

_____ offers the following
 substitute to HB 253:

A BILL TO BE ENTITLED
 AN ACT

1 To provide for certain matters relative to motor vehicle registration, licensing, and titling;
 2 to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
 3 traffic, so as to provide for abbreviated dates on certain temporary license plates; to change
 4 certain provisions relating to registration and license requirements and penalties; to change
 5 certain provisions relating to reciprocal agreements for registration of commercial vehicles
 6 on an apportionment basis; to provide for noneligibility for registration of certain vehicles
 7 which have been prohibited from operating in interstate commerce; to define a term; to
 8 provide for furnishing of certain information from motor vehicle records; to change certain
 9 provisions relating to reports and remittances by tag agents; to change certain provisions
 10 relating to registration and licensing of vehicles of the state and political subdivisions; to
 11 amend Chapter 10 of Title 48 of the Official Code of Georgia Annotated, relating to motor
 12 vehicle license fees and plates, so as to change certain provisions relating to payment of fees
 13 under the International Registration Plan; to change certain provisions relating to fee
 14 assessment to registrants; to provide effective dates; to repeal conflicting laws; and for other
 15 purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **PART I**
 18 **SECTION 1-1.**

19 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 20 amended in Code Section 40-2-8, relating to operation of unregistered vehicle or vehicle
 21 without current license plate, revalidation decal, or county decal, storage of unlicensed
 22 vehicle, jurisdiction, display of temporary plate, and disposition of fines, by striking division
 23 (b)(2)(B)(i) and inserting in lieu thereof the following:

24 "(B)(i) Any dealer of new or used motor vehicles shall issue to the purchaser of a
 25 vehicle at the time of sale thereof, unless at such time the purchaser makes application

1 to transfer to such vehicle in accordance with this chapter a valid license plate issued
 2 to him or her or unless such vehicle is to be registered under the International
 3 Registration Plan, a temporary plate which may bear the dealer's name and location
 4 and shall bear, in characters not less than one-quarter of an inch wide and one and
 5 one-half inches high, the expiration date of the period within which the purchaser is
 6 required by Code Section 40-2-20 to register such vehicle. Such temporary plates
 7 shall be made of heavy stock paper, inscribed with indelible ink, and designed to
 8 resist deterioration or fading due to exposure to the elements during the period for
 9 which display is required. The expiration date may be handprinted on the plate at the
 10 time of issuance by use of an indelible ink marker, with contrasting ink, provided that
 11 the month of expiration shall be indicated by complete word ~~and not by any~~
 12 ~~abbreviation or numeral~~ or by three-letter abbreviation thereof. The expiration date
 13 of such a temporary plate may be revised and extended by the county tag agent only
 14 if an extension of the purchaser's initial registration period has been granted as
 15 provided by Code Section 40-2-20. Such temporary plate shall not resemble a license
 16 plate issued by this state and shall be issued without charge or fee therefor. Such
 17 temporary plate shall be surrendered to the tag agent at the time the vehicle is
 18 registered, and the tag agent shall destroy such temporary plate. ~~No such temporary~~
 19 ~~plate shall be renewed or valid beyond the expiration date of the period within which~~
 20 ~~the purchaser is required by Code Section 40-2-20 to register the vehicle.~~ The
 21 requirements of this subparagraph do not apply to a dealer whose primary business
 22 is the sale of salvage motor vehicles and other vehicles on which total loss claims
 23 have been paid by insurers."

24 SECTION 1-2.

25 Said title is further amended by striking Code Section 40-2-20, relating to registration and
 26 license requirements and penalties, and inserting in lieu thereof the following:

27 "40-2-20.

28 (a)(1)(A) Except as provided in subsection (b) of this Code section, every owner of a
 29 motor vehicle, including a tractor or motorcycle, and every owner of a trailer shall,
 30 ~~except as provided in paragraph (3) of this subsection,~~ during the owner's registration
 31 period in each year, register such vehicle as provided in this chapter and obtain a
 32 license to operate it for the 12 month period until such person's next registration period.

