

House Bill 905

By: Representatives Corbett of the 174th, LaRiccia of the 169th, Dollar of the 45th, and Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to provide authority of the commissioner of driver services to enter into certain
3 reciprocal agreements with foreign jurisdictions; to provide for an exemption from licensing
4 upon production of certain licenses issued by foreign jurisdictions; to provide for an
5 exemption from certain testing requirements for individuals from foreign jurisdictions having
6 entered into reciprocal agreements; to provide for an exemption for signatures on traffic
7 citations in lieu of personal court appearance; to provide for related matters; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
12 amended in Code Section 40-2-88, relating to reciprocal agreements for registration of
13 commercial vehicles on apportionment basis and registration under the International
14 Registration Plan, by revising subsection (a) as follows:

15 "(a) In addition to and regardless of the provisions of Article 3 of this chapter or any other
16 provisions of law relating to the operation of motor vehicles over the public highways of
17 this state, the commissioner is authorized to enter into reciprocal agreements or plans on
18 behalf of the State of Georgia with the appropriate authorities of any of the states of the
19 United States, the District of Columbia, a state or province of any foreign ~~country~~
20 jurisdiction, or a territory or possession of the United States or any foreign ~~country~~
21 jurisdiction providing for the registration of commercial vehicles on an apportionment basis
22 and may, in the exercise of this authority, enter and become a member of the International
23 Registration Plan developed by the American Association of Motor Vehicle
24 Administrators. Any such reciprocal agreement or plan may provide for but shall not be
25 limited to the following provisions: (1) full reciprocity in accordance with such agreement
26 or plan for commercial vehicles not based in Georgia, which vehicles are operated in

27 interstate commerce or a combination of interstate and intrastate commerce and are of
 28 specified types or weights, in exchange for equivalent reciprocity for Georgia based
 29 commercial vehicles; (2) reciprocal exchange of audits of records of the owners of such
 30 commercial vehicles by the states participating in any such agreement or plan; and (3) any
 31 other matters which would facilitate the administration of such agreement or plan,
 32 including exchange of information for audits enforcement activities and collection and
 33 disbursement of proportional registration fees for other jurisdictions in the case of Georgia
 34 based commercial vehicles."

35 **SECTION 2.**

36 Said title is further amended in Code Section 40-5-5, relating to authority of Governor to
 37 execute binding reciprocal agreements regarding operation of motor vehicles, publication of
 38 terms of agreements, rules and regulations, and exemption for certain foreign citizens, by
 39 revising subsection (c) as follows:

40 "(c) The commissioner is authorized to negotiate and enter into an agreement with a
 41 foreign country jurisdiction that exempts the citizens of such foreign country jurisdiction
 42 from the knowledge test and the on-the-road driving test required in Code Section 40-5-27
 43 so long as the citizen holds a valid driver's license of an equivalent class issued by such
 44 foreign country jurisdiction; provided, however, that no such agreement shall be entered
 45 into unless the foreign country jurisdiction offers the same reciprocity to persons holding
 46 a valid driver's license of an equivalent class issued by the State of Georgia and the
 47 commissioner determines that the laws of such foreign country jurisdiction relating to the
 48 operation of motor vehicles are sufficiently similar to such laws of this state such that
 49 driving safety shall not be compromised; and provided, further, that no such agreement
 50 shall be entered into unless the Department of Economic Development has certified that
 51 persons or entities from such country jurisdiction have made or are likely to make a
 52 substantial economic investment in this state that has or will lead to the substantial creation
 53 of jobs in this state. The provisions of this subsection notwithstanding, the ~~department~~
 54 commissioner shall not be authorized to enter into any reciprocal agreement with any
 55 foreign country jurisdiction that is designated as a state sponsor of terrorism by the United
 56 States Department of State. The exemption provided for in this subsection shall not be an
 57 exemption from any other legal requirement for the issuance of a driver's license, including
 58 the requirement that the applicant demonstrate lawful presence within the United States in
 59 accordance with Code Sections 40-5-21.1 and 40-5-21.2. This subsection shall not apply
 60 to citizens of foreign ~~countries~~ jurisdictions applying for a commercial driver's license or
 61 Class M driver's license."

SECTION 3.

62
63 Said title is further amended in Code Section 40-5-21, relating to exemptions generally, by
64 revising subsection (a) as follows:

65 "(a) Except as provided in Article 7 of this chapter, the 'Uniform Commercial Driver's
66 License Act,' the following persons are exempt from licenses under this chapter:

67 (1) Any employee of the United States government while operating a motor vehicle
68 owned by or leased to the United States government and which is being operated on
69 official business, unless such employee is required by the United States government or
70 any agency thereof to have a state driver's license;

71 (2) A nonresident who has in his or her immediate possession a valid driver's license
72 issued to him or her in his or her home state or ~~country~~ foreign jurisdiction; provided,
73 however, that such person would otherwise satisfy all requirements to receive a Georgia
74 driver's license; and provided, further, that in the case of a driver's license issued by the
75 driver's licensing authority of a foreign ~~country~~ jurisdiction, a law enforcement officer
76 may consult such person's passport or visa to verify the validity of such license, if
77 available;

