

House Bill 833

By: Representatives Nguyen of the 89<sup>th</sup>, Schofield of the 60<sup>th</sup>, Lim of the 99<sup>th</sup>, Park of the 101<sup>st</sup>, Marin of the 96<sup>th</sup>, and others

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 provide for increased access to government issued identification and driving  
3 authorization to state residents through the issuance of state driving cards and identification  
4 cards; to provide for a short title; to revise a definition; to provide for an exception to the  
5 requirement that the Department of Driver Services utilize a certain federal verification  
6 program; to provide for application requirements for such driving cards and identification  
7 cards; to provide for standards for the appearance of such cards; to provide for fees for  
8 issuance and renewal of such cards; to provide for related matters; to repeal conflicting laws;  
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 This act shall be known as and may be cited as the "Freedom to Drive Act."

**SECTION 2.**

13

14 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
15 amended in Code Section 40-1-1, relating to definitions, by revising paragraph (24) as  
16 follows:

17 "(24) 'License' or 'license to operate a motor vehicle' means any driver's license or any  
18 other license or permit to operate a motor vehicle issued under, or granted by, the laws  
19 of this state, including:

20 (A) Any temporary license or instruction permit;

21 (B) The privilege of any person to drive a motor vehicle whether or not such person  
22 holds a valid license; ~~and~~

23 (C) Any nonresident's operating privilege as defined in this Code section; and

24 (D) Any driving card issued pursuant to Code Section 40-5-21.3, except where the  
25 term license is used in Chapter 5 of this title relative to the issuance, expiration, and  
26 renewal of a license issued in compliance with the federal Real ID Act."

**SECTION 3.**

27

28 Said title is further amended in Code Section 40-5-2, relating to keeping of records of  
29 applications for licenses and information on licensees, and furnishing of information, by  
30 revising subparagraphs (c)(1)(D) and (c)(1)(G), subsection (e), the introductory language of  
31 subsection (f), and subsection (i) as follows:

32 "(D) To a judge, prosecuting official, or law enforcement agency for use in  
33 investigations or prosecutions of alleged criminal or unlawful activity, or to the driver's  
34 licensing agency of another state; provided, however, that any documents and  
35 information collected in connection with an application for a driving card under Code  
36 Section 40-5-21.3 or an identification card under Code Section 40-5-100.1, including  
37 the fact of such application, shall not be furnished by the department except upon  
38 issuance of a court order issued by a federal court of competent jurisdiction;"

39 "(G) For use in the normal course of business by a legitimate business or its agents,  
40 employees, or contractors, but only:

41 (i) To verify the accuracy of personal information submitted by the individual to the  
42 business or its agents, employees, or contractors; and

43 (ii) If such information as so submitted is not correct or is no longer correct, to obtain  
44 the correct information, but only for the purposes of preventing fraud by, pursuing  
45 legal remedies against, or recovering on a debt or security interest against, the  
46 individual;

47 provided, however, that any documents and information collected in connection with  
48 an application for a driving card under Code Section 40-5-21.3 or an identification card  
49 under Code Section 40-5-100.1, including the fact of such application, shall not be  
50 furnished by the department except upon issuance of a court order issued by a federal  
51 court of competent jurisdiction; and further provided, that notwithstanding the  
52 definition of personal information under Code Section 40-5-1, personal information  
53 furnished under this subparagraph shall be limited to name, address, and driver  
54 identification number and shall not include photographs, fingerprints, computer images,  
55 or medical or disability information. The personal information obtained by a business  
56 under this subparagraph shall not be resold or redisclosed for any other purpose without  
57 the written consent of the individual. Furnishing of information to a business under this  
58 subparagraph shall be pursuant to a contract entered into by such business and the state  
59 which specifies, without limitation, the consideration to be paid by such business to the  
60 state for such information and the frequency of updates."

61 "(e) Except as otherwise provided to the contrary in Code Sections 40-5-21.3 and  
62 40-5-100.1, upon Upon written request, the department may provide copies of any record  
63 or personal information from any driver's record for use by any appropriate governmental  
64 official, entity, or agency for the purposes of carrying out official governmental functions  
65 or legitimate governmental duties; provided, however, that notwithstanding the definition

66 of personal information under Code Section 40-5-1, personal information furnished under  
67 this subsection shall be limited to name, address, driver identification number, and medical  
68 or disability information.

