

The Senate Public Safety and Homeland Security Committee offered the following substitute to HB 501:

A BILL TO BE ENTITLED  
AN ACT

To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, and numerous other provisions of the Official Code of Georgia Annotated, so as to substantially amend laws relating to operation and regulation of motor vehicles and substantially revise the state administration of such laws; to create the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety; to provide for the Department of Driver Services to assume certain responsibilities of the Department of Motor Vehicle Safety and in particular responsibility for driver's licensing services; to substantially amend provisions relative to the issuance of driver's licenses, change fees therefor, change the duration thereof, change the requirements and procedure for issuance thereof, change provisions relating to suspension and renewal thereof, and make other related changes; to amend the Official Code of Georgia Annotated so as to transfer into other departments and agencies responsibility for administration of other laws relating to motor vehicles, including but not limited to titling, registration, and licensing of motor vehicles, insuring of motor vehicles and responsibility for accidents, regulation of vehicle sizes and weights, fuel tax enforcement, certification and permitting of carriers, handicapped parking permits, establishment of vehicle and vehicle component safety standards, and transportation of hazardous materials; to provide for the revision and amendment of certain laws relating to transferred functions, both in connection with and in addition to the transfer of functions; to provide for other matters related to the foregoing; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**

**Amendments to Chapter 40-16.**

**Department of Motor Vehicle Safety.**

**SECTION 1-1.**

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

"CHAPTER 16

40-16-1.

As used in this chapter, the term:

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

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

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

40-16-2.

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

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

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

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

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

(4) Administration of laws relating to driver training schools, driver improvement clinics, DUI Alcohol or Drug Use Risk Reduction Programs, and commercial driving schools;

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

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

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

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

~~(4)~~(1) Enforcement Promulgation 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 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 Public Safety;

8 ~~(6)(3)~~ Administration and enforcement anywhere in the state of laws and regulations  
9 relating to certification 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-weighting 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;~~

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

(11) 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 is transferred to the Department of Public Safety;

(12) 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 is transferred to the Department of Public Safety; and

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

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

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

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

~~(2) Exercise arrest powers;~~

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

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

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

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

~~(d) The commissioner shall authorize enforcement officers of the department to make use of dogs trained for the purpose of detection of drugs and controlled substances while such officers are engaged in the performance of their authorized duties. If such authorized use of such a dog indicates probable cause to indicate the presence of contraband, the officer 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 40-16-2.1.

6 Annual reports shall be provided to the General Assembly by the affected departments with  
7 respect to the reorganization provided for in Code Section 40-16-2 and with respect to  
8 other activities of the departments as follows:

9 (1) The Department of Driver Services shall provide an annual report which shall  
10 include, together with other information deemed pertinent by the department, service  
11 metrics clearly indicating the department's ability to meet public demand for its services;  
12 and

13 (2) The Department of Public Safety shall provide an annual report which shall include,  
14 together with other information deemed pertinent by the department, the records of the  
15 department with respect to safety inspections and citations issued.

16 40-16-3.

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

20 (b)(1) The Board of Driver Services shall be a successor to and continuation of the Board  
21 of Motor Vehicle Safety and shall consist of nine members. Five members shall be  
22 appointed by the Governor and their terms shall expire as follows: two members on June  
23 30, 2003, and June 30 of each sixth year thereafter; two members on June 30, 2005, and  
24 June 30 of each sixth year thereafter; and one member on June 30, 2007, and June 30 of  
25 each sixth year thereafter. Two members shall be appointed by the Lieutenant Governor  
26 and their terms shall expire as follows: one member on June 30, 2003, and June 30 of  
27 each sixth year thereafter and one member on June 30, 2006, and June 30 of each sixth  
28 year thereafter. Two members shall be appointed by the Speaker of the House and their  
29 terms shall expire as follows: one member on June 30, 2003, and June 30 of each sixth  
30 year thereafter and one member on June 30, 2006, and June 30 of each sixth year  
31 thereafter. All members except for the initial appointees shall serve for terms of six years  
32 and until their successors are appointed and qualified.

33 (2) All members serving on the Board of Motor Vehicle Safety as of the time the 2005  
34 amendment of this Code section becomes law shall continue to serve as members of the  
35 Board of Driver Services for the remainder of their original terms of office and shall if

1       necessary hold over beyond the end of those terms until successors are appointed and  
2       qualified.

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

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

10      (e) The board shall be the general policy-making body for the Department of ~~Motor~~  
11      ~~Vehicle Safety~~ Driver Services; and the commissioner shall be the chief executive officer  
12      of the department, subject to the policies established by the board. All rules and regulations  
13      promulgated by the commissioner must be approved by the board before they take effect.

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

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

21      40-16-4.

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

26      (b) The commissioner shall have the authority to employ as many persons as he or she  
27      deems necessary for the administration of the department and for the discharge of the  
28      duties of his or her office. He or she shall issue all necessary directions, instructions,  
29      orders, and rules applicable to such persons. He or she shall have authority, as he or she  
30      deems proper, to employ, assign, compensate, and discharge employees of the department  
31      within the limitations of the department's appropriation and the restrictions set forth by  
32      law.

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

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

(e) ~~The commissioner shall delegate to such officers and employees of the department as he or she may designate the law enforcement powers and duties of the department as set out in Code Section 40-16-2. All officers and employees to whom such law enforcement powers and duties are delegated must be certified by the Georgia Peace Officer Standards and Training Council as having successfully completed the course of training required by Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.'~~ have the authority to appoint and employ 15 nonuniformed investigators who shall be certified peace officers pursuant to the provisions of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.' The investigators shall have full arrest powers in cases involving internal affairs of the department and in cases involving fraud in applications for or the issuance of any license, permit, certificate, or other credential within the jurisdiction of the department. In such cases, the investigators shall be authorized:

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

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

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

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

(5) To carry firearms while performing their duties.

40-16-5.

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

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

(c) The authority granted to the commissioner pursuant to this Code section shall be exercised at all times in conformity with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; provided, however, that regulations governing ~~motor common carrier and motor contract carrier safety, commercial driver licensing, and~~

hazardous materials may be adopted by administrative order referencing compatible federal regulations or standards without compliance with the procedural requirements of Chapter 13 of Title 50; provided, further, that such compatible federal regulations or standards shall be maintained on file by the department and made available for inspection and copying by the public, by means including but limited to posting on the department's computer Internet site.

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

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

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

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

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

(5) All rules and regulations previously adopted which relate to functions transferred under this chapter from the Department of Human Resources to the Department of Driver Services.

(e) All valid licenses, permits, certificates, and similar authorizations previously issued by ~~the Department of Transportation, the Public Service Commission, the Department of Public Safety, and the Department of Revenue~~ under laws to be administered by the ~~Department of Motor Vehicle Safety~~ any department or agency with respect to any function transferred as provided in this chapter shall continue in effect until the same expire by their



1 terms unless they are suspended, revoked, or otherwise made ineffective as provided by  
2 law.

3 40-16-5.1.

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

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

15 ~~(A) The off-duty employment is of a general nature that is the subject of a contract~~  
16 ~~between the off-duty employer and the department and is service in which the use of~~  
17 ~~the department motor vehicle is a benefit to the department or is in furtherance of the~~  
18 ~~department's mission;~~

19 ~~(B) The off-duty employer agrees to pay and does pay to the department an amount~~  
20 ~~determined by the commissioner to be sufficient to reimburse the department for the use~~  
21 ~~of the vehicle and to pay the off-duty employee sufficient compensation. Pursuant to~~  
22 ~~such contract, the department shall pay the employee of the department the~~  
23 ~~compensation earned on off-duty employment whenever such employee performs such~~  
24 ~~service in a department motor vehicle; and~~

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

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

29 40-16-6.

30 ~~The~~ To the extent specifically authorized by law, the commissioner may pursuant to  
31 rule or regulation specify and impose civil monetary penalties for violations of laws, rules,  
32 and regulations administered by the commissioner. Except as may be hereafter authorized  
33 by law, the maximum amount of any such monetary penalty shall not exceed the maximum  
34 penalty authorized by law or rule or regulation for the same violation immediately prior to  
35 July 1, 2001 2005.

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

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

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

~~(2) Any person, firm, or corporation transporting methamphetamine, amphetamine, any mixture containing either methamphetamine or amphetamine, anhydrous ammonia, or any mixture containing anhydrous ammonia shall be subject to all rules and regulations promulgated by the commissioner pursuant to Code Section 46-7-26 governing the safe operation of motor vehicles and drivers and the safe transportation of hazardous materials.~~

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

40-16-7.

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

1 government, and the commissioner shall not perform the duties of any other officer of state  
2 government.

3 (b) Appropriations ~~to the Department of Revenue, the Department of Public Safety, the~~  
4 ~~Department of Transportation, and the Public Service Commission~~ for functions transferred  
5 to and from the Department of Motor Vehicle Safety ~~pursuant to this chapter~~ and other  
6 departments may be transferred to ~~the Department of Motor Vehicle Safety~~ and from such  
7 departments as provided for in Code Section 45-12-90, relating to disposition of  
8 appropriations for duties, purposes, and objects which have been transferred. Personnel,  
9 equipment, and facilities previously employed ~~by the Department of Revenue, the~~  
10 ~~Department of Public Safety, the Department of Transportation, and the Public Service~~  
11 ~~Commission~~ for such transferred functions shall likewise be transferred to the ~~Department~~  
12 ~~of Motor Vehicle Safety~~ appropriate departments. Contracts relating to functions  
13 transferred to and from the Department of Motor Vehicle Safety and other departments,  
14 and any rights of renewal under such contracts, shall also be transferred to the appropriate  
15 departments. Any disagreement between such departments as to any such transfers shall  
16 be determined by the Governor.

