

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" ~~means--~~ 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" ~~means--~~ any person who has made application to become a certified DUI Alcohol or Drug Use Risk Reduction Program Owner, Director, or Instructor, ~~but~~ Instructor but has not been certified.
 - (c) "Assessment Component" ~~means--~~ the standard screening instrument designated by the Department that is used by ~~a~~ 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" ~~means_~~ 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" ~~means_~~ written authorization from the Department to any Owner, ~~Director,~~ or Instructor at a DUI Alcohol or Drug Use Risk Reduction Program, which allows the holder ~~thereof~~ to operate or direct a pProgram, or to provide instruction.
 - (f) "Department" ~~means_~~ the Department of Driver Services.
 - (g) "Denial" - an official refusal of certification based on statutory or regulatory disqualifications and/or exclusions.
 - ~~(g) "Director" means_ any person designated in writing by the Program Owner(s) and certified by the Department to manage and control the overall operation of a DUI Alcohol or Drug Use Risk Reduction Program. This includes, including managing the day to day operations, supervising all employees and instructors, establishing policies and procedures, ensuring compliance with same, overseeing and ensuring compliance with program requirements, and ensuring compliance with all other legal requirements. Each program must have at least one designated director. The director may be an owner or a person designated by the owner(s).~~
 - (h) "Intervention Component" ~~means_~~ 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 twenty (20) hours utilizing a methodology and curriculum approved by the Department.
 - (i) "Instructor" ~~means_~~ 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" ~~means_~~ 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 pProgram.

(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.

~~(km)~~ "Policies and Procedures"Operations Guidelines" mean the directions, forms, formats and guidelines formulated and instructions established by the Department in order to implement these rules and regulations.

~~(l)~~ "Owner" means_ any person who has a controlling financial interest and/or legal responsibility in a DUI Alcohol or Drug Use Risk Reduction Program.

~~(mn)~~ "Person" means_ any individual, agent, representative, governing or operating authority, board, organization, partnership, agency, association, corporation, or other entity, whether public or private.

~~(no)~~ "Program" means_ any DUI Alcohol or Drug Use Risk Reduction Program that is certified by the Department to deliver the Assessment and Intervention Components.

~~(op)~~ "Program location" means_ any location where a Student receives Program services in person.

~~(pq)~~ "Program requirements" mean any provision of state or federal law, rule, regulation, or operations guidelines of the Department; or administrative or judicial order that applies to pPrograms or iInstructors. Program requirements specifically include compliance with anti-discrimination laws and rules and regulations.

(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.

~~(et)~~ "Revocation" means_ the termination of Certification by formal action of the Department for violation of rules or state laws. _Thiswhich Certification shall not be subject to renewal or restoration at the discretion of the Department. _except that an application for new Certification may be presented to and acted upon by the Department after the expiration of the applicable period of time prescribed by the Department.

(u) "Satellite Location" - a certified program classroom that is separate from the main program location.

~~(rv)~~ "Session" means_ a segment of the Intervention Component.

~~(sw)~~ "Student" means_ any person who has signed an assessment contract, taken an assessment, signed an intervention contractenrolled in, andor taken the Intervention Component at a Pprogram.

~~(tx)~~ "Suspension" means_ the temporary withdrawal of Certification by formal action of the Department; which temporary withdrawal shall be for a specified period of time specifically designated by the Department.

~~"Remote Classroom" means- a certified program's online classroom where synchronous instruction is provided by an iInstructor certified by the Department.~~

~~(y) "Synchronous Instruction" means- that instructors and students interact using a specific online platform at a specific time.~~

~~"Online Platform" means- a digital service that facilitatesused to facilitate interactions between instructors and students via the internet.~~

Authority: O.C.G.A. Secs. ~~§§~~ 40-5-82, 40-5-83.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this amendment is to update the DUI Alcohol or Drug Use Risk Reduction Program rules.

DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES

The following terms are added to coincide with statute and/or rules: Denial, Online Platform, Rejection, Remote Classroom, and Synchronous Instruction. The following definitions are revised to make them more concise: Owner, Operations Guidelines is changed to Policies and Procedures, Program location, Revocation, Student, and Suspension. The Director definition is removed because the Director requirement was eliminated from the DUI Risk Reduction Program effective January 16, 2024.