

375-3-1-.02 Applications and Supporting Documentation

(1) Customers applying for issuance or renewal of any driver's license, permit or identification card issued by the Department shall complete a written application in a form to be determined by the Department. Such application shall require the applicant to indicate the following:

(a) Whether he or she has ever been issued a driver's license by the State of Georgia or any other state or agency, and if so, the date and place of issuance with the license number, if known;

(b) Whether he or she has taken any previous driver's license examination in any jurisdiction;

(c) Whether any previously issued license, whether issued by the State of Georgia or any other state or licensing agency, has ever been revoked, suspended or canceled, or whether any application for a motor vehicle driver's license has ever been denied. The application shall state the cause for revocation, suspension, cancellation or denial, the circumstances surrounding the action taken, the number of times such action has been taken and whether the license has been re-issued or application granted; and

(2) Applications executed pursuant to Paragraph (1) shall include a declaration under penalty of perjury that the information contained in the application is true and correct.

(3) Each application must be supported by documentation of the customer's identity, specifically his or her name and date of birth. Documents that are acceptable include the following:

(a) Valid, unexpired U.S. passport;

(b) Certified copy of a birth certificate filed with the State Office of Vital Statistics or equivalent agency in the customer's state of birth;

(c) Consular Report of Birth Abroad issued by the U.S. Department of State, Form FS-240, DS-1350 or FS 545;

(d) Valid, unexpired Permanent Resident Card (form I-551) issued by the U.S. Department of Homeland Security (DHS) or Immigration and Naturalization Service (INS);

(e) Unexpired employment authorization document (EAD) issued by the DHS, Form I-766 or Form I-688B;

(f) Unexpired foreign passport with a valid unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States;

(g) Certificate of Naturalization issued by the DHS, Form N-550 or N-570; or

(h) Certificate of Citizenship, Form N-560 or N-561, issued by the DHS.

The driver's license, permit or identification card issued by the Department shall reflect the full legal name reflected on such documentation. If a customer's name has changed from the name listed in the document presented in satisfaction of this Paragraph, such change must be supported by documentation in the form of a marriage license, marriage license application, divorce decree, adoption decree, or other court order. Original or certified copies of documents are required.

(4) Each customer must provide documentation of his or her social security number in one of the following forms:

- (a) Social security card;
- (b) W-2 form;
- (c) SSA-1099 form;
- (d) Non-SSA 1099 form; or
- (e) Pay stub with the customer's name and social security number printed on it.

Social security numbers provided pursuant to this paragraph shall be verified as required by 6 C.F.R. §37.11(e)(2) and 6 C.F.R. §37.13(b)(2). This paragraph shall not apply to non-citizen customers who are not eligible for issuance of a social security number due to their ineligibility to work pursuant to their immigration status. Customers claiming this exemption must provide documentation thereof from the Social Security Administration.

(5) Each customer must provide two (2) documents to substantiate residency in the State of Georgia. The following items are acceptable proof if they contain a valid Georgia residence address:

- (a) Utility bill issued within the last sixty (60) days;
- (b) Bank statement issued within the last sixty (60) days;
- (c) Currently valid rental contracts and/or receipts for payments made within the last sixty (60) days for rent payments;
- (d) Employer verification, including, but not limited to, one of the following:
 - 1. Paycheck or paycheck stub;
 - 2. Letter from the applicant's employer; or
 - 3. W-2 for current or preceding calendar year;
- (e) Non-expired Georgia driver's license, permit or identification card issued to the applicant's parent, guardian, spouse, or child;

- (f) Health insurance statement or explanation of benefits for claim;
 - (g) State of Georgia or Federal income tax return for current or preceding calendar year;
 - (h) Annual social security statement for current or preceding calendar year;
 - (i) Medicare or Medicaid statement;
 - (j) School record or transcript for current or preceding calendar year;
 - (k) Homeowners insurance policy or bill for current or preceding calendar year; or
 - (l) Mortgage, payment coupon, deed, or property tax bill for current or preceding calendar year.
- (6) Each customer must provide documentation of his or her citizenship or lawful presence in the United States.

(a) The following documents shall suffice as proof of citizenship:

1. Valid, unexpired U.S. passport;
2. Certified copy of a birth certificate filed with the State Office of Vital Statistics or equivalent agency in the customer's state of birth;
3. Consular Report of Birth Abroad issued by the U.S. Department of State, Form FS-240, DS-1350 or FS 545;
4. Certificate of Naturalization issued by the DHS, Form N-550 or N-570; or
5. Certificate of Citizenship, Form N-560 or N-561, issued by the DHS.

(b) A valid, unexpired Permanent Resident Card (Form I-551) issued by the DHS or INS shall suffice as proof of lawful presence in the United States. Non-citizen customers whose identities are proven using any other document listed in Paragraph 3 must also present a second document issued by the DHS that is acceptable pursuant to O.C.G.A. §40-5-21.1. All documentation of lawful presence is subject to verification with the DHS' Systematic Alien Verification for Entitlements Program.

(7) (a) In the event a customer is unable to satisfy the documentary requirements set forth herein, he or she may propose the use of alternative documents. Such requests shall contain a specific explanation of why the customer is unable to provide the documents, a showing that the alternative documents are equivalent to the documents required in the regulation and include copies of the documents proposed. The Department shall not accept alternative documentation as proof of lawful presence in the United States.

(b) The Department shall not accept documents issued outside the United States except foreign passports. Notwithstanding the foregoing, if a customer cannot, for reasons beyond his or her control, present any other document as proof of his or her name, including changes thereto, such documentation shall be accepted pursuant to the foregoing exception process as documented on a form promulgated by the Department. Such documentation must be printed in English or translated into English by a professional translating service, non-profit corporation, consular official of the country of issuance, or other entity approved by the Department.

(c) Customers who have been designated as asylees by the United States Department of Homeland Security may satisfy the requirements for proof of identity, lawful presence in the United States, and residency by providing the following:

1. Original I-94 indicating asylee status; and
2. Proof of residency as set forth in paragraph 7, supra.

(d) Customers who have been designated as refugees by the United States Department of Homeland Security may satisfy the requirements for proof of identity, lawful presence in the United States, and residency by providing the following:

1. If the applicant is a refugee initially placed in the State of Georgia upon arrival in the United States:

- (i) Original I-94 indicating refugee status;
- (ii) Reception and placement form identifying agency responsible for settling applicant in the State of Georgia; and
- (iii) Refugee Affidavit form bearing notarized signature of representative of the placement agency identified in the reception and placement form submitted to satisfy subparagraph (ii), supra, and containing applicant's residence address. The Department will notarize said forms at the Customer Service Center at which the applicant applies for said initial issuance if the placement agency does not have a notary on staff.

2. If the applicant is a refugee age eighteen (18) or over who was initially placed in a state other than Georgia upon arrival in the United States, but who has since moved to the State of Georgia:

- (i) Original I-94 indicating refugee status;
- (ii) Driver's license or identification card issued by previous state of residence;

and

- (iii) Proof of residency as set forth in paragraph 7, supra.