17 (c) Except as specifically provided otherwise by law, all fines and forfeitures collected for  
18 criminal violations cited by the department's ~~enforcement officers~~ investigators shall, after  
19 deduction from the total fine or forfeiture of the amounts due the Peace Officers' Annuity  
20 and Benefit Fund and the Sheriffs' Retirement Fund of Georgia and any other deductions  
21 specified by law, be paid by the clerk of the court into the fine and forfeiture fund of the  
22 county treasurer in the same manner and subject to the same rules of distribution as other  
23 fines and forfeitures."

## 24 PART II

### 25 Amendments to Code Section 3-3-23.1.

#### 26 Alcoholic beverage offenses.

#### 27 SECTION 2-1.

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

32 "(f) In addition to any other punishment or sentence, the court may order all persons  
33 convicted under subsection (b) of this Code section or sentenced under subsection (c) of  
34 this Code section to complete a DUI Alcohol or Drug Use Risk Reduction Program  
35 prescribed by the Department of ~~Human Resources~~ Driver Services within 120 days of

such conviction or sentence. Failure to complete such program within 120 days shall be contempt of court and shall be punished by a fine of not more than \$300.00 or 20 days imprisonment, or both. If the conviction or sentence results from a charge of unlawful possession of alcoholic beverages while operating a motor vehicle, the court shall report such conviction or sentence to the Department of ~~Motor Vehicle Safety~~ Driver Services within ten days after conviction or sentencing."

### PART III

#### Amendments to Article 2 of Chapter 8-2.

#### Factory built buildings and dwelling units.

#### SECTION 3-1.

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

#### "Part 4

#### Subpart 1

8-2-180.

As used in this part, the term:

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

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

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

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

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

8-2-181.

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

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

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

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

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

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

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

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

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

(3) The title number assigned to the home;

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

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

8-2-182.

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

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

(c) When a Certificate of Permanent Location is so filed, the commissioner ~~of motor vehicle safety~~ shall issue to the clerk of the superior court with whom the original Certificate of Permanent Location was filed confirmation by the commissioner ~~of motor~~

1 ~~vehicle safety~~ that the certificate has been so filed and the certificate of title has been  
2 surrendered.

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

7 8-2-183.

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

15 (b) When a home has become a part of the real property as provided in this part, it shall  
16 be unlawful for any person to remove such home from the real property except with the  
17 written consent of the owner of the real property and the holders of all security interests in  
18 the real property and in strict compliance with the requirements of Subpart 2 of this part.  
19 Any person who violates this subsection shall be guilty of a misdemeanor of a high and  
20 aggravated nature.

21 Subpart 2

22 8-2-184.

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

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

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

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

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

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

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

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

- 1 (3) The title number formerly assigned to the home;
- 2 (4) A description of the real estate on which the home was previously located, including
- 3 the name of the owner and a reference by deed book and page number to the recording
- 4 of the former certificate of permanent location; and
- 5 (5) Any other data the commissioner of ~~motor vehicle safety~~ prescribes.

6 8-2-185.

7 (a) Upon receipt of a properly executed Certificate of Removal from Permanent Location,

8 the commissioner of ~~motor vehicle safety~~ shall file and retain a copy of such certificate

9 together with all other prior title records related to the home and may thereafter issue a new

10 certificate of title for the home. The commissioner of ~~motor vehicle safety~~ shall charge and

11 collect the fee otherwise prescribed by law for the issuance of a certificate of title.

12 (b) When a Certificate of Removal from Permanent Location is so filed, the commissioner

13 of ~~motor vehicle safety~~ shall return to the filing party the original of the certificate

14 containing thereon confirmation by the commissioner of ~~motor vehicle safety~~ that the

15 certificate has been so filed.

16 8-2-186.

17 (a) The clerk of superior court shall not accept a Certificate of Removal from Permanent

18 Location for filing unless the certificate contains thereon the confirmation by the

19 commissioner of ~~motor vehicle safety~~ that the certificate has been filed with the

20 commissioner of ~~motor vehicle safety~~.

21 (b) When a Certificate of Removal from Permanent Location is properly filed with the

22 clerk of superior court, the clerk shall record such certificate in the same manner as other

23 instruments affecting the real property described in the certificate and shall charge and

24 collect the fees usually charged for recording deeds and other instruments relating to real

25 estate. Such certificate shall be indexed under the name of the current owner of the real

26 property in both the grantor and grantee indexes.

27 Subpart 3

28 8-2-187.

29 (a) When a home which has previously become real property has been or is to be

30 destroyed, the owner of the real property and the holders of all security interests therein

31 shall execute and file a Certificate of Destruction:

- 32 (1) With the commissioner of ~~motor vehicle safety~~; and
- 33 (2) In the real estate records of the county where the real property is located.

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

- (1) The name and address of the owner;
- (2) The names and addresses of the holders of any security interest and of any lien;
- (3) The title number formerly assigned to the home;
- (4) A description of the real estate on which the home was previously located, including the name of the owner and a reference by deed book and page number to the recording of the former certificate of permanent location;
- (5) Verification of the destruction by a law enforcement officer; and
- (6) Any other data the commissioner of ~~motor vehicle safety~~ prescribes.

8-2-188.

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

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

8-2-189.

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

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

#### Subpart 4

8-2-190.

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



8-2-191.

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

#### PART IV

#### Amendments to Title 10.

#### Commerce and trade.

#### SECTION 4-1.

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

"(5) 'Personal identification card' means a driver's license or identification card issued by the Department of ~~Motor Vehicle Safety~~ Driver Services or a similar card issued by another state, a military identification card, a passport, or an appropriate work authorization issued by the ~~United States Immigration and Naturalization Service~~ U.S. Citizenship and Immigration Services of the Department of Homeland Security."

#### SECTION 4-2.

Said Title 10 is further amended in Code Section 10-1-393, relating to prohibited unfair or deceptive practices in consumer transactions, by striking paragraph (28) of subsection (b) and inserting in its place a new paragraph to read as follows:

"(28) Any violation of the rules and regulations promulgated by the Department of ~~Human Resources~~ Driver Services pursuant to subsection (e) of Code Section 40-5-83 which relates to the consumer transactions and business practices of DUI Alcohol or Drug Use Risk Reduction Programs, except that the Department of ~~Human Resources~~ Driver Services shall retain primary jurisdiction over such complaints;".

#### SECTION 4-3.

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

"(d) If a franchisor contracts with its dealers, the franchisor shall certify under oath to the Department of ~~Motor Vehicle Safety~~ Revenue that a majority of the dealers of that line make did agree to such an agreement and file a sample copy of the agreement. On an annual basis, each dealer shall certify under oath to the department that the reimbursement

costs it recovers under subparagraph (c)(2)(A) of this Code section do not exceed the amounts authorized by subparagraph (c)(2)(A) of this Code section. The franchisor shall maintain for a period of three years a file that contains the information upon which its certification is based."

#### SECTION 4-4.

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

"10-1-665.

As used in this part, the term:

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

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

10-1-666.

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

10-1-667.

Any dealer, distributor, or manufacturer who is aggrieved by a violation of any provision of this article may file a petition with the Department of ~~Motor Vehicle Safety~~ Revenue setting forth the facts supporting the allegation of such violation. The commissioner shall issue an administrative order, whenever the commissioner, after notice to all parties and after a hearing, determines that a violation of this article or any order issued under this article has occurred. The notice and the hearing and any administrative review thereof shall be conducted in accordance with the procedure for contested cases under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Any party who has exhausted all administrative remedies available and who is aggrieved or adversely affected by a final order or action of the commissioner shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The commissioner or the prevailing party may file, in the superior court in the county wherein the party under order resides or, if such party is a corporation, in the county wherein the corporation maintains its established place of business or its agent for service of process is located, or in the county wherein the violation occurred, a certified copy of a final order

1 of the commissioner, whether unappealed from or affirmed upon appeal, whereupon the  
2 court shall render judgment in accordance therewith and notify the parties. Such judgment  
3 shall have the same effect and proceedings in relation thereto shall thereafter be the same  
4 as though the judgment had been rendered in an action duly heard and determined by the  
5 court. The remedy prescribed in this Code section shall be concurrent, alternative, and  
6 cumulative with any and all other civil, criminal, or alternative rights, remedies, forfeitures,  
7 or penalties provided, allowed, or available under the laws of this state."

## 8 **PART V**

### 9 **Amendments to Title 15.**

#### 10 **Courts.**

#### 11 **SECTION 5-1.**

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

15 "(b) At the conclusion of the dispositional hearing provided in subsection (a) of Code  
16 Section 15-11-65, if the child is found to have committed a delinquent act, the court may,  
17 in addition to any other treatment or rehabilitation, suspend the driver's license of such  
18 child for any period not to exceed the date on which the child becomes 18 years of age or,  
19 in the case of a child who does not have a driver's license, prohibit the issuance of a  
20 driver's license to such child for any period not to exceed the date on which the child  
21 becomes 18 years of age. The court shall retain the driver's license for a period of  
22 suspension and return it to the offender at the end of such period. The court shall notify  
23 the Department of ~~Motor Vehicle Safety~~ Driver Services of any such actions taken  
24 pursuant to this subsection. If the child is adjudicated for the commission of a delinquent  
25 act, the court may in its discretion, in addition to any other treatment or rehabilitation,  
26 order the child to serve up to a maximum of 90 days in a youth development center, or  
27 after assessment and with the court's approval, in a treatment program provided by the  
28 Department of Juvenile Justice or the juvenile court."

