

House Bill 136

By: Representatives Carter of the 175<sup>th</sup>, Hitchens of the 161<sup>st</sup>, Tanner of the 9<sup>th</sup>, and Lumsden of the 12<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 and Chapter 16 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to drivers' licenses and the Department of Driver Services, respectively, so as to  
3 provide for demarcation of a valid driver's license, permit, or identification card by the  
4 Department of Driver Services and return of such license, permit, or card to a person  
5 applying for a new license or card; to provide for receipt upon confirmation of eligibility for  
6 a new driver's license or permit for purposes of legally operating a motor vehicle until arrival  
7 of the permanent driver's license or permit; to provide for punishment for willful failure to  
8 surrender a valid driver's license, permit, or identification card to the department upon  
9 application for a new license, permit, or card; to remove requirement that a visually impaired  
10 parent or legal guardian must have previously held a valid driver's license in order for his or  
11 her minor child to operate a motor vehicle; to provide for fees for issuance of certain drivers'  
12 licenses and permits; to allow for department consideration of any violation of law in  
13 determining whether disqualification of a commercial driver's license, a commercial driver  
14 instructor permit, or commercial driving privileges is appropriate; to provide for fees for  
15 issuance of identification cards; to provide authority to the commissioner to contract for the  
16 collection of delinquent fees; to provide for related matters; to provide for effective dates;  
17 to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 style="text-align:center">**SECTION 1.**

20 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
21 is amended in Code Section 40-5-20, relating to license requirement, surrender of prior  
22 licenses, and prohibition of local licenses, by revising subsection (c) as follows:

23 "(c)(1)(A) Any person who applies for a driver's license, instruction permit, or limited  
24 driving permit shall indicate on such application whether he or she is in possession of  
25 any other valid driver's license or permit issued pursuant to this title or from any other  
26 jurisdiction.

27 (B) Except as provided in paragraph (2) of this subsection and in Code Section  
 28 40-5-32, no person shall receive a driver's license unless and until such person  
 29 surrenders to the department all valid licenses or permits in such person's possession  
 30 issued to him or her by this pursuant to this title or by any other jurisdiction. All  
 31 surrendered licenses issued by another jurisdiction shall be destroyed. The department  
 32 shall physically mark any surrendered license or permit in a manner which makes it  
 33 apparent that such license or permit is no longer valid and return the license or permit  
 34 to such person.

35 (C) The department shall issue a receipt to a person eligible to be issued a driver's  
 36 license, instruction permit, or limited driving permit pursuant to the requirements of this  
 37 title. Such receipt shall satisfy the requirements of subsection (a) of Code Section  
 38 40-5-29 regarding proof of eligibility to operate a motor vehicle until the person has  
 39 received his or her permanent driver's license, instruction permit, or limited driving  
 40 permit.

41 (D) The If a surrendered driver's license was issued by another jurisdiction, the  
 42 department shall forward the surrendered license information shall be forwarded to the  
 43 previous jurisdiction.

44 (E) No Except as provided for in paragraph (2) of this subsection, no person shall be  
 45 permitted to have more than one valid driver's license at any time.

46 (2) Any noncitizen who is eligible for issuance of a driver's license, instruction permit,  
 47 or limited driving permit pursuant to the requirements of this chapter title and is in  
 48 possession of a valid driver's license or permit issued by a foreign jurisdiction may be  
 49 issued a driver's license, instruction permit, or limited driving permit without  
 50 surrendering any driver's license previously issued to him or her by any foreign  
 51 jurisdiction the foreign driver's license or permit. This exemption shall not apply to a  
 52 person who is applying for a commercial driver's license or who is required to terminate  
 53 any previously issued driver's license pursuant to federal law. The department shall make  
 54 a notation on the driving record of any person who retains a foreign driver's license, and  
 55 this information shall be made available to law enforcement officers and agencies on such  
 56 person's driving record through the Georgia Crime Information Center.

57 (3) Any person who is eligible to receive a driver's license, instruction permit, or limited  
 58 driving permit pursuant to the requirements of this title who willfully fails to surrender  
 59 any valid driver's license, instruction permit, or limited driving permit shall be considered  
 60 to have committed an act of fraud and upon conviction be punished as provided for in  
 61 Code Section 16-10-20."