3. If the applicant is a refugee under age eighteen (18) who was initially placed in a state other than Georgia upon arrival in the United States, but who has since moved to the State of Georgia:

(i) Original I-94 indicating refugee status; and

(ii) Proof of residency as set forth in paragraph 7, supra.

(e) If the applicant is a probationer, parolee or person who has been released from the custody of the Georgia Department of Corrections within the last sixty (60) days, and he or she is unable to provide one or both documents needed to prove his or her residency, he or she may prove his or her residence address by submitting confirmation thereof from an employee of the Department of Corrections or the State Board of Pardons and Paroles on the form designated by the Department.

(f) If the applicant is a resident of a nursing home or other medical care facility, and he or she is unable to provide both documents needed to prove his or her residency, he or she may prove his or her residence address as the address of such nursing home or medical care facility based upon confirmation thereof from the nursing home or medical care facility on its letterhead. Such confirmation must include the customer's name and date of birth, the address of the nursing home, the name and phone number of a representative thereof, and the signature of such representative.

(g) If the applicant is a homeless individual, he or she may utilize the address of a homeless shelter or other service provider upon confirmation thereof from the homeless shelter or care provider. Such confirmation must include the customer's name and date of birth, the address of the homeless shelter or care provider, the name and phone number of a representative thereof, and the signature of such representative.

(h) If the applicant is in the care of the Department of Human Services or the Department of Juvenile Justice, he or she may prove his or her residence address by submitting confirmation thereof from an employee of thereof.

(i) If an applicant for renewal of a license, permit, or identification card is incapacitated and physically unable to visit a customer service center in person, the Department may complete the application and issuance process by mail if the records of the Department include a usable photograph and signature image for the customer, and the customer submits documentation of his or her incapacitation and inability to visit a customer service center from a licensed physician.

(j) If the applicant was born prior to June 1, 1939, he or she may prove his or her name and date of birth utilizing an original discharge document from the military or a statement from the Social Security Administration, on its letterhead, containing the customer's name and date of birth.

8. Documentation of identity, citizenship, residency and social security number shall not apply to customers applying for the renewal of a driver's license, permit or identification card by means other than personal appearance, when authorized to do so by the Department.

9. Each driver's license, permit or identification card issued shall contain a color photograph of the person depicted therein. A customer may be photographed while wearing a veil, scarf, or headdress so long as it does not cover the area between his or her eyebrows and chin. Customers' ears need not be uncovered. If a customer's headdress covers any portion of the area between his or her eyebrows and chin, he or she may be asked to adjust the headdress so that his or her face can be photographed. If the construction of a customer's headdress does not allow its placement to be altered to reveal this area, the customer may be asked to remove the headdress to be photographed or to return to the customer service center wearing another garment that can be adjusted for the photograph. The Department shall endeavor to accommodate any customers who object to being viewed or photographed by an employee of the opposite sex by having the photograph taken by an employee of the same sex as the customer and arrangements can be made for a photograph to be taken in private at Headquarters.

Authority: O.C.G.A. Secs. 40-5-4, 40-5-101. **History.** Original Rule entitled "Documentation Required for Initial Issuance" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004. **Amended:** F. Dec. 14, 2005; eff. Jan. 3, 2006. **Amended:** F. Sept. 11, 2006; eff. Oct. 1, 2006. **Repealed:** New Rule of same title adopted. F. Mar. 22, 2007; eff. Apr. 11, 2007. **Amended:** F. Oct. 10, 2007; eff. Oct. 30, 2007. **Repealed:** New Rule entitled "Documentation Required for Issuance" adopted. F. Nov. 23, 2009; eff. Dec. 13, 2009. **Repealed:** New Rule entitled "Applications and Supporting Documentation" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-3-1-.14 Verification of Customer Information. Revised.

- (1) Any information provided by a customer pursuant to any provision of these regulations or under the auspices of a Code Section contained within Chapter 5 of Title 40 of the Official Code of Georgia Annotated relating to the issuance, renewal, reinstatement of a driver's license, permit, or identification card or other services provided by Department is subject to verification.
- (2) The Department shall make copies or digital images of any documents presented by a customer for such purposes for use in such verification. All such documents shall be retained for no less than ten (10) years.
- (3) Imaged documents shall be considered part of the customer's driving record and accessible only pursuant to the provisions of O.C.G.A. §40-5-2.
- (4) In the event the Department is unable to verify information provided pursuant to the requirements of O.C.G.A. §19-11-9.1, the DDS shall initiate a cancellation of such customer's driver's license, permit or identification card as provided in O.C.G.A. §40-5-50. Such cancellation shall be made effective no more than 120 days from the date on which the information was provided by the customer as reflected in the records of the Department.

Authority O.C.G.A. Sec. 40-5-4. **History.** Original Rule entitled "Verification of Customer Information" adopted. F. Oct. 30, 2009; eff. Nov. 19, 2009. **Repealed:** New Rule entitled "Verification of Customer Information. Revised" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-3-1-.25 Restricted Instructional Permit for Child with Disabled Parent. Revised.

(1)(a) Any child age fourteen (14) whose parent or guardian is medically incapable of being license to operate a motor vehicle due to a visual impairment may apply for a restricted Class P instructional permit.

(b) The application for such restricted instructional permit shall be submitted on a form promulgated by the Department and must be accompanied by the following:

1. Documentation from the physician for the parent or guardian confirming the existence of the visual impairment;
2. A photocopy of the Georgia identification card issued to the parent or guardian, or documentation of his or her residency at the child's address sufficient to meet the requirements for proof of residency under Ga. Admin. Comp. Ch. 375-3-1-.02; and
3. Such other documentation as the Department shall deem necessary.

(c) Upon issuance of a restricted instructional permit, the child may operate a non-commercial Class C motor vehicle when accompanied by the disabled parent or guardian, or with a person who is at least twenty-one (21) years old and who holds a valid commercial or non-commercial driver's license.

(2)(a) Any child age fifteen (15) or older whose parent or guardian is medically incapable of being license to operate a motor vehicle and has been issued an identification card containing the international handicapped symbol may apply for a restricted Class P instructional permit.

(b) The application for such restricted instructional permit shall be submitted on a form promulgated by the Department and must be accompanied by the following:

1. A photocopy of the Georgia identification card issued to the parent or guardian;
2. Documentation reflecting that such parent or guardian previously held a valid driver's license in the State of Georgia, another State, or the District of Columbia; and
3. Such other documentation as the Department shall deem necessary.

(c) Upon issuance of a restricted instructional permit, the child may operate a non-commercial Class C motor vehicle when accompanied by the disabled parent or guardian or with a person who is at least twenty-one (21) years old and who holds a valid commercial or non-commercial driver's license.

Authority O.C.G.A. Secs. 40-5-4, 40-5-22. **History.** Original Rule entitled "Restricted Instructional Permit for Child with Disabled Parent" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010. **Repealed:** New Rule entitled "Restricted Instructional Permit for Child with Disabled Parent. Revised" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-3-2-.01 Renewal of License and Identification Card: When Licenses and Identification Cards May Be Renewed. Revised.

