

House Bill 463 (AS PASSED HOUSE AND SENATE)

By: Representatives Momtahan of the 17th, Powell of the 32nd, Carpenter of the 4th, Bonner of the 72nd, Gravley of the 67th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 11 of Title 19 and Title 40 of the Official Code of Georgia
2 Annotated, relating to Child Support Recovery Act and motor vehicles and traffic,
3 respectively, so as to provide for notice of suspension for a driver's license or privilege to
4 operate a motor vehicle for noncompliance with a child support order or failure to respond
5 to a citation, to be sent via certified mail or certificate of mailing; to provide authority for the
6 commissioner of driver services to enter into certain reciprocal agreements with foreign
7 countries or political subdivisions of foreign countries; to provide for an exemption from
8 licensing upon production of certain licenses issued by foreign countries or political
9 subdivisions of foreign countries; to provide for an exemption from certain testing
10 requirements for individuals from foreign countries or political subdivisions of foreign
11 countries having entered into reciprocal agreements; to provide for an exemption for
12 signatures on traffic citations in lieu of personal court appearance; to provide for the
13 issuance, use, and display of drivers' licenses and identification cards in electronic format;
14 to provide for definitions; to provide for standards for issuance of drivers' licenses and
15 personal identification cards; to provide that display of an electronic driver's license or
16 identification card does not equate to consent to a search of a person's wireless
17 telecommunications device; to provide for an effective date; to provide for related matters;
18 to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 style="text-align:center">**PART I**
21 style="text-align:center">**SECTION 1-1.**

22 Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to
23 Child Support Recovery Act, is amended by revising subsection (g) of Code Section
24 19-11-9.3, relating to suspension or denial of license for noncompliance with child support

25 order, interagency agreements, report to General Assembly, and duty to inform obligors, as
 26 follows:

27 "(g) If no response is received from the delinquent obligor by the department within 30
 28 days from the date of mailing of the notice and the delinquent obligor is still shown as
 29 delinquent on the next month's certified list, the department shall request one or more
 30 licensing entities to deny or suspend a license of the delinquent obligor. ~~Each~~ Except as
 31 otherwise provided for in Code Section 40-5-54.1, each licensing entity shall notify the
 32 delinquent obligor by certified mail or statutory overnight delivery of the date that the
 33 license has been denied or suspended."

34 **SECTION 1-2.**

35 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 36 amended by revising Code Section 40-5-54.1, relating to denial or suspension of license for
 37 noncompliance with child support order, as follows:

38 "40-5-54.1.

39 (a) As used in this Code section, the term:

40 (1) 'Agency' means the agency within the Department of Human Services which is
 41 responsible for enforcing orders for child support pursuant to this article.

42 (2) 'Certificate of mailing' means a delivery method utilized by the United States Postal
 43 Service which provides evidence that an item has been sent and the date such item was
 44 accepted.

45 (3) 'Compliance with an order for child support' means, as set forth in a court order,
 46 administrative order, or contempt order for child support, the obligor is not more than 60
 47 calendar days in arrears in making payments in full for current support, periodic
 48 payments on a support arrearage, or periodic payments on a reimbursement for public
 49 assistance.

50 ~~(3)~~(4) 'Proof of compliance' means the notice of release issued by the agency or court of
 51 competent jurisdiction stating that the delinquent obligor is in compliance with an order
 52 for child support.

53 (b) The department shall suspend, as provided in Code Sections 19-6-28.1 and 19-11-9.3,
 54 the license of any driver upon receiving a record from the agency or a court of competent
 55 jurisdiction stating that such driver is not in compliance with an order for child support.
 56 The department shall send notice of any suspension imposed pursuant to this Code section:
 57 ~~Such notice shall be sent~~ via certified mail or certificate of mailing to the address reflected
 58 on its records as the driver's mailing address. The mailing of such notice by the department
 59 shall be deemed conclusively to be notice to such driver of the suspension of his or her

60 driver's license and shall be deemed to satisfy all notice requirements of law, and no further
61 notice to the driver shall be required for the suspensions provided for in this Code section.

62 (c) The suspension or denial of an application for issuance or renewal of a license shall be
63 for an indefinite period and until such person shall provide proof of compliance with an
64 order for child support. Such person's license shall be reinstated if the person submits
65 proof of compliance with an order for child support from the agency or court of competent
66 jurisdiction and pays a restoration fee of \$35.00 or \$25.00 when such reinstatement is
67 processed by mail for the return of his or her license.

