

House Bill 501

By: Representative Scott of the 153rd

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, and numerous other provisions of the Official Code of Georgia Annotated, so as to
3 substantially amend laws relating to operation and regulation of motor vehicles and
4 substantially revise the state administration of such laws; to create the Department of Driver
5 Services as a successor agency to the Department of Motor Vehicle Safety; to provide for the
6 Department of Driver Services to assume certain responsibilities of the Department of Motor
7 Vehicle Safety and in particular responsibility for driver's licensing services; to substantially
8 amend provisions relative to the issuance of driver's licenses, change fees therefor, change
9 the duration thereof, change the requirements and procedure for issuance thereof, change
10 provisions relating to suspension and renewal thereof, and make other related changes; to
11 amend the Official Code of Georgia Annotated so as to transfer into other departments and
12 agencies responsibility for administration of other laws relating to motor vehicles, including
13 but not limited to titling, registration, and licensing of motor vehicles, insuring of motor
14 vehicles and responsibility for accidents, regulation of vehicle sizes and weights, fuel tax
15 enforcement, certification and permitting of carriers, handicapped parking permits,
16 establishment of vehicle and vehicle component safety standards, and transportation of
17 hazardous materials; to provide for the revision and amendment of certain laws relating to
18 transferred functions, both in connection with and in addition to the transfer of functions; to
19 provide for other matters related to the foregoing; to provide for effective dates; to repeal
20 conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **PART I**
23 **Amendments to Chapter 40-16.**
24 **Department of Motor Vehicle Safety.**
25 **SECTION 1-1.**

1 Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the Department
 2 of Motor Vehicle Safety, is amended by striking said chapter in its entirety and inserting in
 3 its place a new chapter to read as follows:

4 "CHAPTER 16

5 40-16-1.

6 As used in this chapter, the term:

- 7 (1) 'Board' means the Board of ~~Motor Vehicle Safety~~ Driver Services.
 8 (2) 'Commissioner' means the commissioner of ~~motor vehicle safety~~ driver services.
 9 (3) 'Department' means the Department of ~~Motor Vehicle Safety~~ Driver Services.

10 40-16-2.

11 (a) There is created the Department of ~~Motor Vehicle Safety~~ Driver Services. The
 12 Department of Driver Services shall be a successor agency to and continuation of the
 13 former Department of Motor Vehicle Safety. The department shall be the agency primarily
 14 responsible for:

15 ~~(1) Administration of the laws and regulations relating to registration and titling of motor~~
 16 ~~vehicles, as provided for in Chapters 2 and 3 of Title 40;~~

17 ~~(2)~~(1) Administration of the laws and regulations relating to drivers' licenses, as
 18 provided for in Chapter 5 of ~~Title 40~~ this title;

19 ~~(3)~~(2) Administration of the laws and regulations relating to proof of financial
 20 responsibility, as provided for in Chapter 9 of ~~Title 40~~ this title;

21 (3) Administration of laws relating to ignition interlock devices for use by driving under
 22 the influence offenders;

23 (4) Administration of laws relating to driver training schools, driver improvement clinics,
 24 and commercial driving schools;

25 (5) Administration of laws relating to motorcycle safety programs;

26 (6) Administration of laws and regulations relating to issuance of limousine chauffeur
 27 permits; and

28 (7) Administration of any other laws specifically providing for their administration by
 29 the department.

30 (b) Responsibility for the following functions formerly exercised by the Department of
 31 Motor Vehicle Safety is transferred as follows:

- 32 ~~(4)~~(1) Enforcement Promulgation of laws and regulations relating to the size and the
 33 weights of motor vehicles, trailers, and loads as provided for in Article 2 of Chapter 6 of
 34 Title 32 shall be vested in the Department of Transportation; and administrative

1 enforcement of such regulations and the law enforcement function of apprehending and
 2 citing violators of such laws and regulations are transferred to the Department of Public
 3 Safety, as well as the function of promulgating regulations relative to its enforcement
 4 function;

5 ~~(5)(2)~~ Enforcement of laws and regulations relating to licensing and fuel tax registration
 6 requirements and the reporting of violations of said requirements to the state revenue
 7 commissioner is transferred to the Department of Revenue;

8 ~~(6)(3)~~ Administration and enforcement anywhere in the state of laws and regulations
 9 relating to permitting of motor carriers, limousine carriers, and hazardous material
 10 carriers as provided for in Chapters 7 and 11 of Title 46 and limousine carriers is
 11 transferred to the Public Service Commission and administration of laws and regulations
 12 relating to carrier registration and registration and titling of vehicles is transferred to the
 13 Department of Revenue;

14 (4) Administration of laws relating to motor vehicle franchise practices is transferred to
 15 the Department of Revenue;

16 (5) Administration of laws relating to handicapped parking permits is transferred to the
 17 Department of Revenue;

18 (6) Responsibility for establishment of safety standards for motor vehicles and motor
 19 vehicle components is generally transferred to the Department of Public Safety except as
 20 may be specifically otherwise provided by law;

21 (7) Administration of laws relating to hazardous materials carriers is transferred to the
 22 Department of Public Safety;

23 ~~(7)(8)~~ Enforcement of all state laws ~~but only~~ on the following properties owned or
 24 controlled by the Department of Transportation or the State Road and Tollway Authority
 25 is transferred to the Department of Public Safety: rest areas, truck-weighing stations or
 26 checkpoints, wayside parks, parking facilities, toll facilities, and any buildings and
 27 grounds for public equipment and personnel used for or engaged in administration,
 28 construction, or maintenance of the public roads or research pertaining thereto;

29 ~~(8)(9)~~ Enforcement of Code Section 16-10-24, relating to obstructing or hindering law
 30 enforcement officers, ~~but only in those situations involving the obstruction or hindrance~~
 31 ~~of enforcement officers designated by the department in their official duties~~ is transferred
 32 to the Department of Public Safety;

33 ~~(9) Directing and controlling traffic on any public road which is part of the state highway~~
 34 ~~system but only in areas where maintenance and construction activities are being~~
 35 ~~performed and at scenes of accidents and emergencies until local police officers or~~
 36 ~~Georgia State Patrol officers arrive and have the situation under control;~~

1 (10) Enforcement of Code Sections 32-9-4 and 40-6-54, relating to designation of
2 restricted travel lanes is transferred to the Department of Public Safety;

3 (11) Enforcement of Code Section 16-11-43, relating to obstructing highways, streets,
4 sidewalks, or other public passages, on any public road which is part of the state highway
5 system is transferred to the Department of Public Safety;

6 (12) Enforcement of Code Section 16-7-43, relating to littering public or private property
7 or waters, on any public road which is part of the state highway system is transferred to
8 the Department of Public Safety; and

9 (13) Enforcement of Code Section 16-7-24, relating to interference with government
10 property, on any public road which is part of the state highway system is transferred to
11 the Department of Public Safety; and.

12 ~~(14) Enforcement of any state law when ordered to do so by the Governor.~~

13 ~~(b) In performance of the duties specified in subsection (a) of this Code section, certified~~
14 ~~law enforcement officers employed by the department or designated by the commissioner~~
15 ~~shall:~~

16 ~~(1) Be authorized to carry firearms;~~

17 ~~(2) Exercise arrest powers;~~

18 ~~(3) Have the power to stop, enter upon, and inspect all motor vehicles using the public~~
19 ~~highways for purposes of determining whether such vehicles have complied with and are~~
20 ~~complying with this chapter and other laws the administration or enforcement of which~~
21 ~~is the responsibility of the department;~~

22 ~~(4) Have the power to examine the facilities where motor vehicles are housed or~~
23 ~~maintained and the books and records of motor carriers for purposes of determining~~
24 ~~compliance with this chapter and other laws the administration or enforcement of which~~
25 ~~is the responsibility of the department; and~~

26 ~~(5) Exercise the powers generally authorized for law enforcement officers in the~~
27 ~~performance of the duties specified by this chapter or otherwise to the extent needed to~~
28 ~~protect any life or property when the circumstances demand action.~~

29 ~~(c)~~(b) In the performance of its duties, the department shall be required to comply with all
30 applicable federal laws and rules and regulations and shall certify that the state is in
31 compliance with all provisions and requirements of all applicable federal-aid acts and
32 programs.

33 ~~(d) The commissioner shall authorize enforcement officers of the department to make use~~
34 ~~of dogs trained for the purpose of detection of drugs and controlled substances while such~~
35 ~~officers are engaged in the performance of their authorized duties. If such authorized use~~
36 ~~of such a dog indicates probable cause to indicate the presence of contraband, the officer~~
37 ~~or officers shall in those circumstances have the full authority of peace officers to enforce~~

1 ~~the provisions of Article 2 of Chapter 13 of Title 16, the 'Georgia Controlled Substances~~
 2 ~~Act,' and Article 3 of Chapter 13 of Title 16, the 'Dangerous Drug Act'; provided, however,~~
 3 ~~that the department must immediately notify the local law enforcement agency and district~~
 4 ~~attorney of the jurisdiction where a seizure is made.~~

5 40-16-3.

6 (a) The department shall be under the direction, control, and management of the Board of
 7 ~~Motor Vehicle Safety~~ Driver Services and the commissioner of ~~motor vehicle safety~~ driver
 8 services. The commissioner shall be appointed by and serve at the pleasure of the board.

9 (b)(1) The Board of Driver Services shall be a successor to and continuation of the Board
 10 of Motor Vehicle Safety and shall consist of nine members. Five members shall be
 11 appointed by the Governor and their terms shall expire as follows: two members on June
 12 30, 2003, and June 30 of each sixth year thereafter; two members on June 30, 2005, and
 13 June 30 of each sixth year thereafter; and one member on June 30, 2007, and June 30 of
 14 each sixth year thereafter. Two members shall be appointed by the Lieutenant Governor
 15 and their terms shall expire as follows: one member on June 30, 2003, and June 30 of
 16 each sixth year thereafter and one member on June 30, 2006, and June 30 of each sixth
 17 year thereafter. Two members shall be appointed by the Speaker of the House and their
 18 terms shall expire as follows: one member on June 30, 2003, and June 30 of each sixth
 19 year thereafter and one member on June 30, 2006, and June 30 of each sixth year
 20 thereafter. All members except for the initial appointees shall serve for terms of six years
 21 and until their successors are appointed and qualified.

22 (2) All members serving on the Board of Motor Vehicle Safety as of the time the 2005
 23 amendment of this Code section becomes law shall continue to serve as members of the
 24 Board of Driver Services for the remainder of their original terms of office and shall if
 25 necessary hold over beyond the end of those terms until successors are appointed and
 26 qualified.

27 (c) The Governor shall designate a member to serve as chairperson of the board. The
 28 chairperson's term as chairperson shall expire on June 30, 2003, and June 30 of each
 29 second year thereafter. The board may elect other officers from among its membership and
 30 may establish bylaws for the conduct of its business.

31 (d) The members of the board shall receive no salary for their service on the board but any
 32 member who is not otherwise a state officer or employee shall receive a per diem expense
 33 allowance as provided in subsection (b) of Code Section 45-7-21.

34 (e) The board shall be the general policy-making body for the Department of ~~Motor~~
 35 ~~Vehicle Safety~~ Driver Services; and the commissioner shall be the chief executive officer

1 of the department, subject to the policies established by the board. All rules and regulations
2 promulgated by the commissioner must be approved by the board before they take effect.

3 (f) The commissioner shall receive an annual salary to be set by the board which shall be
4 his or her total compensation for services as commissioner. The commissioner shall be
5 reimbursed for all actual and necessary expenses incurred by him or her in carrying out his
6 or her official duties.

7 (g) The commissioner shall take and subscribe before the board an oath to discharge
8 faithfully and impartially the duties of such office, which oath shall be in addition to the
9 oath required of all civil officers.

10 40-16-4.

11 (a) The commissioner shall establish such units within the department as he or she deems
12 proper for its administration and shall designate persons to be directors and assistant
13 directors of such units to exercise such authority as he or she may delegate to them in
14 writing.

15 (b) The commissioner shall have the authority to employ as many persons as he or she
16 deems necessary for the administration of the department and for the discharge of the
17 duties of his or her office. He or she shall issue all necessary directions, instructions,
18 orders, and rules applicable to such persons. He or she shall have authority, as he or she
19 deems proper, to employ, assign, compensate, and discharge employees of the department
20 within the limitations of the department's appropriation and the restrictions set forth by
21 law.

22 (c) All employees of the department shall be compensated upon a fixed salary basis and
23 no person shall be compensated for services to the department on a commission or
24 contingent fee basis.

25 (d) Neither the commissioner nor any officer or employee of the department shall be given
26 or receive any fee, compensation, loan, gift, or other thing of value in addition to the
27 compensation and expense allowance provided by law for any service or pretended service
28 either rendered or to be rendered as commissioner or as an officer or employee of the
29 department.

30 (e) ~~The commissioner shall delegate to such officers and employees of the department as~~
31 ~~he or she may designate the law enforcement powers and duties of the department as set~~
32 ~~out in Code Section 40-16-2. All officers and employees to whom such law enforcement~~
33 ~~powers and duties are delegated must be certified by the Georgia Peace Officer Standards~~
34 ~~and Training Council as having successfully completed the course of training required by~~
35 ~~Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.'~~ have the
36 authority to appoint and employ 15 nonuniformed investigators who shall be certified

1 peace officers pursuant to the provisions of Chapter 8 of Title 35, the 'Georgia Peace
 2 Officer Standards and Training Act.' The investigators shall have full arrest powers in cases
 3 involving internal affairs of the department and in cases involving fraud in applications for
 4 or the issuance of any license, permit, certificate, or other credential within the jurisdiction
 5 of the department. In such cases, the investigators shall be authorized:

6 (1) To investigate Department of Driver Services related crimes committed anywhere in
 7 the state;

8 (2) To arrest any person violating the criminal laws of this state;

9 (3) To serve and execute warrants after notifying the law enforcement agency of the
 10 local jurisdiction of the intent to serve such warrant or warrants;

11 (4) To enforce in general the criminal laws of this state; and

12 (5) To carry firearms while performing their duties.

13 40-16-5.

14 (a) Subject to approval by the board, the commissioner shall have the power to make and
 15 publish reasonable rules and regulations not inconsistent with this title or other laws or with
 16 the Constitution of this state or of the United States for the administration of this chapter
 17 or any law which it is his or her duty to administer.

18 (b) The commissioner may prescribe forms as he or she deems necessary for the
 19 administration and enforcement of this chapter or any law which it is his or her duty to
 20 administer.

21 (c) The authority granted to the commissioner pursuant to this Code section shall be
 22 exercised at all times in conformity with Chapter 13 of Title 50, the 'Georgia
 23 Administrative Procedure Act'; provided, however, that regulations governing ~~motor~~
 24 ~~common carrier and motor contract carrier safety~~, commercial driver licensing, ~~and~~
 25 ~~hazardous materials~~ may be adopted by administrative order referencing compatible federal
 26 regulations or standards without compliance with the procedural requirements of Chapter
 27 13 of Title 50; provided, further, that such compatible federal regulations or standards shall
 28 be maintained on file by the department and made available for inspection and copying by
 29 the public, by means including but limited to posting on the department's computer Internet
 30 site.

31 (d) Rules and regulations previously adopted which relate to functions performed by the
 32 Department of Driver Services shall remain of full force and effect as rules and regulations
 33 of the Department of Driver Services until amended, repealed, or superseded by rules or
 34 regulations adopted by the commissioner of driver services. The following rules and
 35 regulations shall remain of full force and effect as rules and regulations of the ~~Department~~
 36 ~~of Motor Vehicle Safety~~ referenced department until amended, repealed, or superseded by

1 rules or regulations adopted by the ~~commissioner of motor vehicle safety~~ referenced
2 department:

3 (1) All rules and regulations previously adopted by the ~~Department of Transportation or~~
4 ~~the State Transportation Board or the commissioner of transportation~~ which relate to
5 functions transferred under this chapter ~~from~~ to the Department of Transportation ~~to~~ from
6 the Department of Motor Vehicle Safety;

7 (2) All rules and regulations previously adopted by the ~~Public Service Commission~~
8 which relate to functions transferred under this chapter ~~from~~ to the Public Service
9 Commission ~~to~~ from the Department of Motor Vehicle Safety;

10 (3) All rules and regulations previously adopted by the ~~Department of Public Safety or~~
11 ~~the commissioner of public safety~~ which relate to functions transferred under this chapter
12 ~~from~~ to the Department of Public Safety ~~to~~ from the Department of Motor Vehicle Safety;
13 and

14 (4) All rules and regulations previously adopted by the ~~Department of Revenue or the~~
15 ~~state revenue commissioner~~ which relate to functions transferred under this chapter ~~from~~
16 to the Department of Revenue ~~to~~ from the Department of Motor Vehicle Safety.

17 (e) All valid licenses, permits, certificates, and similar authorizations previously issued by
18 the ~~Department of Transportation, the Public Service Commission, the Department of~~
19 ~~Public Safety, and the Department of Revenue~~ under laws to be administered by the
20 ~~Department of Motor Vehicle Safety~~ Department of Motor Vehicle Safety shall continue
21 in effect until the same expire by their terms unless they are suspended, revoked, or
22 otherwise made ineffective as provided by law.

23 40-16-5.1.

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

28 (b) The commissioner ~~shall~~ may adopt rules and regulations governing the use of
29 equipment. The commissioner may adopt rules and regulations pursuant to which
30 investigators ~~(b)(1)~~ Certified law enforcement officers employed by the department may
31 use a department motor vehicle while working an approved off-duty job, provided that: any
32 such use shall comply with such conditions as may be imposed by the commissioner, which
33 conditions shall include but shall not be limited to a finding of public benefit and
34 reimbursement to the department by the employer or employee for use of the vehicle.

35 ~~(A) The off-duty employment is of a general nature that is the subject of a contract~~
36 ~~between the off-duty employer and the department and is service in which the use of~~

1 ~~the department motor vehicle is a benefit to the department or is in furtherance of the~~
 2 ~~department's mission;~~

3 ~~(B) The off-duty employer agrees to pay and does pay to the department an amount~~
 4 ~~determined by the commissioner to be sufficient to reimburse the department for the use~~
 5 ~~of the vehicle and to pay the off-duty employee sufficient compensation. Pursuant to~~
 6 ~~such contract, the department shall pay the employee of the department the~~
 7 ~~compensation earned on off-duty employment whenever such employee performs such~~
 8 ~~service in a department motor vehicle; and~~

9 ~~(C) The commissioner has specifically approved, in writing, the individual use of the~~
 10 ~~vehicle by the employee.~~

11 ~~(2)(c) At no time will an off-duty employee be allowed use of a department motor vehicle~~
 12 ~~at any political function of any kind.~~

13 40-16-6.

14 (a) ~~The~~ To the extent specifically authorized by law, the commissioner may pursuant to
 15 rule or regulation specify and impose civil monetary penalties for violations of laws, rules,
 16 and regulations administered by the commissioner. Except as may be hereafter authorized
 17 by law, the maximum amount of any such monetary penalty shall not exceed the maximum
 18 penalty authorized by law or rule or regulation for the same violation immediately prior to
 19 July 1, 2001 2005.

20 (b) All proceedings for the imposition of civil monetary penalties by the commissioner and
 21 other contested cases to be decided by or under authority of the commissioner shall be
 22 subject to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' All such
 23 administrative proceedings which are pending on July 1, 2001 2005, under laws the
 24 administration of which is transferred ~~to~~ from the commissioner of motor vehicle safety to
 25 another enforcement agency shall be transferred to the jurisdiction of ~~the commissioner~~
 26 such other enforcement agency as of July 1, 2001 2005.

27 (c) The ~~enactment~~ amendment of this chapter and the Act by which it is ~~enacted~~ amended
 28 shall not affect or abate the status as a crime of any act or omission which occurred prior
 29 to July 1, 2001 2005, nor shall the prosecution of such crime be abated as a result of such
 30 ~~enactment~~ amendment.

31 ~~(d)(1) As used in this subsection, the term 'anhydrous ammonia' means any substance~~
 32 ~~identified to contain the compound ammonia which is capable of being utilized in the~~
 33 ~~production of methamphetamine or any other controlled substance.~~

34 ~~(2) Any person, firm, or corporation transporting methamphetamine, amphetamine, any~~
 35 ~~mixture containing either methamphetamine or amphetamine, anhydrous ammonia, or~~
 36 ~~any mixture containing anhydrous ammonia shall be subject to all rules and regulations~~

1 promulgated by the commissioner pursuant to Code Section ~~46-7-26~~ governing the safe
 2 operation of motor vehicles and drivers and the safe transportation of hazardous
 3 materials.

4 (3) ~~Notwithstanding the provisions of subsection (a) of this Code section, the~~
 5 commissioner may impose civil monetary penalties in an amount not to exceed
 6 \$25,000.00 for each violation of any rules and regulations promulgated pursuant to Code
 7 Section ~~46-7-26~~ with respect to persons transporting methamphetamine, amphetamine,
 8 any mixture containing either methamphetamine or amphetamine, anhydrous ammonia,
 9 or any mixture containing anhydrous ammonia.

10 40-16-7.

11 (a) The department shall be a budget unit to which funds may be appropriated as provided
 12 in the 'Budget Act,' Part 1 of Article 4 of Chapter 12 of Title 45. The department shall be
 13 an independent and distinct department of state government. The duties of the department
 14 shall be performed by that department and not by any other agency of state government,
 15 and the department shall not perform the duties of any other agency of state government.
 16 The position of commissioner of ~~motor vehicle safety~~ driver services shall be a separate
 17 and distinct position from any other position in state government. The duties of the
 18 commissioner shall be performed by the commissioner and not by any other officer of state
 19 government, and the commissioner shall not perform the duties of any other officer of state
 20 government.

21 (b) Appropriations to the Department of ~~Revenue, the Department of Public Safety, the~~
 22 ~~Department of Transportation, and the Public Service Commission~~ Motor Vehicle Safety
 23 for functions transferred to the ~~Department of Motor Vehicle Safety~~ pursuant to this
 24 chapter other departments may be transferred to the ~~Department of Motor Vehicle Safety~~
 25 such other departments as provided for in Code Section 45-12-90, relating to disposition
 26 of appropriations for duties, purposes, and objects which have been transferred. Personnel,
 27 equipment, and facilities previously employed by the Department of ~~Revenue, the~~
 28 ~~Department of Public Safety, the Department of Transportation, and the Public Service~~
 29 ~~Commission~~ Motor Vehicle Safety for such transferred functions shall likewise be
 30 transferred to the ~~Department of Motor Vehicle Safety~~ appropriate departments. Any
 31 disagreement between such departments as to any such transfers shall be determined by the
 32 Governor.

33 (c) Except as specifically provided otherwise by law, all fines and forfeitures collected for
 34 criminal violations cited by the department's ~~enforcement officers~~ investigators shall, after
 35 deduction from the total fine or forfeiture of the amounts due the Peace Officers' Annuity
 36 and Benefit Fund and the Sheriffs' Retirement Fund of Georgia and any other deductions

1 specified by law, be paid by the clerk of the court into the fine and forfeiture fund of the
 2 county treasurer in the same manner and subject to the same rules of distribution as other
 3 fines and forfeitures."

4 **PART II**

5 **Amendments to Code Section 3-3-23.1.**

6 **Alcoholic beverage offenses.**

7 **SECTION 2-1.**

8 Code Section 3-3-23.1, relating to punishment for offenses involving furnishing alcoholic
 9 beverages to, and purchasing, attempting to purchase, and possession of alcoholic beverages
 10 by, a person under 21 years of age, is amended by striking subsection (f) and inserting in its
 11 place a new subsection to read as follows:

12 "(f) In addition to any other punishment or sentence, the court may order all persons
 13 convicted under subsection (b) of this Code section or sentenced under subsection (c) of
 14 this Code section to complete a DUI Alcohol or Drug Use Risk Reduction Program
 15 prescribed by the Department of Human Resources within 120 days of such conviction or
 16 sentence. Failure to complete such program within 120 days shall be contempt of court and
 17 shall be punished by a fine of not more than \$300.00 or 20 days imprisonment, or both. If
 18 the conviction or sentence results from a charge of unlawful possession of alcoholic
 19 beverages while operating a motor vehicle, the court shall report such conviction or
 20 sentence to the Department of ~~Motor Vehicle Safety~~ Driver Services within ten days after
 21 conviction or sentencing."

22 **PART III**

23 **Amendments to Article 2 of Chapter 8-2.**

24 **Factory built buildings and dwelling units.**

25 **SECTION 3-1.**

26 Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to
 27 factory built buildings and dwelling units, is amended by striking Part 4, relating to
 28 manufactured or mobile homes, and inserting in its place a new part to read as follows:

29 "Part 4

30 Subpart 1

1 8-2-180.

2 As used in this part, the term:

3 (1) 'Clerk of superior court' means the clerk of the superior court of the county in which
4 the property to which the home is or is to be affixed is located.

5 (2) '~~Commissioner of motor vehicle safety~~ means the state revenue commissioner and
6 includes any county tax commissioner when so authorized by the state revenue
7 ~~commissioner of motor vehicle safety~~ to act on his or her behalf in carrying out the
8 responsibilities of this part.

9 (3) 'Home' means a manufactured home or mobile home.

10 (4) 'Manufactured home' has the meaning specified in paragraph (4) of Code Section
11 8-2-160.

12 (5) 'Mobile home' has the meaning specified in paragraph (6) of Code Section 8-2-160.

13 8-2-181.

14 (a) A manufactured home or mobile home shall constitute personal property and shall be
15 subject to the 'Motor Vehicle Certificate of Title Act,' Chapter 3 of Title 40, until such time
16 as the home is converted to real property as provided for in this part.

17 (b) A manufactured home or mobile home shall become real property if:

18 (1) The home is or is to be permanently affixed on real property and one or more persons
19 with an ownership interest in the home also has an ownership interest in such real
20 property; and

21 (2) The owner of the home and the holders of all security interests therein execute and
22 file a Certificate of Permanent Location:

23 (A) In the real estate records of the county where the real property is located; and

24 (B) With the commissioner ~~of motor vehicle safety~~.

25 (c) The Certificate of Permanent Location shall be in a form prescribed by the
26 commissioner ~~of motor vehicle safety~~ and shall include:

27 (1) The name and address of the owner of the home;

28 (2) The names and addresses of the holders of any security interest in and of any lien
29 upon the home;

30 (3) The title number assigned to the home;

31 (4) A description of the real estate on which the home is or is to be located, including the
32 name of the owner and a reference by deed book and page number to the chain of title of
33 such real property; and

34 (5) Any other data the commissioner ~~of motor vehicle safety~~ prescribes.

1 8-2-182.

2 (a) When a Certificate of Permanent Location is properly filed with the clerk of superior
3 court, the clerk shall record such certificate in the same manner as other instruments
4 affecting the real property described in the certificate and shall charge and collect the fees
5 usually charged for recording deeds and other instruments relating to real estate. Such
6 certificate shall be indexed under the name of the current owner of the real property in both
7 the grantor and grantee indexes. The clerk shall provide the owner with a certified copy
8 of the certificate, reflecting its filing, and shall charge and collect the fees usually charged
9 for the provision of certified copies of documents relating to real estate.

10 (b) Upon receipt of a certified copy of a properly executed Certificate of Permanent
11 Location, along with the certificate of title, the commissioner ~~of motor vehicle safety~~ shall
12 file and retain a copy of such certificate together with all other prior title records related to
13 the home. When a properly executed certificate has once been filed, the commissioner ~~of~~
14 ~~motor vehicle safety~~ shall accept no further title filings with respect to that home, except
15 as may be necessary to correct any errors in the department's records and except as
16 provided in Subparts 2 and 3 of this part.

17 (c) When a Certificate of Permanent Location is so filed, the commissioner ~~of motor~~
18 ~~vehicle safety~~ shall issue to the clerk of the superior court with whom the original
19 Certificate of Permanent Location was filed confirmation by the commissioner ~~of motor~~
20 ~~vehicle safety~~ that the certificate has been so filed and the certificate of title has been
21 surrendered.

22 (d) Upon receipt of confirmation of the filing of the Certificate of Permanent Location
23 from the commissioner ~~of motor vehicle safety~~, the clerk of superior court shall provide a
24 copy of the Certificate of Permanent Location to the appropriate board of tax assessors or
25 such other local official as is responsible for the valuation of real property.

26 8-2-183.

27 (a) When a Certificate of Permanent Location has been properly filed with the clerk of
28 superior court, a certified copy thereof properly filed with the commissioner ~~of motor~~
29 ~~vehicle safety~~, and the certificate of title is surrendered, the home shall become for all legal
30 purposes a part of the real property on which it is located. Without limiting the generality
31 of the foregoing, the home shall be subject to transfer by the owner of the real property,
32 subject to any security interest in the real property and subject to foreclosure of any such
33 interest, in the same manner as and together with the underlying real property.

34 (b) When a home has become a part of the real property as provided in this part, it shall
35 be unlawful for any person to remove such home from the real property except with the
36 written consent of the owner of the real property and the holders of all security interests in

1 the real property and in strict compliance with the requirements of Subpart 2 of this part.
2 Any person who violates this subsection shall be guilty of a misdemeanor of a high and
3 aggravated nature.

4 Subpart 2

5 8-2-184.

6 (a) A home which has previously become real property shall become personal property if:

7 (1) The manufactured home or mobile home is or is to be removed from the real property
8 with the written consent of the owner of the real property and the holders of all security
9 interests therein; and

10 (2) The owner of the real property and the holders of all security interests therein execute
11 and file a Certificate of Removal from Permanent Location:

12 (A) With the commissioner ~~of motor vehicle safety~~; and

13 (B) In the real estate records of the county where the real property is located.

14 (b) The Certificate of Removal from Permanent Location shall be in a form prescribed by
15 the commissioner ~~of motor vehicle safety~~ and shall include:

16 (1) The name and address of the owner;

17 (2) The names and addresses of the holders of any security interest and of any lien;

18 (3) The title number formerly assigned to the home;

19 (4) A description of the real estate on which the home was previously located, including
20 the name of the owner and a reference by deed book and page number to the recording
21 of the former certificate of permanent location; and

22 (5) Any other data the commissioner ~~of motor vehicle safety~~ prescribes.

23 8-2-185.

