

The House Committee on Motor Vehicles offers the following substitute to HB 136:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 and Chapter 16 of Title 40 of the Official Code of Georgia Annotated,
2 relating to drivers' licenses and the Department of Driver Services, respectively, so as to
3 provide for demarcation of a valid driver's license, permit, or identification card by the
4 Department of Driver Services and return of such license, permit, or card to a person
5 applying for a new license or card; to provide for the term 'noncitizen' to be included on
6 certain licenses, permits, and identification cards; to provide for receipt upon confirmation
7 of eligibility for a new driver's license or permit for purposes of legally operating a motor
8 vehicle until arrival of the permanent driver's license or permit; to provide for punishment
9 for willful failure to surrender a valid driver's license, permit, or identification card to the
10 department upon application for a new license, permit, or card; to remove requirement that
11 a visually impaired parent or legal guardian must have previously held a valid driver's license
12 in order for his or her minor child to operate a motor vehicle; to provide for fees for issuance
13 of certain drivers' licenses and permits; to allow for department consideration of any
14 violation of law in determining whether disqualification of a commercial driver's license, a
15 commercial driver instructor permit, or commercial driving privileges is appropriate; to
16 provide for fees for issuance of identification cards; to provide authority to the commissioner
17 to contract for the collection of delinquent fees; to provide for related matters; to provide for
18 effective dates; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 style="text-align:center">**SECTION 1.**

21 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
22 is amended in Code Section 40-5-20, relating to license requirement, surrender of prior
23 licenses, and prohibition of local licenses, by revising subsection (c) as follows:

24 "(c)(1)(A) Any person who applies for a driver's license, instruction permit, or limited
25 driving permit shall indicate on such application whether he or she is in possession of

26 any other valid driver's license or permit issued pursuant to this title or from any other
 27 jurisdiction.

28 (B) Except as provided in paragraph (2) of this subsection ~~and in Code Section~~
 29 ~~40-5-32~~, no person shall receive a driver's license unless and until such person
 30 surrenders to the department all valid licenses or permits in such person's possession
 31 issued to him or her ~~by this~~ pursuant to this title or by any other jurisdiction. ~~All~~
 32 ~~surrendered licenses issued by another jurisdiction shall be destroyed~~ The department
 33 shall physically mark any surrendered license or permit in a manner which makes it
 34 apparent that such license or permit is no longer valid and return the license or permit
 35 to such person.

36 (C) The department shall issue a receipt to a person eligible to be issued a driver's
 37 license, instruction permit, or limited driving permit pursuant to the requirements of this
 38 title. Such receipt shall satisfy the requirements of subsection (a) of Code Section
 39 40-5-29 regarding proof of eligibility to operate a motor vehicle until the person has
 40 received his or her permanent driver's license, instruction permit, or limited driving
 41 permit.

42 (D) ~~The~~ If a surrendered driver's license was issued by another jurisdiction, the
 43 department shall forward the surrendered license information shall be forwarded to the
 44 previous jurisdiction.

45 (E) ~~No~~ Except as provided for in paragraph (2) of this subsection, no person shall be
 46 permitted to have more than one valid driver's license at any time.

47 (2) Any noncitizen who is eligible for issuance of a driver's license, instruction permit,
 48 or limited driving permit pursuant to the requirements of this ~~chapter~~ title and is in
 49 possession of a valid driver's license or permit issued by a foreign jurisdiction may be
 50 issued a driver's license, instruction permit, or limited driving permit without
 51 surrendering ~~any driver's license previously issued to him or her by any foreign~~
 52 ~~jurisdiction~~ the foreign driver's license or permit. This exemption shall not apply to a
 53 person who ~~is applying for a commercial driver's license or who is required to terminate~~
 54 ~~any previously issued driver's license pursuant to federal law.~~ The department shall make
 55 a notation on the driving record of any person who retains a foreign driver's license, and
 56 this information shall be made available to law enforcement officers and agencies on such
 57 person's driving record through the Georgia Crime Information Center.

58 (3) Any person who is eligible to receive a driver's license, instruction permit, or limited
 59 driving permit pursuant to the requirements of this title who willfully fails to surrender
 60 any valid driver's license, instruction permit, or limited driving permit shall be considered
 61 to have committed an act of fraud and upon conviction be punished as provided for in
 62 Code Section 16-10-20."

63 **SECTION 2.**

64 Said chapter is further amended in Code Section 40-5-21.1, relating to temporary licenses,
65 permits, or special identification cards, foreign licenses or identification cards as evidence
66 of legal presence in the United States, and extensions, by adding a new subsection to read as
67 follows:

68 "(d) A temporary license, permit, or special identification card issued pursuant to this Code
69 section shall include, in a prominent location, the term 'noncitizen'. The requirement of this
70 subsection shall not be effective until a request for proposal for services related to this
71 Code section is issued by the department following the effective date of this subsection."

