

Senate Bill 461

By: Senators Balfour of the 9th and Levetan of the 40th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so as to
2 change certain provisions relating to records of certificates of registration and certificates of title;
3 to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

6 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended by
7 striking Code Section 40-2-130, relating to records of certificates of registrations, and inserting in
8 its place the following:

9 "40-2-130.

10 (a) A record of certificates of registration shall be maintained by the commissioner or the
11 commissioner's duly authorized county tag agent. All certificates of registration shall be issued:

12 (1) Under a distinctive tag registration number assigned to the vehicle;

13 (2) Under the identifying number of the vehicle;

14 (3) Alphabetically, under the name of the owner;

15 (4) Under the vehicle title number; and

16 (5) In the discretion of the commissioner, in any other method the commissioner determines.

17 (b) The commissioner is authorized and empowered to provide for photographic and photostatic
18 recording of certificate of registration records in such manner as he may deem expedient. The
19 photographic or photostatic copies authorized in this subsection shall be admitted in evidence in
20 all actions and proceedings to the same extent that the originals would have been admitted.

21 (c) The motor vehicle registration records which the commissioner is required to maintain under
22 this Code section or any other provision are exempt from the provisions of any law of this state
23 requiring that such records be open for public inspection; provided, however, that, subject to
24 subsection (d) of this Code section, the records of any particular motor vehicle may be available
25 for inspection shall be disclosed for use as provided in the federal Driver's Privacy Protection Act
26 of 1994, 18 U.S.C. Chapter 123, and by the following:

27 ~~(1) Any law enforcement officer for official law enforcement investigations or for identifying~~
28 ~~the registrant of a motor vehicle for purposes of use of a traffic-control signal monitoring device~~
29 ~~pursuant to subsection (f) of Code Section 40-6-20, as certified by the commanding officer of~~
30 ~~the law enforcement agency making such request;~~

1 ~~(2) The owner of the vehicle. When the title or registration records maintained by the~~
 2 ~~commissioner have not been changed to reflect a new owner of the vehicle, proof of proprietary~~
 3 ~~interest must be submitted prior to release of the information;~~

4 ~~(3) Any judgment creditor of the owner of the vehicle upon the presentation of a fi. fa.;~~

5 ~~(4) Any individual or an authorized agent or representative of such individual involved in a~~
 6 ~~motor vehicle accident either as an operator of a motor vehicle, a passenger in a motor vehicle,~~
 7 ~~or a pedestrian;~~

8 ~~(5)~~(1) Any licensed dealer of new or used motor vehicles;

9 ~~(6) Any person for the purposes of a manufacturer's recall;~~

10 ~~(7)~~(2) Any tax collector, tax receiver, or tax commissioner;

11 ~~(8)~~(3) The director of the Environmental Protection Division of the Department of Natural
 12 Resources or his or her designee; and

13 ~~(9)~~(4) Any private person who has met the requirements of Code Section 40-2-25, provided that
 14 the information shall be used for the sole purpose of effectuating the registration or renewal of
 15 motor vehicles by electronic or similar means and that the private person requesting the
 16 information has entered into an agreement to provide electronic services to the commissioner
 17 or a county tag agent; provided, further, that the information made available pursuant to this
 18 paragraph for such purpose shall be limited to the vehicle identification number, the license tag
 19 number, the date of expiration of registration, and the amount of tax owed.

20 ~~(d) The commissioner may, in his or her discretion, authorize the release of registration records~~
 21 ~~to any appropriate governmental official, entity, or agency for the purposes of carrying out official~~
 22 ~~governmental functions or legitimate governmental duties. Except as otherwise required in the~~
 23 ~~federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, personal information~~
 24 ~~furnished under paragraphs (1) through (4) of subsection (c) of this Code section shall be limited~~
 25 ~~to the natural person's name, address, and driver identification number. The personal information~~
 26 ~~obtained by a business under this Code section shall not be resold or redisclosed for any purposes~~
 27 ~~other than those permitted under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C.~~
 28 ~~Chapter 123, without the written consent of the individual. Furnishing of information to a~~
 29 ~~business under this Code section shall be pursuant to a contract entered into by such business and~~
 30 ~~the state which specifies the consideration to be paid by such business to the state for such~~
 31 ~~information and the frequency of updates.~~

32 ~~(e) The commissioner may, if necessary, promulgate reasonable rules and regulations outlining~~
 33 ~~additional circumstances under which such records shall be open for public inspection."~~

34 SECTION 2.

35 Said title is further amended by striking Code Section 40-3-23 of the Official Code of Georgia
 36 Annotated, relating to issuance of certificate of title, maintenance of record of certificates issued,
 37 public inspection, furnishing records for fee, and publishing statistical reports, and inserting in its
 38 place the following:

39 "40-3-23.

