

Senate Bill 404

By: Senators Heath of the 31st, Gooch of the 51st, Crane of the 28th, Murphy of the 27th, Hill of the 32nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated,
2 relating to issuance, expiration, and renewal of licenses to operate a motor vehicle, so as to
3 remove evidence of approved deferred action status from the list of available documents for
4 use in the issuance of a temporary driver's license or permit; to provide for related matters;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
9 issuance, expiration, and renewal of licenses to operate a motor vehicle, is amended by
10 revising Code Section 40-5-21.1, relating to the issuance and extension of temporary
11 licenses, permits, or special identification cards, as follows:

12 "40-5-21.1.

13 (a) Notwithstanding any other provision of this title, an applicant who presents in person
14 valid documentary evidence of:

15 (1) Admission to the United States in a valid, unexpired nonimmigrant status;

16 (2) A pending or approved application for asylum in the United States;

17 (3) Admission into the United States in refugee status;

18 (4) An approved application for temporary protected status in the United States;

19 (5) Approved deferred action status, provided that an applicant is only seeking a
20 temporary special identification card;

21 (6) Other federal documentation verified by the United States Department of Homeland
22 Security to be valid documentary evidence of lawful presence in the United States under
23 federal immigration law; provided, however, that such documentation is not approved
24 deferred action status when an applicant seeks a temporary license or permit; or

25 (7) Verification of lawful presence as provided by Code Section 40-5-21.2

26 may be issued a temporary license, permit, or special identification card. Such temporary
 27 license, permit, or special identification card shall be valid only during the period of time
 28 of the applicant's authorized stay in the United States or five years, whichever occurs first.

29 (b) A driver's license or identification card issued by any state or territory which, on or
 30 after July 1, 2006, authorized such driver's license or identification card to be issued to
 31 persons not lawfully present in the United States may not be accepted as evidence of legal
 32 presence in the United States.

33 (c) Other than those individuals who are lawfully present based upon deferred action
 34 status, any Any noncitizen applicant whose Georgia driver's license or identification card
 35 has expired, or will expire within 30 days, who has filed, or on whose behalf has been filed,
 36 a request for an extension with the United States Department of Homeland Security, or
 37 similar such federal issuing agency, for time to remain lawfully within the United States
 38 shall be issued a temporary driving permit or identification card valid for 120 days from
 39 the date of the expiration of his or her valid driver's license or identification card. The
 40 noncitizen applicant shall be required to present evidence of the application for extension
 41 by submitting a copy or copies of documentation designated by the department. A
 42 temporary driving permit or identification card shall be issued upon submission of the
 43 required documentation and an application fee in an amount to be determined by the
 44 department. Upon the expiration of the temporary driving permit or identification card, no
 45 further consecutive temporary permits or identification cards shall be authorized; provided,
 46 however, application may be made following the expiration of an additional valid Georgia
 47 driver's license or identification card."

48 **SECTION 2.**

49 Said article is further amended by revising Code Section 40-5-21.2, relating to compliance
 50 with the Systematic Alien Verification for Entitlements Program for the issuance of
 51 identification cards, licenses, permits, or other official documentation, as follows:

52 "40-5-21.2.

53 (a) As used in this Code section, the term:

54 (1) 'Department' means the Georgia Department of Driver Services.

55 (2) 'SAVE Program' means the Systematic Alien Verification for Entitlements (SAVE)
 56 Program established by the United States Bureau of Citizenship and Immigration
 57 Services.

58 (b) The department shall utilize the following procedures in this subsection before issuing
 59 an identification card, license, permit, or other official document to an applicant who is a
 60 noncitizen:

61 (1) The department shall attempt to confirm through the SAVE program that the
62 applicant is lawfully present in the United States; provided, however, that those
63 applicants lawfully present in the United States under approved deferred action status
64 shall not be eligible for the issuance of a license or permit; and

65 (2) If the SAVE program does not provide sufficient information to the department to
66 make a determination, the department shall be authorized to accept verbal or e-mail
67 confirmation of the legal status of the applicant from the Department of Homeland
68 Security.

69 (c) This Code section shall not apply to instances when a federal law mandates acceptance
70 of a document.

71 (d) Subsection (b) of this Code section shall become effective upon the department's full
72 implementation of the SAVE Program but not later than January 1, 2008."

73 **SECTION 3.**

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