. 3, 2002.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Subject 375-6-2. Repealed.

Cite as Ga. Comp. R. & Regs. R. dept. 375, ch. 375-6, sub. 375-6-2

Rule 375-6-2-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-6-2-.01
Authority: O.C.G.A. §§ 40-5-2, 50-18-72.
History. Original Rule entitled "Public Availability of Accident Reports" adopted. F. Sept. 11, 2002; eff. Oct. 1, 2002.
Repealed: F. Apr. 28, 2016; eff. May 18, 2016.

Rule 375-6-2-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-6-2-.02
Authority: O.C.G.A. §§ 40-6-273, 40-6-278, 40-9-30.
History. Original Rule entitled "Uniform Traffic Accident Reports" adopted. F. Sept. 11, 2002; eff. Oct. 1, 2002.
Amended: F. Sept. 1, 2004; eff. Sept. 21, 2004.
Repealed: F. Apr. 28, 2016; eff. May 18, 2016.

Chapter 375-7. MOTORCYCLE SAFETY.

Subject 375-7-4. SAFETY PROGRAM.

Rule 375-7-4-.01. Organization.

The Motorcycle Safety Program shall be administered by the Director of the Regulatory Compliance Division of the Department of Driver Services and is composed of a program administrator and such additional staff as the Commissioner deems necessary for the efficient operation of the Program.

Cite as Ga. Comp. R. & Regs. R. 375-7-4-.01
Authority: O.C.G.A. §§ 40-5-4, 40-5-101, 40-15-3, 40-16-1, 40-16-2, 40-16-3, 40-16-4, 40-16-5.

History. Original Rule entitled "Organization" adopted. F. Sept. 18, 2003; eff. Oct. 8, 2003.
Amended: F. July 19, 2018; eff. August 8, 2018.

Rule 375-7-4-.02. Motorcycle Safety Program - Scope.

(1) The purpose of this Chapter is to establish minimal requirements for the Motorcycle Safety Program, thus improving the safety of motorcyclists through rider education and training and a comprehensive public awareness effort that will ultimately benefit all highway users.

(2) The scope of this Chapter is to include all persons and organizations involved in motorcycle rider training and education within the State.

(3) The provisions of Chapter 13 of Title 43, and the rules and regulations of the Department of Driver Services governing driver training schools, apply to all persons other than employees and sponsors of the Department of Driver Services providing training to motorcyclists.

Cite as Ga. Comp. R. & Regs. R. 375-7-4-.02
Authority: O.C.G.A. § 40-15-3.
History. Original Rule entitled "Scope" adopted. F. Sept. 18, 2003; eff. Oct. 8, 2003.
Amended: F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: New title "Motorcycle Safety Program - Scope." F. May 19, 2021; eff. June 8, 2021.

Rule 375-7-4-.03. Motorcycle Safety Program - Definitions.

(1) Motorcycle Safety Program - the Georgia Motorcycle Safety Program authorized by Chapter 15 of Title 40 of the Official Code of Georgia Annotated.

(2) Program Administrator - the employee of the Department responsible for administration of the Motorcycle Safety Program.

(3) Approved Program - series of courses or classes, for both beginner and experienced riders, adopted, approved, or developed by the Motorcycle Safety Program.

(4) Sponsor - an individual, partnership, corporation, association, civic group, club, county, municipality, board of education, school, or college which shall teach or give instruction in the Motorcycle Safety Program pursuant to a contract with the Department. Sponsors are not agents or employees of the department. Sponsors conduct courses using only the approved curriculum and follow the Sponsor Program Certification Manual.

(5) Coach Trainer - any individual, approved by the Program Administrator, who conducts Coach Preparation courses, updates, technical functions, training and evaluations, and performs other necessary tasks as assigned by the Program Administrator.

(6) Coach - an individual, approved by the Program Administrator, who teaches or gives instruction of approved basic and experienced courses, assists in Coach Preparation courses or performs other necessary tasks as assigned by the Program Administrator. Coaches follow the *Rider Coach* Certification Manual.

(7) Suspension - the temporary withdrawal, annulment or termination by formal action by the Department of the certification of a Sponsor, Coach Trainer, or Coach, for a period specifically designated by the Department.

(8) Certification - credential issued to a person or organization that has met the minimum qualifications of Sponsor, Coach Trainer, or Coach.