69 (f) Except for any documents and information collected in connection with an application  
70 for a driving card under Code Section 40-5-21.3 or an identification card under Code  
71 Section 40-5-100.1 the The department is specifically authorized to disseminate the  
72 following records and information:"

73 "(i) The provisions of this Code section shall apply, where relevant, to the maintenance and  
74 disclosure of the department's records regarding state identification cards issued under  
75 Article 5 of this chapter except for those identification cards applied for or issued under  
76 Code Section 40-5-100.1."

77 **SECTION 4.**

78 Said title is further amended by revising Code Section 40-5-21.1, relating to temporary  
79 licenses, permits, or special identification cards, foreign licenses as evidence of legal  
80 presence in the United States, and extensions, as follows:

81 "40-5-21.1.

82 (a) Notwithstanding any other provision of this title, an applicant who presents in person  
83 valid documentary evidence of:

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

85 (2) A pending or approved application for asylum in the United States;

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

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

88 (5) Approved deferred action status;

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

92 (7) Verification of lawful presence as provided by Code Section 40-5-21.2 may be issued  
93 a temporary license, permit, or special identification card. Such temporary license,  
94 permit, or special identification card shall be valid only during the period of time of the  
95 applicant's authorized stay in the United States or five eight years, whichever occurs first.

96 (b) A driver's license or identification card issued by any state or territory which, on or  
97 after July 1, 2006, authorized such driver's license or identification card to be issued to  
98 persons not lawfully present in the United States may not be accepted as evidence of legal  
99 presence in the United States.

100 (c) Any noncitizen applicant whose Georgia driver's license or identification card issued  
101 pursuant to the authority of this Code section has expired, or will expire within 30 days,  
102 who has filed, or on whose behalf has been filed, a request for an extension with the United  
103 States Department of Homeland Security, or similar such federal issuing agency, for time  
104 to remain lawfully within the United States shall be issued a temporary driving permit or  
105 identification card valid for 120 days from the date of the expiration of his or her valid  
106 driver's license or identification card. The noncitizen applicant shall be required to present  
107 evidence of the application for extension by submitting a copy or copies of documentation  
108 designated by the department. A temporary driving permit or identification card shall be  
109 issued upon submission of the required documentation and an application fee in an amount  
110 to be determined by the department. Upon the expiration of the temporary driving permit  
111 or identification card, no further consecutive temporary permits or identification cards shall  
112 be authorized; provided, however, that application may be made following the expiration  
113 of an additional valid Georgia driver's license or identification card."

114 **SECTION 5.**

115 Said title is further amended in Code Section 40-5-21.2, relating to compliance with  
116 Systematic Alien Verification for Entitlements Program, application, and implementation,  
117 by adding a new subsection to read as follows:

118 "(e) This Code section shall not apply to applications for driving cards issued pursuant to  
119 Code Section 40-5-21.3."

120 **SECTION 6.**

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

122 "40-5-21.3.

123 (a) The department shall issue a driving card to any person who satisfies the requirements  
124 of this Code section, including but not limited to noncitizens who are ineligible for a  
125 temporary license, permit, or special identification card pursuant to Code Section  
126 40-5-21.1, upon satisfactory application to the department in accordance with rules and  
127 regulations prescribed by the commissioner for such purpose. Such application shall  
128 require:

129 (1) Submission of valid documentary evidence of an applicant's identity which may be  
130 demonstrated by any of the following:

131 (A) An official school or college identification card that includes the applicant's full  
132 name and a photograph of such applicant at the time the identification card was issued;

133 (B) An official identification card issued by the applicant's employer that includes such  
134 applicant's full name and a photograph of such applicant at the time the identification  
135 card was issued;

136 (C) A current voter identification card issued or authorized for use by any county  
137 registrar or the Department of Driver Services;

138 (D) A valid, unexpired consular identification document issued by a consulate from the  
139 applicant's country of citizenship or a valid, unexpired passport from such applicant's  
140 country of citizenship;

141 (E) An original birth certificate or other proof of age;

142 (F) A United States Department of Homeland Security Form I-220B, Order of  
143 Supervision or similar form;

