

House Bill 971

By: Representatives Bridges of the 10th, Day of the 163rd, Talton of the 145th, Ralston of the 7th, and Everson of the 106th

**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 that a driver's license issued by another state to an alien
3 illegally present in the United States shall not be recognized as valid in the State of Georgia;
4 to provide a definition; to provide that an illegal alien who displays a driver's license issued
5 by another state to a law enforcement officer as authorization to drive a motor vehicle in this
6 state shall commit a misdemeanor offense; to provide for related matters; to provide an
7 effective date; 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 drivers' licenses,
11 is amended in Code Section 40-5-1, relating to definitions applicable to drivers' licenses, by
12 renumbering paragraph (10) as paragraph (11) and adding a new paragraph (10) as follows:
13 "(10) 'Illegal alien' means a person who is not a United States citizen or who is not
14 authorized by the federal government to be lawfully present in the United States."

15 **SECTION 2.**

16 Said chapter is further amended in Code Section 40-5-2, relating to keeping records of
17 applications for licenses and information on licensees, by revising paragraph (2) of
18 subsection (a) as follows:

19 "(2) Drivers' records received from other jurisdictions. Upon receipt of such driver's
20 record, it shall become a part of such driver's record in this state and shall have the same
21 force and effect as though entered on the driver's record in this state in the original
22 instance; provided, however, that any record received from another state documenting the
23 issuance of a driver's license to an illegal alien or otherwise purporting to authorize an
24 illegal alien to drive a motor vehicle shall not be recognized or given any force or effect
25 in the State of Georgia; and"

SECTION 3.

1 Said chapter is further amended in Code Section 40-5-5, relating to the authority of the
2 Governor to execute binding reciprocal agreements regarding the operation of motor vehicles
3 with other states and territories, by adding a new subsection (c) as follows:

4 "(c) Nothing in this Code section shall authorize the Governor to enter into any agreement
5 or establish any rule or regulation that permits or requires a state agency or political
6 subdivision of this state to recognize or accept as valid any driver's license issued to an
7 illegal alien by another state, district, or territory of the United States. Any such agreement
8 shall be considered null and void. No state agency or political subdivision of this state
9 shall be authorized to accept a driver's license issued to an illegal alien by another state as
10 authority for operating any motor vehicle in this state."

SECTION 4.

12 Said chapter is further amended in Code Section 40-5-20, relating to the requirement of a
13 license to operate a motor vehicle in this state, by revising subsection (a) as follows:

14 "(a) No person, except those expressly exempted in this chapter, shall drive any motor
15 vehicle upon a highway in this state unless such person has a valid driver's license under
16 this chapter for the type or class of vehicle being driven. A license issued to an illegal alien
17 shall not be a valid driver's license under this chapter and shall not authorize any person
18 to operate a motor vehicle in this state. Any person who is a resident of this state for 30
19 days shall obtain a Georgia driver's license before operating a motor vehicle in this state."

SECTION 5.

21 Said chapter is further amended in Code Section 40-5-21, relating to exemptions to the
22 requirement that drivers of motor vehicles have a valid driver's license by revising paragraph
23 (2) of subsection (a) as follows:

24 "(2) A nonresident who is at least 16 years of age, either a United States citizen or an
25 alien with legal authorization from the federal government to be present in the United
26 States, and who has in his or her immediate possession a valid license issued to him or
27 her in his or her home state or country; provided, however, that any restrictions which
28 would apply to a Georgia driver's license as a matter of law would apply to the privilege
29 afforded to the out-of-state license;"

SECTION 6.

31 Said chapter is further amended in Code Section 40-5-120, relating to unlawful use of a
32 driver's license or identification card, by renumbering paragraphs (3) and (4) as paragraphs
33 (4) and (5) and adding a new paragraph (3) as follows:

"(3) Display or cause or permit to be displayed to a law enforcement officer a driver's license issued to an illegal alien as authorization to drive a motor vehicle in this state;"

SECTION 7.

4 Said chapter is further amended in Code Section 40-5-142, relating to definitions applicable
5 to the Uniform Commercial Driver's License Act, by revising paragraph (13) as follows:

"(13) 'Driver's license' means a license issued by a state to any individual which authorizes the individual to drive a motor vehicle; provided, however, a license issued to an illegal alien shall not be recognized as a valid driver's license by this state or any agency or political subdivision of this state nor shall any license issued to an illegal alien authorize an individual to drive a motor vehicle in this state."

SECTION 8.

12 Said chapter is further amended in Code Section 40-5-142, relating to definitions applicable
13 to the Uniform Commercial Driver's License Act, by revising paragraph (20) as follows:

"(20) 'Nonresident commercial driver's license' means a commercial driver's license issued by a state to any individual who resides in a foreign jurisdiction; provided, however, a license issued to an illegal alien shall not be recognized as a valid driver's license by this state or any agency or political subdivision of this state nor shall any license issued to an illegal alien authorize an individual to drive a motor vehicle in this state."

SECTION 9.

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

SECTION 10.

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