

## House Bill 396

By: Representatives Graves of the 12<sup>th</sup>, Rice of the 51<sup>st</sup>, and Powell of the 29<sup>th</sup>

## 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 Chapter 5 of Title 40 of the Official Code of Georgia Annotated,  
 3 relating to drivers' licenses, so as to allow the commissioner of driver services to promulgate  
 4 regulations limiting the retention of conviction and withdrawal information on a driving  
 5 record; to provide for a fee for a temporary license or identification card; to provide that a  
 6 driver's license shall not be issued to a person with his or her license or driving privileges  
 7 suspended in another state; to change the classifications for licenses issued to noncommercial  
 8 classes of motor vehicles; to change the fees for certain licenses; to change requirements  
 9 relating to the expiration and renewal of certain licenses; to delete the requirement that the  
 10 department pay for electronic transmission of court records; to delete the requirement of  
 11 notice by certified mail in certain situations; to provide for proper handling of suspensions  
 12 when multiple convictions are obtained; to require permit drivers to surrender their permits  
 13 upon certain convictions; to revise the requirements for submission of fingerprints; to  
 14 prohibit unauthorized scanning of licenses, permits, and identification cards; to provide that  
 15 the international handicapped symbol shall be displayed on identification cards issued to  
 16 persons with disabilities; to revise the requirements for formatting identification cards; to  
 17 amend Chapter 13 of Title 40 of Official Code of Georgia Annotated, relating to prosecution  
 18 of traffic offenses, so as to provide for electronic signatures on uniform traffic citations; to  
 19 amend Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the  
 20 Department of Driver Services, so as to provide the department with the power to contract  
 21 for services; to amend Title 43 of the Official Code of Georgia Annotated, relating to  
 22 professions and businesses, so as to provide for fingerprinting of certain licensees; to amend  
 23 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and  
 24 transportation, so as to provide for fingerprinting of chauffeurs; to provide for related  
 25 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

27

**SECTION 1.**

28 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
 29 is amended in Code Section 40-5-2, relating to keeping of records of applications for drivers'  
 30 licenses and keeping and disseminating information on licensees, by revising subsection (j)  
 31 as follows:

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

42

**SECTION 2.**

43 Said chapter is further amended in Code Section 40-5-21.1, relating to drivers' licenses for  
 44 noncitizens and evidence of lawful presence in the United States, by revising paragraph (7)  
 45 of subsection (a) and enacting a new subsection (a.1) as follows:

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

51 (a.1) The fee for issuance or renewal of a temporary driver's license or identification card  
 52 shall be that established in Code Sections 40-5-25 and 40-5-100 for nontemporary drivers'  
 53 licenses and identification cards unless the applicant's period of authorized stay is less than  
 54 five years in which case the fee shall be \$5.00 for each full or partial year for which the  
 55 applicant is eligible for a temporary driver's license or identification card."

56

**SECTION 3.**

57 Said chapter is further amended in Code Section 40-5-22, relating to eligibility and  
 58 requirements for issuance of drivers' licenses, by revising subsection (c) as follows:

59 "(c) The department shall not issue any driver's license to nor renew the driver's license of  
 60 any person:

- 61 (1) Whose ~~license has~~ driver's license or driving privileges have been suspended during  
 62 such suspension, or whose ~~license has~~ driver's license or driving privileges have been  
 63 revoked, except as otherwise provided in this chapter;
- 64 (2) Whose ~~license is~~ driver's license or driving privileges are currently under suspension  
 65 or revocation in any other jurisdiction upon grounds which would authorize the  
 66 suspension or revocation of a driver's license or driving privileges under this chapter;
- 67 (3) Who is a habitual user of alcohol or any drug to a degree rendering him or her  
 68 incapable of safely driving a motor vehicle;
- 69 (4) Who has previously been adjudged to be afflicted with or suffering from any mental  
 70 disability or disease and who has not at the time of application been restored to  
 71 competency by the methods provided by law;
- 72 (5) Who is required by this chapter to take an examination, unless such person shall have  
 73 successfully passed such examination;
- 74 (6) Who the commissioner has good cause to believe would not, by reason of physical  
 75 or mental disability, be able to operate a motor vehicle with safety upon the highway; or
- 76 (7) Whose driver's license or driving privileges issued by any other jurisdiction ~~is~~ are  
 77 suspended or revoked by such other jurisdiction during the period such ~~license is~~ driver's  
 78 license or driving privileges are suspended or revoked by such other jurisdiction."

