

Senator Stoner of the 6th offered the following substitute to HB 501:

**MOOT**

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 revise and modernize driver's licensure practices; to change  
3 provisions relating to fees for issuance of driver's record information and the manner of  
4 issuance of such information; to change provisions relating to the period of time for which  
5 licenses shall be issued and the fees for licenses; to change provisions relating to the types  
6 of examinations required for issuance of a license under certain circumstances; to provide  
7 for the Department of Motor Vehicle Safety to contract with driver training schools for  
8 certain examination and license issuance functions; to provide for the locations at which the  
9 department may perform certain functions; to provide for electronic signatures of license  
10 applications under certain circumstances; to require courts having jurisdiction over traffic  
11 offenses to transmit conviction information to the department electronically; to eliminate  
12 reexamination for reinstatement of suspended young drivers' licenses under certain  
13 circumstances; to provide for the method of determination of the age of young drivers for  
14 certain license suspension purposes; to provide for other related matters; to repeal conflicting  
15 laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

17 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
18 is amended in Code Section 40-5-2, relating to drivers' records, by striking and replacing  
19 subsection (j) and adding a new subsection (l) so that subsections (j) and (l) shall read,  
20 respectively, as follows:  
21

22 "(j) The commissioner is authorized to promulgate any rules, regulations, or policies as are  
23 necessary to carry out the provisions of this Code section. ~~The department and the Georgia~~  
24 ~~Technology Authority are each authorized to charge~~ In accordance with paragraph (6) of  
25 subsection (a) of Code Section 50-25-4, reasonable fees ~~to defray costs incurred in~~  
26 ~~affording access to or disseminating~~ shall be assessed for furnishing information from

1 records or data bases pursuant to provisions of this Code section; provided, however, that  
 2 the fee for furnishing an abstract of a driver’s record shall not exceed \$10.00; and provided,  
 3 further, that the fee for furnishing the limited information provided for purposes of  
 4 insurance rating pursuant to division (c)(1)(B)(ii) of this Code section shall not exceed 20  
 5 percent of the fee for furnishing the abstract of a driver’s record.”

6 “(1) In any case in which the release or transmittal of one or more driver’s records is  
 7 authorized under this Code section or any other provision of law, the commissioner may  
 8 determine the method of release or transmittal of the record or records, including without  
 9 limitation release or transmittal by mail or by means of the Internet or other electronic  
 10 means.”

11  
 12 **SECTION 2.**

13 Said Chapter 5 of Title 40 is further amended by striking subsections (a) through (d) of Code  
 14 Section 40-5-25, relating to driver’s license applications, and inserting in their respective  
 15 places new subsections to read as follows:

16 “(a) Every application for an instruction permit or for a driver’s license shall be made upon  
 17 a form furnished by the department. Every application shall be accompanied by the proper  
 18 license fee. The fees shall be as established by the commissioner, not to exceed:

19	(1) For instruction permits for Classes A, B, C, and M drivers’ licenses and	
20	for Class D drivers’ licenses .....	\$ 10.00
21	(2) For <u>five-year</u> Classes <u>A, B, C,</u> and M <u>noncommercial</u> drivers’	<del>15.00</del>
22	licenses .....	<u>20.00</u>
23	<u>(2.1) For ten-year Classes A, B, C, and M noncommercial driver’s</u>	
24	<u>licenses .....</u>	<u>35.00</u>
25	(3) For Classes <u>A, and B, C, and M commercial</u> drivers’ licenses .....	<del>15.00</del>
		<u>20.00</u>
26	(4) For application for Classes A, B, C, and M commercial drivers’ licenses	
27	or a Class P commercial driver’s instruction permit .....	35.00
28	(5) For Class P commercial drivers’ instruction permits for Classes A, B, C,	
29	and M commercial drivers’ licenses .....	10.00
30	(6) For Classes A, B, C, and M commercial drivers’ licenses, initial issuance	
31	requiring a road test .....	<del>65.00</del>
		<u>70.00</u>
32	(7) For Classes A, B, C, and M commercial drivers’ licenses, initial issuance	
33	not requiring a road test .....	<del>15.00</del>
		<u>20.00</u>

1 (8) For renewal of Classes A, B, C, and M commercial drivers' licenses . . . 15.00  
20.00

