

SENATE SUBSTITUTE TO HB 396

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to the
2 use of safety belts in passenger vehicles, so as to eliminate certain exceptions to the required
3 use of safety belts; to amend provisions of the Official Code of Georgia Annotated relating
4 to drivers and drivers' licenses; to amend Chapter 5 of Title 40 of the Official Code of
5 Georgia Annotated, relating to drivers' licenses, so as to allow the commissioner of driver
6 services to promulgate regulations limiting the retention of conviction and withdrawal
7 information on a driving record; to provide for a fee for a temporary license or identification
8 card; to provide that a driver's license shall not be issued to a person with his or her license
9 or driving privileges suspended in another state; to change the classifications for licenses
10 issued to noncommercial classes of motor vehicles; to change the fees for certain licenses;
11 to change requirements relating to the expiration and renewal of certain licenses; to provide
12 for proper handling of suspensions when multiple convictions are obtained; to provide that
13 fees paid to counties for reporting information contained on the uniform citation form shall
14 be subject to appropriations; to require permit drivers to surrender their permits upon certain
15 convictions; to revise the requirements for submission of fingerprints; to prohibit
16 unauthorized scanning of licenses, permits, and identification cards; to provide that the
17 international handicapped symbol shall be displayed on identification cards issued to persons
18 with disabilities; to revise the requirements for formatting identification cards; to amend
19 Code Section 40-6-395 of the Official Code of Georgia Annotated, relating to fleeing or
20 attempting to elude a police officer and impersonating a law enforcement officer, so as to
21 modify certain conditions when such offense shall be treated as a felony offense; to amend
22 Chapter 13 of Title 40 of Official Code of Georgia Annotated, relating to prosecution of
23 traffic offenses, so as to provide for electronic signatures on uniform traffic citations; to
24 amend Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the
25 Department of Driver Services, so as to provide the department with the power to contract
26 for services; to amend Title 43 of the Official Code of Georgia Annotated, relating to
27 professions and businesses, so as to provide for fingerprinting of certain licensees; to amend
28 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and
29 transportation, so as to provide for fingerprinting of chauffeurs; to provide that every motor

30 carrier subject to regulation by the Public Service Commission shall be provided information
 31 emphasizing that it is illegal to allow persons under the age of 21 to possess or consume
 32 alcoholic beverages while being transported; to provide for related matters; to provide for
 33 effective dates and applicability; to repeal conflicting laws; and for other purposes.

34 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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 36 **SECTION .5.**

37 Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to the use of
 38 safety belts in passenger vehicles, is amended by revising subsection (a) as follows:

39 "(a) As used in this Code section, the term 'passenger vehicle' means every motor vehicle,
 40 including, but not limited to, pickup trucks, vans, and sport utility vehicles, designed to
 41 carry ten passengers or ~~less~~ fewer and used for the transportation of persons; provided,
 42 however, that such term shall not include motorcycles; motor driven cycles; or off-road
 43 vehicles or farm vehicles as defined in Code Section 40-2-150 being used by an owner,
 44 driver, or occupant 18 years of age or older ~~but shall not mean pickup trucks, motorcycles,~~
 45 ~~motor driven cycles, or vehicles equipped for off-road use, provided that the term~~
 46 ~~'passenger vehicle' includes any sport utility vehicle and also includes pickup trucks for any~~
 47 ~~occupant who is under 18 years of age."~~

48 **SECTION .5A.**

49 Notwithstanding any other provision of this Act to the contrary, this section and Section .5
 50 of this Act shall become effective on June 1, 2009.

51 **SECTION 1.**

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

56 "(j) The commissioner is authorized to promulgate any rules, regulations, or policies as are
 57 necessary to carry out the provisions of this Code section, including the promulgation of
 58 regulations limiting the retention of conviction and withdrawal information on a driving
 59 record. Notwithstanding the foregoing, any regulation relating to the retention of
 60 conviction and withdrawal information on a driving record shall apply the same retention
 61 schedule to both commercial and noncommercial drivers. In accordance with paragraph
 62 (6) of subsection (a) of Code Section 50-25-4, reasonable fees shall be assessed for
 63 furnishing information from records or data bases pursuant to provisions of this Code

64 section; provided, however, that the fee for furnishing an abstract of a driver's record shall
65 not exceed \$10.00."

