

House Bill 577 (AS PASSED HOUSE AND SENATE)

By: Representatives Loudermilk of the 14th, Keen of the 179th, Brooks of the 63rd, Franklin of the 43rd, Scott of the 2nd, and others

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 prescribe the type
5 of documentation sufficient to obtain a temporary driver's license or permit or special
6 identification card; to prohibit the requirement of fingerprinting and similar identification
7 of applicants for identification cards issued to persons with disabilities; to provide for related
8 matters; to provide an effective date; to repeal conflicting 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 subsection (k) of Code Section 40-5-2, relating to
13 keeping of records of applications for licenses and information on licenses, and inserting in
14 its place the following:

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

19 (2) Not later than 30 days after the effective date of this paragraph, the department shall
20 destroy all records of fingerprints obtained on and after April 15, 1996, and prior to the
21 effective date of this paragraph from applicants for drivers' licenses, identification cards,
22 and identification cards for persons with disabilities issued by the department and shall
23 compile and make available for public inspection a list of all persons or entities to whom
24 the department provided such fingerprint records. Notwithstanding the provisions of this
25 paragraph, fingerprint images electronically stored on existing drivers' licenses will be
26 destroyed upon application for a renewal of the driver's license."

1 applicants to submit or otherwise obtain from applicants any fingerprints or any other
 2 biological characteristic or information which uniquely identifies an individual, including
 3 without limitation, deoxyribonucleic acid (DNA) and retinal scan identification
 4 characteristics but not including a photograph by any means of an inkless fingerprint
 5 scanning device upon application."

6 SECTION 4.

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

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

17 (1) Full legal name;

18 (2) Address of residence;

19 (3) Birth date;

20 (4) Date identification card was issued;

21 (5) Sex;

22 (6) Height;

23 (7) Weight;

24 (8) Eye color;

25 (9) Location where the identification card was issued;

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

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

28 ~~(12) Such other information or identification as required by the department; provided,~~
 29 however, that the department shall not require an applicant to submit or otherwise obtain
 30 from an applicant any fingerprints or any other biological characteristic or information
 31 which uniquely identifies an individual, including without limitation, deoxyribonucleic
 32 acid (DNA) and retinal scan identification characteristics but not including a photograph
 33 by any means upon application."

