

## **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 ~~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.
- (3) A violation of 40-5-81(d) is a crime punishable as a misdemeanor. Each person convicted of a second criminal offense shall have their ~~his or her~~ eCertification revoked.

**Authority: O.C.G.A. §§ 40-16-2, 40-16-3, 40-5-4, 40-5-81.**

### **SYNOPSIS**

#### **STATEMENT OF PURPOSE**

The purpose of this amendment is to align the rule with state law.

#### **DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES**

Beverages was deleted from paragraph (1) because it is not included in the list of forbidden items in statute. The fine amount was removed from paragraph (2) to provide the Department with flexibility when deciding upon a fine. Paragraph number (3) is new because it was separated from paragraph (2) and "criminal" was inserted to make it clear this paragraph relates to criminal violations of the statute rather than administrative violations as referenced in paragraph (2).