

House Bill 396 (AS PASSED HOUSE AND SENATE)

By: Representatives Graves of the 12th, Rice of the 51st, and Powell of the 29th

A BILL TO BE ENTITLED
AN ACT

1 To amend provisions of the Official Code of Georgia Annotated relating to drivers and
2 drivers' licenses; to amend Title 40 of the Official Code of Georgia Annotated, relating to
3 motor vehicles and traffic, so as to provide for definitions; to allow the commissioner of
4 driver services to promulgate regulations limiting the retention of conviction and withdrawal
5 information on a driving record; to modify the department's use of the SAVE program; to
6 provide that a driver's license suspended in another state may be reinstated; to change the
7 classifications for licenses issued to noncommercial classes of motor vehicles; to change
8 requirements relating to the expiration and renewal of certain licenses; to provide that fees
9 paid to counties for reporting information contained on the uniform citation form shall be
10 subject to appropriations; to delete the requirement of notice by certified mail; to provide for
11 proper handling of suspensions when multiple convictions are obtained; to require permit
12 drivers to surrender their permits upon certain convictions; to revise the requirements for
13 submission of fingerprints; to revise certain provisions relating to issuance of identification
14 cards; to prohibit unauthorized scanning of licenses, permits, and identification cards; to
15 provide that the international handicapped symbol shall be displayed on identification cards
16 issued to persons with disabilities; to revise the requirements for formatting identification
17 cards issued to persons with disabilities; to provide for electronic signatures on uniform
18 traffic citations; to provide the department with the power to contract for goods and services;
19 to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
20 businesses, so as to provide for fingerprinting of certain licensees; to amend Title 46 of the
21 Official Code of Georgia Annotated, relating to public utilities and transportation, so as to
22 provide for fingerprinting of chauffeurs; to provide that every motor carrier subject to
23 regulation by the Public Service Commission shall be provided information emphasizing that
24 it is illegal to allow persons under the age of 21 to possess or consume alcoholic beverages
25 while being transported; to provide for related matters; to provide an effective date; to repeal
26 conflicting laws; and for other purposes.

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 396

28 **SECTION 1.**

29 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 30 amended in Code Section 40-5-1, relating to definitions regarding drivers' licenses, by
 31 revising paragraph (12) as follows:

32 "(12) 'Mail' means to deposit in the United States mail properly addressed and with
 33 postage prepaid. For purposes of payment of a reinstatement or restoration fee for a
 34 driver's license suspension or revocation, 'mail' shall also mean payment via means other
 35 than personal appearance."

36 **SECTION 1.1.**

37 Said title is further amended in Code Section 40-5-2, relating to keeping of records of
 38 applications for drivers' licenses and keeping and disseminating information on licensees, by
 39 revising subsection (j) as follows:

40 "(j) The commissioner is authorized to promulgate any rules, regulations, or policies as are
 41 necessary to carry out the provisions of this Code section, including the promulgation of
 42 regulations limiting the retention of conviction and withdrawal information on a driving
 43 record. Notwithstanding the foregoing, any regulation relating to the retention of
 44 conviction and withdrawal information on a driving record shall apply the same retention
 45 schedule to both commercial and noncommercial drivers. In accordance with paragraph
 46 (6) of subsection (a) of Code Section 50-25-4, reasonable fees shall be assessed for
 47 furnishing information from records or data bases pursuant to provisions of this Code
 48 section; provided, however, that the fee for furnishing an abstract of a driver's record shall
 49 not exceed \$10.00."

50 **SECTION 2.**

51 Said title is further amended in Code Section 40-5-21.1, relating to drivers' licenses for
 52 noncitizens and evidence of lawful presence in the United States, by revising subsection (a)
 53 as follows:

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

- 56 (1) Admission to the United States in a valid, unexpired nonimmigrant status;
- 57 (2) A pending or approved application for asylum in the United States;
- 58 (3) Admission into the United States in refugee status;
- 59 (4) An approved application for temporary protected status in the United States;
- 60 (5) Approved deferred action status;

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

64 (7) Verification of lawful presence as provided by Code Section 40-5-21.2
 65 may be issued a temporary license, permit, or special identification card. Such temporary
 66 license, permit, or special identification card shall be valid only during the period of time
 67 of the applicant's authorized stay in the United States or ~~three~~ five years, whichever occurs
 68 first."

69 **SECTION 3.**

70 Said title is further amended in Code Section 40-5-21.2, relating to compliance with the
 71 Systematic Alien Verification for Entitlements Program, by revising subsection (b) as
 72 follows:

73 "(b) The department shall utilize the following procedures in this subsection before issuing
 74 an identification card, license, permit, or other official document to an applicant who is a
 75 noncitizen:

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

78 (2) If the SAVE program does not provide sufficient information to the department to
 79 make a determination, the department shall be authorized to accept verbal or e-mail
 80 confirmation of the legal status of the applicant from the Department of Homeland
 81 Security."

82 **SECTION 4.**

83 Said title is further amended in Code Section 40-5-52, relating to the suspension of a driver's
 84 license or operating privilege for conduct occurring in another state, by adding a new
 85 subsection to read as follows:

86 "(d) Whenever the department has suspended the license of a Georgia resident or refused
 87 to issue a driver's license to any person for conduct that occurred in another state, it shall
 88 review the suspension at least once every five years and shall reinstate the license if the
 89 department determines that the suspension is no longer warranted and the person would
 90 otherwise be eligible for a license."