(9) Training site - the actual classroom, range, and storage facilities used in the conducting of rider education and training classes.

(10) License Test Waiver - a credential issued to a student successfully completing an approved training course that expires ninety (90) days from the date of issue and exempts the student from the motorcycle written test and skills test as performed at a Department customer service center.

(11) Coach candidate - any person that has made application and has been accepted for a Coach Preparation course.

(12) Coach Trainer candidate - any person that has made application and has been accepted for an approved Coach Trainer course deemed as such by the Program Administrator.

(13) Range - the paved area used for on-cycle training as approved by the Program Administrator.

(14) Revocation - annulment or termination by formal action of the Department of the approval or certification of a Sponsor, Coach Trainer, or Coach; such revocation shall not be subject to reinstatement or renewal.

(15) *Rider Coach* Certification Manual - a manual outlining the parameters that GMSP-certified Coaches must follow.

(16) Sponsor Program Certification Manual - a manual outlining the parameters that private sponsors must follow.

(17) Student - any person enrolling in a motorcycle rider education course.

(18) Satisfactory Driving History - a satisfactory driving history is defined as containing no more than three (3) convictions for moving traffic violations as provided in O.C.G.A. § 40-5-56 within the last three (3) years; no unresolved license suspensions imposed pursuant to O.C.G.A. § 40-5-56 for failure to appear; no suspensions imposed pursuant to O.C.G.A. §§ 40-5-63 or 40-5-67.1 within the last five (5) years; and no habitual

violator revocations pursuant to O.C.G.A. § 40-5-58 For purposes of this regulation, conviction shall be defined as set forth in O.C.G.A. §§ 40-5-2 and 40-5-142.

(19) Criminal History - criminal history is satisfactory if it contains no convictions for any felony or any crime involving violence, dishonesty, deceit, fraud, indecency, or moral turpitude. For purposes of this regulation, conviction shall be defined as set forth in O.C.G.A. §§ 40-5-2 and 40-5-142.

Cite as Ga. Comp. R. & Regs. R. 375-7-4-.03
Authority: O.C.G.A. § 40-15-3.
History. Original Rule entitled "Definitions" adopted. F. Sept. 18, 2003; eff. Oct. 8, 2003.
Amended: F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: New title "Motorcycle Safety Program - Definitions." F. May 19, 2021; eff. June 8, 2021.

Rule 375-7-4-.04. Motorcycle Safety Program - Advisory Committee Standards.

(1) The Advisory Committee shall be composed of seven (7) members, at least three (3) of whom shall be active motorcycle riders possessing a valid Class M Georgia driver's license.

(2) The Committee shall serve in an advisory capacity and assist in the development, implementation, monitoring, and evaluation of the Motorcycle Safety Program. The Committee shall make recommendations as to the criteria for certification of Instructors, certification of program sponsors, course content and curricula, approval of course completion requirements, and provide advice as to the issuance of rules and regulations governing the Motorcycle Safety Program.

(3) The members of the Committee shall be recommended by the Program Administrator, approved by the Commissioner, and appointed by the Division Director for Regulatory Compliance.

(4) Appointees to the Committee shall include:

(a) A motorcycle dealer licensed in Georgia, a representative of a motorcycle manufacturer, or a representative of a dealer or manufacturer association or similar group within Georgia;

(b) A peace officer holding valid certification from the Georgia Peace Officer Standards and Training Council and a valid Class M Georgia driver's license who is active in highway safety;

(c) An educator currently employed by a recognized school district or educational institution in Georgia;

(d) A public member who shall be a member of the general, non-motorcycling public who has legal residence in Georgia;

(e) An active Georgia motorcyclist with a Class M License;

(f) An incumbent officer of a non-profit motorcycle organization that actively supports and promotes motorcycle rider education and safety; and

(g) The Program Administrator, whom also shall chair the committee.

(5) The Division Director for Regulatory Compliance shall not appoint any person for whom participation in the Advisory Committee would pose an actual, potential, or apparent conflict of interest due to the existence of a fiduciary duty or any other relationship that would place the Appointee in a position to exert undue influence, exploit, or take undue advantage of his or her position on the Advisory Committee.

