

### **375-3-1-.02 Documentation Required for Initial Issuance. Revised.**

~~(1) All persons applying for issuance or renewal of any driver's license, permit or identification card issued by the Department shall state in writing whether he or she has ever been issued a driver's license by the State of Georgia or any other state or agency and shall state the date and place of issuance with the license number, if known. This requirement shall not apply to persons 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.~~

~~(2) All persons applying for issuance or renewal of any driver's license, permit or identification card issued by the State of Georgia shall state in writing whether he or she has taken any previous driver's license examination in any jurisdiction. This requirement shall not apply to persons 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.~~

~~(3) Any person applying for issuance or renewal of any driver's license, permit or identification card issued by the State of Georgia shall state in writing if any previously issued license, whether issued by the State of Georgia or any other state or licensing agency, has ever been revoked, suspended or canceled, or whether any application for a motor vehicle driver's license has ever been denied.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. This requirement shall not apply to persons 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.~~

~~(4) Applicants for issuance or renewal of a Georgia driver's license, permit or identification card shall state in writing whether he or she has been convicted of any previous violations of motor vehicle laws, in any jurisdiction, giving the nature and circumstances of the offense, the penalty imposed, and the date and place of the occurrence. This requirement shall not apply to persons 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.~~

~~(5) Applicants for initial issuance of a Georgia driver's license, permit or identification card shall furnish one of the following as proof of his or her identity:~~

- ~~(a) Original birth certificate;~~
- ~~(b) Certificate of birth registration;~~
- ~~(c) Certified copy of birth certificate;~~
- ~~(d) Certified copy of court records (adoption, name, or sex change);~~
- ~~(e) Certified naturalization documentation;~~
- ~~(f) Immigration ID Card;~~

- ~~(g) Valid passport;~~
- ~~(h) Military identification card issued by the United States armed forces.~~

~~(6) Applicants for initial issuance of a Georgia driver's license, permit or identification card shall provide documentation proving either United States citizenship or legal authorization from the Immigration and Customs Enforcement bureau of the United States Department of Homeland Security.~~

~~(a) In order to prove United States citizenship, an applicant for an initial Georgia driver's license, permit or identification card shall furnish one of the following as proof thereof:~~

- ~~1. Original birth certificate issued by a United States jurisdiction;~~
- ~~2. Certified copy of birth certificate issued by a United States jurisdiction;~~
- ~~3. Valid United States passport;~~
- ~~4. Original certificate of citizenship (Form N560);~~
- ~~5. Certified copy of certificate of citizenship (Form N560);~~
- ~~6. Original certificate of naturalization (Form N550);~~
- ~~7. Certified copy of certificate of naturalization (Form N550).~~

~~(b) In order to prove legal authorization from the Immigration and Customs Enforcement bureau of the United States Department of Homeland Security, an applicant for an initial Georgia driver's license, permit or identification card shall furnish one of the following as proof thereof:~~

- ~~1. Foreign passport with appropriate immigration documents;~~
- ~~2. Resident Alien Card (Form I-551);~~
- ~~3. Temporary Resident Alien Card (Form I-668);~~

~~(7) Applicants for initial issuance of a Georgia driver's license, permit or identification card shall furnish proof that the applicant currently resides in Georgia and provide a valid Georgia residence address. 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 employer; or~~
- ~~3. W-2 for current or preceding calendar year;~~

~~(e) Non-expired Georgia driver's license, permit or identification card issued to parent, guardian, or spouse or child;~~

- ~~(f) Health insurance statement;~~
- ~~(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.~~

This requirement shall not apply to persons 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.

~~(8) Notwithstanding any provision of this regulation to the contrary, a probationer, parolee or person who has been released from the custody of the Georgia Department of Corrections within the last sixty (60) days 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.~~

~~(9) Documents presented must be either in English or translated into English by a translator approved by the Department.~~

~~(10) In accordance with O.C.G.A. §40-5-28, all driver's licenses shall bear a color photograph of the licensee. Specifically, all applicants are to be photographed, with no part of the applicant's face covered.~~

~~(11) In addition to the items listed in this regulation, any two of the following documents will be acceptable proof of identity for a replacement Georgia driver's license, permit or identification card:~~

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

~~(12) Applicants for initial issuance of a Georgia driver's license, permit or identification card 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:~~

- ~~(a) Original I-94 indicating asylee status; and~~
- ~~(b) Proof of residency as set forth in paragraph 7, supra.~~

~~(13) Applicants for initial issuance of a Georgia driver's license, permit or identification card 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:~~

~~(a) If the applicant is a refugee initially placed in the State of Georgia upon arrival in the United States:~~

- ~~1. Original I-94 indicating refugee status;~~
- ~~2. Reception and placement form identifying agency responsible for settling applicant in the State of Georgia; and~~
- ~~3. Refugee Affidavit form bearing notarized signature of representative of the placement agency identified in the reception and placement form submitted to satisfy subparagraph (2), 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.~~

~~(b) 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:~~

- ~~1. Original I-94 indicating refugee status;~~
- ~~2. Driver's license or identification card issued by previous state of residence; and~~
- ~~3. Proof of residency as set forth in paragraph 7, supra.~~

~~(c) 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:~~

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

### **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

(d) Whether he or she has been convicted of any previous violations of motor vehicle laws, in any jurisdiction, giving the nature and circumstances of the offense, the penalty imposed, and the date and place of the occurrence.

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:

- i. Paycheck or paycheck stub;
- ii. Letter from the applicant's employer; or
- iii. 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:

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

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

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

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

(v) 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:

- i. Original I-94 indicating asylee status; and
- ii. 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:

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

(1) Original I-94 indicating refugee status;

(2) Reception and placement form identifying agency responsible for settling applicant in the State of Georgia; and

(3) 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.

ii. 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:

(1) Original I-94 indicating refugee status;

(2) Driver's license or identification card issued by previous state of residence;

and

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

iii. 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:

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

(2) 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. §§ 40-5-4 and 40-5-101.

## **SYNOPSIS**

### **STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE**

The purpose of this proposed amendment is to adopt the provisions of 49 U.S.C. §30301 note and 6 C.F.R. §37.01, *et seq.* relating to issuance of secure driver's licenses.

### **DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES**

The regulation is re-written in its entirety.