78 (3) A nonresident on active duty in the armed forces of the United States who has a valid
79 license issued by his or her home state, and such nonresident's spouse or dependent son
80 or daughter who has a valid license issued by such person's home state;

81 (4) Any person on active duty in the armed forces of the United States who has in his or
82 her immediate possession a valid license issued in a foreign ~~country~~ jurisdiction by the
83 armed forces of the United States, for a period of not more than 45 days from the date of
84 his or her return to the United States;

85 (5) Any inmate or resident patient of a state, county, or municipally owned institution
86 who drives a vehicle while on the grounds of such institution and while accompanied by
87 and under the direct personal supervision of a qualified driving instructor or of some
88 other person duly authorized in writing to so accompany and supervise such inmate or
89 resident patient;

90 (6) Any person driving or operating a farm tractor or farm implement temporarily
91 operated on a highway for the purpose of conducting farm business;

92 (7) Any inmate of a state, county, or municipal prison, correctional institution, or jail
93 while operating a motor vehicle owned by or leased to the state, county, or municipality
94 and being operated with the written approval of the warden or superintendent and in such
95 manner and for such purpose as may be specified by the warden or superintendent,
96 provided that such inmate, within the 60 day period prior to the grant of written authority,
97 has passed the vision, written, and driving tests required for licensing a citizen to operate

- 98 such motor vehicle. The department shall give such tests and issue a certificate, without
99 charge therefor, to any inmate passing such tests;
- 100 (8) A member of the reserve components of the armed forces of the United States while
101 operating a motor vehicle owned by or leased to the United States government and being
102 operated in accordance with the duties of such member as a member of the reserve
103 components of the armed forces;
- 104 (9) Any person seeking to obtain a driver's license while taking the driving examination
105 for such license accompanied by a driver license examiner of the department or a certified
106 examining agent of the department;
- 107 (10) Any migrant farm worker who works in this state less than 90 days in any calendar
108 year and who possesses a valid driver's license issued by another state;
- 109 (11) Any resident who is 15 years of age or over while taking actual in-car training in a
110 training vehicle other than a commercial motor vehicle under the direct personal
111 supervision of a driving instructor when such driving instructor and training vehicle are
112 licensed by the department in accordance with the provisions of Chapter 13 of Title 43,
113 'The Driver Training School and Commercial Driver Training School License Act.' As
114 used in the previous sentence, the term 'commercial motor vehicle' shall have the
115 meaning specified in Code Section 40-5-142. All vehicles utilized for the in-car training
116 authorized under this paragraph shall be equipped with dual controlled brakes and shall
117 be marked with signs in accordance with the rules of the department clearly identifying
118 such vehicles as training cars belonging to a licensed driving school. A driving instructor
119 shall test the eyesight of any unlicensed person who will be receiving actual in-car
120 training prior to commencement of such training, and no unlicensed driver shall receive
121 in-car training unless such person has at least the visual acuity and horizontal field of
122 vision as is required for issuance of a driver's license in subsection (c) of Code
123 Section 40-5-27;
- 124 (12) Any person while operating a personal transportation vehicle:
- 125 (A) On any way publicly maintained for the use of personal transportation vehicles by
126 the public and no other types of motor vehicles in accordance with a local ordinance
127 adopted pursuant to Part 3 or 6 of Article 13 of Chapter 6 of this title; or
- 128 (B) When crossing a street or highway used by other types of motor vehicles at a
129 location designated for such crossing pursuant to subsection (d) of Code
130 Section 40-6-331 or pursuant to a PTV plan authorized by a local authority as described
131 in Part 6 of Article 13 of Chapter 6 of this title; and
- 132 (13) A fully autonomous vehicle with the automated driving system engaged or the
133 operator of a fully autonomous vehicle with the automated driving system engaged."

134 **SECTION 4.**

135 Said title is further amended in Code Section 40-5-27, relating to examination of applicants,
136 by revising paragraph (3) of subsection (a) as follows:

137 "(3) Neither the on-the-road driving test nor the knowledge test shall apply to:

138 (A) An applicant 18 years of age and older with a valid and current license, or a license
139 that has been expired for less than two years, issued by another state of the United
140 States or the District of Columbia; or

141 (B) An applicant who is a citizen of a foreign ~~country~~ jurisdiction with which the
142 commissioner has entered into a reciprocal agreement pursuant to subsection (c) of
143 Code Section 40-5-5."

144 **SECTION 5.**

145 Said title is further amended in Code Section 40-13-2.1, relating to signature on citations
146 required, effect of failure to sign, exemptions for out-of-state drivers, and electronic capture
147 of signature, by revising subsection (b) as follows:

148 "(b) The provisions of subsection (a) of Code Section 17-6-11 shall not apply to a person
149 in possession of a driver's license issued by a state or foreign ~~country~~ jurisdiction that has
150 not entered into a reciprocal agreement regarding the operation of motor vehicles with this
151 state as provided in Chapter 5 of Title 40, which provides for the suspension of a driver's
152 license by the other state or foreign ~~country~~ jurisdiction of a person who fails to appear for
153 trial of a traffic offense committed in this state."

154 **SECTION 6.**

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