

The Senate Public Safety Committee offered 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 of notice
10 by certified mail in certain situations; to provide for proper handling of suspensions when
11 multiple convictions are obtained; to require permit drivers to surrender their permits upon
12 certain convictions; to revise the requirements for submission of fingerprints; to prohibit
13 unauthorized scanning of licenses, permits, and identification cards; to provide that the
14 international handicapped symbol shall be displayed on identification cards issued to persons
15 with disabilities; to revise the requirements for formatting identification cards; to amend
16 Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to prosecution of
17 traffic offenses, so as to provide for electronic signatures on uniform traffic citations; to
18 amend Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the
19 Department of Driver Services, so as to provide the department with the power to contract
20 for services; to amend Title 43 of the Official Code of Georgia Annotated, relating to
21 professions and businesses, so as to provide for fingerprinting of certain licensees; to amend
22 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and
23 transportation, so as to provide for fingerprinting of chauffeurs; to provide that every motor
24 carrier subject to regulation by the Public Service Commission shall be provided information
25 emphasizing that it is illegal to allow persons under the age of 21 to possess or consume
26 alcoholic beverages while being transported; to provide for related matters; to provide an
27 effective date; to repeal conflicting laws; and for other purposes.

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

29 **SECTION 1.**

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

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

44 **SECTION 2.**

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

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

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

58 **SECTION 3.**

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

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

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

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

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

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

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

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

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

81 **SECTION 4.**

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

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

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

96 livestock, farm machinery, or farm supplies to or from a farm, and are not used in the
97 operations of a common or contract carrier;

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

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

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

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

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

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

113 **SECTION 4.1.**

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

116 "(d) Any resident of this state who is at least 18 years of age may apply to the department
117 for an instruction permit to operate noncommercial vehicles in Classes ~~A~~ E and ~~B~~ F. Such
118 permits may be issued only to persons with valid commercial or noncommercial Class C
119 licenses or persons who have passed all required tests for a commercial or noncommercial
120 Class C license. The department shall, after the applicant has successfully passed all parts
121 of the appropriate examination other than the skill and driving test, issue to the applicant
122 an instruction permit which shall entitle the applicant, while having the permit in his or her
123 immediate possession, to operate a vehicle of the appropriate noncommercial class upon
124 the public highways for a period of 12 months when accompanied by a licensed driver,
125 qualified in the vehicle being operated, who is fit and capable of exercising control over
126 the vehicle, and who is occupying a seat beside the driver as an instructor. Prior to being
127 issued a driver's license for Classes ~~A~~ E and ~~B~~ F, the applicant shall pass a knowledge and
128 skill test for driving a Class ~~A~~ E or ~~B~~ F vehicle as provided by the commissioner."

SECTION 5.

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

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

- (1) For instruction permits for Classes ~~A, B~~, C, E, F, and M driver's licenses and for Class D drivers' licenses \$ 10.00
- (2) For five-year Classes ~~A, B~~, C, E, F, and M noncommercial drivers' licenses ~~20.00~~ 25.00
- (2.1) For ~~ten-year~~ eight-year Classes ~~A, B~~, C, E, F, and M noncommercial drivers' licenses ~~35.00~~ 40.00
- (3) For Classes A, B, C, and M commercial drivers' licenses ~~20.00~~ 25.00
- (4) For application for Classes A, B, C, and M commercial drivers' licenses or a Class P commercial driver's instruction permit 35.00
- (5) For Class P commercial drivers' instruction permits for Classes A, B, C, and M commercial drivers' licenses 10.00
- (6) For Classes A, B, C, and M commercial drivers' licenses, initial issuance requiring a road test 70.00
- (7) For Classes A, B, C, and M commercial drivers' licenses, initial issuance not requiring a road test ~~20.00~~ 25.00
- (8) For renewal of Classes A, B, C, and M commercial drivers' licenses ~~20.00~~ 25.00
- (8.1) For renewal of five-year Classes ~~A, B~~, C, E, F, and M noncommercial drivers' licenses ~~20.00~~ 25.00
- (8.2) For renewal of ~~ten-year~~ eight-year Classes ~~A, B~~, C, E, F, and M noncommercial drivers' licenses ~~35.00~~ 40.00
- (9) Initial issuance of Classes A, B, C, and M commercial drivers' licenses and Class P commercial drivers' instruction permits shall include all endorsement fees within the license fee. Each endorsement added after initial licensing 5.00

The commissioner may by rule provide incentive discounts in otherwise applicable fees reflecting cost savings to the department where a license is renewed by means other than personal appearance. The discount for renewal of a Class C or Class M license shall be \$5.00 and any other discounts shall be as determined by the commissioner. Except as provided in Code Section 40-5-36, relating to veterans' licenses, and Code Section

165 40-5-149, relating to application fees for public school bus drivers, there shall be no
 166 exceptions to the fee requirements for a commercial driver's license or a commercial
 167 driver's license permit. Notwithstanding any other provision of this Code section, there
 168 shall be no fee whatsoever for replacement of any driver's license solely due to a change
 169 of the licensee's name or address, provided that such replacement license shall be valid only
 170 for the remaining period of such original license; and provided, further, that only one such
 171 free replacement license may be obtained within the period for which the license was
 172 originally issued. Any application for the replacement of a lost license pursuant to Code
 173 Section 40-5-31 or due to a change in the licensee's name or address submitted within 150
 174 days of the expiration of said license shall be treated as an application for renewal subject
 175 to the applicable license fees as set forth in this subsection.