79

**SECTION 4.**

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

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

84 Class C — Any single vehicle with a gross vehicle weight rating not in excess of 26,000  
 85 pounds, any such vehicle towing a vehicle with a gross vehicle weight rating not in  
 86 excess of 10,000 pounds, any such vehicle towing a vehicle with a gross vehicle weight  
 87 rating in excess of 10,000 pounds, provided that the combination of vehicles has a gross  
 88 combined vehicle weight rating not in excess of 26,000 pounds, and any self-propelled  
 89 or towed vehicle that is equipped to serve as temporary living quarters for recreational,  
 90 camping, or travel purposes and is used solely as a family or personal conveyance; except  
 91 that any combination of vehicles with a gross vehicle weight rating not in excess of  
 92 26,000 pounds may be operated under such class of license if such combination of  
 93 vehicles are controlled and operated by a farmer, used to transport agricultural products,  
 94 livestock, farm machinery, or farm supplies to or from a farm, and are not used in the  
 95 operations of a common or contract carrier;

96 Class D — Provisional license applicable to noncommercial Class C vehicles for which  
 97 an applicant desires a driver's license but is not presently licensed to drive;  
 98 Class ~~A~~ E — Any combination of vehicles with a gross vehicle weight rating of 26,001  
 99 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being  
 100 towed is in excess of 10,000 pounds, and all vehicles included within Class ~~B~~ F and Class  
 101 C;  
 102 Class ~~B~~ F — Any single vehicle with a gross vehicle weight rating of 26,001 pounds or  
 103 more, any such vehicle towing a vehicle with a gross vehicle weight rating not in excess  
 104 of 10,000 pounds, and all vehicles included within Class C;  
 105 Class M — Motorcycles, motor driven cycles, and three-wheeled motorcycles;  
 106 Class P — Instruction permit applicable to all types of vehicles for which an applicant  
 107 desires a driver's license but is not presently licensed to drive.  
 108 Any applicant for a Class ~~A~~ E or Class ~~B~~ F license must possess a valid Georgia driver's  
 109 license for Class C vehicles. A license issued pursuant to this Code section shall not be a  
 110 commercial driver's license."

111 **SECTION 5.**

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

114 "(a) Every application for an instruction permit or for a driver's license shall be made upon  
 115 a form furnished by the department. Every application shall be accompanied by the proper  
 116 license fee. Except as provided in Code Section 40-5-21.1, the ~~The~~ fees shall be as  
 117 established by the commissioner, not to exceed:

118	(1) For instruction permits for Classes <del>A, B</del> , C, <u>E, F</u> , and M driver's	
119	licenses and for Class D drivers' licenses . . . . .	\$ 10.00
120	(2) For five-year Classes <del>A, B</del> , C, <u>E, F</u> , and M noncommercial drivers'	
121	licenses . . . . .	<del>20.00</del> <u>25.00</u>
122	(2.1) For <del>ten-year</del> <u>eight-year</u> Classes <del>A, B</del> , C, <u>E, F</u> , and M	
123	noncommercial drivers' licenses . . . . .	<del>35.00</del> <u>40.00</u>
124	(3) For Classes A, B, C, and M commercial drivers' licenses . . . . .	20.00
125	(4) For application for Classes A, B, C, and M commercial drivers'	
126	licenses or a Class P commercial driver's instruction permit . . . . .	35.00
127	(5) For Class P commercial drivers' instruction permits for Classes A, B,	
128	C, and M commercial drivers' licenses . . . . .	10.00
129	(6) For Classes A, B, C, and M commercial drivers' licenses, initial	
130	issuance requiring a road test . . . . .	70.00

