

## **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 with the Department in lieu of paying the required driver's license reinstatement or restoration fee.
  - (b) The Pauper's Affidavit 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, 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:
    - (i) Super Speeder (40-6-189)
    - (ii) Safety Responsibility (40-9-3)
    - (iii) 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. Sufficient proof may be shown by a copy of the customer's eligibility for TANF, SNAP, WIC, or Medicaid. In the alternative, the customer may provide a copy of his or her detention documentation dated within the previous six (6) months or 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 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 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.
- (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.

**Authority: O.C.G.A. §§ 40-16-2, 40-16-3, 40-5-4, 40-5-9.**

### **SYNOPSIS**

#### **STATEMENT OF PURPOSE OF PROPOSED RULE**

The purpose of this amendment is to add a timeframe in relation to the detention documentation.

#### **DIFFERENCE BETWEEN EXISTING AND PROPOSED RULE**

A time limit of six months from release from incarceration was added to subsection (2)(b).