

House Bill 126

By: Representatives Mobley of the 58th, Mangham of the 62nd and Marin of the 66th

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 definitions relative to motor vehicle drivers' licenses, so as to change certain provisions
3 relating to the definition of "resident"; to provide for other identification to be included in
4 applications for drivers' licenses; to amend Article 1 of Chapter 11 of Title 19 of the Official
5 Code of Georgia Annotated, relating to the Child Support Recovery Act, so as to provide that
6 an applicant for a driver's license may provide other forms of identification to the
7 Department of Motor Vehicle Safety; to provide for related matters; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle
12 drivers' licenses, is amended by striking paragraph (15) of Code Section 40-5-1, relating to
13 definitions relative to drivers' licenses, and inserting in its place the following:

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

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

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

24 provided, however, that ~~no person shall be considered~~ any person's status as a resident
25 for purposes of this chapter ~~unless~~ shall be determined without regard to whether such

1 person is either a United States citizen or an alien with or without legal authorization
2 from the U.S. Immigration and Naturalization Service."

3 **SECTION 2.**

4 Said chapter is further amended in Code Section 40-5-25, relating to applications and fees
5 for drivers' licenses, by striking subsection (c) and inserting in its place the following:

6 "(c) Every such application shall state the full name, date of birth, sex, and residence
7 address of the applicant; shall briefly describe the applicant; and shall state whether the
8 applicant has theretofore been licensed as a driver and, if so, when and by what state or
9 country, and whether any such license has ever been suspended, revoked, or refused, and,
10 if so, the date of and reason for such suspension, revocation, or refusal; and shall state such
11 other information as the commissioner may require to determine the applicant's identity,
12 competence, and eligibility. The application shall include any other identification
13 information as required by paragraph (1) of subsection (a.1) of Code Section 19-11-9.1.

14 The department shall not issue a license until a complete examination of the applicant's
15 record has been completed. The commissioner may issue such rules and regulations as shall
16 be necessary for the orderly processing of license applications."

17 **SECTION 3.**

18 Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to the
19 Child Support Recovery Act, is amended by striking paragraph (1) of subsection (a.1) of
20 Code Section 19-11-9.1, relating to the duty to furnish information about the obligor to the
21 department, and inserting in its place the following:

22 "(a.1)(1) In accordance with the mandate contained in 42 U.S.C. Section 666(a)(13)(A)
23 ~~and notwithstanding any provision of Title 40 relating to motor vehicles as now existing~~
24 ~~or hereafter amended~~, the Department of Motor Vehicle Safety shall require an applicant
25 for a driver's license, a commercial driver's license, a learner's permit, or an identification
26 card to provide to the Department of Motor Vehicle Safety the applicant's social security
27 number as part of the application. Applicants who are not eligible to receive a social
28 security number may provide to the Department of Motor Vehicle Safety a federal tax
29 identification number, a matricula consular, or a certified citizenship or birth document
30 issued by a consulate or embassy in the United States. The Department of Motor Vehicle
31 Safety shall provide to the Department of Human Resources, in addition to other
32 information required to be provided to the Department of Human Resources, such social
33 security numbers or other forms of identification authorized by this subsection of
34 individuals who have been issued a driver's license, a commercial driver's license, a
35 learner's permit, or an identification card. The Department of Human Resources shall use

1 the information provided by the Department of Motor Vehicle Safety pursuant to this Code
2 section for the purpose of complying with the requirements of law concerning the
3 enforcement of child support."

4 **SECTION 4.**

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