24 (a) Upon receipt of a properly executed Certificate of Removal from Permanent Location,
25 the commissioner ~~of motor vehicle safety~~ shall file and retain a copy of such certificate
26 together with all other prior title records related to the home and may thereafter issue a new
27 certificate of title for the home. The commissioner ~~of motor vehicle safety~~ shall charge and
28 collect the fee otherwise prescribed by law for the issuance of a certificate of title.

29 (b) When a Certificate of Removal from Permanent Location is so filed, the commissioner
30 ~~of motor vehicle safety~~ shall return to the filing party the original of the certificate
31 containing thereon confirmation by the commissioner ~~of motor vehicle safety~~ that the
32 certificate has been so filed.

1 8-2-186.

2 (a) The clerk of superior court shall not accept a Certificate of Removal from Permanent
3 Location for filing unless the certificate contains thereon the confirmation by the
4 commissioner of ~~motor vehicle safety~~ that the certificate has been filed with the
5 commissioner of ~~motor vehicle safety~~.

6 (b) When a Certificate of Removal from Permanent Location is properly filed with the
7 clerk of superior court, the clerk shall record such certificate in the same manner as other
8 instruments affecting the real property described in the certificate and shall charge and
9 collect the fees usually charged for recording deeds and other instruments relating to real
10 estate. Such certificate shall be indexed under the name of the current owner of the real
11 property in both the grantor and grantee indexes.

12 Subpart 3

13 8-2-187.

14 (a) When a home which has previously become real property has been or is to be
15 destroyed, the owner of the real property and the holders of all security interests therein
16 shall execute and file a Certificate of Destruction:

17 (1) With the commissioner of ~~motor vehicle safety~~; and

18 (2) In the real estate records of the county where the real property is located.

19 (b) The Certificate of Destruction shall be in a form prescribed by the commissioner of
20 ~~motor vehicle safety~~ and shall include:

21 (1) The name and address of the owner;

22 (2) The names and addresses of the holders of any security interest and of any lien;

23 (3) The title number formerly assigned to the home;

24 (4) A description of the real estate on which the home was previously located, including
25 the name of the owner and a reference by deed book and page number to the recording
26 of the former certificate of permanent location;

27 (5) Verification of the destruction by a law enforcement officer; and

28 (6) Any other data the commissioner of ~~motor vehicle safety~~ prescribes.

29 8-2-188.

30 (a) Upon receipt of a properly executed Certificate of Destruction, the commissioner of
31 ~~motor vehicle safety~~ shall file and retain a copy of such certificate together with all other
32 prior title records related to the home.

1 (b) When a Certificate of Destruction is so filed, the commissioner of ~~motor vehicle safety~~
 2 shall issue to the filing party the original of the certificate containing thereon confirmation
 3 by the commissioner of ~~motor vehicle safety~~ that the certificate has been so filed.

4 8-2-189.

5 (a) The clerk of superior court shall not accept a Certificate of Destruction for filing unless
 6 the certificate contains thereon the confirmation by the commissioner of ~~motor vehicle~~
 7 ~~safety~~ that the certificate has been filed with the commissioner of ~~motor vehicle safety~~.

8 (b) When a Certificate of Destruction is properly filed with the clerk of superior court, the
 9 clerk shall record such certificate in the same manner as other instruments affecting the real
 10 property described in the certificate and shall charge and collect the fees usually charged
 11 for recording deeds and other instruments relating to real estate. Such certificate shall be
 12 indexed under the name of the current owner of the real property in both the grantor and
 13 grantee indexes.

14 Subpart 4

15 8-2-190.

16 A manufactured or mobile home which constitutes real property shall not be subject to
 17 Article 10 of Chapter 5 of Title 48 but shall instead be taxed as real property and a part of
 18 the underlying real estate.

19 8-2-191.

20 The commissioner of ~~motor vehicle safety~~ shall charge a fee of \$18.00 for any filing under
 21 this part."

22 **PART IV**

23 **Amendments to Title 10.**

24 **Commerce and trade.**

25 **SECTION 4-1.**

26 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
 27 amended in Code Section 10-1-350, relating to definitions applicable to secondary metals
 28 recyclers, by striking paragraph (5) and inserting in its place a new paragraph to read as
 29 follows:

30 "(5) 'Personal identification card' means a driver's license or identification card issued
 31 by the Department of ~~Motor Vehicle Safety~~ Driver Services or a similar card issued by

1 another state, a military identification card, a passport, or an appropriate work
 2 authorization issued by the ~~United States Immigration and Naturalization Service~~ U.S.
 3 Citizenship and Immigration Services of the Department of Homeland Security."

4 SECTION 4-2.

5 Said Title 10 is further amended in Code Section 10-1-645, relating to warranty
 6 reimbursement policies under the "Georgia Motor Vehicle Franchise Practices Act," by
 7 striking subsection (d) and inserting in its place a new subsection to read as follows:

8 "(d) If a franchisor contracts with its dealers, the franchisor shall certify under oath to the
 9 Department of ~~Motor Vehicle Safety~~ Revenue that a majority of the dealers of that line
 10 make did agree to such an agreement and file a sample copy of the agreement. On an
 11 annual basis, each dealer shall certify under oath to the department that the reimbursement
 12 costs it recovers under subparagraph (c)(2)(A) of this Code section do not exceed the
 13 amounts authorized by subparagraph (c)(2)(A) of this Code section. The franchisor shall
 14 maintain for a period of three years a file that contains the information upon which its
 15 certification is based."

16 SECTION 4-3.

17 Said Title 10 is further amended by striking Code Sections 10-1-665, 10-1-666, and
 18 10-1-667, relating to respectively to definitions, enforcement, and administrative review
 19 under the "Georgia Motor Vehicle Franchise Practices Act," and inserting in their place new
 20 Code sections to read as follows:

21 "10-1-665.

22 As used in this part, the term:

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

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

25 10-1-666.

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

30 10-1-667.

31 Any dealer, distributor, or manufacturer who is aggrieved by a violation of any provision
 32 of this article may file a petition with the Department of ~~Motor Vehicle Safety~~ Revenue
 33 setting forth the facts supporting the allegation of such violation. The commissioner shall

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

20 **PART V**

21 **Amendments to Title 15.**

22 **Courts.**

23 **SECTION 5-1.**

24 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in Code
 25 Section 15-11-66, relating to disposition of delinquent children in juvenile court proceedings,
 26 by striking subsection (b) and inserting in its place a new subsection to read as follows:

27 "(b) At the conclusion of the dispositional hearing provided in subsection (a) of Code
 28 Section 15-11-65, if the child is found to have committed a delinquent act, the court may,
 29 in addition to any other treatment or rehabilitation, suspend the driver's license of such
 30 child for any period not to exceed the date on which the child becomes 18 years of age or,
 31 in the case of a child who does not have a driver's license, prohibit the issuance of a
 32 driver's license to such child for any period not to exceed the date on which the child
 33 becomes 18 years of age. The court shall retain the driver's license for a period of
 34 suspension and return it to the offender at the end of such period. The court shall notify
 35 the Department of ~~Motor Vehicle Safety~~ Driver Services of any such actions taken

1 pursuant to this subsection. If the child is adjudicated for the commission of a delinquent
 2 act, the court may in its discretion, in addition to any other treatment or rehabilitation,
 3 order the child to serve up to a maximum of 90 days in a youth development center, or
 4 after assessment and with the court's approval, in a treatment program provided by the
 5 Department of Juvenile Justice or the juvenile court."

6 SECTION 5-2.

7 Said Title 15 is further amended in Code Section 15-11-73, relating to juvenile traffic
 8 offenses, by striking subsections (g) and (j) and inserting in their place new subsections to
 9 read as follows:

10 "(g) *Disposition*. If the court finds on the admission of the child or upon the evidence that
 11 the child committed the offense charged, it may make one or more of the following orders:

12 (1) Reprimand, counsel, or warn the child and the child's parents; provided, however,
 13 that this dispositional order is not available for any offense listed in subsection (c) of this
 14 Code section;

15 (2) As a matter of probation or if the child is committed to the custody of the state, order
 16 the Department of ~~Motor Vehicle Safety~~ Driver Services to suspend the child's privilege
 17 to drive under stated conditions and limitations for a period not to exceed 12 months;

18 (3) Require the child to attend a traffic school ~~conducted~~ approved by the Department
 19 of ~~Motor Vehicle Safety~~ Driver Services or a substance abuse clinic or program approved
 20 by either the Department of Human Resources or the Council of Juvenile Court Judges
 21 for a reasonable period of time;

22 (4) Order the child to remit to the general fund of the county a sum not exceeding the
 23 maximum applicable to an adult for a like offense;

24 (5) Require the child to participate in a program of community service as specified by
 25 the court;

26 (6) Impose any sanction authorized by Code Section 15-11-66, 15-11-67, or 15-11-68;
 27 or

28 (7) Place the child on probation subject to the conditions and limitations imposed by
 29 Title 40 on probation granted to adults for like offenses, but such probation shall be
 30 supervised by the court as provided in Code Section 15-11-66."

31 "(j) *Reporting procedure*. Upon finding that the child has committed a juvenile traffic
 32 offense or a delinquent offense which would be a violation of Title 40 if committed by an
 33 adult, the court shall forward, within ten days, a report of the final adjudication and
 34 disposition of the charge to the Department of ~~Motor Vehicle Safety~~ Driver Services;
 35 provided, however, that this procedure shall not be applicable to those cases which have
 36 been dismissed or in which the child and the child's parents have been reprimanded,

1 counseled, or warned by the court pursuant to paragraph (1) of subsection (g) of this Code
 2 section. The Department of ~~Motor Vehicle Safety~~ Driver Services shall record the
 3 adjudication and disposition of the offense on the child's permanent record and such
 4 adjudication and disposition shall be deemed a conviction for the purpose of suspending
 5 or revoking the individual's driver's license. Such record shall also be available to law
 6 enforcement agencies and courts as are the permanent traffic records of adults."

7 **SECTION 5-3.**

8 Said Title 15 is further amended Code Section 15-12-40, relating to compilation,
 9 maintenance, and revision of jury lists, by striking paragraph (1) of subsection (a) and
 10 inserting in its place a new paragraph to read as follows:

11 "(1) At least biennially, unless otherwise directed by the chief judge of the superior court,
 12 the board of jury commissioners shall compile, maintain, and revise a trial jury list of
 13 upright and intelligent citizens of the county to serve as trial jurors and a grand jury list
 14 of the most experienced, intelligent, and upright citizens of the county to serve as grand
 15 jurors. In composing the trial jury list, the board of jury commissioners shall select a
 16 fairly representative cross section of the intelligent and upright citizens of the county. In
 17 composing the grand jury list, the board of jury commissioners shall select a fairly
 18 representative cross section of the most experienced, intelligent, and upright citizens of
 19 the county. In carrying out revisions of the trial jury list and grand jury list on or after
 20 July 1, 2002, the board of jury commissioners shall make use of all of the following:

- 21 (A) A list of all residents of the county who are the holders of drivers' licenses or
 22 personal identification cards issued by the Department of ~~Motor Vehicle Safety~~ Driver
 23 Services pursuant to the provisions of Chapter 5 of Title 40; and the Department of
 24 ~~Motor Vehicle Safety~~ Driver Services shall periodically make such a list available to
 25 the board of jury commissioners of each county;
- 26 (B) The registered voters list in the county; and
- 27 (C) Any other list of persons resident in the county as may be deemed appropriate by
 28 the board of jury commissioners.

29 The Department of ~~Motor Vehicle Safety~~ Driver Services shall provide a list, which
 30 includes the name, address, date of birth, gender, driver's license or personal
 31 identification card number issued pursuant to the provisions of Chapter 5 of Title 40, and,
 32 whenever racial and ethnic information is collected by the Department of ~~Motor Vehicle~~
 33 ~~Safety~~ Driver Services for purposes of voter registration pursuant to Code Section
 34 21-2-221, racial and ethnic information, to the board of jury commissioners of each
 35 county. No jury list compiled prior to July 1, 2002, shall be rendered invalid by the use
 36 of or a failure to make use of the sources specified in this Code section; but each revision

1 of the jury list on or after that date shall make use of all such sources to the extent
2 actually available to the board of jury commissioners."

3 **PART VI**

4 **Amendments to Article 4 of Chapter 16-8.**

5 **Motor vehicle chop shops.**

6 **SECTION 6-1.**

7 Article 4 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to
8 motor vehicle chop shops, is amended in Code Section 16-8-82, relating to definitions
9 applicable to said article, by striking paragraph (5) and inserting in its place a new paragraph
10 to read as follows:

11 "(5) 'Vehicle identification number' includes, but is not limited to, a number or numbers,
12 a letter or letters, a character or characters, a datum or data, a derivative or derivatives,
13 or a combination or combinations thereof, used by the manufacturer or the Department
14 of ~~Motor Vehicle Safety~~ Revenue for the purpose of uniquely identifying a motor vehicle
15 or motor vehicle part."

16 **SECTION 6-2.**

17 Said Article 4 of Chapter 8 of Title 16 is further amended in Code Section 16-8-85, relating
18 to forfeiture of seized property, by striking paragraph (2) of subsection (f) and subsections
19 (k), (l), and (r) and inserting in their respective places a new paragraph and subsections to
20 read as follows:

21 "(2) The prosecutor shall give notice of the forfeiture proceeding by mailing a copy of
22 the complaint in the forfeiture proceeding to each person whose right, title, or interest is
23 of record in the Department of ~~Motor Vehicle Safety~~ Revenue, the Department of
24 Transportation, the Federal Aviation Agency, or any other department or agency of this
25 state, any other state or territory of the United States, or of the federal government if such
26 property is required to be registered with any such department or agency."

27 "(k) No motor vehicle or motor vehicle part shall be forfeited under this Code section
28 solely on the basis that it is unidentifiable. Instead of forfeiture, any seized motor vehicle
29 or motor vehicle part which is unidentifiable shall be the subject of a written report sent by
30 the seizing agency to the Department of ~~Motor Vehicle Safety~~ Revenue, which report shall
31 include a description of the motor vehicle or motor vehicle part, including its color, if any;
32 the date, time, and place of its seizure; the name of the person from whose possession or
33 control it was seized; the grounds for its seizure; and the location where the same is held
34 or stored.

1 (l) When a seized unidentifiable motor vehicle or motor vehicle part has been held for 60
 2 days or more after the notice to the Department of ~~Motor Vehicle Safety Revenue~~ specified
 3 in subsection (k) of this Code section has been given, the seizing agency, or its agent, shall
 4 cause the motor vehicle or motor vehicle part to be sold at a public sale to the highest
 5 bidder. Notice of the time and place of sale shall be posted in a conspicuous place for at
 6 least 30 days prior to the sale on the premises where the motor vehicle or motor vehicle
 7 part has been stored."

8 "(r) When an applicant for a certificate of title or salvage certificate of title presents to the
 9 Department of ~~Motor Vehicle Safety Revenue~~ proof that the applicant purchased or
 10 acquired a motor vehicle at public sale conducted pursuant to this Code section and such
 11 fact is attested to by the seizing agency, the Department of ~~Motor Vehicle Safety Revenue~~
 12 shall issue a certificate of title or a salvage certificate of title, as determined by the state
 13 revenue commissioner of ~~motor vehicle safety~~, for such motor vehicle upon receipt of the
 14 statutory fee, a properly executed application for a certificate of title or other certificate of
 15 ownership, and the affidavit of the seizing agency that a state assigned number was applied
 16 for and affixed to the motor vehicle prior to the time that the motor vehicle was released
 17 by the seizing agency to the purchaser."

18 PART VII

19 Amendments to Title 17.

20 Criminal procedure.

21 SECTION 7-1.

22 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
 23 amended in Code Section 17-5-50, relating to handling and disposition of seized property,
 24 by striking paragraph (2) of subsection (b) and inserting in its place a new paragraph to read
 25 as follows:

26 "(2) If the person from whom custody of the property was taken fails to assert a claim to
 27 such property, upon any applicant furnishing satisfactory proof of ownership of such
 28 property and presentation of proper personal identification, the person in charge of the
 29 property section may deliver such property to the applicant. The person to whom property
 30 is delivered shall sign, under penalty of false swearing, a declaration of ownership, which
 31 shall be retained by the person in charge of the property section. Such declaration, absent
 32 any other proof of ownership, shall be deemed satisfactory proof of ownership for the
 33 purposes of this Code section; provided, however, that, in the case of motor vehicles,
 34 trailers, tractors, or motorcycles which are required to be registered with the state revenue
 35 commissioner of ~~motor vehicle safety~~, any such stolen vehicle shall be returned to the

1 person evidencing ownership of such vehicle through a certificate of title, tag receipt, bill
 2 of sale, or other such evidence. The stolen vehicle shall be returned to the person
 3 evidencing ownership within two days after such person makes application for the return
 4 of such vehicle unless a hearing on the ownership of such vehicle is required under this
 5 Code section or unless law enforcement needs the stolen vehicle for further criminal
 6 investigation purposes. Prior to such delivery, such person in charge of the property
 7 section shall make and retain a complete photographic record of such property. Such
 8 delivery shall be without prejudice to the state or to the person from whom custody of the
 9 property was taken or to any other person who may have a claim against the property."

10 **SECTION 7-2.**

11 Said Title 17 is further amended in Code Section 17-6-2, relating to bail in misdemeanor
 12 cases, by striking paragraphs (3) and (4) of subsection (a) and inserting in their place new
 13 paragraphs to read as follows:

14 "(3) A failure to appear by the individual who has been charged with a misdemeanor
 15 offense and who posted that individual's license as bail pursuant to this subsection shall,
 16 by operation of law, cause that individual's license to be suspended by the Department
 17 of ~~Motor Vehicle Safety~~ Driver Services effective immediately, and the clerk of the court
 18 within five days after that failure to appear shall forward a copy of the agreement to the
 19 Department of ~~Motor Vehicle Safety~~ Driver Services which shall enter the suspension
 20 upon the individual's driver history record. The posting of a license as provided in this
 21 subsection shall also be considered as bail for the purposes of Code Section 16-10-51.
 22 Where the original court date has been continued by the judge, clerk, or other officer of
 23 the court and there has been actual notice given to the defendant in open court or in
 24 writing by a court official or officer of the court or by mailing such notice to the
 25 defendant's last known address, then the provisions of this paragraph shall apply to the
 26 new court appearance date.

27 (4) A license suspended pursuant to this subsection shall only be reinstated when the
 28 individual shall pay to the Department of ~~Motor Vehicle Safety~~ Driver Services a
 29 restoration fee of \$25.00 together with a certified notice from the clerk of the originating
 30 court that the case has either been disposed of or has been rescheduled and a deposit of
 31 sufficient collateral approved by the sheriff of the county wherein the charges were made
 32 in an amount to satisfy the original bail amount has been paid. The court wherein the
 33 charges are pending shall be authorized to require payment of costs by the defendant in
 34 an amount not to exceed \$100.00 to reschedule the case."

SECTION 7-3.

Said Title 17 is further amended by striking Code Section 17-6-11, relating to display of driver's license in lieu of bail, and inserting in its place a new Code section to read as follows:

"17-6-11.

(a) Any other laws to the contrary notwithstanding, any person who is apprehended by an officer for the violation of the laws of this state or ordinances relating to: (1) traffic, including any offense under Code Section 40-5-72 or 40-6-10, but excepting any other offense for which a license may be suspended for a first offense by the commissioner of ~~motor vehicle safety~~ driver services, any offense covered under Code Section 40-5-54, or any offense covered under Article 15 of Chapter 6 of Title 40; (2) the licensing and registration of motor vehicles and operators; (3) the width, height, and length of vehicles and loads; (4) motor common carriers and motor contract carriers; or (5) road taxes on motor carriers as provided in Article 2 of Chapter 9 of Title 48 upon being served with the official summons issued by such apprehending officer, in lieu of being immediately brought before the proper magistrate, recorder, or other judicial officer to enter into a formal recognizance or make direct the deposit of a proper sum of money in lieu of a recognizance ordering incarceration, may display his or her driver's license to the apprehending officer in lieu of bail, in lieu of entering into a recognizance for his or her appearance for trial as set in the aforesaid summons, or in lieu of being incarcerated by the apprehending officer and held for further action by the appropriate judicial officer. The apprehending officer shall note the driver's license number on the official summons. The summons duly served as provided in this Code section shall give the judicial officer jurisdiction to dispose of the matter.

(b) Upon display of the driver's license, the apprehending officer shall release the person so charged for his or her further appearance before the proper judicial officer as required by the summons. The court in which the charges are lodged shall immediately forward to the Department of ~~Motor Vehicle Safety~~ Driver Services of this state the driver's license number if the person fails to appear and answer to the charge against him or her. The commissioner of ~~motor vehicle safety~~ driver services shall, upon receipt of a license number forwarded by the court, suspend the driver's license and driving privilege of the defaulting person until notified by the court that the charge against the person has been finally adjudicated. Such person's license shall be reinstated if the person submits proof of payment of the fine from the court of jurisdiction and pays to the Department of ~~Motor Vehicle Safety~~ Driver Services a restoration fee of ~~\$35.00~~ \$50.00 or \$25.00 when such reinstatement is processed by mail.

1 (b.1) It shall be the duty of a law enforcement officer or emergency medical technician
 2 responding to the scene of any motor vehicle accident or other accident involving a fatal
 3 injury to examine immediately the driver's license of the victim to determine the victim's
 4 wishes concerning organ donation. If the victim has indicated that he or she wishes to be
 5 an organ donor, it shall be the duty of such law enforcement officer or emergency medical
 6 technician to take appropriate action to ensure, if possible, that the victim's organs shall not
 7 be imperiled by delay in verification by the donor's next of kin.

8 (c) Nothing in this Code section bars any law enforcement officer from arresting or from
 9 seizing the driver's license of any individual possessing a fraudulent license or a suspended
 10 license or operating a motor vehicle while his or her license is suspended, outside the scope
 11 of a driving permit, or without a license.

12 (d) The commissioner of ~~motor vehicle safety~~ driver services shall be authorized to
 13 promulgate reasonable rules and regulations to carry out the purposes of this Code section
 14 and to establish agreements with other states whereby a valid license from that state may
 15 be accepted for purposes of this Code section."

16 SECTION 7-4.

17 Said Title 17 is further amended in Code Section 17-10-3, relating to punishment for
 18 misdemeanors, by striking subsections (d) and (e) and inserting in their place new
 19 subsections to read as follows:

20 "(d) In addition to or instead of any other penalty provided for the punishment of a
 21 misdemeanor involving a traffic offense, or punishment of a municipal ordinance involving
 22 a traffic offense, with the exception of habitual offenders sentenced under Code Section
 23 17-10-7, a judge may impose any one or more of the following sentences:

24 (1) Reexamination by the Department of ~~Motor Vehicle Safety~~ Driver Services when the
 25 judge has good cause to believe that the convicted licensed driver is incompetent or
 26 otherwise not qualified to be licensed;

27 (2) Attendance at, and satisfactory completion of, a driver improvement course meeting
 28 standards approved by the court;

29 (3) Within the limits of the authority of the charter powers of a municipality or the
 30 punishment prescribed by law in other courts, imprisonment at times specified by the
 31 court or release from imprisonment upon such conditions and at such times as may be
 32 specified; or

33 (4) Probation or suspension of all or any part of a penalty upon such terms and
 34 conditions as may be prescribed by the judge. The conditions may include driving with
 35 no further motor vehicle violations during a specified time unless the driving privileges
 36 have been or will be otherwise suspended or revoked by law; reporting periodically to the

1 court or a specified agency; and performing, or refraining from performing, such acts as
2 may be ordered by the judge.

3 (e) Any sentence imposed under subsection (d) of this Code section shall be reported to
4 the Department of ~~Motor Vehicle Safety~~ Driver Services as prescribed by law."

5 PART VIII

6 Amendments to Chapter 19-11.

7 Child support enforcement.

8 SECTION 8-1.

9 Chapter 11 of Title 19, relating enforcement of duty of support, is amended in Code Section
10 19-11-9.1, relating to information used for support enforcement purposes, by striking
11 subsection (a.1) and inserting in its place a new subsection to read as follows:

12 "(a.1)(1) In accordance with the mandate contained in 42 U.S.C. Section 666(a)(13)(A)
13 and notwithstanding any provision of Title 40 relating to motor vehicles as now existing
14 or hereafter amended, the Department of ~~Motor Vehicle Safety~~ Driver Services shall
15 require an applicant for a driver's license, a commercial driver's license, a learner's
16 permit, or an identification card to provide to the Department of ~~Motor Vehicle Safety~~
17 Driver Services the applicant's social security number or certification from the Social
18 Security Administration that the applicant is not eligible for issuance of a social security
19 number because he or she is an alien not authorized to work in the United States as part
20 of the application. Notwithstanding the foregoing, nothing in this Code section shall be
21 construed so as to authorize the issuance of any driver's license, permit, or identification
22 card to any person who is not ~~either a United States citizen or an alien with legal~~
23 ~~authorization from the United States Immigration and Naturalization Service~~ a resident
24 as defined in Code Section 40-5-1. If the ~~Immigration and Naturalization Service~~ status
25 legal authorization of such person is terminated or expired, any Georgia driver's license
26 issued to such person shall be revoked. The Department of ~~Motor Vehicle Safety~~ Driver
27 Services shall provide to the Department of Human Resources, in addition to other
28 information required to be provided to the Department of Human Resources, such social
29 security numbers of individuals who have been issued a driver's license, a commercial
30 driver's license, a learner's permit, or an identification card. The Department of Human
31 Resources shall use the information provided by the Department of ~~Motor Vehicle Safety~~
32 Driver Services pursuant to this Code section for the purpose of complying with the
33 requirements of law concerning the enforcement of child support.

34 (2) In accordance with the mandate contained in 42 U.S.C. Section 666(a)(13)(A) and
35 notwithstanding any provision of Chapter 2 of Title 27 relating to licenses and permits

1 as now existing or hereafter amended, the Department of Natural Resources shall require
 2 an applicant for a license or permit pursuant to Chapter 2 of Title 27 to provide to the
 3 Department of Natural Resources the applicant's social security number as a part of the
 4 license or permit application. The Department of Natural Resources shall provide to the
 5 Department of Human Resources, along with other information required to be provided
 6 to the Department of Human Resources, the social security numbers of individuals who
 7 have been issued a license or permit pursuant to Chapter 2 of Title 27. The Department
 8 of Human Resources shall use the information provided by the Department of Natural
 9 Resources pursuant to this Code section for the purpose of complying with the
 10 requirements of law concerning the enforcement of child support.

11 (3) The information collected by the Department of ~~Motor Vehicle Safety~~ Driver
 12 Services and the Department of Natural Resources and transmitted to the Department of
 13 Human Resources pursuant to paragraphs (1) and (2) of this subsection shall be deemed
 14 confidential and not subject to public disclosure but may be shared with other state
 15 agencies as needed to comply with federal law."

16 SECTION 8-2.

17 Said Chapter 11 of Title 19 is further amended in Code Section 19-11-18, relating to
 18 collection procedures, notice, and judicial review by striking subparagraph (b)(3)(C) and
 19 inserting in its place a new subparagraph to read as follows:

20 "(C) With respect to motor vehicles for which a certificate of title is required pursuant
 21 to Chapter 3 of Title 40, the IV-D agency may file notice of a child support lien with
 22 the social security number of the obligor noted thereon with the Department of ~~Motor~~
 23 ~~Vehicle Safety~~ Revenue. A child support lien shall become perfected as of the date a
 24 certificate of title showing the child support lien is issued by the department and the
 25 permanent records of the department are changed to reflect such lien. A filed or
 26 recorded but unperfected child support lien shall be valid against the obligor. A filed
 27 or recorded but unperfected child support lien shall not constitute actual or constructive
 28 notice to and shall not be valid against owners of the motor vehicle who are not the
 29 obligor and shall not constitute actual or constructive notice to and shall not be valid
 30 against individuals or entities which become transferees of the motor vehicle prior to
 31 perfection, creditors of the obligor, or holders of security interests or liens in the motor
 32 vehicle which have been perfected in accordance with Chapter 3 of Title 40 prior to
 33 perfection of the child support lien. A child support lien perfected as provided in this
 34 subparagraph shall be subordinate to any security interest or lien which has been
 35 perfected prior to the perfection of the child support lien and shall be subordinate to
 36 mechanic's liens regardless of when perfected."

1 **PART IX**

2 **Amendment to Code Section 20-2-701.**

3 **School attendance enforcement.**

4 **SECTION 9-1.**

5 (a) Code Section 20-2-701 of the Official Code of Georgia Annotated, relating to
6 enforcement of required school attendance, is amended by striking subsection (c) of the Code
7 section, as amended by Section 11B of Ga. L. 2004, p. 107, and inserting in its place a new
8 subsection to read as follows:

9 "(c) Local school superintendents or visiting teachers and attendance officers shall report
10 to the State Board of Education, which shall, in turn, report to the Department of ~~Motor~~
11 ~~Vehicle Safety~~ Driver Services any child 14 years of age or older who does not meet the
12 attendance requirements contained in subsection (a.1) of Code Section 40-5-22. Such report
13 shall include the child's name, current address, and social security number, if known."

14 (b) This section of this Act shall become effective only when subsection (c) of Code Section
15 20-2-701 becomes effective as provided in subsection (d) of that Code section, as amended
16 by Section 11B of Ga. L. 2004, p. 107.

17 **PART X**

18 **Amendments to Chapter 21-2.**

19 **The "Georgia Election Code."**

20 **SECTION 10-1.**

21 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election
22 Code" is amended in Code Section 21-2-220, relating to application for voter registration,
23 by striking subsection (a) and inserting in its place a new subsection to read as follows:

24 "(a) Any person desiring to register as an elector shall apply to do so by making
25 application to a registrar or deputy registrar of such person's county of residence in person,
26 by submission of the federal post card application form as authorized under Code Section
27 21-2-219, by making application through the Department of ~~Motor Vehicle Safety~~ Driver
28 Services as provided in Code Section 21-2-221, by making application through the
29 Department of Natural Resources as provided in Code Section 21-2-221.1, by making
30 application through designated offices as provided in Code Section 21-2-222, or by making
31 application by mail as provided in Code Section 21-2-223."