66 **SECTION 2.**

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

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

75 (a.1) The fee for issuance or renewal of a temporary driver's license or identification card
76 shall be that established in Code Sections 40-5-25 and 40-5-100 for nontemporary drivers'
77 licenses and identification cards unless the applicant's period of authorized stay is less than
78 five years in which case the fee shall be \$4.00 for each full or partial year for which the
79 applicant is eligible for a temporary driver's license or identification card."

80 **SECTION 3.**

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

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

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

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

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

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

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

98 (6) Who the commissioner has good cause to believe would not, by reason of physical
 99 or mental disability, be able to operate a motor vehicle with safety upon the highway; or
 100 (7) Whose driver's license or driving privileges issued by any other jurisdiction is are
 101 suspended or revoked by such other jurisdiction during the period such ~~license is~~ driver's
 102 license or driving privileges are suspended or revoked by such other jurisdiction."

103 **SECTION 4.**

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

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

108 Class C — Any single vehicle with a gross vehicle weight rating not in excess of 26,000
 109 pounds, any such vehicle towing a vehicle with a gross vehicle weight rating not in
 110 excess of 10,000 pounds, any such vehicle towing a vehicle with a gross vehicle weight
 111 rating in excess of 10,000 pounds, provided that the combination of vehicles has a gross
 112 combined vehicle weight rating not in excess of 26,000 pounds, and any self-propelled
 113 or towed vehicle that is equipped to serve as temporary living quarters for recreational,
 114 camping, or travel purposes and is used solely as a family or personal conveyance; except
 115 that any combination of vehicles with a gross vehicle weight rating not in excess of
 116 26,000 pounds may be operated under such class of license if such combination of
 117 vehicles are controlled and operated by a farmer, used to transport agricultural products,
 118 livestock, farm machinery, or farm supplies to or from a farm, and are not used in the
 119 operations of a common or contract carrier;

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

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

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

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

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

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

SECTION 5.

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

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

SECTION 6.

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

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

- 158 (1) For instruction permits for Classes ~~A, B,~~ C, E, F, and M driver's
 159 licenses and for Class D drivers' licenses \$ 10.00
- 160 (2) For five-year Classes ~~A, B,~~ C, E, F, and M noncommercial drivers'
 161 licenses 20.00
- 162 (2.1) For ~~ten-year~~ eight-year Classes ~~A, B,~~ C, E, F, and M
 163 noncommercial drivers' licenses ~~35.00~~ 32.00
- 164 (3) For Classes A, B, C, and M commercial drivers' licenses 20.00

165 (4) For application for Classes A, B, C, and M commercial drivers'
 166 licenses or a Class P commercial driver's instruction permit 35.00
 167 (5) For Class P commercial drivers' instruction permits for Classes A, B,
 168 C, and M commercial drivers' licenses 10.00
 169 (6) For Classes A, B, C, and M commercial drivers' licenses, initial
 170 issuance requiring a road test 70.00
 171 (7) For Classes A, B, C, and M commercial drivers' licenses, initial
 172 issuance not requiring a road test 20.00
 173 (8) For renewal of Classes A, B, C, and M commercial drivers' licenses 20.00
 174 (8.1) For renewal of five-year Classes ~~A, B~~, C, E, F, and M
 175 noncommercial drivers' licenses 20.00
 176 (8.2) For renewal of ~~ten-year~~ eight-year Classes ~~A, B~~, C, E, F, and M
 177 noncommercial drivers' licenses ~~35.00~~ 32.00
 178 (9) Initial issuance of Classes A, B, C, and M commercial drivers'
 179 licenses and Class P commercial drivers' instruction permits shall include
 180 all endorsement fees within the license fee. Each endorsement added after
 181 initial licensing 5.00

182 The commissioner may by rule provide incentive discounts in otherwise applicable fees
 183 reflecting cost savings to the department where a license is renewed by means other than
 184 personal appearance. The discount for renewal of a Class C or Class M license shall be
 185 \$5.00 and any other discounts shall be as determined by the commissioner. Except as
 186 provided in Code Section 40-5-36, relating to veterans' licenses, and Code Section
 187 40-5-149, relating to application fees for public school bus drivers, there shall be no
 188 exceptions to the fee requirements for a commercial driver's license or a commercial
 189 driver's license permit. Notwithstanding any other provision of this Code section, there
 190 shall be no fee whatsoever for replacement of any driver's license solely due to a change
 191 of the licensee's name or address, provided that such replacement license shall be valid only
 192 for the remaining period of such original license; and provided, further, that only one such
 193 free replacement license may be obtained within the period for which the license was
 194 originally issued. Any application for the replacement of a lost license pursuant to Code
 195 Section 40-5-31 or due to a change in the licensee's name or address submitted within 150
 196 days of the expiration of said license shall be treated as an application for renewal subject
 197 to the applicable license fees as set forth in this subsection.