**SECTION 2.**

62  
63 Said chapter is further amended in Code Section 40-5-22, relating to persons not to be  
64 licensed, minimum ages for licenses, school enrollment requirements, driving training  
65 requirements, and limited driving permit, by revising subsection (b) as follows:

66 "(b)(1) Notwithstanding the provisions of subsection (a) of this Code section, any person  
67 14 years of age or older who has a parent or guardian who is medically incapable of being  
68 licensed to operate a motor vehicle due to visual impairment may apply for and, subject  
69 to the approval of the commissioner, may be issued a restricted noncommercial Class P  
70 instruction permit for the operation of a noncommercial Class C vehicle. Any person  
71 permitted pursuant to this subsection shall be accompanied whenever operating a motor  
72 vehicle by such physically impaired parent or guardian or by a person at least 21 years  
73 of age who is licensed as a driver for a commercial or noncommercial Class C vehicle,  
74 who is fit and capable of exercising control over the vehicle, and who is occupying a seat  
75 beside the driver. ~~The department shall require satisfactory proof that the physically~~  
76 ~~impaired parent or guardian previously held a valid driver's license in the State of~~  
77 ~~Georgia, another state, or the District of Columbia before issuing an instructional permit~~  
78 ~~pursuant to this paragraph.~~

79 (2) Notwithstanding the provisions of subsection (a) of this Code section, any person 15  
80 years of age or older who has a parent or guardian who is medically incapable of being  
81 licensed to operate a motor vehicle due to physical impairment and has been issued an  
82 identification card containing the international handicapped symbol pursuant to Article  
83 8 of this chapter may apply for and, subject to the approval of the commissioner, may be  
84 issued a restricted noncommercial Class P instruction permit for the operation of a  
85 noncommercial Class C vehicle. Any person permitted pursuant to this paragraph shall  
86 be accompanied whenever operating a motor vehicle by such physically impaired parent  
87 or guardian or by a person at least 21 years of age who is licensed as a driver for a  
88 commercial or noncommercial Class C vehicle, who is fit and capable of exercising  
89 control over the vehicle, and who is occupying a seat beside the driver. ~~The department~~  
90 ~~shall require satisfactory proof that the physically impaired parent or guardian previously~~  
91 ~~held a valid driver's license in the State of Georgia, another state, or the District of~~  
92 ~~Columbia before issuing an instructional permit pursuant to this paragraph."~~

**SECTION 3.**

93  
94 Said chapter is further amended in Code Section 40-5-25, relating to applications, fees,  
95 waiver of fees, and provisions for voluntary participation in various programs, by revising  
96 subsection (a) as follows:

97 "(a) Every application for an instruction permit or for a driver's license shall be made upon  
 98 a form furnished by the department. Every application shall be accompanied by the proper  
 99 license fee. The fees shall be as established by the Board of Driver Services, not to exceed:

100	(1) For instruction permits for Classes C, E, F, and M drivers'	
101	licenses and for Class D drivers' licenses . . . . .	\$ 10.00
102	(2) For five-year Classes C, E, F, and M noncommercial drivers'	
103	licenses . . . . .	20.00
104	(2.1) For eight-year Classes C, E, F, and M noncommercial drivers'	
105	licenses . . . . .	32.00
106	<del>(3) For Classes A, B, C, and M commercial drivers' licenses . . . .</del>	<del>20.00</del>
107	<del>(4)</del> For application for Classes A, B, C, and M commercial drivers'	
108	licenses or a Class P commercial driver's instruction permit . . . . .	35.00
109	<del>(5)</del> <u>(4)</u> For Class P commercial drivers' instruction permits for	
110	Classes A, B, C, and M commercial drivers' licenses . . . . .	10.00
111	<del>(6)</del> <u>(5)</u> For <u>up to five year</u> Classes A, B, C, and M commercial	
112	drivers' licenses, initial issuance requiring a road test . . . . .	70.00
113	<u>(5.1) For eight-year Classes A, B, C, and M commercial drivers'</u>	
114	<u>licenses, initial issuance requiring a road test . . . . .</u>	<u>82.00</u>
115	<del>(7)</del> <u>(6)</u> For <u>up to five year</u> Classes A, B, C, and M commercial	
116	drivers' licenses, initial issuance not requiring a road test . . . . .	20.00
117	<u>(6.1) For eight-year Classes A, B, C, and M commercial drivers'</u>	
118	<u>licenses, initial issuance not requiring a road test . . . . .</u>	<u>32.00</u>
119	<del>(8)</del> <u>(7)</u> For renewal of <u>up to five year</u> Classes A, B, C, and M	
120	commercial drivers' licenses . . . . .	20.00
121	<u>(7.1) For renewal of eight-year Class A, B, C, and M commercial</u>	
122	<u>drivers' licenses . . . . .</u>	<u>32.00</u>
123	<del>(8.1)</del> <u>(7.2)</u> For renewal of <del>five-year</del> <u>up to five year</u> Classes C, E, F,	
124	and M noncommercial drivers' licenses . . . . .	20.00
125	<del>(8.2)</del> <u>(7.3)</u> For renewal of eight-year Classes C, E, F, and M	
126	noncommercial drivers' licenses . . . . .	32.00
127	<del>(9)</del> <u>(8)</u> Initial issuance of Classes A, B, C, and M commercial	
128	drivers' licenses and Class P commercial drivers' instruction permits	
129	shall include all endorsement fees within the license fee. Each	
130	endorsement added after initial licensing . . . . .	5.00

131 The commissioner may by rule provide incentive discounts in otherwise applicable fees  
 132 reflecting cost savings to the department where a license is renewed by means other than

133 personal appearance. The discount for renewal of a Class C or Class M license and any  
 134 other discounts shall be as determined by the commissioner. Except as provided in Code  
 135 Section 40-5-36, relating to veterans' licenses, and Code Section 40-5-149, relating to  
 136 application fees for public school bus drivers, there shall be no exceptions to the fee  
 137 requirements for a commercial driver's license or a commercial driver's license permit.  
 138 Notwithstanding any other provision of this Code section, there shall be no fee whatsoever  
 139 for replacement of any driver's license solely due to a change of the licensee's name or  
 140 address, provided that such replacement license shall be valid only for the remaining period  
 141 of such original license; and provided, further, that only one such free replacement license  
 142 may be obtained within the period for which the license was originally issued. Any  
 143 application for the replacement of a lost license pursuant to Code Section 40-5-31 or due  
 144 to a change in the licensee's name or address submitted within 150 days of the expiration  
 145 of said license shall be treated as an application for renewal subject to the applicable  
 146 license fees as set forth in this subsection. The maximum period for which any driver's  
 147 license shall be issued is eight years."

148 **SECTION 4.**

149 Said chapter is further amended in Code Section 40-5-53, relating to when courts shall send  
 150 licenses and reports of convictions to the department, destruction of license by the  
 151 department, and issuance of new license upon satisfaction of certain requirements, by  
 152 revising paragraph (4) of subsection (b) as follows:

153 "(4) Any report of any conviction ~~for a violation of Article 7 of this chapter~~, regardless  
 154 of the date such report of conviction is received by the department, shall be considered  
 155 for purposes of disqualifying a person's commercial driver's license, commercial driver  
 156 instruction permit, or commercial driving privileges in accordance with Code Section  
 157 40-5-151."

158 **SECTION 5.**

159 Said chapter is further amended in Code Section 40-5-100, relating to authorization to issue  
 160 identification cards, contents of such cards, prohibition on possession of more than one card,  
 161 application and renewal of cards, and dissemination of information regarding voluntary  
 162 programs, by revising subsection (c) as follows:

163 "(c)(1) No person may possess more than one identification card issued pursuant to this  
 164 Code section; provided, however, that this subsection shall not be construed to prevent  
 165 a ~~resident of this state who possesses~~ person issued a driver's license, instruction permit,  
 166 or limited driving permit pursuant to this title from also possessing an identification card  
 167 issued under this article.

168 (2)(A) Any person who applies for an identification card shall indicate on such  
 169 application whether he or she is in possession of any other valid identification card,  
 170 driver's license, instruction permit, or limited driving permit issued pursuant to this title  
 171 or by any other jurisdiction.

