

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

(1)

(a) Except as otherwise provided in this regulation or any statutory provision, 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 status in the United States that satisfies the requirements of ~~O.C.G.A. §§40-5-21.1(a), 40-5-21.2 and~~ 6 C.F.R. 37.11 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 one (1) year, 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.~~ one (1) year.

(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~~ status in the United States, and residency in the State of Georgia as provided in Ga. Comp. R. & Regs. 375-3-1-.02 and the REAL ID Act (6 C.F.R. 37. et. seq.).

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 amendment is to update terms in the existing rule to reflect recent changes with regard to implementation of the REAL ID Act and HB 806.

DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES

References to five year license terms have been updated to reflect the recent changes from HB 806. The term "presence" has been updated to "status" to reflect current language of the REAL ID Act. Other terms have been deleted to reflect consistency with DDS Rule 375-3-1-.02 and the REAL ID Act.