(1)(a) Except as otherwise provided in this regulation, licenses and identification cards issued to citizens of the United States expire on the person's birthday in the fifth (5th) or eighth (8th) year after issuance.

(b) Except as provided in Paragraph (c), any person who is not a citizen of the United States who provides proof of lawful presence in the United States that satisfies the requirements of O.C.G.A. §§40-5-21.1(a), 40-5-21.2 and Ga. Admin. Comp. Ch. 375-3-1-.02 and is otherwise eligible for the issuance of a driver's license or identification card may be issued a temporary driver's license, permit, or special identification card. Such temporary driver's license, permit, or special identification card shall be valid only during the lesser of the period of time of the applicant's authorized stay in the United States as reflected on such documentation or five (5) years.

(c) 1. Any person who presents immigration documentation that does not bear an expiration date shall be eligible for a temporary driver's license, permit, or special identification card valid for one (1) year unless the person's immigration documentation, as confirmed pursuant to O.C.G.A. §40-5-21.2, indicates that he or she is an approved asylee, refugee or a lawful permanent resident.

2. Asylees, refugees and lawful permanent residents holding verifiable immigration documentation thereof that does not bear an expiration date shall be eligible for a temporary driver's license, permit, or special identification card valid for five (5) years.

(d) No temporary license, permit, or special identification card issued pursuant to this regulation shall be renewed by any means other than in person.

(e) Veterans licenses and veterans identification cards shall be valid for eight (8) years.

(2)(a) Licenses and identification cards may be renewed up to one hundred fifty (150) days prior to the date of expiration. No license or identification card may be renewed prior to that time without prior approval by the Commissioner or his designee. Such a renewal will terminate the license or identification card renewed, and no rebate of fees will be authorized.

(3) Each customer applying for renewal of a license, permit or identification card on or after July 1, 2012 shall present documentation of his or her identity, citizenship or lawful presence in the United States, and residency in the State of Georgia as provided in Ga. Comp. R. & Regs. 375-3-1-.02.

Authority: O.C.G.A. Secs. 40-5-21.1, 40-5-32, 40-5-100, 40-5-172. **History.** Original Rule entitled "Renewal of License and Identification Card: When Licenses and Identification Cards May Be Renewed" adopted. F. Sept. 10, 2002; eff. Sept. 30, 2002. **Amended:** F. Dec. 14, 2005; eff. Jan. 3, 2006. **Repealed:** New Rule of same title adopted. F. Mar. 22, 2007; eff. Apr. 11, 2007. **Repealed:** New Rule entitled "Expiration of License and Identification Card: When Licenses and Identification Cards May Be Renewed" adopted. F. Sept. 3, 2009; eff. Sept. 23, 2009. **Repealed:** New Rule entitled "Renewal of License and Identification Card: When Licenses and Identification Cards May Be Renewed" adopted. F. Aug. 24,

2010; eff. Sept. 13, 2010. **Amended:** F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-3-2-.04 Remote Renewal of Licenses for Military and Students. Revised.

(1) Driver's licenses, permits and identification cards held by active duty service members and their dependents stationed outside of Georgia, and those Georgia residents attending school outside of Georgia, may be renewed by mail, provided that the licensee's photograph, and signature are on file via digital image. The applicant applying for the renewal of the license must make written request for the renewal and include therein:

(a) Payment of the appropriate license fee for the class license currently held by the licensee. This fee must be in the form of a certified check, cashier's check, or postal money order.

(b) Military personnel and their dependents must send a letter from their commanding officer stating that they are in the military or a military dependent.

(c) Students must submit along with their renewal request a letter from a school official stating that he/she is a full time student.

(2) Each customer applying for renewal of a license, permit or identification card pursuant to this regulation on or after July 1, 2012 must satisfy the requirements of Ga. Comp. R. & Regs. 375-3-1-.02(3).

Authority O.C.G.A. Sec. 40-5-4. **History.** Original Rule entitled "Remote Renewal of Licenses for Military and Students" adopted. F. Apr. 18, 2006; eff. May 8, 2006. **Repealed:** New Rule of same title adopted. F. Mar. 22, 2007; eff. Apr. 11, 2007. 2010; eff. Sept. 13, 2010. **Repealed:** New Rule of same title adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-3-3-.21 Surrender of Driver's License. Revised.

- (1) If a driver's license that is subject to surrender is not surrendered prior to its expiration, the Department shall consider the license to be surrendered on the day of its expiration.
- (2) Any customer who applies for reinstatement of his or her driver's license on or after July 1, 2012 shall present documentation of his or her identity, citizenship or lawful presence in the United States, and residency in the state of Georgia as provided in Ga. Comp. R. & Regs. 375-3-1-.02.

Authority O.C.G.A. Sec. 40-5-4. **History.** Original Rule entitled "Surrender of Driver's License" adopted. F. May 16, 2008; eff. June 5, 2008. **Repealed:** New Rule of same title adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-3-1-.13 Changes to Customer Information. Amended.

(1) A person may have the following personal data modified on his or her driver's license, permit, or identification card upon presentation of satisfactory documentation supporting the change as indicated:

(a) Date of Birth – submission of any document accepted as proof of identity pursuant to Ga. Admin. Comp. Ch. 375-3-1-.02.

(b) Social Security Number – Original Social Security Card or other original documentation from the Social Security Administration verifying the correct Social Security Number.

(c) U.S. Citizenship Status – submission of any document accepted as proof of citizenship pursuant to Ga. Admin. Comp. Ch. 375-3-1-.02.

(d) Residence or Mailing Address - submission of any document accepted as proof of Georgia residency pursuant to Ga. Admin. Comp. Ch. 375-3-1-.02.

(2) A person may have the following personal data modified on a driver's license, permit, or identification card by self-certifying that the requested change is correct on the License/Permit/ID application:

(a) Eye Color

(b) Height

(c) Weight

(d) Primary or Secondary Telephone Number

(3) A person requesting a change to the information recorded on his or her driving record and/or printed on his or her driver's license, permit, or identification card shall surrender all previously issued driver's licenses, permits, or identification cards in their possession and shall be required to pay either the renewal license fee or a duplicate or update fee, whichever is applicable. No rebate will be given for any license, permit, or identification cards surrendered.

(4) In all cases the decision to change customer personal data on the license, permit, or identification card is at the discretion of the Department based on a review of the documents provided to determine their validity and authenticity.

(5) Changes to a customer's information as provided in Paragraphs (1)(d) or (2) may be processed remotely. Changes to the information listed in Paragraphs (1)(a) through (c) must be processed in person.