91 **SECTION 5.**

92 Said title is further amended in Code Section 40-5-23, relating to classes of drivers' licenses,
 93 by revising subsection (c) as follows:

94 "(c) The noncommercial classes of motor vehicles for which operators may be licensed
95 shall be as follows:

96 Class C — Any single vehicle with a gross vehicle weight rating not in excess of 26,000
97 pounds, any such vehicle towing a vehicle with a gross vehicle weight rating not in
98 excess of 10,000 pounds, any such vehicle towing a vehicle with a gross vehicle weight
99 rating in excess of 10,000 pounds, provided that the combination of vehicles has a gross
100 combined vehicle weight rating not in excess of 26,000 pounds, and any self-propelled
101 or towed vehicle that is equipped to serve as temporary living quarters for recreational,
102 camping, or travel purposes and is used solely as a family or personal conveyance; except
103 that any combination of vehicles with a gross vehicle weight rating not in excess of
104 26,000 pounds may be operated under such class of license if such combination of
105 vehicles are controlled and operated by a farmer, used to transport agricultural products,
106 livestock, farm machinery, or farm supplies to or from a farm, and are not used in the
107 operations of a common or contract carrier;

108 Class D — Provisional license applicable to noncommercial Class C vehicles for which
109 an applicant desires a driver's license but is not presently licensed to drive;

110 Class ~~A~~ E — Any combination of vehicles with a gross vehicle weight rating of 26,001
111 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being
112 towed is in excess of 10,000 pounds, and all vehicles included within Class ~~B~~ F and Class
113 C;

114 Class ~~B~~ F — Any single vehicle with a gross vehicle weight rating of 26,001 pounds or
115 more, any such vehicle towing a vehicle with a gross vehicle weight rating not in excess
116 of 10,000 pounds, and all vehicles included within Class C;

117 Class M — Motorcycles, motor driven cycles, and three-wheeled motorcycles;

118 Class P — Instruction permit applicable to all types of vehicles for which an applicant
119 desires a driver's license but is not presently licensed to drive.

120 Any applicant for a Class ~~A~~ E or Class ~~B~~ F license must possess a valid Georgia driver's
121 license for Class C vehicles. A license issued pursuant to this Code section shall not be a
122 commercial driver's license."

123 SECTION 6.

124 Said title is further amended in Code Section 40-5-24, relating to instruction permits and
125 graduated licensing, by revising subsection (d) as follows:

126 "(d) Any resident of this state who is at least 18 years of age may apply to the department
127 for an instruction permit to operate noncommercial vehicles in Classes ~~A~~ E and ~~B~~ F. Such
128 permits may be issued only to persons with valid commercial or noncommercial Class C
129 licenses or persons who have passed all required tests for a commercial or noncommercial

130 Class C license. The department shall, after the applicant has successfully passed all parts
 131 of the appropriate examination other than the skill and driving test, issue to the applicant
 132 an instruction permit which shall entitle the applicant, while having the permit in his or her
 133 immediate possession, to operate a vehicle of the appropriate noncommercial class upon
 134 the public highways for a period of 12 months when accompanied by a licensed driver,
 135 qualified in the vehicle being operated, who is fit and capable of exercising control over
 136 the vehicle, and who is occupying a seat beside the driver as an instructor. Prior to being
 137 issued a driver's license for Classes ~~A E~~ and ~~B F~~, the applicant shall pass a knowledge and
 138 skill test for driving a Class ~~A E~~ or ~~B F~~ vehicle as provided by the commissioner."

139 **SECTION 7.**

140 Said title is further amended in Code Section 40-5-25, relating to driver's license applications
 141 and fees, by revising subsections (a) and (b) as follows:

142 "(a) Every application for an instruction permit or for a driver's license shall be made
 143 upon a form furnished by the department. Every application shall be accompanied by the
 144 proper license fee. The fees shall be as established by the commissioner, not to exceed:

145 (1) For instruction permits for Classes A, B , C, <u>E, F</u> , and M driver's	
146 licenses and for Class D drivers' licenses	\$ 10.00
147 (2) For five-year Classes A, B , C, <u>E, F</u> , and M noncommercial drivers'	
148 licenses	20.00
149 (2.1) For ten-year <u>eight-year</u> Classes A, B , C, <u>E, F</u> , and M	
150 noncommercial drivers' licenses	35.00
151 (3) For Classes A, B, C, and M commercial drivers' licenses	20.00
152 (4) For application for Classes A, B, C, and M commercial drivers'	
153 licenses or a Class P commercial driver's instruction permit	35.00
154 (5) For Class P commercial drivers' instruction permits for Classes A, B,	
155 C, and M commercial drivers' licenses	10.00
156 (6) For Classes A, B, C, and M commercial drivers' licenses, initial	
157 issuance requiring a road test	70.00
158 (7) For Classes A, B, C, and M commercial drivers' licenses, initial	
159 issuance not requiring a road test	20.00
160 (8) For renewal of Classes A, B, C, and M commercial drivers' licenses	20.00
161 (8.1) For renewal of five-year Classes A, B , C, <u>E, F</u> , and M	
162 noncommercial drivers' licenses	20.00
163 (8.2) For renewal of ten-year <u>eight-year</u> Classes A, B , C, <u>E, F</u> , and M	
164 noncommercial drivers' licenses	35.00