33 (B)(i) The purchaser or other transferee owner of every new or used motor vehicle,
 34 including tractors and motorcycles, or trailer shall, within the initial registration
 35 period of such vehicle, register such vehicle as provided in this chapter and obtain or
 36 transfer as provided in this chapter a license to operate it for the period remaining

1 until such person's next registration period which immediately follows such initial
 2 registration period, without regard to whether such next registration period occurs in
 3 the same calendar year as the initial registration period or how soon such next
 4 registration period follows the initial registration period; provided, however, that this
 5 registration and licensing requirement does not apply to a dealer which acquires a new
 6 or used motor vehicle and holds it for resale. The commissioner may provide by rule
 7 or regulation for one 30 day extension of such initial registration period which may
 8 be granted by the county tag agent to a purchaser or other transferee owner if the
 9 transferor has not provided such purchaser or other transferee owner with a title to the
 10 motor vehicle more than five business days prior to the expiration of such initial
 11 registration period.

12 (ii) No person, company, or corporation, including, but not limited to, used motor
 13 vehicle dealers and auto auctions, shall sell or transfer a motor vehicle without
 14 providing to the purchaser or transferee of such motor vehicle the last certificate of
 15 registration on such vehicle at the time of such sale or transfer; provided, however,
 16 that in the case of a salvage motor vehicle or a motor vehicle which is stolen but
 17 subsequently recovered by the insurance company after payment of a total loss claim,
 18 the salvage dealer or insurer, respectively, shall not be required to provide the
 19 certificate of registration for such vehicle; and provided, further, that in the case of a
 20 repossessed motor vehicle or a court ordered sale or other involuntary transfer, the
 21 lienholder or the transferor shall not be required to provide the certificate of
 22 registration for such vehicle but shall, prior to the sale of such vehicle, surrender the
 23 license plate of such vehicle to the commissioner or the county tag agent by personal
 24 delivery or by certified mail or statutory overnight delivery for cancellation.

25 (2) An application for the registration of a motor vehicle may not be submitted separately
 26 from the application for a certificate of title for such motor vehicle, unless a certificate
 27 of title has been issued in the owner's name, has been applied for in the owner's name,
 28 or the motor vehicle is not required to be titled. An application for a certificate of title for
 29 a motor vehicle may be submitted separately from the application for the registration of
 30 such motor vehicle.

31 (b) Subsection (a) of this Code section shall not apply:

32 (1) To any motor vehicle or trailer owned by the state or any municipality or other
 33 political subdivision of this state and used exclusively for governmental functions except
 34 to the extent provided by Code Section 40-2-37;

35 (2) To any tractor or three-wheeled motorcycle used only for agricultural purposes;

36 (2.1) To any vehicle or equipment used for transporting cargo or containers between and
 37 within wharves, storage areas, or terminals within the facilities of any port under the

1 jurisdiction of the Georgia Ports Authority when such vehicle or equipment is being
 2 operated upon any public road not part of The Dwight D. Eisenhower System of
 3 Interstate and Defense Highways by the owner thereof or his or her agent within a radius
 4 of ten miles of the port facility of origin and accompanied by an escort vehicle equipped
 5 with one or more operating amber flashing lights that are visible from a distance of 500
 6 feet;

7 (3) To any trailer which has no springs and which is being employed in hauling
 8 unprocessed farm products to their first market destination;

9 (4) To any trailer which has no springs, which is pulled from a tongue, and which is used
 10 primarily to transport fertilizer to a farm;

11 (5) To any motorized cart; or

12 (6) To any moped.

13 (c) Any person who fails to register a new or used motor vehicle ~~within 30 days of its~~
 14 ~~purchase~~ as required in subsection (a) of this Code section shall be guilty of a misdemeanor
 15 and, upon conviction thereof, shall be punished by a fine not exceeding \$100.00."

16 SECTION 1-3.

17 Said title is further amended by striking subsection (c) of Code Section 40-2-88, relating to
 18 reciprocal agreements for registration of commercial vehicles on an apportionment basis, and
 19 inserting in lieu thereof the following:

20 "(c)(1)(A) Applications for registration or renewal of registration under the
 21 International Registration Plan may be submitted during the period of December 1,
 22 2001 to February 15, 2002, for registration under such plan which shall be valid for a
 23 period beginning January 1, 2002, and ending at the conclusion of the applicable
 24 registration period specified in division ~~(a)(1)(A)(i) or (a)(1)(A)(ii)~~ of Code Section
 25 40-2-21 which occurs between July 1, 2002, and June 30, 2003.

26 (B) On and after July 1, 2002, applications for annual registration or renewal of
 27 registration under the International Registration Plan shall be submitted during the
 28 applicable registration period specified in division ~~(a)(1)(A)(i) or (a)(1)(A)(ii)~~ of Code
 29 Section 40-2-21.