(6) All appointees shall have and maintain a satisfactory criminal history and driving history. An appointee's criminal history is satisfactory if it contains no convictions for any felony or any crime involving violence, dishonesty, deceit, fraud, indecency, or moral turpitude. A satisfactory driving history is defined as containing no more than three (3) convictions for moving traffic violations as provided in O.C.G.A. § 40-5-56 within the last three (3) years; no unresolved license suspensions imposed pursuant to O.C.G.A. § 40-5-56 for failure to appear; no suspensions imposed pursuant to O.C.G.A. §§ 40-5-63 or 40-5-67.1 within the last five (5) years; and no habitual violator revocations pursuant to O.C.G.A. § 40-5-58. Each appointee may be subject to annual checks of their criminal and driving histories. For purposes of this regulation, conviction shall be defined as set forth in O.C.G.A. §§ 40-5-2 and 40-5-142.

(7) Committee members' office terms:

(a) With the exception of the Program Administrator and as set forth in paragraph (c), infra, the term of office for Committee members shall be two (2) years;

(b) Appointments shall become effective on July 1 and end on June 30, two (2) years later;

(c) In order to stagger the terms of the members, the first terms for members appointed pursuant to paragraphs (a), (c), and (e) of subsection (4) following the 2009 revision of this regulation shall be for one (1) year; and

(d) Any member may be removed, in the discretion of the Department, for any reason and at any time.

(8) The Advisory Committee shall meet quarterly or at the call of the Program Administrator.

(9) Advisory Committee members shall not receive any remuneration or reimbursement for their participation on the Committee.

Cite as Ga. Comp. R. & Regs. R. 375-7-4-.04
Authority: O.C.G.A. § 40-15-3.
History. Original Rule entitled "Advisory Committee Standards" adopted. F. Sept. 18, 2003; eff. Oct. 8, 2003.
Amended: F. June 8, 2009; eff. June 28, 2009.
Amended: New title "Motorcycle Safety Program - Advisory Committee Standards." F. May 19, 2021; eff. June 8, 2021.

Rule 375-7-4-.05. Motorcycle Safety Program - Coach Trainer Qualifications.

(1) Coach Trainers shall meet the following minimum qualifications:

(a) Maintain all qualifications that pertain to Coaches;

(b) successfully complete an approved Coach Trainer course;

(c) be available to conduct Coach Preparation courses, technical functions, teach both approved courses, and maintain certification;

(d) have an acceptable conclusion to the results obtained by the Department's standard background check, and;

(e) maintain a satisfactory driving record.

(2) The Coach Trainer's certification will expire three (3) years from the date of issuance.

(3) Requests for renewal must be submitted thirty (30) days prior to the date of expiration.

(4) Coach Trainers allowing their certification to expire will not be permitted to instruct in the Motorcycle Safety Program and shall have to requalify and retrain for a new certification under the then current requirements for an initial applicant.

(5) The Department may revoke or suspend a Coach Trainer's certification if it becomes aware of violations of any qualifications, laws, rules and regulations, or falsification of documents.

(6) A Coach Trainer whose certification has been revoked or suspended may request a hearing in accordance with Ga. Comp. R. & Regs. R. 375-1-1-.06.

(7) A revoked or suspended Coach Trainer certification must be documented by the Department.

(8) All Coach Trainer candidates shall meet the following minimum qualifications:

(a) possess, for at least four (4) years prior to making application, a Georgia Class M License/Endorsement or other state's equivalent to same license;

(b) be a certified Coach for at least two (2) years and have taught a minimum of six (6) basic rider courses, and;

(c) make application and be accepted into an approved Coach Trainer course.

(d) successfully complete a Department background check.

Cite as Ga. Comp. R. & Regs. R. 375-7-4-.05
Authority: O.C.G.A. § 40-15-3.
History. Original Rule entitled "Chief Instructor Qualifications" adopted. F. Sept. 18, 2003; eff. Oct. 8, 2003.
Amended: F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: F. Aug. 12, 2020; eff. Sept. 1, 2020.
Amended: New title "Motorcycle Safety Program - Coach Trainer Qualifications." F. May 19, 2021; eff. June 8, 2021.

Rule 375-7-4-.06. Motorcycle Safety Program - Coach Qualifications.