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

169 The commissioner may by rule provide incentive discounts in otherwise applicable fees
 170 reflecting cost savings to the department where a license is renewed by means other than
 171 personal appearance. The discount for renewal of a Class C or Class M license shall be
 172 \$5.00 and any other discounts shall be as determined by the commissioner. Except as
 173 provided in Code Section 40-5-36, relating to veterans' licenses, and Code Section
 174 40-5-149, relating to application fees for public school bus drivers, there shall be no
 175 exceptions to the fee requirements for a commercial driver's license or a commercial
 176 driver's license permit. Notwithstanding any other provision of this Code section, there
 177 shall be no fee whatsoever for replacement of any driver's license solely due to a change
 178 of the licensee's name or address, provided that such replacement license shall be valid only
 179 for the remaining period of such original license; and provided, further, that only one such
 180 free replacement license may be obtained within the period for which the license was
 181 originally issued. Any application for the replacement of a lost license pursuant to Code
 182 Section 40-5-31 or due to a change in the licensee's name or address submitted within 150
 183 days of the expiration of said license shall be treated as an application for renewal subject
 184 to the applicable license fees as set forth in this subsection.

185 (b)(1) Each person applying for a Class P commercial or noncommercial instruction
 186 permit for a Class A, B, C, E, F, or M driver's license shall pay the applicable license fee
 187 prior to attempting the knowledge test for the instruction permit sought. If said person
 188 fails to achieve a passing score on the knowledge test, the license fee paid shall be
 189 considered a testing fee and retained by the department. Any person failing to achieve
 190 a passing score on the knowledge test for an instructional permit shall pay the applicable
 191 license fee on each subsequent attempt until successful, at which time said fee shall be
 192 his or her license fee.

193 (2) Each person applying for a Class A, ~~or B,~~ or C commercial driver's license shall pay
 194 the applicable license fee at the time that he or she schedules his or her appointment for
 195 said skills test. If said person fails to appear for his or her scheduled skills test
 196 appointment or fails to achieve a passing score on the skills test, the license fee paid shall
 197 be considered a testing fee and retained by the department. The person shall pay the
 198 applicable license fee on each subsequent attempt until successful, at which time said fee
 199 shall be his or her license fee. All fees retained by the department pursuant to this Code
 200 section shall be remitted to the general fund."

201 **SECTION 8.**

202 Said title is further amended in Code Section 40-5-28, relating to the contents of drivers'
 203 licenses and prohibition of biological identifiers, by revising subsection (a) as follows:

204 "(a) The department shall, upon payment of the required fee, issue to every applicant
 205 qualifying therefor a driver's license indicating the type or general class of vehicles the
 206 licensee may drive, which license shall be upon a form prescribed by the department and
 207 which shall bear thereon a distinguishing number assigned to the licensee, a color
 208 photograph of the licensee, the licensee's full legal name, either a facsimile of the signature
 209 of the licensee or a space upon which the licensee shall write his or her usual signature with
 210 a pen and ink immediately upon receipt of the license, and such other information or
 211 identification as is required by the department. No license shall be valid until it has been
 212 so signed by the licensee. The department shall not require applicants to submit or
 213 otherwise obtain from applicants any fingerprints or any other biological characteristic or
 214 information which uniquely identifies an individual, including without limitation
 215 deoxyribonucleic acid (DNA) and retinal scan identification characteristics but not
 216 including a photograph, by any means upon application."

217

218 **SECTION 9.**

219 Said title is further amended in Code Section 40-5-32, relating to the expiration and renewal
 220 of drivers' licenses, by revising subsection (a) as follows:

221 "(a)(1) Except as otherwise provided in this Code section, every driver's license shall
 222 expire on the licensee's birthday in the fifth year following the issuance of such license.
 223 Notwithstanding the foregoing, any commercial license that contains an H or X
 224 endorsement as defined in subsection (c) of Code Section 40-5-150 shall expire on the
 225 date of expiration of the licensee's security threat assessment conducted by the
 226 Transportation Security Administration of the United States Department of Homeland
 227 Security. An applicant for a Class ~~A, B~~, C, E, F, or M noncommercial driver's license
 228 who is under age 60 shall at the applicant's option apply for a license which shall expire
 229 on the licensee's birthday in the fifth or ~~tenth~~ eighth year following the issuance of such
 230 license. Every such license shall be renewed on or before its expiration upon application,
 231 payment of the required fee, and, if applicable, satisfactory completion of the
 232 examination required or authorized by subsection (c) of this Code section.

233 (2) Except as otherwise provided by subsection (c) of this Code section, every veteran's
 234 or honorary license shall ~~be valid~~ expire on the licensee's birthday in the eighth year
 235 following the issuance thereof until the holder reaches age 65 and shall thereafter be
 236 subject to renewal pursuant to paragraph (1) of this subsection on or before his or her

237 birthday every five years. The department may allow a veteran or honorary license
 238 holder to retain his or her expired veteran's or honorary license as a souvenir.
 239 (3) The commissioner shall issue such rules and regulations as are required to enforce
 240 this subsection."