131	(7) For Classes A, B, C, and M commercial drivers' licenses, initial	
132	issuance not requiring a road test . . . . .	20.00
133	(8) For renewal of Classes A, B, C, and M commercial drivers' licenses	20.00
134	(8.1) For renewal of five-year Classes <del>A, B</del> , C, <u>E, F</u> , and M	
135	noncommercial drivers' licenses . . . . .	<del>20.00</del> <u>25.00</u>
136	(8.2) For renewal of <del>ten-year</del> <u>eight-year</u> Classes <del>A, B</del> , C, <u>E, F</u> , and M	
137	noncommercial drivers' licenses . . . . .	<del>35.00</del> <u>40.00</u>
138	(9) Initial issuance of Classes A, B, C, and M commercial drivers'	
139	licenses and Class P commercial drivers' instruction permits shall include	
140	all endorsement fees within the license fee. Each endorsement added after	
141	initial licensing . . . . .	5.00

142 The commissioner may by rule provide incentive discounts in otherwise applicable fees  
 143 reflecting cost savings to the department where a license is renewed by means other than  
 144 personal appearance. The discount for renewal of a Class C or Class M license shall be  
 145 \$5.00 and any other discounts shall be as determined by the commissioner. Except as  
 146 provided in Code Section 40-5-36, relating to veterans' licenses, and Code Section  
 147 40-5-149, relating to application fees for public school bus drivers, there shall be no  
 148 exceptions to the fee requirements for a commercial driver's license or a commercial  
 149 driver's license permit. Notwithstanding any other provision of this Code section, there  
 150 shall be no fee whatsoever for replacement of any driver's license solely due to a change  
 151 of the licensee's name or address, provided that such replacement license shall be valid only  
 152 for the remaining period of such original license; and provided, further, that only one such  
 153 free replacement license may be obtained within the period for which the license was  
 154 originally issued. Any application for the replacement of a lost license pursuant to Code  
 155 Section 40-5-31 or due to a change in the licensee's name or address submitted within 150  
 156 days of the expiration of said license shall be treated as an application for renewal subject  
 157 to the applicable license fees as set forth in this subsection.

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

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

174 **SECTION 6.**

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

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

190

191 **SECTION 7.**

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

194 "(a)(1) Except as otherwise provided in this Code section, every driver's license shall  
 195 expire on the licensee's birthday in the fifth year following the issuance of such license.  
 196 Notwithstanding the foregoing, any commercial license that contains an H or X  
 197 endorsement as defined in subsection (c) of Code Section 40-5-150 shall expire on the date  
 198 of expiration of the licensee's security threat assessment conducted by the Transportation  
 199 Security Administration of the United States Department of Homeland Security. An  
 200 applicant for a Class ~~A, B, C, E, F,~~ or M noncommercial driver's license who is under age  
 201 60 shall at the applicant's option apply for a license which shall expire on the licensee's

202 birthday in the fifth or ~~tenth~~ eight year following the issuance of such license. Every such  
 203 license shall be renewed on or before its expiration upon application, payment of the  
 204 required fee, and, if applicable, satisfactory completion of the examination required or  
 205 authorized by subsection (c) of this Code section.

206 (2) Except as otherwise provided by subsection (c) of this Code section, every veteran's  
 207 or honorary license shall ~~be valid~~ expire on the licensee's birthday in the eighth year  
 208 following the issuance thereof until the holder reaches age 65 and shall thereafter be  
 209 subject to renewal pursuant to paragraph (1) of this subsection on or before his or her  
 210 birthday every five years. The department may allow a veteran or honorary license  
 211 holder to retain his or her expired veteran's or honorary license as a souvenir.

212 (3) The commissioner shall issue such rules and regulations as are required to enforce  
 213 this subsection."