- 144 (G) Receipt of a United States Department of Homeland Security Form I-589,  
145 Application for Asylum and for Withholding of Removal or similar form;
- 146 (H) An official transcript from a United States educational institution that includes the  
147 applicant's date of birth or a foreign school record, provided that such record is sealed  
148 and includes a photograph of such applicant at the age the record was issued;
- 149 (I) Receipt of a United States Department of Homeland Security Form I-20 or similar  
150 form;
- 151 (J) A United States Citizenship and Immigration Services Deferred Action for  
152 Childhood Arrivals Approval Letter;
- 153 (K) A United States Citizenship and Immigration Services Form I-797C, Notice of  
154 Action;
- 155 (L) A valid identification card for health benefits;
- 156 (M) A valid identification card for an assistance or social services program;
- 157 (N) A wage stub issued in the United States within the previous six months;
- 158 (O) A federal income tax return filed in the previous two years;
- 159 (P) A Social Security card;
- 160 (Q) Social Security administration letters or Social Security benefits documents  
161 containing the applicant's Social Security number;
- 162 (R) A Native American tribal document;
- 163 (S) A driver's license issued by another state that includes the applicant's full name and  
164 a photograph of such applicant at the time the driver's license was issued;
- 165 (T) A license issued by any state or federal government branch or agency for privileges  
166 other than driving, such as a concealed firearm permit, a fishing license, or hunting  
167 license;
- 168 (U) Prison or parole discharge papers that include the applicant's full name, date of  
169 birth, and a photograph of such applicant at the time such papers were issued;
- 170 (V) Selective Service papers;

- 171 (W) Medical records that are signed and stamped; or  
172 (X) Any other documentation deemed appropriate by the commissioner;  
173 (2) Submission of valid documentary evidence that such applicant is a state resident,  
174 which may be demonstrated by any of the following:
- 175 (A) A copy of a lease or rental agreement for property located in this state;  
176 (B) Records evidencing enrollment of an applicant or his or her child in a public or  
177 private educational institution located in this state;  
178 (C) A copy of a current utility bill in the applicant's name for a property located in this  
179 state;  
180 (D) A copy of a tax filing with the Department of Revenue;  
181 (E) A current homeowner's insurance or renter's insurance policy for a property located  
182 in this state or a motor vehicle insurance card or policy for a vehicle registered in this  
183 state;  
184 (F) A Medicaid or Medicare benefit statement;  
185 (G) A change of address confirmation from the United States Postal Service indicating  
186 such applicant's current address;  
187 (H) A letter from such applicant's counselor or other documentation showing the  
188 applicant's enrollment in transitional or reentry housing located in this state;  
189 (I) A recent cell phone bill containing the applicant's name and current address;  
190 (J) Any utility documentation containing the applicant's name and current billing  
191 address;  
192 (K) A copy of an Internal Revenue Service Form W-2 or Form 1099;  
193 (L) A monthly bank or credit card statement containing the applicant's name and  
194 current address;  
195 (M) A billing statement or other official documentation from a recognizable business  
196 or government agency containing the applicant's name and current address; or  
197 (N) Any other documentation deemed appropriate by the commissioner;



198 (3) Payment of the issuance fee as prescribed by Code Section 40-5-25; and

199 (4) Satisfactory completion of the examination prescribed in Code Section 40-5-27.

200 (b) A driving card issued pursuant to this Code section shall be valid for eight years from  
201 the date of issuance and may be renewed upon submission of an application, documentary  
202 evidence of state residency required by this Code section, and payment of the renewal fee  
203 prescribed in Code Section 40-5-25.

204 (c)(1) The department is authorized to design a driving card to be issued pursuant to this  
205 Code section. Such driving card shall indicate the type or general class of vehicles the  
206 cardholder may drive, bear thereon a distinguishing number assigned to the cardholder,  
207 include a recent photograph of the cardholder, and include the following information:

208 (A) Full legal name;

209 (B) Address of residence;

210 (C) Birth date;

211 (D) Date driving and identification card was issued;

212 (E) Gender identity;

213 (F) Height;

214 (G) Weight;

215 (H) Eye color; and

216 (I) Signature of person identified or facsimile thereof.

217 (2)(A) The department shall allow all persons to designate 'male' or 'female' as their  
218 gender identity, or 'X' in lieu of 'male' or 'female,' on an application for a driving card,  
219 even if such designation is different from the applicant's gender identity listed on any  
220 identity documents submitted by the applicant.

