

House Bill 296 (COMMITTEE SUBSTITUTE)

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

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 21-2-417 of the Official Code of Georgia Annotated, relating to
2 presentation of proper identification to poll workers, swearing of statement when unable to
3 produce, use of provisional ballots, and penalty for false swearing, so as to require the
4 presentation of a Georgia driver's license as proper identification at a polling place be in a
5 physical format; to amend Article 1 of Chapter 2 of Title 27 of the Official Code of Georgia
6 Annotated, relating to hunting, trapping, or fishing, so as to require the presentation of
7 driver's license in physical format for issuance of a fishing, hunting, or trapping license or
8 lifetime sportsman's license; to amend Article 2 of Chapter 5 of Title 40 of the Official Code
9 of Georgia Annotated, relating to issuance, expiration, and renewal of drivers' licenses, so
10 as to provide that presentation of a driver's license in a certain electronic format satisfies the
11 requirement to possess a driver's license while operating a motor vehicle; to prohibit the
12 compelling of a licensee to produce a wireless telecommunications device to a law
13 enforcement officer; to require the provision of equipment and the implementation of
14 technology capable of verifying validity of driver's licenses in such electronic formats; to
15 provide for related matters; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 296 (SUB)

SECTION 1.

17

18 Code Section 21-2-417 of the Official Code of Georgia Annotated, relating to presentation
19 of proper identification to poll workers, swearing of statement when unable to produce, use
20 of provisional ballots, and penalty for false swearing, is amended by revising subsection (a)
21 as follows:

22 "(a) Except as provided in subsection (c) of this Code section, each elector shall present
23 proper identification to a poll worker at or prior to completion of a voter's certificate at any
24 polling place and prior to such person's admission to the enclosed space at such polling
25 place. Proper identification shall consist of any one of the following:

26 (1) A Georgia driver's license in a physical format which was properly issued by the
27 ~~appropriate state agency~~ Department of Driver Services;

28 (2) A valid Georgia voter identification card issued under Code Section 21-2-417.1 or
29 other valid identification card issued by a branch, department, agency, or entity of the
30 State of Georgia, any other state, or the United States authorized by law to issue personal
31 identification, provided that such identification card contains a photograph of the elector;

32 (3) A valid United States passport;

33 (4) A valid employee identification card containing a photograph of the elector and
34 issued by any branch, department, agency, or entity of the United States government, this
35 state, or any county, municipality, board, authority, or other entity of this state;

36 (5) A valid United States military identification card, provided that such identification
37 card contains a photograph of the elector; or

38 (6) A valid tribal identification card containing a photograph of the elector."

39

SECTION 2.

40 Article 1 of Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to
41 hunting, trapping, or fishing, is amended in Code Section 27-2-2, relating to issuance and

42 sale of hunting, fishing, and trapping licenses, withdrawal of agents' authority to sell licenses,
43 and optional participation in anatomical gift program, by revising subsection (d) as follows:

44 "(d) Prior to selling any license, except for a license sold over the telephone by an
45 approved telephone license agent or over the ~~Internet~~ internet by an approved ~~Internet~~
46 internet license agent, each license agent shall require each person desiring to purchase a
47 license to display a driver's license in a physical format or equally reliable identification
48 of the individual and the current residence and age of such individual. In the event the
49 department determines that a license agent has intentionally or negligently sold a resident
50 license to a person who is a nonresident or who is underage, the department may
51 immediately withdraw the authority of such license agent to issue and sell licenses on
52 behalf of the department, provided that the department shall not withdraw the license
53 agent's authority until the license agent has been given ten days' written notice of intention
54 to withdraw authority setting forth the reason or reasons for the withdrawal and giving the
55 license agent a hearing in the county of said agent's residence on the reasons for
56 withdrawal."

57 **SECTION 3.**

58 Said article is further amended in Code Section 27-2-3.1, relating to hunting licenses,
59 sportsman's license, license card carrier requirement, and creation of lifetime sportsman's
60 licenses, by revising subparagraph (c)(4)(A) as follows:

61 "(4)(A) For purposes of procuring a lifetime sportsman's license, the term 'residency'
62 means a domicile within Georgia for a minimum of three consecutive months
63 immediately prior to procuring such license. Satisfactory evidence of residency shall
64 consist of a current Georgia driver's license in a physical format or official Georgia
65 identification card issued by the Department of Driver Services; provided, however,
66 that no license or identification card issued pursuant to Code Section 40-5-21.1 shall
67 satisfy the requirements of this paragraph."

68

SECTION 4.

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

72 "40-5-29.

73 (a) Every licensee shall have his or her driver's license in his or her immediate possession
 74 at all times when operating a motor vehicle. Any person who has a receipt issued by the
 75 department reflecting issuance, renewal, replacement, or reinstatement of his or her driver's
 76 license in his or her immediate possession shall be considered to have such license in his
 77 or her immediate possession if such is confirmed to be valid by the department or through
 78 the Georgia Crime Information Center. The department may establish by rule and
 79 regulation the term of such receipt. Notwithstanding the foregoing, no receipt issued by
 80 the department shall be accepted as proof of such person's identity for any other purpose,
 81 including but not limited to proof of voter identification or proof of age for purposes of
 82 purchasing alcoholic beverages.

83 (b)(1) Every licensee required pursuant to subsection (a) of this Code section to possess
 84 his or her license shall display his or her license upon the demand of a law enforcement
 85 officer. When records of the department indicate that ~~a license has been issued in an~~
 86 ~~electronic format, a law enforcement officer may demand such display be made by~~
 87 ~~physical format. In such instances, if a law enforcement officer demands display of the~~
 88 ~~physical format, the licensee~~ the department has issued a licensee a license in an
 89 electronic format and a law enforcement officer possesses the proper equipment, such law
 90 enforcement officer shall accept such license upon a wireless telecommunications device
 91 as satisfactory proof of compliance with the requirements of this Code section. A
 92 licensee issued a license in an electronic format shall not be compelled to display an
 93 electronic format of his or her license nor release his or her wireless telecommunications
 94 device to the officer. A refusal to comply with such demand not only shall constitute a

95 ~~violation of this subsection but shall also give rise to a presumption of a violation of~~
96 ~~subsection (a) of this Code section and of Code Section 40-5-20 when such licensee~~
97 ~~displays the physical format of his or her license upon the demand of a law enforcement~~
98 ~~officer.~~

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

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

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

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

111 **SECTION 5.**

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