

House Bill 295

By: Representative Marin of the 96th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to provide for the issuance of driving cards to noncitizen residents who are
3 ineligible for a driver's license, temporary permit, or identification card; to revise a definition
4 and provide for a definition; to provide for an exception to the requirement that the
5 Department of Driver Services utilize a certain program; to provide for application
6 requirements for such driving cards; to provide for standards for the appearance of such
7 cards; to provide for minimum age for issuance of such cards; to provide for fees for issuance
8 and renewal of such cards; to provide for expiration of such cards; to provide for related
9 matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
13 amended in Code Section 40-1-1, relating to definitions relative to identification and
14 regulation, by revising paragraph (24) as follows:

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15 "(24) 'License' or 'license to operate a motor vehicle' means any driver's license or any
16 other license or permit to operate a motor vehicle issued in either a physical or electronic
17 format under, or granted by, the laws of this state, including:

18 (A) Any temporary license or instruction permit;

19 (B) The privilege of any person to drive a motor vehicle whether or not such person
20 holds a valid license; ~~and~~

21 (C) Any nonresident's operating privilege as defined in this Code section; and

22 (D) Any driving card, except when such term is used in connection with any issuance
23 requirements in Code Sections 40-5-20, 40-5-21.1 through 40-5-22, 40-5-25, and
24 40-5-32."

25 SECTION 2.

26 Said title is further amended in Code Section 40-5-21.2, relating to compliance with
27 Systematic Alien Verification for Entitlements Program, application, and implementation,
28 by adding a new subsection to read as follows:

29 "(e) This Code section shall not apply to applications for driving cards pursuant to Code
30 Section 40-5-21.3."

31 SECTION 3.

32 Said title is further amended by adding a new Code section to read as follows:

33 "40-5-21.3.

34 (a) The department shall issue a driving card to any noncitizen who is ineligible for a
35 temporary license, permit, or special identification card pursuant to Code Section 40-5-21.1
36 upon application to the department in accordance with rules and regulations prescribed by
37 the commissioner. Such application shall require the submission of:

38 (1) Valid documentary evidence that such applicant is a state resident, including, but not
39 limited to:

- 40 (A) A notarized copy of a lease or rental agreement for property located in this state;
41 (B) Records of school enrollment in a Georgia public or private school for the
42 applicant or his or her child;
43 (C) A copy of a current utility bill in the applicant's name;
44 (D) A copy of a tax related filing; or
45 (E) Any other documentation deemed appropriate by the commissioner;
46 (2) Proof of completion of an approved driver education course in a licensed private or
47 public driver training school or immediate possession of a valid driver's license from a
48 foreign country or another jurisdiction; and
49 (3) Payment of the issuance fee as prescribed by the department.
50 Such driving card shall be valid for one year from the date of issuance and may be renewed
51 upon resubmitting an application along with valid documentary evidence of state residence
52 and payment of the renewal fee as prescribed by the department.
53 (b) The department is authorized to design a driving card to be issued pursuant to this
54 Code section. Such driving card shall be distinctive in appearance from a driver's license,
55 permit, or identification card; shall be of vertical orientation; and shall clearly and
56 prominently display the date of expiration and a phrase substantially similar to 'FOR
57 DRIVING PRIVILEGES ONLY–NOT VALID FOR IDENTIFICATION'. Such driving
58 card shall indicate the type or general class of vehicles the cardholder may drive, bear
59 thereon a distinguishing number assigned to the cardholder, include a recent photograph
60 of the cardholder, and include the following information:
61 (1) Full legal name;
62 (2) Address of residence;
63 (3) Birth date;
64 (4) Date driving card was issued;
65 (5) Sex;
66 (6) Height;

67 (7) Weight;

68 (8) Eye color;

69 (9) Signature of person identified or facsimile thereof; and

70 (10) Such other information or identification as required by the department.