(1) All Coaches shall meet the following minimum qualifications:

(a) Be at least twenty-one (21) years of age;

(b) Possess a high school diploma or equivalent GED;

(c) Successfully complete a Department background check commensurate to the requirements found in O.C.G.A. § 43-13-5;

(d) Successfully complete an approved Coach Preparation course;

(e) Agree to teach only approved courses;

(f) Maintain Coach certification;

(g) Enroll in and complete approved Coach refresher courses, updates, professional development workshops, and conferences when offered;

(h) Always wear proper protective riding apparel when riding which consists of: a DOT-approved helmet, eye protection (face shield or goggles), gloves (no fingerless), boots (over-the-ankle footwear; not cloth or canvas), long-sleeved shirt or jacket and long non-flared pants (made of denim or equivalent abrasive resistant materials).

(i) Have and maintain a satisfactory criminal history and driving history.

(j) Currently operate a motorcycle and possess a valid Georgia Class M License;

(k) Agree to teach only approved training courses in conformance with the most current curricula guidelines as per the *Rider Coach* Certification Manual;

(l) Keep up to date on current motorcycle safety instruction and information;

(m) Maintain teaching skills by teaching a minimum number of courses each year as per the *Rider Coach* Certification Manual;

(n) Keep the Motorcycle Safety Program informed of any address changes and return all Coach surveys and inquiries promptly;

(o) Exhibit professional conduct and appearance that would be an example for all motorcyclists to respect, admire, and emulate; and

(p) Provide express authorization for the release of a driving record at any time deemed necessary by the Program Administrator.

(2) All Coach candidates shall meet the following minimum qualifications:

(a) Make necessary application and be accepted by the Motorcycle Safety program into a Coach Preparation course;

(b) Successfully complete a basic rider course;

(c) Successfully complete a teaching internship of at least, but not limited to, two (2) training courses as directed by the Program Administrator or designated staff;

(d) Have possessed for at least two (2) years prior to making application, a Georgia Class M License or equivalent from another state; and

(e) Regularly operate a street legal, registered motorcycle that complies with applicable vehicle laws and codes.

(3) The Coach's certification will expire one (1) year from the date of activation.

(4) Coaches allowing their certificates to expire will not be permitted to instruct and shall be required to requalify and retrain for a new certificate under the then current requirements for an initial applicant.

(5) The Department may revoke or suspend a Coach's certification if it becomes aware of any violations of qualifications, laws, rules and regulations, or falsification of documents.

(6) A suspended Coach may request a hearing in accordance with Ga. Comp. R. & Regs. R. 375-1-1-.06.

(7) *Rider Coaches* have shared responsibility for the overall operation of a specific course which includes but is not limited to the following: conducting all classroom and range sessions; supervising range aides; ensuring that protective apparel is worn during all on-cycle training; securing all equipment and materials at the close of each class; and, checking all forms submitted for completeness and accuracy; demonstrating range exercises as directed; conducting remedial training as required; and administering the class as per the *Rider Coach* Certification Manual and the *Rider Coach* Guide.

(8) A range aide works under the direction of either Coach in non-instructional roles. Duties include but are not limited to: preparation and maintenance of motorcycles, preparation of range, and preparation of classroom.

(9) Under no circumstances will a range aide's duties include any form of classroom or range instruction unless the range aid is a Motorcycle Safety Program-certified Coach.

Cite as Ga. Comp. R. & Regs. R. 375-7-4-.06
Authority: O.C.G.A. § 40-15-3.
History. Original Rule entitled "Instructor Qualifications" adopted. F. Sept. 18, 2003; eff. Oct. 8, 2003.
Repealed: New Rule entitled "Coach Qualifications" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: F. Apr. 24, 2014; eff. May 14, 2014.
Amended: New title "Motorcycle Safety Program - Coach Qualifications." F. May 19, 2021; eff. June 8, 2021.
Amended: F. Aug. 11, 2023; eff. Aug. 31, 2023.

Rule 375-7-4-.07. Motorcycle Safety Program - Certified Private Sponsor Requirements.