2 (8.1) For renewal of five-year Classes A, B, C, and M noncommercial drivers'  
3 licenses . . . . . 20.00

4 (8.2) For renewal of ten-year Classes A, B, C, and M noncommercial drivers'  
5 licenses . . . . . 35.00

6 (9) Initial issuance of Classes A, B, C, and M commercial drivers' licenses  
7 and Class P commercial drivers' instruction permits shall include all  
8 endorsement fees within the license fee. Each endorsement added after initial  
9 licensing . . . . . 5.00

10 The commissioner may by rule provide incentive discounts in otherwise applicable fees  
11 reflecting cost savings to the department where a license is renewed by means other than  
12 personal appearance. The discount for renewal of a Class C or Class M license shall be  
13 \$5.00 and any other discounts shall be as determined by the commissioner. Except as  
14 provided in Code Section 40-5-36, relating to veterans' licenses, and Code Section  
15 40-5-149, relating to application fees for public school bus drivers, there shall be no  
16 exceptions to the fee requirements for a commercial driver's license or a commercial  
17 driver's license permit. Notwithstanding any other provision of this Code section, there  
18 shall be no fee whatsoever for replacement of any driver's license solely due to a change  
19 of the licensee's name or address, provided that such replacement license shall be valid  
20 only for the remaining period of such original license; and provided, further, that only one  
21 such free replacement license may be obtained within ~~any four-year~~ the period for which  
22 the license was originally issued. Any application for the replacement of a lost license  
23 pursuant to Code Section 40-5-31 or due to a change in the licensee's name or address  
24 submitted within 150 days of the expiration of said license shall be treated as an application  
25 for renewal subject to the applicable license fees as set forth in this subsection.

26 (b) ~~Notwithstanding the provisions of subsection (a) of this Code section, any Class 1 or~~  
27 ~~2 license issued prior to April 3, 1989, shall remain valid until its expiration unless~~  
28 ~~otherwise lost, destroyed, suspended, or revoked prior to its expiration. A Class 3, 4, or 5~~  
29 ~~license shall remain valid unless lost, destroyed, suspended, revoked, or canceled, until its~~  
30 ~~expiration or its earlier replacement under Article 7 of this chapter, the 'Uniform~~  
31 ~~Commercial Driver's License Act.'~~ Reserved.

32 (c) Every such application shall state the full legal name, date of birth, sex, and residence  
33 address of the applicant; shall briefly describe the applicant; ~~and~~ shall state whether the  
34 applicant has theretofore been licensed as a driver and, if so, when and by what state or  
35 country, and whether any such license has ever been suspended, revoked, or refused, and,

1 if so, the date of and reason for such suspension, revocation, or refusal; and shall state such  
 2 other information as the commissioner may require to determine the applicant's identity,  
 3 competence, and eligibility. The application shall include any other information as required  
 4 by paragraph (1) of subsection (a.1) of Code Section 19-11-9.1. The department shall not  
 5 issue a license until a complete examination of the applicant's record has been completed.  
 6 The commissioner may issue such rules and regulations as shall be necessary for the  
 7 orderly processing of license applications.

8 (d)(1) The General Assembly finds that it is in the best interest of the state to encourage  
 9 improved public education and awareness regarding anatomical gifts of human organs  
 10 and tissues and to address the ever increasing need for donations of anatomical gifts for  
 11 the benefit of the citizens of Georgia.

12 (2) Notwithstanding the provisions of paragraph (2) or (3) of subsection (a) of this Code  
 13 section, each applicant for the issuance, reissuance, or renewal of a Class C, M, A, or B  
 14 driver's license under paragraph (2) or (3) of subsection (a) of this Code section shall  
 15 accompany such application with a license fee as established by the commissioner, not  
 16 to exceed \$8.00, if such applicant executes an anatomical gift pursuant to Code Section  
 17 40-5-6.

18 (3) The department shall make available to those federally designated organ procurement  
 19 organizations the name, license number, date of birth, and most recent address of any  
 20 person who obtains a an organ donor driver's license with the reduced fee provided for  
 21 in paragraph (2) of this subsection. Information so obtained by such organizations shall  
 22 be used for the purpose of establishing a state-wide organ donor registry accessible to  
 23 organ tissue and eye banks authorized to function as such in this state and shall not be  
 24 further disseminated."

