

Senate Bill 320

By: Senators Watson of the 1st, Harper of the 7th, Beach of the 21st, Ginn of the 47th, Miller of the 49th and others

**AS PASSED SENATE**

**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, so as to revise the exemptions  
3 afforded to nonresidents who have in their immediate possession a valid driver's license  
4 issued to them in their home state or country; to provide for certain presumptions of validity  
5 of a driver's license issued by the driver's licensing authority of a foreign country; to provide  
6 for exceptions; to provide for related matters; to provide for an effective date; to repeal  
7 conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to  
11 issuance, expiration, and renewal of licenses, is amended by revising paragraph (2) of  
12 subsection (a) of Code Section 40-5-21, relating to exemptions generally, as follows:

13 "(2) A nonresident who has in his or her immediate possession a valid driver's license  
14 issued to him or her in his or her home state or country; provided, however, that such  
15 person would otherwise satisfy all requirements to receive a Georgia driver's license ~~and,~~  
16 ~~if such nonresident driver's license is in a language other than English, the nonresident~~  
17 ~~also has in his or her immediate possession a valid international driving permit which~~  
18 ~~conforms to and has been issued in accordance with the provisions of the Convention on~~  
19 ~~Road Traffic, 3 U.S.T. 3008, TIAS 2487, or any similar such treaty, international~~  
20 ~~agreement, or reciprocal agreement between the United States and a foreign nation~~  
21 ~~concerning driving privileges of nonresidents; and provided, further, that in the case of~~  
22 ~~a driver's license issued by the driver's licensing authority of a foreign country, any~~  
23 applicable requirements of Code Section 40-5-21.3 are satisfied."

24 **SECTION 2.**

25 Said article is further amended by adding a new Code section to read as follows:

26 "40-5-21.3.

27 (a) If a nonresident has in his or her immediate possession a driver's license issued by the  
28 driver's licensing authority of a foreign country, and a law enforcement officer is unable  
29 to verify the validity of such license through electronic or other means, such license shall  
30 be presumed to be valid if the nonresident also:

31 (1) Is a national of a country that has been designated by the United States Department  
32 of Homeland Security, or its successor agency, as a participant in the visa waiver program  
33 and such nonresident has in his or her possession a valid passport from such country with  
34 documentation evidencing lawful entry into the United States that is dated within 90 days  
35 of the date of the officer's inspection of such license;

36 (2) Has in his or her immediate possession a nonimmigrant visa and a valid passport  
37 from such country with documentation evidencing lawful entry into the United States that  
38 is dated within 12 months of the date of the officer's inspection of such license;

39 (3) Has in his or her immediate possession a valid international driving permit which  
40 conforms to, and has been issued in accordance with, the provisions of the Convention  
41 on Road Traffic, 3 U.S.T. 3008, TIAS 2487, or any similar such treaty, international  
42 agreement, or reciprocal agreement between the United States and a foreign country  
43 concerning driving privileges of nonresidents and documentation evidencing lawful entry  
44 into the United States that is dated within 12 months of the date of the officer's inspection  
45 of such license;

46 (4) Has in his or her immediate possession a certification in English that the nonresident  
47 driver's license is valid which has been made by a diplomatic or consular official who is  
48 assigned or accredited to the United States from the foreign country that issued the  
49 driver's license with documentation evidencing lawful entry into the United States that  
50 is dated within 12 months of the date of the officer's inspection of such license; or

51 (5) Has in his or her immediate possession a certification in English as to the validity of  
52 his or her foreign nonresident driver's license made by an official designated by the  
53 commissioner or the commissioner of economic development.

54 (b) The presumption of the validity of a foreign nonresident driver's license may be  
55 rebutted by other facts showing that the nonresident foreign driver is not authorized to  
56 operate a motor vehicle in the United States under the provisions of the Convention on  
57 Road Traffic, 3 U.S.T. 3008, TIAS 2487, or any similar such treaty, international  
58 agreement, or reciprocal agreement between the United States and a foreign country  
59 concerning driving privileges of nonresidents.

60 (c) If a nonresident driver is charged with a violation of Code Section 40-5-20 and such  
61 driver had in his or her immediate possession a driver's license issued by the driver's  
62 licensing authority of a foreign country at the time of the offense, such charge shall be  
63 dismissed if:

64 (1) The nonresident foreign driver provides the prosecuting attorney, or the court in  
65 which such offense has been charged, with a certification in English as to the validity of  
66 his or her foreign nonresident driver's license on the date of such offense, whereupon  
67 such certification is made by a diplomatic or consular official of such foreign country  
68 who is assigned or accredited to the United States; and  
69 (2) Evidence exists that such nonresident foreign driver was otherwise authorized to  
70 operate a motor vehicle in the United States under the provisions of the Convention on  
71 Road Traffic, 3 U.S.T. 3008, TIAS 2487, or any similar such treaty, international  
72 agreement, or reciprocal agreement between the United States and a foreign country  
73 concerning driving privileges of nonresidents and documentation evidencing lawful entry  
74 into the United States that is dated within 12 months of the date of the officer's inspection  
75 of such license; or  
76 (3) The validity of the driver's license of such nonresident foreign driver on the date of  
77 such offense is confirmed by a means of verification established by the commissioner by  
78 regulation."

79 **SECTION 3.**  
80 This Act shall become effective on January 1, 2017.

81 **SECTION 4.**  
82 All laws and parts of laws in conflict with this Act are repealed.