#### 29 **SECTION 5-2.**

30 Said Title 15 is further amended in Code Section 15-11-73, relating to juvenile traffic  
31 offenses, by striking subsections (g) and (j) and inserting in their respective places new  
32 subsections to read as follows:

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

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

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

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

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

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

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

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

"(j) *Reporting procedure.* Upon finding that the child has committed a juvenile traffic offense or a delinquent offense which would be a violation of Title 40 if committed by an adult, the court shall forward, within ten days, a report of the final adjudication and disposition of the charge to the Department of ~~Motor Vehicle Safety~~ Driver Services; provided, however, that this procedure shall not be applicable to those cases which have been dismissed or in which the child and the child's parents have been reprimanded, counseled, or warned by the court pursuant to paragraph (1) of subsection (g) of this Code section. The Department of ~~Motor Vehicle Safety~~ Driver Services shall record the adjudication and disposition of the offense on the child's permanent record and such adjudication and disposition shall be deemed a conviction for the purpose of suspending or revoking the individual's driver's license. Such record shall also be available to law enforcement agencies and courts as are the permanent traffic records of adults."

### SECTION 5-3.

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

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

(A) A list of all residents of the county who are the holders of drivers' licenses or personal identification cards issued by the Department of ~~Motor Vehicle Safety~~ Driver Services pursuant to the provisions of Chapter 5 of Title 40; and the Department of ~~Motor Vehicle Safety~~ Driver Services shall periodically make such a list available to the board of jury commissioners of each county;

(B) The registered voters list in the county; and

(C) Any other list of persons resident in the county as may be deemed appropriate by the board of jury commissioners.

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

## **PART VI**

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

#### **Motor vehicle chop shops.**

#### **SECTION 6-1.**

Article 4 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to motor vehicle chop shops, is amended in Code Section 16-8-82, relating to definitions

1 applicable to said article, by striking paragraph (5) and inserting in its place a new paragraph  
2 to read as follows:

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

## 8 SECTION 6-2.

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

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

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

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

34 "(r) When an applicant for a certificate of title or salvage certificate of title presents to the  
35 Department of ~~Motor Vehicle Safety~~ Revenue proof that the applicant purchased or  
36 acquired a motor vehicle at public sale conducted pursuant to this Code section and such

1 fact is attested to by the seizing agency, the Department of ~~Motor Vehicle Safety~~ Revenue  
2 shall issue a certificate of title or a salvage certificate of title, as determined by the state  
3 revenue commissioner of ~~motor vehicle safety~~, for such motor vehicle upon receipt of the  
4 statutory fee, a properly executed application for a certificate of title or other certificate of  
5 ownership, and the affidavit of the seizing agency that a state assigned number was applied  
6 for and affixed to the motor vehicle prior to the time that the motor vehicle was released  
7 by the seizing agency to the purchaser."

## 8 **PART VII**

### 9 **Amendments to Title 17.**

#### 10 **Criminal procedure.**

#### 11 **SECTION 7-1.**

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

16 "(2) If the person from whom custody of the property was taken fails to assert a claim to  
17 such property, upon any applicant furnishing satisfactory proof of ownership of such  
18 property and presentation of proper personal identification, the person in charge of the  
19 property section may deliver such property to the applicant. The person to whom property  
20 is delivered shall sign, under penalty of false swearing, a declaration of ownership, which  
21 shall be retained by the person in charge of the property section. Such declaration, absent  
22 any other proof of ownership, shall be deemed satisfactory proof of ownership for the  
23 purposes of this Code section; provided, however, that, in the case of motor vehicles,  
24 trailers, tractors, or motorcycles which are required to be registered with the state revenue  
25 commissioner of ~~motor vehicle safety~~, any such stolen vehicle shall be returned to the  
26 person evidencing ownership of such vehicle through a certificate of title, tag receipt, bill  
27 of sale, or other such evidence. The stolen vehicle shall be returned to the person  
28 evidencing ownership within two days after such person makes application for the return  
29 of such vehicle unless a hearing on the ownership of such vehicle is required under this  
30 Code section or unless law enforcement needs the stolen vehicle for further criminal  
31 investigation purposes. Prior to such delivery, such person in charge of the property  
32 section shall make and retain a complete photographic record of such property. Such  
33 delivery shall be without prejudice to the state or to the person from whom custody of the  
34 property was taken or to any other person who may have a claim against the property."

**SECTION 7-2.**

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

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

(4) A license suspended pursuant to this subsection shall only be reinstated when the individual shall pay to the Department of ~~Motor Vehicle Safety~~ Driver Services a restoration fee of \$25.00 together with a certified notice from the clerk of the originating court that the case has either been disposed of or has been rescheduled and a deposit of sufficient collateral approved by the sheriff of the county wherein the charges were made in an amount to satisfy the original bail amount has been paid. The court wherein the charges are pending shall be authorized to require payment of costs by the defendant in 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



1 registration of motor vehicles and operators; (3) the width, height, and length of vehicles  
2 and loads; (4) motor common carriers and motor contract carriers; or (5) road taxes on  
3 motor carriers as provided in Article 2 of Chapter 9 of Title 48 upon being served with the  
4 official summons issued by such apprehending officer, in lieu of being immediately  
5 brought before the proper magistrate, recorder, or other judicial officer to enter into a  
6 formal recognizance or make direct the deposit of a proper sum of money in lieu of a  
7 recognizance ordering incarceration, may display his or her driver's license to the  
8 apprehending officer in lieu of bail, in lieu of entering into a recognizance for his or her  
9 appearance for trial as set in the aforesaid summons, or in lieu of being incarcerated by the  
10 apprehending officer and held for further action by the appropriate judicial officer. The  
11 apprehending officer shall note the driver's license number on the official summons. The  
12 summons duly served as provided in this Code section shall give the judicial officer  
13 jurisdiction to dispose of the matter.

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

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

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

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

5 **SECTION 7-4.**

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

9 "(d) In addition to or instead of any other penalty provided for the punishment of a  
10 misdemeanor involving a traffic offense, or punishment of a municipal ordinance involving  
11 a traffic offense, with the exception of habitual offenders sentenced under Code Section  
12 17-10-7, a judge may impose any one or more of the following sentences:

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

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

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

22 (4) Probation or suspension of all or any part of a penalty upon such terms and  
23 conditions as may be prescribed by the judge. The conditions may include driving with  
24 no further motor vehicle violations during a specified time unless the driving privileges  
25 have been or will be otherwise suspended or revoked by law; reporting periodically to the  
26 court or a specified agency; and performing, or refraining from performing, such acts as  
27 may be ordered by the judge.

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

30 **PART VIII**

31 **Amendments to Chapter 19-11.**

32 **Child support enforcement.**

33 **SECTION 8-1.**

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

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

(2) In accordance with the mandate contained in 42 U.S.C. Section 666(a)(13)(A) and notwithstanding any provision of Chapter 2 of Title 27 relating to licenses and permits as now existing or hereafter amended, the Department of Natural Resources shall require an applicant for a license or permit pursuant to Chapter 2 of Title 27 to provide to the Department of Natural Resources the applicant's social security number as a part of the license or permit application. The Department of Natural Resources shall provide to the Department of Human Resources, along with other information required to be provided to the Department of Human Resources, the social security numbers of individuals who have been issued a license or permit pursuant to Chapter 2 of Title 27. The Department of Human Resources shall use the information provided by the Department of Natural Resources pursuant to this Code section for the purpose of complying with the requirements of law concerning the enforcement of child support.

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

## **SECTION 8-2.**

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

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

## **PART IX**

### **Amendments to Title 20.**

#### **Education.**

## **SECTION 9-1.**

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Code Section 20-2-142, relating to prescribed courses of education in public elementary and secondary schools, by striking subsection (b) and inserting in its place a new subsection to read as follows:



**PART X**

**Amendments to Chapter 21-2.**

**The "Georgia Election Code."**

**SECTION 10-1.**

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

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

**SECTION 10-2.**

Said Chapter 2 of Title 21 is further amended by striking Code Section 21-2-221, relating to driver's license or identification card application as application for voter registration, and inserting in its place a new Code section to read as follows:

"21-2-221.

(a) Each application to obtain, renew, or change the name or address on a driver's license or identification card issued by the Department of ~~Motor Vehicle Safety~~ Driver Services pursuant to Chapter 5 of Title 40 made by an applicant who is within six months of such applicant's eighteenth birthday or older shall also serve as an application for voter registration unless the applicant declines to register to vote through specific declination or by failing to sign the voter registration application.

(b) The commissioner of ~~motor vehicle safety~~ driver services and the Secretary of State shall agree upon and design such procedures and forms as will be necessary to comply with this Code section.

(c) The forms designed by the commissioner of ~~motor vehicle safety~~ driver services and the Secretary of State:

(1) Shall not require the applicant to duplicate any information required in the driver's license portion of the application with the exception of a second signature;

(2) Shall include such information as required on other voter registration cards issued by the Secretary of State;

(3) Shall contain a statement that states each eligibility requirement contained in Code Section 21-2-216, that contains an attestation that the applicant meets each such requirement, and that requires the signature of the applicant under penalty of perjury; and

(4) Shall include, in print that is identical to that used in the attestation, the penalties provided by law for submission of a false voter registration application; and a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

(d) Any change of address submitted to the Department of ~~Motor Vehicle Safety~~ Driver Services for the purpose of changing the information contained on a driver's license or identification card issued by the Department of ~~Motor Vehicle Safety~~ Driver Services shall serve as a notification of change of address for voter registration unless the registrant states that at the time of submitting the change of address that the change of address is not for voter registration purposes.

(e) The Department of ~~Motor Vehicle Safety~~ Driver Services shall transmit the completed applications for voter registration to the Secretary of State at the conclusion of each business day. The Secretary of State shall forward the applications to the appropriate county board of registrars to determine the eligibility of the applicant and, if found eligible, to add the applicant's name to the list of electors and to place the applicant in the correct precinct and voting districts.

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

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

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

## **PART XA**

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

#### **Evidentiary use of records.**

#### **SECTION 10A-1.**

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

"24-3-17.

