

The House Committee on Motor Vehicles offers the following substitute to HB 396:

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 that every motor
25 carrier subject to regulation by the Public Service Commission shall be provided information
26 emphasizing that it is illegal to allow persons under the age of 21 to possess or consume
27 alcoholic beverages while being transported; to provide for related matters; to provide an
28 effective date; to repeal conflicting laws; and for other purposes.

H. B. 396 (SUB)

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

30 **SECTION 1.**

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

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

45 **SECTION 2.**

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

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

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

59 **SECTION 3.**

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

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

64 (1) Whose ~~license has~~ driver's license or driving privileges have been suspended during
65 such suspension, or whose ~~license has~~ driver's license or driving privileges have been
66 revoked, except as otherwise provided in this chapter;

67 (2) Whose ~~license is~~ driver's license or driving privileges are currently under suspension
68 or revocation in any other jurisdiction upon grounds which would authorize the
69 suspension or revocation of a driver's license or driving privileges under this chapter;

70 (3) Who is a habitual user of alcohol or any drug to a degree rendering him or her
71 incapable of safely driving a motor vehicle;

72 (4) Who has previously been adjudged to be afflicted with or suffering from any mental
73 disability or disease and who has not at the time of application been restored to
74 competency by the methods provided by law;

75 (5) Who is required by this chapter to take an examination, unless such person shall have
76 successfully passed such examination;

77 (6) Who the commissioner has good cause to believe would not, by reason of physical
78 or mental disability, be able to operate a motor vehicle with safety upon the highway; or

79 (7) Whose driver's license or driving privileges issued by any other jurisdiction is are
80 suspended or revoked by such other jurisdiction during the period such ~~license is~~ driver's
81 license or driving privileges are suspended or revoked by such other jurisdiction."

82 **SECTION 4.**

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

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

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

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

114 **SECTION 5.**

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

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

- 121 (1) For instruction permits for Classes ~~A, B~~, C, E, F, and M driver's
 122 licenses and for Class D drivers' licenses \$ 10.00
- 123 (2) For five-year Classes ~~A, B~~, C, E, F, and M noncommercial drivers'
 124 licenses ~~20.00~~ 25.00
- 125 (2.1) For ~~ten-year~~ eight-year Classes ~~A, B~~, C, E, F, and M
 126 noncommercial drivers' licenses ~~35.00~~ 40.00
- 127 (3) For Classes A, B, C, and M commercial drivers' licenses ~~20.00~~ 25.00
- 128 (4) For application for Classes A, B, C, and M commercial drivers'
 129 licenses or a Class P commercial driver's instruction permit 35.00
- 130 (5) For Class P commercial drivers' instruction permits for Classes A, B,
 131 C, and M commercial drivers' licenses 10.00

132	(6) For Classes A, B, C, and M commercial drivers' licenses, initial	
133	issuance requiring a road test	70.00
134	(7) For Classes A, B, C, and M commercial drivers' licenses, initial	
135	issuance not requiring a road test	20.00 25.00
136	(8) For renewal of Classes A, B, C, and M commercial drivers' licenses	20.00 25.00
137	(8.1) For renewal of five-year Classes A, B , C, <u>E, F</u> , and M	
138	noncommercial drivers' licenses	20.00 25.00
139	(8.2) For renewal of ten-year <u>eight-year</u> Classes A, B , C, <u>E, F</u> , and M	
140	noncommercial drivers' licenses	35.00 40.00
141	(9) Initial issuance of Classes A, B, C, and M commercial drivers'	
142	licenses and Class P commercial drivers' instruction permits shall include	
143	all endorsement fees within the license fee. Each endorsement added after	
144	initial licensing	5.00

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

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

167 license fee on each subsequent attempt until successful, at which time said fee shall be
 168 his or her license fee.

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

177 **SECTION 6.**

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

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

193

194 **SECTION 7.**

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

197 "(a)(1) Except as otherwise provided in this Code section, every driver's license shall
 198 expire on the licensee's birthday in the fifth year following the issuance of such license.
 199 Notwithstanding the foregoing, any commercial license that contains an H or X
 200 endorsement as defined in subsection (c) of Code Section 40-5-150 shall expire on the date
 201 of expiration of the licensee's security threat assessment conducted by the Transportation
 202 Security Administration of the United States Department of Homeland Security. An

203 applicant for a Class ~~A, B,~~ C, E, F, or M noncommercial driver's license who is under age
 204 60 shall at the applicant's option apply for a license which shall expire on the licensee's
 205 birthday in the fifth or ~~tenth~~ eight year following the issuance of such license. Every such
 206 license shall be renewed on or before its expiration upon application, payment of the
 207 required fee, and, if applicable, satisfactory completion of the examination required or
 208 authorized by subsection (c) of this Code section.