68 (d) Any person who receives notice from the agency that his or her ~~registration~~ license is
69 subject to denial or suspension may request a hearing and appeal as provided for in Code
70 Section 19-6-28.1 or 19-11-9.3. Notwithstanding any provisions of law to the contrary, the
71 hearings and appeal procedures provided for in such Code sections shall be the only such
72 procedures required for purposes of this Code section."

73 **SECTION 1-3.**

74 Said title is further amended by revising subsection (a) of Code Section 40-5-56, relating to
75 suspension of license or driving privilege for failure to respond to citation and reinstatement
76 of license, as follows:

77 "(a) Notwithstanding any other provisions of this chapter or any other law to the contrary,
78 the department shall suspend the driver's license or privilege to operate a motor vehicle in
79 this state of any person who has failed to respond to a citation to appear before a court of
80 competent jurisdiction in this state or in any other state for a traffic violation other than a
81 parking violation. The department shall include language in the uniform traffic citation
82 stating that failure to appear and respond to such citation shall result in the suspension of
83 the violator's driver's license or nonresident driving privilege. The language reflected on
84 a uniform traffic citation issued in this state shall be sufficient notice of said suspension to
85 support a conviction for a violation of Code Section 40-5-121 if such person drives
86 subsequent to the imposition of such a suspension following his or her failure to appear:
87 ~~Notwithstanding the foregoing,; provided, however, that~~ the department shall send notice
88 of any suspension imposed pursuant to this Code section. ~~Such notice shall be sent~~ via
89 certified mail or certificate of mailing to the address reflected on its records as the person's
90 mailing address. ~~Proof of receipt of said notice shall be admissible to support a conviction~~
91 ~~for a violation of Code Section 40-5-121 if such person drives subsequent to the imposition~~
92 ~~of such a suspension following his or her failure to appear. For purposes of this subsection,~~
93 the term 'certificate of mailing' means a delivery method utilized by the United States
94 Postal Service which provides evidence that an item has been sent and the date such item
95 was accepted."

96 **PART II.**

97 **SECTION 2-1.**

98 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 99 amended in Code Section 40-2-88, relating to reciprocal agreements for registration of
 100 commercial vehicles on apportionment basis and registration under the International
 101 Registration Plan, by revising subsection (a) as follows:

102 "(a) In addition to and regardless of the provisions of Article 3 of this chapter or any other
 103 provisions of law relating to the operation of motor vehicles over the public highways of
 104 this state, the commissioner is authorized to enter into reciprocal agreements or plans on
 105 behalf of the State of Georgia with the appropriate authorities of any of the states of the
 106 United States, the District of Columbia, a state or province of any foreign country or any
 107 political subdivision of a foreign country, or a territory or possession of the United States
 108 or any foreign country or any political subdivision of a foreign country providing for the
 109 registration of commercial vehicles on an apportionment basis and may, in the exercise of
 110 this authority, enter and become a member of the International Registration Plan developed
 111 by the American Association of Motor Vehicle Administrators. Any such reciprocal
 112 agreement or plan may provide for but shall not be limited to the following provisions: (1)
 113 full reciprocity in accordance with such agreement or plan for commercial vehicles not
 114 based in Georgia, which vehicles are operated in interstate commerce or a combination of
 115 interstate and intrastate commerce and are of specified types or weights, in exchange for
 116 equivalent reciprocity for Georgia based commercial vehicles; (2) reciprocal exchange of
 117 audits of records of the owners of such commercial vehicles by the states participating in
 118 any such agreement or plan; and (3) any other matters which would facilitate the
 119 administration of such agreement or plan, including exchange of information for audits
 120 enforcement activities and collection and disbursement of proportional registration fees for
 121 other jurisdictions in the case of Georgia based commercial vehicles."

