

Senate Bill 138

By: Senators Tippins of the 37th, Williams of the 19th, Staton of the 18th, Loudermilk of the 52nd, Rogers of the 21st and others

AS PASSED SENATE

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:

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 Code Section 40-5-21. An applicant for a tag renewal shall swear that such person is in
 18 possession of a valid Georgia driver's license or Georgia identification card and shall
 19 include the applicant's driver's license or identification card number in the renewal, whether
 20 such renewal is accomplished in person, by mail, or electronically. Any person who
 21 knowingly makes any false statement in executing an application for tag renewal shall be
 22 guilty of false swearing, whether or not an oath is actually administered to the applicant,
 23 if such statement shall purport to be under oath. Upon conviction of such offense, such
 24 person shall be punished for false swearing as provided by Code Section 16-10-71. A tag
 25 agent shall include the affirmation required by this subsection on the renewal notice form
 26 to be returned by the applicant or completed by the applicant online with an appropriate

27 space for the applicant to sign the statement and provide his or her driver's license or
 28 identification card number."

29 **SECTION 2.**

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

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

46 **SECTION 3.**

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

50 **SECTION 4.**

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