241 **SECTION 10.**

242 Said title is further amended by revising subsection (b) of Code Section 40-5-53, relating to
 243 the service of notice of suspensions by courts to the department, as follows:

244 "(b) Every court in each county of this state having jurisdiction over offenses committed
 245 under this chapter and Chapter 6 of this title or any other law of this state or ordinance
 246 adopted by a local authority regulating the operation of motor vehicles on highways shall
 247 forward to the department, within ten days after the conviction of any person in such court
 248 for a violation of any such law other than regulations governing speeding in a
 249 noncommercial motor vehicle for which no points are assigned under Code Section
 250 40-5-57, standing, or parking, a uniform citation form authorized by Article 1 of Chapter
 251 13 of this title. Notwithstanding any other provision of this title, in satisfaction of the
 252 reporting requirement of this subsection, the courts of this state shall transmit the
 253 information contained on the uniform citation form by electronic means, using the
 254 electronic reporting method approved by the department. Subject to appropriations by the
 255 General Assembly, the ~~The~~ department shall pay to the clerk of the court forwarding the
 256 required report 40¢ for each report transmitted electronically in a timely manner as required
 257 in this subsection; and notwithstanding any general or local law to the contrary, the clerk
 258 shall pay such fees over to the general fund of the city or county operating the court."

259 **SECTION 11.**

260 Reserved.

261 **SECTION 12.**

262 Said title is further amended in Code Section 40-5-56, relating to drivers' license suspensions
 263 for failure to appear and respond to traffic citations, by revising subsection (a) as follows:

264 "(a) Notwithstanding any other provisions of this chapter or any other law to the contrary,
 265 the department shall suspend the driver's license or privilege to operate a motor vehicle in
 266 this state of any person who has failed to respond to a citation to appear before a court of
 267 competent jurisdiction in this state or in any other state for a traffic violation other than a
 268 parking violation. The department shall include language in the uniform traffic citation
 269 stating that failure to appear and respond to such citation shall result in the suspension of
 270 the violator's driver's license or nonresident driving privilege. The language reflected on

271 a uniform traffic citation issued in this state shall be sufficient notice of said suspension to
 272 support a conviction for a violation of Code Section 40-5-121 if such person drives
 273 subsequent to the imposition of such a suspension following his or her failure to appear.
 274 Notwithstanding the foregoing, the department shall send notice of any suspension imposed
 275 pursuant to this Code section. Such notice shall be sent via certified mail to the address
 276 reflected on its records as the person's mailing address. ~~The mailing of such notice by the~~
 277 ~~department shall be deemed conclusively to be notice to such person of the suspension of~~
 278 ~~his or her driver's license and shall be deemed to satisfy all notice requirements of law, and~~
 279 ~~no further notice to the owner shall be required for the suspension provided for in this Code~~
 280 ~~section.~~ Proof of receipt of said notice shall be admissible to support a conviction for a
 281 violation of Code Section 40-5-121 if such person drives subsequent to the imposition of
 282 such a suspension following his or her failure to appear."

283

SECTION 13.

284 Said title is further amended in Code Section 40-5-63, relating to periods of license
 285 suspensions and conditions prior to return of license, by revising subsection (a) as follows:
 286 "(a) The driver's license of any person convicted of an offense listed in Code Section
 287 40-5-54 or of violating Code Section 40-6-391, unless the driver's license has been
 288 previously suspended pursuant to Code Sections 40-5-67.1 and 40-5-67.2, shall by
 289 operation of law be suspended and such suspension shall be subject to the following terms
 290 and conditions; provided, however, that any person convicted of a drug related offense
 291 pursuant to Code Section 40-6-391 shall be governed by the suspension requirements of
 292 Code Section 40-5-75; and further provided that each charge for which a conviction was
 293 obtained shall be treated as a separate transaction for the purpose of imposing a license
 294 suspension hereunder, even if said convictions arise from a single incident; and further
 295 provided that the department shall treat each conviction received in the order in which said
 296 convictions are processed even if it is not the order in which said offenses occurred:"

297

SECTION 14.

298 Said title is further amended in Code Section 40-5-64, relating to limited driving permits for
 299 certain offenders, by revising subsections (d) and (e) as follows:

300 "(d) *Conditions attached.* A limited driving permit shall be endorsed with such conditions
 301 as the commissioner deems necessary to ensure that such permit will be used by the
 302 permittee only to avoid the conditions of extreme hardship. Such conditions may include
 303 the following restrictions:

304 (1) Specific places between which the permittee may be allowed to operate a motor
 305 vehicle;

306 (2) Routes to be followed by the permittee;
307 (3) Times of travel;
308 (4) The specific vehicles which the permittee may operate;
309 (4.1) The installation and use of an ignition interlock device in accordance with Article
310 7 of Chapter 8 of Title 42, which shall be required for any permittee who is applying for
311 an ignition interlock limited driving permit; and
312 (5) Such other restrictions as the department may require.