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

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

217 SECTION 8.

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

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

235 SECTION 9.

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

238 "(b) The department shall suspend, as provided in Code Sections 19-6-28.1 and 19-11-9.3,
 239 the license of any driver upon receiving a record from the agency or a court of competent
 240 jurisdiction stating that such driver is not in compliance with an order for child support.
 241 The department shall send notice of any suspension imposed pursuant to this Code section:
 242 ~~Such notice shall be sent via certified mail~~ to the address reflected on its records as the
 243 driver's mailing address. The mailing of such notice by the department shall be deemed
 244 conclusively to be notice to such driver of the suspension of his or her driver's license and
 245 shall be deemed to satisfy all notice requirements of law, and no further notice to the driver
 246 shall be required for the suspensions provided for in this Code section."

247 **SECTION 10.**

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

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

271 **SECTION 11.**

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

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

285 **SECTION 12.**

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

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

- 292 (1) Specific places between which the permittee may be allowed to operate a motor
 293 vehicle;
- 294 (2) Routes to be followed by the permittee;
- 295 (3) Times of travel;
- 296 (4) The specific vehicles which the permittee may operate;
- 297 (4.1) The installation and use of an ignition interlock device in accordance with Article
 298 7 of Chapter 8 of Title 42, which shall be required for any permittee who is applying for
 299 an ignition interlock limited driving permit; and
- 300 (5) Such other restrictions as the department may require.

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

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

327 **SECTION 13.**

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

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

339 "(i) Notwithstanding any other provision of this chapter to the contrary, the suspension
 340 imposed pursuant to this Code section shall be in addition to and run consecutively to any
 341 other suspension imposed by the department at the time of the conviction that results in
 342 said suspension. If the person has never been issued a driver's license in the State of

343 Georgia or holds a driver's license issued by another state, the person shall not be eligible
 344 for a driver's license for the applicable period of suspension following his or her
 345 submission of an application for issuance thereof."

346 **SECTION 14.**

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

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

366 **SECTION 15.**

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

370 "(f)(1) Each applicant for certification to own or operate a driver improvement clinic
 371 shall submit at least one set of classifiable electronically recorded fingerprints to the
 372 department in accordance with the fingerprint system of identification established by the
 373 director of the Federal Bureau of Investigation. The department shall transmit the
 374 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
 375 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
 376 report, and promptly conduct a search of state records based upon the fingerprints. After

377 receiving the report from the Georgia Crime Information Center and the Federal Bureau
 378 of Investigation, the department shall determine whether the applicant may be certified.
 379 (2) No applicant shall be certified unless he or she is a United States citizen, or if not a
 380 citizen, he or she presents federal documentation verified by the United States
 381 Department of Homeland Security to be valid documentary evidence of lawful presence
 382 in the United States under federal immigration law."

383 **SECTION 16.**

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

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

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

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

400 **SECTION 17.**

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

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

407 **SECTION 18.**

408 Said chapter is further amended in Code Section 40-5-120, relating to unlawful use of
 409 drivers' licenses or identification cards, by deleting "or" at the end of paragraph (3), deleting

410 the period and inserting "; or" at the end of paragraph (4), and enacting a new paragraph (5)
 411 as follows:

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

420 **SECTION 19.**

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

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

427 **SECTION 20.**

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

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

- 437 (1) Full legal name;
- 438 (2) Address of residence;
- 439 (3) Birth date;
- 440 (4) Date identification card was issued;
- 441 (5) Date identification card expires;
- 442 (6) Sex;
- 443 (7) Height;
- 444 (8) Weight;

445 (9) Eye color;

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

449 (11) Signature of person identified or facsimile thereof; and

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

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

462 **SECTION 21.**

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

465 "40-5-173.

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

474 **SECTION 22.**

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

478 "40-5-174.

479 The face of the identification card for persons with disabilities shall bear the word
 480 'TRANSPORTATION' with a box or blank space adjacent thereto. ~~The issuer of the card~~
 481 department shall place an 'X' in such box or blank space if the applicant's disability creates
 482 mobility limitations which prevent him or her from climbing stairs or otherwise from
 483 entering normally designed buses or other vehicles normally used for public transportation.
 484 When so marked, the identification card for persons with disabilities shall serve as
 485 sufficient proof of the need for special transportation services for persons with disabilities
 486 provided by any entity in this state. The department may print the transportation indicator
 487 on any driver's license or identification card upon receipt of the required documentation
 488 from the person requesting its inclusion."

489 **SECTION 23.**

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

493 "40-5-175.

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

502 **SECTION 24.**

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

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

508 **SECTION 25.**

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

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

518 **SECTION 26.**

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

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

537 **SECTION 27.**

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

543 "(7) Submit at least one set of classifiable electronically recorded fingerprints to the
 544 department in accordance with the fingerprint system of identification established by the
 545 director of the Federal Bureau of Investigation. The department shall transmit the
 546 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints

547 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
 548 report, and promptly conduct a search of state records based upon the fingerprints. After
 549 receiving the report from the Georgia Crime Information Center and the Federal Bureau
 550 of Investigation, the department shall determine whether the applicant may be certified;
 551 and
 552 (8) Be a United States citizen, or if not a citizen, present federal documentation verified
 553 by the United States Department of Homeland Security to be valid documentary evidence
 554 of lawful presence in the United States under federal immigration law."

