

The House Committee on Motor Vehicles offers the following substitute to HB 577:

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 provide for destruction of certain fingerprint records; to  
3 provide for certain disclosures; to prohibit the requirement of fingerprinting and similar  
4 identification of applicants for drivers' licenses and identification cards; to prohibit the  
5 requirement of fingerprinting and similar identification of applicants for identification cards  
6 issued to persons with disabilities; to provide for related matters; to provide an effective date;  
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle  
11 drivers' licenses, is amended by striking subsection (k) of Code Section 40-5-2, relating to  
12 keeping of records of applications for licenses and information on licenses, and inserting in  
13 its place the following:

14 "(k)(1) The department, pursuant to rules and regulations promulgated by the  
15 commissioner, may periodically review all records maintained pursuant to this Code  
16 section and shall correct those records which contain known improper, false, fraudulent,  
17 or invalid information.

18 (2) Not later than 30 days after the effective date of this paragraph, the department shall  
19 destroy all records of fingerprints obtained on and after April 15, 1996, and prior to the  
20 effective date of this paragraph from applicants for drivers' licenses, identification cards,  
21 and identification cards for persons with disabilities issued by the department and shall  
22 compile and make available for public inspection a list of all persons or entities to whom  
23 the department provided such fingerprint records."

1 **SECTION 2.**

2 Said chapter is further amended by striking Code Section 40-5-28, relating to issuance of  
3 licenses and fingerprinting of applicants, and inserting in its place the following:

4 "40-5-28.

5 The department shall, upon payment of the required fee, issue to every applicant qualifying  
6 therefor a driver's license indicating the type or general class of vehicles the licensee may  
7 drive, which license shall be upon a form prescribed by the department and which shall  
8 bear thereon a distinguishing number assigned to the licensee, a color photograph of the  
9 licensee, the licensee's full name, either a facsimile of the signature of the licensee or a  
10 space upon which the licensee shall write his or her usual signature with a pen and ink  
11 immediately upon receipt of the license, and such other information or identification as is  
12 required by the department. No license shall be valid until it has been so signed by the  
13 licensee. ~~Specifically but without limitation, the~~ The department may ~~shall not~~ require  
14 applicants to submit or otherwise obtain from applicants any fingerprints or any other  
15 biological characteristic or information which uniquely identifies an individual, including  
16 without limitation, deoxyribonucleic acid (DNA) and retinal scan identification  
17 characteristics but not including a photograph by any means of an inkless fingerprint  
18 scanning device upon application."

19 **SECTION 3.**

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;  
35 (6) Height;  
36 (7) Weight;

- 1 (8) Eye color;
- 2 (9) Location where the identification card was issued;
- 3 (10) Signature of person identified or facsimile thereof; and
- 4 (11) ~~Fingerprint of the person identified; and~~
- 5 ~~(12) Such other information or identification as required by the department; provided,~~
- 6 ~~however, that the department shall not require an applicant to submit or otherwise obtain~~
- 7 ~~from an applicant any fingerprints or any other biological characteristic or information~~
- 8 ~~which uniquely identifies an individual, including without limitation, deoxyribonucleic~~
- 9 ~~acid (DNA) and retinal scan identification characteristics but not including a photograph~~
- 10 ~~by any means upon application."~~

#### 11 SECTION 4.

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

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

14 its place the following:

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

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

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

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

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

20 and the following information:

- 21 (1) Full legal name;
- 22 (2) Address of residence;
- 23 (3) Birth date;
- 24 (4) Date identification card was issued;
- 25 (5) Date identification card expires;
- 26 (6) Sex;
- 27 (7) Height;
- 28 (8) Weight;
- 29 (9) Eye color;
- 30 (10) Location where the identification card was issued;
- 31 (11) Signature of person identified or facsimile thereof; and
- 32 (12) ~~Fingerprint of person identified; and~~
- 33 ~~(13) Such other information as required by the department; provided, however, that the~~
- 34 ~~department shall not require an applicant to submit or otherwise obtain from an applicant~~
- 35 ~~any fingerprints or any other biological characteristic or information which uniquely~~
- 36 ~~identifies an individual, including without limitation, deoxyribonucleic acid (DNA) and~~

1 retinal scan identification characteristics but not including a photograph by any means  
2 upon application."

3 **SECTION 5.**

4 This Act shall become effective on July 1, 2007.

5 **SECTION 6.**

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