72 **SECTION 3.**

73 Said chapter is further amended in Code Section 40-5-22, relating to persons not to be
74 licensed, minimum ages for licenses, school enrollment requirements, driving training
75 requirements, and limited driving permit, by revising subsection (b) as follows:

76 "(b)(1) Notwithstanding the provisions of subsection (a) of this Code section, any person
77 14 years of age or older who has a parent or guardian who is medically incapable of being
78 licensed to operate a motor vehicle due to visual impairment may apply for and, subject
79 to the approval of the commissioner, may be issued a restricted noncommercial Class P
80 instruction permit for the operation of a noncommercial Class C vehicle. Any person
81 permitted pursuant to this subsection shall be accompanied whenever operating a motor
82 vehicle by such physically impaired parent or guardian or by a person at least 21 years
83 of age who is licensed as a driver for a commercial or noncommercial Class C vehicle,
84 who is fit and capable of exercising control over the vehicle, and who is occupying a seat
85 beside the driver. ~~The department shall require satisfactory proof that the physically~~
86 ~~impaired parent or guardian previously held a valid driver's license in the State of~~
87 ~~Georgia, another state, or the District of Columbia before issuing an instructional permit~~
88 ~~pursuant to this paragraph.~~

89 (2) Notwithstanding the provisions of subsection (a) of this Code section, any person 15
90 years of age or older who has a parent or guardian who is medically incapable of being
91 licensed to operate a motor vehicle due to physical impairment and has been issued an
92 identification card containing the international handicapped symbol pursuant to Article
93 8 of this chapter may apply for and, subject to the approval of the commissioner, may be
94 issued a restricted noncommercial Class P instruction permit for the operation of a
95 noncommercial Class C vehicle. Any person permitted pursuant to this paragraph shall
96 be accompanied whenever operating a motor vehicle by such physically impaired parent
97 or guardian or by a person at least 21 years of age who is licensed as a driver for a
98 commercial or noncommercial Class C vehicle, who is fit and capable of exercising

99 control over the vehicle, and who is occupying a seat beside the driver. ~~The department~~
 100 ~~shall require satisfactory proof that the physically impaired parent or guardian previously~~
 101 ~~held a valid driver's license in the State of Georgia, another state, or the District of~~
 102 ~~Columbia before issuing an instructional permit pursuant to this paragraph."~~

103 **SECTION 4.**

104 Said chapter is further amended in Code Section 40-5-25, relating to applications, fees,
 105 waiver of fees, and provisions for voluntary participation in various programs, by revising
 106 subsection (a) as follows:

107 "(a) Every application for an instruction permit or for a driver's license shall be made upon
 108 a form furnished by the department. Every application shall be accompanied by the proper
 109 license fee. The fees shall be as established by the Board of Driver Services, not to exceed:

110	(1) For instruction permits for Classes C, E, F, and M drivers'	
111	licenses and for Class D drivers' licenses	\$ 10.00
112	(2) For five-year Classes C, E, F, and M noncommercial drivers'	
113	licenses	20.00
114	(2.1) For eight-year Classes C, E, F, and M noncommercial drivers'	
115	licenses	32.00
116	(3) For Classes A, B, C, and M commercial drivers' licenses	20.00
117	(4) For application for Classes A, B, C, and M commercial drivers'	
118	licenses or a Class P commercial driver's instruction permit	35.00
119	(5) <u>(4)</u> For Class P commercial drivers' instruction permits for	
120	Classes A, B, C, and M commercial drivers' licenses	10.00
121	(6) <u>(5)</u> For <u>up to five year</u> Classes A, B, C, and M commercial	
122	drivers' licenses, initial issuance requiring a road test	70.00
123	<u>(5.1) For eight-year Classes A, B, C, and M commercial drivers'</u>	
124	<u>licenses, initial issuance requiring a road test</u>	<u>82.00</u>
125	(7) <u>(6)</u> For <u>up to five year</u> Classes A, B, C, and M commercial	
126	drivers' licenses, initial issuance not requiring a road test	20.00
127	<u>(6.1) For eight-year Classes A, B, C, and M commercial drivers'</u>	
128	<u>licenses, initial issuance not requiring a road test</u>	<u>32.00</u>
129	(8) <u>(7)</u> For renewal of <u>up to five year</u> Classes A, B, C, and M	
130	commercial drivers' licenses	20.00
131	<u>(7.1) For renewal of eight-year Class A, B, C, and M commercial</u>	
132	<u>drivers' licenses</u>	<u>32.00</u>

SECTION 6.