221 (B) No documentation shall be required for such gender designation permitted under  
222 this paragraph.

223 (3) Such driving card shall be identical in appearance to a driver's license, permit, or  
224 identification card issued by the department in compliance with the federal Real ID Act,  
225 H.R. 1268, P.L. 109-13, with the exception that:

226 (A) The front of the driving card shall bear the words 'Federal Limits Apply' in the  
227 place of a gold star; and

228 (B) The image of the State of Georgia on the front of the driving card shall be red  
229 instead of green.

230 (d) It shall be a violation of law to discriminate against a person based upon application  
231 for or denial, issuance, or possession of a driving card issued pursuant to this Code section.

232 (e) A driving card issued pursuant to this Code section shall not be used as evidence of the  
233 holder's citizenship or immigration status and shall not be used as a basis for a criminal  
234 investigation, arrest, or detention in any instance when a person with a driver's license not  
235 issued under this Code section would not be criminally investigated, arrested, or detained.

236 (f) Any portion of any record retained by the department relating to an application for a  
237 driving card that contains a photographic image or identifies the social security number,  
238 telephone number, place of birth, country of origin, place of employment, address, school  
239 or educational institution attended, source of income, status as a recipient of public  
240 benefits, customer identification number associated with a public utilities account, or  
241 medical or disability related information shall not be a public record, shall be exempt from  
242 disclosure under the provisions of Article 4 of Chapter 18 of Title 50, and shall not be  
243 disclosed except to the person who is the subject of the record, where otherwise expressly  
244 required under 49 U.S.C.S. Section 30305, or where necessary to comply with a lawful  
245 court order or judicial warrant by a federal court of competent jurisdiction.

246 (g) Any person whose driving card has been suspended or revoked or who has been  
247 refused a driving card by the department may make a request in writing for a hearing to be  
248 provided by the department. Such hearing shall be provided by the department within 30  
249 days after the receipt of such request and shall follow the procedures required by

250 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Appeal from such  
251 hearing shall be in accordance with said chapter."

252 **SECTION 7.**

253 Said title is further amended in Code Section 40-5-25, relating to applications, fees, waiver  
254 of fees, and provisions for voluntary participation in various programs, by revising  
255 subsections (a) and (c) as follows:

256 "(a) Every application for an instruction permit ~~or for a~~ driver's license, or driving card  
257 shall be made upon a form furnished by the department. Every application shall be  
258 accompanied by the proper license fee. The fees shall be as established by the Board of  
259 Driver Services, not to exceed:

260	(1) For instruction permits for Classes C, E, F, and M drivers'	
261	licenses and for Class D drivers' licenses . . . . .	\$ 10.00
262	(2) For five-year Classes C, E, F, and M noncommercial drivers'	
263	licenses . . . . .	20.00
264	(2.1) For eight-year Classes C, E, F, and M noncommercial drivers'	
265	licenses . . . . .	32.00
266	(3) For application for Classes A, B, C, and M commercial drivers'	
267	licenses or a Class P commercial driver's instruction permit . . . . .	35.00
268	(4) For Class P commercial drivers' instruction permits for Classes	
269	A, B, C, and M commercial drivers' licenses . . . . .	10.00
270	(5) For up to <del>five-year</del> <u>five-year</u> Classes A, B, C, and M commercial	
271	drivers' licenses, initial issuance requiring a road test . . . . .	70.00
272	(5.1) For eight-year Classes A, B, C, and M commercial drivers'	
273	licenses, initial issuance requiring a road test . . . . .	82.00
274	(6) For up to <del>five-year</del> <u>five-year</u> Classes A, B, C, and M commercial	
275	drivers' licenses, initial issuance not requiring a road test . . . . .	20.00

