

The House Committee on Motor Vehicles offers the following substitute to HB 905:

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 authority of the commissioner of driver services to enter into certain
3 reciprocal agreements with foreign countries or political subdivisions of foreign countries;
4 to provide for an exemption from licensing upon production of certain licenses issued by
5 foreign countries or political subdivisions of foreign countries; to provide for an exemption
6 from certain testing requirements for individuals from foreign countries or political
7 subdivisions of foreign countries having entered into reciprocal agreements; to provide for
8 an exemption for signatures on traffic citations in lieu of personal court appearance; to
9 provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

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

16 "(a) In addition to and regardless of the provisions of Article 3 of this chapter or any other
17 provisions of law relating to the operation of motor vehicles over the public highways of
18 this state, the commissioner is authorized to enter into reciprocal agreements or plans on
19 behalf of the State of Georgia with the appropriate authorities of any of the states of the
20 United States, the District of Columbia, a state or province of any foreign country or any
21 political subdivision of a foreign country, or a territory or possession of the United States
22 or any foreign country or any political subdivision of a foreign country providing for the
23 registration of commercial vehicles on an apportionment basis and may, in the exercise of
24 this authority, enter and become a member of the International Registration Plan developed
25 by the American Association of Motor Vehicle Administrators. Any such reciprocal
26 agreement or plan may provide for but shall not be limited to the following provisions: (1)

H. B. 905 (SUB)

27 full reciprocity in accordance with such agreement or plan for commercial vehicles not
 28 based in Georgia, which vehicles are operated in interstate commerce or a combination of
 29 interstate and intrastate commerce and are of specified types or weights, in exchange for
 30 equivalent reciprocity for Georgia based commercial vehicles; (2) reciprocal exchange of
 31 audits of records of the owners of such commercial vehicles by the states participating in
 32 any such agreement or plan; and (3) any other matters which would facilitate the
 33 administration of such agreement or plan, including exchange of information for audits
 34 enforcement activities and collection and disbursement of proportional registration fees for
 35 other jurisdictions in the case of Georgia based commercial vehicles."

36

SECTION 2.

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

41 "(c) The commissioner is authorized to negotiate and enter into an agreement with a
 42 foreign country or such political subdivision of a foreign country that exempts the citizens
 43 of such foreign country or such political subdivision of a foreign country from the
 44 knowledge test and the on-the-road driving test required in Code Section 40-5-27 so long
 45 as the citizen holds a valid driver's license of an equivalent class issued by such foreign
 46 country or such political subdivision of a foreign country; provided, however, that no such
 47 agreement shall be entered into unless the foreign country or the political subdivision of
 48 a foreign country offers the same reciprocity to persons holding a valid driver's license of
 49 an equivalent class issued by the State of Georgia and the commissioner determines that
 50 the laws of such foreign country or such political subdivision of a foreign country relating
 51 to the operation of motor vehicles are sufficiently similar to such laws of this state such that
 52 driving safety shall not be compromised; and provided, further, that no such agreement
 53 shall be entered into unless the Department of Economic Development has certified that
 54 persons or entities from such country or such political subdivision have made or are likely
 55 to make a substantial economic investment in this state that has or will lead to the
 56 substantial creation of jobs in this state. The provisions of this subsection notwithstanding,
 57 ~~the department commissioner~~ shall not be authorized to enter into any reciprocal agreement
 58 with any foreign country or any political subdivision of a foreign country that is designated
 59 as a state sponsor of terrorism by the United States Department of State. The exemption
 60 provided for in this subsection shall not be an exemption from any other legal requirement
 61 for the issuance of a driver's license, including the requirement that the applicant
 62 demonstrate lawful presence within the United States in accordance with Code Sections

63 40-5-21.1 and 40-5-21.2. This subsection shall not apply to citizens of foreign countries
 64 or political subdivisions or foreign countries applying for a commercial driver's license or
 65 Class M driver's license."

66 **SECTION 3.**

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

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

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

75 (2) A nonresident who has in his or her immediate possession a valid driver's license
 76 issued to him or her in his or her home state, or country, or political subdivision of a
 77 foreign country; provided, however, that such person would otherwise satisfy all
 78 requirements to receive a Georgia driver's license; and provided, further, that in the case
 79 of a driver's license issued by the driver's licensing authority of a foreign country or
 80 political subdivision of a foreign country, a law enforcement officer may consult such
 81 person's passport or visa to verify the validity of such license, if available;

82 (3) A nonresident on active duty in the armed forces of the United States who has a valid
 83 license issued by his or her home state, and such nonresident's spouse or dependent son
 84 or daughter who has a valid license issued by such person's home state;

85 (4) Any person on active duty in the armed forces of the United States who has in his or
 86 her immediate possession a valid license issued in a foreign country or political
 87 subdivision of a foreign country by the armed forces of the United States, for a period of
 88 not more than 45 days from the date of his or her return to the United States;

89 (5) Any inmate or resident patient of a state, county, or municipally owned institution
 90 who drives a vehicle while on the grounds of such institution and while accompanied by
 91 and under the direct personal supervision of a qualified driving instructor or of some
 92 other person duly authorized in writing to so accompany and supervise such inmate or
 93 resident patient;

94 (6) Any person driving or operating a farm tractor or farm implement temporarily
 95 operated on a highway for the purpose of conducting farm business;

96 (7) Any inmate of a state, county, or municipal prison, correctional institution, or jail
 97 while operating a motor vehicle owned by or leased to the state, county, or municipality
 98 and being operated with the written approval of the warden or superintendent and in such

99 manner and for such purpose as may be specified by the warden or superintendent,
100 provided that such inmate, within the 60 day period prior to the grant of written authority,
101 has passed the vision, written, and driving tests required for licensing a citizen to operate
102 such motor vehicle. The department shall give such tests and issue a certificate, without
103 charge therefor, to any inmate passing such tests;

104 (8) A member of the reserve components of the armed forces of the United States while
105 operating a motor vehicle owned by or leased to the United States government and being
106 operated in accordance with the duties of such member as a member of the reserve
107 components of the armed forces;

108 (9) Any person seeking to obtain a driver's license while taking the driving examination
109 for such license accompanied by a driver license examiner of the department or a certified
110 examining agent of the department;

111 (10) Any migrant farm worker who works in this state less than 90 days in any calendar
112 year and who possesses a valid driver's license issued by another state;

113 (11) Any resident who is 15 years of age or over while taking actual in-car training in a
114 training vehicle other than a commercial motor vehicle under the direct personal
115 supervision of a driving instructor when such driving instructor and training vehicle are
116 licensed by the department in accordance with the provisions of Chapter 13 of Title 43,
117 'The Driver Training School and Commercial Driver Training School License Act.' As
118 used in the previous sentence, the term 'commercial motor vehicle' shall have the
119 meaning specified in Code Section 40-5-142. All vehicles utilized for the in-car training
120 authorized under this paragraph shall be equipped with dual controlled brakes and shall
121 be marked with signs in accordance with the rules of the department clearly identifying
122 such vehicles as training cars belonging to a licensed driving school. A driving instructor
123 shall test the eyesight of any unlicensed person who will be receiving actual in-car
124 training prior to commencement of such training, and no unlicensed driver shall receive
125 in-car training unless such person has at least the visual acuity and horizontal field of
126 vision as is required for issuance of a driver's license in subsection (c) of Code
127 Section 40-5-27;

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

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

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

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

138 **SECTION 4.**

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

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

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

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

148 **SECTION 5.**

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

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

159 **SECTION 6.**

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