1 to add the applicant's name to the list of electors and to place the applicant in the correct
2 precinct and voting districts.

3 (f) The Department of ~~Motor Vehicle Safety~~ Driver Services shall maintain such statistical
4 records on the number of registrations and declinations as requested by the Secretary of
5 State.

6 (g) No information relating to the failure of an applicant for a driver's license or
7 identification card issued by the Department of ~~Motor Vehicle Safety~~ Driver Services to
8 sign a voter registration application may be used for any purpose other than voter
9 registration.

10 (h) The Secretary of State and the commissioner of ~~motor vehicle safety~~ driver services
11 shall have the authority to promulgate rules and regulations to provide for the transmission
12 of voter registration applications and signatures electronically. Such electronically
13 transmitted signatures shall be valid as signatures on the voter registration application and
14 shall be treated in all respects as a manually written original signature and shall be
15 recognized as such in any matter concerning the voter registration application."

16 **PART XA**

17 **Amendment to Code Section 24-3-17.**

18 **Evidentiary use of records.**

19 **SECTION 10A-1.**

20 Code Section 24-3-17, relating to evidentiary use of certain departmental records, is amended
21 by striking said Code section in its entirety and inserting in lieu thereof the following:

22 "24-3-17.

23 (a) A certified copy of any record of the Department of Public Safety or the Department
24 of Driver Services or comparable agency in any other state is admissible in any judicial
25 proceedings or administrative hearing in the same manner as the original of the record.

26 (b) Any court may receive and use as evidence in any case information otherwise
27 admissible from the records of the Department of Public Safety or the Department of
28 Driver Services obtained from any terminal lawfully connected to the Georgia Crime
29 Information Center without the need for additional certification of those records.

30 (c) Any court may receive and use as evidence for the purpose of imposing a sentence in
31 any criminal case information otherwise admissible from the records of the Department of
32 Driver Services obtained from a request made in accordance with a contract with the
33 Georgia Technology Authority for immediate on-line electronic furnishing of information."

1 **PART XI**

2 **Amendment to Code Section 27-2-3.1.**

3 **Hunting licenses and sportsman's licenses.**

4 **SECTION 11-1.**

5 Code Section 27-2-3.1, relating to hunting licenses and sportsman's licenses, is amended by
6 striking subsection (e) and inserting in its place a new subsection to read as follows:

7 "(e) The requirements in this title for procuring any license, stamp, or permit for
8 noncommercial hunting and fishing privileges shall be satisfied by a resident or nonresident
9 who procures a lifetime sportsman's license. An applicant for such license who is a resident
10 shall, prior to the issuance of the license, provide satisfactory evidence of residency. An
11 applicant for such license who is a nonresident shall not be eligible for issuance of such
12 license unless he or she is under 16 years of age and is the grandchild of a resident who
13 holds a valid paid lifetime sportsman's license. The resident grandparent who holds such
14 a lifetime sportsman's license and who is the sponsor of a nonresident applicant for a
15 lifetime sportsman's license must certify the nonresident applicant's relationship to him or
16 her in writing to the department. For purposes of procuring a lifetime sportsman's license,
17 the term 'residency' means a domicile within Georgia for a minimum of 12 consecutive
18 months immediately prior to procuring such license. Satisfactory evidence of residency
19 shall consist of a current Georgia driver's license or official Georgia identification card
20 issued by the Department of ~~Motor Vehicle Safety~~ Driver Services and at least one of the
21 following:

- 22 (1) A voter registration card;
23 (2) A copy of the prior year's Georgia income tax return;
24 (3) A current Georgia automobile registration; or
25 (4) A warranty deed to property at the same address as is displayed on the Georgia
26 driver's license.

27 Minors under 18 years of age shall be presumed to be residents upon proof of parent's
28 residency as provided for in this Code section. For purposes of procuring the Type I
29 (Infant) lifetime license, a certified copy of the birth certificate of the licensee shall be
30 required."

31 **PART XII**

32 **Amendments to Chapter 32-6.**

33 **Regulation of maintenance and use of public roads generally.**

34 **SECTION 12-1.**

1 Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to regulation of
 2 maintenance and use of public roads generally, is amended in Code Section 32-6-2, relating
 3 to regulation of parking, by striking paragraph (1) and inserting in its place a new paragraph
 4 to read as follows:

5 "(1) The department may regulate and prohibit the parking of any type of vehicle on any
 6 public road on the state highway system, including extensions thereof into or through
 7 municipalities. Whenever any state or local law enforcement officer ~~or employee of the~~
 8 ~~Department of Motor Vehicle Safety to whom law enforcement authority has been~~
 9 ~~designated~~ finds a vehicle parked in violation of law or the department's regulations, such
 10 officer or employee is authorized to move such vehicle or require the driver or other
 11 person in charge of the vehicle to move the same. If the vehicle is unattended, such
 12 officer ~~or employee~~ is authorized to remove or provide for the removal of such vehicle
 13 to the nearest garage or other place of safety at the owner's expense. State or local law
 14 enforcement officers and the department are further authorized, with or without the
 15 consent of the owner, to remove or have removed any obstruction, cargo, or personal
 16 property which is abandoned, unattended, or damaged as a result of a vehicle accident
 17 which the department determines to be a threat to public health or safety or to mitigate
 18 traffic congestion."

19 **SECTION 12-2.**

20 Said Chapter 6 of Title 32 is further amended by striking Code Section 32-6-27, relating to
 21 enforcement of load limitations, and inserting in its place a new Code section to read as
 22 follows:

23 "32-6-27.

24 (a) Any person who violates the load limitation provisions of Code Section 32-6-26 shall
 25 be conclusively presumed to have damaged the public roads, including bridges, of this state
 26 by reason of such overloading and shall recompense the state for such damage in
 27 accordance with the following schedule:

28 (1) For the first 1,000 pounds of excess weight, 0.8¢ per pound; plus 1.5¢ per pound for
 29 the next 2,000 pounds of excess weight; plus 3¢ per pound for the next 2,000 pounds of
 30 excess weight; plus 4¢ per pound for the next 3,000 pounds of excess weight; plus 5¢ per
 31 pound for all excess weight over 8,000 pounds;

32 (2) Where a vehicle is authorized to exceed the weight limitations of Code Section
 33 32-6-26 by a permit issued pursuant to Code Section 32-6-28, the term 'excess weight'
 34 means that weight which exceeds the weight allowed by such permit. For such vehicles,
 35 damages for excess weight shall be assessed according to the following schedule: 125

1 percent times, in each category of excess weights, the rate imposed on offending vehicles
2 operating without a permit.

3 (a.1)(1)(A) The Department of ~~Motor Vehicle Safety~~ Public Safety is authorized to
4 issue a citation to the owner or operator of any vehicle in violation of a maximum
5 weight limit on a county road which is a designated local truck route under subsection
6 (f) of Code Section 32-6-26 and for which signs have been placed and maintained as
7 required under paragraph (2) of subsection (c) of Code Section 32-6-50.

8 (B) The Department of ~~Motor Vehicle Safety~~ Public Safety is authorized to issue a
9 warning to the owner or operator of any vehicle in violation of a maximum weight limit
10 on a county road which is a designated local truck route under subsection (f) of Code
11 Section 32-6-26 but for which signs have not been placed or maintained as required
12 under paragraph (2) of subsection (c) of Code Section 32-6-50 upon the first such
13 violation and to issue a citation to such owner or operator for a subsequent such
14 violation.

15 (2)(A) The Department of ~~Motor Vehicle Safety~~ Public Safety is authorized to issue
16 a citation to the owner or operator of any vehicle in violation of a maximum weight
17 limit on a bridge for which signs have been placed and maintained as required under
18 paragraph (3) of Code Section 32-4-41 or subsection (a.1) of Code Section 32-4-91.

19 (B) The Department of ~~Motor Vehicle Safety~~ Public Safety is authorized to issue a
20 warning to the owner or operator of any vehicle in violation of a maximum weight limit
21 on a bridge but for which signs have not been placed or maintained as required under
22 paragraph (3) of Code Section 32-4-41 or subsection (a.1) of Code Section 32-4-91
23 upon the first such violation and to issue a citation to such owner or operator for a
24 subsequent such violation.

25 (b) The schedules listed in paragraphs (1) and (2) of subsection (a) of this Code section
26 shall apply separately to (1) the excess weight of the gross load and (2) the sum of the
27 excess weight or weights of any axle or axles, provided that where both gross load and axle
28 weight limits are exceeded, the owner or operator shall be required to recompense the state
29 only for the largest of the money damages imposed under items (1) and (2) of this
30 subsection.

31 (c)(1) Within 30 days after the issuance of the citation, the owner or operator of any
32 offending vehicle shall pay the amount of the assessment to the Department of ~~Motor~~
33 ~~Vehicle Safety~~ Public Safety or request an administrative determination of the amount
34 and validity of the assessment.

35 (2) The right to an administrative determination of the amount and validity of the
36 assessment shall be granted only to the owner or operator of an offending vehicle.

1 (3) The party requesting an administrative determination of the amount and validity of
 2 the assessment shall deposit the amount of the assessment with the Department of ~~Motor~~
 3 ~~Vehicle Safety~~ Public Safety, within the time permitted to request such determination,
 4 before the determination will be granted. In the event the assessment is determined to be
 5 erroneous, the Department of ~~Motor Vehicle Safety~~ Public Safety shall make prompt
 6 refund of any overpayment after receipt of a final decision making such determination.

7 (4) If an administrative hearing is requested, it shall be held in accordance with Chapter
 8 13 of Title 50, the 'Georgia Administrative Procedure Act,' and the rules and regulations
 9 of the Department of ~~Motor Vehicle Safety~~ Public Safety. The scope of any such hearing
 10 shall be limited to a determination of:

11 (A) The weight of the offending vehicle;

12 (B) The maximum weight allowed by law on the roadway upon which the offending
 13 vehicle was operated; and

14 (C) Whether the operator had in his or her actual possession a valid oversize or
 15 overweight permit issued by the Department of Transportation allowing the vehicle to
 16 operate in excess of the maximum weight otherwise allowed by law on the roadway
 17 upon which the offending vehicle was operated.

18 (5) Any person who has exhausted all administrative remedies available within the
 19 Department of ~~Motor Vehicle Safety~~ Public Safety and who is aggrieved by a final order
 20 of the Department of ~~Motor Vehicle Safety~~ Public Safety is entitled to judicial review in
 21 accordance with Chapter 13 of Title 50.

22 (6) If a party requests an administrative determination of the amount and validity of the
 23 assessment and fails to appear without first obtaining permission from the administrative
 24 law judge or does not withdraw the request in writing no less than five days in advance
 25 of a scheduled hearing, the party shall be deemed in default and the citation shall be
 26 affirmed by operation of law. The party shall be deemed to owe the sum of \$75.00 in
 27 addition to the amount due on the citation, which sum shall represent hearing costs.

28 (d) All moneys collected in accordance with this Code section shall be ~~transmitted to the~~
 29 ~~Department of Motor Vehicle Safety, thereafter to be~~ disposed of as follows:

30 (1) All moneys collected for violations of the weight limitations imposed by this article
 31 shall be remitted to the general fund of the state treasury;

32 (2) All moneys collected for violations of the height, width, or length limitations
 33 imposed by this article, after the appropriate statutory deductions, shall be retained by the
 34 governing authority of the county wherein the violation occurred for deposit in the
 35 general treasury of said county;

36 (3) Hearing costs imposed pursuant to paragraph (6) of subsection (c) of this Code
 37 section shall be retained by the Department of ~~Motor Vehicle Safety~~ Public Safety;

1 (4) Reissuance fees imposed pursuant to paragraph (4) of subsection (g) of this Code
2 section shall be retained by the Department of ~~Motor Vehicle Safety~~ Revenue; and

3 (5) Restoration fees imposed pursuant to paragraph (1) of subsection (i) of this Code
4 section shall be retained by the Department of ~~Motor Vehicle Safety~~ Revenue.

5 (e) Any owner or operator of a vehicle which is operated on the public roads of this state
6 in violation of the weight limitations provided in this article shall be required, in addition
7 to paying the moneys provided in subsection (a) of this Code section, to unload all gross
8 weight in excess of 6,000 pounds over the legal weight limit before being allowed to move
9 the vehicle.

10 (f) Any person authorized by law to enforce this article may seize the offending vehicle
11 of an owner who fails or whose operator fails to pay the moneys prescribed in subsection
12 (a) of this Code section and hold such vehicle until the prescribed moneys are paid. If the
13 offending vehicle is not registered in this state, any person authorized by law to enforce this
14 article may seize any vehicle owned or operated by an owner who fails or whose operator
15 fails to pay the moneys prescribed in subsection (a) of this Code section and hold such
16 vehicle until the prescribed moneys are paid. Any person seizing a vehicle under this
17 subsection or subsection (e) of this Code section may, when necessary, store the vehicle;
18 and the owner thereof shall be responsible for all reasonable storage charges thereon. When
19 any vehicle is seized, held, unloaded, or partially unloaded under these subsections, the
20 load or any part thereof shall be removed or cared for by the owner or operator of the
21 vehicle without any liability on the part of the authorized person or of the state or any
22 political subdivision because of damage to or loss of such load or any part thereof.

23 (g)(1) Whenever any person, firm, or corporation violates this article and becomes
24 indebted to the Department of ~~Motor Vehicle Safety~~ Public Safety because of such
25 violations and fails within 30 days of the date of issuance of the overweight assessment
26 citation either to pay the assessment or appeal to the Department of ~~Motor Vehicle Safety~~
27 Public Safety for administrative review, as provided for in subsection (c) of this Code
28 section, such assessment shall become a lien upon the overweight motor vehicle so found
29 to be in violation, which lien shall be superior to all liens except liens for taxes or
30 perfected security interests established before the debt to the Department of ~~Motor~~
31 ~~Vehicle Safety~~ Public Safety was created.

32 (2) Whenever any person, firm, or corporation requests an administrative review, it shall
33 be held in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure
34 Act.' In the event that the administrative law judge finds in favor of the Department of
35 ~~Motor Vehicle Safety~~ Public Safety, the person, firm, or corporation shall pay the
36 assessment within 30 days after that decision becomes final or, if judicial review is had
37 in accordance with Chapter 13 of Title 50, then within 30 days after final judicial review

1 is terminated. If the person, firm, or corporation fails to pay the assessment within 30
2 days, such assessment shall become a lien as provided for under paragraph (1) of this
3 subsection.

4 (3) The Department of ~~Motor Vehicle Safety~~ Public Safety shall perfect the lien created
5 under this subsection by sending notice thereof on a notice designated by the
6 commissioner of ~~motor vehicle safety~~ public safety, by first-class mail or by statutory
7 overnight delivery, to the owner and all holders of liens and security interests shown on
8 the records of the Department of ~~Motor Vehicle Safety~~ Revenue maintained pursuant to
9 Chapter 3 of Title 40. Upon receipt of notice from the Department of ~~Motor Vehicle~~
10 ~~Safety~~ Public Safety, the holder of the certificate of title shall surrender same to the state
11 revenue commissioner of ~~motor vehicle safety~~ for issuance of a replacement certificate
12 of title bearing the lien of the department unless the assessment is paid within 30 days of
13 the receipt of notice. The Department of ~~Motor Vehicle Safety~~ Revenue may append its
14 the lien to its records, notwithstanding the failure of the holder of the certificate of title
15 to surrender said certificate as required by this paragraph.

16 (4) Upon issuance of a title bearing the lien of the Department of ~~Motor Vehicle Safety~~
17 Public Safety, or the appending of the lien to the records of the Department of ~~Motor~~
18 ~~Vehicle Safety~~ Revenue, the owner of the vehicle or the holder of any security interest
19 or lien shown in the records of the ~~department~~ Department of Revenue may satisfy such
20 lien by payment of the amount of the assessment, including hearing costs, if any, and
21 payment of a reissuance fee of \$100.00. Upon receipt of such amount, the Department
22 of ~~Motor Vehicle Safety~~ Public Safety shall release its lien and the Department of
23 Revenue shall issue a new title without the lien.

24 (h)(1) The Department of ~~Motor Vehicle Safety~~ Public Safety, in seeking to foreclose
25 its lien on the motor vehicle arising out of an overweight motor vehicle citation assessed
26 under this article, may seek an immediate writ of possession from the court before whom
27 the petition is filed, if the petition contains a statement of facts, under oath, by the
28 Department of ~~Motor Vehicle Safety~~ Public Safety, its agents, its officers, or attorney
29 setting forth the basis of the petitioner's claim and sufficient grounds for issuance of an
30 immediate writ of possession.

31 (2) The Department of ~~Motor Vehicle Safety~~ Public Safety shall allege under oath
32 specific facts sufficient to show that it is within the power of the defendant to conceal,
33 encumber, convert, convey, or remove from the jurisdiction of the court the property
34 which is the subject matter of the petition.

35 (3) The court before whom the petition is pending shall issue a writ for immediate
36 possession, upon finding that the petitioner has complied with paragraphs (1) and (2) of
37 this subsection. If the petitioner is found not to have made sufficient showing to obtain

1 an immediate writ of possession, the court may, nevertheless, treat the petition as one
2 being filed under Code Section 44-14-231 and proceed accordingly.

3 (4) When an immediate writ of possession has been granted, the Department of ~~Motor~~
4 ~~Vehicle Safety~~ Public Safety shall proceed against the defendant in the same manner as
5 provided for in Code Sections 44-14-265 through 44-14-269.

6 (i)(1) Whenever any person, firm, or corporation violates this article and fails within 30
7 days of the date of issuance of the overweight assessment citation either to pay the
8 assessment or appeal to the Department of ~~Motor Vehicle Safety~~ Public Safety for an
9 administrative review as provided for under Chapter 13 of Title 50, the 'Georgia
10 Administrative Procedure Act,' the Department of ~~Motor Vehicle Safety~~ Revenue may
11 act to suspend the motor vehicle registration of the vehicle involved. However, if the
12 person, firm, or corporation requests an administrative review, the Department of ~~Motor~~
13 ~~Vehicle Safety~~ Revenue shall act to suspend the registration only after the issuance of a
14 final decision favorable to the Department of ~~Motor Vehicle Safety~~ Public Safety and the
15 requisite failure of the person, firm, or corporation to pay the assessment. Upon such
16 failure to pay the assessment, the Department of ~~Motor Vehicle Safety~~ Revenue shall
17 send a letter to the owner of such motor vehicle notifying the owner of the suspension of
18 the motor vehicle registration issued to the motor vehicle involved in the overweight
19 assessment citation. Upon complying with this subsection by paying the overdue
20 assessment and upon submitting proof of compliance and paying a \$10.00 restoration fee
21 to the Department of ~~Motor Vehicle Safety~~ Revenue, the state revenue commissioner of
22 ~~motor vehicle safety~~ shall reinstate any motor vehicle registration suspended under this
23 subsection. In cases where the motor vehicle registration has been suspended under this
24 subsection for a second or subsequent time during any two-year period, the Department
25 of ~~Motor Vehicle Safety~~ Revenue shall suspend the motor vehicle registration for a
26 period of 60 days and thereafter until the owner submits proof of compliance with this
27 subsection and pays the \$150.00 restoration fee to the Department of ~~Motor Vehicle~~
28 ~~Safety~~ Revenue.

29 (2) Unless otherwise provided for in this Code section, notice of the effective date of the
30 suspension of a motor vehicle registration occurs when the owner has actual knowledge
31 or legal notice thereof, whichever first occurs. For the purposes of making any
32 determination relating to the restoration of a suspended motor vehicle registration, no
33 period of suspension shall be deemed to have begun until ten days after the mailing of the
34 notice required in paragraph (1) of this subsection.

35 (3) For the purposes of this subsection, except where otherwise provided, the mailing of
36 a notice to a person at the name and address shown in records of the Department of ~~Motor~~
37 ~~Vehicle Safety~~ Revenue maintained under Chapter 3 of Title 40 shall, with respect to the

1 holders of liens and security interests, be presumptive evidence that such person received
2 the required notice.

3 (4) For the purposes of this subsection, except where otherwise provided, the mailing of
4 a notice to a person or firm at the name and address shown on the overweight assessment
5 citation shall, with respect to owners and operators of vehicles involved in an overweight
6 assessment, be presumptive evidence that such person received the required notice.

7 (5) The state revenue commissioner of ~~motor vehicle safety~~ may suspend the motor
8 vehicle registration of any offending vehicle for which payment of an overweight
9 assessment is made by a check that is returned for any reason.

10 (6) For the purposes of this subsection, where any provisions require the Department of
11 Public Safety or the Department of ~~Motor Vehicle Safety~~ Revenue to give notice to a
12 person, which notice affects such person's motor vehicle license plate, the mailing of
13 such notice and the name and address shown on the notice of overdue assessment citation
14 supplied by the Department of ~~Motor Vehicle Safety~~ Public Safety, as required by this
15 subsection, shall be presumptive evidence that such person received the required notice."

16 SECTION 12-3.

17 Said Chapter 6 of Title 32 is further amended by striking Code Section 32-6-29, relating to
18 regulations and enforcement, and inserting in its place a new Code section to read as follows:

19 "32-6-29.

20 (a) The Department of Transportation shall be responsible for rules and regulations
21 relating to size and weight limits and issuance of permits under this article.

22 (b) The Department of Transportation shall not, however, employ any law enforcement
23 officers or agents except as may be specifically authorized by other laws. Responsibility
24 Law enforcement responsibility for enforcement of this article shall be in the Department
25 of ~~Motor Vehicle~~ Public Safety. "

26 SECTION 12-4.

27 Said Chapter 6 of Title 32 is further amended by striking Code Section 32-6-30, relating to
28 stopping vehicles for purposes of weighing, measuring, or inspecting, and inserting in its
29 place a new Code section to read as follows:

30 "32-6-30.

31 (a) Any law enforcement officer or employee of the Department of ~~Motor Vehicle Safety~~
32 Public Safety to whom law enforcement authority has been designated who observes a
33 motor vehicle being operated upon a public road of the state and who has reason to believe
34 that: (1) Any provision of this article is being violated; (2) The vehicle is improperly
35 licensed in violation of Code Sections 40-2-150 through 40-2-162; or (3) A fuel tax

1 registration card is not being carried or that a proper distinguishing identification marker
 2 is not affixed to the vehicle in violation of Code Sections 48-9-39 and 48-11-14 is
 3 authorized to stop such vehicle and weigh, measure, or inspect the same. Violations of such
 4 licensing or fuel tax registration and identification requirements shall be reported to the
 5 ~~Department of Motor Vehicle Safety or the~~ Department of Revenue as appropriate.

6 (b)(1) If the operator of the vehicle shall refuse to stop upon proper order as directed by
 7 a person authorized by subsection (a) of this Code section to stop, weigh, measure, or
 8 inspect the vehicle or its load, the operator shall be guilty of a misdemeanor and, upon
 9 conviction thereof, shall be punished by a fine not to exceed \$200.00. The operator shall
 10 have the right to post an appropriate bond, which shall not exceed \$400.00, when any law
 11 enforcement officer or employee of the Department of ~~Motor Vehicle Safety~~ Public
 12 Safety authorized to enforce this article apprehends said operator for any violation of this
 13 article.

14 (2) In addition, the operator's driver's license or nonresident's driving privilege may be
 15 suspended for a period of not more than 90 days by the Department of ~~Motor Vehicle~~
 16 ~~Safety~~ Driver Services upon satisfactory proof of said refusal to stop or drive the vehicle
 17 upon the scales. Each person who shall apply for a Georgia driver's license, or for
 18 nonresident driving privileges, or for a renewal of same thereby consents to stop such
 19 vehicle for inspection or to drive such vehicle upon scales whenever so ordered by a law
 20 enforcement official or authorized employee of the Department of ~~Motor Vehicle Safety~~
 21 Public Safety."

22 **PART XIII**

23 **Amendments to Title 33.**

24 **Insurance.**

25 **SECTION 13-1.**

26 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in Code
 27 Section 33-9-42, relating to reduction in premiums for motor vehicle liability, first-party
 28 medical, and collision coverages for certain named drivers, by striking subsections (b)
 29 through (g) and inserting in their place new subsections to read as follows:

30 "(b) Reductions in premiums shall be available if all named drivers who are 25 years of
 31 age or older:

- 32 (1) Have committed no traffic offenses for the prior three years or since the date of
- 33 licensure, whichever is shorter;
- 34 (2) Have had no claims based on fault against an insurer for the prior three years; and
- 35 (3) Complete one of the following types of driving courses:

- 1 (A) A course in defensive driving of not less than six hours from a driver improvement
 2 clinic or commercial or noncommercial driving school approved by and under the
 3 jurisdiction of the Department of ~~Motor Vehicle Safety~~ Driver Services;
- 4 (B) An emergency vehicles operations course at the Georgia Public Safety Training
 5 Center;
- 6 (C) A course in defensive driving of not less than six hours from a driver improvement
 7 program which is administered by a nonprofit organization such as the American
 8 Association of Retired People, the American Automobile Association, the National
 9 Safety Council, or a comparable organization and which meets the standards
 10 promulgated by the Department of ~~Motor Vehicle Safety~~ Driver Services pursuant to
 11 subsection (f) of this Code section; or
- 12 (D) A course in defensive driving of not less than six hours offered by an employer to
 13 its employees and their immediate families, which course has been approved by the
 14 Department of ~~Motor Vehicle Safety~~ Driver Services.
- 15 (c) Reductions in premiums shall be available if all named drivers who are under 25 years
 16 of age:
- 17 (1) Have committed no traffic offenses for the prior three years or since the date of
 18 licensure, whichever is shorter;
- 19 (2) Have had no claims based on fault against an insurer for the prior three years; and
- 20 (3) Complete a preparatory course offered to new drivers of not less than 30 hours of
 21 classroom training and not less than six hours of practical training by a driver's training
 22 school approved by and under the jurisdiction of the Department of ~~Motor Vehicle Safety~~
 23 Driver Services or by an accredited secondary school, junior college, or college.
- 24 (d) Upon completion of one of the driving courses specified in paragraph (3) of subsection
 25 (b) or paragraph (3) of subsection (c), as applicable, of this Code section by each named
 26 driver, eligibility for reductions in premiums for such policy shall continue for a period of
 27 three years, provided any named driver under such policy does not commit a traffic offense
 28 or have a claim against the policy based on any such driver's fault.
- 29 (e) The Department of ~~Motor Vehicle Safety~~ Driver Services shall assure through the
 30 supervision of driver improvement clinics, emergency vehicles operations courses, driver
 31 improvement programs administered by nonprofit organizations, and commercial or
 32 noncommercial driving schools approved by the Department of ~~Motor Vehicle Safety~~
 33 Driver Services that defensive driving courses shall be available and accessible wherever
 34 practicable as determined by the department to licensed drivers throughout the state.
- 35 (f) Each insurer providing premium discounts under this Code section shall provide, upon
 36 the request of the Commissioner, information regarding the amount of such discounts in
 37 a form acceptable to the Commissioner.

1 (g) The power of supervision granted to the Department of ~~Motor Vehicle Safety~~ Driver
 2 Services over driver improvement programs administered by nonprofit organizations under
 3 this Code section shall be limited to the establishment of minimum standards and
 4 requirements relative to the content of specific courses offered by such programs and
 5 relative to investigation and resolution of any complaints directed towards the content or
 6 operation of any course by a person enrolled in such course. The Department of ~~Motor~~
 7 ~~Vehicle Safety~~ Driver Services may adopt rules and regulations necessary to carry out the
 8 provisions of this subsection. The Department of ~~Motor Vehicle Safety~~ Driver Services
 9 shall not require a nonprofit organization to obtain a license or permit or to pay a fee in
 10 order to administer a driver improvement program in the state. The Department of ~~Motor~~
 11 ~~Vehicle Safety~~ Driver Services shall not require a commercial driving school licensed by
 12 such department to obtain an additional license to teach a defensive driving course, as
 13 described in subparagraph (b)(3)(A) or paragraph (3) of subsection (c) of this Code section,
 14 at any location in this state."

15 **SECTION 13-2.**

16 Said Title 33 is further amended in Code Section 33-34-9, relating to payment of insurance
 17 for total loss motor vehicles, by striking subsection (b) and inserting in its place a new
 18 subsection to read as follows:

19 "(b) For the purpose of implementing this Code section, at the discretion of the
 20 ~~Commissioner of the Department of Motor Vehicle Safety~~ state revenue commissioner, an
 21 insurer may be granted access via electronic means to individual motor vehicle records.
 22 Any such access shall be in accordance with Code Section 40-3-23, and the Department
 23 of ~~Motor Vehicle Safety~~ Revenue shall establish the application and approval process
 24 before allowing any such access. The information provided to an insurer pursuant to this
 25 Code section shall be limited to the verification of the vehicle owner's name, vehicle
 26 information, and any recorded security interests or liens as shown on the records of the
 27 Department of ~~Motor Vehicle Safety~~ Revenue."

28 **PART XIII A**

29 **Amendment to Chapter 35-2.**

30 **Department of Public Safety.**

31 **SECTION 13A-1.**

32 Chapter 2 of Title 35, relating to the Department of Public Safety, is amended by adding at
 33 its end a new Article 5 to read as follows:

"ARTICLE 5

35-2-100.

There is created and established a division of the Department of Public Safety to be known as the Motor Carrier Compliance Division, the members of which shall be known and designated as 'law enforcement officers.'

35-2-101.

(a) The Motor Carrier Compliance Division of the department shall have jurisdiction throughout this state with such duties and powers as are prescribed by law.

