

House Bill 606

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
4 definition; to provide for an exception to the requirement that the Department of Driver
5 Services utilize a certain program; to provide for application requirements for such driving
6 cards; to provide for standards for the appearance of such cards; to provide for minimum age
7 for issuance of such cards; to provide for fees for issuance and renewal of such cards; to
8 provide for expiration of such cards; to provide for related matters; to repeal conflicting laws;
9 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:

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 under, or granted by, the laws
17 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."

SECTION 2.

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

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

SECTION 3.

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

"40-5-21.3.

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

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

(A) A notarized copy of a lease or rental agreement for property located in this state;

(B) Records of school enrollment in a Georgia public or private school for the applicant or his or her child;

(C) A copy of a current utility bill in the applicant's name;

(D) A copy of a tax related filing; or

(E) Any other documentation deemed appropriate by the commissioner;

(2) Proof of completion of an approved driver education course in a licensed private or public driver training school or immediate possession of a valid driver's license from a foreign country or another jurisdiction; and

(3) Payment of the issuance fee as prescribed by the department.

Such driving card shall be valid for one year from the date of issuance and may be renewed upon resubmitting an application along with valid documentary evidence of state residence and payment of the renewal fee as prescribed by the department.

(b) The department is authorized to design a driving card to be issued pursuant to this Code section. Such driving card shall be distinctive in appearance from a driver's license, permit, or identification card; shall be of vertical orientation; and shall clearly and prominently display the date of expiration and a phrase substantially similar to 'FOR DRIVING PRIVILEGES ONLY–NOT VALID FOR IDENTIFICATION'. Such driving card shall indicate the type or general class of vehicles the cardholder may drive, bear thereon a distinguishing number assigned to the cardholder, include a recent photograph of the cardholder, and include the following information:

(1) Full legal name;

(2) Address of residence;

(3) Birth date;

(4) Date driving card was issued;

(5) Sex;

(6) Height;

(7) Weight;

(8) Eye color;

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

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

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

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

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

SECTION 4.

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

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

SECTION 5.

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

"(a) Every application for an instruction permit ~~or for a~~ driver's license, or driving card shall be made upon a form furnished by the department. Every application shall be accompanied by the proper license fee. The fees shall be as established by the Board of 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'	
98	licenses	20.00
99	(2.1) For eight-year Classes C, E, F, and M noncommercial drivers'	
100	licenses	32.00
101	(3) For Classes A, B, C, and M commercial drivers' licenses	20.00
102	(4) For application for Classes A, B, C, and M commercial drivers'	
103	licenses or a Class P commercial driver's instruction permit	35.00
104	(5) For Class P commercial drivers' instruction permits for Classes	
105	A, B, C, and M commercial drivers' licenses	10.00
106	(6) For Classes A, B, C, and M commercial drivers' licenses, initial	
107	issuance requiring a road test	70.00
108	(7) For Classes A, B, C, and M commercial drivers' licenses, initial	
109	issuance not requiring a road test	20.00
110	(8) For renewal of Classes A, B, C, and M commercial drivers'	
111	licenses	20.00
112	(8.1) For renewal of five-year Classes C, E, F, and M	
113	noncommercial drivers' licenses	20.00
114	(8.2) For renewal of eight-year Classes C, E, F, and M	
115	noncommercial drivers' licenses	32.00
116	(9) Initial issuance of Classes A, B, C, and M commercial drivers'	
117	licenses and Class P commercial drivers' instruction permits shall	
118	include all endorsement fees within the license fee. Each	
119	endorsement added after initial licensing	5.00
120	<u>(10) For one-year Class C driving cards, initial issuance requiring</u>	
121	<u>a road test</u>	<u>100.00</u>
122	<u>(11) For one-year Class C driving cards, renewal not requiring a</u>	
123	<u>road test</u>	<u>50.00</u>

124 The commissioner may by rule provide incentive discounts in otherwise applicable fees
125 reflecting cost savings to the department where a license is renewed by means other than
126 personal appearance. The discount for renewal of a Class C or Class M license and any
127 other discounts shall be as determined by the commissioner. Except as provided in Code
128 Section 40-5-36, relating to veterans' licenses, and Code Section 40-5-149, relating to
129 application fees for public school bus drivers, there shall be no exceptions to the fee

requirements for a commercial driver's license or a commercial driver's license permit. Notwithstanding any other provision of this Code section, there shall be no fee whatsoever for replacement of any driver's license or driving card solely due to a change of the licensee's or cardholder's name or address, provided that such replacement license or card shall be valid only for the remaining period of such original license or card; and provided, further, that only one such free replacement license or driving card may be obtained within the period for which the license or driving card was originally issued. Any application for the replacement of a lost license or driving card pursuant to Code Section 40-5-31 or due to a change in the licensee's or cardholder's name or address submitted within 150 days of the expiration of said license or card shall be treated as an application for renewal subject to the applicable ~~license~~ fees as set forth in this subsection. The maximum period for which any driver's license shall be issued is eight years. The maximum period for which any driving card shall be issued is one year."

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

SECTION 6.

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

"40-5-32.

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

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

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

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

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

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

(1) Personal appearance before the department; or

(2) Subject to rules or regulations of the department which shall be consistent with considerations of public safety and efficiency of service to licensees, means other than such personal appearance which may include without limitation by mail or electronically. The department may by such rules or regulations exempt persons renewing drivers' licenses under this paragraph from the license surrender requirement of subsection (c) of Code Section 40-5-20.

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

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

SECTION 7.

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