

The Senate Committee on Public Safety offered 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 receipt upon confirmation of eligibility for
6 a new driver's license or permit for purposes of legally operating a motor vehicle until arrival
7 of the permanent driver's license or permit; to remove requirement that a visually impaired
8 parent or legal guardian must have previously held a valid driver's license in order for his or
9 her minor child to operate a motor vehicle; to provide for fees for issuance of certain drivers'
10 licenses and permits; to allow for department consideration of any violation of law in
11 determining whether disqualification of a commercial driver's license, a commercial driver
12 instructor permit, or commercial driving privileges is appropriate; to revise punishment for
13 failure to surrender certain identification cards, drivers' licenses, instruction permits, and
14 limited driving permits; to provide for fees for issuance of identification cards; to provide
15 authority to the commissioner to contract for the collection of delinquent fees; to provide for
16 related matters; to provide for effective dates; to repeal conflicting laws; and for other
17 purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

23 "(c)(1)(A) Any person who applies for a driver's license, instruction permit, or limited
24 driving permit shall indicate on such application whether he or she is in possession of
25 any other valid driver's license or permit issued pursuant to this title or from any other
26 jurisdiction.

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 33 apparent that such license or permit is no longer valid and return the license or permit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

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

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

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

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

57 **SECTION 2.**

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

61 "(b)(1) Notwithstanding the provisions of subsection (a) of this Code section, any person
 62 14 years of age or older who has a parent or guardian who is medically incapable of being

63 licensed to operate a motor vehicle due to visual impairment may apply for and, subject
 64 to the approval of the commissioner, may be issued a restricted noncommercial Class P
 65 instruction permit for the operation of a noncommercial Class C vehicle. Any person
 66 permitted pursuant to this subsection shall be accompanied whenever operating a motor
 67 vehicle by such physically impaired parent or guardian or by a person at least 21 years
 68 of age who is licensed as a driver for a commercial or noncommercial Class C vehicle,
 69 who is fit and capable of exercising control over the vehicle, and who is occupying a seat
 70 beside the driver. ~~The department shall require satisfactory proof that the physically~~
 71 ~~impaired parent or guardian previously held a valid driver's license in the State of~~
 72 ~~Georgia, another state, or the District of Columbia before issuing an instructional permit~~
 73 ~~pursuant to this paragraph.~~

74 (2) Notwithstanding the provisions of subsection (a) of this Code section, any person 15
 75 years of age or older who has a parent or guardian who is medically incapable of being
 76 licensed to operate a motor vehicle due to physical impairment and has been issued an
 77 identification card containing the international handicapped symbol pursuant to Article
 78 8 of this chapter may apply for and, subject to the approval of the commissioner, may be
 79 issued a restricted noncommercial Class P instruction permit for the operation of a
 80 noncommercial Class C vehicle. Any person permitted pursuant to this paragraph shall
 81 be accompanied whenever operating a motor vehicle by such physically impaired parent
 82 or guardian or by a person at least 21 years of age who is licensed as a driver for a
 83 commercial or noncommercial Class C vehicle, who is fit and capable of exercising
 84 control over the vehicle, and who is occupying a seat beside the driver. ~~The department~~
 85 ~~shall require satisfactory proof that the physically impaired parent or guardian previously~~
 86 ~~held a valid driver's license in the State of Georgia, another state, or the District of~~
 87 ~~Columbia before issuing an instructional permit pursuant to this paragraph."~~

88 **SECTION 3.**

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

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

- 95 (1) For instruction permits for Classes C, E, F, and M drivers'
 96 licenses and for Class D drivers' licenses \$ 10.00
- 97 (2) For five-year Classes C, E, F, and M noncommercial drivers'
 98 licenses 20.00

99	(2.1) For eight-year Classes C, E, F, and M noncommercial drivers'	
100	licenses	32.00
101	(3) For Classes A, B, C, and M commercial drivers' licenses	20.00
102	(4) For application for Classes A, B, C, and M commercial drivers'	
103	licenses or a Class P commercial driver's instruction permit	35.00
104	(5) <u>(4)</u> For Class P commercial drivers' instruction permits for	
105	Classes A, B, C, and M commercial drivers' licenses	10.00
106	(6) <u>(5)</u> For <u>up to five year</u> Classes A, B, C, and M commercial	
107	drivers' licenses, initial issuance requiring a road test	70.00
108	<u>(5.1) For eight-year Classes A, B, C, and M commercial drivers'</u>	
109	<u>licenses, initial issuance requiring a road test</u>	<u>82.00</u>
110	(7) <u>(6)</u> For <u>up to five year</u> Classes A, B, C, and M commercial	
111	drivers' licenses, initial issuance not requiring a road test	20.00
112	<u>(6.1) For eight-year Classes A, B, C, and M commercial drivers'</u>	
113	<u>licenses, initial issuance not requiring a road test</u>	<u>32.00</u>
114	(8) <u>(7)</u> For renewal of <u>up to five year</u> Classes A, B, C, and M	
115	commercial drivers' licenses	20.00
116	<u>(7.1) For renewal of eight-year Class A, B, C, and M commercial</u>	
117	<u>drivers' licenses</u>	<u>32.00</u>
118	(8.1) <u>(7.2)</u> For renewal of five-year <u>up to five year</u> Classes C, E, F,	
119	and M noncommercial drivers' licenses	20.00
120	(8.2) <u>(7.3)</u> For renewal of eight-year Classes C, E, F, and M	
121	noncommercial drivers' licenses	32.00
122	(9) <u>(8)</u> Initial issuance of Classes A, B, C, and M commercial	
123	drivers' licenses and Class P commercial drivers' instruction permits	
124	shall include all endorsement fees within the license fee. Each	
125	endorsement added after initial licensing	5.00

