

House Bill 858

By: Representative Bell of the 75<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 provide for the issuance of an alternative state identification card  
3 by the Department of Driver Services; to provide for application standards and required  
4 documentation for issuance of such identification cards; to provide for contents and format  
5 for such identification cards; to provide for conforming changes; to provide for related  
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
10 is amended by revising Code Section 40-5-50, relating to authority of the Department of  
11 Driver Services to cancel license or identification card, as follows:

12 "40-5-50.

13 The department is authorized to cancel any driver's license or personal identification card  
14 issued by the department pursuant to ~~Code Section 40-5-100~~ this chapter upon determining  
15 that the holder of such license or identification card was not entitled to the issuance thereof

16 under this chapter or failed to give the required or correct information in the application for  
17 such license or identification card."

18 **SECTION 2.**

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

20 "40-5-100.1.

21 (a) The department shall issue a personal identification card to any person who satisfies  
22 the requirements of this Code section upon satisfactory application to the department in  
23 accordance with rules and regulations prescribed by the commissioner for such purpose.

24 Such application shall require:

25 (1) Submission of documentary evidence of an applicant's identity, as demonstrated by:

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

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

32 (C) A current voter identification card issued or authorized for use by any county  
33 registrar or the Department of Driver Services;

34 (D) A valid, unexpired consular identification document issued by a consulate from the  
35 applicant's country of citizenship or a valid, unexpired passport from such applicant's  
36 country of citizenship;

37 (E) An original birth certificate or other official proof of age;

38 (F) A United States Department of Homeland Security Form I-220B, Order of  
39 Supervision or similar form;

40 (G) Receipt of a United States Department of Homeland Security Form I-589,  
41 Application for Asylum and for Withholding of Removal or similar form;

- 42 (H) An official transcript from a United States educational institution that includes the  
43 applicant's date of birth or a foreign school record, provided that such record is sealed  
44 and includes a photograph of such applicant at the age the record was issued;  
45 (I) Receipt of a United States Department of Homeland Security Form I-20 or similar  
46 form;  
47 (J) A United States Citizenship and Immigration Services Deferred Action for  
48 Childhood Arrivals Approval Letter;  
49 (K) A United States Citizenship and Immigration Services Form I-797C, Notice of  
50 Action;  
51 (L) A valid identification card for health benefits;  
52 (M) A valid identification card for an assistance or social services program;  
53 (N) A wage stub issued in the United States within the previous six months;  
54 (O) A federal income tax return filed in the previous two years;  
55 (P) A social security card;  
56 (Q) Social Security Administration letters or social security benefits documents  
57 containing the applicant's social security number;  
58 (R) A Native American tribal document;  
59 (S) A driver's license issued by another state that includes the applicant's full name and  
60 a photograph of such applicant at the time such driver's license was issued;  
61 (T) A license issued by any state or federal government branch or agency for privileges  
62 other than driving, such as a concealed firearm permit, fishing license, or hunting  
63 license;  
64 (U) Prison or parole discharge papers that include the applicant's full name, date of  
65 birth, and a photograph of such applicant at the time such papers were issued;  
66 (V) Selective service papers;  
67 (W) Medical records that are signed and stamped; or  
68 (X) Any other documentation deemed appropriate by the commissioner;

- 69 (2) Submission of documentary evidence of an applicant's residency in this state, as  
70 demonstrated by:
- 71 (A) A copy of a lease or rental agreement for property located in this state;  
72 (B) Records evidencing enrollment of an applicant or his or her child in a public or  
73 private educational institution located in this state;  
74 (C) A copy of a current utility bill in the applicant's name for a property located in this  
75 state;  
76 (D) A copy of a tax filing with the Department of Revenue;  
77 (E) A current homeowner's insurance or renter's insurance policy for a property located  
78 in this state or a motor vehicle insurance card or policy for a vehicle registered in this  
79 state;  
80 (F) A Medicaid or Medicare benefit statement;  
81 (G) A change of address confirmation from the United States Postal Service indicating  
82 such applicant's current address;  
83 (H) A letter from such applicant's counselor or other documentation showing the  
84 applicant's enrollment in transitional or reentry housing located in this state;  
85 (I) A recent cellular telephone bill containing the applicant's name and current address;  
86 (J) Any utility documentation containing the applicant's name and current billing  
87 address;  
88 (K) A copy of an Internal Revenue Service Form W-2 or Form 1099;  
89 (L) A monthly bank or credit card statement containing the applicant's name and  
90 current address;  
91 (M) A billing statement or other official documentation from a recognizable business  
92 or government agency containing the applicant's name and current address; or  
93 (N) Any other documentation deemed appropriate by the commissioner; and  
94 (3) Payment of a \$20.00 issuance fee.

95 (b) An identification card issued pursuant to this Code section shall be valid for eight years  
96 from the date of issuance and may be renewed upon submission of an application,  
97 documentary evidence of state residency required by this Code section, and payment of a  
98 \$10.00 renewal fee.