### 25 SECTION 3.

26 Said Chapter 5 of Title 40 is further amended in Code Section 40-5-27, relating to  
 27 examination of applicants, by striking subsections (a), (d), and (e) and inserting in their  
 28 respective places new subsections to read as follows:

29 "(a) The department shall examine every applicant for a driver's license, except as  
 30 otherwise provided by subsection (d) of this Code section. Such examination shall include  
 31 a test of the applicant's eyesight, his or her ability to understand official traffic-control  
 32 devices, and his or her knowledge of safe driving practices and the traffic laws of this state  
 33 and shall also include a comprehensive on-the-road driving test during which the applicant  
 34 shall be required to fully demonstrate his or her ability to exercise ordinary and reasonable  
 35 control in the operation of a motor vehicle of the type or general class of vehicles he or she  
 36 desires a license to drive; provided, however, that the on-the-road driving test requirement

1 shall not apply to any applicant for a Class C driver's license who holds a Class D driver's  
 2 license issued on or after January 1, 2002. ~~Applicants~~ An applicant 18 years of age and  
 3 older with a valid and current ~~licenses~~ license issued by another state of the United States  
 4 or the District of Columbia who ~~surrender their previous licenses~~ surrenders his or her  
 5 previous license to obtain a Georgia license shall be exempt from taking such tests other  
 6 than tests of eyesight. The examination may also include such further physical and mental  
 7 examination as the department finds necessary to determine the applicant's fitness to  
 8 operate a motor vehicle safely upon the highways. The commissioner may establish by  
 9 rules and regulations the type of tests or demonstrations to be made by applicants for any  
 10 class of license."

11 "(d) The department shall ~~implement a six-month pilot program to determine licensing~~  
 12 ~~requirements for licensed driver training schools to conduct on-the-road driving tests as~~  
 13 ~~provided in subsection (e) of this Code section. The department shall report the results of~~  
 14 ~~such pilot program to the House Committee on Motor Vehicles. (e) If the department~~  
 15 ~~determines that the pilot program provided for in subsection (d) of this Code section is~~  
 16 ~~successful, it shall authorize licensed driver training schools to conduct on-the-road driving~~  
 17 ~~tests~~ and other tests required for issuance of a driver's license as provided in this  
 18 subsection. The department may authorize licensed driver training schools to issue driver's  
 19 licenses to successful applicants as provided in this subsection. The department shall, prior  
 20 to approving a licensed driver training school to conduct ~~on-the-road driving tests~~ or issue  
 21 licenses or both as provided in this subsection, make a determination that the school has  
 22 been licensed for a minimum of ~~one year~~ two years and has conducted driver education ~~and~~  
 23 ~~adult education~~ courses on a full-time basis for such ~~one-year~~ two-year period and that such  
 24 school meets all other standards which the department may establish as a condition for  
 25 approval to conduct such tests or issue licenses or both. The department shall authorize a  
 26 driver training school licensed pursuant to Chapter 13 of Title 43 and approved by the  
 27 department to administer the testing provided for in this Code section, provided that the  
 28 applicant has successfully completed a driver training course which includes a minimum  
 29 of 30 class hours of instruction and six hours of private in-car training. The department  
 30 may establish by rules and regulations the type of tests or demonstrations to be made by  
 31 applicants for any Class C or Class D driver's license under this Code section."

#### 32 SECTION 4.

33 Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-28, relating to  
 34 issuance of drivers' licenses, and inserting in its place a new Code section to read as follows:

1 "40-5-28.

2 (a) The department shall, upon payment of the required fee, issue to every applicant  
 3 qualifying therefor a driver's license indicating the type or general class of vehicles the  
 4 licensee may drive, which license shall be upon a form prescribed by the department and  
 5 which shall bear thereon a distinguishing number assigned to the licensee, a color  
 6 photograph of the licensee, the licensee's full name, either a facsimile of the signature of  
 7 the licensee or a space upon which the licensee shall write his or her usual signature with  
 8 a pen and ink immediately upon receipt of the license, and such other information or  
 9 identification as is required by the department. No license shall be valid until it has been  
 10 so signed by the licensee. Specifically but without limitation, the department may require  
 11 applicants to submit fingerprints by means of an inkless fingerprint scanning device upon  
 12 application.