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

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

192 **SECTION 6.**

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

195 "(a) The department shall, upon payment of the required fee, issue to every applicant
 196 qualifying therefor a driver's license indicating the type or general class of vehicles the
 197 licensee may drive, which license shall be upon a form prescribed by the department and
 198 which shall bear thereon a distinguishing number assigned to the licensee, a color
 199 photograph of the licensee, the licensee's full legal name, either a facsimile of the signature
 200 of the licensee or a space upon which the licensee shall write his or her usual signature with

201 a pen and ink immediately upon receipt of the license, and such other information or
 202 identification as is required by the department. No license shall be valid until it has been
 203 so signed by the licensee. The department shall not require applicants to submit or
 204 otherwise obtain from applicants any fingerprints or any other biological characteristic or
 205 information which uniquely identifies an individual, including without limitation
 206 deoxyribonucleic acid (DNA) and retinal scan identification characteristics but not
 207 including a photograph, by any means upon application."
 208

209 SECTION 7.

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

212 "(a)(1) Except as otherwise provided in this Code section, every driver's license shall
 213 expire on the licensee's birthday in the fifth year following the issuance of such license.
 214 Notwithstanding the foregoing, any commercial license that contains an H or X
 215 endorsement as defined in subsection (c) of Code Section 40-5-150 shall expire on the date
 216 of expiration of the licensee's security threat assessment conducted by the Transportation
 217 Security Administration of the United States Department of Homeland Security. An
 218 applicant for a Class ~~A, B~~, C, E, F, or M noncommercial driver's license who is under age
 219 60 shall at the applicant's option apply for a license which shall expire on the licensee's
 220 birthday in the fifth or ~~tenth~~ eight year following the issuance of such license. Every such
 221 license shall be renewed on or before its expiration upon application, payment of the
 222 required fee, and, if applicable, satisfactory completion of the examination required or
 223 authorized by subsection (c) of this Code section.

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

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

232 SECTION 8.

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 9.**

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 10.**

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 11.

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 12.

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."

SECTION 13.

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

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

SECTION 14.

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

"(f)(1) Each applicant for certification to own or operate a driver improvement clinic shall submit at least one set of classifiable electronically recorded fingerprints to the department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation. The department shall transmit the fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints to the Federal Bureau of Investigation for a search of bureau records and an appropriate report, and promptly conduct a search of state records based upon the fingerprints. After receiving the report from the Georgia Crime Information Center and the Federal Bureau of Investigation, the department shall determine whether the applicant may be certified.
(2) No applicant shall be certified unless he or she is a United States citizen, or if not a 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 15.**

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 16.**

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 17.**

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 may be stored

412 and used for any legitimate purpose. Each act of storage, disclosure, or usage in violation
 413 of this paragraph shall be considered a separate violation of this Code section. This
 414 prohibition shall not apply to law enforcement officers or any governmental entity that
 415 scans a driver's license, permit, or identification card to verify the contents thereof or to
 416 gather information for use for any governmental purpose."

417 **SECTION 18.**

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

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

424 **SECTION 19.**

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

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

- 434 (1) Full legal name;
 435 (2) Address of residence;
 436 (3) Birth date;
 437 (4) Date identification card was issued;
 438 (5) Date identification card expires;
 439 (6) Sex;
 440 (7) Height;
 441 (8) Weight;
 442 (9) Eye color;
 443 (10) ~~Location where the identification card was issued~~ Any other information or design
 444 requirement set forth in 49 U.S.C. Section 30301 note and 6 C.F.R. Section 37.01, et seq.,
 445 if such identification card is intended to be compliant with such requirement;
 446 (11) Signature of person identified or facsimile thereof; and

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

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

459 **SECTION 20.**

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

462 "40-5-173.

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

471 **SECTION 21.**

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

475 "40-5-174.

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

482 sufficient proof of the need for special transportation services for persons with disabilities
 483 provided by any entity in this state. The department may print the transportation indicator
 484 on any driver's license or identification card upon receipt of the required documentation
 485 from the person requesting its inclusion."

486 **SECTION 22.**

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

490 "40-5-175.

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

499 **SECTION 23.**

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

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

505 **SECTION 24.**

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

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

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SECTION 25.

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

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

SECTION 26.

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

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

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

552 **SECTION 27.**

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

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

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

569 **SECTION 28.**

570 Said chapter is further amended in Code Section 43-13-6.1, relating to qualifications for
 571 alcohol and drug awareness program instructors, by revising said Code section as follows:
 572 "43-13-6.1.

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

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

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

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

591 **SECTION 29.**

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

595 "46-7-85.10.

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

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

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

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

619 contained in Code Section 42-1-12 or the criminal offense was committed against a
 620 victim who was a minor at the time of the offense

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

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

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

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

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

642 **SECTION 30.**

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

644 "46-7-92.

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

652 **SECTION 31.**

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

654 **SECTION 32.**
655 All laws and parts of laws in conflict with this Act are repealed.