Authority O.C.G.A. Sec. 40-5-4. **History.** Original Rule entitled "Changes to Customer Information" adopted. F. Oct. 30, 2009; eff. Nov. 19, 2009. **Amended:** F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-3-1-.16 Eligibility for Veteran's, Honorary or Distinctive Driver's License and Identification Cards

(1) (a) Veteran's, honorary or distinctive driver's licenses shall be issued to veterans who have satisfied all other requirements for issuance of a driver's license upon receipt by the Department of a Certificate of Eligibility issued for said veteran by the Georgia Department of Veteran's Services.

(b) In order to be eligible for a Certificate of Eligibility, a veteran must present evidence of the following:

1. Residency:

(i) A veteran must have been a resident of the State of Georgia at the time of his or her enlistment or commissioning;

(ii) A veteran must be a resident of the State of Georgia at the time of application for the license, or have been a resident of the State of Georgia for at least two years immediately preceding the date of application for the license; and

2. Service:

(i) A veteran must have been on honorable, active duty service in the armed forces of the United States or a reserve component thereof during wartime or any conflict when personnel were committed by the President of the United States, whether or not such veteran was assigned to a unit or division which directly participated in such war or conflict, except for periodic transfer from reserve status to active duty status for training purposes.

(ii) For purposes of this regulation, service during one (1) or more of the following conflicts shall satisfy this requirement:

Mexican Border	May 9, 1916 through April 5, 1917
World War I	April 6, 1917 through November 11, 1918. The period for a veteran who served with the U.S. Military forces in Russia would include April 6, 1917, through April 1, 1920.
World War II	December 7, 1941 through December 31, 1946
Korea	June 27, 1950 through January 31, 1955
Lebanon Conflict	July 1, 1958 through November 1, 1958
Vietnam Conflict	July 1, 1958 through August 4, 1964
Berlin Conflict	August 14, 1961 through June 1, 1963
Vietnam	August 5, 1964 through May 7, 1975
Dominican Republic Conflict	April 28, 1965 through September 21, 1966

Grenada Conflict	October 23, 1983 through November 21, 1983
Panama Liberation	December 30, 1989 through February 15, 1990
Saudi Arabia Iraq Kuwait Persian Gulf	August 2, 1990 - ending date unknown at this time

(2) A member of the National Guard or Reserve Forces shall obtain a letter from the Adjutant General of the Georgia National Guard, or his designee evidencing twenty (20) or more years creditable service therein. This letter shall be forwarded to the Department.

(3) A surviving spouse of a veteran who would have been eligible for a veteran’s license shall follow the procedure in sub-section (1) and may then be issued an honorary license.

(4) A spouse of a veteran who is or would have been eligible for a veteran’s license, but has been disabled to the extent that he or she is unable to operate a motor vehicle safely, shall acquire an honorary license by having the disabled veteran surrender his license to the Department, or if he or she has no license notify the Department of his disability. Such surrender of license or notification must be accompanied by a letter from a physician evidencing the disability. The applicant shall then follow the procedure set out in sub-section (1).

(5) Once eligibility is established pursuant to sub-sections (1, 2, 3, 4) the licensee need not reestablish eligibility.

(6) Any customer who would be eligible for a driver’s license under the provisions of this regulations shall also be eligible for an identification card at no charge.

(7) National Guard drivers licenses shall be issued free of charge by the Department to any guardsman who meets the requirements of O.C.G.A. §40-5-36. Each guardsman shall present to any driver’s license examiner a completed "Certificate of Eligibility for Georgia National Guard Drivers License," (DDS-318),* their current National Guard identification card and surrender their existing Georgia Drivers License or Instructional Permit to such examiner. The National Guard driver’s license shall be valid for five (5) years or until the Department receives written notice from the Adjutant General, or his agent, that the guardsman is no longer a member of the Georgia National Guard in good standing.

Authority O.C.G.A. Secs. 40-5-4, 40-5-36, 40-5-103. **History.** Original Rule entitled “Eligibility for Veterans, Honorary or Distinctive Drivers License” adopted. F. Apr. 18, 2006; eff. May 8, 2006. **Amended:** F. Jan. 31, 2008; eff. Feb. 20, 2008. **Amended:** Changed title to “Eligibility for Veteran's, Honorary or Distinctive Driver's License and Identification Cards.” adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-3-1-.23 Application for Personal Identification Cards. Amended.

(1) Georgia identification cards are available to Georgia residents only. Any Georgia resident, as defined in O.C.G.A. §40-5-1, applying for an identification card shall provide to the Department the information as specified in O.C.G.A. §40-5-100.

(2) Individuals with out-of-state driver's licenses may not obtain a Georgia identification card and maintain the out-of-state license. In order for these individuals to obtain a Georgia identification card, they must either obtain a Georgia driver's license prior to the issuance of the identification card; or, surrender the out-of-state license to the examiner at the time the identification card is issued. Customers who cannot surrender a driver's license or identification card previously issued by another state must provide a certified copy of his or her driving record from the state that issued said driver's license or identification card.

(3) Customers who previously have been issued an identification card or driver's license in another country may retain said identification card or driver's license. The Department shall make a notation on the customer's driving record that the foreign driver's license or identification card was retained, and this notation shall be made available to law enforcement officers via the Georgia Crime Information Center.

(4) The Department shall collect a fee of \$20.00 or \$32.00 for the issuance of an identification card except as provided in O.C.G.A. §§40-5-103(b), (c), and (d).

(5) (a) All non-profit organizations referring anyone to the Department for an identification card shall provide that individual with a copy of an agreement previously entered into with the Department whereby such organization verifies that the individual applying for such identification card is indigent.

(b) It shall be the responsibility of the non-profit organization to provide the Department with an agreement. Upon approval by the Department and the non-profit organization, the Department may accept a copy of the agreement from the indigent referred by the non-profit organization in order to provide the identification card to the individual at a reduced fee of \$5.00.

(6) (a) Any license, permit or identification card that is intended to be compliant with the requirements of 49 U.S.C. §30301 note and 6 C.F.R. §37.01, *et seq.* shall contain the information or design requirements set forth therein.

(b) No person may be issued a license, permit or identification card that is compliant with Paragraph (a), *supra*, while he or she retains another such card. Customers are eligible for issuance of non-compliant cards in addition to the compliant card. Similarly, a customer may switch from one type of compliant card to another by surrendering the compliant card that is no longer desired and paying a replacement fee.

Authority O.C.G.A. Secs. 40-5-100, 40-5-101. **History.** Original Rule entitled "Application for Personal Identification Cards" adopted. F. Apr. 18, 2006; eff. May 8, 2006. **Amended:** F. Sept. 3, 2009; eff. Sept. 23, 2009. **Amended:** Rule with new title of "**Application for Personal Identification Cards. Amended**" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-3-2-.02 Alternative Means of Renewal. Amended.

(1) The Commissioner may authorize, consistent with Georgia law and with these regulations, renewal of a driver's license or identification card by the following means:

- (a) Personal appearance;
- (b) Renewal by mail;
- (c) Renewal by telephone; and/or
- (d) Renewal via electronic means.

(2) Except as otherwise authorized by the Commissioner, licenses, permits and identification cards must be renewed by personal appearance at a Department of Driver Services facility before a driver's license examiner of the Department.

