

The Senate Public Safety and Homeland Security Committee offered the following substitute to SB 138:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 40-2-33 of the Official Code of Georgia Annotated, relating to the  
2 issuance of license plates, payment and disposition of fees, compensation of tag agents, and  
3 required identification, so as to require a sworn statement by an applicant for a tag renewal;  
4 to amend Code Section 40-5-20 of the Official Code of Georgia Annotated, relating to  
5 driver's license requirements, surrender of prior licenses, and prohibition of local licenses,  
6 so as to modify the defense for a violation of this Code section; to provide for related  
7 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for  
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Code Section 40-2-33 of the Official Code of Georgia Annotated, relating to the issuance of  
12 license plates, payment and disposition of fees, compensation of tag agents, and required  
13 identification, is amended by revising subsection (d) as follows:

14 "(d) The initial issuance of any tag, ~~on or after July 1, 2007,~~ shall not be made unless the  
15 applicant presents at the time of application a valid Georgia driver's license or Georgia  
16 identification card. This subsection shall not apply to those applicants expressly exempted  
17 in Code Section 40-5-21. An applicant for a tag renewal shall sign a statement to the effect  
18 that such person is in possession of a valid Georgia driver's license or Georgia  
19 identification card. The signed statement shall include the applicant's driver's license or  
20 identification card number. A person making a false statement in his or her application for  
21 a tag renewal shall be guilty of a violation of Code Section 16-10-20. A renewal notice  
22 issued by a tag agent shall include the statement required by this subsection on the renewal  
23 notice form to be returned by the applicant with an appropriate space for the applicant to  
24 sign the statement and provide his or her driver's license or identification card number."

25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

**SECTION 2.**

Code Section 40-5-20 of the Official Code of Georgia Annotated, relating to driver's license requirements, surrender of prior licenses, and prohibition of local licenses, is amended by revising subsection (a) as follows:

"(a) No person, except those expressly exempted in this chapter, shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license under this chapter for the type or class of vehicle being driven. Any person who is a resident of this state for 30 days shall obtain a Georgia driver's license before operating a motor vehicle in this state. Any violation of this subsection shall be punished as provided in Code Section 40-5-121, except the violation of driving with an expired license; or a violation of Code Section 40-5-29 ~~or if~~. If such person produces in court a valid driver's license issued by this state to such person, which was valid at the time of the alleged offense, then he or she shall not be guilty of ~~such offenses~~ a violation of this Code section. Any court having jurisdiction over traffic offenses in this state shall report to the department the name and other identifying information of any individual convicted of driving without a license."

40  
41  
42  
43

**SECTION 3.**

This Act shall become effective on July 1, 2011, and shall apply to offenses committed on or after such date; provided, however, that the requirements of Section 1 of this Act shall apply to applications for tag renewals due on or after July 1, 2012.

44  
45

**SECTION 4.**

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