

House Bill 610

By: Representative Parham of the 94<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 34 of Title 33 of the Official Code of Georgia Annotated, relating to  
2 motor vehicle accident reparations, so as to repeal certain provisions relating to vehicles not  
3 to be licensed until proof of insurance is furnished; to amend Title 40 of the Official Code  
4 of Georgia Annotated, relating to motor vehicles, so as to change certain provisions relating  
5 to form and contents of application for registration and heavy vehicle tax; to provide that  
6 vehicle registration or renewal thereof shall not be issued under certain conditions; to change  
7 certain provisions relating to insurance requirements for operation of motor vehicles  
8 generally; to provide an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Chapter 34 of Title 33 of the Official Code of Georgia Annotated, relating to motor vehicle  
12 accident reparations, is amended by striking and reserving Code Section 33-34-5, relating to  
13 vehicles not to be licensed until proof of insurance is furnished.

14 style="text-align:center">**SECTION 2.**

15 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
16 amended in Code Section 40-2-26, relating to form and contents of application for  
17 registration and heavy vehicle tax, by striking subsection (d) and inserting in lieu thereof the  
18 following:

19 "~~(d)(1) On and after February 1, 2003, no~~ As used in this subsection, the term 'satisfactory  
20 proof' means:

21 (A) Any type of proof which constitutes sufficient proof under paragraph (8) of  
22 subsection (a) of Code Section 40-6-10; or

23 (B) On and after July 1, 2005, information obtained from the records or data base of  
24 the department which information is derived from notice provided to the department  
25 pursuant to Code Section 40-5-71.

1 (2) No vehicle registration or renewal thereof shall be issued to any motor vehicle if:

2 (A) If the vehicle registration thereof has been revoked, suspended, or canceled; and  
 3 unless

4 (B) Unless the tag agent receives ~~the owner of the motor vehicle provides~~ satisfactory  
 5 proof that the motor vehicle is subject to a policy of insurance that provides the  
 6 minimum motor vehicle insurance coverage required by Chapter 34 of Title 33 or an  
 7 approved self-insurance plan and, in the case of a private passenger vehicle, that such  
 8 coverage was initially issued for a minimum term of six months; provided, however,  
 9 that the owner's inability to register or renew the registration of any motor vehicle due  
 10 to lack of proof of insurance shall not excuse or defer the timely payment of ad valorem  
 11 taxes due and payable upon said vehicle. ~~The owner shall submit such proof in~~  
 12 ~~accordance with the requirements of Code Section 40-6-10."~~

### 13 SECTION 3.

14 Said title is further amended by striking Code Section 40-6-10, relating to insurance  
 15 requirements for operation of motor vehicles generally, and inserting in lieu thereof a new  
 16 Code Section 40-6-10 to read as follows:

17 "40-6-10.

18 (a)(1) ~~Until January 31, 2003, the~~ The owner or operator of a motor vehicle for which  
 19 minimum motor vehicle liability insurance coverage is required under Chapter 34 of Title  
 20 33 shall keep proof or evidence of required minimum insurance coverage in the vehicle  
 21 at all times during the operation of the vehicle. The owner of a motor vehicle shall  
 22 provide to any operator of such vehicle proof or evidence of required minimum insurance  
 23 coverage for the purposes of compliance with this subsection.

24 (2) The following shall be acceptable proof of insurance on a temporary basis:

25 (A) If the policy providing such coverage was applied for within the last 30 days, a  
 26 current written binder for such coverage for a period not exceeding 30 days from the  
 27 date such binder was issued shall be considered satisfactory proof or evidence of  
 28 required minimum insurance coverage;

29 (B) If the vehicle is operated under a rental agreement, a duly executed vehicle rental  
 30 agreement shall be considered satisfactory proof or evidence of required minimum  
 31 insurance coverage; and

32 (C) If the owner acquired ownership of the motor vehicle in question within the past  
 33 20 days, if the type of proof described in subparagraph (A) of this paragraph is not  
 34 applicable but the vehicle is currently effectively provided with required minimum  
 35 insurance coverage under the terms of a policy providing required minimum insurance  
 36 coverage for another motor vehicle, then a copy of the insurer's declaration of coverage

1 under the policy providing such required minimum insurance coverage for such other  
2 vehicle shall be considered satisfactory proof or evidence of required minimum  
3 insurance coverage for the vehicle in question, but only if accompanied by proof or  
4 evidence that the owner acquired ownership of the vehicle in question within the past  
5 20 days.

