

House Bill 670

By: Representatives Nguyen of the 89th, Lopez Romero of the 99th, Park of the 101st, Shannon of the 84th, Dreyer of the 59th, and others

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 otherwise ineligible for a driver's license, temporary permit, or identification card; to revise
4 a definition and provide for a definition; to provide for an exception to the requirement that
5 the Department of Driver Services utilize a certain federal verification program; to provide
6 for application requirements for such driving cards; to provide for standards for the
7 appearance of such cards; to provide for fees for issuance and renewal of such cards; to
8 provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

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

17 (A) Any temporary license or instruction permit;

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

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

21 (D) Any driving card, except in Code Sections 40-5-21.1, 40-5-21.2, and 40-5-25."

22 **SECTION 2.**

23 Said title is further amended in Code Section 40-5-21.1, relating to temporary licenses,
24 permits, or special identification cards, foreign licenses as evidence of legal presence in the
25 United States, and extensions, by revising subsection (a) as follows:

26 "(a) Notwithstanding any other provision of this title, an applicant who presents in person
27 valid documentary evidence of:

- 28 (1) Admission to the United States in a valid, unexpired nonimmigrant status;
- 29 (2) A pending or approved application for asylum in the United States;
- 30 (3) Admission into the United States in refugee status;
- 31 (4) An approved application for temporary protected status in the United States;
- 32 (5) Approved deferred action status;
- 33 (6) Other federal documentation verified by the United States Department of Homeland
34 Security to be valid documentary evidence of lawful presence in the United States under
35 federal immigration law; or
- 36 (7) Verification of lawful presence as provided by Code Section 40-5-21.2 may be issued
37 a temporary license, permit, or special identification card. Such temporary license,
38 permit, or special identification card shall be valid only during the period of time of the
39 applicant's authorized stay in the United States or ~~five~~ eight years, whichever occurs
40 first."

41 **SECTION 3.**

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

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

47 **SECTION 4.**

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

49 "40-5-21.3.

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

54 (1) Valid documentary evidence of an applicant's identity which may be demonstrated
55 by any of the following:

56 (A) An official school or college identification card that includes the applicant's full
57 name and a photograph of such applicant at the time the identification card was issued;

58 (B) An official identification card issued by the applicant's employer that includes such
59 applicant's full name and a photograph of such applicant at the time the identification
60 card was issued;

- 61 (C) A current registration card issued or authorized for use by the Secretary of State;
62 (D) A valid, unexpired consular identification document issued by a consulate from the
63 applicant's country of citizenship or a valid, unexpired passport from such applicant's
64 country of citizenship;
65 (E) An original birth certificate or other proof of age;
66 (F) A United States Department of Homeland Security Form I-220B, Order of
67 Supervision or similar form;
68 (G) A United States Department of Homeland Security Form I-589, Application for
69 Asylum and for Withholding of Removal or similar form;
70 (H) An official school or college transcript that includes the applicant's date of birth
71 or a foreign school record that is sealed and includes a photograph of such applicant at
72 the age the record was issued;
73 (I) A United States Department of Homeland Security Form I-20 or Form DS-2019 or
74 similar form;
75 (J) A United States Customs and Immigration Services Deferred Action for Childhood
76 Arrival Approval Letter;
77 (K) A valid identification card for health benefits;
78 (L) A valid identification card for an assistance or social services program;
79 (M) A wage stub issued in the previous six months;
80 (N) An income tax return filed in the previous two years;
81 (O) A Social Security card;
82 (P) Social Security administration letters or Social Security benefits documents
83 containing the applicant's Social Security number;
84 (Q) A Native American tribal document;
85 (R) A driver's license issued by another state that includes the applicant's full name and
86 a photograph of such applicant at the time the driver's license was issued;
87 (S) A license issued by any state or federal government branch or agency for privileges
88 other than driving, such as a concealed firearm permit, a fishing license, or hunting
89 license;
90 (T) Prison or parole discharge papers that include the applicant's full name, date of
91 birth, and a photograph of such applicant at the time such papers were issued;
92 (U) Selective Service papers; or
93 (V) Medical records that are signed and stamped.
94 (2) Valid documentary evidence that such applicant is a state resident, which may be
95 demonstrated by any of the following:
96 (A) A notarized copy of a lease or rental agreement for property located in this state;