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

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

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

## PART XI

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

#### Hunting licenses and sportsman's licenses.

#### SECTION 11-1.

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

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



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

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

## 10 **PART XII**

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

#### 12 **Regulation of maintenance and use of public roads generally.**

#### 13 **SECTION 12-1.**

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

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

#### 32 **SECTION 12-2.**

33 Said Chapter 6 of Title 32 is further amended by striking Code Section 32-6-27, relating to

enforcement of load limitations, and inserting in its place a new Code section to read as follows:

"32-6-27.

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

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

(2) Where a vehicle is authorized to exceed the weight limitations of Code Section 32-6-26 by a permit issued pursuant to Code Section 32-6-28, the term 'excess weight' means that weight which exceeds the weight allowed by such permit. For such vehicles, damages for excess weight shall be assessed according to the following schedule: 125 percent times, in each category of excess weights, the rate imposed on offending vehicles operating without a permit.

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

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

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

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

1 upon the first such violation and to issue a citation to such owner or operator for a  
2 subsequent such violation.

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

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

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

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

21 (4) If an administrative hearing is requested, it shall be held in accordance with Chapter  
22 13 of Title 50, the 'Georgia Administrative Procedure Act,' and the rules and regulations  
23 of the Department of ~~Motor Vehicle Safety~~ Public Safety. The scope of any such hearing  
24 shall be limited to a determination of:

25 (A) The weight of the offending vehicle;

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

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

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

36 (6) If a party requests an administrative determination of the amount and validity of the  
37 assessment and fails to appear without first obtaining permission from the administrative

1 law judge or does not withdraw the request in writing no less than five days in advance  
2 of a scheduled hearing, the party shall be deemed in default and the citation shall be  
3 affirmed by operation of law. The party shall be deemed to owe the sum of \$75.00 in  
4 addition to the amount due on the citation, which sum shall represent hearing costs.

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

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

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

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

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

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

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

24 (f) Any person authorized by law to enforce this article may seize the offending vehicle  
25 of an owner who fails or whose operator fails to pay the moneys prescribed in subsection  
26 (a) of this Code section and hold such vehicle until the prescribed moneys are paid. If the  
27 offending vehicle is not registered in this state, any person authorized by law to enforce this  
28 article may seize any vehicle owned or operated by an owner who fails or whose operator  
29 fails to pay the moneys prescribed in subsection (a) of this Code section and hold such  
30 vehicle until the prescribed moneys are paid. Any person seizing a vehicle under this  
31 subsection or subsection (e) of this Code section may, when necessary, store the vehicle;  
32 and the owner thereof shall be responsible for all reasonable storage charges thereon. When  
33 any vehicle is seized, held, unloaded, or partially unloaded under these subsections, the  
34 load or any part thereof shall be removed or cared for by the owner or operator of the  
35 vehicle without any liability on the part of the authorized person or of the state or any  
36 political subdivision because of damage to or loss of such load or any part thereof.

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

10 (2) Whenever any person, firm, or corporation requests an administrative review, it shall  
11 be held in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure  
12 Act.' In the event that the administrative law judge finds in favor of the Department of  
13 ~~Motor Vehicle Safety~~ Public Safety, the person, firm, or corporation shall pay the  
14 assessment within 30 days after that decision becomes final or, if judicial review is had  
15 in accordance with Chapter 13 of Title 50, then within 30 days after final judicial review  
16 is terminated. If the person, firm, or corporation fails to pay the assessment within 30  
17 days, such assessment shall become a lien as provided for under paragraph (1) of this  
18 subsection.

19 (3) The Department of ~~Motor Vehicle Safety~~ Public Safety shall perfect the lien created  
20 under this subsection by sending notice thereof on a notice designated by the  
21 commissioner of ~~motor vehicle safety~~ public safety, by first-class mail or by statutory  
22 overnight delivery, to the owner and all holders of liens and security interests shown on  
23 the records of the Department of ~~Motor Vehicle Safety~~ Revenue maintained pursuant to  
24 Chapter 3 of Title 40. Upon receipt of notice from the Department of ~~Motor Vehicle~~  
25 ~~Safety~~ Public Safety, the holder of the certificate of title shall surrender same to the state  
26 revenue commissioner of ~~motor vehicle safety~~ for issuance of a replacement certificate  
27 of title bearing the lien of the department unless the assessment is paid within 30 days of  
28 the receipt of notice. The Department of ~~Motor Vehicle Safety~~ Revenue may append its  
29 the lien to its records, notwithstanding the failure of the holder of the certificate of title  
30 to surrender said certificate as required by this paragraph.

31 (4) Upon issuance of a title bearing the lien of the Department of ~~Motor Vehicle Safety~~  
32 Public Safety, or the appending of the lien to the records of the Department of ~~Motor~~  
33 ~~Vehicle Safety~~ Revenue, the owner of the vehicle or the holder of any security interest  
34 or lien shown in the records of the ~~department~~ Department of Revenue may satisfy such  
35 lien by payment of the amount of the assessment, including hearing costs, if any, and  
36 payment of a reissuance fee of \$100.00. Upon receipt of such amount, the Department

1 of ~~Motor Vehicle Safety~~ Public Safety shall release its lien and the Department of  
2 Revenue shall issue a new title without the lien.

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

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

14 (3) The court before whom the petition is pending shall issue a writ for immediate  
15 possession, upon finding that the petitioner has complied with paragraphs (1) and (2) of  
16 this subsection. If the petitioner is found not to have made sufficient showing to obtain  
17 an immediate writ of possession, the court may, nevertheless, treat the petition as one  
18 being filed under Code Section 44-14-231 and proceed accordingly.

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

22 (i)(1) Whenever any person, firm, or corporation violates this article and fails within 30  
23 days of the date of issuance of the overweight assessment citation either to pay the  
24 assessment or appeal to the Department of ~~Motor Vehicle Safety~~ Public Safety for an  
25 administrative review as provided for under Chapter 13 of Title 50, the 'Georgia  
26 Administrative Procedure Act,' the Department of ~~Motor Vehicle Safety~~ Revenue may  
27 act to suspend the motor vehicle registration of the vehicle involved. However, if the  
28 person, firm, or corporation requests an administrative review, the Department of ~~Motor~~  
29 ~~Vehicle Safety~~ Revenue shall act to suspend the registration only after the issuance of a  
30 final decision favorable to the Department of ~~Motor Vehicle Safety~~ Public Safety and the  
31 requisite failure of the person, firm, or corporation to pay the assessment. Upon such  
32 failure to pay the assessment, the Department of ~~Motor Vehicle Safety~~ Revenue shall  
33 send a letter to the owner of such motor vehicle notifying the owner of the suspension of  
34 the motor vehicle registration issued to the motor vehicle involved in the overweight  
35 assessment citation. Upon complying with this subsection by paying the overdue  
36 assessment and upon submitting proof of compliance and paying a \$10.00 restoration fee  
37 to the Department of ~~Motor Vehicle Safety~~ Revenue, the state revenue commissioner of

1 ~~motor vehicle safety~~ shall reinstate any motor vehicle registration suspended under this  
2 subsection. In cases where the motor vehicle registration has been suspended under this  
3 subsection for a second or subsequent time during any two-year period, the Department  
4 of ~~Motor Vehicle Safety~~ Revenue shall suspend the motor vehicle registration for a  
5 period of 60 days and thereafter until the owner submits proof of compliance with this  
6 subsection and pays the \$150.00 restoration fee to the Department of ~~Motor Vehicle~~  
7 ~~Safety~~ Revenue.

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

14 (3) For the purposes of this subsection, except where otherwise provided, the mailing of  
15 a notice to a person at the name and address shown in records of the Department of ~~Motor~~  
16 ~~Vehicle Safety~~ Revenue maintained under Chapter 3 of Title 40 shall, with respect to the  
17 holders of liens and security interests, be presumptive evidence that such person received  
18 the required notice.

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

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

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

### 32 SECTION 12-3.

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

1 "32-6-29.

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

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

#### 8 SECTION 12-4.

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

12 "32-6-30.

13 (a) Any law enforcement officer or employee of the Department of ~~Motor Vehicle Safety~~  
14 Public Safety to whom law enforcement authority has been designated who observes a  
15 motor vehicle being operated upon a public road of the state and who has reason to believe  
16 that: (1) Any provision of this article is being violated; (2) The vehicle is improperly  
17 licensed in violation of Code Sections 40-2-150 through 40-2-162; or (3) A fuel tax  
18 registration card is not being carried or that a proper distinguishing identification marker  
19 is not affixed to the vehicle in violation of Code Sections 48-9-39 and 48-11-14 is  
20 authorized to stop such vehicle and weigh, measure, or inspect the same. Violations of such  
21 licensing or fuel tax registration and identification requirements shall be reported to the  
22 ~~Department of Motor Vehicle Safety or the Department of Revenue as appropriate.~~

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

31 (2) In addition, the operator's driver's license or nonresident's driving privilege may be  
32 suspended for a period of not more than 90 days by the Department of ~~Motor Vehicle~~  
33 Safety Driver Services upon satisfactory proof of said refusal to stop or drive the vehicle  
34 upon the scales. Each person who shall apply for a Georgia driver's license, or for  
35 nonresident driving privileges, or for a renewal of same thereby consents to stop such  
36 vehicle for inspection or to drive such vehicle upon scales whenever so ordered by a law



enforcement official or authorized employee of the Department of ~~Motor Vehicle Safety~~  
Public Safety."