(1) All Sponsors shall meet the following minimum requirements:

(a) any individual or organization seeking approval to teach or offer instruction in motorcycle rider education and training on behalf of the Department shall make application at least thirty (30) days prior to course offering and shall not commence the course until receiving certification;

(b) sponsor certification will expire two (2) years from the date of issuance;

(c) sponsor must apply for recertification within ninety (90) days of expiration date of certification period;

(d) only Motorcycle Safety Program-certified Coach Trainers and Coaches will be used to conduct motorcycle rider education and training courses;

(e) use only approved curricula in accordance with the *Rider Coach* Certification Manual and/or Sponsor Program Certification Manual;

(f) maintain accurate records of student participation and incident reports, and make same available for inspection at all times;

(g) make sure that all students, Coaches, and training motorcycles are covered by insurance during all training sessions;

(h) submit all required documentation as set out in the Sponsor Program Certification Manual;

(i) shall designate an individual as site manager or site administrator who shall be responsible for, but not limited to: ensuring all persons enrolling meet eligibility requirements and are properly registered; recordkeeping; managing site; reporting, supervising all instructional personnel and overseeing the operation of the program;

(j) monitoring will be conducted by Program Administrator and other persons authorized by the Motorcycle Safety Program to make audits and visits; and

(k) Coach and student course evaluations will be provided and submitted after each course to the Motorcycle Safety Program without alteration or abridgement.

(2) Sponsor applications will be considered on the basis of the ability to train sufficient numbers of students and prevention of the unnecessary duplication of the provision of rider education courses.

(3) A Sponsor found in violation of any requirements, laws, rules and regulations, or falsification of documents will be subject to suspension.

(4) A suspended Sponsor may appeal to the Department for a hearing in accordance with Ga. Comp. R. & Regs. R. 375-1-1-.06.

(5) Adequate insurance must be obtained by Sponsors to protect both the State, the Sponsor, all instructional personnel, students, and training motorcycles.

(6) Each registered student must complete a Release, Waiver, and Indemnification form approved by the Motorcycle Safety Program which releases the State, the Sponsor, and all persons and organizations involved in the training program from any loss, costs, claim and/or damage arising out of participation in any course.

(7) The Sponsor will, to the satisfaction of the Motorcycle Safety Program, carry insurance for all phases of training in the following categories, but not limited to:

(a) medical;

(b) comprehensive and collision; and

(c) bodily injury and property damage liability.

(8) The insurance supplier and coverage limits must be approved by the Department.

(9) The Sponsor must file with the Motorcycle Safety Program, prior to the start of any classes, a certificate of insurance or letter verifying insurance fully executed by the insurance company.

(10) It must be understood by the insurance company that the Motorcycle Safety Program must be given written notification of policy cancellation at least thirty (30) days prior to any such action.

(11) The insurance provided by the Sponsor will be the primary coverage and the insurance company so notified.

(12) Reporting by the Sponsor shall include but not be limited to:

(a) class schedules;

(b) registration information;

(c) incident report forms; and

(d) other reports as set in the Sponsor Specifications.

(13) The Sponsor is responsible for completing and submitting any reports required by other public or private sector agencies or any individuals as a result of crash or incident of theft, vandalism, damage or injury to training personnel, students, and equipment. Copies of any such reports shall be forwarded to the Motorcycle Safety Program Office immediately.

(14) Sponsors who wish to provide motorcycle safety training in addition to courses approved by the Motorcycle Safety Program must comply with all statutory and regulatory requirements for licensure as a driver training school.

(15) Any items provided the Sponsor are property of the State of Georgia and will be returned to the Motorcycle Safety Program in the event the Sponsor discontinues course offerings or is suspended.

(16) All materials and equipment supplied to Sponsors will be maintained on inventory and a copy provided and kept on file in the Motorcycle Safety Program Office.

(17) Supply of materials and equipment shall lie in the sound discretion of the Department and shall further be contingent upon the availability of funding for this purpose.

(18) Certified Sponsors must enter into a contractual agreement with the Department.

Cite as Ga. Comp. R. & Regs. R. 375-7-4-.07
Authority: O.C.G.A. § 40-15-3.
History. Original Rule entitled "Sponsor Requirements" adopted. F. Sept. 18, 2003; eff. Oct. 8, 2003.

Repealed: New Rule entitled "MSP-Certified Private Sponsor Requirements" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: F. Aug. 12, 2020; eff. Sept. 1, 2020.
Amended: New title "Motorcycle Safety Program - Certified Private Sponsor Requirements." F. May 19, 2021; eff. June 8, 2021.
Amended: F. Aug. 11, 2023; eff. Aug. 31, 2023.

Rule 375-7-4-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-7-4-.08
Authority: Authority O.C.G.A. Sec. 40-15-3.
History. Original Rule entitled "Financial and Material Assistance" adopted. F. Sept. 18, 2003; eff. Oct. 8, 2003.
Repealed: F. Aug. 24, 2010; eff. Sept. 13, 2010.

