

Senate Bill 511

By: Senators Chance of the 16th and Staton of the 18th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 40-5-21.1 of the Official Code of Georgia Annotated, relating to the  
2 issuance of temporary drivers' licenses, permits, or special identification card and evidence  
3 of foreign licenses or identification cards as evidence of legal presence in the United States,  
4 so as to provide for the issuance of a temporary license, permit, or special identification card  
5 to a noncitizen upon the presentation of certain documentation; to provide for related matters;  
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 40-5-21.1 of the Official Code of Georgia Annotated, relating to the issuance  
10 of temporary drivers' licenses, permits, or special identification card and evidence of foreign  
11 licenses or identification cards as evidence of legal presence in the United States, is amended  
12 by redesignating subsection (b) and adding a new subsection to read as follows:

13 "(b) If the department is unable to verify lawful presence of a noncitizen applicant as  
14 provided for in Code Section 40-5-21.2, and the noncitizen applicant presents original  
15 documentation issued by the United States Department of Homeland Security that  
16 evidences the noncitizen applicant's lawful presence in the United States, the department  
17 shall issue a temporary license, permit, or special identification card valid for the lesser of  
18 the duration of the noncitizen applicant's stay in the United States or 90 days.

19 Documentation evidencing lawful presence shall include:

- 20 (1) A Permanent Resident Card or Alien Registration Receipt Card (Form I-551);  
21 (2) A foreign passport which contains a temporary Form I-551 stamp or temporary Form  
22 I-551 printed notation on a machine-readable immigrant visa;  
23 (3) An Employment Authorization Document that contains a photograph (Form I-766);  
24 (4) In the case of a nonimmigrant alien authorized to work for a specific employer  
25 incident to status, a foreign passport with a Form I-94, Form I-94A, or Form I-797A  
26 bearing the same name as the passport and containing an endorsement of the alien's

27 nonimmigrant status, so long as the period of endorsement has not expired and the  
28 proposed employment is not in conflict with any restrictions or limitations identified on  
29 the form; or

30 (5) In the case of a nonimmigrant alien authorized to work for a specific employer  
31 incident to status who has timely filed an application for extension of stay and who is  
32 authorized pursuant to 8 C.F.R. Section 274a.12(b)(20) as in effect as of January 1, 2012,  
33 to continue employment with the same employer for a period not to exceed 240 days  
34 beginning from the date of expiration of the authorized period of stay, a foreign passport  
35 with:

36 (i) A Form I-94, Form I-94A, or Form I-797A bearing the same name as the passport  
37 and containing an endorsement not expired by more than 240 days of the alien's  
38 nonimmigrant status; and

39 (ii) A Form I-797C bearing the same name as the passport and indicating a 'received  
40 date' within the period of endorsement noted on the Form I-94, Form I-94A, or Form  
41 I-797A.

42 (c) A driver's license or identification card issued by any state or territory which, on or  
43 after July 1, 2006, authorized such driver's license or identification card to be issued to  
44 persons not lawfully present in the United States may not be accepted as evidence of legal  
45 presence in the United States."

46 **SECTION 2.**

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