276	(6.1) For eight-year Classes A, B, C, and M commercial drivers'	
277	licenses, initial issuance not requiring a road test . . . . .	32.00
278	(7) For renewal of up to <del>five-year</del> <u>five-year</u> Classes A, B, C, and M	
279	commercial drivers' licenses . . . . .	20.00
280	(7.1) For renewal of eight-year <del>Class</del> <u>Classes</u> A, B, C, and M	
281	commercial drivers' licenses . . . . .	32.00
282	(7.2) For renewal of up to <del>five-year</del> <u>five-year</u> Classes C, E, F, and M	
283	noncommercial drivers' licenses . . . . .	20.00
284	(7.3) For renewal of eight-year Classes C, E, F, and M	
285	noncommercial drivers' licenses . . . . .	32.00
286	(8) Initial issuance of Classes A, B, C, and M commercial drivers'	
287	licenses and Class P commercial drivers' instruction permits shall	
288	include all endorsement fees within the license fee. Each	
289	endorsement added after initial licensing . . . . .	5.00
290	(9) For eight-year Class C driving cards, initial issuance requiring a	
291	road test . . . . .	<u>32.00</u>
292	<u>(10) For eight-year Class C driving cards, renewal not requiring a</u>	
293	<u>road test . . . . .</u>	<u>20.00</u>

294 The commissioner may by rule provide incentive discounts in otherwise applicable fees  
 295 reflecting cost savings to the department ~~where~~ when a license is renewed by means other  
 296 than personal appearance. The discount for renewal of a Class C or Class M license and  
 297 any other discounts shall be as determined by the commissioner. Except as provided in  
 298 Code ~~Section~~ Sections 40-5-36, relating to veterans' licenses, and Code ~~Section~~ 40-5-149,  
 299 ~~relating to application fees for public school bus drivers~~, there shall be no exceptions to the  
 300 fee requirements for a commercial driver's license or a commercial driver's license permit.  
 301 Notwithstanding any other provision of this Code section, there shall be no fee whatsoever  
 302 for replacement of any driver's license or driving card solely due to a change of the

303 licensee's or cardholder's name or address, provided that such replacement license or card  
304 shall be valid only for the remaining period of such original license or card; and provided,  
305 further, that only one such free replacement license or driving card may be obtained within  
306 the period for which the license or driving card was originally issued. Any application for  
307 the replacement of a lost license or driving card pursuant to Code Section 40-5-31 or due  
308 to a change in the licensee's or cardholder's name or address submitted within 150 days of  
309 the expiration of said license or card shall be treated as an application for renewal subject  
310 to the applicable ~~license~~ fees as set forth in this subsection. The maximum period for  
311 which any driver's license or driving card shall be issued is eight years."

312 "(c) Every such application shall state the full legal name, date of birth, ~~sex~~ gender  
313 identity, and residence address of the applicant; shall briefly describe the applicant; shall  
314 state whether the applicant has theretofore been licensed as a driver and, if so, when and  
315 by what state or country, and whether any such license has ever been suspended, revoked,  
316 or refused, and, if so, the date of and reason for such suspension, revocation, or refusal; and  
317 shall state such other information as the commissioner may require to determine the  
318 applicant's identity, competence, and eligibility. The application for a driver's license shall  
319 include any other information as required by paragraph (1) of subsection (a.1) of Code  
320 Section 19-11-9.1. The department shall not issue a license or driving card until a complete  
321 examination of the applicant's record has been completed. The commissioner may issue  
322 such rules and regulations as shall be necessary for the orderly processing of license and  
323 card applications."

324 **SECTION 8.**

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

326 "40-5-100.1.

327 (a) The department shall issue a personal identification card to any person who satisfies  
328 the requirements of this Code section, including, but not limited to noncitizens who are

329 ineligible for a temporary license, permit, or special identification card pursuant to Code  
330 Section 40-5-21.1, upon satisfactory application to the department in accordance with rules  
331 and regulations prescribed by the commissioner for such purpose. Such application shall  
332 require:

333 (1) Submission of valid documentary evidence of an applicant's identity which may be  
334 demonstrated by any of the following:

335 (A) An official school or college identification card that includes the applicant's full  
336 name and a photograph of such applicant at the time the identification card was issued;

337 (B) An official identification card issued by the applicant's employer that includes such  
338 applicant's full name and a photograph of such applicant at the time the identification  
339 card was issued;

340 (C) A current voter identification card issued or authorized for use by any county  
341 registrar or the Department of Driver Services;

342 (D) A valid, unexpired consular identification document issued by a consulate from the  
343 applicant's country of citizenship or a valid, unexpired passport from such applicant's  
344 country of citizenship;

345 (E) An original birth certificate or other proof of age;

346 (F) A United States Department of Homeland Security Form I-220B, Order of  
347 Supervision or similar form;