71 (c) For purposes of this Code section, the term 'resident' means a person who has a
72 permanent home or abode in this state to which, whenever such person is absent, he or she
73 has the intention of returning. There is a rebuttable presumption that the following person
74 is a resident:

75 (1) Any person who accepts employment or engages in any trade, profession, or
76 occupation in this state or enters his or her children to be educated in a private or public
77 school of this state within ten days after the commencement of such employment or
78 education; or

79 (2) Any person who, except for infrequent, brief absences, has been present in the state
80 for 30 days or more."

81 **SECTION 4.**

82 Said title is further amended in Code Section 40-5-22, relating to persons not to be licensed,
83 minimum ages for licensees, school enrollment requirements, driving training requirements,
84 and limited driving permits, by adding a new subsection to read as follows:

85 "(a.3) The department shall not issue any Class C driving card to any person who is under
86 18 years of age."

87 **SECTION 5.**

88 Said title is further amended in Code Section 40-5-25, relating to applications, fees, waiver
89 of fees, and provisions for voluntary participation in various programs, by revising
90 subsections (a) and (c) as follows:

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

95	(1) For instruction permits for Classes C, E, F, and M drivers'	
96	licenses and for Class D drivers' licenses	\$ 10.00
97	(2) For five-year Classes C, E, F, and M noncommercial drivers'	20
98	licenses	<u>20.00</u>
99	(2.1) For eight-year Classes C, E, F, and M noncommercial drivers'	32
100	licenses	<u>32.00</u>
101	(3) For application for Classes A, B, C, and M commercial drivers'	35
102	licenses or a Class P commercial driver's instruction permit	<u>35.00</u>
103	(4) For Class P commercial drivers' instruction permits for Classes	10
104	A, B, C, and M commercial drivers' licenses	<u>10.00</u>
105	(5) For up to five-year Classes A, B, C, and M commercial drivers'	70
106	licenses, initial issuance requiring a road test	<u>70.00</u>
107	(5.1) For eight-year Classes A, B, C, and M commercial drivers'	82
108	licenses, initial issuance requiring a road test	<u>82.00</u>
109	(6) For up to five-year Classes A, B, C, and M commercial drivers'	20
110	licenses, initial issuance not requiring a road test	<u>20.00</u>
111	(6.1) For eight-year Classes A, B, C, and M commercial drivers'	32
112	licenses, initial issuance not requiring a road test	<u>32.00</u>
113	(7) For renewal of up to five-year Classes A, B, C, and M	20
114	commercial drivers' licenses	<u>20.00</u>
115	(7.1) For renewal of eight-year Class <u>Classes</u> A, B, C, and M	32
116	commercial drivers' licenses	<u>32.00</u>

117	(7.2) For renewal of up to five-year Classes C, E, F, and M	20
118	noncommercial drivers' licenses	<u>20.00</u>
119	(7.3) For renewal of eight-year Classes C, E, F, and M	32
120	noncommercial drivers' licenses	<u>32.00</u>
121	(8) Initial issuance of Classes A, B, C, and M commercial drivers'	
122	licenses and Class P commercial drivers' instruction permits shall	
123	include all endorsement fees within the license fee. Each	5
124	endorsement added after initial licensing	<u>5.00</u>
125	<u>(9) For one-year Class C driving cards, initial issuance requiring a</u>	
126	<u>road test</u>	<u>100.00</u>
127	<u>(10) For one-year Class C driving cards, renewal not requiring a</u>	
128	<u>road test</u>	<u>50.00</u>

129 The commissioner may by rule provide incentive discounts in otherwise applicable fees
130 reflecting cost savings to the department ~~where~~ when a license is renewed by means other
131 than personal appearance. The discount for renewal of a Class C or Class M license and
132 any other discounts shall be as determined by the commissioner. Except as provided in
133 Code Section ~~40-5-36, relating to veterans' licenses, and Code Section 40-5-149, relating~~
134 ~~to application fees for public school bus drivers~~ Sections 40-5-36 and 40-5-149, there shall
135 be no exceptions to the fee requirements for a commercial driver's license or a commercial
136 driver's license permit. Notwithstanding any other provision of this Code section, there
137 shall be no fee whatsoever for replacement of any driver's license or driving card solely due
138 to a change of the licensee's or cardholder's name or address, provided that such
139 replacement license or card shall be valid only for the remaining period of such original
140 license or card; and provided, further, that only one such free replacement license or
141 driving card may be obtained within the period for which the license or driving card was
142 originally issued. Any application for the replacement of a lost license or driving card
143 pursuant to Code Section 40-5-31 or due to a change in the licensee's or cardholder's name

