

The Senate Economic Development and Tourism Committee offered the following substitute to SB 181:

**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 legislative findings; to provide a title; to provide for a
3 driver's license for certain persons who are not citizens of the United States; to amend
4 Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to the
5 Child Support Recovery Act, so as to change certain provisions relating to the duty to furnish
6 information about the obligor to the department; to provide for related matters; to provide an
7 effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 The General Assembly finds and determines that:

11 (1) In the pursuit of the Secretariat of the Free Trade Area of the Americas (FTAA), it is in
12 the economic interest of Georgia to communicate the intent of the Georgia legislature and
13 government to enthusiastically support our bid for the Secretariat and the FTAA process. It
14 is also in the interest of Georgia to communicate to the FTAA member countries our
15 willingness to make accommodations, commitments, and provisions for those international
16 visitors, students, business persons, and workers from FTAA countries who reside in Georgia
17 and who will come to Georgia in the future. In this spirit the General Assembly intends to
18 provide reasonable and business-like access to our state drivers' licenses and auto insurance
19 process.

20 (2) The FTAA countries include all countries governed by the North American Free Trade
21 Agreement (Canada, Mexico, and the United States) as well as the 34 countries that have
22 engaged in the official negotiations and agreements related to the FTAA (Antigua and
23 Barbuda, Argentina, the Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile,
24 Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Granada,
25 Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru,

1 Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad
2 and Tobago, United States, Uruguay, and Venezuela).

3 (3) A higher standard of public safety and a reduced rate of uninsured motorists will be
4 accomplished with this provisional access to the drivers' license process. Enhancing the
5 overall safety of motor vehicle operation in Georgia by expanding access to drivers' licenses
6 has been endorsed by the state's largest law enforcement agency, the City of Atlanta Police
7 Department, along with other police departments across the state as a practical public safety
8 measure.

9 (4) Nothing in this law or resolution shall conflict with or supplant laws or policies of the
10 United States government, the United States Department of Immigration and Naturalization
11 Services, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the
12 Department of Homeland Security, the Department of State, or the Internal Revenue Service.

13 (5) The General Assembly intends to permit citizens of FTAA countries and other countries
14 to submit an official driver's license from their country of origin or general residency or
15 other identification documentation to the Georgia Department of Motor Vehicle Safety
16 (DMVS) whereby upon verification of the authenticity of this documentation, these persons
17 shall be allowed to take the Georgia drivers' examination test, and a Georgia driver's license
18 will be issued to those persons who pass such test. Authenticity of these drivers' licenses or
19 foreign documents may be established by the DMVS.

20 (6) This measure is intended to promote the economic future of the State of Georgia, to
21 enhance public safety for the State of Georgia, and to communicate broad and unanimous
22 support for Georgia's bid for the Secretariat of the FTAA, while also providing our
23 international visitors, workers, students, and business persons with efficient and reasonable
24 access to our state's motor vehicle licensing and insurance procedures.

25 SECTION 2.

26 This Act shall be known and may be cited as "The Economic Development and Public Safety
27 Act."

28 SECTION 3.

29 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
30 is amended by adding a new Code Section 40-5-28.2 to read as follows:

31 "40-5-28.2.

32 (a) As used in this Code section, the term 'Free Trade Area of the Americas' means
33 Argentina, the Bahamas, Barbados, Barbuda, Belize, Bolivia, Brazil, Canada, Chile,
34 Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Granada,
35 Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay,

1 Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname,
2 Trinidad and Tobago, Uruguay, and Venezuela.

3 (b) Any person who is a citizen of any nation included in the Free Trade Area of the
4 Americas or who is a citizen of another country who provides to the department a driver's
5 license issued from his or her country of origin or general residency to the extent that such
6 drivers' licenses are acceptable under subsection (c) of Code Section 40-5-25, a federal tax
7 identification number, a valid passport, or a certified citizenship or birth documents issued
8 by a consulate or embassy in the United States, and who satisfies all applicable eligibility
9 requirements for a noncommercial class of driver's license other than United States
10 citizenship or proof of legal authorization from the U.S. Immigration and Naturalization
11 Service may be issued a driver's license for such class under this Code section.

12 (c) The information provided to the department under subsection (b) of this Code section
13 shall be retained by the department. The information shall be available only to department
14 personnel to be used for purposes of Aid to Families with Dependent Children, Temporary
15 Assistance to Needy Families, child support enforcement, and federal and state tax
16 purposes. Information collected pursuant to this subsection shall not be available to any
17 public or private entity, except as authorized by federal or state law.

18 (d) Any person who knowingly makes any false statement or submits any false document,
19 including any false identification relating to information as provided in subsection (b) of
20 this Code section in an application for a driver's license provided for by this Code section
21 shall be guilty of a violation of Code Section 16-10-20.

22 (e) Nothing in this Code section shall conflict with or supplant laws or policies of the
23 United States government, the Department of Immigration and Naturalization Services, the
24 Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the Department of
25 Homeland Security, the Department of State, or the Internal Revenue Service."

26 SECTION 4.

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

31 "(a.1)(1) In accordance with the mandate contained in 42 U.S.C. Section 666(a)(13)(A)
32 and notwithstanding any provision of Title 40 relating to motor vehicles as now existing
33 or hereafter amended, the Department of Motor Vehicle Safety shall require an applicant
34 for a driver's license, a commercial driver's license, a learner's permit, or an
35 identification card to provide to the Department of Motor Vehicle Safety the applicant's
36 social security number as part of the application. Applicants who do not have a social

security number may provide to the Department of Motor Vehicle Safety any one of the following documents: a driver's license issued from his or her country of origin or general residency to the extent that such drivers' licenses are acceptable under subsection (c) of Code Section 40-5-25, a federal tax identification number, a valid passport, or a certified citizenship document or birth document issued by a consulate or embassy in the United States. The Department of Motor Vehicle Safety shall provide to the Department of Human Resources, in addition to other information required to be provided to the Department of Human Resources, such social security numbers or other forms of identification authorized by this subsection of individuals who have been issued a driver's license, a commercial driver's license, a learner's permit, or an identification card. The Department of Human Resources shall use the information provided by the Department of Motor Vehicle Safety pursuant to this Code section for the purpose of complying with the requirements of law concerning the enforcement of child support."

SECTION 5.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.

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