198 (b)(1) Each person applying for a Class P commercial or noncommercial instruction
 199 permit for a Class A, B, C, E, F, or M driver's license shall pay the applicable license fee
 200 prior to attempting the knowledge test for the instruction permit sought. If said person

201 fails to achieve a passing score on the knowledge test, the license fee paid shall be
 202 considered a testing fee and retained by the department. Any person failing to achieve
 203 a passing score on the knowledge test for an instructional permit shall pay the applicable
 204 license fee on each subsequent attempt until successful, at which time said fee shall be
 205 his or her license fee.

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

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SECTION 7.

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

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

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SECTION 8.

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

234 "(a)(1) Except as otherwise provided in this Code section, every driver's license shall
 235 expire on the licensee's birthday in the fifth year following the issuance of such license.
 236 Notwithstanding the foregoing, any commercial license that contains an H or X

237 endorsement as defined in subsection (c) of Code Section 40-5-150 shall expire on the date
 238 of expiration of the licensee's security threat assessment conducted by the Transportation
 239 Security Administration of the United States Department of Homeland Security. An
 240 applicant for a Class ~~A, B,~~ C, E, F, or M noncommercial driver's license who is under age
 241 60 shall at the applicant's option apply for a license which shall expire on the licensee's
 242 birthday in the fifth or ~~tenth~~ eight year following the issuance of such license. Every such
 243 license shall be renewed on or before its expiration upon application, payment of the
 244 required fee, and, if applicable, satisfactory completion of the examination required or
 245 authorized by subsection (c) of this Code section.

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

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

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SECTION 9.

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

257 "(b) Every court in each county of this state having jurisdiction over offenses committed
 258 under this chapter and Chapter 6 of this title or any other law of this state or ordinance
 259 adopted by a local authority regulating the operation of motor vehicles on highways shall
 260 forward to the department, within ten days after the conviction of any person in such court
 261 for a violation of any such law other than regulations governing speeding in a
 262 noncommercial motor vehicle for which no points are assigned under Code Section
 263 40-5-57, standing, or parking, a uniform citation form authorized by Article 1 of Chapter
 264 13 of this title. Notwithstanding any other provision of this title, in satisfaction of the
 265 reporting requirement of this subsection, the courts of this state shall transmit the
 266 information contained on the uniform citation form by electronic means, using the
 267 electronic reporting method approved by the department. Subject to appropriations by the
 268 General Assembly, the ~~The~~ department shall pay to the clerk of the court forwarding the
 269 required report 40¢ for each report transmitted electronically in a timely manner as required
 270 in this subsection; and notwithstanding any general or local law to the contrary, the clerk
 271 shall pay such fees over to the general fund of the city or county operating the court."

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SECTION 10.

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

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

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SECTION 11.

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

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

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

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(2) Routes to be followed by the permittee;

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(3) Times of travel;

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

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

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

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

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

328 **SECTION 12.**

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

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

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

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

347 **SECTION 13.**

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

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

367 **SECTION 14.**

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

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

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

384 **SECTION 15.**

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

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

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

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

401 **SECTION 16.**

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

404 "(a) Except as provided in Code Section 40-5-21.1 and subsections (b) and (c) of this Code
 405 section, the department shall collect a fee of \$20.00 for a five-year card and a fee of ~~\$35.00~~
 406 ~~\$32.00~~ for a ~~ten-year~~ an eight-year card, which fee shall be deposited in the state treasury
 407 in the same manner as other motor vehicle driver's license fees."

