

Senate Bill 122

By: Senators Hill of the 6th, Chance of the 16th, Staton of the 18th, Shafer of the 48th, Carter of the 42nd 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 the issuance, expiration, and renewal of drivers' licenses, so as to authorize the
3 issuance of a temporary driving permit or identification card to a noncitizen applicant whose
4 Georgia driver's license or identification card has expired, or will expire, who has filed a
5 request for an extension to remain lawfully within the United States; to provide for related
6 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the
10 issuance, expiration, and renewal of drivers' licenses, is amended by revising Code Section
11 40-5-21.1, relating to temporary licenses, permits, or special identification cards, foreign
12 licenses or identification cards as evidence of legal presence in the United States, as follows:
13 "40-5-21.1.

14 (a) Notwithstanding any other provision of this title, an applicant who presents in person
15 valid documentary evidence of:

- 16 (1) Admission to the United States in a valid, unexpired nonimmigrant status;
17 (2) A pending or approved application for asylum in the United States;
18 (3) Admission into the United States in refugee status;
19 (4) An approved application for temporary protected status in the United States;
20 (5) Approved deferred action status;
21 (6) Other federal documentation verified by the United States Department of Homeland
22 Security to be valid documentary evidence of lawful presence in the United States under
23 federal immigration law; or
24 (7) Verification of lawful presence as provided by Code Section 40-5-21.2

may be issued a temporary license, permit, or special identification card. Such temporary license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or five years, whichever occurs first.

(b) A driver's license or identification card issued by any state or territory which, on or after July 1, 2006, authorized such driver's license or identification card to be issued to persons not lawfully present in the United States may not be accepted as evidence of legal presence in the United States.

(c) Any noncitizen applicant whose Georgia driver's license or identification card has expired, or will expire within 30 days, who has filed, or on whose behalf has been filed, a request for an extension with the United States Department of Homeland Security, or similar such federal issuing agency, for time to remain lawfully within the United States shall be issued a temporary driving permit or identification card valid for 120 days from the date of the expiration of his or her valid driver's license or identification card. The noncitizen applicant shall be required to present evidence of the application for extension by submitting a copy or copies of documentation designated by the department. A temporary driving permit or identification card shall be issued upon submission of the required documentation and an application fee in an amount to be determined by the department. Upon the expiration of the temporary driving permit or identification card, no further consecutive temporary permits or identification cards shall be authorized; provided, however, application may be made following the expiration of an additional valid Georgia driver's license or identification card."

SECTION 2.

This Act shall become effective on January 1, 2014.

SECTION 3.

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