99 (c)(1) The department is authorized to design an identification card to be issued pursuant  
100 to this Code section; provided, however, that cards issued to applicants under 21 years  
101 of age shall contain the distinctive characteristics of driver's licenses issued pursuant to  
102 Code Section 40-5-26. Such identification card shall bear thereon a distinguishing  
103 number assigned to the cardholder, include a recent photograph of the cardholder, and  
104 include the following information:

105 (A) Full legal name;

106 (B) Address of residence;

107 (C) Birth date;

108 (D) Date identification card was issued;

109 (E) Sex;

110 (F) Height;

111 (G) Weight;

112 (H) Eye color; and

113 (I) Signature of person identified or facsimile thereof.

114 (2) Such identification card shall be identical in appearance to a driver's license, permit,  
115 or identification card issued by the department in compliance with the federal Real ID  
116 Act, H.R. 1268, P.L. 109-13, with the exception that:

117 (A) The front of the identification card shall bear the words 'Federal Limits Apply' in  
118 the place of a gold star; and

119 (B) The image of the State of Georgia on the front of the identification card shall be  
120 red instead of green.

121 (d)(1) No person may possess more than one identification card issued pursuant to this  
122 Code section; provided, however, that this subsection shall not be construed to prevent  
123 a person issued a driver's license, instruction permit, or limited driving permit pursuant  
124 to this title from also possessing an identification card issued under this article.

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

129 (B) Except as provided in paragraph (3) of this subsection, each applicant for an  
130 identification card issued pursuant to this Code section shall surrender to the  
131 department any valid identification card, driver's license, instruction permit, or limited  
132 driving permit previously issued pursuant to this title or by any other jurisdiction. The  
133 department shall physically mark any surrendered identification card, driver's license,  
134 instruction permit, or limited driving permit in a manner which makes it apparent that  
135 such card, license, or permit is no longer valid and return the card, license, or permit to  
136 such person. If a surrendered identification card, driver's license, instruction permit,  
137 or limited driving permit was issued by another jurisdiction, the department shall  
138 forward the surrendered card, license, or permit information to such jurisdiction.

139 (C) The department shall issue a receipt to a person eligible to be issued an  
140 identification card pursuant to the requirements of this Code section. Such receipt may  
141 be used as proof of issuance until the person has received his or her permanent  
142 identification card.

143 (3)(A) Any noncitizen eligible for issuance of an identification card pursuant to the  
144 requirements of this Code section and in possession of an identification card or driver's  
145 license issued by a foreign jurisdiction may be issued an identification card without  
146 surrendering the foreign driver's license or identification card. This exemption shall not

147 apply to a person who is required to terminate any previously issued identification card  
148 pursuant to federal law.

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

153 **SECTION 3.**

154 Said chapter is further amended by revising Code Section 40-5-107, relating to personal  
155 identification cards upon release from confinement, as follows:

156 "40-5-107.

157 (a) The department, in coordination with the Department of Corrections, may issue a  
158 personal identification card to any resident of this state lacking a personal identification  
159 card upon the completion of a term of incarceration in any prison or detention facility of  
160 this state or its departments or agencies and upon submission of the documentation required  
161 by Code Section 40-5-100 or 40-5-100.1.

162 (b) The Department of Corrections may provide to the department copies of any  
163 documentation in its possession required for issuance of a personal identification card  
164 pursuant to Code Section 40-5-100 or 40-5-100.1. The Department of Corrections may  
165 provide an incarcerated person with information on the documentation required to obtain  
166 a personal identification card pursuant to Code Section 40-5-100 or 40-5-100.1 and may  
167 assist such person in making requests for official copies of such required documentation."

168 **SECTION 4.**

169 Said chapter is further amended by revising Code Section 40-5-120, relating to unlawful use  
170 of license or identification card and penalties for violations of chapter generally, as follows:

171 "40-5-120.

172 It is a misdemeanor for any person to:

173 (1) Display or cause or permit to be displayed or have in his or her possession any  
174 canceled, revoked, or suspended driver's license or personal identification card issued  
175 pursuant to ~~Code Section 40-5-100~~ this chapter;

176 (2) Fail or refuse to surrender to the department upon lawful demand any driver's license  
177 or personal identification card issued pursuant to ~~Code Section 40-5-100~~ this  
178 chapter which has been suspended, revoked, disqualified, or canceled;

179 (3) Permit any unlawful use of a driver's license or personal identification card issued  
180 pursuant to ~~Code Section 40-5-100~~ this chapter issued to such person;

181 (4) Do any act forbidden or fail to perform any act required by this chapter for which a  
182 criminal sanction is not provided elsewhere in this chapter; or

183 (5) Scan another person's driver's license, permit, or identification card without the  
184 person's prior knowledge and consent. If a person consents to the scanning of his or her  
185 driver's license, permit, or identification card, the information collected may be stored  
186 and used for any legitimate purpose. Each unlawful act of storage, disclosure, or usage  
187 in violation of this paragraph shall be considered a separate violation of this Code section.  
188 This prohibition shall not apply to law enforcement officers or any governmental entity  
189 that scans a driver's license, permit, or identification card to verify the contents thereof  
190 or to gather information for use for any governmental purpose."

191 **SECTION 5.**

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