(3) The Commissioner is authorized to waive the requirement of a personal appearance under the following circumstances:

- (a) All such waivers shall be consistent with public safety considerations;
- (b) All such waivers shall be designed so as to promote efficiency of service to the holders of licenses, permits and identification cards;
- (c) No person may be granted a waiver from renewal by personal appearance if that person's license or identification card is currently revoked, suspended, or cancelled. If a license or identification card is revoked, suspended, or cancelled after a waiver has been granted, the waiver shall be deemed to be withdrawn without the necessity of further action by the Department, and the person shall be required to appear in person to reinstate the license or identification card prior to renewal.
- (d) Persons granted a waiver from the requirement of a personal appearance for the renewal of a driver's license shall certify that their vision and physical condition have not significantly changed since the last personal appearance before the Department, and that the person remains mentally and physically capable of the safe operation of a motor vehicle of the class for which the license is being renewed.
- (e) A person granted a waiver will not be required to surrender the driver's license or identification card being renewed if the waiver is exercised; however, the Department will advise the person of reasons why the license or identification card should be destroyed by the person.
- (f) No person will be granted a waiver unless the person's photograph and signature are on file via digital image.

(g) No temporary license, permit or special identification card issued pursuant to O.C.G.A. §40-5-21.1 shall be issued via any means other than in person.

(h) In order to be eligible for renewal of a license, permit or identification card via alternative means, a customer must have complied with the provisions of Ga. Comp. R. & Regs. 375-3-2-.01(3) on or after July 1, 2012.

(i) Each customer must conduct at least one (1) in-person transaction every sixteen (16) years.

Authority O.C.G.A. Secs. 40-5-21.1, 40-5-32, 40-5-100, 40-5-172. **History.** Original Rule entitled “Renewal of License and Identification Card: Alternative Means of Renewal” adopted. F. Sept. 10, 2002; eff. Sept. 30, 2002. **Amended:** F. Dec. 14, 2005; eff. Jan. 3, 2006. **Repealed:** New Rule of same title adopted. F. Mar. 22, 2007; eff. Apr. 11, 2007. **Repealed:** New Rule of same title adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-3-3-.01 Penalties for Violations of Uniform Rules of the Road, Amended.

(1) The Department shall impose the following penalties upon receipt of a conviction of a violation of any of the listed offenses found within the Uniform Rules of the Road:

Code Section	Offense	Penalty
40-6-2	Failure to Obey Person Directing Traffic	3 points
40-6-6	Emergency Vehicle Violation	3 points
40-6-10	No Insurance	Suspension-O.C.G.A. §40-5-70
40-6-11	No Proof of Insurance-Motorcycle	3 points
40-6-14	Limits on Sound Volume	3 points
40-6-15	Suspended/Revoked/Cancelled Registration	HV Contributor
40-6-16	“Move Over” Violation	3 points
40-6-17	Use of Traffic-Control Device Preemption Emitter (while operating a motor vehicle)	3 points
40-6-20	Disregard of Traffic Control Device or Signal	3 points
40-6-21	Failure to Obey Traffic Signal or Light	3 points
40-6-23	Failure to Obey Flashing Signal	3 points
40-6-24	Lane Direction Violation	3 points
40-6-26(a)	Tampering with Traffic Signs or Signals (while operating vehicle)	3 points
40-6-26(b)	Operating Vehicle on Closed Roadway	3 points
40-6-27	Tampering with Pavement Markers (while operating vehicle)	
40-6-40	Improper Lane Usage	3 points
40-6-41	Failure to Yield to Oncoming Traffic	3 points
40-6-42	Improper Passing	3 points
40-6-43	Improper Passing on the Right	3 points
40-6-44	Improper Passing	3 points
40-6-45	Improper Passing on Hill or Curve	4 points
40-6-46	Passing in a No Passing Zone	3 points
40-6-47(b)	Wrong Way on One-Way Road	3 points
40-6-47(c)	Rotary Traffic Island Violation	3 points
40-6-48	Failure to Maintain Lane	3 points
40-6-49	Following Too Closely	3 points
40-6-50	Driving Within Gore or Improper Entry to Controlled Access Highway	3 points
40-6-51	Improper Use of Controlled-Access Road	3 points
40-6-52	Truck Lane Usage Violation	3 points
40-6-53	Bus or Motorcoach Lane Violation	3 points
40-6-55	Failure to Yield to Bicycle	3 points
40-6-56	Failure to Maintain Safe Distance from Bicycle	3 points
40-6-54	HOV Lane Violation	1 point for 4 th +
40-6-70	Failure to Yield at Intersection	3 points

40-6-71	Failure to Yield when Turning Left	3 points
40-6-72	Stop/Yield Sign Violation	3 points
40-6-73	Failure to Yield when Crossing or Entering Road	3 points
40-6-74	Failure to Yield to Emergency Vehicle	3 points
40-6-75	Failure to Yield to Construction Vehicle	3 points
40-6-76	Failure to Yield to Funeral Procession	3 points
40-6-77	Failure to Yield Resulting in Serious Injury	Suspension-O.C.G.A. §40-5-57.3 for 2 nd + in 5 years
40-6-91	Failure to Yield to Pedestrian	3 points
40-6-93	Failure to Exercise Due Care Near Pedestrian	3 points
40-6-94	Failure to Yield to Blind Pedestrian	3 points
40-6-98	Driving Through Safety Zone	3 points
40-6-120	Improper Turning	3 points
40-6-121	Improper U-Turn	3 points
40-6-122	Improper Starting	3 points
40-6-123	Failure to Signal Turn	3 points
40-6-124	Improper Use of Signal	3 points
40-6-125	Improper Use of Hand Signal	3 points
40-6-126	Improper Use of Turn Lane	3 points
40-6-140	Railroad Grade Crossing Violation	3 points
40-6-141	Disregard of Stop Sign at Railroad Grade Crossing	3 points
40-6-142	Failure to Stop at Railroad Grade Crossing	3 points
40-6-143	Improper Movement of Heavy Equipment at Railroad Grade Crossing	3 points
40-6-144	Improper Emerging from Alley, Driveway or Building	3 points
40-6-160	School Bus Speeding Violation	15-18 mph-2 points 19-23 mph-3 points 24-33 mph-4 points 34+ mph-6 points
40-6-161	School Bus Headlight or Communication Device Violation	3 points
40-6-162	School Bus Signal Violation	3 points
40-6-163	Unlawful Passing of School Bus	6 points
40-6-164	School Bus Disembarking Violation	3 points
40-6-165	School Bus Operation Violation	3 points
40-6-181	Speeding	15-18 mph-2 points 19-23 mph-3 points 24-33 mph-4 points 34+ mph-6 points
40-6-184	Impeding the Flow of Traffic	3 points
40-6-185	Speeding on Bridge or Structure	15-18 mph-2 points 19-23 mph-3 points 24-33 mph-4 points