(b) The primary duties of the Motor Carrier Compliance Division shall be as follows:

(1) Enforcement of laws and regulations relating to the size and the weights of motor vehicles, trailers, and loads as provided for in Article 2 of Chapter 6 of Title 32;

(2) Enforcement of laws and regulations relating to licensing and fuel tax registration requirements and the reporting of violations thereof to the Department of Revenue;

(3) Enforcement of safety standards for motor vehicles and motor vehicle components;

(4) Enforcement of laws relating to hazardous materials carriers;

(5) Enforcement of all state laws on the following properties owned or controlled by the Department of Transportation or the State Road and Tollway Authority: rest areas, truck-weighing stations or checkpoints, wayside parks, parking facilities, toll facilities, and any buildings and grounds for public equipment and personnel used for or engaged in administration, construction, or maintenance of the public roads or research pertaining thereto;

(6) Enforcement of Code Section 16-10-24, relating to obstructing or hindering law enforcement officers;

(7) Directing and controlling traffic on any public road which is part of the state highway system but only in areas where maintenance and construction activities are being performed and at scenes of accidents and emergencies until local police officers or Georgia State Patrol officers arrive and have the situation under control;

(8) Enforcement of Code Sections 32-9-4 and 40-6-54, relating to designation of restricted travel lanes;

(9) Enforcement of Code Section 16-11-43, relating to obstructing highways, streets, sidewalks, or other public passages, on any public road which is part of the state highway system;

(10) Enforcement of Code Section 16-7-43, relating to littering public or private property or waters, on any public road which is part of the state highway system;

1 (11) Enforcement of Code Section 16-7-24, relating to interference with government
2 property, on any public road which is part of the state highway system; and

3 (12) Enforcement of any state law when ordered to do so by the commissioner.

4 (c) In performance of the duties specified in subsection (b) of this Code section, certified
5 law enforcement officers employed by the department or designated by the commissioner
6 shall:

7 (1) Be authorized to carry firearms;

8 (2) Exercise arrest powers;

9 (3) Have the power to stop, enter upon, and inspect all motor vehicles using the public
10 highways for purposes of determining whether such vehicles have complied with and are
11 complying with laws, the administration or enforcement of which is the responsibility of
12 the department;

13 (4) Have the power to examine the facilities where motor vehicles are housed or
14 maintained and the books and records of motor carriers for purposes of determining
15 compliance with laws, the administration or enforcement of which is the responsibility
16 of the department; and

17 (5) Exercise the powers generally authorized for law enforcement officers in the
18 performance of their duties or otherwise to the extent needed to protect any life or
19 property when the circumstances demand action.

20 (d) The commissioner shall authorize law enforcement officers of the Motor Carrier
21 Compliance Division to make use of dogs trained for the purpose of detection of drugs and
22 controlled substances while such officers are engaged in the performance of their
23 authorized duties. If such authorized use of such a dog indicates probable cause to indicate
24 the presence of contraband, the officer or officers shall in those circumstances have the full
25 authority of peace officers to enforce the provisions of Article 2 of Chapter 13 of Title 16,
26 the 'Georgia Controlled Substances Act,' and Article 3 of Chapter 13 of Title 16, the
27 'Dangerous Drug Act'; provided, however, that the department must immediately notify the
28 local law enforcement agency and district attorney of the jurisdiction where a seizure is
29 made.

30 (e)(1) Certified law enforcement officers employed by the Motor Carrier Compliance
31 Division may use a department motor vehicle while working an approved off-duty job,
32 provided that:

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

1 (B) The off-duty employer agrees to pay and does pay to the department an amount
 2 determined by the commissioner to be sufficient to reimburse the department for the use
 3 of the vehicle and to pay the off-duty employee sufficient compensation. Pursuant to
 4 such contract, the department shall pay the employee of the department the
 5 compensation earned on off-duty employment whenever such employee performs such
 6 service in a department motor vehicle; and

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

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

11 PART XIV

12 Amendments to Chapter 40-2.

13 Registration and licensing of motor vehicles.

14 SECTION 14-1.

15 Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and
 16 licensing of motor vehicles, is amended by striking paragraphs (2) and (3) of Code Section
 17 40-2-1, relating to definitions, and inserting in their place new paragraphs to read as follows:

18 "(2) 'Commissioner' means the ~~commissioner of motor vehicle safety~~ state revenue
 19 commissioner.

20 (3) 'Department' means the Department of ~~Motor Vehicle Safety~~ Revenue."

21 SECTION 14-2.

22 Said Chapter 2 of Title 40 is further amended in Code Section 40-2-8. relating to license
 23 plates, temporary plates, and unregistered vehicles, by striking division (b)(2)(B)(ii) and
 24 inserting in its place a new division to read as follows:

25 "(ii) All temporary plates issued by dealers to purchasers of vehicles on or after
 26 January 1, 2001, shall be of a standard design prescribed by regulation promulgated
 27 by the ~~Department of Motor Vehicle Safety~~ department in accordance with the
 28 requirements of this subparagraph. Temporary plates issued by dealers to purchasers
 29 prior to such date may be of any design if such plates meet the requirements of this
 30 subparagraph."

31 SECTION 14-3.

32 Said Chapter 2 of Title 40 is further amended by striking Code Section 40-2-24, relating to
 33 bonding of tag agents, and inserting in its place a new Code section to read as follows:

1 "40-2-24.

2 Each tag agent shall give bond conditioned as the commissioner may require, and in such
3 amount as the commissioner may deem necessary and proper, not exceeding \$250,000.00,
4 to protect the state adequately. Such bond shall be executed by a surety corporation
5 licensed to do business in the State of Georgia, as surety, and the premiums shall be paid
6 by the ~~Department of Motor Vehicle Safety~~ department. The bond shall run to the
7 Governor and his or her successors in office and shall be approved as to conditions, form,
8 and sufficiency by the commissioner."

9 **SECTION 14-4.**

10 Said Chapter 2 of Title 40 is further amended by striking Code Section 40-2-70, relating to
11 special license plates for certain disabled veterans, and inserting in its place a new Code
12 section to read as follows:

13 "40-2-70.

14 Any citizen and resident of the State of Georgia who has been discharged from the armed
15 forces under conditions other than dishonorable, who is disabled to any degree specified
16 and enumerated in Code Section 40-2-69, and who is the owner of a private passenger
17 motor vehicle, but who cannot qualify under Code Section 40-2-69, shall be entitled to a
18 special and distinctive automobile license plate. Such license plate shall be transferred to
19 another vehicle acquired by such veteran or jointly by such veteran and his or her spouse
20 as provided in Code Section 40-2-80. Such veteran shall be entitled to such plate regardless
21 of whether he or she is suffering from a service connected or nonservice connected
22 disability. Such veteran must apply for such license plate and, upon compliance with the
23 state motor vehicle laws for licensing of motor vehicles and payment of the regular license
24 fee for plates as prescribed under Article 7 of this chapter, such veteran shall be issued
25 similar license plates as prescribed in Code Section 40-2-71 for private passenger cars.
26 There shall be no charge for the additional plate issued such veteran under this Code
27 section. If a veteran has not been certified as disabled by the United States Department of
28 Veterans Affairs, such veteran may submit to the Department of Veterans Service such
29 veteran's discharge papers and a certified statement from a physician, licensed under
30 Chapter 34 of Title 43, certifying that in the opinion of such physician such veteran is
31 disabled to a degree enumerated in Code Section 40-2-69. If the certificate from the
32 physician indicates the qualifying disabilities which meet the standards of the United States
33 Department of Veterans Affairs, the commissioner of veterans service shall submit a letter
34 to the state revenue ~~commissioner of motor vehicle safety~~ indicating that the veteran meets
35 the requirements of this Code section and qualifies for a special license plate as provided
36 in this Code section."

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

2 (2.1) 'Department' means the Department of ~~Motor Vehicle Safety Revenue~~ Revenue."

3 **PART XVI**

4 **Amendments to Chapter 40-4.**

5 **Identification of and purchase and resale of motor vehicles and parts.**

6 **SECTION 16-1.**

7 Chapter 4 of Title 40 of the Official Code of Georgia Annotated, relating to identification of
8 and purchase and resale of motor vehicles and parts, is amended by striking Code Section
9 40-4-5, relating to identification of truck chassis, and inserting in its place a new Code
10 section to read as follows:

11 "40-4-5.

12 Truck chassis with features designed for specialized requirements of a wrecker
13 manufactured after January 1, 1967, but before January 1, 1997, shall, at the time the
14 vehicle is first registered on or after January 1, 1997, pursuant to Code Section 40-2-21, be
15 issued by the Department of ~~Motor Vehicle Safety Revenue~~ Revenue a unique vehicle identification
16 number which shall be affixed to and maintained upon the chassis by the owner in a
17 manner consistent with the requirements of subsections (b) and (e) of Code Section
18 40-4-4."

19 **PART XVII**

20 **Amendments to Chapter 40-5.**

21 **Drivers' licenses.**

22 **SECTION 17-1.**

23 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
24 is amended in Code Section 40-5-1, relating to definitions applicable to said chapter, by
25 striking paragraphs (3), (5), and (7) and inserting in their respective places new paragraphs
26 to read as follows:

27 "(3) 'Cancellation of driver's license' means the annulment or termination by formal
28 action of the ~~Department of Motor Vehicle Safety~~ department of a person's license
29 because of some error or defect in the license or because the licensee is no longer entitled
30 to such license. The cancellation of a license is without prejudice, and application for a
31 new license may be made at any time after such cancellation."

32 "(5) 'Commissioner' means the commissioner of ~~motor vehicle safety~~ driver services."

33 "(7) 'Department' means the Department of ~~Motor Vehicle Safety~~ Driver Services."

SECTION 17-5.

Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-22.1, relating to reinstatement of license of child under 16 years convicted of driving under influence of alcohol or drugs, and inserting in its place a new Code section to read as follows:

"40-5-22.1.

Notwithstanding any other provision of law, if a child under 16 years of age is adjudicated delinquent of driving under the influence of alcohol or drugs or of possession of marijuana or a controlled substance in violation of Code Section 16-13-30 or of the unlawful possession of a dangerous drug in violation of Code Section 16-13-72 or convicted in any other court of such offenses, the court shall order that the privilege of such child to apply for and be issued a driver's license or learner's permit shall be suspended and delayed until such child is 17 years of age for a first conviction and until such child is 18 years of age for a second or subsequent such conviction. Upon reaching the required age, such license privilege shall be reinstated if the child submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Human Resources or an assessment and intervention program approved by the juvenile court and pays a fee of \$210.00 to the Department of ~~Motor Vehicle Safety~~ Driver Services or \$200.00 when such application is processed by mail. The court shall notify the ~~Department of Motor Vehicle Safety~~ department of its order delaying the issuance of such child's license within 15 days of the date of such order. The ~~Department of Motor Vehicle Safety~~ department shall not issue a driver's license or learner's permit to any person contrary to a court order issued pursuant to this Code section."

SECTION 17-6.

Said Chapter 5 of Title 40 is further amended by striking subsections (a), (c), and (d) of Code Section 40-5-25, relating to driver's license applications, and inserting in their place new subsections to read as follows:

"(a) Every application for an instruction permit or for a driver's license shall be made upon a form furnished by the department. Every application shall be accompanied by the proper license fee. The fees shall be as established by the commissioner, not to exceed:

(1) For instruction permits for Classes A, B, C, and M drivers' licenses and for Class D drivers' licenses	\$ 10.00
(2) For <u>five-year</u> Classes <u>A, B, C,</u> and M <u>noncommercial</u> drivers' licenses	15.00 <u>20.00</u>
<u>(2.1) For ten-year Classes A, B, C, and M noncommercial driver's licenses</u>	<u>35.00</u>

1	(3) For Classes A, and B , <u>C, and M commercial</u> drivers' licenses	15.00 <u>20.00</u>
2	(4) For application for Classes A, B, C, and M commercial drivers' licenses	
3	or a Class P commercial driver's instruction permit	35.00
4	(5) For Class P commercial drivers' instruction permits for Classes A, B, C,	
5	and M commercial drivers' licenses	10.00
6	(6) For Classes A, B, C, and M commercial drivers' licenses, initial issuance	
7	requiring a road test	65.00
8	(7) For Classes A, B, C, and M commercial drivers' licenses, initial issuance	
9	not requiring a road test	15.00 <u>20.00</u>
10	(8) For renewal of Classes A, B, C, and M commercial drivers' licenses . .	15.00 <u>20.00</u>
11	<u>(8.1) For renewal of five-year Classes A, B, C, and M noncommercial drivers'</u>	
12	<u>licenses</u>	<u>20.00</u>
13	<u>(8.2) For renewal of ten-year Classes A, B, C, and M noncommercial drivers'</u>	
14	<u>licenses</u>	<u>35.00</u>
15	(9) Initial issuance of Classes A, B, C, and M commercial drivers' licenses	
16	and Class P commercial drivers' instruction permits shall include all	
17	endorsement fees within the license fee. Each endorsement added after initial	
18	licensing	5.00
19	<u>The commissioner may by rule provide incentive discounts in otherwise applicable fees</u>	
20	<u>reflecting cost savings to the department where a license is renewed by means other than</u>	
21	<u>personal appearance. The discount for renewal of a Class C or Class M license shall be</u>	
22	<u>\$5.00 and any other discounts shall be as determined by the commissioner.</u> Except as	
23	provided in Code Section 40-5-36, relating to veterans' licenses, and Code Section	
24	40-5-149, relating to application fees for public school bus drivers, there shall be no	
25	exceptions to the fee requirements for a commercial driver's license or a commercial	
26	driver's license permit. Notwithstanding any other provision of this Code section, there	
27	shall be no fee whatsoever for replacement of any driver's license solely due to a change	
28	of the licensee's name or address, provided that such replacement license shall be valid	
29	only for the remaining period of such original license; and provided, further, that only one	
30	such free replacement license may be obtained within any four-year <u>the</u> period for which	
31	the license was originally issued. <u>Any application for the replacement of a lost license</u>	
32	<u>pursuant to Code Section 40-5-31 or due to a change in the licensee's name or address</u>	

1 submitted within 150 days of the expiration of said license shall be treated as an application
 2 for renewal subject to the applicable license fees as set forth in this subsection."

3 "(c) Every such application shall state the full legal name, date of birth, sex, and residence
 4 address of the applicant; shall briefly describe the applicant; and shall state whether the
 5 applicant has theretofore been licensed as a driver and, if so, when and by what state or
 6 country, and whether any such license has ever been suspended, revoked, or refused, and,
 7 if so, the date of and reason for such suspension, revocation, or refusal; and shall state such
 8 other information as the commissioner may require to determine the applicant's identity,
 9 competence, and eligibility. The application shall include any other information as required
 10 by paragraph (1) of subsection (a.1) of Code Section 19-11-9.1. The department shall not
 11 issue a license until a complete examination of the applicant's record has been completed.
 12 The commissioner may issue such rules and regulations as shall be necessary for the
 13 orderly processing of license applications.

14 (d)(1) The General Assembly finds that it is in the best interest of the state to encourage
 15 improved public education and awareness regarding anatomical gifts of human organs
 16 and tissues and to address the ever increasing need for donations of anatomical gifts for
 17 the benefit of the citizens of Georgia.

18 ~~(2) Notwithstanding the provisions of paragraph (2) or (3) of subsection (a) of this Code~~
 19 ~~section, each applicant for the issuance, reissuance, or renewal of a Class C, M, A, or B~~
 20 ~~driver's license under paragraph (2) or (3) of subsection (a) of this Code section shall~~
 21 ~~accompany such application with a license fee as established by the commissioner, not~~
 22 ~~to exceed \$8.00, if such applicant executes an anatomical gift pursuant to Code Section~~
 23 ~~40-5-6.~~

24 ~~(3)~~(2) The department shall make available to those federally designated organ
 25 procurement organizations the name, license number, date of birth, and most recent
 26 address of any person who obtains a an organ donor driver's license ~~with the reduced fee~~
 27 ~~provided for in paragraph (2) of this subsection.~~ Information so obtained by such
 28 organizations shall be used for the purpose of establishing a state-wide organ donor
 29 registry accessible to organ tissue and eye banks authorized to function as such in this
 30 state and shall not be further disseminated."

31 SECTION 17-7.

32 Said Chapter 5 of Title 40 is further amended in Code Section 40-5-27, relating to
 33 examination of applicants, by striking subsections (a), (d), and (e) and inserting in their
 34 respective places new subsections to read as follows:

35 "(a) The department shall examine every applicant for a driver's license, except as
 36 otherwise provided by subsection (d) of this Code section. Such examination shall include

1 a test of the applicant's eyesight, his or her ability to understand official traffic-control
 2 devices, and his or her knowledge of safe driving practices and the traffic laws of this state
 3 and shall also include a comprehensive on-the-road driving test during which the applicant
 4 shall be required to fully demonstrate his or her ability to exercise ordinary and reasonable
 5 control in the operation of a motor vehicle of the type or general class of vehicles he or she
 6 desires a license to drive; provided, however, that the on-the-road driving test requirement
 7 shall not apply to any applicant for a Class C driver's license who holds a Class D driver's
 8 license issued on or after January 1, 2002. ~~Applicants~~ An applicant 18 years of age and
 9 older with a valid and current license ~~licenses~~ license, or a license that has been expired for less
 10 than two years, issued by another state of the United States or the District of Columbia who
 11 ~~surrender their previous licenses~~ surrenders his or her previous license to obtain a Georgia
 12 license shall be exempt from taking such tests ~~other than tests of eyesight~~. The examination
 13 may also include such further physical and mental examination as the department finds
 14 necessary to determine the applicant's fitness to operate a motor vehicle safely upon the
 15 highways. The commissioner may establish by rules and regulations the type of tests or
 16 demonstrations to be made by applicants for any class of license."

17 "(d) The department shall ~~implement a six-month pilot program to determine licensing~~
 18 ~~requirements for licensed driver training schools to conduct on-the-road driving tests as~~
 19 ~~provided in subsection (e) of this Code section. The department shall report the results of~~
 20 ~~such pilot program to the House Committee on Motor Vehicles. (e) If the department~~
 21 ~~determines that the pilot program provided for in subsection (d) of this Code section is~~
 22 ~~successful, it shall~~ authorize licensed driver training schools to conduct on-the-road driving
 23 tests and other tests required for issuance of a driver's license as provided in this
 24 subsection. The department may authorize licensed driver training schools to issue driver's
 25 licenses to successful applicants as provided in this subsection. The department shall, prior
 26 to approving a licensed driver training school to conduct ~~on-the-road driving~~ tests or issue
 27 licenses or both as provided in this subsection, make a determination that the school has
 28 been licensed for a minimum of ~~one year~~ two years and has conducted driver education and
 29 adult education courses on a full-time basis for such ~~one-year~~ two-year period and that such
 30 school meets all other standards which the department may establish as a condition for
 31 approval to conduct such tests or issue licenses or both. The department shall authorize a
 32 driver training school licensed pursuant to Chapter 13 of Title 43 and approved by the
 33 department to administer the testing provided for in this Code section, provided that the
 34 applicant has successfully completed a driver training course which includes a minimum
 35 of 30 class hours of instruction and six hours of private in-car training. The department
 36 may establish by rules and regulations the type of tests or demonstrations to be made by
 37 applicants for any Class C or Class D driver's license under this Code section."

SECTION 17-8.

Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-28, relating to issuance of drivers' licenses, and inserting in its place a new Code section to read as follows:

"40-5-28.

(a) The department shall, upon payment of the required fee, issue to every applicant qualifying therefor a driver's license indicating the type or general class of vehicles the licensee may drive, which license shall be upon a form prescribed by the department and which shall bear thereon a distinguishing number assigned to the licensee, a color photograph of the licensee, the licensee's full name, either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with a pen and ink immediately upon receipt of the license, and such other information or identification as is required by the department. No license shall be valid until it has been so signed by the licensee. Specifically but without limitation, the department may require applicants to submit fingerprints by means of an inkless fingerprint scanning device upon application.

(b) The commissioner shall determine the location and manner of issuance of drivers' licenses. Without limiting the generality of the foregoing, it is specifically provided that the commissioner may designate county tag agents as agents of the department for this purpose and may authorize the issuance of drivers' licenses by county tag agents."

SECTION 17-9.

Said Chapter 5 of Title 40 is further amended in Code Section 40-5-31, relating to replacement permits or licenses, by striking subsection (b) and inserting in its place a new subsection to read as follows:

"(b) The department shall issue a temporary permit or driver's license to each individual who has lost by misplacement, and not by revocation or suspension, his or her instruction permit or driver's license and who has made application under oath on a form furnished by the department which states that the applicant presently has a valid permit or license which has been lost or misplaced. In lieu of the applicant's signature on a form, any application for the issuance of a replacement license submitted electronically shall contain an acknowledgment and attestation under penalty of perjury that he or she meets each requirement of this Code section."

SECTION 17-10.

Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-32, relating to driver's license renewal, and inserting in its place a new Code section to read as follows:

1 "40-5-32.

2 (a)(1) ~~Every~~ Except as otherwise provided in this Code section, every driver's license
 3 shall expire on the licensee's birthday in the ~~fourth~~ fifth year following the issuance of
 4 such license. Notwithstanding the foregoing, any commercial license that contains an H
 5 or X endorsement as defined in subsection (c) of Code Section 40-5-150 shall expire on
 6 the date of expiration of the licensee's security threat assessment conducted by the
 7 Transportation Security Administration of the United States Department of Homeland
 8 Security. An applicant for a Class A, B, C, or M noncommercial driver's license who is
 9 under age 60 shall at the applicant's option apply for a license which shall expire on the
 10 licensee's birthday in the fifth or tenth year following the issuance of such license. Every
 11 such license shall be renewed on or before its expiration upon application, payment of
 12 the required fee, and, if applicable, satisfactory completion of the examination required
 13 or authorized by subsection (c) of this Code section.

14 (2) Except as otherwise provided by subsection (c) of this Code section, every ~~holder of~~
 15 a veteran's or honorary license shall ~~meet the requirements of subsection (c) of this Code~~
 16 ~~section~~ be valid until the holder reaches age 65 and shall thereafter be subject to renewal
 17 pursuant to paragraph (1) of this subsection on or before his or her birthday every ~~four~~
 18 ~~five~~ years, beginning from the date on which the holder was last required to take an
 19 ~~examination under former Ga. L. 1972, p. 1076, as amended by Ga. L. 1973, pp. 916,~~
 20 ~~917.~~ The department may allow a veteran or honorary license holder to retain his or her
 21 expired veteran's or honorary license as a souvenir.

22 (3) The commissioner shall issue such rules and regulations as are required to enforce
 23 this subsection.

24 (b) An application for driver's license renewal may be submitted by means of:

25 (1) Personal appearance before the department; or

26 (2) Subject to rules or regulations of the department which shall be consistent with
 27 considerations of public safety and efficiency of service to licensees, means other than
 28 such personal appearance which may include without limitation by mail or electronically.
 29 The department may by such rules or regulations exempt persons renewing drivers'
 30 licenses under this paragraph from the license surrender requirement of subsection (c)
 31 of Code Section 40-5-20.

32 (c)(1) The department shall require every person who is age 64 or older applying for
 33 renewal of a driver's license to take and pass successfully such test of his or her eyesight
 34 as the department shall prescribe, ~~unless otherwise provided by rule or regulation for~~
 35 ~~purposes of paragraph (2) of subsection (b) of this Code section.~~

36 (2) The commissioner may issue such rules and regulations as are necessary to
 37 implement this subsection."

1 courts to submit by electronic means no later than a future date to be determined by the
 2 commissioner."

3 **SECTION 17-13.**

4 Said Chapter 5 of Title 40 is further amended in Code Section 40-5-57.1, relating to
 5 suspension of licenses of young drivers, by striking subsection (b) and inserting in its place
 6 a new subsection to read as follows:

7 "(b) A person whose driver's license has been suspended under subsection (a) of this Code
 8 section shall:

9 (1) Subject to the requirements of subsection (c) of this Code section and except as
 10 otherwise provided by paragraph (2) of this subsection:

11 (A) Upon a first such suspension, be eligible to apply for license reinstatement and,
 12 subject to ~~successful recompletion of the examination requirements of Code Section~~
 13 ~~40-5-27~~ and payment of required fees, have his or her driver's license reinstated after
 14 six months; and

15 (B) Upon a second or subsequent such suspension, be eligible to apply for license
 16 reinstatement and, subject to ~~successful recompletion of the examination requirements~~
 17 ~~of Code Section 40-5-27~~ and payment of required fees, have his or her driver's license
 18 reinstated after 12 months; or

19 (2)(A) If the driver's license was suspended upon conviction for violation of Code
 20 Section 40-6-391, be subject to the provisions of Code Section 40-5-63.

21 (B) If such driver was convicted of driving under the influence of alcohol or of having
 22 an unlawful alcohol concentration and is otherwise subject to the provisions of
 23 paragraph (1) of subsection (a) of Code Section 40-5-63, then such person shall not be
 24 eligible for a limited driving permit under Code Section 40-5-64, and:

25 (i) If the driver's alcohol concentration at the time of the offense was less than 0.08
 26 grams, he or she shall not be eligible for license reinstatement until the end of six
 27 months; or

28 (ii) If the driver's alcohol concentration at the time of the offense was 0.08 grams or
 29 more, he or she shall not be eligible for license reinstatement until the end of 12
 30 months.

31 ~~(C) Any driver subject to the provisions of this paragraph shall, as an additional~~
 32 ~~prerequisite for license reinstatement, be required to successfully recomplete the~~
 33 ~~examination requirements of Code Section 40-5-27."~~

1 such disposition of the case to the department and the record of such disposition shall be
 2 kept on file for the purpose of considering and counting such accepted plea of nolo
 3 contendere as a conviction under paragraphs (2) and (3) of this subsection;”.

4 **SECTION 17-16.**

5 Said Chapter 5 of Title 40 is further amended in Code Section 40-5-75, relating to suspension
 6 of licenses by operation of law, by striking paragraphs (1) and (2) of subsection (a) and
 7 inserting in their place new paragraphs to read as follows:

8 “(1) Upon the first conviction of any such offense, with no arrest and conviction of and
 9 no plea of nolo contendere accepted to such offense within the previous five years, as
 10 measured from the dates of previous arrests for which convictions were obtained to the
 11 date of the current arrest for which a conviction is obtained, the period of suspension shall
 12 be for not less than 180 days. At the end of 180 days, the person may apply to the
 13 department for reinstatement of his or her driver’s license. Such license shall be reinstated
 14 only if the person submits proof of completion of a DUI Alcohol or Drug Use Risk
 15 Reduction Program approved by the Department of Human Resources and pays to the
 16 Department of ~~Motor Vehicle Safety~~ Driver Services a restoration fee of \$210.00 or
 17 \$200.00 when such reinstatement is processed by mail. For purposes of this paragraph,
 18 a plea of nolo contendere by a person to a charge of any drug related offense listed in this
 19 subsection shall, except as provided in subsection (c) of this Code section, constitute a
 20 conviction;

21 (2) Upon the second conviction of any such offense within five years, as measured from
 22 the dates of previous arrests for which convictions were obtained to the date of the
 23 current arrest for which a conviction is obtained, the period of suspension shall be for
 24 three years, provided that after one year from the date of the conviction the person may
 25 apply to the department for reinstatement of his or her driver’s license by submitting
 26 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved
 27 by the Department of Human Resources and paying to the Department of ~~Motor Vehicle~~
 28 ~~Safety~~ Driver Services a restoration fee of \$210.00 or \$200.00 when such reinstatement
 29 is processed by mail. For purposes of this paragraph, a plea of nolo contendere and all
 30 previous pleas of nolo contendere within such five-year period of time shall constitute a
 31 conviction; and”.

32 **SECTION 17-17.**

33 Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-80, relating to
 34 the purpose of the 'Georgia Driver Improvement Act,' and inserting in its place a new Code
 35 section to read as follows:

1 "40-5-80.

2 The purpose of this article, the 'Georgia Driver Improvement Act,' is to improve and
 3 promote greater safety upon the highways and streets of this state; to improve the attitude
 4 and driving habits of drivers who accumulate traffic accident and motor vehicle conviction
 5 records; and to provide uniform DUI Alcohol or Drug Use Risk Reduction Programs for
 6 the rehabilitation of persons identified as reckless or negligent drivers and frequent
 7 violators. In carrying out this purpose, the Department of ~~Motor Vehicle Safety~~ Driver
 8 Services and the Department of Human Resources, as applicable, shall:

9 (1) Charge a fee for the consideration of applications for approval of driver improvement
 10 clinics and instructors. The amount of this fee shall be established by the commissioner
 11 of ~~motor vehicle safety~~ driver services and shall, as best as the commissioner shall
 12 determine, approximate the expense incurred by the Department of ~~Motor Vehicle Safety~~
 13 Driver Services in consideration of an application. These licenses and each renewal
 14 thereof shall be valid for a period of four years unless suspended or revoked prior to the
 15 expiration of that time period; and

16 (2) Require, in addition to the criteria for approval of driver improvement clinics
 17 established by the commissioner of ~~motor vehicle safety~~ driver services and DUI Alcohol
 18 or Drug Use Risk Reduction Programs established by the Department of Human
 19 Resources, as provided in subsections (a) and (e) of Code Section 40-5-83, respectively,
 20 that every driver improvement clinic and DUI Alcohol or Drug Use Risk Reduction
 21 Program shall, as a condition of approval, provide a continuous surety company bond for
 22 the protection of the contractual rights of students in such form as will meet with the
 23 approval of the Department of ~~Motor Vehicle Safety~~ Driver Services or the Department
 24 of Human Resources, as applicable, and written by a company authorized to do business
 25 in this state. The principal sum of the bond shall be established by the commissioner of
 26 ~~motor vehicle safety~~ driver services or the Board of Human Resources, as applicable;
 27 however, in no event shall this amount be less than \$2,500.00 per location, and a single
 28 bond at such rate may be submitted for all locations under the same ownership. If at any
 29 time said bond is not valid and in force, the license of the clinic or program shall be
 30 deemed suspended by operation of law until a valid surety company bond is again in
 31 force."

32 **SECTION 17-18.**

33 Said Chapter 5 of Title 40 is further amended in Code Section 40-5-81, relating to selection
 34 of driver improvement programs, by striking subsection (c) and inserting in its place a new
 35 subsection to read as follows:

1 "(c) It shall be unlawful for the owner, agent, servant, or employee of any driver
 2 improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program licensed by the
 3 Department of ~~Motor Vehicle Safety~~ Driver Services or the Department of Human
 4 Resources to directly or indirectly solicit business by personal solicitation on public
 5 property, by phone, or by mail. A violation of this subsection shall be a misdemeanor.
 6 Advertising in any mass media, including, but not limited to, newspapers, radio, television,
 7 magazines, or telephone directories by a driver improvement clinic or DUI Alcohol or
 8 Drug Use Risk Reduction Program shall not be considered a violation of this subsection."