Rule 375-7-4-.09. Motorcycle Safety Program - Acceptance of Documentation from Equivalent Military Programs.

Any current or former military service member or dependent thereof who presents documentation of completion of motorcycle training, taken within five (5) years of applying for a military waiver and offered by the United States Department of Defense or a branch of the United States military during such military service that is equivalent to the training offered the Basic Rider Course or the Basic Rider II Course, shall be eligible for issuance of a Class M driver's license without being subject to a knowledge test or skills testing as if he or she had completed a class offered by the Georgia Motorcycle Safety Program.

Cite as Ga. Comp. R. & Regs. R. 375-7-4-.09
Authority: O.C.G.A. §§ 40-5-4, 40-5-28.
History. Original Rule entitled "Site Requirements" adopted. F. Sept. 18, 2003; eff. Oct. 8, 2003.
Repealed: F. Aug. 24, 2010; eff. Sept. 13, 2010.
Adopted: New Rule entitled "Acceptance of Documentation from Equivalent Military Programs." F. Apr. 23, 2014; eff. July 1, 2014, as specified by the Agency.
Amended: New title "Motorcycle Safety Program - Acceptance of Documentation from Equivalent Military Programs." F. May 19, 2021; eff. June 8, 2021.

Rule 375-7-4-.10. Motorcycle Safety Program - Coach Preparation Course.

(1) All Coach Preparation courses shall be conducted by the Program Administrator, designated Motorcycle Safety Program Staff, or an approved, qualified contractor.

(2) All training sites will be responsible for Coach candidate selection subject to approval of the Program Administrator.

Cite as Ga. Comp. R. & Regs. R. 375-7-4-.10
Authority: O.C.G.A. § 40-15-3.
History. Original Rule entitled "Instructor Preparation" adopted. F. Sept. 18, 2003; eff. Oct. 8, 2003.

Repealed: New Rule entitled "Coach Preparation Course" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: New title "Motorcycle Safety Program - Coach Preparation Course." F. May 19, 2021; eff. June 8, 2021.

Rule 375-7-4-.11. Motorcycle Safety Program - Minimum Student Enrollment Requirements.

(1) All students must be registered and meet the following minimum requirements:

(a) complete student registration form;

(b) complete release, waiver, and indemnification form;

(c) be at least sixteen (16) years of age;

(d) obtain parental/guardian permission if under eighteen (18) years of age;

(e) make payment of student registration fee;

(f) be a legal resident of Georgia, as defined in O.C.G.A. § 40-5-1(15); a nonresident on active duty in the Armed Forces stationed in Georgia, or such person's spouse or children; a nonresident student at a college, university, or school in Georgia, or such person's spouse or children; and

(g) possess at least a Georgia Motorcycle Learner's Permit, or a valid Class C driver's license (or out-of-state equivalent), or a Class M license/endorsement.

(2) Other approved courses may require additional requirements are met as presented in the *Rider Coach* Certification Manual and/or Sponsor Program Certification Manual.

(3) A person wishing to enroll in rider training and education classes that does not reside in the State must pay the out-of-state fee as published on the MSP online registration system.

(4) Classes can be cancelled due to enrollment restrictions, inclement weather conditions, Coach unavailability, mechanical failure/breakdown, or some unforeseen event.

Cite as Ga. Comp. R. & Regs. R. 375-7-4-.11
Authority: O.C.G.A. § 40-15-3.
History. Original Rule entitled "Student Enrollment Requirements" adopted. F. Sept. 18, 2003; eff. Oct. 8, 2003.
Repealed: New Rule entitled "Minimum Student Enrollment Requirements" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: New title "Motorcycle Safety Program - Minimum Student Enrollment Requirements." F. May 19, 2021; eff. June 8, 2021.

Rule 375-7-4-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-7-4-.12
Authority: Authority O.C.G.A. Sec. 40-15-3.
History. Original Rule entitled "Reimbursement" adopted. F. Sept. 18, 2003; eff. Oct. 8, 2003.
Repealed: F. Aug. 24, 2010; eff. Sept. 13, 2010.

Rule 375-7-4-.13. Motorcycle Safety Program - Course Fees and Charges.