30 ~~(C) Fees must be paid not later than 30 days from the date of the invoice, which will be~~
 31 ~~mailed to the applicant. License plates are required to be displayed on vehicles~~
 32 ~~registered under the International Registration Plan not later than 30 days from the date~~
 33 ~~of the invoice.~~

34 (2) Any owner of a vehicle required to be registered under the International Registration
 35 Plan who does not register and obtain a license to operate apply for registration on or
 36 before the first day of the registration period for such vehicle as prescribed in paragraph

1 (1) of this subsection, in addition to any other penalty which may be imposed if such
 2 vehicle is not timely registered in accordance with paragraph (1) of this subsection, shall
 3 be subject to a late application penalty of 10 percent of the total registration fees due this
 4 state. Additionally, the owner of a vehicle required to be registered under the
 5 International Registration Plan who does not pay to the commissioner the registration fees
 6 ~~by 30 days from the date of the registration fees invoice~~ due this state on or before the last
 7 day of the registration period shall be subject to a late payment penalty ~~of \$50.00 per~~
 8 ~~vehicle for which payment of registration fees is not received by the commissioner by the~~
 9 ~~date prescribed in this paragraph~~ in accordance with Code Section 40-2-40. The
 10 commissioner may provide by rule or regulation for waiver of penalties provided by this
 11 paragraph in cases where failure to timely make application or timely pay fees is due to
 12 force majeure."

13 SECTION 1-4.

14 Said title is further amended in Article 3A of Chapter 2, relating to reciprocal agreements for
 15 registration of commercial vehicles, by inserting a new Code Section 40-2-89 to read as
 16 follows:

17 "40-2-89.

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

22 SECTION 1-5.

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

26 "(9.1) 'Natural person' means an individual human being and does not include any firm,
 27 partnership, association, corporation, or trust."

28 SECTION 1-6.

29 Said title is further amended in Code Section 40-3-23, relating to issuance of certificates of
 30 title and maintenance and public inspection of title records, by inserting a new subsection
 31 (d.1) to read as follows:

32 "(d.1) In addition to any public inspection of records authorized under subsection (d) of
 33 this Code section:

1 (1) Motor vehicle records consisting of vehicle description, title status, title brands, last
 2 recorded mileage, recorded liens, or recorded security interests which the commissioner
 3 or the commissioner's duly authorized county tag agent is required to maintain under this
 4 Code section shall, in such manner and under such conditions as prescribed by the
 5 commissioner, be furnished individually or in bulk to any person upon payment of a
 6 reasonable fee, for any purpose not otherwise prohibited by law, including without
 7 limitation for the purpose of providing information to allow for informed motor vehicle
 8 purchase and safety decisions. Records furnished in accordance with this paragraph may
 9 be subsequently transferred to third parties. Personal information of any registrant,
 10 including name, address, date of birth, or driver's license or social security number, shall
 11 not be furnished or transferred by or to any person pursuant to this paragraph; and
 12 (2) The commissioner may in his or her discretion publish or permit to be published
 13 statistical reports from records maintained under this Code section, provided that such
 14 reports shall not disclose any natural person's name, address, date of birth, or driver's
 15 license or social security number."

16 SECTION 1-7.

17 Chapter 10 of Title 48 of the Official Code of Georgia Annotated, relating to motor vehicle
 18 license fees and plates, is amended by striking Code Section 48-10-7.1, relating to payment
 19 of fees under the International Registration Plan, and inserting in lieu thereof the following:

20 "48-10-7.1.

21 Any person initially registering under the International Registration Plan any of the
 22 vehicles named in subsection (a), (b), or (c) of Code Section 48-10-2.1 and whose next
 23 registration period ends:

24 ~~(1) More than six but not more than nine months later shall pay three-fourths of the~~
 25 ~~annual license fee provided in this chapter;~~

26 ~~(2) More than three but not more than six months later shall pay one-half of the annual~~
 27 ~~license fee provided in this chapter; or~~

28 ~~(3) Three or fewer months later shall pay one-fourth of the annual license fee provided~~
 29 ~~in this chapter~~ less than 12 months from the date of application or first date of service of
 30 such vehicle shall pay a license fee in an amount equal to one-twelfth of the annual
 31 license fee provided by this chapter multiplied by the number of months remaining until
 32 the end of such next registration period."

33 SECTION 1-8.

34 Said chapter is further amended by striking Code Section 48-10-7.2, relating to fee
 35 assessment to registrants, and inserting in lieu thereof the following:

1 "48-10-7.2.