172 (B) Except as provided in paragraph (3) of this subsection, each applicant for an  
 173 identification card shall surrender to the department any valid identification card or,  
 174 driver's license, instruction permit, or limited driving permit previously issued pursuant  
 175 to this title or by any other state and any identification card previously issued by this  
 176 state jurisdiction. The department shall physically mark any surrendered identification  
 177 card, driver's license, instruction permit, or limited driving permit in a manner which  
 178 makes it apparent that such card, license, or permit is no longer valid and return the  
 179 card, license, or permit to such person.

180 (C) The department shall issue a receipt to a person eligible to be issued an  
 181 identification card pursuant to the requirements of this title. Such receipt may be used  
 182 as proof of issuance until the person has received his or her permanent identification  
 183 card.

184 (D) If a surrendered identification card, driver's license, instruction permit, or limited  
 185 driving permit was issued by another jurisdiction, the department shall forward the  
 186 surrendered card, license, or permit information to the previous jurisdiction.

187 (3)(A) Any noncitizen who is eligible for issuance of an identification card pursuant  
 188 to the requirements of this chapter title and is in possession of an identification card or  
 189 driver's license issued by a foreign jurisdiction may be issued an identification card  
 190 without surrendering any driver's license or identification card previously issued to him  
 191 or her by any foreign jurisdiction the foreign driver's license or identification card. This  
 192 exemption shall not apply to a person who is required to terminate any previously  
 193 issued identification card pursuant to federal law.

194 (B) The department shall make a notation on the driving record of any person who  
 195 retains a foreign identification card or driver's license, and this information shall be  
 196 made available to law enforcement officers and agencies on such person's driving  
 197 record through the Georgia Crime Information Center.

198 ~~(4) Willful failure to surrender any such previous driver's license or personal~~  
 199 ~~identification card upon application for a new personal identification card will~~ Any  
 200 person who is eligible to receive an identification card pursuant to the requirements of  
 201 this title who willfully fails to surrender any valid identification card, driver's license,  
 202 instruction permit, or limited driving permit shall be considered to have committed an act  
 203 of fraud and upon conviction be punished as provided for in Code Section ~~40-5-125~~  
 204 16-10-20."

205 **SECTION 6.**

206 Said chapter is further amended in Code Section 40-5-103, relating to fees and issuance  
207 periods for identification cards, exceptions for veterans' or honorary licenses, and application  
208 and renewal of an identification card, by revising subsection (a) as follows:

209 "(a) Except as provided in Code Section 40-5-21.1 and subsections (b) and (c) of this Code  
210 section, the department shall collect a fee of \$20.00 for a five-year card and a fee of ~~\$35.00~~  
211 \$32.00 for an eight-year card, which fee shall be deposited in the state treasury in the same  
212 manner as other motor vehicle driver's license fees."

213 **SECTION 7.**

214 Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the Department  
215 of Driver Services, is amended in Code Section 40-16-5, relating to authority of the  
216 commissioner, by adding a new subsection to read as follows:

217 "(g)(1) The commissioner may contract with a debt collection agency or attorney doing  
218 business within or outside this state for the collection of delinquent fees owed to the  
219 department pursuant to this title. Such contract may provide for the rate of payment and  
220 the manner in which compensation for debt collection services shall be paid. The  
221 compensation, fees, and expenses for such debt collection may be added to the amount  
222 of the delinquent fees owed and may be collected directly by the contractor from the  
223 debtor. The commissioner is authorized to provide such contractor with the necessary  
224 information regarding the delinquent fees and debtor for the collection of the fees owed.  
225 (2) No delinquent fees may be collected pursuant to paragraph (1) of this subsection  
226 from a person not subject to a license suspension or cancellation pursuant to this title.  
227 (3) The commissioner may adopt rules and regulations to carry out the provisions of this  
228 subsection."

229 **SECTION 8.**

230 (a) This Act shall become effective on July 1, 2017, except as otherwise provided in  
231 subsection (b) of this section.

232 (b) Subsection (c) of Code Section 40-5-20 as amended by Section 1 of this Act and  
233 subsection (c) of Code Section 40-5-100 as amended by Section 5 of this Act shall become  
234 effective on July 1, 2018.

235 **SECTION 9.**

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