9 **SECTION 17-19.**

10 Said Chapter 5 of Title 40 is further amended in Code Section 40-5-82, relating to
 11 administration of the Driver Improvement Program, by striking subsections (a) and (d) and
 12 inserting in their place new subsections to read as follows:

13 "(a) The Driver Improvement Program created by this article shall be administered by the
 14 commissioner of ~~motor vehicle safety~~ driver services. The commissioner is authorized to
 15 promulgate and adopt rules and regulations necessary to carry out this article."

16 "(d) All DUI Alcohol or Drug Use Risk Reduction Program records including, but not
 17 limited to, assessment results and other components attended shall be confidential and shall
 18 not be released without the written consent of the DUI offender, except that such records
 19 shall be made available to the Department of Human Resources and the Department of
 20 ~~Motor Vehicle Safety~~ Driver Services ."

21 **SECTION 17-20.**

22 Said Chapter 5 of Title 40 is further amended in Code Section 40-5-83, relating to
 23 establishment, approval, and operation of clinics, by striking paragraph (1) of subsection (a)
 24 and inserting in its place a new paragraph to read as follows:

25 "(a)(1) The commissioner of ~~motor vehicle safety~~ shall establish criteria for the approval
 26 of driver improvement clinics. To be approved, a clinic shall provide and operate either
 27 a defensive driving course, an advanced defensive driving course, or a professional
 28 defensive driving course or any combination thereof. Clinics shall be composed of
 29 uniform education and training programs consisting of six hours of instruction designed
 30 for the rehabilitation of problem drivers. The commissioner shall establish standards and
 31 requirements concerning the contents of courses, qualifications of instructors, attendance
 32 requirements for students, and examinations. Approved clinics shall charge a fee of
 33 \$75.00 for a defensive driving course, an advanced defensive driving course, or a
 34 professional defensive driving course; except that such clinics may charge different fees
 35 of their own choosing if the person is not enrolling in such course pursuant to court order

1 or department requirement. No clinic shall be approved unless such clinic agrees in
 2 writing to allow the examination and audit of the books, records, and financial statements
 3 of such clinic. Clinics may be operated by any individual, partnership, corporation,
 4 association, civic group, club, county, municipality, board of education, school, or
 5 college."

6 **SECTION 17-21.**

7 Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-88, relating to
 8 administrative penalties, and inserting in its place a new Code section to read as follows:

9 "40-5-88.

10 (a) As an alternative to criminal or other civil enforcement, the commissioner of ~~motor~~
 11 ~~vehicle safety~~ driver services or the commissioner of human resources, whichever is
 12 applicable, in order to enforce this article or any orders, rules, or regulations promulgated
 13 pursuant to this article, may issue an administrative fine not to exceed \$1,000.00 for each
 14 violation, whenever that commissioner, after a hearing, determines that any person, firm,
 15 or corporation has violated any provisions of this article or any regulations or orders
 16 promulgated under this article. Notwithstanding the foregoing, violations that are minor in
 17 nature and committed by a person, firm, or corporation shall be punished only by a written
 18 reprimand unless the person, firm, or corporation fails to remedy the violation within 30
 19 days, in which case an administrative fine, not to exceed \$250.00, may be issued.

20 (b) The hearing and any administrative review thereof shall be conducted in accordance
 21 with the procedure for contested cases under Chapter 13 of Title 50, the 'Georgia
 22 Administrative Procedure Act.' Any person, firm, or corporation who has exhausted all
 23 administrative remedies available and who is aggrieved or adversely affected by a final
 24 order or action of either the commissioner of ~~motor vehicle safety~~ driver services or the
 25 commissioner of human resources shall have the right of judicial review thereof in
 26 accordance with Chapter 13 of Title 50. All fines recovered under this Code section shall
 27 be paid into the state treasury. The commissioner of ~~motor vehicle safety~~ driver services
 28 or the commissioner of human resources, as appropriate, may file, in the superior court (1)
 29 wherein the person under order resides; (2) if such person is a corporation, in the county
 30 wherein the corporation maintains its principal place of business; or (3) in the county
 31 wherein the violation occurred, a certified copy of a final order of such commissioner,
 32 whether unappealed from or affirmed upon appeal, whereupon the court shall render
 33 judgment in accordance therewith and notify the parties. Such judgment shall have the
 34 same effect and proceedings in relation thereto shall thereafter be the same as though the
 35 judgment had been rendered in an action duly heard and determined by the court. The
 36 penalty prescribed in this Code section shall be concurrent, alternative, and cumulative

1 with any and all other civil, criminal, or alternative rights, remedies, forfeitures, or
 2 penalties provided, allowed, or available to such commissioner with respect to any
 3 violation of this article or any order, rules, or regulations promulgated pursuant to this
 4 article."

5 **SECTION 17-22.**

6 Said Chapter 5 of Title 40 is further amended in Code Section 40-5-142, relating to
 7 definitions applicable to the 'Uniform Commercial Driver's License Act,' by striking
 8 paragraph (7) and inserting in its place a new paragraph to read as follows:

9 "(7) 'Commercial motor vehicle' means a motor vehicle designed or used to transport
 10 passengers or property:

11 (A) If the vehicle has a gross vehicle weight rating of 26,001 or more pounds or such
 12 lesser rating as determined by federal regulation;

13 (B) If the vehicle is designed to transport 16 or more passengers, including the driver;
 14 or

15 (C) If the vehicle is transporting hazardous materials and is required to be placarded
 16 in accordance with the Motor Carrier Safety Rules prescribed by the United States
 17 Department of Transportation, Title 49 C.F.R. Part 172, subpart F;

18 provided, however, that for the purposes of this article, no agricultural vehicle, military
 19 vehicle operated by military personnel, recreational vehicle, or fire-fighting or emergency
 20 equipment vehicle shall be considered a commercial vehicle. As used in this paragraph,
 21 the term 'agricultural vehicle' means a farm vehicle which is controlled and operated by
 22 a farmer; used to transport agricultural products, farm machinery, or farm supplies to or
 23 from a farm; and operated within 150 miles of such person's farm; which vehicle is not
 24 used in the operations of a common or contract carrier. Any other waiver by the Federal
 25 Highway Administration pursuant to Federal Law 49 C.F.R. Parts 383, 391, RIN
 26 2125-AB 68, of the United States Department of Transportation shall supersede state law
 27 in authorizing the Department of ~~Motor Vehicle Safety~~ Driver Services to exempt said
 28 classes."

29 **SECTION 17-23.**

30 Said Chapter 5 of Title 40 is further amended in Code Section 40-5-100, relating to issuance
 31 of identification cards, by striking subsection (b) and inserting in its place a new subsection
 32 to read as follows:

33 (b) The identification card shall be valid for ~~four~~ a period of five or ten years, at the option
 34 of the applicant, and shall bear the signatures of the commissioner and the Governor and
 35 shall bear an identification card number which shall not be the same as the social security

1 number, unless the person specifically requests that the social security number be used, or,
 2 in the case of an individual who is not a citizen of the United States, the passport number
 3 of the person identified or any number the department deems necessary to implement this
 4 Code section."

5 **SECTION 17-24.**

6 Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-103, relating to
 7 fees for issuance of identification cards, and inserting in its place a new Code section to read
 8 as follows:

9 "40-5-103.

10 (a) Except as provided in subsections (b) and (c) of this Code section, the department shall
 11 collect a fee of ~~\$10.00 for the identification card~~ \$20.00 for a five-year card and a fee of
 12 \$35.00 for a ten-year card, which fee shall be deposited in the state treasury in the same
 13 manner as other motor vehicle driver's license fees.

14 (b) The department shall collect a fee of \$5.00 for the identification card for all persons
 15 who are referred by a nonprofit organization which organization has entered into an
 16 agreement with the department whereby such organization verifies that the individual
 17 applying for such identification card is indigent. The department shall enter into such
 18 agreements and shall adopt rules and regulations to govern such agreements.

19 (c) The department shall not be authorized to collect a fee for an identification card from
 20 those persons who are entitled to a free veterans' driver's license under the provisions of
 21 Code Section 40-5-36.

22 (d) The commissioner may by rule authorize incentive discounts where identification cards
 23 are renewed by Internet, telephone, or mail."

24 **PART XVIII**

25 **Amendments to Chapter 40-6.**

26 **Uniform rules of the road.**

27 **SECTION 18-1.**

28 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules
 29 of the road, is amended in Code Section 40-6-10, relating to insurance requirements for
 30 operation of motor vehicles generally, by striking paragraph (3) of subsection (a) and
 31 inserting in its place a new paragraph to read as follows:

32 "(3) On and after ~~January 1, 2004~~ July 1, 2005, the requirement under this Code section
 33 that proof or evidence of minimum liability insurance be maintained in a motor vehicle
 34 at all times during the operation of the vehicle shall not apply to the owner or operator

1 of any vehicle for which the records or data base of the Department of ~~Motor Vehicle~~
 2 ~~Safety Revenue~~ Revenue indicates that required minimum insurance coverage is currently
 3 effective."

4 **SECTION 18-2.**

5 Said Chapter 6 of Title 40 is further amended by striking Code Section 40-6-12, relating to
 6 proof of financial responsibility after failure to maintain insurance, and inserting in its place
 7 a new Code section to read as follows:

8 "40-6-12.

9 (a) Any person convicted of a second or subsequent violation of Code Section 40-6-10
 10 within a five-year period, as measured from date of arrest to date of arrest, shall be required
 11 to file with the Department of ~~Motor Vehicle Safety~~ Driver Services and maintain for a
 12 period of three years from the date of conviction proof of financial responsibility, as such
 13 term is defined in paragraph (5) of Code Section 40-9-2, in addition to any other
 14 punishment.

15 (b) If the proof of financial responsibility filed in accordance with subsection (a) of this
 16 Code section is based upon a policy issued by an insurance company, such insurer may not
 17 cancel the policy until the Department of ~~Motor Vehicle Safety~~ Driver Services is given
 18 at least 30 days' prior written notice of such cancellation."

19 **SECTION 18-3.**

20 Said Chapter 6 of Title 40 is further amended in Code Section 40-6-142, relating to vehicles
 21 required to stop at railroad crossings, by striking subsection (a) and inserting in its place a
 22 new subsection to read as follows:

23 "(a) Except as provided in subsection (b) of this Code section, the driver of any motor
 24 vehicle carrying passengers for hire, any bus, whether or not operated for hire, or of any
 25 school bus, whether carrying any school children or empty, or of any vehicle carrying any
 26 hazardous material listed in Section 392.10 of Title 49 of the Code of Federal Regulations
 27 as those regulations currently exist or as they may in the future be amended or in
 28 regulations adopted by the commissioner of ~~motor vehicle safety~~ public safety, before
 29 crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but
 30 not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen
 31 and look in both directions along such track for any approaching train and for signals
 32 indicating the approach of a train and shall not proceed until he or she can do so safely.
 33 After stopping as required in this Code section and upon proceeding when it is safe to do
 34 so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will

1 be no necessity for changing gears while traversing such crossing, and the driver shall not
2 shift gears while crossing the track or tracks."

3 **SECTION 18-4.**

4 Said Chapter 6 of Title 40 is further amended in Code Section 40-6-221, relating to
5 definitions applicable to handicapped parking, by striking paragraph (1) and inserting in its
6 place a new paragraph to read as follows:

7 "(1) 'Counterfeit' means any copy of any kind of parking permit for persons with
8 disabilities which is not authorized by and does not carry the official seal of the
9 Department of ~~Motor Vehicle Safety Revenue~~ Revenue."

10 **SECTION 18-5.**

11 Said Chapter 6 of Title 40 is further amended in Code Section 40-6-222, relating to
12 handicapped parking permits, by striking subsection (a) and inserting in its place a new
13 subsection to read as follows:

14 "(a) The Department of ~~Motor Vehicle Safety Revenue~~ Revenue shall issue parking permits for
15 persons with disabilities ~~at every place where it issues drivers' licenses and may delegate~~
16 responsibility for issuance of such permits to county tag agents. The department shall also
17 receive applications for and issue parking permits for persons with disabilities by mail and
18 shall by regulation require such proof of disability or incapacity as is necessary to issue
19 such permits by mail. Permits shall be in such form as the department prescribes but shall
20 be of sufficient size and sufficiently distinctively marked to be easily visible when placed
21 on or affixed to the driver's side of the dashboard or hung from the rearview mirror of the
22 parked vehicle. Permits shall be made of plastic or heavyweight cardboard and shall be of
23 sufficient quality to ensure that the coloring of the permit and the ink used thereon will
24 resist fading for a period of at least four years. Permits shall be issued to individuals, and
25 the name of the individual and an identification number shall appear on the permit. The
26 individual to whom a permit is issued may use the permit for any vehicle he or she is
27 operating or in which he or she is a passenger. Permits shall also be issued to institutions
28 when the primary purpose of a vehicle operated by the institution is to transport individuals
29 with disabilities. The name of the institution, the license number of the particular vehicle,
30 and an identification number shall appear on the permit. The institution may use such
31 permit only for a vehicle which is operated by the institution and which is used primarily
32 to transport individuals with disabilities."

SECTION 18-6.

Said Chapter 6 of Title 40 is further amended by striking Code Section 40-6-223, relating to absence of fees for handicapped parking permits, and inserting in its place a new Code section to read as follows:

"40-6-223.

The Department of ~~Motor Vehicle Safety~~ Revenue and county tag agents shall not charge or collect any fee for issuing parking permits for persons with disabilities under this part."

SECTION 18-7.

Said Chapter 6 of Title 40 is further amended in Code Section 40-6-253.1, relating to transportation of etiologic agents, by striking subsections (b) and (c) and inserting in their place new subsections to read as follows:

"(b) The transportation of infectious substances and regulated medical waste, including but not limited to the marking of packages and marking or placarding of vehicles with appropriate warnings, shall comply with the requirements of the federal Hazardous Material Regulations published in Title 49 of the Code of Federal Regulations as those regulations currently exist or may in the future be amended and with compatible regulations adopted or promulgated by the commissioner of ~~motor vehicle safety~~ public safety.

(c) Nurses, physicians, and other health care professionals may utilize all applicable exceptions contained in federal regulations and in the regulations of the Department of ~~Motor Vehicle Safety~~ Public Safety when transporting infectious substances."

SECTION 18-8.

Said Chapter 6 of Title 40 is further amended by striking Code Section 40-6-277, relating to reporting of fatal accidents, and inserting in its place a new Code section to read as follows:

"40-6-277.

Every sheriff and chief executive officer of a law enforcement agency other than a sheriff shall, on or before the tenth day of each month, report in writing to the Department of ~~Motor Vehicle Safety~~ Transportation the death of any person within their jurisdiction during the preceding calendar month as the result of a traffic accident known to them, giving the time and place of the accident and the circumstances relating thereto, in the manner specified by the commissioner of ~~motor vehicle safety~~ transportation."

1 (c) This Code section shall not apply to persons riding within an enclosed cab or motorized
2 cart. This Code section shall not apply to a person operating a three-wheeled motorcycle
3 used only for agricultural purposes.

4 (d) The commissioner of ~~motor vehicle~~ public safety is authorized to approve or
5 disapprove protective headgear and eye-protective devices required in this Code section
6 and to issue and enforce regulations establishing standards and specifications for the
7 approval thereof. The commissioner shall publish lists of all protective headgear and
8 eye-protective devices by name and type which have been approved ~~by it.~~"

9 **SECTION 18-12.**

10 Said Chapter 6 of Title 40 is further amended by striking Code Section 40-6-316, relating
11 to promulgation of motorcycle safety rules, and inserting in its place a new Code section to
12 read as follows:

13 "40-6-316.

14 The commissioner of ~~motor vehicle~~ public safety is authorized to promulgate rules and
15 regulations to carry this part into effect and to establish regulations for safety standards for
16 the operation of motorcycles."

17 **SECTION 18-13.**

18 Said Chapter 6 of Title 40 is further amended by striking Code Section 40-6-330, relating to
19 motorized cart equipment regulations, and inserting in its place a new Code section to read
20 as follows:

21 "40-6-330.

22 Motorized carts may be operated on streets only during daylight hours unless they comply
23 with the equipment regulations promulgated by the commissioner of ~~motor vehicle~~ public
24 safety."

25 **SECTION 18-14.**

26 Said Chapter 6 of Title 40 is further amended by striking Code Section 40-6-352, relating to
27 moped safety standards, and inserting in its place a new Code section to read as follows:

28 "40-6-352.

29 (a) No person shall operate or ride as a passenger upon a moped unless he or she is
30 wearing protective headgear which complies with standards established by the
31 commissioner of ~~motor vehicle~~ public safety. The commissioner in determining such
32 standards shall consider the size, speed, and operational characteristics of the moped. Such
33 standards need not necessarily be the same as for motorcyclists; however, any moped
34 operator wearing an approved motorcycle helmet shall be deemed in compliance with this

1 subsection. Operators of electric assisted bicycles may wear a properly fitted and fastened
 2 bicycle helmet which meets the standards of the American National Standards Institute or
 3 the Snell Memorial Foundation's Standards for Protective Headgear for Use in Bicycling,
 4 rather than a motorcycle helmet.

5 (b) The commissioner of ~~motor-vehicle~~ public safety is authorized to approve or
 6 disapprove protective headgear for moped operators and to issue and enforce regulations
 7 establishing standards and specifications for the approval thereof. He or she shall publish
 8 lists by name and type of all protective headgear which have been approved by him or her."

9 **SECTION 18-15.**

10 Said Chapter 6 of Title 40 is further amended by striking Code Section 40-6-354, relating to
 11 promulgation of moped safety rules, and inserting in its place a new Code section to read as
 12 follows:

13 "40-6-354.

14 The commissioner of ~~motor-vehicle~~ public safety is authorized to promulgate rules and
 15 regulations to carry this part into effect and is authorized to establish regulations for safety
 16 equipment or standards for the operation of mopeds."

17 **SECTION 18-16.**

18 Said Chapter 6 of Title 40 is further amended in Code Section 40-6-391.1, relating to nolo
 19 contendere pleas in driving under the influence cases, by striking subsections (b) through (e)
 20 and inserting in their place new subsections to read as follows:

21 "(b) If the defendant has not been convicted of or had a plea of nolo contendere accepted
 22 to a charge of violating Code Section 40-6-391 within the previous five years and if the
 23 plea of nolo contendere shall be used as provided in paragraph (1) of subsection (a) of
 24 Code Section 40-5-63, no such plea shall be accepted unless, at a minimum, the following
 25 conditions are met:

26 (1) The defendant has filed a verified petition with the court requesting that such plea be
 27 accepted and setting forth the facts and special circumstances necessary to enable the
 28 judge to determine that accepting such plea is in the best interest of justice; and

29 (2) The judge has reviewed the defendant's driving records that are on file with the
 30 Department of ~~Motor Vehicle Safety~~ Driver Services.

31 (c) The judge, as part of the record of the disposition of the charge, shall set forth, under
 32 seal of the court, his or her reasons for accepting the plea of nolo contendere.

33 (d) The record of the disposition of the case, including the ruling required in subsection
 34 (c) of this Code section, shall be forwarded to the Department of ~~Motor Vehicle Safety~~
 35 Driver Services within ten days after disposition.

1 (e) If a plea of nolo contendere is accepted under the conditions set forth in subsection (b)
 2 of this Code section, the defendant's driver's license shall be forwarded to the Department
 3 of ~~Motor Vehicle Safety~~ Driver Services as provided in subsection (c) of Code Section
 4 40-5-67."

5 PART XIX

6 Amendments to Chapter 40-8.

7 Equipment and inspection of motor vehicles.

8 SECTION 19-1.

9 Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to equipment and
 10 inspection of motor vehicles, is amended by striking Code Section 40-8-2, relating to motor
 11 vehicle safety standards, and inserting in its place a new Code section to read as follows:

12 "40-8-2.

13 In addition to the requirements of this article, the commissioner of ~~motor vehicle~~ public
 14 safety, as to the motor vehicles within the jurisdiction of the Department of ~~Motor Vehicle~~
 15 Public Safety, shall have the authority to promulgate rules designed to promote safety
 16 pursuant to the provisions of Chapter 16 of this title and Chapter 7 of Title 46. Any such
 17 rules promulgated or deemed necessary by the commissioner shall include the following:
 18 every motor unit and all parts thereof shall be maintained in a safe condition at all times.
 19 The lights, brakes, and equipment shall meet such safety requirements as the commissioner
 20 shall promulgate from time to time."

21 SECTION 19-2.

22 Said Chapter 8 of Title 40 is further amended in Code Section 40-8-50, relating to safety
 23 standards for brakes, by striking paragraph (8) of subsection (e) and inserting in its place a
 24 new paragraph to read as follows:

25 "(8) For vehicles used for commercial purposes, the vehicle or combination of vehicles
 26 is used only in intrastate commerce and complies in all other respects with licensing,
 27 insurance, registration, identification, driver and vehicle safety, and hazardous materials
 28 regulations of the Department of ~~Motor Vehicle Safety~~ Public Safety and United States
 29 Department of Transportation applicable to such vehicles or combination of vehicles."

30 SECTION 19-3.

31 Said Chapter 8 of Title 40 is further amended in Code Section 40-8-73.1, relating to affixing
 32 of materials which reduce light transmission through windows or windshields, by striking
 33 subsection (d) and inserting in its place a new subsection to read as follows:

1 "(d) The Department of ~~Motor Vehicle~~ Public Safety may, upon application from a person
 2 required for medical reasons to be shielded from the direct rays of the sun and only if such
 3 application is supported by written attestation of such fact from a person licensed to
 4 practice medicine under Chapter 34 of Title 43, issue an exemption from the provisions of
 5 this Code section for any motor vehicle owned by such person or in which such person is
 6 a habitual passenger. The exemption shall be issued with such conditions and limitations
 7 as may be prescribed by the Department of ~~Motor Vehicle~~ Public Safety."

8 **SECTION 19-4.**

9 Said Chapter 8 of Title 40 is further amended in Code Section 40-8-76.1, relating to use of
 10 safety belts in passenger vehicles, by striking paragraphs (2) and (3) of subsection (e) and
 11 inserting in their place new paragraphs to read as follows:

12 "(2) A person failing to comply with the requirements of subsection (b) of this Code
 13 section shall be guilty of the offense of failure to wear a seat safety belt and, upon
 14 conviction thereof, may be fined not more than \$15.00; but, the provisions of Chapter 11
 15 of Title 17 and any other provision of law to the contrary notwithstanding, the costs of
 16 such prosecution shall not be taxed nor shall any additional penalty, fee, or surcharge to
 17 a fine for such offense be assessed against a person for conviction thereof. The court
 18 imposing such fine shall forward a record of the disposition of the case of failure to wear
 19 a seat safety belt to the Department of ~~Motor Vehicle Safety~~ Driver Services.

20 (3) Each minor six years of age or older who is an occupant of a passenger vehicle shall,
 21 while such passenger vehicle is being operated on a public road, street, or highway of this
 22 state, be restrained by a seat safety belt approved under Federal Motor Vehicle Safety
 23 Standard 208. In any case where a minor passenger six years of age or older fails to
 24 comply with the requirements of this paragraph, the driver of the passenger vehicle shall
 25 be guilty of the offense of failure to secure a seat safety belt on a minor and, upon
 26 conviction thereof, may be fined not more than \$25.00. The court imposing such a fine
 27 shall forward a record of the court disposition of the case of failure to secure a seat safety
 28 belt on a minor to the Department of ~~Motor Vehicle Safety~~ Driver Services."

29 **SECTION 19-5.**

30 Said Chapter 8 of Title 40 is further amended in Code Section 40-8-78, relating to motor
 31 vehicle safety glazing, by striking subsections (a) and (d) and inserting in their respective
 32 places new subsections to read as follows:

33 "(a) No person shall sell any motor vehicle manufactured after January 1, 1954, nor shall
 34 any such motor vehicle be registered unless such vehicle is equipped with safety glazing
 35 materials of a type approved by the commissioner of ~~motor vehicle~~ public safety wherever

1 glazing materials are used in doors, windows, and windshields. The provisions of this Code
 2 section shall apply to all passenger-type motor vehicles, including passenger buses and
 3 school buses, but in respect to trucks, including truck tractors, the requirements as to safety
 4 glazing materials shall apply to all glazing materials used in doors, windows, and
 5 windshields in the drivers' compartments of such vehicles."

6 "(d) The commissioner of ~~motor vehicle~~ public safety shall compile and publish a list of
 7 types of glazing materials by name approved by him or her as meeting the requirements of
 8 this Code section and the commissioner shall not register any motor vehicle which is
 9 subject to the provisions of this Code section unless it is equipped with an approved type
 10 of safety glazing materials, and he or she shall thereafter suspend the registration of any
 11 motor vehicle so subject to this Code section which he or she finds is not so equipped until
 12 it is made to conform to the requirements of this Code section."

13 SECTION 19-6.

14 Said Chapter 8 of Title 40 is further amended in Code Section 40-8-92, relating to
 15 designation of emergency vehicles and use of flashing or revolving lights, by striking
 16 subsection (a) and inserting in its place a new subsection to read as follows:

17 "(a) All emergency vehicles shall be designated as such by the commissioner of ~~motor~~
 18 ~~vehicle~~ public safety. The commissioner shall so designate each vehicle by issuing to such
 19 vehicle a permit to operate flashing or revolving emergency lights of the appropriate color.
 20 Such permit shall be valid for one year from the date of issuance; provided, however, that
 21 permits for vehicles belonging to federal, state, county, or municipal governmental
 22 agencies shall be valid for five years from the date of issuance. Any and all officially
 23 marked law enforcement vehicles as specified in Code Section 40-8-91 shall not be
 24 required to have a permit for the use of a blue light. Any and all fire department vehicles
 25 which are distinctly marked on each side shall not be required to have a permit for the use
 26 of a red light."

27 SECTION 19-7.

28 Said Chapter 8 of Title 40 is further amended by striking Code Section 40-8-95, relating to
 29 promulgation of certain safety standards, and inserting in its place a new Code section to read
 30 as follows:

31 "40-8-95.

32 The commissioner of ~~motor vehicle~~ public safety shall implement any and all provisions
 33 of Code Sections 40-8-90, 40-8-92, and 40-8-93 by the promulgation of necessary rules and
 34 regulations."

1 (4) 'Operator' means every person who drives or is in actual physical control of a motor
2 vehicle upon a highway or who is exercising control over or steering a vehicle being
3 towed by a motor vehicle.

4 (5) 'Proof of financial responsibility' means proof of ability to respond in damages for
5 liability on account of accidents occurring subsequent to the effective date of said proof
6 in the amounts specified in subparagraph (a)(1)(A) of Code Section 33-7-11.

7 ~~(6) 'Registration' means the registration certificates and registration plates issued under
8 the laws of this state pertaining to the registration of vehicles.~~

9 (7) 'Suspension of driver's
10 license' means the temporary withdrawal by formal action of the department of a
11 resident's license or nonresident's privilege to operate a motor vehicle on the public
12 highways.

12 40-9-3.

13 (a) The commissioner shall administer and enforce this chapter and is authorized to adopt
14 and enforce rules and regulations necessary for its administration. The commissioner shall
15 prescribe suitable forms requisite or deemed necessary for the purposes of this chapter.

16 (b) The commissioner shall provide for hearings upon request of persons aggrieved by
17 orders or acts of the commissioner under this chapter. Such hearings shall not be subject
18 to the procedural provisions of Chapter 13 of Title 50, the 'Georgia Administrative
19 Procedure Act.'

20 (c) The commissioner is authorized to adopt and enforce rules and regulations necessary
21 for the administration of such hearings, including but not limited to, hearings provided in
22 Code Section 40-9-32. Except as provided in Code Section 40-9-32, a request for a hearing
23 under this chapter shall not operate as a stay of any order or act of the commissioner.

24 (d) The commissioner's decision as rendered at such hearing shall be final unless the
25 aggrieved person shall desire an appeal, in which case he or she shall have the right to enter
26 an appeal to the superior court of the county of his or her residence or the Superior Court
27 of Fulton County by filing a complaint in the superior court, naming the commissioner as
28 defendant, within 30 days from the date the commissioner enters his or her decision or
29 order. The appellant shall not be required to post any bond nor pay the costs in advance.
30 If the aggrieved person desires, the appeal may be heard by the judge at term or in
31 chambers or before a jury at the first term. The hearing on the appeal shall be de novo.
32 However, such appeal shall not act as a supersedeas of any order or acts of the
33 commissioner, nor shall the appellant be allowed to operate or permit a motor vehicle to
34 be operated in violation of any suspension or revocation by the commissioner while such
35 appeal is pending.

1 40-9-4.

2 This chapter shall not apply with respect to any motor vehicle owned by the United States,
3 the State of Georgia, any political subdivision of this state, or any municipality therein, or
4 any motor carrier required by any other law to file evidence of insurance or other surety.
5 Code Sections 40-9-81, 40-9-7, ~~40-9-6 through~~ 40-9-8, and 40-9-12 shall apply as to the
6 operator of such motor vehicles. All provisions of this chapter shall apply to the operator
7 of such motor vehicles while on unofficial business.

8 40-9-5.

9 (a) If the operator or the owner of a vehicle involved in an accident in this state has no
10 license ~~or registration~~, such operator shall not be allowed a license ~~nor shall such owner be~~
11 ~~allowed to register any vehicle~~ until he or she has complied with the requirements of this
12 chapter to the same extent that would be necessary if, at the time of the accident, he or she
13 had held a license ~~or been the owner of a vehicle registered~~ in this state.

14 (b) When a nonresident's operating privilege is suspended pursuant to Code Section
15 40-9-33 or 40-9-61, the department shall transmit a certified copy of the record of such
16 action to the official in charge of the issuance of licenses and registration certificates in the
17 state in which such nonresident resides, if the law of such other state provides for action
18 in relation thereto similar to that provided for in subsection (c) of this Code section.

19 (c) Upon receipt of a certification that the operating privilege of a resident of this state has
20 been suspended in another state pursuant to a law providing for its suspension for failure
21 to deposit security for the payment of judgments arising out of a motor vehicle accident,
22 under circumstances which would require the department to suspend a nonresident's
23 operating privilege had the accident occurred in this state, the department shall suspend the
24 license of such resident ~~and such resident's vehicle registration if he was the owner or~~
25 ~~operator of a motor vehicle involved in the accident~~. Such suspension shall continue until
26 such resident furnishes evidence of his or her compliance with the laws of such other state
27 relating to the showing of proof of financial responsibility; or reinstatement of operating
28 ~~or registration~~ privilege.

