

Rule 375-5-1-.02 Definitions

- (1) ~~Words, whenever used in this Chapter, shall have the same meaning as ascribed to them in Title 40, Chapter 5, Article 4 of the Georgia Code, unless otherwise defined in the rule of which they are part.~~
- (21) 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.

- (a) ~~Driver Improvement Clinic - Any individual, partnership, corporation, association, civic group, club, county, municipality, board of education, school or college which shall teach or give instruction in training programs designed for the rehabilitation of problem drivers, and which is certified and licensed by the Department of Driver Services to teach or instruct the Driver Improvement Program of the Department for the rehabilitation of problem drivers. of Driver Services.~~
- (b) ~~Driver Improvement Instructor - Any individual, who is certified by the Department to whether employed by a Driver Improvement Clinic or operating in his own behalf, or whether acting on behalf of any clinic located within the State of Georgia who teaches or gives give instruction for the purpose of meeting the requirements of "The Georgia Driver Improvement Act" and who is certified and licensed in accordance with the Department of Driver Services Driver Improvement Program Instructor Training Course.~~
- (c) ~~Driver Improvement Program - AThat series of courses developed or approved by the Department of Driver Services designed to teach drivers about safe driving attitudes and behaviors, to include, but not limited to, a defensive driving course, an advanced defensive driving course, and a professional defensive driving course.~~

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 classroom-location that is separate from the main program location.

Student - Any person who has signed a Driver Improvement contract and takes the prescribed course.

- (d) Suspension - The temporary withdrawal of certification by formal action of the Department; for a specific period of time. which temporary withdrawal shall be for a period specifically designated by the Department. The temporary withdrawal by formal action of the Department of the certification or license of a Driver Improvement Clinic or Instructor, which temporary withdrawal shall be for a period specifically designated by the Department.

Synchronous Instruction - Instructors and students interact using a specific online platform at a specific time.

- (e) ~~Revocation—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. The annulment or termination by formal action of the Department of a Driver Improvement Clinic or Instructor's certification or license; such license or certificate shall not be subject to reinstatement or renewal.~~
- (f) ~~Fine—A means the use of a monetarypecuniary punishment of up to \$1,000 for each violation of the Rules and Regulations.~~
- (g) ~~Commercial Driving School—For purposes of teaching the insurance reduction course as prescribed in O.C.G.A. 33-9-42, a Commercial Driving School shall be defined as any Driver Improvement Clinic or Driver Training School licensed by the Department of Driver Services.~~
- (h) ~~Distance Learning—means the use of satellite or cable narrowcast technology to create a two-way, interactive learning environment in which an instructor may simultaneously present instruction in multiple classrooms. The clinic 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 clinic is also responsible for providing a proctor at a location used for distance learning to fulfill the clinic's obligations under these rules and regulations with respect to students.~~
- (i) ~~Proctor—a proctor serves as the clinic's representative at a location used for distance learning. The proctor is responsible for ensuring that all responsibilities of the clinic with respect to the students are fulfilled at the location. The proctor may be a licensed instructor of the clinic; 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.~~
- (j) ~~Certificate of curriculum approval— means a certification, issued by the Department, authorizing the use of a specific curriculum by a clinic. The certification shall expire on the same date as the clinic license.~~

~~"Remote Classroom"— A certified program's online classroom where synchronous instruction is provided by an instructor certified by the Department.~~

~~"Synchronous Instruction"— Instructors and students interact using a specific online platform at a specific time.~~

~~"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.~~

~~"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.~~

"Student"—Any person who has signed a Driver Improvement contract and takes the prescribed course.

"Applicant"—Any person who has submitted an application to become a certified Driver Improvement Clinic owner or instructor.

"Person"—Any individual, agent, representative, governing or operating authority, board, organization, partnership, agency, association, corporation, or other entity, whether public or private.

"Department"—The Department of Driver Services.

"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.

"Policies and Procedures"—The directions, forms, and instructions established by the Department to implement these rules and regulations.

"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.

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.

SYNOPSIS

STATEMENT OF PURPOSE OF PROPOSED RULE

The purpose of this amendment is to update the definitions as needed.

DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES

The following terms were added or revised to coincide with statute and/or the Risk Reduction rules: Cancellation, Certification, Clinic, Clinic Location, Clinic Requirements, Department, Online Platform, Owner, Person, Policies and Procedures, Remote Classroom, Satellite Location, Student, and Synchronous Instruction. The following terms were removed because they are no longer relevant: Commercial Driving School, Distance Learning, Driver Improvement Program, Proctor, and Certificate of Curriculum Approval.