

House Bill 543

By: Representatives McLaurin of the 51st, Cannon of the 58th, Lim of the 99th, Shannon of the 84th, Park of the 101st, and others

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 for standards for the issuance of replacement drivers' licenses,
3 commercial drivers' licenses, personal identification cards, and identification cards for
4 persons with disabilities for changes in gender designation; to provide for procedures and
5 fees for the issuance of such replacement licenses and cards; to replace the term "sex" with
6 "gender"; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
10 amended in Code Section 40-5-25, relating to driver's license applications, fees, waiver of
11 fees, and provisions for voluntary participation in various programs, by revising
12 subsection (c) as follows:

13 "(c) Every such application shall state the full legal name, date of birth, ~~sex~~ gender, and
14 residence address of the applicant; shall briefly describe the applicant; shall state whether
15 the applicant has theretofore been licensed as a driver and, if so, when and by what state
16 or country, and whether any such license has ever been suspended, revoked, or refused,

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17 and, if so, the date of and reason for such suspension, revocation, or refusal; and shall state
18 such other information as the commissioner may require to determine the applicant's
19 identity, competence, and eligibility. Verification of the gender of an applicant shall be
20 satisfied by oath or affirmation of the applicant, and no other documentation shall be
21 required of an applicant except that which is required pursuant to this article as necessary
22 to establish that such individual is lawfully entitled to a license. The application shall
23 include any other information as required by paragraph (1) of subsection (a.1) of Code
24 Section 19-11-9.1. The department shall not issue a license until a complete examination
25 of the applicant's record has been completed. The commissioner may issue such rules and
26 regulations as shall be necessary for the orderly processing of license applications."

27 **SECTION 2.**

28 Said title is further amended in paragraph (2) of subsection (a) of Code Section 40-5-26,
29 relating to driver's license applications of minors, revocation request of minor's instruction
30 permit or license, and distinctive licenses for persons under 21, by adding a new
31 subparagraph to read as follows:

32 "(E) Verification of the gender of an applicant shall be satisfied by oath or affirmation
33 of the applicant, and no other documentation shall be required of an applicant except
34 that which is required pursuant to this article as necessary to establish that such
35 individual is lawfully entitled to a license."

36 **SECTION 3.**

37 Said title is further amended by revising Code Section 40-5-33, relating to change of address
38 or name upon a driver's license, as follows:

39 "40-5-33.

40 (a) Whenever any person, after applying for or receiving a driver's license, shall move
41 from the address named in such application or in the license issued to him or her or when

42 the name of a licensee is changed by marriage or otherwise, such person shall apply to the
43 department for a license showing the correct name or address within 60 days. Failure to
44 change the name or address shall not deem the license invalid.

45 (b) Whenever any person, after applying for or receiving a driver's license, shall desire to
46 change the gender designated in such application or in the license issued, such person may
47 apply to the department for a replacement license showing such person's gender
48 designation. Such application shall be granted upon verification by oath or affirmation of
49 the applicant that such gender is the proper designation on a form to be provided by the
50 department. No other documentation shall be required of an applicant except that which
51 is required pursuant to this article as necessary to establish that such individual is lawfully
52 entitled to a license.

53 (c) The commissioner may determine the locations at which applications shall be accepted
54 for applications due to change of name, or address, or gender. Without limiting the
55 generality of the foregoing, it is specifically provided that the commissioner may designate
56 county tag agents, if they so agree, as agents of the department for this purpose.

57 (d) The fee for any replacement license issued pursuant to this Code section shall be the
58 same as provided for in Code Section 40-5-25."

59 **SECTION 4.**

60 Said title is further amended in Code Section 40-5-103, relating to fee, issuance period,
61 exemptions from fees, and renewal of personal identification cards, by revising subsection (f)
62 and adding new subsections to read as follows:

63 "(f)(1) Every identification card shall be renewed on or before its expiration upon
64 application, payment of the required fee, and, if applicable, satisfactory completion of any
65 other requirements imposed by law.

66 (2) An application for renewal of an identification card may be submitted by:

67 (A) Personal appearance before the department; or

68 (B) Subject to rules or regulations of the department consistent with considerations of
69 public safety and efficiency of service to identification card holders, means other than
70 personal appearance which may include, without limitation, by mail or electronically.
71 The department may by such rules or regulations exempt persons renewing, obtaining,
72 or transitioning to identification cards under this paragraph from any surrender
73 requirement imposed under Georgia law.