29 40-9-6.

30 Reserved. ~~(a) If an owner's vehicle registration has been suspended under this chapter,~~
31 ~~such registration shall not be transferred nor shall the vehicle in respect to which such~~
32 ~~registration was issued be registered in any other name until the department is satisfied that~~
33 ~~such transfer of registration is proposed in good faith and not for the purpose or with the~~
34 ~~effect of defeating the purposes of this chapter.~~

1 ~~(b) Nothing in this Code section shall in any way affect the rights of any conditional~~
2 ~~vendor, chattel mortgagee, or lessor of a vehicle registered in the name of another as owner~~
3 ~~who becomes subject to this chapter.~~

4 40-9-7.

5 (a) Any person whose driver's license ~~or vehicle registration~~ shall have been suspended
6 under any provision of this chapter shall immediately return his or her license ~~and~~
7 ~~registration~~ to the department. If any person shall fail to return such license ~~or registration~~
8 to the department, the department shall direct any peace officer to secure possession thereof
9 and to return it to the department.

10 (b) Any person willfully failing to return his or her driver's license ~~or registration~~ as
11 required in subsection (a) of this Code section shall be guilty of a misdemeanor and, upon
12 conviction thereof, shall be punished by a fine not to exceed \$500.00 or by imprisonment
13 for not more than 30 days, or by both such fine and imprisonment.

14 40-9-8.

15 Any person whose driver's license, ~~vehicle registration,~~ or nonresident's operating
16 privilege has been suspended under this chapter and who, during such suspension, drives
17 any motor vehicle upon any highway ~~or knowingly permits any motor vehicle owned by~~
18 ~~such person to be operated by another upon any highway,~~ except where permitted under
19 this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be
20 punished by imprisonment for not less than five days nor more than six months and there
21 may be imposed in addition thereto a fine of not more than \$500.00.

22 40-9-9.

23 Whenever a driver's license ~~or vehicle registration~~ is suspended under any provisions of
24 this chapter and the filing of proof of financial responsibility is made a prerequisite to
25 reinstatement of such license ~~or registration or both,~~ no such license ~~or registration~~ shall
26 be reinstated unless the driver or owner, in addition to complying with the other provisions
27 of this chapter, pays to the department a fee of \$25.00. Only one such fee shall be paid by
28 any one person irrespective of the number of licenses ~~and registrations~~ to be reinstated. The
29 fees paid pursuant to this Code section shall be expendable receipts to be used only by the
30 department toward the cost of administration of this chapter.

31 40-9-10.

32 This chapter shall in no respect be considered as a repeal of the state motor vehicle laws
33 but shall be construed as supplemental thereto.

1 40-9-11.

2 Nothing in this chapter shall be construed as preventing the plaintiff in any action at law
3 from relying for relief upon the other processes provided by law.

4 40-9-12.

5 Any person who shall violate any provision of this chapter for which no penalty is
6 otherwise provided shall be guilty of a misdemeanor."

7 **SECTION 20-2.**

8 Said Chapter 9 of Title 40 is further amended by striking Code Sections 40-9-30, relating to
9 fees for accident reports, 40-9-31, relating to submitting accident reports, 40-9-32, relating
10 to determination of requirement of security, and 40-9-33, relating to suspension of license
11 and registration for noncompliance, and inserting in their place new Code sections to read
12 as follows:

13 "40-9-30.

14 The ~~department~~ Department of Transportation shall charge a fee of \$5.00 for each copy of
15 any accident report received and maintained by ~~the~~ that department pursuant to Code
16 Section 40-6-273.

17 40-9-31.

18 Each state and local law enforcement agency shall submit to the Department of ~~Motor~~
19 ~~Vehicle Safety~~ Transportation the original document of any accident report prepared by
20 such law enforcement agency or submitted to such agency by a member of the public. If
21 the Department of Driver Services receives a claim requesting determination of security,
22 the Department of Transportation shall provide a copy or an electronic copy of any relevant
23 accident reports to the Department of Driver Services. A law enforcement agency may
24 transmit the information contained on the accident report form by electronic means,
25 provided that the ~~department~~ Department of Transportation has first given approval to the
26 reporting agency for the electronic reporting method utilized. The law enforcement agency
27 shall retain a copy of each accident report. All such reports shall be submitted to the
28 ~~department~~ Department of Transportation not more than 15 days following the end of the
29 month in which such report was prepared or received by such law enforcement agency.

30 40-9-32.

31 (a) The department, not less than 30 days after receipt of an accident report or notice of
32 an accident with respect to which a person claims under oath to have suffered damages and
33 requests determination of security, shall determine the amount of security sufficient in its

1 judgment to satisfy any judgment or judgments for damages resulting from such accident
2 that may be recovered against each operator and owner. Such determination shall be made
3 on the basis of the reports or other information submitted. Notwithstanding any other
4 provisions of this chapter, the department shall not consider or take any action with respect
5 to an accident report, notice of accident, or any claim filed under this Code section which
6 is received more than six months after the date of the accident.

7 (b) The department, upon determining the amount of security required, shall give written
8 notice to each operator and owner of the amount of security required to be deposited by
9 him or her. Such notice shall state that each operator's ~~and owner's~~ license ~~and vehicle~~
10 ~~registration~~ shall be suspended on the thirtieth day from the date of mailing of notice unless
11 within that time the required security is deposited and such owner or operator shall give
12 proof of financial responsibility for the future. The license of the one depositing the
13 security will not then be suspended.

14 (c)(1) Any person so notified may, within ten days after receipt of such notification,
15 make a written request to the department for a hearing. Such request shall operate as a
16 stay of any suspension pending the outcome of such hearing. The scope of such hearing,
17 for the purposes of this Code section, shall cover the issues of whether there is a
18 reasonable possibility that a judgment could be rendered against such person in an action
19 arising out of the accident and whether such person is exempt from the requirement of
20 depositing security under Code Section 40-9-34. The department may also consider at
21 such hearing the amount of security required. The requirements of depositing security
22 under this Code section shall not apply to any person against whom the department has
23 found that there is not a reasonable possibility of a judgment being rendered.

24 (2) For the purposes of this Code section, a hearing may consist of a department
25 determination of such issues, such determination to be based solely on written reports
26 submitted by the operator or owner and by investigatory officers, provided that the owner
27 or operator in his or her request to the department for a hearing has expressly consented
28 to this type of hearing and that the department has also consented thereto.

29 (d) Any person required to give security after a hearing as provided in subsection (c) of
30 this Code section may petition for judicial review of the decision of the department, but
31 suspension of such person's driver's license; or operating privilege; ~~or vehicle registration~~
32 shall not be stayed while such appeal is pending. The superior court upon such appeal may
33 consider the written reports considered by the department at the hearing as authorized by
34 subsection (c) of this Code section.

1 40-9-33.

2 (a) In the event that any person required to deposit security fails to deposit such security
3 within 30 days from the date of mailing of notice as provided in Code Section 40-9-32 and
4 such person does not make a timely request for a hearing, or in the event any person fails
5 to deposit security after the department has determined that there exists a reasonable
6 possibility of a judgment being rendered against such person, the department shall
7 thereupon suspend:

8 (1) The driver's license of such person; and

9 ~~(2) The registration of all vehicles owned by such person which are subject to~~
10 ~~registration under the laws of this state; and~~

11 ~~(3)~~(2) If such person is a nonresident, the privilege of operating or permitting the
12 operation of a vehicle within this state.

13 (b) The license ~~and registration~~ or nonresident's operating privilege shall remain so
14 suspended and shall not be restored, nor shall any such license ~~and registration~~ be issued
15 to such person, nor shall such nonresident's operating privilege be restored, until:

16 (1) Such person shall deposit or there shall be deposited on his or her behalf the security
17 and proof of financial responsibility for the future as required by this chapter;

18 (2) One year shall have elapsed following the date of such suspension and evidence
19 satisfactory to the department has been filed with it that during the period of suspension
20 no action for damages arising out of the accident has been instituted; or

21 (3) Evidence satisfactory to the commissioner has been filed with him or her of a release
22 from liability or a final adjudication of nonliability."

23 **SECTION 20-3.**

24 Said Chapter 9 of Title 40 is further amended by striking Code Section 40-9-41, relating to
25 inadmissibility of proceedings as evidence, and inserting in its place a new Code section to
26 read as follows:

27 "40-9-41.

28 Neither any accident report filed with the ~~department~~ Department of Transportation, the
29 action taken by the ~~department~~ Department of Driver Services pursuant to this chapter, the
30 findings, if any, of the department upon which such action is based, nor the security filed
31 as provided in this chapter shall be referred to in any way, nor shall they be any evidence
32 of the negligence or due care of either party, at the trial of any action at law to recover
33 damages."

SECTION 20-4.

Said Chapter 9 of Title 40 is further amended by striking Code Sections 40-9-61 relating to suspension of driving privileges and registrations for violations, 40-9-62 relating to duration of suspensions, and 40-9-63 relating to installment payment of judgments, and inserting in their place new Code sections to read as follows:

"40-9-61.

(a) The department, upon receipt of a certified copy of an unsatisfied judgment, shall suspend the driver's license ~~and vehicle registration~~ or nonresident's operating privilege of the person against whom such judgment was rendered except as provided in subsections (b) and (c) of this Code section.

(b) If the judgment creditor consents, in writing, in such form as the department may prescribe, the department, in its discretion, may allow the judgment debtor to retain his or her license ~~and registration~~ or nonresident's operating privilege for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment or of any installments as provided in Code Section 40-9-63.

(c) The department shall take no action pursuant to subsection (a) of this Code section if it shall find that an insurer was obligated to pay the judgment upon which suspension is based, at least to the extent and for the amounts required in this article, but has not paid such judgment for any reason. Such finding shall not be binding upon such insurer and shall have no legal effect whatever except for the purposes of administering this Code section. Whenever, in any judicial proceedings, it shall be determined by any final judgment, decree, or order that an insurer is not obligated to pay any such judgment, the department, notwithstanding any contrary finding theretofore made by it, shall forthwith suspend the license ~~and registration and any~~ or nonresident's operating privilege of any person against whom such judgment was rendered.

40-9-62.

(a) A driver's license, ~~vehicle registration~~, or nonresident's operating privilege suspended pursuant to Code Section 40-9-61 shall remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of the judgment debtor, whether or not he or she was previously licensed, unless and until every such judgment is stayed, or satisfied in full or to the extent provided in subsection (b) of this Code section, subject to the exceptions provided in this article.

(b) Judgment referred to in this article, which is based upon an accident which occurred on or after January 1, 2001, shall, for the purpose of this chapter only, be deemed satisfied:

1 (1) When \$25,000.00 has been credited upon any judgment or judgments rendered in
 2 excess of that amount because of bodily injury to or death of one person as the result of
 3 any one accident;

4 (2) When, subject to such limit of \$25,000.00 because of bodily injury to or death of one
 5 person, \$50,000.00 has been credited upon any judgment or judgments rendered in excess
 6 of that amount because of bodily injury to or death of two or more persons as the result
 7 of any one accident; or

8 (3) When \$25,000.00 has been credited upon any judgment or judgments rendered in
 9 excess of that amount because of injury to or destruction of property of others as a result
 10 of any one accident.

11 (c) Reserved.

12 (d) Payments made in settlement of any claims because of bodily injury, death, or property
 13 damage arising from the accident shall be credited in reduction of the amounts provided
 14 for in this Code section.

15 40-9-63.

16 (a) A judgment debtor, upon due notice to the judgment creditor, may apply to the court
 17 in which such judgment was rendered for the privilege of paying such judgment in
 18 installments, and the court, in its discretion and without prejudice to any other legal
 19 remedies which the judgment creditor may have, may so order and fix the amounts and
 20 times of payment of the installments.

21 (b) The department shall not suspend a license, ~~registration~~, or nonresident's operating
 22 privilege and shall restore any license, ~~registration~~, or nonresident's operating privilege
 23 suspended following nonpayment of a judgment, when the judgment debtor obtains such
 24 an order permitting the payment of any such judgment in installments, and while the
 25 payment of any such installments is not in default."

26 **PART XXI**

27 **Amendments to Chapter 40-11.**

28 **Abandoned Motor Vehicles.**

29 **SECTION 21-1.**

30 Chapter 11 of Title 40 of the Official Code of Georgia Annotated, relating to abandoned
 31 motor vehicles, is amended by striking Code Section 40-11-1, relating to definitions
 32 applicable to abandoned motor vehicles in general, and inserting in its place a new Code
 33 section to read as follows:

1 "40-11-1.

2 As used in this article, the term:

3 (1) 'Abandoned motor vehicle' means a motor vehicle or trailer:

4 (A) Which has been left by the owner or some person acting for the owner with an
5 automobile dealer, repairman, or wrecker service for repair or for some other reason
6 and has not been called for by such owner or other person within a period of 30 days
7 after the time agreed upon; or within 30 days after such vehicle is turned over to such
8 dealer, repairman, or wrecker service when no time is agreed upon; or within 30 days
9 after the completion of necessary repairs;

10 (B) Which is left unattended on a public street, road, or highway or other public
11 property for a period of at least five days and when it reasonably appears to a law
12 enforcement officer that the individual who left such motor vehicle unattended does not
13 intend to return and remove such motor vehicle. However, on the state highway system,
14 any law enforcement officer ~~or employee of the Department of Motor Vehicle Safety~~
15 ~~to whom enforcement authority has been designated pursuant to Code Section 40-16-4~~
16 may authorize the immediate removal of vehicles posing a threat to public health or
17 safety or to mitigate congestion;

18 (C) Which has been lawfully towed onto the property of another at the request of a law
19 enforcement officer and left there for a period of not less than 30 days without anyone
20 having paid all reasonable current charges for such towing and storage;

21 (D) Which has been lawfully towed onto the property of another at the request of a
22 property owner on whose property the vehicle was abandoned and left there for a period
23 of not less than 30 days without anyone having paid all reasonable current charges for
24 such towing and storage; or

25 (E) Which has been left unattended on private property for a period of not less than 30
26 days.

27 (2) 'Motor vehicle' or 'vehicle' means motor vehicle or trailer.

28 (3) 'Owner' or 'owners' means the registered owner, the owner as recorded on the title,
29 lessor, lessee, security interest holders, and all lienholders as shown on the records of the
30 Department of ~~Motor Vehicle Safety~~ Revenue."

31 **SECTION 21-2.**

32 Said Chapter 11 of Title 40 is further amended in Code Section 40-11-2, relating to duty of
33 person removing or storing motor vehicle, by striking subsections (e), (h), (i), and (j) and
34 inserting in their respective places new subsections to read as follows:

35 "(e) If none of the owners redeems such motor vehicle as described in subsection (d) of
36 this Code section, or if a vehicle being repaired by a repair facility or being stored by an

1 insurance company providing insurance to cover damages to the vehicle becomes
 2 abandoned, the person removing or storing such motor vehicle shall, within seven calendar
 3 days of the day such vehicle became an abandoned motor vehicle, give notice in writing,
 4 by sworn statement, on the form prescribed by the state revenue commissioner, to the
 5 Department of ~~Motor Vehicle Safety~~ Revenue with a research fee of \$2.00 payable to the
 6 Department of ~~Motor Vehicle Safety~~ Revenue, stating the manufacturer's vehicle
 7 identification number, the license number, the fact that such vehicle is an abandoned motor
 8 vehicle, the model, year, and make of the vehicle, the date the vehicle became an
 9 abandoned motor vehicle, the date the vehicle was removed, and the present location of
 10 such vehicle and requesting the name and address of all owners of such vehicle. If the
 11 form submitted is rejected because of inaccurate or missing information, the person
 12 removing or storing the vehicle shall resubmit, within seven calendar days of the date of
 13 the rejection, a corrected notice form together with an additional research fee of \$2.00
 14 payable to the Department of ~~Motor Vehicle Safety~~ Revenue. Each subsequent corrected
 15 notice, if required, shall be submitted with an additional research fee of \$2.00 payable to
 16 the Department of ~~Motor Vehicle Safety~~ Revenue. If a person removing or storing the
 17 vehicle has knowledge of facts which reasonably indicate that the vehicle is registered or
 18 titled in a certain other state, such person shall check the motor vehicle records of that
 19 other state in the attempt to ascertain the identity of the owner of the vehicle. Research
 20 requests may be submitted and research fees made payable to the office of the tax
 21 commissioner and deposited in the general fund for the county in which the remover's or
 22 storer's place of business is located in lieu of the Department of ~~Motor Vehicle Safety~~
 23 Revenue, but in like manner, if such office processes motor vehicle records of the
 24 Department of ~~Motor Vehicle Safety~~ Revenue. "

25 "(h) The Department of ~~Motor Vehicle Safety~~ Revenue shall provide to the Georgia Crime
 26 Information Center all relevant information from sworn statements described in subsection
 27 (e) of this Code section for a determination of whether the vehicles removed have been
 28 entered into the criminal justice information system as stolen vehicles. The results of the
 29 determination shall be provided electronically to the Department of ~~Motor Vehicle Safety~~
 30 Revenue.

31 (i) Any person storing a vehicle under the provisions of this Code section shall notify the
 32 Department of ~~Motor Vehicle Safety~~ Revenue if the vehicle is recovered, is claimed by the
 33 owner, is determined to be stolen, or for any reason is no longer an abandoned motor
 34 vehicle. Such notice shall be provided within seven calendar days of such event.

35 (j) If vehicle information on the abandoned motor vehicle is not in the files of the
 36 Department of ~~Motor Vehicle Safety~~ Revenue, the department may require such other

1 information or confirmation as it determines is necessary or appropriate to determine the
2 identity of the vehicle."

3 **SECTION 21-3.**

4 Said Chapter 11 of Title 40 is further amended in Code Section 40-11-3, relating to removal
5 of vehicles from public property, by striking subsection (b) and paragraph (1) of subsection
6 (d) and inserting in their respective places a new subsection and paragraph to read as follows:

7 "(b) Any law enforcement officer ~~or employee of the Department of Motor Vehicle Safety~~
8 ~~to whom law enforcement authority has been designated pursuant to Code Section 40-16-4~~
9 who finds a motor vehicle which has been left unattended on the state highway system shall
10 be authorized to cause such motor vehicle to be removed immediately to a garage or other
11 place of safety when such motor vehicle poses a threat to public health or safety or to
12 mitigate congestion. Any peace officer who finds a motor vehicle which has been left
13 unattended on a public street, road, or highway or other public property, other than the state
14 highway system, shall be authorized immediately to cause such motor vehicle to be
15 removed immediately to a garage or other place of safety when such motor vehicle poses
16 a threat to public health or safety or to mitigate congestion."

17 "(d)(1) Any peace officer or the law enforcement agency which causes a motor vehicle
18 to be removed to a garage or other place of safety or which is notified of the removal of
19 a motor vehicle from private property shall within 72 hours from the time of removal or
20 notice and if the owner is unknown attempt to determine vehicle ownership through
21 official inquiries to the Department of ~~Motor Vehicle Safety~~ Revenue vehicle registration
22 and vehicle title files. These inquiries shall be made from authorized criminal justice
23 information system network terminals."

24 **SECTION 21-4.**

25 Said Chapter 11 of Title 40 is further amended in Code Section 40-11-5, relating to
26 foreclosure of liens, by striking paragraphs (2) and (3) and inserting in their place new
27 paragraphs to read as follows:

28 "(2) The person desiring to foreclose a lien on an abandoned motor vehicle shall, by
29 certified or registered mail or statutory overnight delivery, make a demand upon the
30 owners for the payment of the reasonable fees for removal and storage plus the costs of
31 any notification or advertisement. Such written demand shall include an itemized
32 statement of all charges and may be made concurrent with the notice required by
33 subsection (f) of Code Section 40-11-2. Such demand shall be made on a form
34 prescribed by rule or regulation of the Department of ~~Motor Vehicle Safety~~ Revenue and
35 shall notify the owner of his or her right to a judicial hearing to determine the validity of

1 the lien. The demand shall further state that failure to return the written demand to the
 2 lien claimant, file with a court of competent jurisdiction a petition for a judicial hearing,
 3 and provide the lien claimant with a copy of such petition, all within ten days of delivery
 4 of the lien claimant's written demand, shall effect a waiver of the owner's right to such
 5 a hearing prior to sale. The form shall also provide the suspected owner with the option
 6 of disclaiming any ownership of the vehicle, and his or her affidavit to that effect shall
 7 control over anything contrary in the records of the Department of ~~Motor Vehicle Safety~~
 8 Revenue. No such written demand shall be required if the identity of the owner cannot
 9 be ascertained and the notice requirements of subsection (g) of Code Section 40-11-2
 10 have been complied with;

11 (3)(A) If, within ten days of delivery to the appropriate address of the written demand
 12 required by paragraph (2) of this Code section, the owner of the abandoned motor
 13 vehicle fails to pay or file with the court a petition for a judicial hearing with a copy to
 14 the lien claimant in accordance with the notice provided pursuant to paragraph (2) of
 15 this Code section, or if the owner of the abandoned motor vehicle cannot be
 16 ascertained, the person removing or storing the abandoned motor vehicle may foreclose
 17 such lien. The person asserting such lien may move to foreclose by making an affidavit
 18 to a court of competent jurisdiction, on a form prescribed by rule or regulation of the
 19 Department of ~~Motor Vehicle Safety~~ Revenue, showing all facts necessary to constitute
 20 such lien and the amount claimed to be due. Such affidavit shall aver that the notice
 21 requirements of Code Section 40-11-2 have been complied with, and such affidavit
 22 shall also aver that a demand for payment in accordance with paragraph (2) of this
 23 Code section has been made without satisfaction or without a timely filing of a petition
 24 for a judicial hearing or that the identity of the owner cannot be ascertained. The
 25 person foreclosing shall verify the statement by oath or affirmation and shall affix his
 26 or her signature thereto.

27 (B) Regardless of the court in which the affidavit required by this paragraph is filed,
 28 the fee for filing such affidavit shall be \$10.00 per motor vehicle upon which a lien is
 29 asserted;".

30 SECTION 21-5.

31 Said Chapter 11 of Title 40 is further amended by striking Code Section 40-11-7, relating to
 32 purchasers of abandoned motor vehicles, and inserting in its place a new Code section to read
 33 as follows:

34 "40-11-7.

35 The purchaser at a sale as authorized in this article shall receive a certified copy of the
 36 court order authorizing such sale. Any such purchaser may obtain a certificate of title to

1 such motor vehicle by filing the required application, paying the required fees, and filing
 2 a certified copy of the order of the court with the Department of ~~Motor Vehicle Safety~~
 3 Revenue. The Department of ~~Motor Vehicle Safety~~ Revenue shall then issue a certificate
 4 of title, which shall be free and clear of all liens and encumbrances."

5 **SECTION 21-6.**

6 Said Chapter 11 of Title 40 is further amended in Code Section 40-11-9, relating to derelict
 7 motor vehicles, by striking subsections (a) and (b) and inserting in their place new
 8 subsections to read as follows:

9 "(a) If a motor vehicle has been left unattended on private property for not less than two
 10 days or on public property for not less than three days without the owner or driver making
 11 any attempt to recover such vehicle or to leave a conspicuously placed note that such owner
 12 or driver intends to return for such vehicle; or, if a conspicuous note was left, if the motor
 13 vehicle has been left unattended for not less than five days and if because of damage,
 14 vandalism, theft, or fire the vehicle is damaged to the extent that its restoration to an
 15 operable condition would require the replacement of one or more major component parts
 16 or involves any structural damage that would affect the safety of the vehicle; or if there is
 17 evidence that the vehicle was inoperable due to major mechanical breakdown at the time
 18 it was left on the property, such as the engine, transmission, or wheels missing, no coolant
 19 in the cooling system, no oil in the engine, or burned fluid in the transmission; or if the
 20 vehicle is seven or more years old; or if the vehicle is not currently tagged or is not
 21 verifiable by the state as to who is the current owner or lienholder of the vehicle; or if the
 22 vehicle has been abandoned to a wrecker service by an insurance company and the owner
 23 following the insurance company's making a total loss payment, then any person removing
 24 such vehicle shall within 72 hours of removing such vehicle obtain the identity of and
 25 address of the last known registered owner of the vehicle, the owner of the vehicle as
 26 recorded on the certificate of title of such vehicle, and any security interest holder or
 27 lienholder on such vehicle from the local law enforcement agency of the jurisdiction in
 28 which the vehicle was located. If the law enforcement agency shows no information on the
 29 vehicle, then a request for such information shall be sent to the Department of ~~Motor~~
 30 ~~Vehicle Safety~~ Revenue. Within 72 hours after obtaining such information, the person
 31 removing such vehicle shall, by certified mail or statutory overnight delivery, return receipt
 32 requested, notify the registered owner, title owner, and security interest holder or lienholder
 33 of the vehicle that such vehicle will be declared a derelict vehicle and the title to such
 34 vehicle will be canceled by the Department of ~~Motor Vehicle Safety~~ Revenue if such
 35 person or persons fail to respond within ten days of receipt of such notice. The state
 36 revenue commissioner of ~~motor vehicle safety~~ shall prescribe the form and content of such

1 notice. If the registered owner, title owner, or security interest holder or lienholder fails to
 2 respond within 30 days from the date of such notice by certified mail or statutory overnight
 3 delivery, and if the vehicle is appraised as having a total value of less than \$300.00, the
 4 vehicle shall be considered to be a derelict vehicle. The value of the vehicle shall be
 5 determined as 50 percent of the wholesale value of a similar car in the rough section of the
 6 *National Auto Research Black Book, Georgia Edition*, or if a similar vehicle is not listed
 7 in such book or, regardless of the model year or book value of the vehicle, if the vehicle
 8 is completely destroyed by fire, flood, or vandalism or is otherwise damaged to the extent
 9 that restoration of the vehicle to a safe operable condition would require replacement of
 10 more than 50 percent of its major component parts, the person shall obtain an appraisal of
 11 the motor vehicle from the local law enforcement agency's auto theft section with
 12 jurisdiction in the county or municipality where such vehicle is located. Any person
 13 removing a vehicle shall complete a form, to be provided by the Department of ~~Motor~~
 14 ~~Vehicle Safety Revenue~~, indicating that the vehicle meets at least four of the above-stated
 15 eight conditions for being a derelict vehicle and shall file such form with the Department
 16 of ~~Motor Vehicle Safety Revenue~~ and the law enforcement agency with jurisdiction from
 17 which such vehicle was removed.

18 (b) Upon determination that a vehicle is a derelict motor vehicle as provided in subsection
 19 (a) of this Code section, it may be disposed of by sale to a person who scraps, dismantles,
 20 or demolishes motor vehicles, provided that such vehicle may be sold for scrap or parts
 21 only and shall in no event be rebuilt or sold to the general public. Any person disposing of
 22 a derelict motor vehicle shall, prior to disposing of such vehicle, photograph such vehicle
 23 and retain with such photograph the appraisal required in subsection (a) of this Code
 24 section and the notice to the Department of ~~Motor Vehicle Safety Revenue~~ required in this
 25 subsection for a period of three years after its disposition. Such person shall also notify the
 26 Department of ~~Motor Vehicle Safety Revenue~~ of the disposition of such vehicle in such
 27 manner as may be prescribed by the state revenue commissioner of ~~motor vehicle safety~~.
 28 The Department of ~~Motor Vehicle Safety Revenue~~ shall cancel the certificate of title for
 29 such vehicle and shall not issue a rebuilt or salvage title for such vehicle."

30 SECTION 21-7.

31 Said Chapter 11 of Title 40 is further amended by striking Code Section 40-11-24, relating
 32 to identification numbers of forfeited motor vehicles and components, and inserting in its
 33 place a new Code section to read as follows:

34 "40-11-24.

35 Prior to the property's being sold or returned to the owner or otherwise disposed of, the
 36 Department of ~~Motor Vehicle Safety Revenue~~ shall assign it a new identification number."

1 **PART XXII**

2 **Amendments to Chapter 40-13.**

3 **Prosecution of traffic offenses.**

4 **SECTION 22-1.**

5 Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to prosecution of
6 traffic offenses, is amended by striking Code Section 40-13-1, relating to uniform traffic
7 citation forms, and inserting in its place a new Code section to read as follows:

8 "40-13-1.

9 The commissioner of ~~public safety~~ driver services shall develop a uniform traffic citation
10 and complaint form for use by all law enforcement officers who are empowered to enforce
11 the traffic laws and ordinances in effect in this state. Such form shall serve as the citation,
12 summons, accusation, or other instrument of prosecution of the offense or offenses for
13 which the accused is charged, and as the record of the disposition of the matter by the court
14 before which the accused is brought, and shall contain such other matter as the
15 commissioner shall provide. Each such form shall have a unique identifying number which
16 shall serve as the docket number for the court having jurisdiction of the accused."

17 **SECTION 22-2.**

18 Said Chapter 13 of Title 40 is further amended by striking Code Section 40-13-3, relating to
19 reports of disposition of traffic citations, and inserting in it place a new Code section to read
20 as follows:

21 "40-13-3.

22 Except for offenses tried in the superior courts, all other courts having jurisdiction of the
23 offense may proceed with the adjudication of the offenses contained within the complaint
24 without the necessity of filing an indictment or other accusation in order to bring the
25 accused to trial. The judge or clerk of each court before whom a person accused of such an
26 offense is brought shall promptly report the final disposition of the case to the Department
27 of ~~Motor Vehicle Safety~~ Driver Services. Notwithstanding the reporting requirements of
28 this Code section, the Department of ~~Motor Vehicle Safety~~ Driver Services may by rule or
29 regulation relieve the judge or clerk of each such court of the responsibility of reporting
30 those offenses which do not result in convictions or adjudications of guilt or pleas of nolo
31 contendere."

SECTION 22-3.

Said Chapter 13 of Title 40 is further amended in Code Section 40-13-32, relating to change of sentences in traffic cases, by striking subsections (b) and (c) and inserting in their place new subsections to read as follows:

"(b) If the original judgment is changed or modified pursuant to this Code section, the judge shall certify to the Department of ~~Motor Vehicle Safety~~ Driver Services that such change or modification is a true and correct copy of the change or modification and that the requirements set forth in paragraphs (1) through (3) of subsection (a) of this Code section have been met.

