

House Bill 581

By: Representatives Powell of the 23rd, Parham of the 94th and Rice of the 64th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 22 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
2 known as the "Georgia Motor Vehicle Franchise Practices Act," so as to provide that the
3 Department of Motor Vehicle Safety shall enforce the Act rather than the Department of
4 Revenue; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 22 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, known as the
8 "Georgia Motor Vehicle Franchise Practices Act," is amended by striking Part 6 in its
9 entirety and inserting in lieu thereof a new Part 6 to read as follows:

10 **"Part 6**

11 10-1-665.

12 As used in this part, the term:

13 (1) 'Commissioner' means the ~~state revenue~~ commissioner of motor vehicle safety.

14 (2) 'Department' means the Department of ~~Revenue~~ Motor Vehicle Safety.

15 10-1-666.

16 As an alternative to and in addition to any civil or criminal enforcement of this article, the
17 ~~state revenue~~ commissioner of motor vehicle safety by and through the Department of
18 ~~Revenue~~ Motor Vehicle Safety is authorized to enforce the provisions of this article and
19 any order issued pursuant to the enforcement of this article.

20 10-1-667.

21 Any dealer, distributor, or manufacturer who is aggrieved by a violation of any provision
22 of this article may file a petition with the Department of ~~Revenue~~ Motor Vehicle Safety

1 setting forth the facts supporting the allegation of such violation. The commissioner shall
2 issue an administrative order, whenever the commissioner, after notice to all parties and
3 after a hearing, determines that a violation of this article or any order issued under this
4 article has occurred. The notice and the hearing and any administrative review thereof shall
5 be conducted in accordance with the procedure for contested cases under Chapter 13 of
6 Title 50, the 'Georgia Administrative Procedure Act.' Any party who has exhausted all
7 administrative remedies available and who is aggrieved or adversely affected by a final
8 order or action of the commissioner shall have the right of judicial review thereof in
9 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The
10 commissioner or the prevailing party may file, in the superior court in the county wherein
11 the party under order resides or, if such party is a corporation, in the county wherein the
12 corporation maintains its established place of business or its agent for service of process
13 is located, or in the county wherein the violation occurred, a certified copy of a final order
14 of the commissioner, whether unappealed from or affirmed upon appeal, whereupon the
15 court shall render judgment in accordance therewith and notify the parties. Such judgment
16 shall have the same effect and proceedings in relation thereto shall thereafter be the same
17 as though the judgment had been rendered in an action duly heard and determined by the
18 court. The remedy prescribed in this Code section shall be concurrent, alternative, and
19 cumulative with any and all other civil, criminal, or alternative rights, remedies, forfeitures,
20 or penalties provided, allowed, or available under the laws of this state.

21 10-1-668.

22 (a) In addition to the licensing fee set forth in Code Section 40-2-38, each dealer shall
23 register annually with the department and shall pay an annual registration fee of \$25.00.
24 The fee shall be paid on or before January 1 of the registration year and shall be paid with
25 and accompanied by such forms as the commissioner shall prescribe.

26 (b) It is the intent of the General Assembly of Georgia that an amount equal to the amount
27 collected by the registration fee provided for in this Code section be appropriated to the
28 department to fund the provisions of this part. If the funds appropriated to the department
29 to fund the provisions of this part exceed the actual cost to the department to enforce this
30 part, then the excess funds so appropriated shall lapse. However, if the fees collected under
31 subsection (a) of this Code section do not equal the actual cost to the department to enforce
32 the provisions of this part, then the commissioner may raise the registration fee to an
33 amount which will ensure that the cost to the state to enforce this part is received."

34 SECTION 2.

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