(1) All fees and charges are non-refundable with the following exceptions:

(a) the course is full (fee can be applied towards a future class if student desires);

(b) the course is cancelled; or

(c) the registrant gives notice of withdrawal fourteen (14) calendar days prior to the start of the course.

(2) The Commissioner shall, in his or her discretion, set fees and charges for students enrolling in the Department's courses and may establish higher fees for nonresidents.

Cite as Ga. Comp. R. & Regs. R. 375-7-4-.13
Authority: O.C.G.A. § 40-15-3.
History. Original Rule entitled "Fees and Charges" adopted. F. Sept. 18, 2003; eff. Oct. 8, 2003.
Repealed: New Rule entitled "Course Fees and Charges" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: New title "Motorcycle Safety Program - Course Fees and Charges." F. May 19, 2021; eff. June 8, 2021.

Rule 375-7-4-.14. Motorcycle Safety Program - Curricula and Delivery Standards.

(1) Only certified Coach Trainers and Coaches can teach in approved programs.

(2) Training may be conducted in any calendar year.

(3) Only certified Coaches can issue a license waiver to those students they have personally trained.

(4) Each student enrolled in a license waiver Basic *Rider Course* 2 (BRC2) shall be required to use their own personal motorcycle for on-cycle instruction (subject to passing safety inspection prior to course beginning).

(5) No motorcycle with a defect which could impair handling or control will be permitted into training programs or courses.

(6) Off-road motorcycles or extensively modified "choppers" (handlebars more than fifteen (15) inches above seat, rake exceeding thirty-seven (37) degrees and trail exceeding eight (8) inches) will not be permitted into training program or courses.

(7) Students and instructional personnel will be required to wear all protective riding apparel during any and all on-cycle training.

(8) Minimal instruction for the basic license waiver course will commence in proper sequence and in accordance with the current *Rider Coach* Certification Manual, Sponsor Program Certification Manual, or as directed by the Program Administrator.

(9) In order to successfully complete a basic license waiver course, students must meet the Motorcycle Safety Program standards for passing scores on a knowledge evaluation, a riding skills evaluation, and attend all classroom and range training sessions.

(10) Minimal instruction for the license waiver BRC2 will commence in proper sequence and in accordance with the current *Rider Coach* Certification Manual, Sponsor Program Certification Manual, or as directed by the Program Administrator.

(11) In order to successfully complete a license waiver BRC2, students must attend all classroom and on-cycle training sessions and obtain a passing score on a knowledge evaluation and a riding skills evaluation.

(12) Rates of pay for Coaches shall be established annually by each certified Sponsor Program, including the Department.

(13) Any deviations of established pay scales must be approved by the Program Administrator prior to the beginning of any class offerings. In the absence of such approval, sponsors shall compensate their instructors in accordance with the requirements of this Chapter.

Cite as Ga. Comp. R. & Regs. R. 375-7-4-.14
Authority: O.C.G.A. § 40-15-3.
History. Original Rule entitled "Curricula and Delivery Standards" adopted. F. Sept. 18, 2003; eff. Oct. 8, 2003.
Amended: F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: New title "Motorcycle Safety Program - Curricula and Delivery Standards." F. May 19, 2021; eff. June 8, 2021.

Rule 375-7-4-.15. Motorcycle Safety Program - Public Awareness and Promotion.

(1) The Motorcycle Safety Program is authorized to implement a public information program publicizing the availability of rider education courses as approved by the Commissioner.

(2) This program may include, but not be limited to:

(a) direct mailings;

(b) paid advertisements;

(c) participation in trade shows and rallies;

(d) public service announcements;

(e) presentations;

(f) press releases, articles, and other written marketing material; and

(g) printed marketing material such as flyers, posters and business cards.

(3) The Motorcycle Safety Program, as approved by the Commissioner, is authorized to solicit other interested parties to be involved in various promotional activities that will reach the public for the purpose of publicizing the availability of rider education courses and safe riding practices.

(4) The Motorcycle Safety Program, as approved by the Commissioner, is authorized to provide the general motoring public with "Sharing the Roadway" messages and other similar safety messages through, but not limited to:

(a) radio messages and interviews;

(b) television messages and interviews;

(c) newspaper and magazine articles;

(d) public service announcements; and

(e) annual participation in a formal motorcycle safety and awareness month.