74 (g) When an identification card holder desires to change the gender designated in an issued
75 identification card, such person may apply to the department for a replacement
76 identification card showing such person's gender designation. Such application shall be
77 granted upon verification by oath or affirmation of the applicant that such gender is the
78 proper designation on a form to be provided by the department.

79 ~~(3)~~(h) Notwithstanding any other provision of this Code section, there shall be no fee
80 whatsoever for replacement of any identification card solely due to a change of the
81 identification card holder's name, ~~or~~ address, or gender, provided that such replacement
82 identification card shall be valid only for the remaining period of such original term; and
83 provided, further, that only one such free replacement identification card may be obtained
84 within the period for which the identification card was originally issued. Any application
85 for the replacement of a lost identification card or due to a change in the identification card
86 holder's name, ~~or~~ address, or gender submitted within 150 days of the expiration of said
87 identification card shall be treated as an application for renewal subject to the applicable
88 fees as set forth in this Code section."

89 **SECTION 5.**

90 Said title is further amended in Code Section 40-5-149, relating to contents of application for
91 commercial driver's license and application required when name, mailing address, or
92 residence changed, by revising subsections (a) and (b) as follows:

93 "(a) The application for a commercial driver's license or commercial driver's instruction
94 permit shall include the following:

95 (1) The full legal name and current mailing and residential address of the person;

96 (2) A physical description of the person including ~~sex~~ gender, height, weight, and eye
97 color;

98 (3) Full date of birth;

99 (4) Reserved;

100 (5) The person's signature;

101 (6) The person's current photograph;

102 (7) Certifications, including those required by 49 C.F.R. Part 383.71(a);

103 (8) Any other information required by the department; and

104 (9) Consent to release driving record information to the Commercial Driver License
105 Information System clearing-house and whatever agent or agency the Commercial Driver
106 License Information System deems necessary by federal requirements.

107 Each application shall be accompanied by an application fee of \$35.00, except for those
108 who operate or are applying to operate a public school bus and inmates of state or county
109 correctional institutions who operate or are applying to operate commercial motor vehicles
110 under the supervision of such institutions during the period of such inmates' confinement,
111 in which cases there shall be no application fee.

112 (b)(1) When a licensee changes his or her name, mailing address, or residence, an
113 application for a new license shall be made within 30 days of such change.

114 (2) When a licensee desires to change the gender designated in an issued license, such
115 person may apply to the department for a replacement license showing such person's
116 gender designation. Such application shall be granted upon verification by oath or
117 affirmation of the applicant that such gender is the proper designation on a form to be
118 provided by the department. No other documentation shall be required of an applicant

119 except that which is required pursuant to this article as necessary to establish that such
120 individual is lawfully entitled to a license.

121 (3) The fee for ~~such new license~~ a replacement license issued pursuant to this Code
122 section shall be as provided in Code Section 40-5-25."

123 **SECTION 6.**

124 Said title is further amended by adding a new Code section to read as follows:

125 "40-5-180.

126 (a) When a person issued an identification card pursuant to this article changes his or her
127 name, mailing address, or residence, an application for a new identification card shall be
128 made within 30 days of such change.

129 (b) When a person issued an identification card pursuant to this article desires to change
130 the gender designated in an issued identification card, such person may apply to the
131 department for a replacement identification card showing such person's gender designation.
132 Such application shall be granted upon verification by oath or affirmation of the applicant
133 that such gender is the proper designation on a form to be provided by the department. No
134 other documentation shall be required of an applicant except that which is required
135 pursuant to this article as necessary to establish that such individual is lawfully entitled to
136 a license.

137 (c) The fee for any replacement identification card issued pursuant to this Code section
138 shall be as provided in Code Section 40-5-178."

139 **SECTION 7.**

140 Said title is further amended by replacing "sex" with "gender" wherever the former occurs
141 in:

142 (1) Code Section 40-5-2, relating to keeping of records of applications for licenses and
143 information on licensees and furnishing of information;

- 144 (2) Code Section 40-5-25, relating to applications, fees, waiver of fees, and provisions for
145 voluntary participation in various programs;
- 146 (3) Code Section 40-5-100, relating to personal identification cards, contents, possession of
147 more than one card prohibited, and optional contributions to and participation in voluntary
148 programs;
- 149 (4) Code Section 40-5-150, relating contents of license, classifications, endorsements and
150 restrictions, information to be obtained before issuance, notice of issuance, expiration of
151 license, and renewal;
- 152 (5) Code Section 40-5-171, relating to issuance and contents of identification cards for
153 persons with disabilities; and
- 154 (6) Code Section 40-13-52, relating to traffic offense cards and contents.

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SECTION 8.

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