

House Bill 1388

By: Representatives Frye of the 122<sup>nd</sup>, Romman of the 97<sup>th</sup>, and Cannon of the 58<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to  
2 drivers' licenses, so as to authorize the use of fingerprint scans for the verification of identity  
3 and date of birth of applicants seeking a personal identification card or personal identification  
4 card for persons with disabilities; to provide for related matters; to repeal conflicting laws;  
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
9 is amended in Code Section 40-5-100, relating to personal identification cards, contents,  
10 possession of more than one card prohibited, and optional contributions to and participation  
11 in voluntary programs, by revising paragraph (11) of subsection (a) as follows:

12 "(11) Such other information or identification as required by the department; provided,  
13 however, that the department shall not require an applicant to submit or otherwise obtain  
14 from an applicant any fingerprints or any other biological characteristic or information  
15 which uniquely identifies an individual, including without limitation deoxyribonucleic

16 acid (DNA) and retinal scan identification characteristics but not including a photograph,  
17 by any means upon application other than as set forth in Code Section 40-5-102."

18 **SECTION 2.**

19 Said chapter is further amended by revising Code Section 40-5-102, relating to applicant for  
20 a personal identification card to furnish proof of birth date, as follows:

21 "40-5-102.

22 The department shall require an applicant for an identification card to furnish a birth  
23 certificate or other verifiable evidence stating the applicant's birth date; provided, however,  
24 that the department shall be authorized to utilize a fingerprint scan or similar device  
25 capable of verifying the identity and date of birth of an applicant through the Criminal  
26 Justice Information System."

27 **SECTION 3.**

28 Said chapter is further amended in Code Section 40-5-171, relating to issuance and contents  
29 of identification cards for persons with disabilities, by revising paragraph (11) of  
30 subsection (a) as follows:

31 "(11) Such other information as required by the department; provided, however, that the  
32 department shall not require an applicant to submit or otherwise obtain from an applicant  
33 any fingerprints or any other biological characteristic or information which uniquely  
34 identifies an individual, including without limitation deoxyribonucleic acid (DNA) and  
35 retinal scan identification characteristics but not including a photograph, by any means  
36 upon application other than as set forth in Code Section 40-5-177."

37 **SECTION 4.**

38 Said chapter is further amended by revising Code Section 40-5-177, relating to evidence of  
39 applicant's birth date required for identification cards for persons with disabilities, as follows:

40 "40-5-177.

41 The department shall require an applicant for an identification card for persons with  
42 disabilities to furnish a birth certificate or other verifiable evidence stating the applicant's  
43 birth date; provided, however, that the department shall be authorized to utilize a  
44 fingerprint scan or similar device capable of verifying the identity and date of birth of an  
45 applicant through the Criminal Justice Information System."

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#### **SECTION 5.**

47 All laws and parts of laws in conflict with this Act are repealed.