

House Bill 1008

By: Representatives Franklin of the 39th, Joyce of the 1st and Coan of the 82nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor
2 vehicle drivers' licenses, so as to change certain provisions relating to definitions; to change
3 certain provisions relating to issuance of licenses, contents, signature requirements, and
4 fingerprints; to change certain provisions relating to expiration and renewal of drivers'
5 licenses and reexamination requirements; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle
9 drivers' licenses, is amended by striking paragraph (15) of Code Section 40-5-1, relating to
10 definitions, and inserting in lieu thereof the following:

11 "(15) 'Resident' means a person who has a permanent home or abode in Georgia to
12 which, whenever such person is absent, he or she has the intention of returning. For the
13 purposes of this chapter, there is a rebuttable presumption that the following person is a
14 resident:

15 (A) Any person who accepts employment or engages in any trade, profession, or
16 occupation in Georgia or enters his or her children to be educated in the private or
17 public schools of Georgia within ten days after the commencement of such employment
18 or education; or

19 (B) Any person who, except for infrequent, brief absences, has been present in the state
20 for 30 or more days;

21 provided, however, that no person shall be considered a resident for purposes of this
22 chapter unless such person is either a United States citizen or an alien with documented
23 proof of legal authorization from the U.S. Immigration and Naturalization Service."

SECTION 2.

Said chapter is further amended by striking Code Section 40-5-28, relating to issuance of licenses, contents, signature requirements, and fingerprints, and inserting in lieu thereof the following:

"40-5-28.

The department shall, upon payment of the required fee, issue to every applicant qualifying therefor a driver's license indicating the type or general class of vehicles the licensee may drive, which license shall be upon a form prescribed by the department and which shall bear thereon a distinguishing number assigned to the licensee, a color photograph of the licensee, the licensee's full name, either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with a pen and ink immediately upon receipt of the license, and such other information or identification as is required by the department. In addition, any driver's license issued on or after July 1, 2002, shall indicate whether or not the licensee is a citizen of the United States and, if not, the expiration date of such person's legal authorization from the United States Immigration and Naturalization Service to remain in the United States. No license shall be valid until it has been so signed by the licensee. Specifically but without limitation, the department may require applicants to submit fingerprints by means of an inkless fingerprint scanning device upon application."

SECTION 3.

Said chapter is further amended by striking subsection (a) of Code Section 40-5-32, relating to expiration and renewal of drivers' licenses and reexamination requirements, and inserting in lieu thereof the following:

"(a) Every driver's license shall expire on the licensee's birthday in the fourth year following the issuance of such license, except that any driver's license issued to an alien shall expire on any earlier expiration date of such person's legal authorization from the United States Immigration and Naturalization Service to remain in the United States. Every such license shall be renewed on or before its expiration upon application, payment of the required fee, and satisfactory completion of the examination required or authorized by subsection (b) of this Code section. Every holder of a veteran's or honorary license shall meet the requirements of subsection (b) of this Code section on or before his or her birthday every four years, beginning from the date on which the holder was last required to take an examination under former Ga. L. 1972, p. 1076, as amended by Ga. L. 1973, pp. 916, 917. The department may allow a veteran or honorary license holder to retain his or her expired veteran's or honorary license as a souvenir. The commissioner shall issue such rules and regulations as are required to enforce this subsection."

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- SECTION 4.
- All laws and parts of laws in conflict with this Act are repealed.