6 (3) On and after ~~February 1, 2003~~ July 1, 2005, the requirement under this Code section  
7 subsection that proof or evidence of minimum liability insurance be maintained in a  
8 motor vehicle at all times during the operation of the vehicle shall not apply to the owner  
9 or operator of any vehicle for which the records or data base of the Department of Motor  
10 Vehicle Safety ~~indicate~~ indicates that required minimum insurance coverage is currently  
11 effective.

12 (4) Except as otherwise provided in paragraph (7) of this subsection, any person who  
13 fails to comply with the requirements of this subsection shall be guilty of a misdemeanor  
14 and, upon conviction thereof, shall be subject to a fine of not less than \$200.00 nor more  
15 than \$1,000.00 or imprisonment for not more than 12 months, or both.

16 (5) Every law enforcement officer in this state shall determine if the operator of a motor  
17 vehicle subject to the provisions of this Code section has the required minimum insurance  
18 coverage every time the law enforcement officer requests the presentation of the driver's  
19 license of the operator of the vehicle.

20 (6) If a law enforcement officer of this state determines that the owner or operator of a  
21 motor vehicle subject to the provisions of this Code section does not have proof or  
22 evidence of required minimum insurance coverage, the arresting officer shall issue a  
23 uniform traffic citation for operating a motor vehicle without proof of insurance ~~and shall~~  
24 ~~take possession of the driver's license and forward it to a court of competent jurisdiction.~~  
25 If the court or arresting officer determines that the operator is not the owner, then a  
26 uniform traffic citation may be issued to the owner for authorizing the operation of a  
27 motor vehicle without proof of insurance.

28 (7) If the person receiving a citation under this subsection shows to the court having  
29 jurisdiction of the case that required minimum insurance coverage was in effect at the  
30 time the citation was issued, the court ~~shall return the driver's license upon payment of~~  
31 may impose a fine not to exceed \$25.00. The court shall not in this case forward a record  
32 of the disposition of the case to the department and the driver's license of such person  
33 shall not be suspended.

34 (8)(A) For purposes of this Code section ~~up to and including January 31, 2003~~ until  
35 July 1, 2005, a valid insurance card shall be sufficient proof of insurance for any  
36 vehicle.

1 (B) For purposes of this Code section on and after ~~February 1, 2003~~ July 1, 2005, a  
2 valid insurance card shall be sufficient proof of insurance only for any vehicle covered  
3 under a commercial vehicle policy as defined in Code Section 40-5-71.

4 (C) For any vehicle covered under a policy of motor vehicle liability insurance that is  
5 not a commercial vehicle policy as defined in Code Section 40-5-71, the insurer shall  
6 issue a policy information identification card which shall contain at least the name of  
7 the insurer, policy number, policy issue or effective date, policy expiration date, name  
8 of the insured, and year, make, model, and vehicle identification number of each  
9 vehicle insured; provided, however, that on and after ~~February 1, 2003~~ July 1, 2005,  
10 any such policy information identification card shall not be sufficient proof of insurance  
11 for any purposes of this Code section.

12 (b) An owner or any other person who knowingly operates or knowingly authorizes  
13 another to operate a motor vehicle without effective insurance on such vehicle or without  
14 an approved plan of self-insurance shall be guilty of a misdemeanor and, upon conviction  
15 thereof, shall be subject to a fine of not less than \$200.00 nor more than \$1,000.00 or  
16 imprisonment for not more than 12 months, or both. An operator of a motor vehicle shall  
17 not be guilty of a violation of this Code section if such operator maintains a policy of motor  
18 vehicle insurance which extends coverage to any vehicle the operator may drive. An owner  
19 or operator of a motor vehicle shall not be issued a citation by a law enforcement officer  
20 for a violation of this Code section if the sole basis for issuance of such a citation is that  
21 the law enforcement officer is unable to obtain insurance coverage information from the  
22 records of the department or that, prior to July 1, 2005, such records conflict with the  
23 information on a valid insurance card.

24 (c) Any person who knowingly makes a false statement or certification under Code  
25 Section 40-5-71 or this Code section shall be guilty of a misdemeanor and, upon conviction  
26 thereof, shall be subject to a fine of not less than \$200.00 nor more than \$1,000.00 or  
27 imprisonment for not more than 12 months, or both.

28 (d) Insurance coverage information from records of the department shall be prima-facie  
29 evidence of the facts stated therein and shall be admissible as evidence in accordance with  
30 Code Section 24-3-17.

31 (e) The minimum liability insurance data base of the department shall be operational for  
32 the purposes of testing, evaluation, verification of data, and validation of accuracy not later  
33 than November 1, 2002, and shall be fully operational not later than ~~February 1, 2003~~ July  
34 1, 2005."

1 **SECTION 4.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law  
3 without such approval.

4 **SECTION 5.**

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