313 (e) *Fees, duration, renewal, and replacement of permit.* A permit issued pursuant to this
314 Code section shall be \$25.00 and shall become invalid upon the driver's eighteenth birthday
315 in the case of a suspension under paragraph (2) of subsection (a.1) of Code Section
316 40-5-22, upon the expiration of one year following issuance thereof in the case of a
317 suspension for an offense listed in Code Section 40-5-54 or a suspension under Code
318 Section 40-5-57, or a suspension in accordance with paragraph (1) of subsection (a) of
319 Code Section 40-5-63 for a violation of Code Section 40-6-391, upon the expiration of 30
320 days in the case of an administrative license suspension in accordance with paragraph (1)
321 of subsection (a) of Code Section 40-5-67.2, or upon the expiration of six months following
322 proof of installation of an ignition interlock device in the case of a limited driving permit
323 issued to a person subject to a court order for installation and use of such a device pursuant
324 to Article 7 of Chapter 8 of Title 42; except that such limited driving permit shall expire
325 upon any earlier reinstatement of the driver's license. A person may apply to the
326 department for a limited driving permit immediately following such conviction if he or she
327 has surrendered his or her driver's license to the court in which the conviction was adjudged
328 or to the department if the department has processed the citation or conviction. Upon the
329 applicant's execution of an affidavit attesting to such facts and to the fact that the court had
330 not imposed a suspension or revocation of his or her driver's license or driving privileges
331 inconsistent with the driving privileges to be conferred by the limited driving permit
332 applied for, the department may issue such person a limited driving permit. Permits issued
333 pursuant to this Code section are renewable upon payment of a renewal fee of \$5.00.
334 Permits may be renewed until the person has his or her license reinstated for the violation
335 that was the basis of the issuance of the permit. Upon payment of a fee in an amount the
336 same as that provided by Code Section 40-5-25 for issuance of a Class C driver's license,
337 a person may be issued a replacement for a lost or destroyed ~~probationary driver's license~~
338 limited driving permit issued to him or her."

339 **SECTION 15.**

340 Said title is further amended in Code Section 40-5-75, relating to license suspensions by
 341 operation of law for drug convictions, by adding a new subsection and revising subsection
 342 (i) as follows:

343 "(a.1) Any permittee who is convicted of violating any state law or local ordinance relating
 344 to the movement of vehicles or any permittee who is convicted of violating the conditions
 345 endorsed on his or her permit shall have his or her permit revoked by the department. Any
 346 court in which such conviction is had shall require the permittee to surrender the permit to
 347 the court, and the court shall forward it to the department within ten days after the
 348 conviction, with a copy of the conviction. Any person whose limited driving permit has
 349 been revoked shall not be eligible to apply for a driver's license until six months from the
 350 date such permit was surrendered to the department."

351 "(i) Notwithstanding any other provision of this chapter to the contrary, the suspension
 352 imposed pursuant to this Code section shall be in addition to and run consecutively to any
 353 other suspension imposed by the department at the time of the conviction that results in
 354 said suspension. If the person has never been issued a driver's license in the State of
 355 Georgia or holds a driver's license issued by another state, the person shall not be eligible
 356 for a driver's license for the applicable period of suspension following his or her
 357 submission of an application for issuance thereof."

358 **SECTION 16.**

359 Said title is further amended in Code Section 40-5-82, relating to driver improvement clinics,
 360 by revising subsection (e) as follows:

361 "(e) The department shall conduct a records check for any applicant for certification as an
 362 operator, director, or instructor of a DUI Alcohol or Drug Use Risk Reduction Program.
 363 Each applicant shall submit ~~two sets~~ at least one set of classifiable fingerprints to the
 364 department in accordance with the fingerprint system of identification established by the
 365 director of the Federal Bureau of Investigation. The department shall transmit ~~both sets of~~
 366 the fingerprints to the Georgia Crime Information Center, which shall submit ~~one set of the~~
 367 fingerprints to the Federal Bureau of Investigation for a search of bureau records and an
 368 appropriate report and shall ~~retain one set and~~ promptly conduct a search of state records
 369 based upon the fingerprints. After receiving the report from the Georgia Crime
 370 Information Center and the Federal Bureau of Investigation, the department shall determine
 371 whether the applicant may be certified. No applicant shall be certified who has previously
 372 been convicted of a felony. The department shall promulgate rules and regulations
 373 regarding certification requirements, including restrictions regarding misdemeanor
 374 convictions. No applicant shall be certified unless he or she is a United States citizen, or

375 if not a citizen, he or she presents federal documentation verified by the United States
 376 Department of Homeland Security to be valid documentary evidence of lawful presence
 377 in the United States under federal immigration law."

378 **SECTION 17.**

379 Said title is further amended in Code Section 40-5-83, relating to establishment and approval
 380 of driver improvement clinics and programs, by adding a new subsection to read as follows:

381 "(f)(1) Each applicant for certification to own or operate a driver improvement clinic
 382 shall submit at least one set of classifiable electronically recorded fingerprints to the
 383 department in accordance with the fingerprint system of identification established by the
 384 director of the Federal Bureau of Investigation. The department shall transmit the
 385 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
 386 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
 387 report and promptly conduct a search of state records based upon the fingerprints. After
 388 receiving the report from the Georgia Crime Information Center and the Federal Bureau
 389 of Investigation, the department shall determine whether the applicant may be certified.
 390 (2) No applicant shall be certified unless he or she is a United States citizen, or if not a
 391 citizen, he or she presents federal documentation verified by the United States
 392 Department of Homeland Security to be valid documentary evidence of lawful presence
 393 in the United States under federal immigration law."

