

Senators Mullis of the 53rd and Rogers of the 21st offered the following substitute to HB 396:

**ADOPTED SENATE**

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

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 \$4.00 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~~ F — 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 40-5-24, relating to instruction permits and  
116 graduated licensing, by revising subsection (d) as follows:

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

**SECTION 6.**

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
- (2.1) For ~~ten-year~~ eight-year Classes ~~A, B~~, C, E, F, and M noncommercial drivers' licenses . . . . . ~~35.00~~ 32.00
- (3) For Classes A, B, C, and M commercial drivers' licenses . . . . . 20.00
- (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
- (8) For renewal of Classes A, B, C, and M commercial drivers' licenses . . . . . 20.00
- (8.1) For renewal of five-year Classes ~~A, B~~, C, E, F, and M noncommercial drivers' licenses . . . . . 20.00
- (8.2) For renewal of ~~ten-year~~ eight-year Classes ~~A, B~~, C, E, F, and M noncommercial drivers' licenses . . . . . ~~35.00~~ 32.00
- (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

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

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

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

193 **SECTION 7.**

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

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

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

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### SECTION 8.

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

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

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

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

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### SECTION 9.

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

236 "(b) Every court in each county of this state having jurisdiction over offenses committed  
 237 under this chapter and Chapter 6 of this title or any other law of this state or ordinance

238 adopted by a local authority regulating the operation of motor vehicles on highways shall  
 239 forward to the department, within ten days after the conviction of any person in such court  
 240 for a violation of any such law other than regulations governing speeding in a  
 241 noncommercial motor vehicle for which no points are assigned under Code Section  
 242 40-5-57, standing, or parking, a uniform citation form authorized by Article 1 of Chapter  
 243 13 of this title. Notwithstanding any other provision of this title, in satisfaction of the  
 244 reporting requirement of this subsection, the courts of this state shall transmit the  
 245 information contained on the uniform citation form by electronic means, using the  
 246 electronic reporting method approved by the department. Subject to appropriations by the  
 247 General Assembly, the The department shall pay to the clerk of the court forwarding the  
 248 required report 40¢ for each report transmitted electronically in a timely manner as required  
 249 in this subsection; and notwithstanding any general or local law to the contrary, the clerk  
 250 shall pay such fees over to the general fund of the city or county operating the court."

251 **SECTION 10.**

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

254 "(a) The driver's license of any person convicted of an offense listed in Code Section  
 255 40-5-54 or of violating Code Section 40-6-391, unless the driver's license has been  
 256 previously suspended pursuant to Code Sections 40-5-67.1 and 40-5-67.2, shall by  
 257 operation of law be suspended and such suspension shall be subject to the following terms  
 258 and conditions; provided, however, that any person convicted of a drug related offense  
 259 pursuant to Code Section 40-6-391 shall be governed by the suspension requirements of  
 260 Code Section 40-5-75; and further provided that each charge for which a conviction was  
 261 obtained shall be treated as a separate transaction for the purpose of imposing a license  
 262 suspension hereunder, even if said convictions arise from a single incident; and further  
 263 provided that the department shall treat each conviction received in the order in which said  
 264 convictions are processed even if it is not the order in which said offenses occurred:"

265 **SECTION 11.**

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

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

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

274 (2) Routes to be followed by the permittee;

275 (3) Times of travel;

276 (4) The specific vehicles which the permittee may operate;

277 (4.1) The installation and use of an ignition interlock device in accordance with Article  
278 7 of Chapter 8 of Title 42, which shall be required for any permittee who is applying for  
279 an ignition interlock limited driving permit; and

280 (5) Such other restrictions as the department may require.