#### 214 SECTION 8.

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

217 "(b) Every court in each county of this state having jurisdiction over offenses committed  
 218 under this chapter and Chapter 6 of this title or any other law of this state or ordinance  
 219 adopted by a local authority regulating the operation of motor vehicles on highways shall  
 220 forward to the department, within ten days after the conviction of any person in such court  
 221 for a violation of any such law other than regulations governing speeding in a  
 222 noncommercial motor vehicle for which no points are assigned under Code Section  
 223 40-5-57, standing, or parking, a uniform citation form authorized by Article 1 of Chapter  
 224 13 of this title. Notwithstanding any other provision of this title, in satisfaction of the  
 225 reporting requirement of this subsection, the courts of this state shall transmit the  
 226 information contained on the uniform citation form by electronic means, using the  
 227 electronic reporting method approved by the department. ~~The department shall pay to the~~  
 228 ~~clerk of the court forwarding the required report 40¢ for each report transmitted~~  
 229 ~~electronically in a timely manner as required in this subsection, and notwithstanding any~~  
 230 ~~general or local law to the contrary, the clerk shall pay such fees over to the general fund~~  
 231 ~~of the city or county operating the court."~~

#### 232 SECTION 9.

233 Said chapter is further amended in Code Section 40-5-54.1, relating to drivers' license  
 234 suspensions for nonpayment of child support, by revising subsection (b) as follows:

235 "(b) The department shall suspend, as provided in Code Sections 19-6-28.1 and 19-11-9.3,  
 236 the license of any driver upon receiving a record from the agency or a court of competent

237 jurisdiction stating that such driver is not in compliance with an order for child support.  
 238 The department shall send notice of any suspension imposed pursuant to this Code section:  
 239 ~~Such notice shall be sent via certified mail~~ to the address reflected on its records as the  
 240 driver's mailing address. The mailing of such notice by the department shall be deemed  
 241 conclusively to be notice to such driver of the suspension of his or her driver's license and  
 242 shall be deemed to satisfy all notice requirements of law, and no further notice to the driver  
 243 shall be required for the suspensions provided for in this Code section."

244 **SECTION 10.**

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

248 "(a) Notwithstanding any other provisions of this chapter or any other law to the contrary,  
 249 the department shall suspend the driver's license or privilege to operate a motor vehicle in  
 250 this state of any person who has failed to respond to a citation to appear before a court of  
 251 competent jurisdiction in this state or in any other state for a traffic violation other than a  
 252 parking violation. The department shall include language in the uniform traffic citation  
 253 stating that failure to appear and respond to such citation shall result in the suspension of  
 254 the violator's driver's license or nonresident driving privilege. The language reflected on  
 255 a uniform traffic citation issued in this state shall be sufficient notice of said suspension to  
 256 support a conviction for a violation of Code Section 40-5-121 if such person drives  
 257 subsequent to the imposition of such a suspension following his or her failure to appear.  
 258 Notwithstanding the foregoing, the department shall send notice of any suspension imposed  
 259 pursuant to this Code section. ~~Such notice shall be sent via certified mail~~ to the address  
 260 reflected on its records as the person's mailing address. ~~The mailing of such notice by the~~  
 261 ~~department shall be deemed conclusively to be notice to such person of the suspension of~~  
 262 ~~his or her driver's license and shall be deemed to satisfy all notice requirements of law, and~~  
 263 ~~no further notice to the owner shall be required for the suspension provided for in this Code~~  
 264 ~~section.~~ Proof of receipt of said notice shall be admissible to support a conviction for a  
 265 violation of Code Section 40-5-121 if such person drives subsequent to the imposition of  
 266 such a suspension following his or her failure to appear, but shall not be required to support  
 267 such a charge."