### PART XIII

#### Amendments to Title 33.

#### Insurance.

#### SECTION 13-1.

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

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

(1) Have committed no traffic offenses for the prior three years or since the date of licensure, whichever is shorter;

(2) Have had no claims based on fault against an insurer for the prior three years; and

(3) Complete one of the following types of driving courses:

(A) A course in defensive driving of not less than six hours from a driver improvement clinic or commercial or noncommercial driving school approved by and under the jurisdiction of the Department of ~~Motor Vehicle Safety~~ Driver Services;

(B) An emergency vehicles operations course at the Georgia Public Safety Training Center;

(C) A course in defensive driving of not less than six hours from a driver improvement program which is administered by a nonprofit organization such as the American Association of Retired People, the American Automobile Association, the National Safety Council, or a comparable organization and which meets the standards promulgated by the Department of ~~Motor Vehicle Safety~~ Driver Services pursuant to subsection (f) of this Code section; or

(D) A course in defensive driving of not less than six hours offered by an employer to its employees and their immediate families, which course has been approved by the Department of ~~Motor Vehicle Safety~~ Driver Services.

(c) Reductions in premiums shall be available if all named drivers who are under 25 years of age:

(1) Have committed no traffic offenses for the prior three years or since the date of licensure, whichever is shorter;

(2) Have had no claims based on fault against an insurer for the prior three years; and

(3) Complete a preparatory course offered to new drivers of not less than 30 hours of classroom training and not less than six hours of practical training by a driver's training school approved by and under the jurisdiction of the Department of ~~Motor Vehicle Safety~~ Driver Services or by an accredited secondary school, junior college, or college.

(d) Upon completion of one of the driving courses specified in paragraph (3) of subsection (b) or paragraph (3) of subsection (c), as applicable, of this Code section by each named driver, eligibility for reductions in premiums for such policy shall continue for a period of three years, provided any named driver under such policy does not commit a traffic offense or have a claim against the policy based on any such driver's fault.

(e) The Department of ~~Motor Vehicle Safety~~ Driver Services shall assure through the supervision of driver improvement clinics, emergency vehicles operations courses, driver improvement programs administered by nonprofit organizations, and commercial or noncommercial driving schools approved by the Department of ~~Motor Vehicle Safety~~ Driver Services that defensive driving courses shall be available and accessible wherever practicable as determined by the department to licensed drivers throughout the state.

(f) Each insurer providing premium discounts under this Code section shall provide, upon the request of the Commissioner, information regarding the amount of such discounts in a form acceptable to the Commissioner.

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

## SECTION 13-2.

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

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

### **PART XIII A**

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

#### **Department of Public Safety.**

#### **SECTION 13A-1.**

Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, is amended in Code Section 35-2-33, relating to additional duties of the Georgia State Patrol, by striking paragraph (1) of subsection (a) and inserting in its place a new paragraph to read as follows:

"(1) To enforce the laws of this state relating to the use, ownership, control, licensing, and registration of motor vehicles and Code Sections 32-9-4 and 40-6-54, relating to designation of restricted travel lanes;"

#### **SECTION 13A-2.**

Said Chapter 2 of Title 35 is further amended by adding at 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (1) Be authorized to carry firearms;

34 (2) Exercise arrest powers;

35 (3) Have the power to stop, enter upon, and inspect all motor vehicles using the public  
36 highways for purposes of determining whether such vehicles have complied with and are

1 complying with laws, the administration or enforcement of which is the responsibility of  
2 the department;

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

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

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

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

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

27 (B) The off-duty employer agrees to pay and does pay to the department an amount  
28 determined by the commissioner to be sufficient to reimburse the department for the use  
29 of the vehicle and to pay the off-duty employee sufficient compensation. Pursuant to  
30 such contract, the department shall pay the employee of the department the  
31 compensation earned on off-duty employment whenever such employee performs such  
32 service in a department motor vehicle; and

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

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

**PART XIV**

**Amendments to Chapter 40-2.**

**Registration and licensing of motor vehicles.**

**SECTION 14-1.**

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

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

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

**SECTION 14-2.**

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

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

**SECTION 14-3.**

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

"40-2-24.

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

**SECTION 14-3.1.**

Said Chapter 2 of Title 40 is further amended by striking subsections (b) and (d) of Code Section 40-2-40, relating to registration of delinquent vehicles, and inserting in their respective places new subsections to read as follows:

"(b) All applications for the registration of a delinquent vehicle shall, before being accepted by a tag agent, be first endorsed by a sheriff or a deputy sheriff, a chief of police or his or her designated representative, a state ~~patrolman, a state revenue special agent or enforcement officer, a Department of Transportation~~ law enforcement officer, a tax commissioner, or a tax collector. The officer endorsing the delinquent application shall indicate, with his or her endorsement on the application, the total amount of the prescribed registration fee together with the 25 percent penalty provided in this Code section, and the full total of such amount shall be paid to the tag agent before any license plate or revalidation decal as provided for in this chapter shall be assigned to the applicant."

"(d) Between the first and fifth days of each calendar month, the tag agent shall remit to the respective fiscal authorities of the counties or cities employing the endorsing officers the full amount of such penalties accredited to such officers during and for the preceding calendar month. All sums accredited to state ~~patrolmen, state revenue special agents or enforcement officers, or Department of Transportation~~ law enforcement officers shall be paid to the fiscal authorities of the county where the vehicle is registered."

**SECTION 14-4.**

Said Chapter 2 of Title 40 is further amended by adding after Code Section 40-2-64 a new Code Section 40-2-64.1 to read as follows:

"40-2-64.1.

(a) In accordance with the Taiwan Relations Act as provided for in Code Section 50-1-2, the commissioner shall design a distinctive Foreign Organization license plate.

(b) Upon application and compliance with the state motor vehicle laws relating to the registration and licensing of motor vehicles and the payment of the regular license fee, official representatives of the Taipei Economic and Cultural Representatives Office in the United States who maintain a presence in Georgia shall be issued Foreign Organization license plates as prescribed in Code Section 40-2-31 in duplicate. Such license plates shall be fastened to both the front and the rear of the vehicle.

(c) Official representatives of the Taipei Economic and Cultural Representatives Office in Atlanta accredited by the Georgia Department of Economic Development shall be entitled to Foreign Organization license plates for the representative's privately owned motor vehicle. Such license plates shall not be used by any representative after his or her presence in Georgia has terminated.

(d) License plates issued under this Code section shall not be transferred so as to be used by any person other than the person to whom such plates were originally issued but shall be transferred to another vehicle as provided in Code Section 40-2-80.

(e) The commissioner is authorized to establish procedures and promulgate rules and regulations for implementing this Code section."

#### **SECTION 14-5.**

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

"40-2-70.

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



**SECTION 14-6.**

Said Chapter 2 of Title 40 is further amended by striking Code Section 40-2-82, relating to special license plates for Georgia State Patrol vehicles, and inserting in its place a new Code section to read as follows:

"40-2-82.

The commissioner of public safety shall be issued distinctive license plates to be used on motor vehicles assigned to the Department of Public Safety and operated by troopers of the Georgia State Patrol or law enforcement officers of the Motor Carrier Compliance Division. The distinctive plates shall be issued free of charge in accordance with procedures agreed upon by the commissioner of public safety and the state revenue commissioner ~~of motor vehicle safety~~. License plates issued pursuant to this Code section need not contain a place for the county name decal and no county name decal need be affixed to a license plate issued pursuant to this Code section."

**SECTION 14-7.**

Said Chapter 2 of Title 40 is further amended in Code Section 40-2-87, relating to definitions applicable to reciprocal agreements for registration of commercial vehicles, by striking paragraph (9) and inserting in its place a new paragraph to read as follows:

"(9) 'Commissioner' means the jurisdiction official in charge of registration of vehicles and means, for the State of Georgia, the state revenue commissioner ~~of motor vehicle safety~~."

**SECTION 14-8.**

Said Chapter 2 of Title 40 is further amended by striking 40-2-89, relating to ineligibility for registration for vehicles prohibited by federal agencies, and inserting in its place a new Code section to read as follows:

"40-2-89.

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

**SECTION 14-9.**

Said Chapter 2 of Title 40 is further amended by striking Code Section 40-2-135, relating to revocation of license plates, and inserting in its place a new Code section to read as follows:

1 "40-2-135.

2 (a) The commissioner shall revoke any regular, prestige, special, or distinctive license  
3 plate which the commissioner determines was issued in error and shall revoke the special  
4 and distinctive license plate issued to a member of the General Assembly at such time as  
5 the holder ceases to hold such public office. The commissioner ~~shall~~ or his or her  
6 designated agent may revoke any license plate purchased with a ~~personal~~ check which was  
7 returned for any reason. The commissioner shall notify the holder of such regular, prestige,  
8 special, or distinctive license plate or of such other license plate of such revocation. The  
9 holder of such revoked license plate shall return the license plate to the commissioner or  
10 the commissioner's designated agent and register his or her vehicle as otherwise required  
11 by this chapter.

12 (b) The commissioner shall suspend or revoke any permanent registration and license plate  
13 issued in accordance with Code Section 40-2-47 when the owner has not complied with the  
14 annual requirement of the payment of ad valorem taxes and is delinquent for more than 12  
15 months from the last date of ad valorem tax payment.

16 ~~(b)~~(c) Any state or county law enforcement officer or any special agent or enforcement  
17 officer appointed under Code Section 40-2-134 may, upon the direction or request of the  
18 commissioner, go upon public or private property to seize a license plate or renewal decal  
19 which has been revoked as provided in subsection (a) of this Code section."

#### 20 **SECTION 14-10.**

21 Said Chapter 2 of Title 40 is further amended in Code Section 40-2-137, relating to the  
22 suspension of motor vehicle registration for failure to obtain minimum insurance coverage,  
23 by striking paragraph (1) of subsection (c) and inserting in lieu thereof a new paragraph (1)  
24 to read as follows:

25 "(c)(1) When proof of minimum motor vehicle insurance coverage is provided within  
26 the time period specified in this Code section, but there has been a lapse of coverage for  
27 a period of more than ten days, the owner shall remit a \$25.00 lapse fee to the  
28 department. Failure to remit the lapse fee to the department within 30 days of the date on  
29 which the notification was mailed by the department will result in the suspension of the  
30 owner's motor vehicle registration by operation of law as if the proof had not been  
31 provided in a timely manner as provided in paragraph (2) of this subsection. If any lapse  
32 fee provided for in this Code section is paid to the county tax commissioner, the county  
33 shall retain \$5.00 thereof as a collection fee."

