

Rule 375-5-6-.04 Qualifications of Program Owners

- (1) **Initial qualifications.** To be certified by the Department, each Applicant for Program Owner shall meet the following initial qualifications:

- (a) **Clear criminal record.** Each Applicant for Program Owner shall be subject to a fingerprint-based check of ~~his or her~~their criminal history, as designated by the Department, ~~for review of any convictions. No person with a conviction of a felony or any other crime involving violence or a crime of moral turpitude or a pattern of misdemeanors that evidences a disregard for the law, shall be certified by the Department as a Program Owner, unless he or she has received a pardon and can produce evidence of same.~~ For the purposes of this chapter, a plea of *nolo contendere* and "first offender" sentences imposed pursuant to O.C.G.A. § 42-8-60, *et seq.*, shall be considered a conviction. ~~For the purposes of this chapter, a conviction for which a person has been free from custody and free from supervision for at least ten (10) years shall not be considered, unless the conviction is for an offense which is a dangerous sexual offense, as defined in O.C.G.A. § 42-1-12, or the criminal offense was committed against a victim who was a minor at the time of the offense, which offense shall result in the applicant's permanent disqualification from eligibility.~~

~~(i) Unless pardoned, an Applicant convicted of a felony with the following convictions shall be disqualified from Certification by the Department. for a period of 10 years after release from custody or supervision:~~

~~A. a felony;~~

~~(ii) An Applicant convicted for a dangerous sexual offense or an offense against a victim who was a minor at the time of the offense shall be permanently disqualified from eligibility.~~

~~(iii) Unless pardoned, an Applicant with the following convictions shall be disqualified from Certification by the Department for a period of 10 years after release from custody or supervision:~~

~~BA.1) any crime involving violence;~~

~~CB.2) a crime of moral turpitude; or~~

~~D. a pattern of misdemeanors showing a disregard for the law.~~

~~ii. An Applicant convicted for a dangerous sexual offense or an offense against a victim who was a minor at the time of the offense shall be permanently disqualified from eligibility.~~

- (b) **Safe driving record.** Each Applicant for Program Owner shall possess a valid driver's license from the state of ~~his or her~~their legal residence, ~~unless he or she has a medical condition that makes them him or her ineligible for a driver's license.~~ Each Applicant for Program Owner shall be subject to a check of ~~his or her~~their driving history. No Person whose driver's license or privilege to drive has been suspended or revoked as the result of any conviction or combination of convictions during the five ~~(5)~~ year period of immediately preceding application for Certification shall be certified by the Department as a Program Owner.
- (c) **Freedom from substance abuse and illicit drug use.** Each Applicant for Program Owner shall certify to the Department that he or she refrains, and will continue to refrain, from abusing alcoholic beverages or controlled substances and from using illicit drugs.

(d) **Age.** Applicants for Program Owner shall be at least ~~twenty-one (21)~~ years of age.

(e) Completion of Program Owner training course. Applicants for Program Owner shall successfully complete a training course conducted by the Department within six months of the approval of the Program certification. Failure to complete this requirement shall result in the cancellation of the Program certification. The Department may set a fee to cover the cost of the course, which shall be paid by the Program.

(f) A minimum of a high school diploma or GED equivalent is required.

(2) **Ongoing qualifications.** Each Program Owner shall maintain the following qualifications, as applicable, on an ongoing basis:

(a) **Continued clear criminal record.** Each Program Owner shall maintain a criminal record free of felony or misdemeanor convictions or pleas. In addition, each Owner certified by the Department shall notify the Department if he or she pleads guilty or nolo contendere to, or is convicted of, any felony or misdemeanor within five ~~(5)~~ business days immediately following such event. Further, each Program Owner certified by the Department shall, within 5 business days immediately thereafter, report to the Department any arrests, which, if convicted thereof, would have excluded him or her from becoming initially certified as a Program Owner pursuant to 375-5-6-.04(1)(a). The Department may suspend, revoke, or cancel any Program Owner Certification upon receipt of notice of a conviction or arrest.

(b) **Continued safe driving record.** Each Program Owner shall continue to maintain a safe driving record during ~~his or her~~their period of Certification by the Department. Each Program Owner shall continue to possess a valid driver's license from the state of ~~his or her~~their legal residence, unless ~~he or she has a~~ medical condition that makes ~~them~~ him or her ineligible for a driver's license. Each Program Owner shall notify the Department, within five ~~(5)~~ business days immediately thereafter, if ~~his or her~~their driver's license or privilege to drive is cancelled, suspended, or revoked in any jurisdiction, including the State of Georgia, for any reason. The Department may suspend, revoke, or cancel any Program Owner's Certification upon receipt of such notice of conviction.

Authority: O.C.G.A. Sees-~~§§~~ 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 10-year look back is revised because it is not in statute and to be consistent with § 40-5-82(e).