122 **SECTION 2-2.**

123 Said title is further amended in Code Section 40-5-5, relating to authority of Governor to
 124 execute binding reciprocal agreements regarding operation of motor vehicles, publication of
 125 terms of agreements, rules and regulations, and exemption for certain foreign citizens, by
 126 revising subsection (c) as follows:

127 "(c) The commissioner is authorized to negotiate and enter into an agreement with a
 128 foreign country or such political subdivision of a foreign country that exempts the citizens
 129 of such foreign country or such political subdivision of a foreign country from the
 130 knowledge test and the on-the-road driving test required in Code Section 40-5-27 so long

131 as the citizen holds a valid driver's license of an equivalent class issued by such foreign
 132 country or such political subdivision of a foreign country; provided, however, that no such
 133 agreement shall be entered into unless the foreign country or the political subdivision of
 134 a foreign country offers the same reciprocity to persons holding a valid driver's license of
 135 an equivalent class issued by the State of Georgia and the commissioner determines that
 136 the laws of such foreign country or such political subdivision of a foreign country relating
 137 to the operation of motor vehicles are sufficiently similar to such laws of this state such that
 138 driving safety shall not be compromised; and provided, further, that no such agreement
 139 shall be entered into unless the Department of Economic Development has certified that
 140 persons or entities from such country or such political subdivision have made or are likely
 141 to make a substantial economic investment in this state that has or will lead to the
 142 substantial creation of jobs in this state. The provisions of this subsection notwithstanding,
 143 ~~the department~~ commissioner shall not be authorized to enter into any reciprocal agreement
 144 with any foreign country or any political subdivision of a foreign country that is designated
 145 as a state sponsor of terrorism by the United States Department of State. The exemption
 146 provided for in this subsection shall not be an exemption from any other legal requirement
 147 for the issuance of a driver's license, including the requirement that the applicant
 148 demonstrate lawful presence within the United States in accordance with Code Sections
 149 40-5-21.1 and 40-5-21.2. This subsection shall not apply to citizens of foreign countries
 150 or political subdivisions or foreign countries applying for a commercial driver's license or
 151 Class M driver's license."

152 **SECTION 2-3.**

153 Said title is further amended in Code Section 40-5-21, relating to exemptions generally, by
 154 revising subsection (a) as follows:

155 "(a) Except as provided in Article 7 of this chapter, the 'Uniform Commercial Driver's
 156 License Act,' the following persons are exempt from licenses under this chapter:

157 (1) Any employee of the United States government while operating a motor vehicle
 158 owned by or leased to the United States government and which is being operated on
 159 official business, unless such employee is required by the United States government or
 160 any agency thereof to have a state driver's license;

161 (2) A nonresident who has in his or her immediate possession a valid driver's license
 162 issued to him or her in his or her home state, ~~or country,~~ or political subdivision of a
 163 foreign country; provided, however, that such person would otherwise satisfy all
 164 requirements to receive a Georgia driver's license; and provided, further, that in the case
 165 of a driver's license issued by the driver's licensing authority of a foreign country or

- 166 political subdivision of a foreign country, a law enforcement officer may consult such
167 person's passport or visa to verify the validity of such license, if available;
- 168 (3) A nonresident on active duty in the armed forces of the United States who has a valid
169 license issued by his or her home state, and such nonresident's spouse or dependent son
170 or daughter who has a valid license issued by such person's home state;
- 171 (4) Any person on active duty in the armed forces of the United States who has in his or
172 her immediate possession a valid license issued in a foreign country or political
173 subdivision of a foreign country by the armed forces of the United States, for a period of
174 not more than 45 days from the date of his or her return to the United States;
- 175 (5) Any inmate or resident patient of a state, county, or municipally owned institution
176 who drives a vehicle while on the grounds of such institution and while accompanied by
177 and under the direct personal supervision of a qualified driving instructor or of some
178 other person duly authorized in writing to so accompany and supervise such inmate or
179 resident patient;
- 180 (6) Any person driving or operating a farm tractor or farm implement temporarily
181 operated on a highway for the purpose of conducting farm business;
- 182 (7) Any inmate of a state, county, or municipal prison, correctional institution, or jail
183 while operating a motor vehicle owned by or leased to the state, county, or municipality
184 and being operated with the written approval of the warden or superintendent and in such
185 manner and for such purpose as may be specified by the warden or superintendent,
186 provided that such inmate, within the 60 day period prior to the grant of written authority,
187 has passed the vision, written, and driving tests required for licensing a citizen to operate
188 such motor vehicle. The department shall give such tests and issue a certificate, without
189 charge therefor, to any inmate passing such tests;
- 190 (8) A member of the reserve components of the armed forces of the United States while
191 operating a motor vehicle owned by or leased to the United States government and being
192 operated in accordance with the duties of such member as a member of the reserve
193 components of the armed forces;
- 194 (9) Any person seeking to obtain a driver's license while taking the driving examination
195 for such license accompanied by a driver license examiner of the department or a certified
196 examining agent of the department;
- 197 (10) Any migrant farm worker who works in this state less than 90 days in any calendar
198 year and who possesses a valid driver's license issued by another state;
- 199 (11) Any resident who is 15 years of age or over while taking actual in-car training in a
200 training vehicle other than a commercial motor vehicle under the direct personal
201 supervision of a driving instructor when such driving instructor and training vehicle are
202 licensed by the department in accordance with the provisions of Chapter 13 of Title 43,

