

## House Bill 296

By: Representatives Gaines of the 120<sup>th</sup>, Corbett of the 174<sup>th</sup>, Kelley of the 16<sup>th</sup>, Blackmon of the 146<sup>th</sup>, Wiedower of the 121<sup>st</sup>, and others

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 issuance, expiration, and renewal of drivers' licenses, so as to provide that  
3 presentation of a driver's license in a certain electronic format satisfies the requirement to  
4 possess a driver's license while operating a motor vehicle; to prohibit the compelling of a  
5 licensee to produce a wireless telecommunications device to a law enforcement officer; to  
6 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 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to  
10 issuance, expiration, and renewal of drivers' licenses, is amended by revising Code Section  
11 40-5-29, relating to license to be carried and exhibited on demand, as follows:

12 "40-5-29.

13 (a) Every licensee shall have his or her driver's license in his or her immediate possession  
14 at all times when operating a motor vehicle. Any person who has a receipt issued by the  
15 department reflecting issuance, renewal, replacement, or reinstatement of his or her driver's  
16 license in his or her immediate possession shall be considered to have such license in his

17 or her immediate possession if such is confirmed to be valid by the department or through  
18 the Georgia Crime Information Center. The department may establish by rule and  
19 regulation the term of such receipt. Notwithstanding the foregoing, no receipt issued by  
20 the department shall be accepted as proof of such person's identity for any other purpose,  
21 including but not limited to proof of voter identification or proof of age for purposes of  
22 purchasing alcoholic beverages.

23 (b)(1) Every licensee required pursuant to subsection (a) of this Code section to possess  
24 his or her license shall display his or her license upon the demand of a law enforcement  
25 officer. When records of the department indicate that ~~a license has been issued in an~~  
26 ~~electronic format, a law enforcement officer may demand such display be made by~~  
27 ~~physical format. In such instances, if a law enforcement officer demands display of the~~  
28 ~~physical format, the licensee~~ the department has issued a licensee a license in an  
29 electronic format, a law enforcement officer shall accept presentation of such license  
30 upon a wireless telecommunications device in a method approved by the department as  
31 compliance with the requirements of this Code section. A licensee issued a license in an  
32 electronic format shall not be compelled to display an electronic format of his or her  
33 ~~license nor release his or her wireless telecommunications device to the officer. A refusal~~  
34 ~~to comply with such demand not only shall constitute a violation of this subsection but~~  
35 ~~shall also give rise to a presumption of a violation of subsection (a) of this Code section~~  
36 ~~and of Code Section 40-5-20~~ when such licensee displays the physical format of his or  
37 her license upon the demand of a law enforcement officer.

38 (2) Any person utilizing a wireless telecommunications device to display his or her  
39 license in electronic format in order to comply with subsection (a) of this Code section  
40 shall not be considered to have consented to a search of such device by a law enforcement  
41 officer. No person shall be compelled to release his or her wireless telecommunications  
42 device to a law enforcement officer pursuant to this Code section.

43 (3) As used in ~~For purposes of~~ this subsection, the term 'wireless telecommunications  
44 device' shall have the same meaning as ~~provided~~ set forth in Code Section 40-6-241.

45 (c) A person convicted of a violation of subsection (a) of this Code section shall be fined  
46 no more than \$10.00 if he or she produces in court a license theretofore issued to him or  
47 her and valid at the time of his or her arrest."

48 **SECTION 2.**

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