168
169 Said chapter is further amended in Code Section 40-5-100, relating to authorization to issue
170 identification cards, contents of such cards, prohibition on possession of more than one card,
171 application and renewal of cards, and dissemination of information regarding voluntary
172 programs, by revising subsection (c) as follows:

173 “(c)(1) No person may possess more than one identification card issued pursuant to this
174 Code section; provided, however, that this subsection shall not be construed to prevent
175 a ~~resident of this state who possesses~~ person issued a driver's license, instruction permit,
176 or limited driving permit pursuant to this title from also possessing an identification card
177 issued under this article.

178 (2)(A) Any person who applies for an identification card shall indicate on such
179 application whether he or she is in possession of any other valid identification card,
180 driver's license, instruction permit, or limited driving permit issued pursuant to this title
181 or by any other jurisdiction.

182 (B) Except as provided in paragraph (3) of this subsection, each applicant for an
183 identification card shall surrender to the department any valid identification card or,
184 driver's license, instruction permit, or limited driving permit previously issued pursuant
185 to this title or by any other state and any identification card previously issued by this
186 state jurisdiction. The department shall physically mark any surrendered identification
187 card, driver's license, instruction permit, or limited driving permit in a manner which
188 makes it apparent that such card, license, or permit is no longer valid and return the
189 card, license, or permit to such person.

190 (C) The department shall issue a receipt to a person eligible to be issued an
191 identification card pursuant to the requirements of this title. Such receipt may be used
192 as proof of issuance until the person has received his or her permanent identification
193 card.

194 (D) If a surrendered identification card, driver's license, instruction permit, or limited
195 driving permit was issued by another jurisdiction, the department shall forward the
196 surrendered card, license, or permit information to the previous jurisdiction.

197 (3)(A) Any noncitizen who is eligible for issuance of an identification card pursuant
198 to the requirements of this ~~chapter~~ title and is in possession of an identification card or
199 driver's license issued by a foreign jurisdiction may be issued an identification card
200 without surrendering ~~any driver's license or identification card previously issued to him~~
201 ~~or her by any foreign jurisdiction~~ the foreign driver's license or identification card. This
202 exemption shall not apply to a person who is required to terminate any previously
203 issued identification card pursuant to federal law.

204 (B) The department shall make a notation on the driving record of any person who
 205 retains a foreign identification card or driver's license, and this information shall be
 206 made available to law enforcement officers and agencies on such person's driving
 207 record through the Georgia Crime Information Center.

208 (4) ~~Willful failure to surrender any such previous driver's license or personal~~
 209 ~~identification card upon application for a new personal identification card will~~ Any
 210 person who is eligible to receive an identification card pursuant to the requirements of
 211 this title who willfully fails to surrender any valid identification card, driver's license,
 212 instruction permit, or limited driving permit shall be considered to have committed an act
 213 of fraud and upon conviction be punished as provided for in Code Section ~~40-5-125~~
 214 16-10-20."

215 SECTION 7.

216 Said chapter is further amended in Code Section 40-5-103, relating to fees and issuance
 217 periods for identification cards, exceptions for veterans' or honorary licenses, and application
 218 and renewal of an identification card, by revising subsection (a) as follows:

219 "(a) Except as provided in Code Section 40-5-21.1 and subsections (b) and (c) of this Code
 220 section, the department shall collect a fee of \$20.00 for a five-year card and a fee of ~~\$35.00~~
 221 \$32.00 for an eight-year card, which fee shall be deposited in the state treasury in the same
 222 manner as other motor vehicle driver's license fees."

223 SECTION 8.

224 Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the Department
 225 of Driver Services, is amended in Code Section 40-16-5, relating to authority of the
 226 commissioner, by adding a new subsection to read as follows:

227 "(g)(1) The commissioner may contract with a debt collection agency or attorney doing
 228 business within or outside this state for the collection of delinquent fees owed to the
 229 department pursuant to this title. Such contract may provide for the rate of payment and
 230 the manner in which compensation for debt collection services shall be paid. The
 231 compensation, fees, and expenses for such debt collection may be added to the amount
 232 of the delinquent fees owed and may be collected directly by the contractor from the
 233 debtor. The commissioner is authorized to provide such contractor with the necessary
 234 information regarding the delinquent fees and debtor for the collection of the fees owed.
 235 (2) No delinquent fees may be collected pursuant to paragraph (1) of this subsection
 236 from a person not subject to a license suspension or cancellation pursuant to this title.
 237 (3) The commissioner may adopt rules and regulations to carry out the provisions of this
 238 subsection."

239

SECTION 9.

240 (a) This Act shall become effective on July 1, 2017, except as otherwise provided in
241 subsection (b) of this section.

242 (b) Subsection (c) of Code Section 40-5-20 as amended by Section 1 of this Act and
243 subsection (c) of Code Section 40-5-100 as amended by Section 6 of this Act shall become
244 effective on July 1, 2018.

245

SECTION 10.

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