

Senate Bill 442

By: Senators Dickerson of the 21st, Albers of the 56th, Walker III of the 20th, Burns of the 23rd, Hatchett of the 50th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
2 drivers' licenses, so as to provide for revocation and expiration of commercial drivers'
3 licenses for noncitizens; to provide for testing requirements for renewal of commercial
4 drivers' licenses for noncitizens; to amend Chapter 36 of Title 50 of the Official Code of
5 Georgia Annotated, relating to verification of lawful presence within the United States, so
6 as to make conforming changes; to provide for related matters; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
11 is amended by revising subsection (a) of Code Section 40-5-21.1, relating to temporary
12 licenses, permits, or special identification cards, foreign licenses or identification cards as
13 evidence of legal presence in the United States, and extensions, as follows:

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

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

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

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

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

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

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

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

(2) If a noncitizen has been issued a commercial driver's license under Article 7 of this chapter, the 'Uniform Commercial Driver's License Act,' such license shall be automatically revoked upon the expiration of such person's visa or five years, whichever occurs first."

SECTION 2.

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

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

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

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

46 **SECTION 3.**

47 Said chapter is further amended by revising subsection (h) of Code Section 40-5-150, relating
48 to contents of license, classifications, endorsements and restrictions, information to be
49 obtained before issuance, notice of issuance, expiration of license, and renewal, as follows:

50 "(h)(1) When applying for renewal of a commercial driver's license, the applicant shall
51 complete the application form required by subsection (a) of Code Section 40-5-149,
52 providing updated information and required medical certifications.

53 (2) If the applicant wishes to retain a hazardous materials endorsement, the written test
54 for a hazardous materials endorsement ~~must~~ shall be taken and passed.

55 (3) If the applicant is a noncitizen, the knowledge and skills tests for driving a
56 commercial motor vehicle under Code Section 40-5-147 shall be taken and passed."

57 **SECTION 4.**

58 Chapter 36 of Title 50 of the Official Code of Georgia Annotated, relating to verification of
59 lawful presence within the United States, is amended by revising paragraph (8) of
60 subsection (f) of Code Section 50-36-2, relating to secure and verifiable identity document
61 and applicability, as follows:

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

64 **SECTION 5.**

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