

House Bill 92

By: Representative Irvin of the 45th

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 prohibit the requirement of fingerprinting of applicants for
3 drivers' licenses and certain identification cards and require the destruction of fingerprints
4 obtained; to provide effective dates; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 PART I
7 SECTION 1-1.

8 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle
9 drivers' licenses, is amended by striking Code Section 40-5-28, relating to issuance of
10 licenses and fingerprinting of applicants, and inserting in its place the following:

11 "40-5-28.

12 The department shall, upon payment of the required fee, issue to every applicant qualifying
13 therefor a driver's license indicating the type or general class of vehicles the licensee may
14 drive, which license shall be upon a form prescribed by the department and which shall
15 bear thereon a distinguishing number assigned to the licensee, a color photograph of the
16 licensee, the licensee's full name, either a facsimile of the signature of the licensee or a
17 space upon which the licensee shall write his or her usual signature with a pen and ink
18 immediately upon receipt of the license, and such other information or identification as is
19 required by the department. No license shall be valid until it has been so signed by the
20 licensee. ~~Specifically but without limitation, the~~ The department may shall not require
21 applicants to submit fingerprints by any means of an inkless fingerprint scanning device
22 upon application. Any fingerprints obtained by the department upon any application for
23 a driver's license or identification card and in the department's possession, whether on the
24 application or any other record, shall be destroyed by the department no later than July 1,
25 2001."

PART II

SECTION 2-1.

Said chapter is further amended by striking subsection (a) of Code Section 40-5-100, relating to issuance, contents, and possession of identification cards, and inserting in its place the following:

"(a) The Department of Public Safety shall issue personal identification cards to all residents as defined in Code Section 40-5-1 who make application to the department in accordance with rules and regulations prescribed by the Board of Public Safety. Cards issued to applicants under 21 years of age shall contain the distinctive characteristics of drivers' licenses issued pursuant to Code Section 40-5-26. The identification card shall be similar in form but distinguishable in color from motor vehicle drivers' licenses and may contain a recent color photograph of the applicant and include the following information:

(1) Full legal name;

(2) Address of residence;

(3) Birth date;

(4) Date identification card was issued;

(5) Sex;

(6) Height;

(7) Weight;

(8) Eye color;

(9) Location where the identification card was issued;

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

~~(11) Fingerprint of the person identified; and~~

~~(12)~~(11) Such other information or identification as required by the department; provided, however, that the department shall not require applicants to submit fingerprints by any means upon application."

SECTION 2-2.

Said chapter is further amended by striking subsection (a) of Code Section 40-5-171, relating to issuance and contents of identification cards for persons with disabilities, and inserting in its place the following:

"(a) The Department of Public Safety shall issue personal identification cards to persons with disabilities who make application to the department in accordance with rules and regulations prescribed by the Board of Public Safety. The identification card for persons with disabilities shall prominently display the international handicapped symbol and, in

1 addition to any other information required by this article, may contain a recent color
2 photograph of the applicant and the following information:

- 3 (1) Full legal name;
- 4 (2) Address of residence;
- 5 (3) Birth date;
- 6 (4) Date identification card was issued;
- 7 (5) Date identification card expires;
- 8 (6) Sex;
- 9 (7) Height;
- 10 (8) Weight;
- 11 (9) Eye color;
- 12 (10) Location where the identification card was issued;
- 13 (11) Signature of person identified or facsimile thereof; and

14 ~~(12) Fingerprint of person identified; and~~

15 ~~(13)~~(12) Such other information or identification as required by the department;
16 provided, however, that the department shall not require applicants to submit fingerprints
17 by any means upon application."

18 PART III

19 SECTION 3-1.

20 Said chapter is further amended by striking subsection (a) of Code Section 40-5-100, relating
21 to issuance, contents, and possession of identification cards, and inserting in its place the
22 following:

23 "(a) The department shall issue personal identification cards to all residents as defined in
24 Code Section 40-5-1 who make application to the department in accordance with rules and
25 regulations prescribed by the commissioner. Cards issued to applicants under 21 years of
26 age shall contain the distinctive characteristics of drivers' licenses issued pursuant to Code
27 Section 40-5-26. The identification card shall be similar in form but distinguishable in
28 color from motor vehicle drivers' licenses and may contain a recent color photograph of
29 the applicant and include the following information:

- 30 (1) Full legal name;
- 31 (2) Address of residence;
- 32 (3) Birth date;
- 33 (4) Date identification card was issued;
- 34 (5) Sex;

- 1 (6) Height;
- 2 (7) Weight;
- 3 (8) Eye color;
- 4 (9) Location where the identification card was issued;
- 5 (10) Signature of person identified or facsimile thereof; and
- 6 ~~(11) Fingerprint of the person identified; and~~
- 7 ~~(12)~~(11) Such other information or identification as required by the department;
- 8 provided, however, that the department shall not require applicants to submit fingerprints
- 9 by any means upon application."

10 SECTION 3-2.

11 Said chapter is further amended by striking subsection (a) of Code Section 40-5-171, relating

12 to issuance and contents of identification cards for persons with disabilities, and inserting in

13 its place the following:

14 "(a) The department shall issue personal identification cards to persons with disabilities

15 who make application to the department in accordance with rules and regulations

16 prescribed by the commissioner. The identification card for persons with disabilities shall

17 prominently display the international handicapped symbol and, in addition to any other

18 information required by this article, may contain a recent color photograph of the applicant

19 and the following information:

- 20 (1) Full legal name;
- 21 (2) Address of residence;
- 22 (3) Birth date;
- 23 (4) Date identification card was issued;
- 24 (5) Date identification card expires;
- 25 (6) Sex;
- 26 (7) Height;
- 27 (8) Weight;
- 28 (9) Eye color;
- 29 (10) Location where the identification card was issued;
- 30 (11) Signature of person identified or facsimile thereof; and
- 31 ~~(12) Fingerprint of person identified; and~~
- 32 ~~(13)~~(12) Such other information or identification as required by the department;
- 33 provided, however, that the department shall not require applicants to submit fingerprints
- 34 by any means upon application."