144 or address submitted within 150 days of the expiration of said license or card shall be
145 treated as an application for renewal subject to the applicable ~~license~~ fees as set forth in this
146 subsection. The maximum period for which any driver's license shall be issued is eight
147 years. The maximum period for which any driving card shall be issued is one year."

148 "(c) Every such application shall state the full legal name, date of birth, sex, and residence
149 address of the applicant; shall briefly describe the applicant; shall state whether the
150 applicant has theretofore been licensed as a driver and, if so, when and by what state or
151 country, and whether any such license has ever been suspended, revoked, or refused, and,
152 if so, the date of and reason for such suspension, revocation, or refusal; and shall state such
153 other information as the commissioner may require to determine the applicant's identity,
154 competence, and eligibility. The application shall include any other information as
155 required by paragraph (1) of subsection (a.1) of Code Section 19-11-9.1. The department
156 shall not issue a license or driving card until a complete examination of the applicant's
157 record has been completed. The commissioner may issue such rules and regulations as
158 shall be necessary for the orderly processing of license and card applications."

159 **SECTION 6.**

160 Said title is further amended by revising Code Section 40-5-32, relating to expiration and
161 renewal of licenses and reexamination required, as follows:

162 "40-5-32.

163 (a)(1) Except as otherwise provided in this Code section, every driver's license shall
164 expire on the licensee's birthday in the eighth year following the issuance of such license.
165 Notwithstanding the foregoing, any commercial driver's license that contains an H or X
166 endorsement as defined in subsection (c) of Code Section 40-5-150 shall expire on the
167 date of expiration of the licensee's security threat assessment conducted by the
168 Transportation Security Administration of the United States Department of Homeland
169 Security.

170 (2) Except as otherwise provided by subsection (c) of this Code section, every veteran's,
171 honorary, or distinctive license shall expire on the licensee's birthday in the eighth year
172 following the issuance thereof. The department may allow a veteran, honorary, or
173 distinctive license holder to retain his or her expired veteran's, honorary, or distinctive
174 license as a souvenir.

175 (3) Every driving card shall expire one year from the date of issuance.

176 (4) Every driver's license shall be renewed on or before its expiration date upon
177 application, payment of the required fee, and, if applicable, satisfactory completion of the
178 examination required by subsection (c) of this Code section. Nothing in this Code section
179 shall be interpreted as affecting the rights and privileges of any person holding a
180 veteran's, honorary, or distinctive license, or authorizing the imposition of a charge or fee
181 for the issuance or renewal of such licenses.

182 ~~(4)~~(5) The commissioner shall issue such rules and regulations as are required to enforce
183 this subsection.

184 (b) An application for driver's license renewal may be submitted by means of:

185 (1) Personal appearance before the department; or

186 (2) Subject to rules or regulations of the department which shall be consistent with
187 considerations of public safety and efficiency of service to licensees, means other than
188 such personal appearance which may include without limitation by mail or electronically.

189 The department may by such rules or regulations exempt persons renewing drivers'
190 licenses under this paragraph from the license surrender requirement of subsection (c) of
191 Code Section 40-5-20.

192 (c)(1) The department shall require every person who is age 64 or older applying for
193 issuance or renewal of a driver's license to take and pass successfully such test of his or
194 her eyesight as the department shall prescribe.

195 (2) The commissioner may issue such rules and regulations as are necessary to
196 implement this subsection."

197

SECTION 7.

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