

House Bill 253

By: Representatives Powell of the 23rd and Parham of the 122nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to provide for noneligibility for registration of certain vehicles which have been
3 prohibited from operating in interstate commerce; to define a term; to provide for furnishing
4 of certain information from motor vehicle records; to change certain provisions relating to
5 reports and remittances by tag agents; to provide effective dates; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **PART I**
9 **SECTION 1-1.**

10 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
11 amended in Article 3A of Chapter 2 by inserting a new Code Section 40-2-89 to read as
12 follows:

13 "40-2-89.

14 Any vehicle which is prohibited by any federal agency acting pursuant to federal law, rule,
15 or regulation from being operated in interstate commerce shall not be eligible for
16 registration under this article, and the commissioner shall refuse to issue, refuse to renew,
17 or revoke such registration for any vehicle so prohibited from operating."

18 **SECTION 1-2.**

19 Said title is further amended in Code Section 40-3-2, relating to definitions relative to
20 certificates of title, liens, and security interests, by inserting a new paragraph (9.1) to read
21 as follows:

22 "(9.1) 'Natural person' means an individual human being and does not include any firm,
23 partnership, association, corporation, or trust."

1 (b) Funds received as a result of the handling of license applications shall be considered
2 trust funds in the hands of such tag agents until such time as paid over to the commissioner.

3 (c) Failure to submit the reports or remit the funds within the ~~14-day~~ period as required by
4 this Code section shall result in the penalties imposed by Code Section 48-2-44.

5 (d) Before the expiration of the time period within which a tag report is required to be filed
6 with the commissioner or related funds remitted to the commissioner, application may be
7 made to the commissioner for an extension. The commissioner shall be authorized, upon
8 a showing of justifiable cause, to grant up to a 30 day extension from the deadline provided
9 for the performance of the above duties. Only one such extension may be granted with
10 regard to any reports or funds due the commissioner for a specific business week.

11 (e) Proof of mailing within the appropriate time periods provided for in this Code section,
12 as evidenced by a United States Postal Service postmark, shall be prima-facie proof that
13 the county tag agent has complied in a timely manner with the duties enumerated by this
14 Code section."

15 **PART III**

16 **SECTION 3-1.**

17 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
18 amended by striking Code Section 40-2-34, relating to reports and remittances by tag agents,
19 and inserting in lieu thereof the following:

20 "40-2-34.

21 (a) All county tag agents accepting license applications shall endeavor to submit to the
22 commissioner on at least a weekly basis reports of license applications handled and remit
23 with such reports related sums of money to which the state is entitled. All tag reports of
24 license applications handled and related sums of money to which the state is entitled must
25 be submitted to the commissioner within ~~14~~ seven calendar days from the close of the
26 business week during which the aforementioned license applications were handled and
27 related sums of money received. The term 'business week' shall mean Monday through
28 Friday (or Saturday if applicable).

29 (b) Funds received as a result of the handling of license applications shall be considered
30 trust funds in the hands of such tag agents until such time as paid over to the commissioner.

31 (c) Failure to submit the reports or remit the funds within the ~~14-day~~ period as required by
32 this Code section shall result in the penalties imposed by Code Section 48-2-44.

33 (d) Before the expiration of the time period within which a tag report is required to be filed
34 with the commissioner or related funds remitted to the commissioner, application may be
35 made to the commissioner for an extension. The commissioner shall be authorized, upon

1 a showing of justifiable cause, to grant up to a 30 day extension from the deadline provided
2 for the performance of the above duties. Only one such extension may be granted with
3 regard to any reports or funds due the commissioner for a specific business week.
4 (e) Proof of mailing within the appropriate time periods provided for in this Code section,
5 as evidenced by a United States Postal Service postmark, shall be prima-facie proof that
6 the county tag agent has complied in a timely manner with the duties enumerated by this
7 Code section."

8 **PART IV**
9 **SECTION 4-1.**

10 (a) This Act shall become effective on July 1, 2001, except as otherwise provided by
11 subsections (b), (c), and (d) of this section.
12 (b) Section 1-3 of this Act shall become effective upon approval of this Act by the Governor
13 or upon this Act becoming law without such approval.
14 (c) Part II of this Act shall become effective on January 1, 2002.
15 (d) Each provision amended in Part III of this Act shall become effective and supercede that
16 respective provision amended in Part II of this Act on January 1, 2002, or on such date
17 thereafter as that same provision, as amended by an Act approved April 28, 2000 (Ga. L.
18 2000, p. 951), becomes fully effective pursuant to Section 13-1 of that 2000 Act, whichever
19 is later.

20 **SECTION 4-2.**

21 All laws and parts of laws in conflict with this Act are repealed.