		34+ mph-6 points
40-6-186	Racing	HV Contributor
40-6-188	Speeding in Work Zone	15-18 mph-2 points 19-23 mph-3 points 24-33 mph-4 points 34+ mph-6 points
40-6-205	Obstructing an Intersection	3 points
40-6-240	Improper Backing	3 points
40-6-241	Failure to Exercise Due Care	3 points
40-6-241.1	Violation of usage of wireless telecommunications device requirements	1 point
40-6-241.2	Operating a vehicle while text messaging	1 point
40-6-242	Driving with Obstructed View	3 points
40-6-244	Allowing Passenger in House Trailer	3 points
40-6-245	Improper Mountain/Canyon Driving	3 points
40-6-246	Coasting	3 points
40-6-247	Improper Following of Emergency Vehicle	3 points
40-6-248	Crossing Fire Hose	3 points
40-6-248.1	Unsecured Load Resulting in Accident	2 points
40-6-250	Wearing Device Impairing Vision or Hearing	3 points
40-6-251	Laying Drags	3 points
40-6-252	Cruising	3 points
40-6-253	Open Container	2 points
40-6-253.1	Improper Transportation of Infectious Substance	3 points
40-6-254	Unsecured Load Resulting in Accident	2 points
40-6-255	Gasoline Drive-Off	Suspension- O.C.G.A. §40-5-57.2
40-6-270	Hit and Run	HV Contributor
40-6-271	Violation of Duty Upon Striking Unattended Vehicle	3 points
40-6-272	Violation of Duty Upon Striking Fixed Object	3 points
40-6-273	Failure to Report Accident	3 points
40-6-275	Failure to Remove Vehicle From Roadway	3 points
40-6-311	Improper Operation of Motorcycle	3 points
40-6-312	Motorcycle Lane Violation	3 points
40-6-312(e)	Operation of Motorcycle Without Head/Tail Light	3 points
40-6-313	Clinging to Vehicle While on Motorcycle	3 points
40-6-314	Motorcycle Equipment Violation	3 points
40-6-315	Motorcycle Protective Gear Violation	3 points
40-6-326	Operating Personal Assistive Mobility Device While Intoxicated	3 points
40-6-352	Moped Headgear Violation	3 points
40-6-361	Low Speed Vehicle Lane Violation	3 points
40-6-362	Low Speed Vehicle Roadway Violation	3 points
40-6-390	Reckless Driving	4 points

40-6-391	Driving Under the Influence	HV Contributor
40-6-391(l)	Endangering a Child by DUI	HV Contributor
40-6-393(a)	Vehicular Homicide-1 st Degree	Suspension-O.C.G.A. §40-5-63(d)
40-6-393(b)	Vehicular Homicide-1 st Degree	HV Contributor
40-6-393(c)	Vehicular Homicide-2 nd Degree	HV Contributor
40-6-393(d)	Vehicular Homicide-1 st Degree	HV Contributor
40-6-393.1(b)	Feticide by Vehicle-1 st Degree	HV Contributor
40-6-393.1(c)	Feticide by Vehicle-2 nd Degree	3 points
40-6-394	Serious Injury by Vehicle	Suspension-O.C.G.A. §40-5-63(d)
40-6-395	Fleeing and Attempting to Elude	HV Contributor
40-6-397	Aggressive Driving	6 points

(2) The assessment of points for any of the aforementioned offenses may result in the suspension of the customer's driver's license pursuant to O.C.G.A. §§40-5-57 and/or 40-5-57.1.

(3) Notwithstanding the provisions of Paragraph (2), *supra*, points shall not be assessed if the Department receives notification from the trial court that the points for such offense are to be avoided pursuant to O.C.G.A. §40-5-57(c)(1)(C) or the customer entered a plea of *nolo contendere* to the offense.

(a) The aforementioned points avoidance measures are only available to each customer once every five (5) years.

(b) The Department shall treat a plea of *nolo contendere* as a conviction for purposes of imposing a suspension pursuant to O.C.G.A. §40-5-57.1 for customers under age twenty-one (21) at the time of the conviction.

(4) In addition to the offenses set forth in Paragraph 1, points shall also be assessed for upon receipt of convictions for child safety restraint requirements as set forth in O.C.G.A. §40-8-76.

(5) Notwithstanding the provisions of Paragraph 1, *supra*, no points shall be assessed for an unsecured load that does not cause an accident. Additionally, if the unsecured load that resulted in the accident contained fresh farm produce, no points shall be assessed.

(6) The Department shall impose the penalty set forth in Paragraph 1 upon receipt of notice of a conviction for an equivalent offenses in another state as if the conviction had been entered by a court in the State of Georgia.

(7) Notwithstanding the provisions of Paragraph 1, *supra*, no points shall be assessed for a conviction imposed by a Georgia court against a non-resident.

(8) The penalty set forth in Paragraph 1 shall be assessed for each conviction, including multiple convictions from a single incident.

(9) Any offense identified herein as an HV contributor shall result in a driver's license suspension pursuant to O.C.G.A. §§40-5-54 and 40-5-63 or a habitual violator revocation pursuant to O.C.G.A. §40-5-58 depending upon the customer's prior driving record within five (5) years as calculated between or among the dates of the applicable incidents.

(a) As provided in O.C.G.A. §§40-5-54, 40-5-63 and 40-5-58, offenses not included in this regulation may also contribute to a license suspension or revocation under said statutes.

(b) In the event that an offense which occurred after a prior offense results in a conviction or is processed before the earlier offense is resolved or processed, the Department shall impose suspensions and/or revocations based upon the order in which the convictions are processed.

(10) Customers convicted of any of the offenses listed herein may be subject to a commercial driving disqualification in addition to the listed penalty.

Authority O.C.G.A. Secs. 40-5-4, 40-5-52, 40-5-57. **History.** Original Rule entitled "Moving Traffic Violations Defined" adopted. F. Jan. 9, 2003; eff. Jan. 29, 2003. **Amended:** F. Sept. 1, 2004; eff. Sept. 21, 2004. **Repealed:** New Rule entitled "Penalties for Violations of Uniform Rules of the Road" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010. **Amended:** F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-3-3-.12 Suspension of License for Failure to Appear. Amended.

(1) The Department shall suspend the driver's license or privilege to operate a motor vehicle in this state of any person who has failed to respond to a citation to appear before a court of competent jurisdiction of this state or of any other state for a traffic violation other than a parking violation. The Department shall forthwith notify such person that his license is to be suspended subject to review as provided for by law. Such suspension shall be effective no more than twenty-eight (28) days from the date on the notice of such suspension sent to such customer. If such customer is not a resident of the State of Georgia, information pertaining to his or her failure to appear shall be sent to his or her state of residence for imposition of the suspension in that jurisdiction as provided in the terms of the Non-Resident Violator Compact or such other interstate agreement or law that applies to such customer.