348 (G) Receipt of a United States Department of Homeland Security Form I-589,  
349 Application for Asylum and for Withholding of Removal or similar form;

350 (H) An official transcript from a United States educational institution that includes the  
351 applicant's date of birth or a foreign school record, provided that such record is sealed  
352 and includes a photograph of such applicant at the age the record was issued;

353 (I) Receipt of a United States Department of Homeland Security Form I-20 or similar  
354 form;

- 355 (J) A United States Citizenship and Immigration Services Deferred Action for  
356 Childhood Arrivals Approval Letter;
- 357 (K) A United State Citizenship and Immigration Services Form I-797C, Notice of  
358 Action;
- 359 (L) A valid identification card for health benefits;
- 360 (M) A valid identification card for an assistance or social services program;
- 361 (N) A wage stub issued in the United States within the previous six months;
- 362 (O) A federal income tax return filed in the previous two years;
- 363 (P) A Social Security card;
- 364 (Q) Social Security administration letters or Social Security benefits documents  
365 containing the applicant's Social Security number;
- 366 (R) A Native American tribal document;
- 367 (S) A driver's license issued by another state that includes the applicant's full name and  
368 a photograph of such applicant at the time the driver's license was issued;
- 369 (T) A license issued by any state or federal government branch or agency for privileges  
370 other than driving, such as a concealed firearm permit, a fishing license, or hunting  
371 license;
- 372 (U) Prison or parole discharge papers that include the applicant's full name, date of  
373 birth, and a photograph of such applicant at the time such papers were issued;
- 374 (V) Selective Service papers;
- 375 (W) Medical records that are signed and stamped; or
- 376 (X) Any other documentation deemed appropriate by the commissioner.
- 377 (2) Submission of valid documentary evidence that such applicant is a state resident,  
378 which may be demonstrated by any of the following:
- 379 (A) A copy of a lease or rental agreement for property located in this state;
- 380 (B) Records evidencing enrollment of an applicant or his or her child in a public or  
381 private educational institution located in this state;

- 382 (C) A copy of a current utility bill in the applicant's name for a property located in this  
383 state;
- 384 (D) A copy of a tax filing with the Department of Revenue;
- 385 (E) A current homeowner's insurance or renter's insurance policy for a property located  
386 in this state or a motor vehicle insurance card or policy for a vehicle registered in this  
387 state;
- 388 (F) A Medicaid or Medicare benefit statement;
- 389 (G) A change of address confirmation from the United States Postal Service indicating  
390 such applicant's current address;
- 391 (H) A letter from such applicant's counselor or other documentation showing the  
392 applicant's enrollment in transitional or reentry housing located in this state;
- 393 (I) A recent cell phone bill containing the applicant's name and current address;
- 394 (J) Any utility documentation containing the applicant's name and current billing  
395 address;
- 396 (K) A copy of an Internal Revenue Service Form W-2 or Form1099;
- 397 (L) A monthly bank or credit card statement containing the applicant's name and  
398 current address;
- 399 (M) A billing statement or other official documentation from a recognizable business  
400 or government agency containing the applicant's name and current address; or
- 401 (N) Any other documentation deemed appropriate by the commissioner; and
- 402 (3) Payment of the issuance fee of \$20.00.
- 403 (b) An identification card issued pursuant to this Code section shall be valid for eight years  
404 from the date of issuance and may be renewed upon submission of an application,  
405 documentary evidence of state residency required by this Code section, and payment of the  
406 renewal fee of \$10.00.
- 407 (c)(1) The department is authorized to design an identification card to be issued pursuant  
408 to this Code section; provided, however, that cards issued to applicants under 21 years



409 of age shall contain the distinctive characteristics of driver's licenses issued pursuant to  
410 Code Section 40-5-26. Such identification card shall bear thereon a distinguishing  
411 number assigned to the cardholder, include a recent photograph of the cardholder, and  
412 include the following information:

413 (A) Full legal name;

414 (B) Address of residence;

415 (C) Birth date;

416 (D) Date identification card was issued;

417 (E) Gender identity;

418 (F) Height;

419 (G) Weight;

420 (H) Eye color; and

421 (I) Signature of person identified or facsimile thereof.

