

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

(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)(1) 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, and shall reflect that it is issued for a limited term.

(2) Notwithstanding the provisions of paragraph (1), the Department shall not accept an employment authorization document as proof of lawful presence if such person is subject to an order for removal from the United States, an order of supervision, or who is otherwise determined to not be lawfully present in the United States based upon information provided by the Department of Homeland Security.

(c)(i) 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 or refugee.

(ii) Asylees and refugees 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.

(iii) Non-citizen customers who have a temporary driver's license, permit, or special card that has expired or will expire within thirty (30) days of making application for renewal may be issued a temporary extension thereof valid for 120 days if they present documentation showing that they have applied for, but not received, an extension of their previously verified lawful immigration status.

(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. §§40-5-21.1, 40-5-32(a); 40-5-100(b); and 40-5-172(a)

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to modify an existing regulation in light of changes in the governing statutes, specifically the changes made by Senate Bill 122, enacted at the 2013 Session of the Georgia General Assembly, which allows for the issuance of 120-day temporary extensions to non-citizen customers who have applied for renewal of their previously verified lawful immigration status.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

Paragraph (3)(c)(iii) is added in its entirety.