

The House Committee on Public Safety and Homeland Security offers the following substitute to SB 442:

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 repeal the authority of the Department of Public Safety to establish reasonable
3 rates, fares, and charges for transportation by motor carriers of household goods; to provide
4 for revocation and expiration of commercial drivers' licenses for noncitizens; to provide for
5 testing requirements for the transfer of commercial drivers' licenses for noncitizens; to
6 provide for conforming changes; to amend Title 50 of the Official Code of Georgia
7 Annotated, relating to state government, so as to make conforming changes; to provide for
8 related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
12 amended by repealing in its entirety Code Section 40-1-118, relating to establishment of
13 rates, fares, and charges for transportation of household goods, and designating said Code
14 section as reserved.

15 **SECTION 2.**

16 Said title is further amended by revising Code Section 40-1-119, relating to charges by motor
 17 carriers and unjust discrimination by carriers prohibited, as follows:

18 "40-1-119.

19 No motor carrier of ~~household goods or~~ passengers shall charge, demand, collect, or
 20 receive a greater or lesser or different compensation for the transportation of ~~household~~
 21 ~~goods or~~ passengers or for any service rendered in connection therewith than the rates,
 22 fares, and charges prescribed or approved by order of the department; nor shall any such
 23 motor carrier unjustly discriminate against any person in its rates, fares, or charges for
 24 service. The commissioner may prescribe, by general order, to what persons motor carriers
 25 of passengers may issue passes or free transportation; may prescribe reduced rates for
 26 special occasions; and may fix and prescribe rates and schedules."

27 **SECTION 3.**

28 Said title is further amended by revising subsection (a) of Code Section 40-5-21.1, relating
 29 to temporary licenses, permits, or special identification cards, foreign licenses or
 30 identification cards as evidence of legal presence in the United States, and extensions, as
 31 follows:

32 "(a)(1) Notwithstanding any other provision of this title, an applicant who presents in
 33 person valid documentary evidence of:

34 ~~(1)~~(A) Admission to the United States in a valid, unexpired nonimmigrant status;

35 ~~(2)~~(B) A pending or approved application for asylum in the United States;

36 ~~(3)~~(C) Admission into the United States in refugee status;

37 ~~(4)~~(D) An approved application for temporary protected status in the United States;

38 ~~(5)~~(E) Approved deferred action status;

39 ~~(6)(F)~~ Other federal documentation verified by the United States Department of
 40 Homeland Security to be valid documentary evidence of lawful presence in the United
 41 States under federal immigration law; or

42 ~~(7)(G)~~ Verification of lawful presence as provided by Code Section 40-5-21.2
 43 may be issued a temporary license, permit, or special identification card. Except as
 44 provided in paragraph (2) of this subsection, such ~~Such~~ temporary license, permit, or
 45 special identification card shall be valid only during the period of time of the applicant's
 46 authorized stay in the United States or five years, whichever occurs first.

47 (2) Except for a lawful permanent resident or a person holding an H-2A, H-2B, or E-2
 48 employment based nonimmigrant status visa, if a noncitizen has been issued a
 49 commercial driver's license under Article 7 of this chapter, the 'Uniform Commercial
 50 Driver's License Act,' such license shall be automatically revoked upon the expiration of
 51 such person's visa or five years, whichever occurs first."

52 **SECTION 4.**

53 Said title is further amended by revising paragraph (1) of subsection (a) of Code
 54 Section 40-5-32, relating to expiration and renewal of licenses, reexamination required, and
 55 electronic renewal notices, as follows:

56 "(a)(1) Except as otherwise provided in this Code section, every driver's license shall
 57 expire on the licensee's birthday in the eighth year following the issuance of such license.

58 Notwithstanding the foregoing;

59 (A) Any any commercial driver's license that contains an H or X endorsement as
 60 defined in subsection (c) of Code Section 40-5-150 shall expire on the date of
 61 expiration of the licensee's security threat assessment conducted by the Transportation
 62 Security Administration of the United States Department of Homeland Security; and

63 (B) Any commercial driver's license issued to a noncitizen shall expire in accordance
 64 with Code Section 40-5-21.1."

65 **SECTION 5.**

66 Said title is further amended by revising subsection (h) of and adding a new subsection to
67 Code Section 40-5-150, relating to contents of license, classifications, endorsements and
68 restrictions, information to be obtained before issuance, notice of issuance, expiration of
69 license, and renewal, as follows:

70 "(h) When applying for renewal of a commercial driver's license, the applicant shall
71 complete the application form required by subsection (a) of Code Section 40-5-149,
72 providing updated information and required medical certifications. If the applicant wishes
73 to retain a hazardous materials endorsement, the written test for a hazardous materials
74 endorsement ~~must~~ shall be taken and passed."

75 "(j) Before transferring a commercial driver's license from a foreign jurisdiction or another
76 state to this state, an applicant who is a noncitizen shall take and pass the knowledge and
77 skills test for driving a commercial vehicle under Code Section 40-5-147."

78 **SECTION 6.**

79 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
80 by revising paragraph (8) of subsection (f) of Code Section 50-36-2, relating to secure and
81 verifiable identity document and applicability, as follows:

82 "(8) Paragraph (2) of subsection (a) of Code Section 40-5-21 or ~~paragraph (2) of~~
83 ~~subsection (a)~~ subparagraph (a)(1)(B) of Code Section 40-5-21.1;"

84 **SECTION 7.**

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