

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.