422 (2)(A) The department shall allow all persons to designate 'male' or 'female' as their  
423 gender identity, or 'X' in lieu of 'male' or 'female,' on an application for an identification  
424 card issued pursuant to this Code section, even if such designation is different from the  
425 applicant's gender identity listed on any identity documents submitted by the applicant.

426 (B) No documentation shall be required for such gender designation permitted under  
427 this paragraph.

428 (3) Such identification card shall be identical in appearance to a driver's license, permit,  
429 or identification card issued by the department in compliance with the federal Real ID  
430 Act, H.R. 1268, P.L. 109-13, with the exception that:

431 (A) The front of the identification card shall bear the words 'Federal Limits Apply' in  
432 the place of a gold star; and

433 (B) The image of the State of Georgia on the front of the identification card shall be  
434 red instead of green.

435 (d) It shall be a violation of law to discriminate against a person based upon application  
436 for or denial, issuance, or possession of an identification card issued pursuant to this Code  
437 section.

438 (e) An identification card issued pursuant to this Code section shall not be used as  
439 evidence of the holder's citizenship or immigration status and shall not be used as a basis  
440 for a criminal investigation, arrest, or detention in any instance when a person with an  
441 identification card not issued under this Code section would not be criminally investigated,  
442 arrested, or detained.

443 (f) Any portion of any record retained by the department relating to an application for an  
444 identification card that contains a photographic image or identifies the social security  
445 number, telephone number, place of birth, country of origin, place of employment, address,  
446 school or educational institution attended, source of income, status as a recipient of public  
447 benefits, customer identification number associated with a public utilities account, or  
448 medical or disability related information shall not be a public record, shall be exempt from  
449 disclosure under the provisions of Article 4 of Chapter 18 of Title 50, and shall not be  
450 disclosed except to the person who is the subject of the record, where otherwise expressly  
451 required under 49 U.S.C.S. Section 30305, or where necessary to comply with a lawful  
452 court order or judicial warrant by a federal court of competent jurisdiction.

453 (g)(1) No person may possess more than one identification card issued pursuant to this  
454 Code section; provided, however, that this subsection shall not be construed to prevent  
455 a person issued a driver's license, instruction permit, or limited driving permit pursuant  
456 to this title from also possessing an identification card issued under this article.

457 (2)(A) Any person who applies for an identification card shall indicate on such  
458 application whether he or she is in possession of any other valid identification card,  
459 driver's license, instruction permit, or limited driving permit issued pursuant to this title  
460 or by any other jurisdiction.

461 (B) Except as provided in paragraph (3) of this subsection, each applicant for an  
462 identification card shall surrender to the department any valid identification card,  
463 driver's license, instruction permit, or limited driving permit previously issued pursuant  
464 to this title or by any other jurisdiction. The department shall physically mark any  
465 surrendered identification card, driver's license, instruction permit, or limited driving  
466 permit in a manner which makes it apparent that such card, license, or permit is no  
467 longer valid and return the card, license, or permit to such person.

468 (C) The department shall issue a receipt to a person eligible to be issued an  
469 identification card pursuant to the requirements of this title. Such receipt may be used  
470 as proof of issuance until the person has received his or her permanent identification  
471 card.

472 (D) If a surrendered identification card, driver's license, instruction permit, or limited  
473 driving permit was issued by another jurisdiction, the department shall forward the  
474 surrendered card, license, or permit information to the previous jurisdiction.

475 (3)(A) Any noncitizen who is eligible for issuance of an identification card pursuant  
476 to the requirements of this title and is in possession of an identification card or driver's  
477 license issued by a foreign jurisdiction may be issued an identification card without  
478 surrendering the foreign driver's license or identification card. This exemption shall not  
479 apply to a person who is required to terminate any previously issued identification card  
480 pursuant to federal law.

481 (B) The department shall make a notation on the driving record of any person who  
482 retains a foreign identification card or driver's license, and this information shall be  
483 made available to law enforcement officers and agencies on such person's driving  
484 record through the Georgia Crime Information Center.

485 (h) Any person who has been refused an identification card by the department may make  
486 a request in writing for a hearing to be provided by the department. Such hearing shall be  
487 provided by the department within 30 days after the receipt of such request and shall follow

488 the procedures required by Chapter 13 of Title 50, the 'Georgia Administrative Procedure  
489 Act.' Appeal from such hearing shall be in accordance with said chapter."

490 **SECTION 9.**

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