(c) Except for orders correcting clerical errors, the Department of ~~Motor Vehicle Safety~~ Driver Services shall not recognize as valid any change or modification order nor make any changes to a driver's history unless such change or modification as submitted to the department is in strict compliance with the requirements set forth in subsections (a) and (b) of this Code section."

SECTION 22-4.

Said Chapter 13 of Title 40 is further amended in Code Section 40-13-33, relating to habeas corpus challenges to traffic convictions, by striking subsection (c) and inserting in its place a new subsection to read as follows:

"(c) When the commissioner of ~~motor vehicle safety~~ driver services is named as the respondent, all such petitions must be brought in the Superior Court of Fulton County."

SECTION 22-5.

Said Chapter 13 of Title 40 is further amended in Code Section 40-13-53, relating to procedure in traffic violation bureau cases, by striking subsection (b) and inserting in its place a new subsection to read as follows:

"(b) The following offenses shall not be handled or disposed of by a traffic violations bureau:

- (1) Any offense for which a driver's license may be suspended by the commissioner of ~~motor vehicle safety~~ driver services;
- (2) Any motor vehicle registration violation;
- (3) A violation of Code Section 40-5-20;
- (4) Speeding in excess of 30 miles per hour over the posted speed limit; or
- (5) Any offense which would otherwise be a traffic violations bureau offense but which arose out of the same conduct or occurred in conjunction with an offense which is excluded from the jurisdiction of the traffic violations bureau. Any such offense shall be subject to the maximum punishment set by law."

SECTION 22-6.

Said Chapter 13 of Title 40 is further amended by striking Code Section 40-13-54, relating to processing of citations by traffic violations bureaus, and inserting in its place a new Code section to read as follows:

"40-13-54.

The original citation and complaint shall be sent by the officer issuing it to the traffic violations bureau of the court within 24 hours of the arrest. The defendant named in the citation shall be given the second copy. The officer issuing the citation and complaint shall retain one copy for himself or herself, and the court may, by order, provide that an additional copy shall be made for the use of any municipality in the county or the Department of ~~Motor Vehicle Safety~~ Driver Services."

PART XXIII**Amendments to Chapters 40-14 and 40-15.****Traffic enforcement devices and motorcycle safety programs.****SECTION 23-1.**

Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to traffic enforcement devices, is amended by striking Code Section 40-14-16, relating to effect of certain speeding violations on driver licensing, and inserting in its place a new Code section to read as follows:

"40-14-16.

No speeding violation of less than ten miles per hour above the legal speed limit in the county or municipality or on a college or university campus in which a person is given a speeding ticket shall be used by the Department of ~~Motor Vehicle Safety~~ Driver Services for the purpose of suspending or revoking the driver's license of the violator. No speeding violation report by a county, municipality, or college or university campus to the Department of ~~Motor Vehicle Safety~~ Driver Services which fails to specify the speed of the violator shall be used by the Department of ~~Motor Vehicle Safety~~ Driver Services to revoke the driver's license of a violator."

SECTION 23-2.

Chapter 15 of Title 40, relating to motorcycle safety programs, is amended by in Code Section 40-15-1, relating to definitions applicable to said chapter, by striking paragraphs (1) through (4) and inserting in their place new paragraphs to read as follows:

"(1) 'Board' means the Board of ~~Motor Vehicle Safety~~ Driver Services.

(2) 'Commissioner' means the commissioner of ~~motor vehicle safety~~ driver services.

1 (3) 'Coordinator' means the state-wide motorcycle safety coordinator provided for in
2 Code Section 40-15-4.

3 (4) 'Department' means the Department of ~~Motor Vehicle Safety~~ Driver Services."

4 **PART XXIV**

5 **Amendments to Article 7 of Chapter 8 of Title 42.**

6 **Ignition interlock devices as probation condition.**

7 **SECTION 24-1.**

8 Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to
9 ignition interlock devices as a probation condition, is amended by striking subsections (a)
10 and (d) of Code Section 42-8-110, relating to ignition interlock devices in general, and
11 inserting in their respective places new subsections to read as follows:

12 "(a) As used in this article, the term 'ignition interlock device' means a constant monitoring
13 device certified by the commissioner of ~~motor vehicle safety~~ driver services which prevents
14 a motor vehicle from being started at any time without first determining the equivalent
15 blood alcohol concentration of the operator through the taking of a deep lung breath
16 sample. The system shall be calibrated so that the motor vehicle may not be started if the
17 blood alcohol concentration of the operator, as measured by the device, exceeds 0.02 grams
18 or if the sample is not a sample of human breath."

19 "(d) A provider center shall be authorized to charge the person whose vehicle is to be
20 equipped with an ignition interlock device such installation, deinstallation, and user fees
21 as are approved by the Department of ~~Motor Vehicle Safety~~ Driver Services. A provider
22 center may also require such person to make a security deposit for the safe return of the
23 ignition interlock device. Payment of any or all of such fees and deposits may be made a
24 condition of probation under this order."

25 **SECTION 24-2.**

26 Said Article 7 of Chapter 8 of Title 42 is further amended by striking subsection (c) of Code
27 Section 42-8-111, relating to court ordered installation of ignition interlock devices, and
28 inserting in its place a new subsection to read as follows:

29 "(c) In the case of any person subject to the provisions of subsection (a) of this Code
30 section, the court shall include in the record of conviction or violation submitted to the
31 Department of ~~Motor Vehicle Safety~~ Driver Services notice of the requirement for, and the
32 period of the requirement for, the use of a certified ignition interlock device. Such notice
33 shall specify any exemption from the installation requirements of paragraph (1) of
34 subsection (a) of this Code section and any vehicles subject to the installation requirements

1 of paragraph (2) of said subsection. The records of the Department of ~~Motor Vehicle Safety~~
 2 Driver Services shall contain a record reflecting mandatory use of such device and the
 3 person's driver's license or limited driving permit shall contain a notation that the person
 4 may only operate a motor vehicle equipped with a functioning, certified ignition interlock
 5 device."

6 SECTION 24-3.

7 Said Article 7 of Chapter 8 of Title 42 is further amended by striking Code Section 42-8-112,
 8 relating to required proof of compliance for reinstatement of certain licenses and for
 9 probationary licenses, and inserting in its place a new Code section to read as follows:

10 "42-8-112.

11 (a) In any case where the court imposes the use of an ignition interlock device as a
 12 condition of probation on a resident of this state whose driving privilege is not suspended
 13 or revoked, the court shall require the person to surrender his or her driver's license to the
 14 court immediately and provide proof of compliance with such order to the court or the
 15 probation officer and obtain an ignition interlock device restricted driving license within
 16 30 days. Upon expiration of the period of time for which such person is required to use an
 17 ignition interlock device, the person may apply for and receive a regular driver's license
 18 upon payment of the fee provided for in Code Section 40-5-25. If such person fails to
 19 provide proof of installation to the extent required by subsection (a) of Code Section
 20 42-8-111 and receipt of the restricted driving license within such period, absent a finding
 21 by the court of good cause for that failure, which finding is entered in the court's record,
 22 the court shall revoke or terminate the probation.

23 (b)(1) In any case where the court imposes the use of an ignition interlock device as a
 24 condition of probation on a resident of this state whose driving privilege is suspended or
 25 revoked, the court shall require the person to provide proof of compliance with such order
 26 to the court or the probation officer and the Department of ~~Motor Vehicle Safety~~ Driver
 27 Services not later than ten days after the date on which such person first becomes eligible
 28 to apply for an ignition interlock device limited driving permit in accordance with
 29 paragraph (2) of this subsection or a habitual violator's probationary license in
 30 accordance with paragraph (3) of this subsection, whichever is applicable. If such person
 31 fails to provide proof of installation to the extent required by subsection (a) of Code
 32 Section 42-8-111 within the period required by this subsection, absent a finding by the
 33 court of good cause for that failure, which finding is entered on the court's record, the
 34 court shall revoke or terminate the probation if such is still applicable.

35 (2) If the person subject to court ordered use of an ignition interlock device as a
 36 condition of probation is authorized under Code Section 40-5-63 or 40-5-67.2 to apply

1 for reinstatement of his or her driver's license during the period of suspension, such
2 person shall, prior to applying for reinstatement of the license, have an ignition interlock
3 device installed and shall maintain such ignition interlock device in a motor vehicle or
4 vehicles to the extent required by subsection (a) of Code Section 42-8-111 for a period
5 of six months running concurrently with that of an ignition interlock device limited
6 driving permit, which permit shall not be issued until such person submits to the
7 department proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program,
8 proof of having undergone any clinical evaluation and of having enrolled in any
9 substance abuse treatment program required by Code Section 40-5-63.1, and proof of
10 installation of an ignition interlock device on a vehicle or vehicles to the extent required
11 by subsection (a) of Code Section 42-8-111. Such a person may apply for and be issued
12 an ignition interlock device limited driving permit at the end of 12 months after the
13 suspension of the driver's license. At the expiration of such six-month ignition interlock
14 device limited driving permit, the driver may, if otherwise qualified, apply for
15 reinstatement of a regular driver's license upon payment of the fee provided in Code
16 Section 40-5-25.

17 (3) If the person subject to court ordered use of an ignition interlock device as a
18 condition of probation is authorized under Code Section 40-5-58 or under Code Section
19 40-5-67.2 to obtain a habitual violator's probationary license, such person shall, if such
20 person is a habitual violator as a result of two or more convictions for driving under the
21 influence of alcohol or drugs, have an ignition interlock device installed and maintained
22 in a motor vehicle or vehicles to the extent required by subsection (a) of Code Section
23 42-8-111 for a period of six months following issuance of the probationary license, and
24 such person shall not during such six-month period drive any motor vehicle that is not so
25 equipped, all as conditions of such probationary license. Following expiration of such
26 six-month period with no violation of the conditions of the probationary license, the
27 person may apply for a habitual violator probationary license without such ignition
28 interlock device condition.

29 (4) In any case where installation of an ignition interlock device is required, failure to
30 show proof of such device shall be grounds for refusal of reinstatement of such license
31 or issuance of such habitual violator's probationary license or the immediate suspension
32 or revocation of such license.

33 (c) Each resident of this state who is required to have an ignition interlock device installed
34 pursuant to this article shall report to the provider center every 30 days for the purpose of
35 monitoring the operation of each required ignition interlock device. If at any time it is
36 determined that a person has tampered with the device, the Department of ~~Motor Vehicle~~
37 ~~Safety~~ Driver Services shall be given written notice within five days by the probation

1 officer, the court ordering the use of such device, or the interlock provider. If an ignition
2 interlock device is found to be malfunctioning, it shall be replaced or repaired, as ordered
3 by the court or the Department of ~~Motor Vehicle Safety~~ Driver Services, at the expense of
4 the provider.

5 (d)(1) If a person required to report to an ignition interlock provider as required by
6 subsection (c) of this Code section fails to report to the provider as required or receives
7 an unsatisfactory report from the provider at any time during the six-month period, the
8 Department of ~~Motor Vehicle Safety~~ Driver Services shall revoke such person's ignition
9 interlock device limited driving permit immediately upon notification from the provider
10 of the failure to report or failure to receive a satisfactory report. Except as provided in
11 paragraph (2) of this subsection, within 30 days after such revocation, the person may
12 make a written request for a hearing and remit to the department a payment of \$250.00
13 for the cost of the hearing. Within 30 days after receiving a written request for a hearing
14 and a payment of \$250.00, the Department of ~~Motor Vehicle Safety~~ Driver Services shall
15 hold a hearing as provided in Chapter 13 of Title 50, the 'Georgia Administrative
16 Procedure Act.' The hearing shall be recorded.

17 (2) Any person whose ignition interlock device limited driving permit was revoked on
18 or before July 1, 2004, for failure to report or failure to receive a satisfactory report may
19 make a written request for a hearing and remit to the department a payment of \$250.00
20 for the cost of the hearing. Within 30 days after receiving a written request for a hearing
21 and a payment of \$250.00, the Department of ~~Motor Vehicle Safety~~ Driver Services shall
22 hold a hearing as provided in Chapter 13 of Title 50, the 'Georgia Administrative
23 Procedure Act.' The hearing shall be recorded.

24 (3) If the hearing officer determines that the person failed to report to the ignition
25 interlock provider for any of the reasons specified below, the Department of ~~Motor~~
26 ~~Vehicle Safety~~ Driver Services shall issue a new ignition interlock device limited driving
27 permit that shall be valid for a period of six months to such person. Such reasons shall be
28 for providential cause and include, but not be limited to, the following:

- 29 (A) Medical necessity, as evidenced by a written statement from a medical doctor;
- 30 (B) The person was incarcerated;
- 31 (C) The person was required to be on the job at his or her place of employment, with
32 proof that the person would be terminated if he or she was not at work; or
- 33 (D) The vehicle with the installed interlock device was rendered inoperable by reason
34 of collision, fire, or a major mechanical failure.

35 (4) If the hearing officer determines that the person failed to report to the ignition
36 interlock provider for any reason other than those specified in paragraph (3) of this
37 subsection, or if the person received an unsatisfactory report from the provider, after the

1 expiration of 120 days the person may apply to the department and the department shall
2 issue a new ignition interlock device limited driving permit to such person.

3 (5) This subsection shall not apply to any person convicted of violating Code Section
4 42-8-118."

5 SECTION 24-4.

6 Said Article 7 of Chapter 8 of Title 42 is further amended by striking Code Section 42-8-115,
7 relating to certification of ignition interlock devices, and inserting in its place a new Code
8 section to read as follows:

9 "42-8-115.

10 (a) The commissioner of ~~motor vehicle safety~~ driver services or the commissioner's
11 designee shall certify ignition interlock devices required by this article and the providers
12 of such devices and shall promulgate rules and regulations for the certification of said
13 devices and providers. The standards for certification of such devices shall include, but not
14 be limited to, those standards for such devices promulgated by the National Highway
15 Traffic Safety Administration and adopted by rule or regulation of the Department of
16 ~~Motor Vehicle Safety~~ Driver Services.

17 (b) The commissioner of ~~motor vehicle safety~~ driver services may utilize information from
18 an independent agency to certify ignition interlock devices on or off the premises of the
19 manufacturer in accordance with rules and regulations promulgated pursuant to this article.
20 The cost of certification shall be borne by the manufacturers of ignition interlock devices.

21 (c) The commissioner of ~~motor vehicle safety~~ driver services shall adopt rules and
22 regulations for determining the accuracy of and proper use of the ignition interlock devices
23 in full compliance with this article. No model of ignition interlock device shall be certified
24 unless it meets the accuracy requirements specified by such rules and regulations."

25 SECTION 24-5.

26 Said Article 7 of Chapter 8 of Title 42 is further amended by striking Code Section 42-8-116,
27 relating to warning labels affixed to ignition interlock devices, and inserting in its place a
28 new Code section to read as follows:

29 "42-8-116.

30 The providers certified by the Department of ~~Motor Vehicle Safety~~ Driver Services shall
31 design and adopt pursuant to regulations of the department a warning label which shall be
32 affixed to each ignition interlock device upon installation. The label shall contain a warning
33 that any person tampering, circumventing, or otherwise misusing the device is guilty of a
34 misdemeanor and may be subject to civil liability."

1 ~~(3)~~(1) 'Commercial driver training school' means any person, partnership, limited
 2 liability company, or corporation giving driving instruction for hire to ten or more
 3 persons per calendar year for the purpose of assisting such persons to meet the
 4 requirements for licensed driving of Class A or Class B motor vehicles in this state.

5 (4) 'Driver's license examiners' means examiners appointed by the Department of ~~Motor~~
 6 ~~Vehicle Safety~~ Driver Services for the purpose of giving driver's license examinations."

7 **SECTION 25-2.**

8 Said Title 43 is further amended in Code Section 43-13-8, relating to rules, regulations, and
 9 penalties applicable to driver training instructors and schools, by striking subsection (a) and
 10 inserting in its place a new subsection to read as follows:

11 "(a) The commissioner of ~~motor vehicle safety~~ driver services is authorized to prescribe,
 12 by rule, standards for the eligibility, conduct, equipment, and operation of driver training
 13 schools and instructors and commercial driver training schools and instructors and to adopt
 14 other reasonable rules and regulations to carry out this chapter. Notwithstanding the
 15 foregoing, violations that are minor in nature and committed by a person, firm, or
 16 corporation shall be punished only by a written reprimand unless the person, firm, or
 17 corporation fails to remedy the violation within 30 days, in which case an administrative
 18 fine, not to exceed \$250.00, may be issued."

19 **SECTION 25-3.**

20 Said Title 43 is further amended by striking Code Section 43-43-3, relating to duties of scrap
 21 metal processors with respect to motor vehicle titles and license plates, and inserting in its
 22 place a new Code section to read as follows:

23 "43-43-3.

24 Should a scrap metal processor be presented the certificate of title or vehicle license plate
 25 for any vehicle or scrap vehicle purchased, that scrap metal processor shall mail or deliver
 26 the same to the Department of ~~Motor Vehicle Safety~~ Revenue as required by law."

27 **SECTION 25-4.**

28 Said Title 43 is further amended in Code Section 43-47-3, relating to the State Board of
 29 Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, by
 30 striking paragraph (3) of subsection (a) and paragraphs (2) and (3) of subsection (d) and
 31 inserting in their respective places new paragraphs to read as follows:

32 "(3) The state revenue commissioner of ~~motor vehicle safety~~, or a designated agent, shall
 33 be a permanent ex officio member and shall be authorized to vote on all matters before
 34 the board;"

1 chapter shall be entitled to receive or use any dealer's registration plates for motor vehicles
2 under the motor vehicle laws of this state providing for the issuance of such plates."

3 SECTION 25-7.

4 Said Title 43 is further amended by striking Code Section 43-47-15, relating to compliance
5 with rules and regulations relating to wrecked and salvage motor vehicles, and inserting in
6 its place a new Code section to read as follows:

7 "43-47-15.

8 Any licensee who purchases a wrecked or salvage motor vehicle or rebuilds a wrecked or
9 salvage motor vehicle shall fully comply with Chapter 3 of Title 40, the 'Motor Vehicle
10 Certificate of Title Act,' regarding titling and inspection of salvage and rebuilt vehicles, and
11 shall comply with any rules and regulations adopted by the state revenue commissioner of
12 ~~motor vehicle safety~~ pursuant to this chapter."

13 PART XXVI

14 Amendments to Code Section 44-1-13.

15 Removal of improperly parked cars or trespassing personal property.

16 SECTION 26-1.

17 Code Section 44-1-13 of the Official Code of Georgia Annotated, relating to removal of
18 improperly parked cars or trespassing personal property, is amended by striking subsections
19 (a) and (b) and inserting in their place new subsections to read as follows:

20 "(a) As used in this Code section, the term:

21 (1) 'Commission' means the Public Service Commission.

22 (2) 'Private property' means any parcel or space of private real property.

23 (a.1) Any person or his or her authorized agent entitled to the possession of any ~~parcel or~~
24 ~~space of private real property, hereinafter referred to as 'private property,'~~ shall have the
25 right to remove or cause to be removed from the property any vehicle or trespassing
26 personal property thereon which is not authorized to be at the place where it is found and
27 to store or cause to be stored such vehicle or trespassing personal property, provided that
28 there shall have been conspicuously posted on the private ~~real~~ property notice that any
29 vehicle or trespassing personal property which is not authorized to be at the place where
30 it is found may be removed at the expense of the owner of the vehicle or trespassing
31 personal property. Such notice shall also include information as to the location where the
32 vehicle or personal property can be recovered, the cost of said recovery, and information
33 as to the form of payment; provided, however, that the owner of ~~private residential~~ private
34 property containing not more than four residential units shall not be required to comply

1 with the posting requirements of this subsection. Only towing and storage firms issued
 2 permits or licenses by the local governing authority of the jurisdiction in which they
 3 operate or by the ~~Department of Motor Vehicle Safety~~ commission, and having a secure
 4 impoundment facility, shall be permitted to remove trespassing property and trespassing
 5 personal property at the request of the owner or authorized agent of the private property.

6 (b) Except as provided in subsection (d) of this Code section, the ~~Department of Motor~~
 7 ~~Vehicle Safety~~, hereinafter referred to as the ~~department~~, commission shall have the
 8 authorization to regulate and control the towing of trespassing vehicles on private property
 9 if such towing is performed without the prior consent or authorization of the owner or
 10 operator of the vehicle, including the authority to set just and reasonable rates, fares, and
 11 charges for services related to the removal, storage, and required notification to owners of
 12 such towed vehicles. No storage fees shall be charged for the first 24 hour period which
 13 begins at the time the vehicle is removed from the property, and no such fees shall be
 14 allowed for the removal and storage of vehicles removed by towing and storage firms
 15 found to be in violation of this Code section. The ~~Department of Motor Vehicle Safety~~
 16 commission is authorized to impose a civil penalty for any violation of this Code section
 17 in an amount not to exceed \$2,500.00."

18 **PART XXVII**

19 **Amendments to Chapter 45-9.**

20 **Insuring and indemnification of public officers and employees.**

21 **SECTION 27-1.**

22 Chapter 9 of Title 45 of the Official Code of Georgia Annotated, relating to insuring and
 23 indemnification of public officers and employees, is amended in Code Section 45-9-81,
 24 relating to definitions applicable to the indemnification fund for certain state employees, by
 25 striking paragraph (6) and inserting in its place a new paragraph to read as follows:

26 "(6) 'Law enforcement officer' means any agent or officer of this state, or a political
 27 subdivision or municipality thereof, who, as a full-time or part-time employee, is vested
 28 either expressly by law or by virtue of public employment or service with authority to
 29 enforce the criminal or traffic laws and whose duties include the preservation of public
 30 order, the protection of life and property, or the prevention, detection, or investigation of
 31 crime. Such term also includes the employees designated by the commissioner of juvenile
 32 justice of the Department of Juvenile Justice pursuant to paragraph (2) of subsection (i)
 33 of Code Section 49-4A-8, which employees have the duty to investigate and apprehend
 34 delinquent and unruly children who have escaped from a facility under the jurisdiction
 35 of the Department of Juvenile Justice or who have broken the conditions of supervision.

1 ~~Such term also includes law enforcement officers of the Department of Motor Vehicle~~
 2 ~~Safety.~~ Such term also includes members of the Georgia National Guard, the composition
 3 of which is set forth in Code Section 38-2-3, who have been called into active state
 4 service by the Governor."

5 **SECTION 27-2.**

6 Said Chapter 9 of Title 45 is further amended in Code Section 45-9-102, relating to
 7 definitions applicable to a temporary disability compensation program for certain state
 8 employees, by striking paragraph (6) and inserting in its place a new paragraph to read as
 9 follows:

10 "(6) 'Law enforcement officer' means any agent or officer of this state, or a political
 11 subdivision or municipality thereof, who, as a full-time employee, is vested either
 12 expressly by law or by virtue of public employment or service with authority to enforce
 13 the criminal or traffic laws and whose duties include the preservation of public order, the
 14 protection of life and property, or the prevention, detection, or investigation of crime.
 15 Such term also includes prison guards as defined under Code Section 45-9-81 and the
 16 employees designated by the commissioner of juvenile justice of the Department of
 17 Juvenile Justice pursuant to paragraph (2) of subsection (i) of Code Section 49-4A-8,
 18 which employees have the duty to investigate and apprehend delinquent and unruly
 19 children who have escaped from a facility under the jurisdiction of the Department of
 20 Juvenile Justice or who have broken the conditions of supervision ~~and employees~~
 21 ~~designated and delegated law enforcement powers by the commissioner of motor vehicle~~
 22 ~~safety, which personnel have the duty to enforce the laws relating to motor carriers and~~
 23 ~~the transportation of hazardous materials."~~

24 **PART XXVIII**

25 **Amendments to Title 46.**

26 **Public utilities and public transportation.**

27 **SECTION 28-1.**

28 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
 29 transportation, is amended in Code Section 46-1-1, relating to definitions applicable to said
 30 title, by striking the following: paragraph (7); division (9)(C)(ii); divisions (9)(C)(x) through
 31 (9)(C)(xiii); paragraph (11); and paragraph (18) and inserting in their respective places new
 32 paragraphs and divisions to read as follows:

33 "(7) 'Household goods' means any personal effects and property used or to be used in a
 34 dwelling when a part of the equipment or supplies of such dwelling and such other

1 similar property as the ~~commissioner of motor vehicle safety~~ commission may provide
 2 for by regulation; provided, however, that such term shall not include property being
 3 moved from a factory or store except when such property has been purchased by a
 4 householder with the intent to use such property in a dwelling and such property is
 5 transported at the request of, and with transportation charges paid by, the householder."

6 "(ii) Taxicabs, drays, trucks, buses, and other motor vehicles which operate within
 7 the corporate limits of municipalities and are subject to regulation by the governing
 8 authorities of such municipalities. This exception shall apply to taxicabs and buses
 9 even though such vehicles may, in the prosecution of their regular business,
 10 occasionally go beyond the corporate limits of such municipalities, ~~provided that they~~
 11 ~~do not operate to or from fixed termini outside of such limits and to any dray or truck~~
 12 ~~which operates within the corporate limits of a city and is subject to regulation by the~~
 13 ~~governing authority of such city or by the commissioner of motor vehicle safety and~~
 14 ~~which goes beyond the corporate limits only for the purpose of hauling chattels which~~
 15 ~~have been seized under any court process;"~~

16 "(x) Motor vehicles engaged exclusively in the transportation of agricultural or dairy
 17 products, or both, between farm, market, gin, warehouse, or mill, whether such motor
 18 vehicle is owned by the owner or producer of such agricultural or dairy products or
 19 not, so long as the title remains in the producer. For the purposes of this division, the
 20 term 'producer' includes a landlord where the relations of landlord and tenant or
 21 landlord and cropper are involved. As used in this division, the term 'agricultural
 22 products' includes fruit, livestock, meats, fertilizer, wood, lumber, cotton, and naval
 23 stores; household goods and supplies transported to farms for farm purposes; or other
 24 usual farm and dairy supplies, including products of grove or orchard; poultry and
 25 eggs; fish and oysters; and timber or logs being hauled by the owner thereof or the
 26 owner's agents or employees between forest and mill or primary place of
 27 manufacture; provided, however, motor vehicles with a manufacturer's gross weight
 28 rated capacity of 44,000 pounds or more engaged solely in the transportation of
 29 unmanufactured forest products shall be subject to the Georgia Forest Products
 30 Trucking Rules which shall be adopted and promulgated by the commissioner of
 31 ~~motor vehicle~~ public safety only for application to such vehicles and vehicles defined
 32 in subparagraph (A) of paragraph (13) of this Code section; provided, further, that
 33 pulpwood trailers and pole trailers with a manufacturer's gross weight rated capacity
 34 of 10,001 pounds or more engaged solely in the transportation of unmanufactured
 35 forest products shall have two amber side marker reflectors on each side of the trailer
 36 chassis between the rear of the tractor cab and the rearmost support for the load. All
 37 such reflectors shall be not less than four inches in diameter. Such rules and any

1 amendments thereto adopted by the commissioner of ~~motor vehicle~~ public safety shall
 2 be subject to legislative review in accordance with the provisions of Code Section
 3 46-2-30, and, for the purposes of such rules and any amendments thereto, the Senate
 4 Natural Resources and the Environment Committee and the House Committee on
 5 Natural Resources and Environment shall be the appropriate committees within the
 6 meaning of said Code Section 46-2-30. The first such rules adopted by the
 7 commissioner of ~~motor vehicle~~ public safety shall be effective July 1, 1991;

8 (xi) Reserved;

9 (xii) Reserved: ~~Motor vehicles engaged in compensated intercorporate hauling~~
 10 ~~whereby transportation of property is provided by a person who is a member of a~~
 11 ~~corporate family for other members of such corporate family, provided:~~

12 ~~(I) The parent corporation notifies the commissioner of motor vehicle safety of its~~
 13 ~~intent or the intent of one of the subsidiaries to provide the transportation;~~

14 ~~(II) The notice contains a list of participating subsidiaries and an affidavit that the~~
 15 ~~parent corporation owns directly or indirectly a 100 percent interest in each of the~~
 16 ~~subsidiaries;~~

17 ~~(III) A copy of the notice is carried in the cab of all vehicles conducting the~~
 18 ~~transportation, and~~

19 ~~(IV) The transportation entity of the corporate family registers the compensated~~
 20 ~~intercorporate hauling operation with the commissioner of motor vehicle safety,~~
 21 ~~registers and identifies any of its vehicles, and becomes subject to the~~
 22 ~~commissioner's liability insurance and motor common carrier and motor contract~~
 23 ~~carrier and hazardous materials transportation rules.~~

24 ~~For the purpose of this division, the term 'corporate family' means a group of~~
 25 ~~corporations consisting of a parent corporation and all subsidiaries in which the parent~~
 26 ~~corporation owns directly or indirectly a 100 percent interest;~~

27 (xiii) Vehicles, except limousines, transporting not more than ten persons for hire,
 28 except that any operator of such a vehicle is required to register the exempt operation
 29 with the ~~commissioner of motor vehicle safety~~ commission, register and identify any
 30 of its vehicles, and become subject to the ~~commissioner's~~ commission's liability
 31 insurance and vehicle safety rules;"

32 "(11) 'Permit' means a registration permit issued by the ~~commissioner of motor vehicle~~
 33 ~~safety~~ state revenue commissioner authorizing interstate transportation for hire exempt
 34 from the jurisdiction of the United States Department of Transportation or intrastate
 35 passenger transportation for hire exempt from the jurisdiction of the ~~commissioner of~~
 36 ~~motor vehicle safety~~ commission or intrastate transportation by a motor carrier of
 37 property."

1 state revenue commissioner and paying a \$25.00 filing fee. The application shall show the
2 operations claimed to be exempt. A carrier's registration permit shall be valid so long as
3 there is no change in its operating authority but may be amended to reflect any changes by
4 application to the state revenue commissioner on a form provided by the state revenue
5 commissioner and payment of a \$5.00 filing fee.