1 (a) The commissioner or the commissioner's duly authorized county tag agent shall file each
 2 application received and, when satisfied as to its genuineness and regularity and that the applicant
 3 is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle.

4 (b) The commissioner or the commissioner's duly authorized county tag agent shall maintain a
 5 record of all certificates of title issued:

6 (1) Under a distinctive title number assigned to the vehicle;

7 (2) Under the identifying number of the vehicle;

8 (3) Alphabetically, under the name of the owner;

9 (4) Under the vehicle tag registration number; and

10 (5) In the discretion of the commissioner, in any other method the commissioner determines.

11 (c) The commissioner or the commissioner's duly authorized county tag agent is authorized and
 12 empowered to provide for photographic and photostatic recording of certificate of title records in
 13 such manner as the commissioner or the commissioner's duly authorized county tag agent may
 14 deem expedient. The photographic or photostatic copies authorized in this subsection shall be
 15 sufficient as evidence in tracing of titles of the motor vehicles designated therein and shall also
 16 be admitted in evidence in all actions and proceedings to the same extent that the originals would
 17 have been admitted.

18 (d) The motor vehicle records which the commissioner or the commissioner's duly authorized
 19 county tag agent is required to maintain under this Code section or any other provision are exempt
 20 from the provisions of any law of this state requiring that such records be open for public
 21 inspection; provided, however, that, subject to subsection (f) of this Code section, the records of
 22 any particular motor vehicle may be available for inspection shall be disclosed for use as provided
 23 in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, and by the
 24 following:

25 ~~(1) Any law enforcement officer for official law enforcement investigations as certified by the~~
 26 ~~commanding officer of the law enforcement agency making such request;~~

27 ~~(2) The owner of the vehicle. When the title or registration records of the department have not~~
 28 ~~been changed to reflect a new owner of the vehicle, proof of proprietary interest must be~~
 29 ~~submitted prior to release of the information;~~

30 ~~(3) Any judgment creditor of the owner of the vehicle upon the presentation of a fi. fa.;~~

31 ~~(4) Any individual or an authorized agent or representative of such individual involved in a~~
 32 ~~motor vehicle accident either as an operator of a motor vehicle, a passenger in a motor vehicle,~~
 33 ~~or a pedestrian;~~

34 ~~(5)~~(1) Any licensed dealer of new or used motor vehicles; and

35 ~~(6) Any person for the purposes of a manufacturer's recall; and~~

36 ~~(7)~~(2) Any tax collector, tax receiver, or tax commissioner.

37 ~~(d.1)~~(e) In addition to any public inspection of records authorized under subsection (d) of this
 38 Code section:

39 ~~(1) Motor motor vehicle records consisting of vehicle description, title status, title brands, last~~
 40 ~~recorded mileage, recorded liens, or recorded security interests which the commissioner or the~~

1 commissioner's duly authorized county tag agent is required to maintain under this Code section
 2 shall, in such manner and under such conditions as prescribed by the commissioner, be furnished
 3 individually or in bulk to any person upon payment of a reasonable fee, for any purpose not
 4 otherwise prohibited by law, including without limitation for the purpose of providing
 5 information to allow for informed motor vehicle purchase and safety decisions. Records
 6 furnished in accordance with this ~~paragraph~~ subsection may be subsequently transferred to third
 7 parties. Personal information of any registrant, including name, address, date of birth, or driver's
 8 license or social security number, shall not be furnished or transferred by or to any person
 9 pursuant to this ~~paragraph~~; and subsection.

10 ~~(2) The commissioner may in his or her discretion publish or permit to be published statistical~~
 11 ~~reports from records maintained under this Code section, provided that such reports shall not~~
 12 ~~disclose any natural person's name, address, date of birth, or driver's license or social security~~
 13 ~~number.~~

14 ~~(e) The commissioner may, in his or her discretion, authorize the release of title records to any~~
 15 ~~appropriate governmental official, entity, or agency for the purposes of carrying out official~~
 16 ~~governmental functions or legitimate governmental duties.~~

17 (f) Except as otherwise required in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C.
 18 Chapter 123, personal information furnished under paragraphs (1) and (2) of subsection (d) of this
 19 Code section shall be limited to the natural person's name, address, and driver identification
 20 number. The personal information obtained by a business under this Code section shall not be
 21 resold or redisclosed for any purposes other than those permitted under the federal Driver's
 22 Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, without the written consent of the
 23 individual. Furnishing of information to a business under this Code section shall be pursuant to
 24 a contract entered into by such business and the state which specifies the consideration to be paid
 25 by such business to the state for such information and the frequency of updates.

26 (g) The commissioner may, if necessary, promulgate reasonable rules and regulations outlining
 27 additional circumstances under which such records shall be open for public inspection."

28 SECTION 3.

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