555 **SECTION 28.**

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

560 "(6) Submit at least one set of classifiable electronically recorded fingerprints to the
 561 department in accordance with the fingerprint system of identification established by the
 562 director of the Federal Bureau of Investigation. The department shall transmit the
 563 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
 564 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
 565 report, and promptly conduct a search of state records based upon the fingerprints. After
 566 receiving the report from the Georgia Crime Information Center and the Federal Bureau
 567 of Investigation, the department shall determine whether the applicant may be certified;
 568 and
 569 (7) Be a United States citizen, or if not a citizen, present federal documentation verified
 570 by the United States Department of Homeland Security to be valid documentary evidence
 571 of lawful presence in the United States under federal immigration law."

572 **SECTION 29.**

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

575 "43-13-6.1.

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

581 (b) Each applicant shall submit at least one set of classifiable electronically recorded
 582 fingerprints to the department in accordance with the fingerprint system of identification
 583 established by the director of the Federal Bureau of Investigation. The department shall
 584 transmit the fingerprints to the Georgia Crime Information Center, which shall submit the
 585 fingerprints to the Federal Bureau of Investigation for a search of bureau records and an
 586 appropriate report, and promptly conduct a search of state records based upon the
 587 fingerprints. After receiving the report from the Georgia Crime Information Center and the
 588 Federal Bureau of Investigation, the department shall determine whether the applicant may
 589 be certified.

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

594 **SECTION 30.**

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

598 "46-7-85.10.

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

- 601 (1) Be at least 18 years of age;
- 602 (2) Possess a valid Georgia driver's license which is not limited as defined in Code
 603 Section 40-5-64; and
- 604 (3)~~(A)~~ Not have been convicted, been on probation or parole, or served time on a
 605 sentence for a period of ~~five~~ ten years previous to the date of application for ~~the violation~~
 606 ~~of any of the following criminal offenses of this state or any other state or of the United~~
 607 ~~States: criminal homicide, rape, aggravated battery, mayhem, burglary, aggravated~~
 608 ~~assault, kidnapping, robbery, driving a motor vehicle while under the influence of~~
 609 ~~intoxicating beverages or drugs, child molestation, any sex related offense, leaving the~~
 610 ~~scene of an accident, criminal solicitation to commit any of the above, any felony in the~~
 611 ~~commission of which a motor vehicle was used, perjury or false swearing in making any~~
 612 ~~statement under oath in connection with the application for a chauffeur's permit, any law~~
 613 ~~involving violence or theft, or possession, sale, or distribution of narcotic drugs,~~
 614 ~~barbituric acid derivatives, or central nervous system stimulants; provided, however, that~~
 615 ~~all applicants shall be entitled to the full benefits of Article 3 of Chapter 8 of Title 42,~~
 616 ~~relating to first offender probation~~ any felony or any other crime of moral turpitude, or

617 a pattern of misdemeanors that evidences a disregard for the law unless he or she has
 618 received a pardon and can produce evidence of same. For the purposes of this paragraph,
 619 a plea of nolo contendere shall be considered to be a conviction, and a conviction for
 620 which a person has been free from custody and free from supervision for at least ten years
 621 shall not be considered, unless the conviction is for a sexually violent offense which is
 622 contained in Code Section 42-1-12 or the criminal offense was committed against a
 623 victim who was a minor at the time of the offense

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

627 ~~(C) If after the issuance of a permit a person is charged with any of the offenses~~
 628 ~~described in subparagraph (A) of this paragraph, the permit shall be suspended pending~~
 629 ~~disposition of such charge. If the person is convicted of such charge, the permit shall~~
 630 ~~be revoked.~~

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

633 (4) Submit at least one set of classifiable electronically recorded fingerprints to the
 634 department in accordance with the fingerprint system of identification established by the
 635 director of the Federal Bureau of Investigation. The department shall transmit the
 636 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
 637 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
 638 report, and promptly conduct a search of state records based upon the fingerprints. After
 639 receiving the report from the Georgia Crime Information Center and the Federal Bureau
 640 of Investigation, the department shall determine whether the applicant may be certified;
 641 and

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

645 **SECTION 31.**

646 Said chapter is further amended by adding a new Code section to read as follows:

647 "46-7-92.

648 Any carrier subject to the jurisdiction of the commission that transports passengers shall
 649 comply with the provisions of paragraph (1) of subsection (a) of Code Section 3-3-23,
 650 concerning consumption of alcoholic beverages by persons under the age of 21. The
 651 commission shall provide to all carriers under its jurisdiction that transport passengers, at
 652 the time of registration or renewal of a certificate, an informational packet emphasizing the

653 prohibition on alcohol consumption by persons under the age of 21 while being transported
654 by the carrier."

655 **SECTION 32.**

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

657 **SECTION 33.**

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