

The House Committee on Motor Vehicles offers the following substitute to SB 488:

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 allow foreign nationals to keep their license from their home  
3 country; to exempt nonresidents from getting a Georgia license as long as they meet all  
4 licensing requirements in Georgia except for residency; to provide that certain foreign  
5 nationals also have in their immediate possession an international driving permit; to provide  
6 that verification of lawful presence in the United States is necessary to receive a temporary  
7 driver's license; to provide that the maximum term of a temporary license is three years; to  
8 provide for retention of personal identification cards by noncitizens in certain circumstances;  
9 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and  
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating drivers' licenses,  
14 is amended by revising subsection (c) of Code Section 40-5-20, relating to the requirement  
15 to have a license, as follows:

16 "(c)(1) Except as provided in paragraph (2) of this subsection and in Code Section  
17 40-5-32, no No person shall receive a driver's license unless and until such person  
18 surrenders to the department all valid licenses in such person's possession issued to him  
19 or her by this or any other jurisdiction, ~~except as otherwise provided by Code~~  
20 ~~Section 40-5-32.~~ All surrendered licenses issued by another jurisdiction shall be  
21 destroyed. The license information shall be forwarded to the previous jurisdiction. No  
22 person shall be permitted to have more than one valid driver's license at any time.

23 (2) Any noncitizen who is eligible for issuance of a driver's license pursuant to the  
24 requirements of this chapter may be issued a driver's license without surrendering any  
25 driver's license previously issued to him or her by any foreign jurisdiction. This  
26 exemption shall not apply to a person who is applying for a commercial driver's license

1 or who is required to terminate any previously issued driver's license pursuant to federal  
 2 law. The department shall make a notation on the driving record of any person who  
 3 retains a foreign driver's license, and this information shall be made available to law  
 4 enforcement officers and agencies on such person's driving record through the Georgia  
 5 Crime Information Center."

## 6 SECTION 2.

7 Said chapter is further amended by revising paragraph (2) of subsection (a) of Code  
 8 Section 40-5-21, relating to exemptions from the requirements of obtaining a Georgia  
 9 driver's license, as follows:

10 "(2) A nonresident ~~who is at least 16 years of age and~~ who has in his or her immediate  
 11 possession a valid driver's license issued to him or her in his or her home state or  
 12 country; provided, however, that ~~any restrictions which would apply to such person~~  
 13 would otherwise satisfy all requirements to receive a Georgia driver's license ~~as a matter~~  
 14 ~~of law would apply to the privilege afforded to the out-of-state license and, if such~~  
 15 nonresident driver's license is in a language other than English, the nonresident also has  
 16 in his or her immediate possession a valid international driving permit which conforms  
 17 to and has been issued in accordance with the provisions of the Convention on Road  
 18 Traffic, 3 U.S.T. 3008, TIAS 2487, or any similar such treaty, international agreement,  
 19 or reciprocal agreement between the United States and a foreign nation concerning  
 20 driving privileges of nonresidents;"

## 21 SECTION 3.

22 Said chapter is further amended by revising subsection (a) of Code Section 40-5-21.1,  
 23 relating to temporary licenses, permits, or special identification cards, as follows:

24 "(a) Notwithstanding any other provision of this title, an applicant who presents in person  
 25 valid documentary evidence of:

26 (1) Admission to the United States in a valid, unexpired nonimmigrant status;

27 (2) A pending or approved application for asylum in the United States;

28 (3) Admission into the United States in refugee status;

29 (4) An approved application for temporary protected status in the United States;

30 (5) Approved deferred action status; ~~or~~

31 (6) Other federal documentation verified by the United States Department of Homeland  
 32 Security to be valid documentary evidence of lawful presence in the United States under  
 33 federal immigration law; or

34 (7) Verification of lawful presence as provided by Code Section 40-5-21.2

1 may be issued a temporary license, permit, or special identification card. Such temporary  
 2 license, permit, or special identification card shall be valid only during the period of time  
 3 of the applicant's authorized stay in the United States or three years, whichever occurs  
 4 first."

#### 5 SECTION 4.

6 Said chapter is further amended by revising subsection (b) of Code Section 40-5-21.2,  
 7 relating to compliance with the Systematic Alien Verification for Entitlements Program, as  
 8 follows:

9 "(b) The department shall ~~not issue~~ utilize the following procedures in this subsection  
 10 before issuing an identification card, license, permit, or other official document to an  
 11 applicant who is a noncitizen ~~until the applicant has been confirmed through the SAVE~~  
 12 ~~Program to be lawfully present in the United States;~~

13 (1) The department shall attempt to confirm through the SAVE program that the  
 14 applicant is lawfully present in the United States; and

15 (2) If the SAVE program does provide sufficient information to the department to make  
 16 a determination, the department shall be authorized to accept verbal or e-mail  
 17 confirmation of the legal status of the applicant from the Department of Homeland  
 18 Security."

#### 19 SECTION 5.

20 Said chapter is further amended by revising subsection (c) and adding a new subsection to  
 21 Code Section 40-5-100, relating to personal identification cards, as follows:

22 "(c)(1) No person may possess more than one identification card issued pursuant to this  
 23 Code section; provided, however, that this subsection shall not be construed to prevent  
 24 a resident of this state who possesses a driver's license from also possessing an  
 25 identification card issued under this article.

26 (2) Except as provided in paragraph (3) of this subsection, each ~~Each~~ applicant for an  
 27 identification card shall surrender any identification card or driver's license previously  
 28 issued by any other state and any identification card previously issued by this state.

29 (3)(A) Any noncitizen who is eligible for issuance of an identification card pursuant  
 30 to the requirements of this chapter may be issued an identification card without  
 31 surrendering any driver's license or identification card previously issued to him or her  
 32 by any foreign jurisdiction. This exemption shall not apply to a person who is required  
 33 to terminate any previously issued identification card pursuant to federal law.

34 (B) The department shall make a notation on the driving record of any person who  
 35 retains a foreign identification card or driver's license, and this information shall be

1 made available to law enforcement officers and agencies on such person's driving  
2 record through the Georgia Crime Information Center.

3 (4) Willful failure to surrender any such previous driver's license or personal  
4 identification card upon application for a new personal identification card will be  
5 considered an act of fraud and upon conviction be punished as provided for in Code  
6 Section 40-5-125.

7 (d) An application for identification card renewal may be submitted by:

8 (1) Personal appearance before the department; or

9 (2) Subject to rules or regulations of the department which shall be consistent with  
10 considerations of public safety and efficiency of service to customers, means other than  
11 such personal appearance which may include without limitation by mail or electronically.  
12 The department may by such rules or regulations exempt persons renewing identification  
13 cards under this paragraph from the surrender requirement in this Code section."

14 **SECTION 6.**

15 This Act shall become effective on January 1, 2009.

16 **SECTION 7.**

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