126 The commissioner may by rule provide incentive discounts in otherwise applicable fees
 127 reflecting cost savings to the department where a license is renewed by means other than
 128 personal appearance. The discount for renewal of a Class C or Class M license and any
 129 other discounts shall be as determined by the commissioner. Except as provided in Code
 130 Section 40-5-36, relating to veterans' licenses, and Code Section 40-5-149, relating to
 131 application fees for public school bus drivers, there shall be no exceptions to the fee
 132 requirements for a commercial driver's license or a commercial driver's license permit.
 133 Notwithstanding any other provision of this Code section, there shall be no fee whatsoever
 134 for replacement of any driver's license solely due to a change of the licensee's name or

135 address, provided that such replacement license shall be valid only for the remaining period
 136 of such original license; and provided, further, that only one such free replacement license
 137 may be obtained within the period for which the license was originally issued. Any
 138 application for the replacement of a lost license pursuant to Code Section 40-5-31 or due
 139 to a change in the licensee's name or address submitted within 150 days of the expiration
 140 of said license shall be treated as an application for renewal subject to the applicable
 141 license fees as set forth in this subsection. The maximum period for which any driver's
 142 license shall be issued is eight years."

143 **SECTION 4.**

144 Said chapter is further amended in Code Section 40-5-53, relating to when courts shall send
 145 licenses and reports of convictions to the department, destruction of license by the
 146 department, and issuance of new license upon satisfaction of certain requirements, by
 147 revising paragraph (4) of subsection (b) as follows:

148 "(4) Any report of any conviction ~~for a violation of Article 7 of this chapter~~, regardless
 149 of the date such report of conviction is received by the department, shall be considered
 150 for purposes of disqualifying a person's commercial driver's license, commercial driver
 151 instruction permit, or commercial driving privileges in accordance with Code Section
 152 40-5-151."

153 **SECTION 5.**

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

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

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

167 (B) Except as provided in paragraph (3) of this subsection, each applicant for an
 168 identification card shall surrender to the department any valid identification card or,
 169 driver's license, instruction permit, or limited driving permit previously issued pursuant

170 to this title or by any other state and any identification card previously issued by this
 171 state jurisdiction. The department shall physically mark any surrendered identification
 172 card, driver's license, instruction permit, or limited driving permit in a manner which
 173 makes it apparent that such card, license, or permit is no longer valid and return the
 174 card, license, or permit to such person.

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

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

182 (3)(A) Any noncitizen who is eligible for issuance of an identification card pursuant
 183 to the requirements of this ~~chapter~~ title and is in possession of an identification card or
 184 driver's license issued by a foreign jurisdiction may be issued an identification card
 185 without surrendering ~~any driver's license or identification card previously issued to him~~
 186 ~~or her by any foreign jurisdiction~~ the foreign driver's license or identification card. This
 187 exemption shall not apply to a person who is required to terminate any previously
 188 issued identification card pursuant to federal law.

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

193 ~~(4) Willful failure to surrender any such previous driver's license or personal~~
 194 ~~identification card upon application for a new personal identification card will be~~
 195 ~~considered an act of fraud and upon conviction be punished as provided for in Code~~
 196 ~~Section 40-5-125."~~

197 **SECTION 6.**

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

201 "(a) Except as provided in Code Section 40-5-21.1 and subsections (b) and (c) of this Code
 202 section, the department shall collect a fee of \$20.00 for a five-year card and a fee of ~~\$35.00~~
 203 \$32.00 for an eight-year card, which fee shall be deposited in the state treasury in the same
 204 manner as other motor vehicle driver's license fees."

205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220

SECTION 7.

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

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

221
222
223
224
225
226

SECTION 8.

- (a) This Act shall become effective on July 1, 2017, except as otherwise provided in subsection (b) of this section.
- (b) Subsection (c) of Code Section 40-5-20 as amended by Section 1 of this Act and subsection (c) of Code Section 40-5-100 as amended by Section 5 of this Act shall become effective on July 1, 2018.

227
228

SECTION 9.

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