

The House Committee on Motor Vehicles offers the following substitute to HB 296:

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 require the provision of equipment and the implementation of technology capable of  
7 verifying validity of driver's licenses in such electronic formats; to provide for related  
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to  
12 issuance, expiration, and renewal of drivers' licenses, is amended by revising Code  
13 Section 40-5-29, relating to license to be carried and exhibited on demand, as follows:

14 "40-5-29.

15 (a) Every licensee shall have his or her driver's license in his or her immediate possession  
16 at all times when operating a motor vehicle. Any person who has a receipt issued by the

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

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

41 (2) Any person utilizing a wireless telecommunications device to display his or her  
42 license in electronic format in order to comply with subsection (a) of this Code section  
43 shall not be considered to have consented to a search of such device by a law enforcement

44 officer. No person shall be compelled to release his or her wireless telecommunications  
45 device to a law enforcement officer pursuant to this Code section.

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

48 (4) By July 1, 2027, all law enforcement officers shall acquire equipment capable of  
49 verifying a license issued in an electronic format.

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

53 **SECTION 2.**

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