268 **SECTION 11.**

269 Said chapter is further amended in Code Section 40-5-63, relating to periods of license  
 270 suspensions and conditions prior to return of license, by revising subsection (a) as follows:

271 "(a) The driver's license of any person convicted of an offense listed in Code Section  
 272 40-5-54 or of violating Code Section 40-6-391, unless the driver's license has been  
 273 previously suspended pursuant to Code Sections 40-5-67.1 and 40-5-67.2, shall by  
 274 operation of law be suspended and such suspension shall be subject to the following terms  
 275 and conditions; provided, however, that any person convicted of a drug related offense  
 276 pursuant to Code Section 40-6-391 shall be governed by the suspension requirements of  
 277 Code Section 40-5-75; and further provided that each charge for which a conviction was  
 278 obtained shall be treated as a separate transaction for the purpose of imposing a license  
 279 suspension hereunder, even if said convictions arise from a single incident; and further  
 280 provided that the department shall treat each conviction received in the order in which said  
 281 convictions are processed even if it is not the order in which said offenses occurred:"

282

### SECTION 12.

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

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

- 289 (1) Specific places between which the permittee may be allowed to operate a motor  
 290 vehicle;
- 291 (2) Routes to be followed by the permittee;
- 292 (3) Times of travel;
- 293 (4) The specific vehicles which the permittee may operate;
- 294 (4.1) The installation and use of an ignition interlock device in accordance with Article  
 295 7 of Chapter 8 of Title 42, which shall be required for any permittee who is applying for  
 296 an ignition interlock limited driving permit; and
- 297 (5) Such other restrictions as the department may require.

298 (e) *Fees, duration, renewal, and replacement of permit.* A permit issued pursuant to this  
 299 Code section shall be \$25.00 and shall become invalid upon the driver's eighteenth birthday  
 300 in the case of a suspension under paragraph (2) of subsection (a.1) of Code Section  
 301 40-5-22, upon the expiration of one year following issuance thereof in the case of a  
 302 suspension for an offense listed in Code Section 40-5-54 or a suspension under Code  
 303 Section 40-5-57, or a suspension in accordance with paragraph (1) of subsection (a) of  
 304 Code Section 40-5-63 for a violation of Code Section 40-6-391, upon the expiration of 30  
 305 days in the case of an administrative license suspension in accordance with paragraph (1)  
 306 of subsection (a) of Code Section 40-5-67.2, or upon the expiration of six months following

307 proof of installation of an ignition interlock device in the case of a limited driving permit  
 308 issued to a person subject to a court order for installation and use of such a device pursuant  
 309 to Article 7 of Chapter 8 of Title 42; except that such limited driving permit shall expire  
 310 upon any earlier reinstatement of the driver's license. A person may apply to the  
 311 department for a limited driving permit immediately following such conviction if he or she  
 312 has surrendered his or her driver's license to the court in which the conviction was adjudged  
 313 or to the department if the department has processed the citation or conviction. Upon the  
 314 applicant's execution of an affidavit attesting to such facts and to the fact that the court had  
 315 not imposed a suspension or revocation of his or her driver's license or driving privileges  
 316 inconsistent with the driving privileges to be conferred by the limited driving permit  
 317 applied for, the department may issue such person a limited driving permit. Permits issued  
 318 pursuant to this Code section are renewable upon payment of a renewal fee of \$5.00.  
 319 Permits may be renewed until the person has his or her license reinstated for the violation  
 320 that was the basis of the issuance of the permit. Upon payment of a fee in an amount the  
 321 same as that provided by Code Section 40-5-25 for issuance of a Class C driver's license,  
 322 a person may be issued a replacement for a lost or destroyed ~~probationary driver's license~~  
 323 limited driving permit issued to him or her."

