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# MOTOR VEHICLES AND TRAFFIC Drivers' Licenses: Support the National Defense; Provide for Transmittal of Information Regarding Certain Persons to the United States Selective Service System; Require Registration with the Selective Service System or Consent Thereto at the Time of Application of Certain Persons for Issuance or Renewal of Drivers' Licenses or Identification Cards; Change Certain Provisions Relating to Motor Vehicle Drivers' Licenses; Provide Legislative Findings and Declarations

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## MOTOR VEHICLES AND TRAFFIC

***Drivers' Licenses: Support the National Defense; Provide for Transmittal of Information Regarding Certain Persons to the United States Selective Service System; Require Registration with the Selective Service System or Consent Thereto at the Time of Application of Certain Persons for Issuance or Renewal of Drivers' Licenses or Identification Cards; Change Certain Provisions Relating to Motor Vehicle Drivers' Licenses; Provide Legislative Findings and Declarations***

CODE SECTIONS: O.C.G.A. §§ 40-5-2 (amended), 40-5-7 (new)  
BILL NUMBER: HB 138  
ACT NUMBER: 167  
GEORGIA LAWS: 2001 Ga. Laws 294  
SUMMARY: The Act adds a new section to the Georgia Code to require that any male applicant for any driver's license or identification card who is less than twenty-six years of age registers for the selective service in compliance with the United States Military Selective Service Act. The Act also requires the Department to give contemporaneous notice to the applicant that he will be so registered. The Act amends the Georgia Code by requiring that any information necessary for registering the applicant be transmitted to the Selective Service System in electronic format.  
EFFECTIVE DATE: July 1, 2001

### *History*

Since 1980, the Selective Service System (SSS) has required registration of males between eighteen and twenty-six years of age.<sup>1</sup> In

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1. See Telephone Interview with Representative Kenneth Birdsong, House District No. 123 (Apr. 5, 2001) [hereinafter Birdsong Interview]; Telephone Interview with Representative Sistie Hudson, House District No. 120 (Apr. 4, 2001) [hereinafter Hudson Interview]; Telephone Interview with Colonel Keith Scragg, USAFR, SSS Region II Director (Apr. 4, 2001) [hereinafter Scragg Interview].

the past few years, registration compliance has fallen by about one percent per year.<sup>2</sup> In 2001, Georgia ranked 44th among the states in registration compliance.<sup>3</sup> In an effort to increase compliance, Colonel Keith Scragg, USAFR, and Director of Region II of the SSS, and Senator Jack Hill of the 4th District brought the language of the bill to the attention of its sponsors.<sup>4</sup>

Registration is not only important to the national defense, but also because many federal, state, and local services and benefits are conditioned upon being registered in compliance with the law.<sup>5</sup> Therefore, HB 138 was introduced to protect male Georgia residents from losing valuable benefits<sup>6</sup> and to make any future draft more equitable and efficient.<sup>7</sup>

### *HB 138*

Representatives Kenneth Birdsong of the 123rd District, Sistie Hudson of the 120th District, Mickey Channell of the 111th District, William Jackson of the 112th District, and Clint Smith of the 19th District sponsored HB 138.<sup>8</sup> The bill passed both houses as introduced.<sup>9</sup> The House passed the bill on February 9, 2001 by a vote of 162-1.<sup>10</sup> The Senate passed the bill unanimously on March 12, 2001.<sup>11</sup> The General Assembly forwarded the bill to Governor Barnes, who signed HB 138 into law on April 18, 2001.<sup>12</sup>

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2. See Selective Service System, Annual Report to Congress for Fiscal Year 2000, available at <http://www.sss.gov/sssarh.pdf> [hereinafter Selective Service System]; Scragg Interview, *supra* note 1.

3. See Birdsong Interview, *supra* note 1; Hudson Interview, *supra* note 1; Scragg Interview, *supra* note 1.

4. See Audio Recording of House Proceedings, Feb. 9, 2001 (remarks by Rep. Kenneth Birdsong), at <http://www.state.ga.us/services/leg/audio/2001archive.html> [hereinafter House Audio]; Scragg Interview, *supra* note 1.

5. See Selective Service System, *supra* note 2; Hudson Interview, *supra* note 1; Scragg Interview, *supra* note 1.

6. See Birdsong Interview, *supra* note 1; Hudson Interview, *supra* note 1.

7. See Scragg Interview, *supra* note 1.

8. See HB 138, as introduced, 2001 Ga. Gen. Assem.

9. Compare HB 138, as introduced, 2001 Ga. Gen. Assem., with HB 138, as passed, 2001 Ga. Gen. Assem.

10. See Georgia House of Representatives Voting Record, HB 138 (Feb. 9, 2001); State of Georgia Final Composite Status Sheet, Mar. 21, 2001.