394 **SECTION 18.**

395 Said title is further amended in Code Section 40-5-100, relating to the issuance of
 396 identification cards by the department, by revising subsection (b) as follows:

397 "(b) The identification card shall be valid for a period of five or ~~ten~~ eight years, at the
 398 option of the applicant, and shall bear the signatures of the commissioner and the Governor
 399 and shall bear an identification card number which shall not be the same as the social
 400 security number."

401 **SECTION 19.**

402 Said title is further amended in Code Section 40-5-103, relating to identification card fees,
 403 by revising subsection (a) as follows:

404 "(a) Except as provided in Code Section 40-5-21.1 and subsections (b) and (c) of this Code
 405 section, the department shall collect a fee of \$20.00 for a five-year card and a fee of \$35.00
 406 for a ~~ten-year~~ an eight-year card, which fee shall be deposited in the state treasury in the
 407 same manner as other motor vehicle driver's license fees."

408

SECTION 20.

409 Said title is further amended in Code Section 40-5-120, relating to unlawful use of drivers'
 410 licenses or identification cards, by deleting "or" at the end of paragraph (3), substituting
 411 "; or" for the period at the end of paragraph (4), and adding a new paragraph (5) to read as
 412 follows:

413 "(5) Scan another person's driver's license, permit, or identification card without the
 414 person's prior knowledge and consent. If a person consents to the scanning of his or her
 415 driver's license, permit, or identification card, the information collected may be stored
 416 and used for any legitimate purpose. Each unlawful act of storage, disclosure, or usage
 417 in violation of this paragraph shall be considered a separate violation of this Code section.
 418 This prohibition shall not apply to law enforcement officers or any governmental entity
 419 that scans a driver's license, permit, or identification card to verify the contents thereof
 420 or to gather information for use for any governmental purpose."

421

SECTION 21.

422 Said title is further amended in Code Section 40-5-171, relating to the issuance and contents
 423 of identification cards for persons with disabilities, by revising subsection (a) and adding a
 424 new subsection to read as follows:

425 "(a) The department shall issue personal identification cards to persons with disabilities
 426 who make application to the department in accordance with rules and regulations
 427 prescribed by the commissioner. The identification card for persons with disabilities shall
 428 ~~prominently display the international handicapped symbol and, in addition to any other~~
 429 ~~information required by this article, may contain a recent color photograph of the applicant~~
 430 and the following information:

- 431 (1) Full legal name;
- 432 (2) Address of residence;
- 433 (3) Birth date;
- 434 (4) Date identification card was issued;
- 435 (5) Date identification card expires;
- 436 (6) Sex;
- 437 (7) Height;
- 438 (8) Weight;
- 439 (9) Eye color;
- 440 (10) ~~Location where the identification card was issued;~~
- 441 (11) Signature of person identified or facsimile thereof; and
- 442 (12)(11) Such other information as required by the department; provided, however, that
- 443 the department shall not require an applicant to submit or otherwise obtain from an

444 applicant any fingerprints or any other biological characteristic or information which
 445 uniquely identifies an individual, including without limitation deoxyribonucleic acid
 446 (DNA) and retinal scan identification characteristics but not including a photograph, by
 447 any means upon application."

448 "(c) In addition to the information required in subsection (a) of this Code section,
 449 identification cards issued to persons with disabilities shall display the international
 450 handicapped symbol on a location designated by the department. The department may
 451 display the international handicapped symbol on any driver's license or identification card
 452 issued pursuant to the provisions of this chapter upon receipt of the required documentation
 453 from the person requesting its inclusion."

454 **SECTION 22.**

455 Said title is further amended by revising Code Section 40-5-173, relating to the format of
 456 identification cards for persons with disabilities, as follows:

457 "40-5-173.

458 The face of the identification card for persons with disabilities shall prominently bear ~~the~~
 459 ~~words 'URGENT MEDICAL INFORMATION ON REVERSE.'~~ wording selected by the
 460 department that is indicative of the presence of urgent medical information on the reverse
 461 of the card. On the reverse side of the identification card shall be a space within which the
 462 ~~issuer of the card~~ department shall enter such medical information as the applicant may
 463 request. The department may print the urgent medical indicator and wording on the reverse
 464 of any driver's license or identification card upon receipt of the required documentation
 465 from the person requesting its inclusion."

466 **SECTION 23.**

467 Said title is further amended by revising Code Section 40-5-174, relating to identification
 468 cards for persons with disabilities with special transportation needs, as follows:

469 "40-5-174.

470 The face of the identification card for persons with disabilities shall bear the word
 471 'TRANSPORTATION' with a box or blank space adjacent thereto. ~~The issuer of the card~~
 472 department shall place an 'X' in such box or blank space if the applicant's disability creates
 473 mobility limitations which prevent him or her from climbing stairs or otherwise from
 474 entering normally designed buses or other vehicles normally used for public transportation.
 475 When so marked, the identification card for persons with disabilities shall serve as
 476 sufficient proof of the need for special transportation services for persons with disabilities
 477 provided by any entity in this state. The department may print the transportation indicator

478 on any driver's license or identification card upon receipt of the required documentation
 479 from the person requesting its inclusion."