6 (b) Every motor common or contract carrier operating pursuant to a certificate or permit
7 shall annually on or before the thirty-first day of December of each calendar year, but not
8 earlier than the preceding first day of October or, as to a vehicle put into use during the
9 course of the year, before the vehicle is put into use, make application to the state revenue
10 commissioner for the issuance of an annual identification and registration stamp or stamps,
11 make application for the registration of all motor vehicles to be operated under such
12 certificate or permit, in such manner and form as the state revenue commissioner may by
13 rule or regulation prescribe, and shall pay to the state revenue commissioner a fee of \$5.00
14 for the registration of each vehicle and issuance of identification and registration stamp to
15 operate same. Each annual identification and registration stamp shall be valid for a period
16 of 16 months extending from the first day of October of any year through the thirty-first
17 day of January of the next succeeding year.

18 (c) Motor carriers operating pursuant to a certificate or permit as provided for in this
19 article may, in lieu of other vehicle registration provisions contained in this Code section,
20 register vehicles operated as an emergency, temporary, or trip-lease vehicle for a period not
21 exceeding 15 days by payment to the state revenue commissioner of a fee of \$8.00 for each
22 vehicle so registered. Upon such registration, the state revenue commissioner shall issue
23 an emergency, temporary, or trip-lease vehicle registration permit.

24 (d) Whenever any motor vehicle is operated on or over any public highway of this state
25 without the motor common or contract carrier operating such vehicle first having obtained
26 the annual registration and license or temporary vehicle registration permit provided for in
27 this Code section, the motor common or contract carrier operating such vehicle shall be
28 required to pay a fee of \$25.00 for the late registration of such vehicle.

29 (e) No subdivision of this state, including cities, townships, or counties, shall levy any
30 excise, license, or occupation tax of any nature on a motor common or contract carrier, or
31 on the equipment of a motor common or contract carrier, or on the right of a motor
32 common or contract carrier to operate such equipment, or on any incidents of the business
33 of a motor common or contract carrier.

34 46-7-15.1.

35 (a) Before any motor carrier of property shall operate any motor vehicle on or over any
36 public highway of this state, it shall first secure a motor carrier of property permit from the

1 state revenue commissioner by making application therefor on forms supplied by the state
 2 revenue commissioner and paying the required filing fee. The application shall be in
 3 writing and under oath and shall include such information as the state revenue
 4 commissioner may require including, but not limited to:

- 5 (1) Whether hazardous commodities will be transported;
- 6 (2) The number and type of vehicles to be utilized;
- 7 (3) The carrier's safety record and safety rating; and
- 8 (4) Proof of compliance with applicable insurance or self-insurance requirements.

9 (b) The state revenue commissioner shall issue the motor carrier of property permit if the
 10 application is complete and the applicant demonstrates compliance with the laws of this
 11 state and the rules and regulations ~~of the commissioner~~ regarding insurance and safety,
 12 including the handling of hazardous materials. The state revenue commissioner may refuse
 13 to issue a permit where the applicant has failed to show compliance with the applicable
 14 laws ~~of this state~~ and ~~the rules and regulations of the commissioner~~. In any such instance
 15 where a permit is denied, the applicant shall, upon request made within 30 days of the date
 16 of denial, be entitled to a hearing to contest such denial of a permit.

17 (c) The state revenue commissioner may, at any time after notice and a hearing, suspend,
 18 revoke, alter, or amend any permit issued under this title if it shall appear that the holder
 19 of the permit has violated or refused to observe any of the lawful and reasonable orders,
 20 rules, or regulations prescribed by the state revenue commissioner, any provisions of this
 21 title, or any other law of this state regulating or providing for the taxation of motor
 22 vehicles.

23 46-7-16.

24 (a) Before any motor carrier engaged solely in interstate commerce under authority issued
 25 by the Interstate Commerce Commission or any successor agency shall operate any motor
 26 vehicle on or over any public highway of this state, it shall obtain from the state revenue
 27 commissioner or the carrier's designated base state a registration receipt issued pursuant
 28 to rules adopted by the Interstate Commerce Commission or any successor agency as
 29 determined by federal law.

30 (b) Before any motor carrier engaged solely in interstate operations exempt from
 31 regulation by the Interstate Commerce Commission or any successor agency shall operate
 32 any motor vehicle on or over any public highway of this state, it shall first:

- 33 (1) Secure a registration permit from the state revenue commissioner by making
 34 application therefor on forms supplied by the state revenue commissioner and paying a
 35 \$25.00 filing fee. A carrier's registration shall be valid so long as there is no change in
 36 its operating authority with regard to its operations in this state, but the registration may

1 be amended to reflect such changes by application to the state revenue commissioner on
2 forms supplied by the state revenue commissioner and payment of a \$5.00 filing fee;

3 (2) Annually on or before the thirty-first day of December of each calendar year, but not
4 earlier than the preceding first day of October or, as to a vehicle put into use during the
5 course of the year, before the vehicle is put into use, make application to the state revenue
6 commissioner for the issuance of an annual identification and registration stamp or
7 stamps, make application for the registration of all motor vehicles to be operated under
8 such permit, in such manner and form as the state revenue commissioner may by rule or
9 regulation prescribe, and shall pay to the state revenue commissioner a fee of \$5.00 for
10 the registration of each vehicle and issuance of identification and registration stamp to
11 operate same. Each annual identification and registration stamp shall be valid for a period
12 of 16 months extending from the first day of October of any year through the thirty-first
13 day of January of the next succeeding year. Notwithstanding any other provision of this
14 Code section, the state revenue commissioner is authorized to impose a vehicle
15 identification and registration fee equal to the identification and registration fee charged
16 by any other state, up to a maximum of \$25.00, upon vehicles licensed in that state if such
17 state charges equipment licensed in Georgia a vehicle identification and registration fee
18 in excess of \$5.00; and

19 (3) Give the bond or indemnity insurance prescribed by this article, omitting the
20 protection in respect to their own passengers and cargoes.

21 (c) Motor carriers operating pursuant to a registration permit as provided for in this Code
22 section may, in lieu of all other registration and identification requirements contained in
23 subsection (b) of this Code section, register vehicles operated in Georgia as an emergency,
24 temporary, or trip-lease vehicle for a period not exceeding 15 days by payment to the state
25 revenue commissioner of a fee of \$8.00 for each vehicle so registered; and upon such
26 payment, the state revenue commissioner shall issue an emergency, temporary, or trip-lease
27 vehicle registration permit.

28 (d) Where a carrier has not previously qualified with the state revenue commissioner to
29 operate in interstate exempt or intrastate commerce in Georgia pursuant to this Code
30 section and thus has not secured a registration permit pursuant to this Code section, the
31 emergency, temporary, or trip-lease vehicle registration permit provided for in subsection
32 (c) of this Code section will also include the authority to operate in Georgia during the 15
33 day or less period covered by the emergency, temporary, or trip-lease vehicle registration
34 permit, provided that the carrier has otherwise qualified its operations with the state
35 revenue commissioner as provided for in this Code section; provided, however, that
36 whenever any motor vehicle is operated on or over any public highway of this state without
37 the motor carrier operating such vehicle first having obtained the annual registration and

1 identification stamp or license or the emergency, temporary, or trip-lease vehicle
2 registration permit provided for in this Code section, the motor carrier operating such
3 vehicle shall be required to pay a fee of \$25.00 for the late registration and identification
4 of such vehicle.

5 (e) Reserved.

6 (f) It shall not be necessary for any motor carrier to obtain a certificate from the state
7 revenue commissioner when such carrier is engaged solely in interstate commerce over the
8 public highways of this state.

9 46-7-17.

10 (a) Each nonresident motor common or contract carrier shall, before any certificate or
11 permit is issued to it under this article or at the time of registering as required by Code
12 Section 46-7-16, designate and maintain in this state an agent or agents upon whom may
13 be served all summonses or other lawful processes in any action or proceeding against such
14 motor carrier growing out of its carrier operations; and service of process upon or
15 acceptance or acknowledgment of such service by any such agent shall have the same legal
16 force and validity as if duly served upon such nonresident carrier personally. Such
17 designation shall be in writing, shall give the name and address of such agent or agents, and
18 shall be filed in the office of the state revenue commissioner. Upon failure of any
19 nonresident motor carrier to file such designation with the state revenue commissioner or
20 to maintain such an agent in this state at the address given, such nonresident carrier shall
21 be conclusively deemed to have designated the Secretary of State and his or her successors
22 in office as such agent; and service of process upon or acceptance or acknowledgment of
23 such service by the Secretary of State shall have the same legal force and validity as if duly
24 served upon such nonresident carrier personally, provided that notice of such service and
25 a copy of the process are immediately sent by registered or certified mail or statutory
26 overnight delivery by the Secretary of State or his or her successor in office to such
27 nonresident carrier, if its address be known. Service of such process upon the Secretary of
28 State shall be made by delivering to his or her office two copies of such process with a fee
29 of \$10.00.

30 (b) Except in those cases where the Constitution of Georgia requires otherwise, any action
31 against any resident or nonresident motor common or contract carrier for damages by
32 reason of any breach of duty, whether contractual or otherwise, or for any violation of this
33 article or of any order, decision, rule, regulation, direction, demand, or other requirement
34 established by the state revenue commissioner, may be brought in the county where the
35 cause of action or some part thereof arose; and if the motor common or contract carrier or
36 its agent shall not be found for service in the county where the action is instituted, a second

1 original may issue and service be made in any other county where the service can be made
 2 upon the motor common or contract carrier or its agent. The venue prescribed by this Code
 3 section shall be cumulative of any other venue provided by law."

4 SECTION 28-4.

5 Said Title 46 is further amended by striking Code Section 46-7-23, relating to examination
 6 of records of carriers, and inserting in its place a new Code section to read as follows:

7 "46-7-23.

8 The ~~commissioner~~ commission shall prescribe the books and the forms of accounts to be
 9 kept by the holders of certificates under this article, which books and accounts shall be
 10 preserved for such reasonable time as may be prescribed by the ~~commissioner~~ commission.
 11 The books and records of every certificate holder shall be at all times open to the inspection
 12 of ~~the commissioner~~ or any agent of the ~~department~~ commission for such purpose. The
 13 ~~commissioner~~ commission shall have the power to examine the books and records of all
 14 motor carriers to whom ~~he or she~~ it has granted certificates or permits to operate under this
 15 article and to examine under oath the officers and agents of any motor carrier with respect
 16 thereto."

17 SECTION 28-5.

18 Said Title 46 is further amended by striking Code Section 46-7-26, relating to rules and
 19 regulations for the safe operation of motor vehicles and drivers and the safe transportation
 20 of hazardous materials, and inserting in its place a new Code section to read as follows:

21 "46-7-26.

22 The commissioner of public safety shall have the authority to promulgate rules and
 23 regulations for the safe operation of motor vehicles and drivers and the safe transportation
 24 of hazardous materials as provided in Chapter 11 of this title. Any such rules and
 25 regulations promulgated or deemed necessary by the commissioner of public safety shall
 26 include the following:

- 27 (1) Every motor vehicle and all parts thereof shall be maintained in a safe condition at
 28 all times; and the lights, brakes, and equipment shall meet such safety requirements as the
 29 commissioner of public safety shall from time to time promulgate. Specifically but
 30 without limitation, the commissioner of public safety shall promulgate rules or
 31 regulations for the safe operation of trailers or semitrailers effective on and after July 1,
 32 2000, consistent with the applicable provisions of Code Section 40-8-50;
- 33 (2) Every driver employed to operate a motor vehicle for a motor common or contract
 34 carrier shall be at least 18 years of age, of temperate habits and good moral character,

1 possess a valid driver's license, not use or possess prohibited drugs or alcohol while on
2 duty, and shall be fully competent to operate the motor vehicle under his or her charge;

3 (3) Accidents arising from or in connection with the operation of motor common or
4 contract carriers shall be reported to the commissioner of transportation in such detail and
5 in such manner as the commissioner of transportation may require; and

6 (4) The commissioner of public safety shall require every motor common and contract
7 carrier to have attached to each unit or vehicle such distinctive markings or tags as shall
8 be adopted by the commissioner of public safety."

9 SECTION 28-6.

10 Said Title 46 is further amended by striking Article 3 of Chapter 7, relating to limousine
11 carriers, and inserting in its place a new article to read as follows:

12 "ARTICLE 3

13 46-7-85.1.

14 As used in this article, the term:

15 (1) 'Certificate' means a certificate issued by the ~~commissioner~~ commission.

16 (2) 'Chauffeur' means any person with a Georgia state driver's license who meets the
17 qualifications as prescribed in Code Section 46-7-85.10 and who is authorized by the
18 commissioner of driver services to drive a limousine under this article.

19 (3) ~~'Commissioner' means the commissioner of motor vehicle safety.~~ 'Commission'
20 means the Public Service Commission.

21 (3.1) ~~'Department' means the Department of Motor Vehicle Safety.~~

22 (4) 'Limousine' means any motor vehicle that meets the manufacturer's specifications for
23 a luxury limousine with a designed seating capacity for no more than ten passengers and
24 with a minimum of five seats located behind the operator of the vehicle, and which does
25 not have a door at the rear of the vehicle designed to allow passenger entry or exit;
26 further, no vehicle shall be permitted to be operated both as a taxicab and a limousine.

27 (5) 'Limousine carrier' means any person operating a service regularly rendered to the
28 public by furnishing transportation as a motor common carrier for hire, not over fixed
29 routes, by means of limousines, or extended limousines, on the basis of telephone
30 contract or written contract.

31 (6) 'Person' means any individual, firm, partnership, corporation, company, association,
32 or joint-stock association, and includes any trustee, receiver, assignee, or personal
33 representative thereof.

34 (7) 'Public highway' means every public street, road, or highway in this state.

1 46-7-85.2.

2 No limousine carrier shall operate any limousine for the transportation of passengers for
3 compensation on any public highway in this state except in accordance with the provisions
4 of this article.

5 46-7-85.3.

6 No person may engage in the business of a limousine carrier over any public highway in
7 this state without first having obtained from the ~~commissioner~~ commission a certificate to
8 do so.

9 46-7-85.4.

10 (a) The ~~commissioner~~ commission shall prescribe the form of the application for the
11 certificate and shall prescribe such reasonable requirements as to notice, publication, proof
12 of service, maintenance of adequate liability insurance coverage, and information as may,
13 in ~~his or her~~ its judgment, be necessary and may establish fees as part of such certificate
14 process.

15 (b) A certificate shall be issued to any qualified applicant, provided that such applicant is
16 a limousine carrier business domiciled in this state, authorizing the operations covered by
17 the application if it is found that the applicant is fit, willing, and able to perform properly
18 the service and conform to the provisions of this article and the rules and regulations of the
19 ~~commissioner~~ commission and has not been convicted of any felony as such violation or
20 violations are related to the operation of a motor vehicle.

21 46-7-85.5.

22 (a) It shall be the duty of the ~~commissioner~~ commission to regulate limousine carriers with
23 respect to the safety of equipment.

24 (b) The ~~department~~ commission shall require safety and mechanical inspections at least
25 on an annual basis for each vehicle owned and operated by a limousine carrier. The
26 ~~commissioner~~ commission shall provide, by rule or regulation, for the scope of such
27 inspections, the qualifications of persons who may conduct such inspections, and the
28 manner by which the results of such inspections shall be reported to the ~~department~~
29 commission.

30 46-7-85.6.

31 No certificate issued under this article may be leased, assigned, or otherwise transferred or
32 encumbered unless authorized by the ~~commissioner~~ commission.

1 46-7-85.7.

2 The ~~commissioner~~ commission may cancel, revoke, or suspend any certificate issued under
3 this article on any of the following grounds:

4 (1) The violation of any of the provisions of this article;

5 (2) The violation of an order, decision, rule, regulation, or requirement established by the
6 ~~commissioner~~ commission pursuant to this article;

7 (3) Failure of a limousine carrier to pay a fee imposed on the carrier within the time
8 required by law or by the ~~commissioner~~ commission;

9 (4) Failure of a limousine carrier to maintain required insurance in full force and effect;
10 and

11 (5) Failure of a limousine carrier to operate and perform reasonable services.

12 46-7-85.8.

13 After the cancellation or revocation of a certificate or during the period of its suspension,
14 it is unlawful for a limousine carrier to conduct any operations as such a carrier.

15 46-7-85.9.

16 Pursuant to rules and regulations prescribed by the ~~commissioner~~ commission, each
17 chauffeur employed by a limousine carrier shall register with the ~~commissioner~~
18 commission and secure from the Department of Driver Services a permit as a limousine
19 chauffeur. A chauffeur's permit issued under this subsection shall be upon a form
20 prescribed by the commissioner of driver services and shall bear thereon a distinguishing
21 number assigned to the permittee, the full name and a photograph of the permittee, and
22 such other information or identification as is required by the commissioner of driver
23 services. Every chauffeur employed by a limousine carrier shall have his or her chauffeur's
24 permit in his or her immediate possession at all times while operating a limousine. All
25 applications for a chauffeur's permit shall be accompanied by such fee as the commissioner
26 of driver services shall prescribe. The chauffeur's permit shall be valid for four calendar
27 years. The ~~commissioner~~ Department of Driver Services may issue a chauffeur's permit
28 by mail.

29 46-7-85.10.

30 In order to secure a chauffeur's permit, an applicant must provide the following
31 information on a form provided by the commissioner of driver services. The applicant
32 must:

33 (1) Be at least 18 years of age;

1 (2) Possess a valid Georgia driver's license which is not limited as defined in Code
2 Section 40-5-64; and

3 (3)(A) Not have been convicted, been on probation or parole, or served time on a
4 sentence for a period of five years previous to the date of application for the violation
5 of any of the following criminal offenses of this state or any other state or of the United
6 States: criminal homicide, rape, aggravated battery, mayhem, burglary, aggravated
7 assault, kidnapping, robbery, driving a motor vehicle while under the influence of
8 intoxicating beverages or drugs, child molestation, any sex related offense, leaving the
9 scene of an accident, criminal solicitation to commit any of the above, any felony in the
10 commission of which a motor vehicle was used, perjury or false swearing in making
11 any statement under oath in connection with the application for a chauffeur's permit,
12 any law involving violence or theft, or possession, sale, or distribution of narcotic
13 drugs, barbituric acid derivatives, or central nervous system stimulants; provided,
14 however, that all applicants shall be entitled to the full benefits of Article 3 of Chapter
15 8 of Title 42, relating to first offender probation.

16 (B) If at the time of application the applicant is charged with any of the offenses
17 described in subparagraph (A) of this paragraph, consideration of the application shall
18 be suspended until entry of a plea or verdict or dismissal.

19 (C) If after the issuance of a permit a person is charged with any of the offenses
20 described in subparagraph (A) of this paragraph, the permit shall be suspended pending
21 disposition of such charge. If the person is convicted of such charge, the permit shall
22 be revoked.

23 (D) For purposes of this paragraph, a plea of nolo contendere to any of the offenses set
24 out in this paragraph shall constitute a conviction.

25 46-7-85.11.

26 The State of Georgia fully occupies and preempts the entire field of regulation over
27 limousine carriers as regulated by this article; provided, however, that the governing
28 authority of any county or municipal airport shall be authorized to permit any limousine
29 carrier doing business at any such airport and may establish fees as part of such permitting
30 process; provided, further, that counties and municipalities may enact ordinances and
31 regulations which require limousine carriers which are domiciled within their boundaries
32 to pay business license fees.

33 46-7-85.12.

34 A limousine carrier operating under a certificate issued by the ~~commissioner~~ commission
35 shall be required to file with the ~~commissioner~~ commission a tariff of rates and charges.

1 46-7-85.13.

2 Before the ~~commissioner~~ commission shall enter any order, regulation, or requirement
3 directed against any limousine carrier, such carrier shall first be given reasonable notice
4 and an opportunity to be heard on the matter.

5 46-7-85.14.

6 Reserved. ~~A limousine carrier may obtain a temporary permit for a period of 21~~
7 ~~consecutive days beginning and ending on the dates specified on the face of the permit.~~
8 ~~Temporary permits shall be obtained by limousine carriers which make only infrequent~~
9 ~~trips within and through this state. The fee for each temporary certificate shall be \$100.00~~
10 ~~per week and \$20.00 for each vehicle. No temporary permit shall be issued without the~~
11 ~~commissioner having first received satisfactory proof that the carrier meets the insurance~~
12 ~~requirements of the rules and regulations of the commissioner. A temporary permit shall~~
13 ~~be carried in the motor vehicle for which it was issued at all times such vehicle is in this~~
14 ~~state. The commissioner may issue a temporary permit by facsimile message or letter. Any~~
15 ~~chauffeur operating a limousine under a temporary permit issued pursuant to this Code~~
16 ~~section shall be required to obtain a chauffeur's permit.~~

17 46-7-85.15.

18 Each limousine carrier which registers any vehicle under this article shall, for each such
19 certificated vehicle, affix to the center of the front bumper of each such certificated vehicle
20 a standard size license plate bearing the following information: (1) limousine company
21 name, (2) city and state of principal domicile, (3) company telephone number, and (4) the
22 vehicle classification, IE-1. The cost for such license plate shall be the sole responsibility
23 of the limousine carrier and must be placed on each certificated vehicle prior to said vehicle
24 being placed in service and no later than May 1, 1994, for all such vehicles currently
25 owned and to be registered and operated by a limousine carrier.

26 46-7-85.16.

27 Reserved.

28 46-7-85.17.

29 The ~~commissioner~~ commission shall promulgate such rules and regulations as are
30 necessary to effectuate and administer the provisions of this article."

1 applicable laws relating to adoption of such standards, rules, or regulations, shall have the
2 force and effect of law.

3 (b)(1) As used in this subsection, the term 'anhydrous ammonia' means any substance
4 identified to contain the compound ammonia which is capable of being utilized in the
5 production of methamphetamine or any other controlled substance.

6 (2) Any person, firm, or corporation transporting methamphetamine, amphetamine, any
7 mixture containing either methamphetamine or amphetamine, anhydrous ammonia, or
8 any mixture containing anhydrous ammonia shall be subject to all rules and regulations
9 promulgated by the commissioner pursuant to this chapter governing the safe operation
10 of motor vehicles and drivers and the safe transportation of hazardous materials.

11 (3) Notwithstanding any other provision of law, the commissioner may impose civil
12 monetary penalties in an amount not to exceed \$25,000.00 for each violation of any rules
13 and regulations promulgated pursuant to this chapter or Code Section 46-7-26 with
14 respect to persons transporting methamphetamine, amphetamine, any mixture containing
15 either methamphetamine or amphetamine, anhydrous ammonia, or any mixture
16 containing anhydrous ammonia."

17 **SECTION 28-11.**

18 Said Title 46 is further amended by striking Code Section 46-11-6, relating to enforcement
19 concerning hazardous materials transportation, and inserting in its place a new Code section
20 to read as follows:

21 "46-11-6.

22 (a) The commissioner is authorized to employ such persons as may be necessary, in the
23 discretion of the commissioner, for the proper enforcement of this chapter, the salaries for
24 such employees to be fixed by the commissioner.

25 (b) The commissioner is vested with police powers and authority to designate, deputize,
26 and delegate to employees of the Department of ~~Motor Vehicle~~ Public Safety the necessary
27 authority to enforce this chapter, including the power to stop and inspect all motor vehicles
28 using the public highways for purposes of determining whether such vehicles have
29 complied with and are complying with the provisions of this chapter and all other laws
30 regulating the use of the public highways by motor vehicles, and to arrest all persons found
31 in violation thereof."

32 **PART XXIX**

33 **Amendments to Title 48.**

34 **Revenue and taxation.**

35 **SECTION 29-1.**

1 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
2 amended in Code Section 48-5-126.1, relating to training classes for county tax collectors
3 and tax commissioners, by striking subsections (b) through (g) and inserting in their place
4 new subsections to read as follows:

5 "(b) In the event a county tax collector or tax commissioner who has never served in such
6 office prior to January 1, 1982, assumes the office during a regular term of office, such
7 local tax official shall be required to obtain special training and instruction from the
8 Department of ~~Motor Vehicle Safety and the Property Tax Division of the Department of~~
9 Revenue in lieu of the training requirements of subsection (a) of this Code section.

10 (c) Beginning January 1, 2005, each county tax collector or tax commissioner shall be
11 required to attend 15 hours of training classes on county tax administration, property
12 taxation, motor vehicle titling and registration, or related matters during each year of
13 service as a county tax collector or tax commissioner. For the purposes of satisfying the
14 requirements of this subsection, credit will be given for attendance of the county taxation
15 seminar conducted by the University of Georgia under the supervision of the Georgia
16 Center for Continuing Education or any seminar conducted by the Department of Revenue,
17 ~~the Department of Motor Vehicle Safety~~, the Georgia Association of Tax Officials, or other
18 similarly qualified organization of affiliated tax officials, or certain management,
19 supervisory, leadership, or accounting seminars that qualify for continuing education
20 credits. This training shall be generally devoted to contemporary business and taxation
21 practices and shall be germane to the duties and operational functions of the office of
22 county tax collector or tax commissioner. This subsection shall not apply to a county tax
23 collector or tax commissioner who is serving the first year of such official's initial term of
24 office.

25 (d) The costs of attending the training classes required by this Code section shall be met
26 by the payment of registration fees by each local tax official attending such classes. Each
27 local tax official shall be reimbursed by such official's county for the amount of such fees
28 and related travel expenses.

29 (e) The instructors for the training classes required by this Code section shall consist of
30 representatives of the Department of Revenue, ~~the Department of Motor Vehicle Safety~~,
31 the Georgia Association of Tax Officials or other similarly qualified organization of
32 affiliated tax officials, the Georgia Center for Continuing Education, or any other qualified
33 persons with expertise in the field of county tax administration, property taxation, motor
34 vehicle titling and registration, or related matters.

35 (f) ~~The commissioners of the Department of Revenue and the Department of Motor~~
36 ~~Vehicle Safety~~ state revenue commissioner may adopt and enforce reasonable rules and

1 regulations governing the establishment and administration of the training classes provided
2 for by this Code section.

3 (~~g~~) ~~The commissioners of the Department of Revenue and the Department of Motor~~
4 ~~Vehicle Safety are~~ state revenue commissioner is authorized to work with officials and
5 personnel of the Georgia Center for Continuing Education in establishing the training
6 classes to be held at that institution."

7 **SECTION 29-2.**

8 Said Title 48 is further amended by striking Code Section 48-5-474, relating to return of
9 motor vehicles for ad valorem taxation, and inserting in its place a new Code section to read
10 as follows:

11 "48-5-474.

12 The application for registration of a motor vehicle and for the purchase of a license plate
13 for the motor vehicle shall constitute the return of that motor vehicle for ad valorem
14 taxation but only if ad valorem taxes are due at the time of registration. The state revenue
15 commissioner ~~and the commissioner of motor vehicle safety are~~ is directed to jointly
16 prescribe a form for the application for registration which shall provide the information
17 needed by the tax commissioner or tax collector in determining the amount of taxes due
18 under this article."

19 **SECTION 29-3.**

20 Said Title 48 is further amended by striking Code Section 48-5-475, relating to sale of motor
21 vehicle license plates, and inserting in its place a new Code section to read as follows:

22 "48-5-475.

23 All original motor vehicle license plates shall be sold by the tax collector or tax
24 commissioner of the several counties. Such officials are designated as agents of the state
25 revenue commissioner ~~of motor vehicle safety~~ for the purpose of accepting applications for
26 the registration of motor vehicles and ~~as agents of the state revenue commissioner~~ for
27 purposes of collecting ad valorem taxes in connection with the registration of motor
28 vehicles. The duties and responsibilities incident to the exercise of this designation shall
29 be a part of the official duties and responsibilities of the various tax collectors and tax
30 commissioners."

31 **SECTION 29-4.**

32 Said Title 48 is further amended in Code Section 48-7-29.5, relating to income tax credits
33 for driver education expenditures, by striking subsection (a) and inserting in its place a new
34 subsection to read as follows:

1 "(a) A taxpayer shall be allowed a credit against the tax imposed by Code Section 48-7-20
 2 with respect to the amount expended by such taxpayer for a completed course of driver
 3 education for a dependent minor child of such taxpayer at a private driver training school
 4 licensed by the Department of ~~Motor Vehicle Safety~~ Driver Services under Chapter 13 of
 5 Title 43, 'The Driver Training School License Act,' except as otherwise provided by this
 6 Code section. The amount of such tax credit per dependent minor child of a taxpayer shall
 7 be the actual amount expended for such course, or \$150.00, whichever is less."

8 SECTION 29-5.

9 Said Title 48 is further amended in Code Section 48-7-40.16, relating to income tax credits
 10 for low-emission vehicles, by striking paragraph (6) of subsection (a) and inserting in its
 11 place a new paragraph to read as follows:

12 "(6) 'Motor vehicle' means any self-propelled vehicle designed for transporting persons
 13 or property on a street or highway that is registered by the Department of ~~Motor Vehicle~~
 14 ~~Safety~~ Revenue, except vehicles that are defined as 'low-speed vehicles' in paragraph
 15 (25.1) of Code Section 40-1-1."

16 SECTION 29-6.

17 Said Title 48 is further amended in Code Section 48-8-3, relating to exemptions from sales
 18 and use taxation, by striking paragraph (5) and inserting in its place a new paragraph to read
 19 as follows:

20 "(5)(A) Fares and charges, except charges for charter and sightseeing service, collected
 21 by an urban transit system for the transportation of passengers.

22 (B) As used in this paragraph, the term:

23 (i) 'Public transit system primarily urban in character' shall include a transit system
 24 operated by any entity which provides passenger transportation services by means of
 25 motor vehicles having passenger-carrying capacity within or between standard
 26 metropolitan areas and urban areas, as those terms are defined in Code Section
 27 32-2-3, of this state.

28 (ii) 'Urban transit system' means a public transit system primarily urban in character
 29 which is operated by a street railroad company or a motor common carrier, is subject
 30 to the jurisdiction of the ~~Department of Motor Vehicle Safety~~ Public Service
 31 Commission, and whose fares and charges are regulated by the ~~Department of Motor~~
 32 ~~Vehicle Safety~~ Public Service Commission, or is operated pursuant to a franchise
 33 contract with a municipality of this state so that its fares and charges are regulated by
 34 or are subject to the approval of the municipality. An urban transit system certificate
 35 shall be issued by the ~~Department of Motor Vehicle Safety~~ Public Service

