

House Bill 1112 (AM)

By: Representative 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 change certain provisions relating to registration of motor vehicles; to change
3 certain provisions relating to processing by private persons of applications for registration;
4 to change certain provisions relating to special license plates for members of active reserve
5 components of the United States; to change certain provisions relating to registration of
6 vehicle where commissioner is not satisfied as to ownership of vehicle and bond; to regulate
7 certain use of motor vehicles or other equipment by certified law enforcement officers
8 employed by the Department of Motor Vehicle Safety; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
13 amended by striking paragraph (1) of subsection (b) of Code Section 40-2-25, relating to
14 processing by private persons of applications for registration, and inserting in lieu thereof the
15 following:

16 "(b)(1) The tax commissioner of each county shall be authorized to require any private
17 person processing applications for the registration of vehicles pursuant to subsection (a)
18 of this Code section to give an annual ~~performance~~ fidelity bond in the amount of
19 ~~\$25,000.00~~ \$50,000.00 with good and sufficient surety or sureties licensed to do business
20 in this state payable to, in favor of, and for the protection of either the payee, taxpayer,
21 or the tax commissioner of the county in which such person processes such applications.
22 Such bond shall be posted prior to the beginning of business operations each year and
23 satisfactory proof of such bond shall be filed in the office of the tax commissioner
24 requiring such bond prior to the beginning of business operations each year."

1 (1) withhold issuance of a certificate of title until the applicant presents documents
 2 reasonably sufficient to satisfy the commissioner or authorized county tag agent as to the
 3 applicant's ownership of the vehicle and that there are no undisclosed security interests in
 4 it; or (2) as a condition of issuing a certificate of title, require the applicant to file with the
 5 commissioner or authorized county tag agent a bond in the form prescribed by the
 6 commissioner and executed by the applicant and by a bonding, surety, or insurance
 7 company licensed to do business in Georgia. The bond shall be in an amount equal to the
 8 value of the vehicle as determined by the commissioner or authorized county tag agent and
 9 payable to the commissioner ~~or authorized county tag agent~~ for the benefit of any prior
 10 owner, lienholder, or security interest holder, and any subsequent purchaser of the vehicle
 11 or person acquiring any security interest or lien on it, and their respective successors in
 12 interest, against any expense, loss, or damage, by reason of the issuance of the certificate
 13 of title of the vehicle or on account of any defect in or undisclosed security interest upon
 14 the right, title, and interest of the applicant in and to the vehicle. The commissioner ~~or~~
 15 ~~authorized county tag agent~~ shall have a right of action to recover on the bond for any
 16 breach of its conditions, but the aggregate liability of the surety to all persons shall not
 17 exceed the amount of the bond. The bond shall expire at the end of four years unless the
 18 commissioner or authorized county tag agent has been notified of a breach of a condition
 19 of the bond."

20 SECTION 4.

21 Said title is further amended by inserting a new Code section to read as follows:

22 "40-16-5.1.

23 (a) Except as otherwise provided in subsection (b) of this Code section, no department
 24 motor vehicles shall be used by any certified law enforcement officers employed by the
 25 department except in the discharge of official duties. Any other equipment shall be used
 26 only with the express written approval of the commissioner. The commissioner shall adopt
 27 rules and regulations governing the use of equipment.

28 (b)(1) Certified law enforcement officers employed by the department may use a
 29 department motor vehicle while working an approved off-duty job, provided that:

30 (A) The off-duty employment is of a general nature that is the subject of a contract
 31 between the off-duty employer and the department and is service in which the use of
 32 the department motor vehicle is a benefit to the department or is in furtherance of the
 33 department's mission;

34 (B) The off-duty employer agrees to pay and does pay to the department an amount
 35 determined by the commissioner to be sufficient to reimburse the department for the use
 36 of the vehicle and to pay the off-duty employee sufficient compensation. Pursuant to

1 such contract, the department shall pay the employee of the department the
2 compensation earned on off-duty employment whenever such employee performs such
3 service in a department motor vehicle; and

4 (C) The commissioner has specifically approved, in writing, the individual use of the
5 vehicle by the employee.

6 (2) At no time will an off-duty employee be allowed use of a department motor vehicle
7 at any political function of any kind."

8 **SECTION 5.**

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