324

### SECTION 13.

325 Said chapter is further amended in Code Section 40-5-75, relating to license suspensions by  
 326 operation of law for drug convictions, by enacting a new subsection (a.1) and revising  
 327 subsection (i) as follows:

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

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

343 **SECTION 14.**

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

346 “(e) The department shall conduct a records check for any applicant for certification as an  
347 operator, ~~director,~~ or instructor of a DUI Alcohol or Drug Use Risk Reduction Program.  
348 Each applicant shall submit ~~two sets~~ at least one set of classifiable fingerprints to the  
349 department in accordance with the fingerprint system of identification established by the  
350 director of the Federal Bureau of Investigation. The department shall transmit ~~both sets of~~  
351 the fingerprints to the Georgia Crime Information Center, which shall submit ~~one set of the~~  
352 fingerprints to the Federal Bureau of Investigation for a search of bureau records and an  
353 appropriate report and shall ~~retain one set and~~ promptly conduct a search of state records  
354 based upon the fingerprints. After receiving the report from the Georgia Crime  
355 Information Center and the Federal Bureau of Investigation, the department shall determine  
356 whether the applicant may be certified. No applicant shall be certified who has previously  
357 been convicted of a felony. The department shall promulgate rules and regulations  
358 regarding certification requirements, including restrictions regarding misdemeanor  
359 convictions. No applicant shall be certified unless he or she is a United States citizen, or  
360 if not a citizen, he or she presents federal documentation verified by the United States  
361 Department of Homeland Security to be valid documentary evidence of lawful presence  
362 in the United States under federal immigration law.”

363 **SECTION 15.**

364 Said chapter is further amended in Code Section 40-5-83, relating to establishment and  
365 approval of driver improvement clinics and programs, by enacting a new subsection (f) as  
366 follows:

367 “(f)(1) Each applicant for certification to own or operate a driver improvement clinic  
368 shall submit at least one set of classifiable electronically recorded fingerprints to the  
369 department in accordance with the fingerprint system of identification established by the  
370 director of the Federal Bureau of Investigation. The department shall transmit the  
371 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints  
372 to the Federal Bureau of Investigation for a search of bureau records and an appropriate  
373 report, and promptly conduct a search of state records based upon the fingerprints. After  
374 receiving the report from the Georgia Crime Information Center and the Federal Bureau  
375 of Investigation, the department shall determine whether the applicant may be certified.  
376 (2) No applicant shall be certified unless he or she is a United States citizen, or if not a  
377 citizen, he or she presents federal documentation verified by the United States

378 Department of Homeland Security to be valid documentary evidence of lawful presence  
 379 in the United States under federal immigration law."

380 **SECTION 16.**

381 Said chapter is further amended in Code Section 40-5-100, relating to the issuance of  
 382 identification cards by the department, by revising paragraph (9) of subsection (a), subsection  
 383 (b), and paragraph (1) of subsection (c) as follows:

384 "~~(9) Location where the identification card was issued~~ Any other information or design  
 385 requirement set forth in 49 U.S.C. Section 30301 note and 6 C.F.R. Section 37.01, et seq.,  
 386 if such identification card is intended to be compliant with such requirement;"

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

391 (c)(1) No person may possess more than one identification card issued pursuant to this  
 392 Code section; provided, however, that this subsection shall not be construed to prevent  
 393 a resident of this state who possesses a driver's license from also possessing an  
 394 identification card issued under this article. Notwithstanding the foregoing, no person  
 395 may be issued both a driver's license and an identification card that is compliant with the  
 396 requirements of 49 U.S.C. Section 30301 note and 6 C.F.R. Section 37.01, et seq."

397 **SECTION 17.**

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

400 "(a) Except as provided in Code Section 40-5-21.1 and subsections (b) and (c) of this Code  
 401 section, the department shall collect a fee of ~~\$20.00~~ \$25.00 for a five-year card and a fee  
 402 of ~~\$35.00~~ \$40.00 for a ~~ten-year~~ an eight-year card, which fee shall be deposited in the state  
 403 treasury in the same manner as other motor vehicle driver's license fees."

404 **SECTION 18.**

405 Said chapter is further amended in Code Section 40-5-120, relating to unlawful use of  
 406 drivers' licenses or identification cards, by deleting "or" at the end of paragraph (3), deleting  
 407 the period and inserting "; or" at the end of paragraph (4), and enacting a new paragraph (5)  
 408 as follows:

409 "(5) Scan another person's driver's license, permit, or identification card without the  
 410 person's prior knowledge and consent. If a person consents to the scanning of his or her  
 411 driver's license, permit, or identification card, the information collected shall not be

412 stored, disclosed to any other person, or used for any purpose. Each act of storage,  
 413 disclosure, or usage in violation of this paragraph shall be considered a separate violation  
 414 of this Code section."

