

House Bill 1001

By: Representatives Pirkle of the 169th, Corbett of the 174th, and Collins of the 71st

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 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "40-5-29.

13 (a) Every licensee shall have his or her driver's license in his or her immediate possession
14 at all times when operating a motor vehicle. Any person who has a receipt issued by the
15 department reflecting issuance, renewal, replacement, or reinstatement of his or her driver's
16 license in his or her immediate possession shall be considered to have such license in his

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

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

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

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

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

46 **SECTION 2.**

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