203 'The Driver Training School and Commercial Driver Training School License Act.' As
 204 used in the previous sentence, the term 'commercial motor vehicle' shall have the
 205 meaning specified in Code Section 40-5-142. All vehicles utilized for the in-car training
 206 authorized under this paragraph shall be equipped with dual controlled brakes and shall
 207 be marked with signs in accordance with the rules of the department clearly identifying
 208 such vehicles as training cars belonging to a licensed driving school. A driving instructor
 209 shall test the eyesight of any unlicensed person who will be receiving actual in-car
 210 training prior to commencement of such training, and no unlicensed driver shall receive
 211 in-car training unless such person has at least the visual acuity and horizontal field of
 212 vision as is required for issuance of a driver's license in subsection (c) of Code
 213 Section 40-5-27;

214 (12) Any person while operating a personal transportation vehicle:

215 (A) On any way publicly maintained for the use of personal transportation vehicles by
 216 the public and no other types of motor vehicles in accordance with a local ordinance
 217 adopted pursuant to Part 3 or 6 of Article 13 of Chapter 6 of this title; or

218 (B) When crossing a street or highway used by other types of motor vehicles at a
 219 location designated for such crossing pursuant to subsection (d) of Code
 220 Section 40-6-331 or pursuant to a PTV plan authorized by a local authority as described
 221 in Part 6 of Article 13 of Chapter 6 of this title; and

222 (13) A fully autonomous vehicle with the automated driving system engaged or the
 223 operator of a fully autonomous vehicle with the automated driving system engaged."

224 **SECTION 2-4.**

225 Said title is further amended in Code Section 40-5-27, relating to examination of applicants,
 226 by revising paragraph (3) of subsection (a) as follows:

227 "(3) Neither the on-the-road driving test nor the knowledge test shall apply to:

228 (A) An applicant 18 years of age and older with a valid and current license, or a license
 229 that has been expired for less than two years, issued by another state of the United
 230 States or the District of Columbia; or

231 (B) An applicant who is a citizen of a foreign country or political subdivision of a
 232 foreign country with which the commissioner has entered into a reciprocal agreement
 233 pursuant to subsection (c) of Code Section 40-5-5."

234 **SECTION 2-5.**

235 Said title is further amended in Code Section 40-13-2.1, relating to signature on citations
 236 required, effect of failure to sign, exemption for out-of-state drivers, and electronic capture
 237 of signature, by revising subsection (b) as follows:

238 "(b) The provisions of subsection (a) of Code Section 17-6-11 shall not apply to a person
 239 in possession of a driver's license issued by a state or foreign country or political
 240 subdivision of a foreign country that has not entered into a reciprocal agreement regarding
 241 the operation of motor vehicles with this state as provided in Chapter 5 of Title 40, which
 242 provides for the suspension of a driver's license by the other state or foreign country or
 243 political subdivision of a foreign country of a person who fails to appear for trial of a traffic
 244 offense committed in this state."

245 **PART III**

246 **SECTION 3-1.**

247 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 248 amended in Code Section 40-1-1, relating to definitions, by revising paragraphs (15) and (24)
 249 and adding a new paragraph to read as follows:

250 "(15) 'Driver's license' means any license to operate a motor vehicle issued in either a
 251 physical or electronic format under the laws of this state."

252 "(20.1) 'Identification card' means any document in either a physical or electronic format
 253 issued by the Department of Driver Services under the laws of this state for purposes of
 254 proving identity of the holder."

255 "(24) 'License' or 'license to operate a motor vehicle' means any driver's license or any
 256 other license or permit to operate a motor vehicle issued in either a physical or electronic
 257 format under, or granted by, the laws of this state, including:

- 258 (A) Any temporary license or instruction permit;
 259 (B) The privilege of any person to drive a motor vehicle whether or not such person
 260 holds a valid license; and
 261 (C) Any nonresident's operating privilege as defined in this Code section."