480 **SECTION 24.**

481 Said title is further amended by revising Code Section 40-5-175, relating to identification
 482 cards for persons with disabilities with special seating needs at public events, as follows:

483 "40-5-175.

484 The identification card for persons with disabilities shall bear the word 'SEATING' with
 485 a box or blank space adjacent thereto. ~~The issuer of the card~~ department shall place an 'X'
 486 in such box or blank space if the applicant's disability creates mobility or health limitations
 487 which prevent him or her from climbing stairs or steep inclines. When so marked, the
 488 identification card for persons with disabilities shall be sufficient to admit the holder to
 489 seating for persons with disabilities at public events in this state. The department may print
 490 the priority seating indicator on any driver's license or identification card upon receipt of
 491 the required documentation from the person requesting its inclusion."

492 **SECTION 25.**

493 Said title is further amended in Code Section 40-13-2.1, relating to signatures required on
 494 uniform traffic citations, by adding a new subsection to read as follows:

495 "(c) The signature of any person to whom a citation is issued may be captured
 496 electronically."

497 **SECTION 26.**

498 Said title is further amended in Code Section 40-16-4, relating to the powers and duties of
 499 the commissioner, by adding a new subsection to read as follows:

500 "(f) The department shall have the authority to contract and make cooperative and rental
 501 agreements with the United States government; any county, municipality, or local
 502 government, or any combination thereof; any public or private corporation or firm; or any
 503 public authority, agency, commission, or institution, including agencies of state
 504 government, for the purpose of obtaining goods, materials, and services needed to perform
 505 any of the duties, responsibilities, or functions vested in the department."

506 **SECTION 27.**

507 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 508 is amended in Code Section 43-12A-6, relating to eligibility to operate an ignition interlock
 509 device provider center or to provide, install, or monitor ignition interlock devices, by deleting

510 "and" at the end of paragraph (3), substituting a semicolon for the period at the end of
 511 paragraph (4), and enacting new paragraphs (5) and (6) to read as follows:

512 "(5) Shall submit at least one set of classifiable electronically recorded fingerprints to the
 513 department in accordance with the fingerprint system of identification established by the
 514 director of the Federal Bureau of Investigation. The department shall transmit the
 515 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
 516 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
 517 report and promptly conduct a search of state records based upon the fingerprints. After
 518 receiving the report from the Georgia Crime Information Center and the Federal Bureau
 519 of Investigation, the department shall determine whether the applicant may be certified;
 520 and
 521 (6) Shall be a United States citizen, or if not a citizen, present federal documentation
 522 verified by the United States Department of Homeland Security to be valid documentary
 523 evidence of lawful presence in the United States under federal immigration law."

524 **SECTION 28.**

525 Said title is further amended in Code Section 43-13-4, relating to qualifications of driver
 526 training school operators, by deleting "and" at the end of paragraph (5), substituting a
 527 semicolon for the period at the end of paragraph (6), and enacting new paragraphs (7) and
 528 (8) to read as follows:

529 "(7) Submit at least one set of classifiable electronically recorded fingerprints to the
 530 department in accordance with the fingerprint system of identification established by the
 531 director of the Federal Bureau of Investigation. The department shall transmit the
 532 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
 533 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
 534 report and promptly conduct a search of state records based upon the fingerprints. After
 535 receiving the report from the Georgia Crime Information Center and the Federal Bureau
 536 of Investigation, the department shall determine whether the applicant may be certified;
 537 and
 538 (8) Be a United States citizen, or if not a citizen, present federal documentation verified
 539 by the United States Department of Homeland Security to be valid documentary evidence
 540 of lawful presence in the United States under federal immigration law."

541 **SECTION 29.**

542 Said title is further amended in Code Section 43-13-5, relating to qualifications for driver
 543 training school instructors, by deleting "and" at the end of paragraph (4), substituting a

544 semicolon for the period at the end of paragraph (5), and enacting new paragraphs (6) and
545 (7) to read as follows:

546 "(6) Submit at least one set of classifiable electronically recorded fingerprints to the
547 department in accordance with the fingerprint system of identification established by the
548 director of the Federal Bureau of Investigation. The department shall transmit the
549 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
550 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
551 report and promptly conduct a search of state records based upon the fingerprints. After
552 receiving the report from the Georgia Crime Information Center and the Federal Bureau
553 of Investigation, the department shall determine whether the applicant may be certified;
554 and
555 (7) Be a United States citizen, or if not a citizen, present federal documentation verified
556 by the United States Department of Homeland Security to be valid documentary evidence
557 of lawful presence in the United States under federal immigration law."

558 **SECTION 30.**

559 Said title is further amended by revising Code Section 43-13-6.1, relating to qualifications
560 for alcohol and drug awareness program instructors, as follows:

561 "43-13-6.1.

562 (a) The commissioner shall be authorized to issue a special license to the instructor of any
563 driver training school who is qualified to teach the alcohol and drug course prescribed in
564 subsection (b) of Code Section 20-2-142. A driver training school shall offer such alcohol
565 and drug course only through a qualified instructor and shall not charge a fee for such
566 course of more than \$25.00.