(5) The Motorcycle Safety Program, as approved by the Commissioner, is authorized to request the Georgia State Patrol, Governor's Office of Highway Safety, and other state and private agencies, to support all motorcycle safety promotional efforts.

Cite as Ga. Comp. R. & Regs. R. 375-7-4-.15
Authority: O.C.G.A. § 40-15-3.
History. Original Rule entitled "Public Awareness and Promotion" adopted. F. Sept. 18, 2003; eff. Oct. 8, 2003.
Amended: F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: New title "Motorcycle Safety Program - Public Awareness and Promotion." F. May 19, 2021; eff. June 8, 2021.

Rule 375-7-4-.16. Motorcycle Safety Program - Motorcycle Licensing.

(1) Motorcycle license applicants who have successfully completed the Department of Driver Services sponsored license waiver course will only be required to pass the vision

examination, if applicable, and submit the appropriate licensing fee in order to receive a motorcycle license.

(2) In order to successfully complete the license waiver course, students must attend all scheduled course sessions and make a passing score on both the knowledge evaluation and the riding skills evaluation. Students not obtaining a passing score will not be eligible for a license waiver. If the student wants the license waiver, they will be required to retake the entire course.

(3) Students successfully completing the prescribed Department of Driver Services course will have ninety (90) calendar days maximum, from date of course completion, to apply for their license.

Cite as Ga. Comp. R. & Regs. R. 375-7-4-.16
Authority: O.C.G.A. § 40-5-4.
History. Original Rule entitled "Motorcycle and Motor-Driven Cycle Examination" adopted. F. Apr. 18, 2006; eff. May 8, 2006.
Repealed: New Rule entitled "Motorcycle Licensing" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010.
Amended: New title "Motorcycle Safety Program - Motorcycle Licensing." F. May 19, 2021; eff. June 8, 2021.

Chapter 375-8. INSURANCE.

Subject 375-8-1. Repealed.

Cite as Ga. Comp. R. & Regs. R. dept. 375, ch. 375-8, sub. 375-8-1

Rule 375-8-1-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-8-1-.01
Authority: O.C.G.A. §§ 40-2-1, 40-2-26, 40-2-137, 40-5-71, 40-6-10.
History. Original Rule entitled "Definitions" adopted. F. Sept. 11, 2002; eff. Oct. 1, 2002.
Amended: F. Sept. 18, 2003; eff. Oct. 8, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-8-1-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-8-1-.02
Authority: O.C.G.A. §§ 40-2-1, 40-2-26, 40-2-137, 40-5-4, 40-5-71, 40-6-10.
History. Original Rule entitled "Insurer Reporting Requirements" adopted. F. Sept. 11, 2002; eff. Oct. 1, 2002.
Amended: F. Sept. 18, 2003; eff. Oct. 8, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-8-1-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-8-1-.03
Authority: O.C.G.A. §§ 40-2-1, 40-2-26, 40-2-137, 40-5-71, 40-6-10.
History. Original Rule entitled "Officer's Check of Insurance: Forms and Procedures" adopted. F. Sept. 11, 2002, eff. Oct. 1, 2002.
Amended: F. Sept. 18, 2003; eff. Oct. 8, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-8-1-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-8-1-.04
Authority: O.C.G.A. §§ 40-2-26, 40-2-137, 40-5-71, 40-6-10.
History. Original Rule entitled "Insurance Status and Indicators" adopted. F. Sept. 11, 2002; eff. Oct. 1, 2002.
Amended: F. Sept. 18, 2003; eff. Oct. 8, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-8-1-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-8-1-.05
Authority: O.C.G.A. §§ 40-2-26, 40-6-10.
History. Original Rule entitled "Proof of Insurance by Owner and Operator" adopted. F. Sept. 11, 2002; eff. Oct. 1, 2002.
Amended: F. Sept. 18, 2003; eff. Oct. 8, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.

Rule 375-8-1-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 375-8-1-.06
Authority: O.C.G.A. §§ 40-2-1, 40-2-26, 40-2-137, 40-5-71, 40-6-10.
History. Original Rule entitled "Civil Penalties for Uninsured Vehicles" adopted. F. Sept. 11, 2002; eff. Oct. 1, 2002.
Amended: F. Sept. 18, 2003; eff. Oct. 8, 2003.
Repealed: F. Feb. 6, 2018; eff. Feb. 26, 2018.