13 (b) The commissioner shall determine the location and manner of issuance of drivers'  
 14 licenses. Without limiting the generality of the foregoing, it is specifically provided that  
 15 the commissioner may designate county tag agents as agents of the department for this  
 16 purpose and may authorize the issuance of drivers' licenses by county tag agents."

#### 17 SECTION 5.

18 Said Chapter 5 of Title 40 is further amended in Code Section 40-5-31, relating to  
 19 replacement permits or licenses, by striking subsection (b) and inserting in its place a new  
 20 subsection to read as follows:

21 "(b) The department shall issue a temporary permit or driver's license to each individual  
 22 who has lost by misplacement, and not by revocation or suspension, his or her instruction  
 23 permit or driver's license and who has made application under oath on a form furnished by  
 24 the department which states that the applicant presently has a valid permit or license which  
 25 has been lost or misplaced. In lieu of the applicant's signature on a form, any application  
 26 for the issuance of a replacement license submitted electronically shall contain an  
 27 acknowledgment and attestation under penalty of perjury that he or she meets each  
 28 requirement of this Code section."

#### 29 SECTION 6.

30 Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-32, relating to  
 31 driver's license renewal, and inserting in its place a new Code section to read as follows:

32 "40-5-32.

33 (a)(1) Every Except as otherwise provided in this Code section, every driver's license  
 34 shall expire on the licensee's birthday in the fourth fifth year following the issuance of  
 35 such license. Notwithstanding the foregoing, any commercial license that contains an H

1 or X endorsement as defined in subsection (c) of Code Section 40-5-150 shall expire on  
 2 the date of expiration of the licensee's security threat assessment conducted by the  
 3 Transportation Security Administration of the United States Department of Homeland  
 4 Security. An applicant for a Class A, B, C, or M noncommercial driver's license who is  
 5 under age 60 shall at the applicant's option apply for a license which shall expire on the  
 6 licensee's birthday in the fifth or tenth year following the issuance of such license. Every  
 7 such license shall be renewed on or before its expiration upon application, payment of  
 8 the required fee, and, if applicable, satisfactory completion of the examination required  
 9 or authorized by subsection (c) of this Code section.

10 (2) Except as otherwise provided by subsection (c) of this Code section, every holder of  
 11 a veteran's or honorary license shall ~~meet the requirements of subsection (c) of this Code~~  
 12 ~~section~~ be valid until the holder reaches age 65 and shall thereafter be subject to renewal  
 13 pursuant to paragraph (1) of this subsection on or before his or her birthday every ~~four~~  
 14 five years, ~~beginning from the date on which the holder was last required to take an~~  
 15 ~~examination under former Ga. L. 1972, p. 1076, as amended by Ga. L. 1973, pp. 916,~~  
 16 ~~917.~~ The department may allow a veteran or honorary license holder to retain his or her  
 17 expired veteran's or honorary license as a souvenir.

18 (3) The commissioner shall issue such rules and regulations as are required to enforce  
 19 this subsection.

20 (b) An application for driver's license renewal may be submitted by means of:

21 (1) Personal appearance before the department; or

22 (2) Subject to rules or regulations of the department which shall be consistent with  
 23 considerations of public safety and efficiency of service to licensees, means other than  
 24 such personal appearance which may include without limitation by mail or electronically.  
 25 The department may by such rules or regulations exempt persons renewing drivers'  
 26 licenses under this paragraph from the license surrender requirement of subsection (c)  
 27 of Code Section 40-5-20.

28 (c)(1) The department shall require every person applying for renewal of a driver's  
 29 license to take and pass successfully such test of his or her eyesight as the department  
 30 shall prescribe, unless otherwise provided by rule or regulation for purposes of paragraph  
 31 (2) of subsection (b) of this Code section.

32 (2) The commissioner may issue such rules and regulations as are necessary to  
 33 implement this subsection."





1 courts to submit by electronic means no later than a future date to be determined by the  
2 commissioner."

3 **SECTION 9.**

4 Said Chapter 5 of Title 40 is further amended in said Code Section 40-5-57.1 by adding at  
5 the end of the Code section a new subsection (d) to read as follows:

6 "(d) A suspension provided for in this Code section shall be imposed based on the person's  
7 age on the date of the conviction giving rise to the suspension."

8 **SECTION 10.**

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