- 97 (B) Records of school enrollment in a Georgia public or private school for the
 98 applicant or his or her child;
- 99 (C) A copy of a current utility bill in the applicant's name;
- 100 (D) A copy of a tax related filing;
- 101 (E) A current homeowner's insurance or renter's insurance policy or motor vehicle
 102 insurance card or policy;
- 103 (F) A Medicaid or Medicare benefit statement;
- 104 (G) A change of address confirmation from the United States Postal Service indicating
 105 such applicant's current and prior address;
- 106 (H) A letter from such applicant's counselor or other documentation showing the
 107 applicant's enrollment in transitional or reentry housing; or
- 108 (I) Any other documentation deemed appropriate by the commissioner; and
- 109 (3) Payment of the issuance fee as prescribed by Code Section 40-5-25.
- 110 Such driving card shall be valid for eight years from the date of issuance and may be
 111 renewed upon resubmitting an application along with documentary evidence required by
 112 this subsection of state residence and payment of the renewal fee as prescribed by Code
 113 Section 40-5-25.
- 114 (b)(1) The department is authorized to design a driving card to be issued pursuant to this
 115 Code section. Such driving card shall indicate the type or general class of vehicles the
 116 cardholder may drive, bear thereon a distinguishing number assigned to the cardholder,
 117 include a recent photograph of the cardholder, and include the following information:
- 118 (A) Full legal name;
- 119 (B) Address of residence;
- 120 (C) Birth date;
- 121 (D) Date driving card was issued;
- 122 (E) Sex;
- 123 (F) Height;
- 124 (G) Weight;
- 125 (H) Eye color;
- 126 (I) Signature of person identified or facsimile thereof; and
- 127 (J) Such other information or identification as required by the department.
- 128 (2) Such driving card shall be similar in appearance to a driver's license, permit, or
 129 identification card; provided, however, that:
- 130 (A) The front of the driving card, in the place of a gold star, shall bear the words
 131 'Federal Limits Apply';

132 (B) The back of the driving card shall bear the words 'Not valid for federal
133 identification purposes, including for use during travel, and does not establish eligibility
134 for federal employment, voting, or public benefits'; and

135 (C) The image of the State of Georgia on the front of the driving card shall be red
136 instead of green.

137 (c) For purposes of this Code section, the term 'resident' means a person who has a
138 permanent home or abode in this state to which, whenever such person is absent, he or she
139 has the intention of returning.

140 (d) It shall be a violation of law to discriminate against a person based upon application
141 for or denial, issuance, or possession of a driving card issued pursuant to this Code section.

142 (e) A driving card issued pursuant to this Code section shall not be used as evidence of the
143 holder's citizenship or immigration status and shall not be used as a basis for a criminal
144 investigation, arrest, or detention in any instance when a person with a driver's license or
145 identification card not issued under this Code section would not be criminally investigated,
146 arrested, or detained.

147 (f) Documents and information collected pursuant to an application for a driving card
148 issued pursuant to this Code section shall be confidential and shall not be disclosed by the
149 department or any person authorized by the department to conduct driving exams except
150 as required by law. The prohibition provided for by this subsection shall include
151 information relating to or describing immigration status, nationality, or citizenship and
152 disclosure to any federal, state, or local governmental entity for any purpose relating to the
153 enforcement of immigration laws."

154 **SECTION 5.**

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

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

- 162 (1) For instruction permits for Classes C, E, F, and M drivers'
163 licenses and for Class D drivers' licenses \$ 10.00
- 164 (2) For five-year Classes C, E, F, and M noncommercial drivers'
165 licenses 20.00

166	(2.1) For eight-year Classes C, E, F, and M noncommercial drivers'	
167	licenses	32.00
168	(3) For application for Classes A, B, C, and M commercial drivers'	
169	licenses or a Class P commercial driver's instruction permit	35.00
170	(4) For Class P commercial drivers' instruction permits for Classes	
171	A, B, C, and M commercial drivers' licenses	10.00
172	(5) For up to five-year Classes A, B, C, and M commercial drivers'	
173	licenses, initial issuance requiring a road test	70.00
174	(5.1) For eight-year Classes A, B, C, and M commercial drivers'	
175	licenses, initial issuance requiring a road test	82.00
176	(6) For up to five-year Classes A, B, C, and M commercial drivers'	
177	licenses, initial issuance not requiring a road test	20.00
178	(6.1) For eight-year Classes A, B, C, and M commercial drivers'	
179	licenses, initial issuance not requiring a road test	32.00
180	(7) For renewal of up to five-year Classes A, B, C, and M	
181	commercial drivers' licenses	20.00
182	(7.1) For renewal of eight-year Class <u>Classes</u> A, B, C, and M	
183	commercial drivers' licenses	32.00
184	(7.2) For renewal of up to five-year Classes C, E, F, and M	
185	noncommercial drivers' licenses	20.00
186	(7.3) For renewal of eight-year Classes C, E, F, and M	
187	noncommercial drivers' licenses	32.00
188	(8) Initial issuance of Classes A, B, C, and M commercial drivers'	
189	licenses and Class P commercial drivers' instruction permits shall	
190	include all endorsement fees within the license fee. Each	
191	endorsement added after initial licensing	5.00
192	<u>(9) For one-year Class C driving cards, initial issuance requiring a</u>	
193	<u>road test</u>	<u>100.00</u>
194	<u>(10) For one-year Class C driving cards, renewal not requiring a</u>	
195	<u>road test</u>	<u>50.00</u>

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

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

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

225 **SECTION 6.**

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