**SECTION 14-11.**

Said Chapter 2 of Title 40 is further amended in Code Section 40-2-150, relating to definitions applicable to annual license fees for operation of vehicles, by repealing paragraph (.2) which reads as follows:

"(.2) 'Commissioner' means the commissioner of motor vehicle safety."

**PART XV****Amendments to Chapter 40-3.****Motor vehicle certificates of title, security interests, and liens.****SECTION 15-1.**

Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle certificates of title, security interests, and liens, is amended in Code Section 40-3-2, relating to definitions applicable to said chapter, by striking paragraphs (2) and (2.1) and inserting in their place new paragraphs to read as follows:

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

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

**SECTION 15-2.**

Said Chapter 3 of Title 40 is further amended in Code Section 40-3-40, relating to reports and remittances by county tag agents, by striking subsection (a) and inserting in its place a new subsection to read as follows:

"(a) All county tag agents accepting and handling title applications shall endeavor to submit such applications and related sums of money to which the ~~Department of Revenue~~ department is entitled to the commissioner on a daily basis. All reports of title applications handled and related sums of money collected to which the ~~Department of Revenue~~ department is entitled must be submitted to the commissioner within seven calendar days from the close of the business day during which such applications were handled and related sums of money collected."

**PART XVI****Amendments to Chapter 40-4.****Identification of and purchase and resale of motor vehicles and parts.****SECTION 16-1.**

Chapter 4 of Title 40 of the Official Code of Georgia Annotated, relating to identification of and purchase and resale of motor vehicles and parts, is amended by striking Code Section

40-4-5, relating to identification of truck chassis, and inserting in its place a new Code section to read as follows:

"40-4-5.

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

## **PART XVII**

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

#### **Drivers' licenses.**

#### **SECTION 17-1.**

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended in Code Section 40-5-1, relating to definitions applicable to said chapter, by striking paragraphs (1), (3), (5), (7), (9), and (10) and inserting in their respective places new paragraphs to read as follows:

"(1) 'Assessment component' means the standard screening instrument or instruments designated by the Department of ~~Human Resources~~ Driver Services which are used to screen for the extent of an individual's alcohol or drug use and its impact on driving."

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

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

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

"(9) 'DUI Alcohol or Drug Use Risk Reduction Program' means a program certified by the Department of ~~Human Resources~~ Driver Services which consists of two components: assessment and intervention. In the case of a conviction or plea of nolo contendere to a violation of Code Section 40-6-391 or in any other instance in which a person may be referred to a DUI Alcohol or Drug Use Risk Reduction Program, the program administers the assessment component and refers such offender to the intervention component."

(10) 'Intervention component' means a program which delivers therapeutic education about alcohol and drug use and driving and peer group counseling concerning alcohol and drug use over a period of 20 hours utilizing a methodology and curriculum approved and certified by the Department of ~~Human Resources~~ Driver Services for the DUI Alcohol or Drug Use Risk Reduction Programs under subsection (e) of Code Section 40-5-83."

### SECTION 17-2.

Said Chapter 5 of Title 40 is further amended in Code Section 40-5-2, relating to driver's records, by striking and replacing subsection (j) and adding a new subsection (l) so that subsections (j) and (l) shall read, respectively, as follows:

"(j) The commissioner is authorized to promulgate any rules, regulations, or policies as are necessary to carry out the provisions of this Code section. ~~The department and the Georgia Technology Authority are each authorized to charge~~ In accordance with paragraph (6) of subsection (a) of Code Section 50-25-4, reasonable fees ~~to defray costs incurred in affording access to or disseminating~~ shall be assessed for furnishing information from records or data bases pursuant to provisions of this Code section; provided, however, that the fee for furnishing an abstract of a driver's record shall not exceed \$10.00; ~~and provided, further, that the fee for furnishing the limited information provided for purposes of insurance rating pursuant to division (c)(1)(B)(ii) of this Code section shall not exceed 20 percent of the fee for furnishing the abstract of a driver's record.~~"

"(l) In any case in which the release or transmittal of one or more driver's records is authorized under this Code section or any other provision of law, the commissioner may determine the method of release or transmittal of the record or records, including without limitation release or transmittal by mail or by means of the Internet or other electronic means."

### SECTION 17-3.

Said Chapter 5 of Title 40 is further amended in Code Section 40-5-21, relating to exemptions from licensing, by striking paragraph (11) of subsection (a) and inserting in its place a new paragraph to read as follows:

"(11) Any resident who is 15 years of age or over while taking actual in-car training in a training vehicle other than a commercial motor vehicle under the direct personal supervision of a driving instructor when such driving instructor and training vehicle are licensed by the department in accordance with the provisions of Chapter 13 of Title 43, 'The Driver Training School License Act.' As used in the previous sentence, the term 'commercial motor vehicle' shall have the meaning specified in Code Section 40-5-142. All vehicles utilized for the in-car training authorized under this paragraph shall be

1 equipped with dual controlled brakes and shall be marked with signs in accordance with  
2 the ~~Department of Motor Vehicle Safety~~ rules of the department clearly identifying such  
3 vehicles as training cars belonging to a licensed driving school. A driving instructor shall  
4 test the eyesight of any unlicensed person who will be receiving actual in-car training  
5 prior to commencement of such training, and no unlicensed driver shall receive in-car  
6 training unless such person has at least the visual acuity and horizontal field of vision as  
7 is required for issuance of a driver's license in subsection (c) of Code Section 40-5-27;  
8 and".

#### 9 **SECTION 17-4.**

10 Said Chapter 5 of Title 40 is further amended in Code Section 40-5-22, relating to  
11 requirements for licensure, by striking paragraph (3) of subsection (a.1) and inserting in its  
12 place a new paragraph to read as follows:

13 "(3) The State Board of Education and the commissioner of ~~motor vehicle safety~~ driver  
14 services are authorized to promulgate rules and regulations to implement the provisions  
15 of this subsection."

#### 16 **SECTION 17-5.**

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

20 "40-5-22.1.

21 Notwithstanding any other provision of law, if a child under 16 years of age is adjudicated  
22 delinquent of driving under the influence of alcohol or drugs or of possession of marijuana  
23 or a controlled substance in violation of Code Section 16-13-30 or of the unlawful  
24 possession of a dangerous drug in violation of Code Section 16-13-72 or convicted in any  
25 other court of such offenses, the court shall order that the privilege of such child to apply  
26 for and be issued a driver's license or learner's permit shall be suspended and delayed until  
27 such child is 17 years of age for a first conviction and until such child is 18 years of age for  
28 a second or subsequent such conviction. Upon reaching the required age, such license  
29 privilege shall be reinstated if the child submits proof of completion of a DUI Alcohol or  
30 Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ or  
31 an assessment and intervention program approved by the juvenile court and pays a fee of  
32 \$210.00 to the Department of ~~Motor Vehicle Safety~~ Driver Services or \$200.00 when such  
33 application is processed by mail. The court shall notify the ~~Department of Motor Vehicle~~  
34 ~~Safety~~ department of its order delaying the issuance of such child's license within 15 days  
35 of the date of such order. The ~~Department of Motor Vehicle Safety~~ department shall not

1 issue a driver's license or learner's permit to any person contrary to a court order issued  
2 pursuant to this Code section."

### 3 **SECTION 17-6.**

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

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

10	(1) For instruction permits for Classes A, B, C, and M drivers' licenses and	
11	for Class D drivers' licenses . . . . .	\$ 10.00
12	(2) For <u>five-year</u> Classes <u>A, B, C,</u> and M <u>noncommercial</u> drivers'	<del>15.00</del>
13	licenses . . . . .	<u>20.00</u>
14	<u>(2.1) For ten-year Classes A, B, C, and M noncommercial driver's</u>	
15	<u>licenses . . . . .</u>	<u>35.00</u>
16	(3) For Classes <u>A, B, C,</u> and M <u>commercial</u> drivers' licenses . . . . .	<del>15.00</del>
		<u>20.00</u>
17	(4) For application for Classes A, B, C, and M commercial drivers' licenses	
18	or a Class P commercial driver's instruction permit . . . . .	35.00
19	(5) For Class P commercial drivers' instruction permits for Classes A, B, C,	
20	and M commercial drivers' licenses . . . . .	10.00
21	(6) For Classes A, B, C, and M commercial drivers' licenses, initial issuance	
22	requiring a road test . . . . .	<del>65.00</del>
		<u>70.00</u>
23	(7) For Classes A, B, C, and M commercial drivers' licenses, initial issuance	
24	not requiring a road test . . . . .	<del>15.00</del>
		<u>20.00</u>
25	(8) For renewal of Classes A, B, C, and M commercial drivers' licenses . .	<del>15.00</del>
		<u>20.00</u>
26	<u>(8.1) For renewal of five-year Classes A, B, C, and M noncommercial drivers'</u>	
27	<u>licenses . . . . .</u>	<u>20.00</u>
28	<u>(8.2) For renewal of ten-year Classes A, B, C, and M noncommercial drivers'</u>	
29	<u>licenses . . . . .</u>	<u>35.00</u>

(9) Initial issuance of Classes A, B, C, and M commercial drivers' licenses and Class P commercial drivers' instruction permits shall include all endorsement fees within the license fee. Each endorsement added after initial licensing ..... 5.00

The commissioner may by rule provide incentive discounts in otherwise applicable fees reflecting cost savings to the department where a license is renewed by means other than personal appearance. The discount for renewal of a Class C or Class M license shall be \$5.00 and any other discounts shall be as determined by the commissioner. Except as provided in Code Section 40-5-36, relating to veterans' licenses, and Code Section 40-5-149, relating to application fees for public school bus drivers, there shall be no exceptions to the fee requirements for a commercial driver's license or a commercial driver's license permit. Notwithstanding any other provision of this Code section, there shall be no fee whatsoever for replacement of any driver's license solely due to a change of the licensee's name or address, provided that such replacement license shall be valid only for the remaining period of such original license; and provided, further, that only one such free replacement license may be obtained within ~~any four-year~~ the period for which the license was originally issued. Any application for the replacement of a lost license pursuant to Code Section 40-5-31 or due to a change in the licensee's name or address submitted within 150 days of the expiration of said license shall be treated as an application for renewal subject to the applicable license fees as set forth in this subsection.