281 (e) *Fees, duration, renewal, and replacement of permit.* A permit issued pursuant to this  
282 Code section shall be \$25.00 and shall become invalid upon the driver's eighteenth birthday  
283 in the case of a suspension under paragraph (2) of subsection (a.1) of Code Section  
284 40-5-22, upon the expiration of one year following issuance thereof in the case of a  
285 suspension for an offense listed in Code Section 40-5-54 or a suspension under Code  
286 Section 40-5-57, or a suspension in accordance with paragraph (1) of subsection (a) of  
287 Code Section 40-5-63 for a violation of Code Section 40-6-391, upon the expiration of 30  
288 days in the case of an administrative license suspension in accordance with paragraph (1)  
289 of subsection (a) of Code Section 40-5-67.2, or upon the expiration of six months following  
290 proof of installation of an ignition interlock device in the case of a limited driving permit  
291 issued to a person subject to a court order for installation and use of such a device pursuant  
292 to Article 7 of Chapter 8 of Title 42; except that such limited driving permit shall expire  
293 upon any earlier reinstatement of the driver's license. A person may apply to the  
294 department for a limited driving permit immediately following such conviction if he or she  
295 has surrendered his or her driver's license to the court in which the conviction was adjudged  
296 or to the department if the department has processed the citation or conviction. Upon the  
297 applicant's execution of an affidavit attesting to such facts and to the fact that the court had  
298 not imposed a suspension or revocation of his or her driver's license or driving privileges  
299 inconsistent with the driving privileges to be conferred by the limited driving permit  
300 applied for, the department may issue such person a limited driving permit. Permits issued  
301 pursuant to this Code section are renewable upon payment of a renewal fee of \$5.00.  
302 Permits may be renewed until the person has his or her license reinstated for the violation  
303 that was the basis of the issuance of the permit. Upon payment of a fee in an amount the  
304 same as that provided by Code Section 40-5-25 for issuance of a Class C driver's license,  
305 a person may be issued a replacement for a lost or destroyed ~~probationary driver's license~~  
306 limited driving permit issued to him or her."

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**SECTION 12.**

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

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

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

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**SECTION 13.**

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

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"(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

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

346 **SECTION 14.**

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

350 "(f)(1) Each applicant for certification to own or operate a driver improvement clinic  
 351 shall submit at least one set of classifiable electronically recorded 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 the  
 354 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints  
 355 to the Federal Bureau of Investigation for a search of bureau records and an appropriate  
 356 report, and promptly conduct a search of state records based upon the fingerprints. After  
 357 receiving the report from the Georgia Crime Information Center and the Federal Bureau  
 358 of Investigation, the department shall determine whether the applicant may be certified.  
 359 (2) No applicant shall be certified unless he or she is a United States citizen, or if not a  
 360 citizen, he or she presents federal documentation verified by the United States  
 361 Department of Homeland Security to be valid documentary evidence of lawful presence  
 362 in the United States under federal immigration law."

363 **SECTION 15.**

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

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

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

374 (c)(1) No person may possess more than one identification card issued pursuant to this  
 375 Code section; provided, however, that this subsection shall not be construed to prevent  
 376 a resident of this state who possesses a driver's license from also possessing an  
 377 identification card issued under this article. Notwithstanding the foregoing, no person

378 may be issued both a driver's license and an identification card that is compliant with the  
 379 requirements of 49 U.S.C. Section 30301 note and 6 C.F.R. Section 37.01, et seq."

380 **SECTION 16.**

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

383 "(a) Except as provided in Code Section 40-5-21.1 and subsections (b) and (c) of this Code  
 384 section, the department shall collect a fee of \$20.00 for a five-year card and a fee of \$35.00  
 385 \$32.00 for a ten-year an eight-year card, which fee shall be deposited in the state treasury  
 386 in the same manner as other motor vehicle driver's license fees."

387 **SECTION 17.**

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

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

400 **SECTION 18.**

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

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

407 **SECTION 19.**

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

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

- 417 (1) Full legal name;
- 418 (2) Address of residence;
- 419 (3) Birth date;
- 420 (4) Date identification card was issued;
- 421 (5) Date identification card expires;
- 422 (6) Sex;
- 423 (7) Height;
- 424 (8) Weight;
- 425 (9) Eye color;
- 426 (10) ~~Location where the identification card was issued~~ Any other information or design  
 427 requirement set forth in 49 U.S.C. Section 30301 note and 6 C.F.R. Section 37.01, et seq.,  
 428 if such identification card is intended to be compliant with such requirement;
- 429 (11) Signature of person identified or facsimile thereof; and
- 430 (12) Such other information as required by the department; provided, however, that the  
 431 department shall not require an applicant to submit or otherwise obtain from an applicant  
 432 any fingerprints or any other biological characteristic or information which uniquely  
 433 identifies an individual, including without limitation deoxyribonucleic acid (DNA) and  
 434 retinal scan identification characteristics but not including a photograph, by any means  
 435 upon application."