(2) Any customer who is notified of a pending suspension for failure to appear may request a hearing before the Office of State Administrative Hearings. The request shall be submitted pursuant to the provisions of Ga. Admin. Comp. Ch. 375-3-3-.04. At the hearing on an appeal from a suspension of a license due to a violator's failure to appear to respond to a citation, the DDS Form 912, when completed by the judge, clerk, or other employee of the court, or electronic submission thereof from such court, shall be conclusive and shall be sufficient to support the suspension. The attendance of the judge, clerk, other employee of the court, or law enforcement officer is not required, and no suspension shall be withdrawn or vacated due to a failure of such official or employee to appear at the administrative hearing.

Authority O.C.G.A. Secs. 40-5-4, 40-5-56. **History.** Original Rule entitled "Suspension of License for Failure to Appear" adopted. F. Apr. 18, 2006; eff. May 8, 2006. **Amended:** F. Mar. 30; eff. Apr 19, 2012.

375-3-5-.09 Incapacitated Drivers; Procedure. Amended.

(1) No license shall be issued to or retained by any person who is incapacitated due to a physical or mental disability or a confirmed use of drugs or intoxicants, and who, by reason of such incapacity may be unable to operate a motor vehicle with safety upon the public roads or highways of this State.

(2) The Department, upon receipt of a report that a driver may be physically or mentally incapacitated or otherwise not qualified to drive, may at any time upon written notice to the licensee require the licensee to submit medical reports regarding his physical or mental condition to the Department for individual consideration by the Driver's License Advisory Board. The submission of such reports shall be without expense to the State or the Department.

(3) Whenever the Department receives, in writing, information that an operator of a motor vehicle may be unfit to drive due to a physical or mental incapacity, the Commissioner may, in his discretion, authorize Department personnel to investigate the allegations.

(a) After the completion of said investigation, the Department shall determine whether there is evidence to support the allegation that the operator should not drive due to a physical or mental incapacity. If the investigation does not substantiate the allegations, no further action shall be taken by the Department.

(b) If the Department shall determine that there is evidence to support the allegation that the operator of a motor vehicle should not drive due to a physical or mental incapacity, the Department shall send the driver by certified mail with return receipt requested, or by personal delivery, a notice containing the following information:

1. That a person unable to drive safely due to physical or mental incapacity or a confirmed use of drugs or intoxicants may not retain a driver's license under Georgia Law;

2. That a question has arisen as to the operator's capacity to drive;

3. That enclosed medical report forms must be completed by a physician of the driver's choice and returned by the physician directly to the Department within 30 days of receipt;

4. That, after review of the medical reports, the Department will make a determination of whether to allow such person to retain or reinstate his or her driver's license, add restrictions to his or her driver's license, or impose a revocation of the license;

5. That the letter may be considered that operator's authority to drive pending subsequent notification from the Department of Driver Services that his driver's license has been retained or reinstated, retained or reinstated with restrictions, or revoked;

6. That, should the driver fail to submit completed medical reports to the Department within 30 days, his driver's license shall be revoked and the operator shall be deemed to have waived his right to appeal the revocation of the driver's license.

(4) If the Department has not received completed medical reports from the operator within 30 days, the operator's driver's license shall be revoked and the operator shall be deemed to have waived his right to appeal or otherwise contest the revocation.

(5) Upon receipt of medical reports satisfactorily completed by a physician designated by the operator, the Department shall review the recommendations made therein and make a determination if a decision can be made based upon the content thereof and the applicable provisions of this Chapter, or if the reports should be forwarded to the Driver's License Advisory Board for the member(s) of the Board to review and to make recommendations to the Department regarding reinstatement or revocation of the driver's license. The Department or the Board may request that further information be supplied by the physicians who forwarded medical reports to the Department, or that the operator submit to an examination by a medical specialists designated by the Board within the operator's geographical area.

(6) The Department may, upon good cause shown, extend the time periods established above. The Department's decisions in this regard shall be final and not subject to review.

(7) After receipt of the recommendation of the Driver's License Advisory Board and any other pertinent information, the Department shall notify the driver, by mail, of the retention or reinstatement, retention or reinstatement with restrictions, or revocation of his driver's license. As the Department is authorized by statute to impose any restrictions which it may determine are appropriate to assure the safe operation of any motor vehicle by the operator, no appeal shall lie from the Department's decision to reinstate the operator's driver's license with restrictions. If the driver's license is revoked, the operator may appeal that revocation as provided hereinafter.

(8) The operator may, within 15 days of receipt of notice of revocation, request a hearing by a designated hearing officer of the Department. Such request must be made in writing and received by the Department within the 15-day period specified. If no written request for hearing is received within the 15-day time period, the driver shall be considered to have waived his right to a hearing and to appeal the revocation of his driver' license. The notice of revocation shall advise the driver of this requirement.

(9) A hearing shall be scheduled upon written request of the driver before the Office of State Administrative Hearings.

(10) The hearing and appeal procedures shall be as specified in Ga. Admin. Comp. Ch. 375-3-3-.04.

(11) An operator who timely requests a hearing in writing may continue to drive, except as otherwise specified herein, pending the issuance of a final agency decision pursuant to the provisions of Ga. Admin. Comp. Ch. 375-3-3-.04.

(12) If the Department receives evidence that an operator of a motor vehicle should not drive due to physical or mental incapacity and determines that the public health, safety, or welfare imperatively requires emergency action, the Department shall, upon expressly so finding, be authorized to issue an emergency order directing immediate revocation of the driver's license.

The emergency order shall incorporate such a finding. Said emergency order shall be sent to the licensee by personal delivery, or by certified mail with return receipt requested. The order shall be accompanied by medical report forms and the instructions provided above, except that the operator shall not be instructed that he is authorized to continue to drive. The emergency order shall inform the licensee that the revocation of his license is effective upon receipt of the Department order. The order shall further inform the operator that, in the event that he desires to contest the revocation, he must submit, in writing, a request for hearing within 15 days of receipt of the emergency order. The Department shall designate a hearing officer to conduct the hearing, which shall be conducted pursuant to the procedures provided in Ga. Admin. Comp. Ch. 375-3-3-.04. A hearing requested by an operator whose driver's license has been revoked under the emergency provisions of this paragraph shall be scheduled within 15 working days of receipt of the request for hearing by the Department, unless the operator or his legal representative requests or consents to an extension of time. This hearing shall be a preliminary hearing, at which the Office of State Administrative Hearings shall determine whether the public health, safety, or welfare continues to imperatively require emergency action. If the administrative law judge upholds this determination, the revocation shall proceed as set forth above and the revocation of the operator's driver's license shall remain in effect. If the administrative law judge determines that the public health, safety, or welfare no longer imperatively requires emergency action, the revocation shall continue as provided in above, but the operator's driving privileges may be restored pending completion of those proceedings.

(13) Once a driver or applicant is found to be physically and/or mentally qualified, the Department may require such driver to complete the applicable knowledge and/or skills tests for issuance of a driver's license. Any driver who fails an applicable skills or knowledge test may make another attempt at such test in the time intervals established in Ga. Admin. Comp. Ch. 375-3-1-.12. Notwithstanding the foregoing, if a driver successfully completes the knowledge test(s), but does not take or fails the applicable skills test(s), the revocation shall be reinstated, and he or she may be issued an instructional permit in the applicable license class.