2 For purposes of registration of any vehicle under subparagraph (c) (1) (A) of Code Section
3 40-2-88 only, registrants shall be assessed fees as follows:

4 (1) Any registrant whose registration period under said subparagraph will end during the
5 third quarter of 2002 shall be assessed fees equivalent to three-fourths of the annual fee
6 otherwise provided by law;

7 (2) Any registrant whose registration period under said subparagraph will end during the
8 fourth quarter of 2002 shall be assessed fees equivalent to the annual fee otherwise
9 provided by law;

10 (3) Any registrant whose registration period under said subparagraph will end during the
11 first quarter of 2003 shall be assessed fees equivalent to one and one-fourth of the annual
12 fee otherwise provided by law; and

13 (4) Any registrant whose registration period under said subparagraph will end during the
14 second quarter of 2003 shall be assessed fees equivalent to one and one-half one-twelfth
15 of the annual fee otherwise provided by law multiplied by the number of months
16 remaining until the end of the applicable registration period."

17 **PART II**

18 **SECTION 2-1.**

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

22 "40-2-34.

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

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

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

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

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

11 SECTION 2-2.

12 Said title is further amended in Code Section 40-2-37, relating to registration and licensing
 13 of vehicles of the state and political subdivisions, by striking subsection (b) and inserting in
 14 lieu thereof the following:

15 "(b) For all vehicles owned by the State of Georgia or any municipality or other political
 16 subdivision of this state, except those vehicles employed in covert or secret investigatory
 17 police functions to which regular Georgia license plates are issued and those vehicles
 18 owned by the Department of Public Safety, the Department of Revenue shall provide for
 19 five-year registration and issuance of regular license plates for such vehicles. The five-year
 20 license plates issued pursuant to this subsection shall be identical in appearance to regular
 21 license plates issued for private vehicles, except that such five-year license plates shall not
 22 display any year of registration or registration expiration. Such license plates may be
 23 transferred as provided for in subsection (d) of this Code section. Such five-year license
 24 plates shall be issued at the beginning of a five-year license period as for private vehicles
 25 or shall be issued at the time the vehicle is purchased by the state, and all such license
 26 plates shall expire at the same time as regular license plates."

27 PART III

28 SECTION 3-1.

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

32 "40-2-34.

33 (a) All county tag agents accepting license applications shall endeavor to submit to the
 34 commissioner on at least a weekly basis reports of license applications handled and remit

1 with such reports related sums of money to which the state is entitled. All tag reports of
 2 license applications handled and related sums of money to which the state is entitled must
 3 be submitted to the commissioner within ~~14~~ seven calendar days from the close of the
 4 business week during which the aforementioned license applications were handled and
 5 related sums of money received. The term 'business week' shall mean Monday through
 6 Friday (or Saturday if applicable).

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

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

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

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

21 **SECTION 3-2.**

22 Said title is further amended in Code Section 40-2-37, relating to registration and licensing
 23 of vehicles of the state and political subdivisions, by striking subsection (b) and inserting in
 24 lieu thereof the following:

25 "(b) For all vehicles owned by the State of Georgia or any municipality or other political
 26 subdivision of this state, except those vehicles employed in covert or secret investigatory
 27 police functions to which regular Georgia license plates are issued and those vehicles
 28 owned by the Department of Public Safety, the commissioner shall provide for five-year
 29 registration and issuance of regular license plates for such vehicles. The five-year license
 30 plates issued pursuant to this subsection shall be identical in appearance to regular license
 31 plates issued for private vehicles, except that such five-year license plates shall not display
 32 any year of registration or registration expiration. Such license plates may be transferred
 33 as provided for in subsection (d) of this Code section. Such five-year license plates shall
 34 be issued at the beginning of a five-year license period as for private vehicles or shall be
 35 issued at the time the vehicle is purchased by the state, and all such license plates shall
 36 expire at the same time as regular license plates."

1
2
3
4
5
6
7
8
9
10
11
12
13
14

PART IV
SECTION 4-1.

(a) This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, except as otherwise provided by subsections (b), (c), and (d) of this section.

(b) Sections 1-3, 1-7, and 1-8 shall become effective on July 1, 2001.

(c) Part II of this Act shall become effective on January 1, 2002.

(d) Each provision amended in Part III of this Act shall become effective and supercede that respective provision amended in Part II of this Act on January 1, 2002, or on such date thereafter as that same provision, as amended by an Act approved April 28, 2000 (Ga. L. 2000, p. 951), becomes fully effective pursuant to Section 13-1 of that 2000 Act, whichever is later.

SECTION 4-2.

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