~~(b) Notwithstanding the provisions of subsection (a) of this Code section, any Class 1 or 2 license issued prior to April 3, 1989, shall remain valid until its expiration unless otherwise lost, destroyed, suspended, or revoked prior to its expiration. A Class 3, 4, or 5 license shall remain valid unless lost, destroyed, suspended, revoked, or canceled, until its expiration or its earlier replacement under Article 7 of this chapter, the 'Uniform Commercial Driver's License Act.'~~ Reserved.

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



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

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

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

#### **SECTION 17-7.**

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

"(a) The department shall examine every applicant for a driver's license, except as otherwise provided by subsection (d) of this Code section. Such examination shall include a test of the applicant's eyesight, his or her ability to understand official traffic-control devices, and his or her knowledge of safe driving practices and the traffic laws of this state and shall also include a comprehensive on-the-road driving test during which the applicant shall be required to fully demonstrate his or her ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or general class of vehicles he or she desires a license to drive; provided, however, that the on-the-road driving test requirement shall not apply to any applicant for a Class C driver's license who holds a Class D driver's license issued on or after January 1, 2002. ~~Applicants~~ An applicant 18 years of age and older with a valid and current license ~~licenses~~ license, or a license that has been expired for less than two years, issued by another state of the United States or the District of Columbia who ~~surrender their previous licenses~~ surrenders his or her previous license to obtain a Georgia license shall be exempt from taking such tests ~~other than tests of eyesight~~. The examination may also include such further physical and mental examination as the department finds

1 necessary to determine the applicant's fitness to operate a motor vehicle safely upon the  
2 highways. The commissioner may establish by rules and regulations the type of tests or  
3 demonstrations to be made by applicants for any class of license."

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

#### 25 **SECTION 17-8.**

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

28 "40-5-28.

29 (a) The department shall, upon payment of the required fee, issue to every applicant  
30 qualifying therefor a driver's license indicating the type or general class of vehicles the  
31 licensee may drive, which license shall be upon a form prescribed by the department and  
32 which shall bear thereon a distinguishing number assigned to the licensee, a color  
33 photograph of the licensee, the licensee's full name, either a facsimile of the signature of  
34 the licensee or a space upon which the licensee shall write his or her usual signature with  
35 a pen and ink immediately upon receipt of the license, and such other information or  
36 identification as is required by the department. No license shall be valid until it has been

1 so signed by the licensee. Specifically but without limitation, the department may require  
2 applicants to submit fingerprints by means of an inkless fingerprint scanning device upon  
3 application.

4 (b) The commissioner may determine the location and manner of issuance of drivers'  
5 licenses. Without limiting the generality of the foregoing, it is specifically provided that  
6 the commissioner may designate county tag agents, if they so agree, as agents of the  
7 department for this purpose and may authorize the issuance of drivers' licenses by county  
8 tag agents. No county tag agent shall be required to issue or renew drivers' licenses unless  
9 such county tag agent agrees in writing to perform such functions. No county tag agent  
10 shall be required to issue or renew drivers' licenses for residents of any county other than  
11 the residents of the county for which he or she serves as tax commissioner."

#### 12 **SECTION 17-9.**

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

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

#### 24 **SECTION 17-10.**

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

27 "40-5-32.

28 (a)(1) Every Except as otherwise provided in this Code section, every driver's license  
29 shall expire on the licensee's birthday in the ~~fourth~~ fifth year following the issuance of  
30 such license. Notwithstanding the foregoing, any commercial license that contains an H  
31 or X endorsement as defined in subsection (c) of Code Section 40-5-150 shall expire on  
32 the date of expiration of the licensee's security threat assessment conducted by the  
33 Transportation Security Administration of the United States Department of Homeland  
34 Security. An applicant for a Class A, B, C, or M noncommercial driver's license who is  
35 under age 60 shall at the applicant's option apply for a license which shall expire on the

1 licensee's birthday in the fifth or tenth year following the issuance of such license. Every  
2 such license shall be renewed on or before its expiration upon application, payment of  
3 the required fee, and, if applicable, satisfactory completion of the examination required  
4 or authorized by subsection (c) of this Code section.

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

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

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

16 (1) Personal appearance before the department; or

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

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

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

## 29 **SECTION 17-11.**

30 Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-33, relating to  
31 change of address of a licensed driver, and inserting in its place a new Code section to read  
32 as follows:

33 "40-5-33.

34 Whenever any person, after applying for or receiving a driver's license, shall move from  
35 the address named in such application or in the license issued to him or her or when the  
36 name of a licensee is changed by marriage or otherwise, such person shall apply to the

1 department for a license showing the correct name or address within 60 days. Failure to  
2 change the name or address shall not deem the license invalid. The commissioner may  
3 determine the locations at which applications shall be accepted for applications due to  
4 change of name or address. Without limiting the generality of the foregoing, it is  
5 specifically provided that the commissioner may designate county tag agents, if they so  
6 agree, as agents of the department for this purpose."

#### 7 **SECTION 17-12.**

8 Said Chapter 5 of Title 40 is further amended by striking subsection (b) of Code Section  
9 40-5-53, relating to reports of convictions and forwarding of licenses by courts, and inserting  
10 in its place a new subsection to read as follows:

11 "(b) Every court in each county of this state having jurisdiction over offenses committed  
12 under this chapter and Chapter 6 of this title or any other law of this state or ordinance  
13 adopted by a local authority regulating the operation of motor vehicles on highways shall  
14 forward to the department, within ten days after the conviction of any person in such court  
15 for a violation of any such law other than regulations governing speeding in a  
16 noncommercial motor vehicle for which no points are assigned under Code Section  
17 40-5-57, standing, or parking, a uniform citation form authorized by Article 1 of Chapter  
18 13 of this title. Notwithstanding any other provision of this title, in satisfaction of the  
19 reporting requirement of this subsection, the courts of this state ~~may~~ shall transmit the  
20 information contained on the uniform citation form by electronic means, ~~provided that the~~  
21 ~~department has first given approval to the reporting court for~~ using the electronic reporting  
22 method ~~utilized~~ approved by the department. The department shall pay to the clerk of the  
23 court forwarding the required report 40¢ for each report transmitted electronically in a  
24 timely manner as required in this subsection ~~and 10¢ for each report transmitted otherwise;~~  
25 and notwithstanding any general or local law to the contrary, the clerk shall pay such fees  
26 over to the general fund of the city or county operating the court. Where a court has not  
27 implemented transmittal by electronic means, the commissioner may require such court or  
28 courts to submit by electronic means no later than a future date to be determined by the  
29 commissioner."

#### 30 **SECTION 17-13.**

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

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

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

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

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

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

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

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

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

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

#### **SECTION 17-14.**

Said Chapter 5 of Title 40 is further amended in said Code Section 40-5-57.1 by adding at the end of the Code section a new subsection (d) to read as follows:

"(d) A suspension provided for in this Code section shall be imposed based on the person's age on the date of the conviction giving rise to the suspension."

#### **SECTION 17-15.**

Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-63, relating to certain license suspension periods, and inserting in its place a new Code section to read as follows:

1 "40-5-63.

2 (a) The driver's license of any person convicted of an offense listed in Code Section  
3 40-5-54 or of violating Code Section 40-6-391, unless the driver's license has been  
4 previously suspended pursuant to Code Sections 40-5-67.1 and 40-5-67.2, shall by  
5 operation of law be suspended and such suspension shall be subject to the following terms  
6 and conditions; provided, however, that any person convicted of a drug related offense  
7 pursuant to Code Section 40-6-391 shall be governed by the suspension requirements of  
8 Code Section 40-5-75:

9 (1) Upon the first conviction of any such offense, with no arrest and conviction of and  
10 no plea of nolo contendere accepted to such offense within the previous five years, as  
11 measured from the dates of previous arrests for which convictions were obtained to the  
12 date of the current arrest for which a conviction is obtained, the period of suspension shall  
13 be for 12 months. At the end of 120 days, the person may apply to the department for  
14 reinstatement of said driver's license. Such license shall be reinstated if such person  
15 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program  
16 ~~approved by the Department of Human Resources~~ and pays a restoration fee of \$210.00  
17 or \$200.00 when such reinstatement is processed by mail, provided that, if such license  
18 was suspended as a result of a conviction of an offense listed in Code Section 40-5-54,  
19 such license shall be reinstated if such person submits proof of completion of either a  
20 defensive driving program approved by the ~~Department of Motor Vehicle Safety~~  
21 department or a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the~~  
22 ~~Department of Human Resources~~ and pays the prescribed restoration fee. A driver's  
23 license suspended as a result of a conviction of a violation of Code Section 40-6-391 shall  
24 not become valid and shall remain suspended until such person submits proof of  
25 completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the~~  
26 ~~Department of Human Resources~~ and pays the prescribed restoration fee. For purposes  
27 of this paragraph, an accepted plea of nolo contendere to an offense listed in Code  
28 Section 40-5-54 by a person who is under 18 years of age at the time of arrest shall  
29 constitute a conviction. For the purposes of this paragraph only, an accepted plea of nolo  
30 contendere by a person 21 years of age or older, with no conviction of and no plea of nolo  
31 contendere accepted to a charge of violating Code Section 40-6-391 within the previous  
32 five years, as measured from the dates of previous arrests for which convictions were  
33 obtained or pleas of nolo contendere accepted to the date of the current arrest for which  
34 a plea of nolo contendere is accepted, shall be considered a conviction, and the court  
35 having jurisdiction shall forward, as provided in Code Section 40-6-391.1, the record of  
36 such disposition of the case to the department and the record of such disposition shall be