262 **SECTION 3-2.**

263 Said title is further amended in Code Section 40-5-28, relating to issuance of licenses, county
 264 tag agents, and Class E and Class F licenses for volunteer firefighters, by revising subsection
 265 (a) as follows:

266 "(a) Except as provided in subsection (c) of this Code section, the department shall, upon
 267 payment of the required fee, issue to every applicant qualifying therefor a driver's license
 268 indicating the type or general class of vehicles the licensee may drive, which license shall
 269 be upon a form prescribed by the department and which shall bear thereon a distinguishing
 270 number assigned to the licensee, a photograph of the licensee, the licensee's full legal name,
 271 either a facsimile of the signature of the licensee or a space upon which the licensee shall

272 write his or her usual signature with a pen and ink immediately upon receipt of the license,
 273 and such other information or identification as is required by the department. No license
 274 shall be valid until it has been so signed by the licensee. A license issued pursuant to this
 275 subsection shall be in a physical format and, upon election of the applicant, an additional
 276 electronic format which is capable of being viewed upon a wireless telecommunications
 277 device as such term is defined in Code Section 40-6-241. The department shall not require
 278 applicants to submit or otherwise obtain from applicants any fingerprints or any other
 279 biological characteristic or information which uniquely identifies an individual, including
 280 without limitation deoxyribonucleic acid (DNA) and retinal scan identification
 281 characteristics but not including a photograph, by any means upon application."

282 **SECTION 3-3.**

283 Said title is further amended in Code Section 40-5-29, relating to license to be carried and
 284 exhibited on demand, by revising subsection (b) as follows:

285 "(b)(1) Every licensee shall display his or her license upon the demand of a law
 286 enforcement officer. When records of the department indicate that a license has been
 287 issued in an electronic format, a law enforcement officer may demand such display be
 288 made by physical format. In such instances, if a law enforcement officer demands
 289 display of the physical format, the licensee shall not be compelled to display an electronic
 290 format of his or her license nor release his or her wireless telecommunications device to
 291 the officer. A refusal to comply with such demand not only shall constitute a violation
 292 of this subsection but shall also give rise to a presumption of a violation of subsection (a)
 293 of this Code section and of Code Section 40-5-20.

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

298 (3) For purposes of this subsection, the term 'wireless telecommunications device' shall
 299 have the same meaning as provided in Code Section 40-6-241."

300 **SECTION 3-4.**

301 Said title is further amended in Code Section 40-5-100, relating to personal identification
 302 cards, contents, possession of more than one card prohibited, and optional contributions to
 303 and participation in voluntary programs, by revising subsection (a) as follows:

304 "(a) The department shall issue personal identification cards to ~~all residents~~ as any resident,
 305 as such term is defined in Code Section 40-5-1, who ~~make~~ makes an application to the
 306 department in accordance with rules and regulations prescribed by the commissioner.

307 Cards issued to applicants under 21 years of age shall contain the distinctive characteristics
 308 of drivers' licenses issued pursuant to Code Section 40-5-26. The identification card shall
 309 be similar in form but distinguishable in color from motor vehicle drivers' licenses, shall
 310 be in physical format and, upon election of the applicant, in an electronic format, and may
 311 contain a recent photograph of the applicant and include the following information:

- 312 (1) Full legal name;
 313 (2) Address of residence;
 314 (3) Birth date;
 315 (4) Date identification card was issued;
 316 (5) Sex;
 317 (6) Height;
 318 (7) Weight;
 319 (8) Eye color;
 320 (9) Signature of person identified or facsimile thereof;
 321 (10) Designation of participation in an anatomical gift donation program when such
 322 person is eligible to make such gift pursuant to Code Section 44-5-142; and
 323 (11) Such other information or identification as required by the department; provided,
 324 however, that the department shall not require an applicant to submit or otherwise obtain
 325 from an applicant any fingerprints or any other biological characteristic or information
 326 which uniquely identifies an individual, including without limitation deoxyribonucleic
 327 acid (DNA) and retinal scan identification characteristics but not including a photograph,
 328 by any means upon application."

329 **SECTION 3-5.**

330 Said title is further amended by adding a new Code section to read as follows:

331 "40-5-106.

332 Any person utilizing a wireless telecommunications device as such term is defined in Code
 333 Section 40-6-241 to display his or her identification card in electronic format shall not be
 334 considered to have consented to a search of such device by a law enforcement officer."

335 **PART IV**

336 **SECTION 4-1.**

337 This Act shall become effective upon its approval by the Governor or upon its becoming law
 338 without such approval.

339

SECTION 4-2.

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