415 **SECTION 19.**

416 Said chapter is further amended in Code Section 40-5-150, relating to the contents of  
 417 commercial drivers' licenses, including endorsements and restrictions, by revising paragraph  
 418 (10) of subsection (a) as follows:

419 "(10) ~~The license fee and fees for any endorsements~~ Any other information or design  
 420 requirement set forth in 49 U.S.C. Section 30301 note and 6 C.F.R. Section 37.01, et seq.,  
 421 if such identification card is intended to be compliant with such requirement."

422 **SECTION 20.**

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

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

- 432 (1) Full legal name;  
 433 (2) Address of residence;  
 434 (3) Birth date;  
 435 (4) Date identification card was issued;  
 436 (5) Date identification card expires;  
 437 (6) Sex;  
 438 (7) Height;  
 439 (8) Weight;  
 440 (9) Eye color;  
 441 (10) ~~Location where the identification card was issued~~ Any other information or design  
 442 requirement set forth in 49 U.S.C. Section 30301 note and 6 C.F.R. Section 37.01, et seq.,  
 443 if such identification card is intended to be compliant with such requirement;  
 444 (11) Signature of person identified or facsimile thereof; and  
 445 (12) Such other information as required by the department; provided, however, that the  
 446 department shall not require an applicant to submit or otherwise obtain from an applicant

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

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

457 **SECTION 21.**

458 Said chapter is further amended in Code Section 40-5-173, relating to the format of  
 459 identification cards for persons with disabilities, by revising said Code section as follows:

460 "40-5-173.

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

469 **SECTION 22.**

470 Said chapter is further amended in Code Section 40-5-174, relating to identification cards for  
 471 persons with disabilities with special transportation needs, by revising said Code section as  
 472 follows:

473 "40-5-174.

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

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

484 **SECTION 23.**

485 Said chapter is further amended in Code Section 40-5-175, relating to identification cards for  
 486 persons with disabilities with special seating needs at public events, by revising said Code  
 487 section as follows:

488 "40-5-175.

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

497 **SECTION 24.**

498 Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to prosecution of  
 499 traffic offenses, is amended in Code Section 40-13-2.1, relating to signatures required on  
 500 uniform traffic citations, by enacting a new subsection (c) as follows:

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

503 **SECTION 25.**

504 Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the Department  
 505 of Driver Services, is amended in Code Section 40-16-4, relating to the powers and duties  
 506 of the commissioner, by adding a new subsection to read as follows:

507 "(f) The department shall have the authority to contract and make cooperative agreements,  
 508 contracts, and rental agreements with the United States government; any county,  
 509 municipality, or local government, or any combination thereof; any public or private  
 510 corporation or firm; any persons whatsoever; or any public authority, agency, commission,  
 511 or institution, including agencies of state government for any of the services, purposes,  
 512 duties, responsibilities, or functions vested in the department."

513

**SECTION 26.**

514 Chapter 12A of Title 43 of the Official Code of Georgia Annotated, relating to ignition  
 515 interlock device providers, is amended in Code Section 43-12A-6, relating to eligibility to  
 516 operate an ignition interlock device provider center or to provide, install, or monitor ignition  
 517 interlock devices, by deleting "and" at the end of paragraph (3), deleting the period and  
 518 inserting "; or" at the end of subparagraph (B) of paragraph (4), and enacting new paragraphs  
 519 (5) and (6) as follows:

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

532

**SECTION 27.**

533 Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors and  
 534 operators of driver training schools, is amended in Code Section 43-13-4, relating to  
 535 qualifications of driver training school operators, by deleting "and" at the end of paragraph  
 536 (5), deleting the period and inserting "; and" at the end of paragraph (6), and enacting new  
 537 paragraphs (7) and (8) as follows:

538 "(7) Submit at least one set of classifiable electronically recorded fingerprints to the  
 539 department in accordance with the fingerprint system of identification established by the  
 540 director of the Federal Bureau of Investigation. The department shall transmit the  
 541 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints  
 542 to the Federal Bureau of Investigation for a search of bureau records and an appropriate  
 543 report, and promptly conduct a search of state records based upon the fingerprints. After  
 544 receiving the report from the Georgia Crime Information Center and the Federal Bureau  
 545 of Investigation, the department shall determine whether the applicant may be certified;  
 546 and

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

550 **SECTION 28.**

551 Said chapter is further amended in Code Section 43-13-5, relating to qualifications for driver  
 552 training school instructors, by deleting "and" at the end of paragraph (4), deleting the period  
 553 and inserting "; and" at the end of paragraph (5), and enacting new paragraphs (6) and (7) as  
 554 follows:

555 "(6) Submit at least one set of classifiable electronically recorded fingerprints to the  
 556 department in accordance with the fingerprint system of identification established by the  
 557 director of the Federal Bureau of Investigation. The department shall transmit the  
 558 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints  
 559 to the Federal Bureau of Investigation for a search of bureau records and an appropriate  
 560 report, and promptly conduct a search of state records based upon the fingerprints. After  
 561 receiving the report from the Georgia Crime Information Center and the Federal Bureau  
 562 of Investigation, the department shall determine whether the applicant may be certified;  
 563 and

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

567 **SECTION 29.**

568 Said chapter is further amended in Code Section 43-13-6.1, relating to qualifications for  
 569 alcohol and drug awareness program instructors, by revising said Code section as follows:  
 570 "43-13-6.1.

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

576 (b) Each applicant shall submit at least one set of classifiable electronically recorded  
 577 fingerprints to the department in accordance with the fingerprint system of identification  
 578 established by the director of the Federal Bureau of Investigation. The department shall  
 579 transmit the fingerprints to the Georgia Crime Information Center, which shall submit the  
 580 fingerprints to the Federal Bureau of Investigation for a search of bureau records and an  
 581 appropriate report, and promptly conduct a search of state records based upon the

582 fingerprints. After receiving the report from the Georgia Crime Information Center and the  
 583 Federal Bureau of Investigation, the department shall determine whether the applicant may  
 584 be certified.

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

589 **SECTION 30.**

590 Chapter 7 of Title 46 of the Official Code of Georgia Annotated, relating to limousine  
 591 carriers, is amended in Code Section 46-7-85.10, relating to eligibility for a chauffeur's  
 592 permit, by revising said Code section as follows:

593 "46-7-85.10.

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

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

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

599 (3) Be of good moral character; and

600 ~~(3)~~(4)(A) Not have been convicted, been on probation or parole, or served time on a  
 601 sentence for a period of ~~five~~ ten years previous to the date of application for the violation  
 602 of any of the following criminal offenses of this state or any other state or of the United  
 603 States: criminal homicide, rape, aggravated battery, mayhem, burglary, aggravated  
 604 assault, kidnapping, robbery, driving a motor vehicle while under the influence of  
 605 intoxicating beverages or drugs, child molestation, any sex related offense, leaving the  
 606 scene of an accident, criminal solicitation to commit any of the above, any felony in the  
 607 commission of which a motor vehicle was used, perjury or false swearing in making any  
 608 statement under oath in connection with the application for a chauffeur's permit, any law  
 609 involving violence or theft, or possession, sale, or distribution of narcotic drugs,  
 610 barbituric acid derivatives, or central nervous system stimulants; provided, however, that  
 611 all applicants shall be entitled to the full benefits of Article 3 of Chapter 8 of Title 42,  
 612 relating to first offender probation.

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

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

618 disposition of such charge. If the person is convicted of such charge, the permit shall  
619 be revoked.

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

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

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

634 **SECTION 31.**

635 This Act shall become effective on January 1, 2010.

636 **SECTION 32.**

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