Authority O.C.G.A. Secs. 40-5-4, 40-5-34. **History.** Original Rule entitled "Incapacitated Drivers; Procedure" adopted. F. Apr. 18, 2006; eff. May 8, 2006. **Amended:** F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-3-1-.29 Replacement of Lost, Stolen or Destroyed Cards

(1) Customers who are applying for replacement of a lost, stolen or destroyed license, permit or identification card must provide proof of their identity using one of the documents listed in Ga. Comp. R. & Regs. 375-3-1-.02(3) or any two (2) of the following:

- (a) Marriage License;
- (b) Social Security Card;
- (c) Previous Year Income Tax Return;
- (d) Current Insurance Policy;
- (e) Current Automobile Registration Receipt; or
- (f) Voter Registration Card.

(2) If such customer's license, permit or identification card was issued prior to July 1, 2012, he or she must present one of the documents listed in Ga. Comp. R. & Regs. 375-3-1-.02(3).

(3) Customers who provided the documents required pursuant to Ga. Comp. R. & Regs. 375-3-1-.02(3) on or since July 1, 2012 may seek a replacement of a lost, stolen or destroyed card via alternative means as provided in Ga. Comp. R & Regs. 375-3-2-.01, *et seq.*

Authority: O.C.G.A. § 40-5-4. History: New Rule entitled "Replacement of Lost, Stolen or Destroyed Cards" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-3-1-.30 Exceptions Process

(1) The Department adheres to the General Assembly's position that "the strict application of rules can lead to unreasonable, uneconomical, and unintended results in particular instances" and authorized all state agencies to grant waivers from administrative regulations when the application of a particular provision imposes a substantial hardship upon an individual as set forth in O.C.G.A. §50-13-9.1. The term "substantial hardship" is defined as "a significant, unique, and demonstrable economic, technological, legal, or other type of hardship to the person requesting a variance or waiver which impairs the ability of the person to continue to function in the regulated practice or business." O.C.G.A. §50-13-9.1(b)(1). Customers may petition for waivers of any administrative rule applicable to their individual situations.

(2) Customers must submit petitions for rule waivers in writing. Such petitions must contain the following elements:

- (a) The rule from which a variance or waiver is requested;
- (b) The type of action requested;
- (c) The specific facts of substantial hardship which would justify a variance or waiver for the petitioner, including the alternative standards which the person seeking the variance or waiver agrees to meet and a showing that such alternative standards will afford adequate protection for the public health, safety, and welfare; and
- (d) The reason why the variance or waiver requested would serve the purpose of the underlying statute.

(3) If the waiver relates to the documentary requirements of Ga. Comp. R. & Regs. 375-3-1-.02, the customer is encouraged to include copies of the alternative documents proposed to prove his or her identity, citizenship or residency. Suggested records include, but are not limited to, their parents' birth and death certificates, children's birth and death certificates, school records, employment records, business records, court records, church records, tax records, census records, bank records, driving records from other jurisdictions, and other similar material. If he or she has have ever been issued a driver's license or identification card in the State of Georgia or in any other state, the petition should address the whereabouts of these documents.

(4) Waiver petitions must be posted for at least fifteen (15) days before voted on by the Board of Driver Services. Waiver petitions will be resolved within sixty (60) days unless prevented by unavoidable delay.

Authority: O.C.G.A. §50-13-9.1(d). History: New Rule entitled "Exceptions Process" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-3-3-.22 Review of Withdrawals Resulting from Out-of-State Conduct

(1) Any person whose driver's license, permit, or driving privilege has been suspended, revoked, cancelled, denied or disqualified as a result of conduct that occurred in another state may request a review of such withdrawal once every five (5) years. Such review shall result in a determination of whether the withdrawal is still warranted and whether the person is otherwise eligible to operate a motor vehicle in the State of Georgia.

(2) Any person who contested such withdrawal pursuant to Ga. Comp. Reg. Ch. 375-3-3-.04 shall be eligible for such review upon the expiration of five (5) years from the date on which the Department or the Office of State Administrative Hearings entered its Final Decision in such appeal. Any person who did not contest such withdrawal shall be eligible for review thereof upon the expiration of five (5) years from the date of imposition of such withdrawal.

(3) In no case shall the Department authorize issuance of a driver's license or permit to any person who has failed to complete the requirements for reinstatement imposed by the state in which such conduct occurred.

Authority: O.C.G.A. §40-5-52(d). History: New Rule entitled "Review of Withdrawals Resulting from Out-of-State Conduct" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-5-1-.23 Alternative Resources for Background Investigations

In the event the Department is unable to obtain classifiable electronically recorded fingerprints from an applicant for reasons that are beyond the applicant's control, the Department may conduct a background investigation of such applicant utilizing the CJIS Name Search procedures authorized by the Federal Bureau of Investigations and the Georgia Bureau of Investigations.

Authority: O.C.G.A. §40-16-5. History: New Rule entitled "Alternative Resources for Background Investigations" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-5-2-.36 Alternative Resources for Background Investigations

In the event the Department is unable to obtain classifiable electronically recorded fingerprints from an applicant for reasons that are beyond the applicant's control, the Department may conduct a background investigation of such applicant utilizing the CJIS Name Search procedures authorized by the Federal Bureau of Investigations and the Georgia Bureau of Investigations.

Authority: O.C.G.A. §40-16-5. History: New Rule entitled "Alternative Resources for Background Investigations" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-5-3-.24 Alternative Resources for Background Investigations

In the event the Department is unable to obtain classifiable electronically recorded fingerprints from an applicant for reasons that are beyond the applicant's control, the Department may conduct a background investigation of such applicant utilizing the CJIS Name Search procedures authorized by the Federal Bureau of Investigations and the Georgia Bureau of Investigations.

Authority: O.C.G.A. §40-16-5. History: New Rule entitled "Alternative Resources for Background Investigations" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-5-5-.07 Alternative Resources for Background Investigations

In the event the Department is unable to obtain classifiable electronically recorded fingerprints from an applicant for reasons that are beyond the applicant's control, the Department may conduct a background investigation of such applicant utilizing the CJIS Name Search procedures authorized by the Federal Bureau of Investigations and the Georgia Bureau of Investigations.

Authority: O.C.G.A. §40-16-5. History: New Rule entitled "Alternative Resources for Background Investigations" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

375-5-6-.30 Alternative Resources for Background Investigations

In the event the Department is unable to obtain classifiable electronically recorded fingerprints from an applicant for reasons that are beyond the applicant's control, the Department may conduct a background investigation of such applicant utilizing the CJIS Name Search procedures authorized by the Federal Bureau of Investigations and the Georgia Bureau of Investigations.

Authority: O.C.G.A. §40-16-5. History: New Rule entitled "Alternative Resources for Background Investigations" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.