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

## 442 **SECTION 20.**

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

445 "40-5-173.

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

454 **SECTION 21.**

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

458 "40-5-174.

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

469 **SECTION 22.**

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

473 "40-5-175.

474 The identification card for persons with disabilities shall bear the word 'SEATING' with  
 475 a box or blank space adjacent thereto. ~~The issuer of the card~~ department shall place an 'X'  
 476 in such box or blank space if the applicant's disability creates mobility or health limitations  
 477 which prevent him or her from climbing stairs or steep inclines. When so marked, the  
 478 identification card for persons with disabilities shall be sufficient to admit the holder to  
 479 seating for persons with disabilities at public events in this state. The department may print

480 the priority seating indicator on any driver's license or identification card upon receipt of  
 481 the required documentation from the person requesting its inclusion."

482 **SECTION 23.**

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

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

488 **SECTION 24.**

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

492 "(f) The department shall have the authority to contract and make cooperative agreements,  
 493 contracts, and rental agreements with the United States government; any county,  
 494 municipality, or local government, or any combination thereof; any public or private  
 495 corporation or firm; or any public authority, agency, commission, or institution, including  
 496 agencies of state government for the purpose of creating, designing, publishing, or  
 497 distributing the department's drivers' manual or for the purpose of installing and  
 498 maintaining closed circuit television systems."

499 **SECTION 25.**

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

506 "(5) Shall submit at least one set of classifiable electronically recorded fingerprints to the  
 507 department in accordance with the fingerprint system of identification established by the  
 508 director of the Federal Bureau of Investigation. The department shall transmit the  
 509 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints  
 510 to the Federal Bureau of Investigation for a search of bureau records and an appropriate  
 511 report, and promptly conduct a search of state records based upon the fingerprints. After  
 512 receiving the report from the Georgia Crime Information Center and the Federal Bureau

513 of Investigation, the department shall determine whether the applicant may be certified;  
 514 and  
 515 (6) Shall be a United States citizen, or if not a citizen, present federal documentation  
 516 verified by the United States Department of Homeland Security to be valid documentary  
 517 evidence of lawful presence in the United States under federal immigration law."

518 **SECTION 26.**

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

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

536 **SECTION 27.**

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

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

548 of Investigation, the department shall determine whether the applicant may be certified;  
 549 and  
 550 (7) Be a United States citizen, or if not a citizen, present federal documentation verified  
 551 by the United States Department of Homeland Security to be valid documentary evidence  
 552 of lawful presence in the United States under federal immigration law."

553 **SECTION 28.**

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

556 "43-13-6.1.

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

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

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

575 **SECTION 29.**

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

579 "46-7-85.10.

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

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

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

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

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

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

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

614 (4) Submit at least one set of classifiable electronically recorded fingerprints to the  
615 department in accordance with the fingerprint system of identification established by the  
616 director of the Federal Bureau of Investigation. The department shall transmit the  
617 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints  
618 to the Federal Bureau of Investigation for a search of bureau records and an appropriate  
619 report, and promptly conduct a search of state records based upon the fingerprints. After

620 receiving the report from the Georgia Crime Information Center and the Federal Bureau  
621 of Investigation, the department shall determine whether the applicant may be certified;  
622 and  
623 (5) Be a United States citizen, or if not a citizen, present federal documentation verified  
624 by the United States Department of Homeland Security to be valid documentary evidence  
625 of lawful presence in the United States under federal immigration law."

626 **SECTION 30.**

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

628 "46-7-92.

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

636 **SECTION 31.**

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

638 **SECTION 32.**

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