

## Rule 375-3-3-.23 Pauper's Affidavit for Reinstatement or Restoration Fees

- ~~(1)~~ (a) A customer who is a current Georgia resident previously held a Georgia driver's license 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 has previously held a Georgia driver's license, identification card, or permit and submits a sworn statement that they are incarcerated or has a physical disability preventing him/her
- (c) from traveling to a customer service center.

Upon the submission and approval of the pauper's affidavit, the driver's license reinstatement or restoration fee shall be ~~50 percent of the fee required by law~~ waived.

- (ed) 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 ~~50 percent reduction in~~ waiver of the required reinstatement or restoration fee ~~using a Pauper's Affidavit~~ must do so by utilizing DDS-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, Medicaid, or free or reduced lunch. In the alternative, the customer may provide a copy of his or her detention documentation 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 ask for customer information sufficient to indicate on its face that customer has neither the income nor the assets to pay the fee otherwise required. The form will also contain the following warning notice: "WARNING: Any person knowingly making any false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony."~~

- (ed) 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) ~~The customer's eligibility for the 50 percent reduction in the required reinstatement or restoration fee will be determined by federal poverty guidelines.~~
- (b) ~~Only customers who meet the federal poverty guidelines as determined by income information provided by the customer on the Pauper's Affidavit (DDS - 355) will be~~

~~approved to receive a 50 percent reduction in the required reinstatement or restoration fee.~~

- ~~(43)~~ (a) If it is determined that a customer does not meet the federal poverty guidelines based on information provided by the information on the customer's on the Pauper's Affidavit (DDS - 355) is not adequate to prove eligibility, the customer waiver will be denied a 50 percent reduction in the required reinstatement or restoration fee.
- (b) After the submission of a completed Pauper's Affidavit (DDS - 355) and subsequent 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 after from submission of a the previous Pauper's Affidavit (DDS - 355) from the same customer.

~~(54)~~ 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) A customer may not use a Pauper's Affidavit more than two times per calendar year.

~~6. Knowingly making false statements and/or submitting false information on the Pauper's Affidavit (DDS - 355) constitutes a felony offense of false swearing.~~

~~(76)~~ 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 align with HB 926 that passed during the last legislative session.

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

References to "50 percent reduction" were deleted and replaced with "waived" or "waiver" as used in the Bill. A list of documents that can prove eligibility for the waiver was added as subsection (2)(b). Subsection (1)(a) and section (5) add restrictions to the affidavit's use. Subsection (1)(b) gives criteria for submitting the affidavit through the mail.