567 (b) Each applicant shall submit at least one set of classifiable electronically recorded
568 fingerprints to the department in accordance with the fingerprint system of identification
569 established by the director of the Federal Bureau of Investigation. The department shall
570 transmit the fingerprints to the Georgia Crime Information Center, which shall submit the
571 fingerprints to the Federal Bureau of Investigation for a search of bureau records and an
572 appropriate report and promptly conduct a search of state records based upon the
573 fingerprints. After receiving the report from the Georgia Crime Information Center and the
574 Federal Bureau of Investigation, the department shall determine whether the applicant may
575 be certified.

576 (c) The commissioner shall not issue a special license to any applicant unless he or she is
577 a United States citizen, or if not a citizen, he or she presents federal documentation verified
578 by the United States Department of Homeland Security to be valid documentary evidence
579 of lawful presence in the United States under federal immigration law."

580 **SECTION 31.**

581 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
 582 transportation, is amended by revising Code Section 46-7-85.10, relating to eligibility for a
 583 chauffeur's permit, as follows:

584 "46-7-85.10.

585 In order to secure a chauffeur's permit, an applicant must provide the following information
 586 on a form provided by the commissioner of driver services. The applicant must:

587 (1) Be at least 18 years of age;

588 (2) Possess a valid Georgia driver's license which is not limited as defined in Code
 589 Section 40-5-64; and

590 (3)(A) Not have been convicted, been on probation or parole, or served time on a
 591 sentence for a period of ~~five~~ ten years previous to the date of application for ~~the violation~~
 592 ~~of any of the following criminal offenses of this state or any other state or of the United~~
 593 ~~States: criminal homicide, rape, aggravated battery, mayhem, burglary, aggravated~~
 594 ~~assault, kidnapping, robbery, driving a motor vehicle while under the influence of~~
 595 ~~intoxicating beverages or drugs, child molestation, any sex related offense, leaving the~~
 596 ~~scene of an accident, criminal solicitation to commit any of the above, any felony in the~~
 597 ~~commission of which a motor vehicle was used, perjury or false swearing in making any~~
 598 ~~statement under oath in connection with the application for a chauffeur's permit, any law~~
 599 ~~involving violence or theft, or possession, sale, or distribution of narcotic drugs,~~
 600 ~~barbituric acid derivatives, or central nervous system stimulants; provided, however, that~~
 601 ~~all applicants shall be entitled to the full benefits of Article 3 of Chapter 8 of Title 42,~~
 602 ~~relating to first offender probation~~ any felony or any other crime of moral turpitude or a
 603 pattern of misdemeanors that evidences a disregard for the law unless he or she has
 604 received a pardon and can produce evidence of same. For the purposes of this paragraph,
 605 a plea of nolo contendere shall be considered to be a conviction, and a conviction for
 606 which a person has been free from custody and free from supervision for at least ten years
 607 shall not be considered a conviction unless the conviction is for a dangerous sexual
 608 offense which is contained in Code Section 42-1-12 or the criminal offense was
 609 committed against a victim who was a minor at the time of the offense

610 (B) ~~If at the time of application the applicant is charged with any of the offenses~~
 611 ~~described in subparagraph (A) of this paragraph, consideration of the application shall~~
 612 ~~be suspended until entry of a plea or verdict or dismissal.~~

613 (C) ~~If after the issuance of a permit a person is charged with any of the offenses~~
 614 ~~described in subparagraph (A) of this paragraph, the permit shall be suspended pending~~

615 ~~disposition of such charge. If the person is convicted of such charge, the permit shall~~
 616 ~~be revoked.~~

617 ~~(D) For purposes of this paragraph, a plea of nolo contendere to any of the offenses set~~
 618 ~~out in this paragraph shall constitute a conviction;~~

619 (4) Submit at least one set of classifiable electronically recorded fingerprints to the
 620 department in accordance with the fingerprint system of identification established by the
 621 director of the Federal Bureau of Investigation. The department shall transmit the
 622 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
 623 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
 624 report and promptly conduct a search of state records based upon the fingerprints. After
 625 receiving the report from the Georgia Crime Information Center and the Federal Bureau
 626 of Investigation, the department shall determine whether the applicant may be certified;
 627 and

628 (5) Be a United States citizen, or if not a citizen, present federal documentation verified
 629 by the United States Department of Homeland Security to be valid documentary evidence
 630 of lawful presence in the United States under federal immigration law."

631 **SECTION 32.**

632 Said title is further amended by adding a new Code section to read as follows:

633 "46-7-92.

634 Any carrier subject to the jurisdiction of the commission that transports passengers shall
 635 comply with the provisions of paragraph (1) of subsection (a) of Code Section 3-3-23,
 636 concerning consumption of alcoholic beverages by persons under the age of 21. The
 637 commission shall provide to all such carriers, at the time of registration or renewal of a
 638 certificate, an informational packet emphasizing the prohibition on alcohol consumption
 639 by persons under the age of 21 while being transported by the carrier."

640 **SECTION 33.**

641 This Act shall become effective on July 1, 2010.

642 **SECTION 34.**

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