408 **SECTION 17.**

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

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

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

421 **SECTION 18.**

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

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

428 **SECTION 19.**

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

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

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

- 446 (9) Eye color;
- 447 (10) ~~Location where the identification card was issued~~ Any other information or design
 448 requirement set forth in 49 U.S.C. Section 30301 note and 6 C.F.R. Section 37.01, et seq.,
 449 if such identification card is intended to be compliant with such requirement;
- 450 (11) Signature of person identified or facsimile thereof; and
- 451 (12) Such other information as required by the department; provided, however, that the
 452 department shall not require an applicant to submit or otherwise obtain from an applicant
 453 any fingerprints or any other biological characteristic or information which uniquely
 454 identifies an individual, including without limitation deoxyribonucleic acid (DNA) and
 455 retinal scan identification characteristics but not including a photograph, by any means
 456 upon application."
- 457 "(c) In addition to the information required in subsection (a) of this Code section,
 458 identification cards issued to persons with disabilities shall display the international
 459 handicapped symbol on a location designated by the department. The department may
 460 display the international handicapped symbol on any driver's license or identification card
 461 issued pursuant to the provisions of this chapter upon receipt of the required documentation
 462 from the person requesting its inclusion."

463

SECTION 20.

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

466 "40-5-173.

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

475

SECTION 21.

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

479 "40-5-174.

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

490

SECTION 22.

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

494 "40-5-175.

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

503

SECTION 23.

504 Code Section 40-6-395 of the Official Code of Georgia Annotated, relating to fleeing or
 505 attempting to elude a police officer and impersonating a law enforcement officer, is amended
 506 by revising subparagraph (b)(5)(A) as follows:

507 "(5)(A) Any person violating the provisions of subsection (a) of this Code section who,
 508 while fleeing or attempting to elude a pursuing police vehicle or police officer in an
 509 attempt to escape arrest for any offense, other than a violation of this chapter; not
 510 expressly provided for in this paragraph:

511 (i) Operates ~~operates~~ his or her vehicle in excess of ~~30~~ 20 miles an hour above the
 512 posted speed limit;;

513 (ii) Strikes ~~strikes~~ or collides with another vehicle or a pedestrian;;

514 (iii) Flees flees in traffic conditions which place the general public at risk of
 515 receiving serious injuries;₂
 516 (iv) Commits a violation of Code Section 40-6-391; or
 517 (v) Leaves leaves the state
 518 shall be guilty of a felony punishable by a fine of \$5,000.00 or imprisonment for not
 519 less than one year nor more than five years or both."

520 **SECTION 24.**

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

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

526 **SECTION 25.**

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

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

537 **SECTION 26.**

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

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

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

556 **SECTION 27.**

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

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

574 **SECTION 28.**

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

579 "(6) Submit at least one set of classifiable electronically recorded fingerprints to the
 580 department in accordance with the fingerprint system of identification established by the
 581 director of the Federal Bureau of Investigation. The department shall transmit the
 582 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints

583 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
 584 report, and promptly conduct a search of state records based upon the fingerprints. After
 585 receiving the report from the Georgia Crime Information Center and the Federal Bureau
 586 of Investigation, the department shall determine whether the applicant may be certified;
 587 and
 588 (7) Be a United States citizen, or if not a citizen, present 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 Said chapter is further amended in Code Section 43-13-6.1, relating to qualifications for
 593 alcohol and drug awareness program instructors, by revising said Code section as follows:
 594 "43-13-6.1.

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

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

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

613 **SECTION 30.**

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

617 "46-7-85.10.

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

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

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

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

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

646 (C) ~~If after the issuance of a permit a person is charged with any of the offenses~~
647 ~~described in subparagraph (A) of this paragraph, the permit shall be suspended pending~~
648 ~~disposition of such charge. If the person is convicted of such charge, the permit shall~~
649 ~~be revoked:~~

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

652 (4) Submit at least one set of classifiable electronically recorded fingerprints to the
653 department in accordance with the fingerprint system of identification established by the
654 director of the Federal Bureau of Investigation. The department shall transmit the

655 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
 656 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
 657 report, and promptly conduct a search of state records based upon the fingerprints. After
 658 receiving the report from the Georgia Crime Information Center and the Federal Bureau
 659 of Investigation, the department shall determine whether the applicant may be certified;
 660 and
 661 (5) Be a United States citizen, or if not a citizen, present federal documentation verified
 662 by the United States Department of Homeland Security to be valid documentary evidence
 663 of lawful presence in the United States under federal immigration law."

664 **SECTION 31.**

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

666 "46-7-92.

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

674 **SECTION 32.**

675 Section 23 of this Act shall become effective upon its approval by the Governor or upon its
 676 becoming law without such approval and shall apply to offenses committed on or after such
 677 date. All other sections of this Act shall become effective on January 1, 2010.

678 **SECTION 33.**

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