11. See Georgia Senate Voting Record, HB 138 (Mar. 12, 2001); State of Georgia Final Composite Status Sheet, Mar. 21, 2001.

12. See 2001 Ga. Laws 294, § 4, at 296.

*The Act*

Section 1 of the Act includes findings of the General Assembly.<sup>13</sup> These findings include recognition of the importance of the SSS in maintaining the national defense.<sup>14</sup> The findings further state that those who are derelict in their duty to register with the SSS may lose eligibility for many government programs.<sup>15</sup> Therefore, the Act aims to “support the national defense by promoting registration of certain Georgia residents with the United States SSS as required by federal law.”<sup>16</sup>

Section 2 of the Act amends Code section 40-5-2 by adding identification card applications and numbers to the pool of information that may be compiled by the Department of Motor Vehicle Safety (DMVS) and sent to the United States SSS and the Georgia Crime Information Center.<sup>17</sup> This section also expands the scope of information that the DMVS can provide to the SSS from the name, address, license number, and date of birth, to any information contained in the license or identification card application.<sup>18</sup> Finally, the Act requires that any information sent to the SSS be in electronic format.<sup>19</sup>

Section 3 of the Act creates Code section 40-5-7, which makes consent to registration mandatory for applicants seeking new and renewed drivers' licenses or identification cards from the DMVS.<sup>20</sup> The Act restricts the registration to males under the age of twenty-six.<sup>21</sup> In addition to identification cards, the Act includes registration of those applying for any drivers' license or instructional permit—commercial or otherwise.<sup>22</sup>

Section 3 of the Act also provides procedures for notifying and gaining authorization from the applicant for automatic registration with the SSS.<sup>23</sup> The Act provides that the signature on the application

13. *See id.*

14. *See id.*

15. *See id.*

16. *Id.*

17. *Compare* 1997 Ga. Laws 1446, § 2, at 1450 (formerly found at O.C.G.A. § 40-5-2 (Supp. 2000)), with O.C.G.A. § 40-5-2 (2001).

18. *Compare* 1997 Ga. Laws 1446, § 2, at 1450 (formerly found at O.C.G.A. § 40-5-2 (1997)), with O.C.G.A. § 40-5-2 (2001).

19. *Compare* 1997 Ga. Laws 1446, § 2, at 1450 (formerly found at O.C.G.A. § 40-5-2 (1997)), with O.C.G.A. § 40-5-2 (2001).

20. *See* O.C.G.A. § 40-5-7 (2001).

21. *See id.*

22. *See id.*

23. *See id.*

authorizes the DMVS to send their information to the SSS.<sup>24</sup> The Act requires that the DMVS notify applicants of these provisions at the time of application.<sup>25</sup>

Once the application is signed and received, the Act requires the DMVS to forward the information to the SSS "as soon as practical."<sup>26</sup>

### *Opposition to HB 138*

In the House, Representative Robert Franklin of the 39th District expressed concern that registration of persons into the SSS was a function of the federal government and not the State of Georgia,<sup>27</sup> and that the State would not be reimbursed for such efforts.<sup>28</sup> Another concern was that the Act requires children fifteen years of age to register for the selective service when they apply for their learner's permit, whereas the SSS only requires registration for those over eighteen years of age.<sup>29</sup> Representative Franklin cast the lone vote in opposition to HB 138 in the General Assembly.<sup>30</sup>

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24. *See id.*

25. *See id.*

26. *Id.*

27. *See* Telephone Interview with Rep. Robert Franklin, House District No. 39 (Apr. 1, 2001) [hereinafter Franklin Interview].

28. *See* House Audio, *supra* note 4 (remarks by Rep. Robert Franklin).

29. *See* Franklin Interview, *supra* note 27; *see also* 50 U.S.C.A. App. § 453(a) (directing those between eighteen and twenty-six years of age to register with the SSS); House Audio, *supra* note 4 (remarks by Rep. Robert Franklin). The Act requires license applicants to provide only registration information; the information provided by applicants under the age of eighteen will be held on file and processed automatically when the applicant reaches the proper registration age.

30. *See* Georgia House of Representatives Voting Record, HB 138 (Feb. 9, 2001); Georgia Senate Voting Record, HB 138 (Mar. 12, 2001).