1 kept on file for the purpose of considering and counting such accepted plea of nolo  
2 contendere as a conviction under paragraphs (2) and (3) of this subsection;

3 (2) Upon the second conviction of any such offense within five years, as measured from  
4 the dates of previous arrests for which convictions were obtained to the date of the  
5 current arrest for which a conviction is obtained, the period of suspension shall be for  
6 three years. At the end of 120 days, the person may apply to the department for  
7 reinstatement of said driver's license; except that if such license was suspended as a result  
8 of a second conviction of a violation of Code Section 40-6-391 within five years, the  
9 person shall not be eligible to apply for license reinstatement until the end of 18 months.  
10 Such license shall be reinstated if such person submits proof of completion of a DUI  
11 Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human~~  
12 ~~Resources~~ and pays a restoration fee of \$210.00 or \$200.00 when processed by mail,  
13 provided that, if such license was suspended as a result of a conviction of an offense  
14 listed in Code Section 40-5-54, such license shall be reinstated if such person submits  
15 proof of completion of either a defensive driving program approved by the department  
16 or a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of~~  
17 ~~Human Resources~~ and pays the prescribed restoration fee. A driver's license suspended  
18 as a result of a conviction of a violation of Code Section 40-6-391 shall not become valid  
19 and shall remain suspended until such person submits proof of completion of a DUI  
20 Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human~~  
21 ~~Resources~~ and pays the prescribed restoration fee. For purposes of this paragraph, a plea  
22 of nolo contendere and all previous accepted pleas of nolo contendere to an offense listed  
23 in Code Section 40-5-54 within such five-year period of time shall constitute a  
24 conviction. For the purposes of this paragraph, a plea of nolo contendere to a charge of  
25 violating Code Section 40-6-391 and all prior accepted pleas of nolo contendere within  
26 five years, as measured from the dates of previous arrests for which convictions were  
27 obtained or pleas of nolo contendere were accepted to the date of the current arrest for  
28 which a plea of nolo contendere is accepted, shall be considered and counted as  
29 convictions; or

30 (3) Upon the third conviction of any such offense within five years, as measured from  
31 the dates of previous arrests for which convictions were obtained to the date of the  
32 current arrest for which a conviction is obtained, such person shall be considered a  
33 habitual violator, and said license shall be revoked as provided for in paragraph (1) of  
34 subsection (a) of Code Section 40-5-62. For purposes of this paragraph, a plea of nolo  
35 contendere and all previous accepted pleas of nolo contendere to an offense listed in Code  
36 Section 40-5-54 within such five-year period shall constitute a conviction. For the  
37 purposes of this paragraph, a plea of nolo contendere and all prior accepted pleas of nolo



1        contendere to a charge of violating Code Section 40-6-391 within five years, as measured  
2        from the dates of previous arrests for which convictions were obtained or pleas of nolo  
3        contendere were accepted to the date of the current arrest for which a plea of nolo  
4        contendere is accepted, shall be considered and counted as convictions.

5        (b) The periods of suspension provided for in this Code section shall begin on the date the  
6        person is convicted of an offense listed in Code Section 40-5-54 or of violating Code  
7        Section 40-6-391.

8        (c) In all cases in which the department may return a license to a driver prior to the  
9        termination of the full period of suspension, the department may require such tests of  
10       driving skill and knowledge as it determines to be proper, and the department's discretion  
11       shall be guided by the driver's past driving record and performance, and the driver shall  
12       pay the applicable restoration fee. In addition to any other requirement the department may  
13       impose, a driver's license suspended as a result of a conviction of a violation of Code  
14       Section 40-6-391 shall not become valid, shall remain suspended, and shall not be returned  
15       to such driver or otherwise reinstated until such person submits proof of completion of a  
16       DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Human  
17       Resources.

18       (d) Any person convicted of violating subsection (a) of Code Section 40-6-393, relating  
19       to homicide by vehicle, or Code Section 40-6-394, relating to serious injury by vehicle,  
20       shall have his or her license suspended for a period of three years. Such person shall not  
21       be eligible for early reinstatement of said driver's license as provided in this Code section  
22       or in Article 4 of this chapter and shall not be eligible for a limited driving permit as  
23       provided in Code Section 40-5-64. For purposes of this subsection, an accepted plea of  
24       nolo contendere to homicide by vehicle in the first degree or serious injury by vehicle shall  
25       constitute a conviction.

26       (e) The driver's license of any person under 21 years of age who is convicted of unlawful  
27       possession of alcoholic beverages in violation of Code Section 3-3-23 while operating a  
28       motor vehicle may be suspended for a period of not less than 120 days. At the end of 120  
29       days, the person may apply to the department for reinstatement of said driver's license.  
30       Such license shall be reinstated only if the person submits proof of completion of an  
31       approved DUI Alcohol or Drug Use Risk Reduction Program prescribed by the Department  
32       of Human Resources and pays a restoration fee of \$35.00 or \$25.00 when processed by  
33       mail. For purposes of this subsection, a sentence under subsection (c) of Code Section  
34       3-3-23.1 shall not be considered a conviction, and the driver's license of such person shall  
35       not be suspended, provided that such person completes a DUI Alcohol or Drug Use Risk  
36       Reduction Program within 120 days after sentencing.

(f) The driver's license of any person who is convicted of attempting to purchase an alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23 upon the first conviction shall be suspended for a period of six months and upon the second or subsequent conviction shall be suspended for a period of one year. At the end of the period of suspension, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated upon payment of a restoration fee of \$35.00 or \$25.00 when processed by mail. For purposes of this subsection, a sentence under subsection (c) of Code Section 3-3-23.1 shall not be considered a conviction, and the driver's license of such person shall not be suspended."

#### **SECTION 17-15.1.**

Said Chapter 5 of Title 40 is further amended in Code Section 40-5-67.2, relating to terms and conditions applicable to certain license suspensions, by striking subsection (a) and inserting in its place a new subsection to read as follows:

"(a) Any driver's license required to be suspended under subsection (c) of Code Section 40-5-67.1 shall be suspended subject to the following terms and conditions:

(1) Upon the first suspension pursuant to subsection (c) of Code Section 40-5-67.1 within the previous five years, as measured from the dates of previous arrests for which a suspension was obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for one year. Not sooner than 30 days following the effective date of suspension, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ and pays a restoration fee of \$210.00 or \$200.00 when processed by mail. A driver's license suspended pursuant to Code Section 40-5-67.1 shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ and pays the prescribed restoration fee.

(2) Upon the second suspension pursuant to subsection (c) of Code Section 40-5-67.1 within five years, as measured from the dates of previous arrests for which suspensions were obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for three years. The person shall be eligible to apply to the department for license reinstatement not sooner than 18 months following the effective date of suspension. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the Department of Human Resources~~ and pays a restoration fee of \$210.00 or \$200.00 when processed by mail. A driver's license suspended pursuant to Code Section 40-5-67.1 shall

1 not become valid and shall remain suspended until such person submits proof of  
2 completion of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved by the~~  
3 ~~Department of Human Resources~~ and pays the prescribed restoration fee.

4 (3) Upon the third or subsequent suspension pursuant to subsection (c) of Code Section  
5 40-5-67.1 within five years, as measured from the dates of previous arrests for which  
6 suspensions were obtained to the date of the current arrest for which a suspension is  
7 obtained, the period of suspension shall be for five years. A driver's license suspended  
8 pursuant to Code Section 40-5-67.1 shall not become valid and shall remain suspended  
9 until such person submits proof of completion of a DUI Alcohol or Drug Use Risk  
10 Reduction Program ~~approved by the Department of Human Resources~~ and pays the  
11 prescribed restoration fee. The driver may apply for a probationary license pursuant to  
12 Code Section 40-5-58 after the expiration of two years from the effective date of  
13 suspension."

#### 14 **SECTION 17-16.**

15 Said Chapter 5 of Title 40 is further amended in Code Section 40-5-75, relating to suspension  
16 of licenses by operation of law, by striking paragraphs (1) and (2) of subsection (a) and  
17 subsection (h) and inserting in their respective places new paragraphs and a new subsection  
18 to read as follows:

19 "(1) Upon the first conviction of any such offense, with no arrest and conviction of and  
20 no plea of nolo contendere accepted to such offense within the previous five years, as  
21 measured from the dates of previous arrests for which convictions were obtained to the  
22 date of the current arrest for which a conviction is obtained, the period of suspension shall  
23 be for not less than 180 days. At the end of 180 days, the person may apply to the  
24 department for reinstatement of his or her driver's license. Such license shall be reinstated  
25 only if the person submits proof of completion of a DUI Alcohol or Drug Use Risk  
26 Reduction Program ~~approved by the Department of Human Resources~~ and pays to the  
27 Department of ~~Motor Vehicle Safety~~ Driver Services a restoration fee of \$210.00 or  
28 \$200.00 when such reinstatement is processed by mail. For purposes of this paragraph,  
29 a plea of nolo contendere by a person to a charge of any drug related offense listed in this  
30 subsection shall, except as provided in subsection (c) of this Code section, constitute a  
31 conviction;

32 (2) Upon the second conviction of any such offense within five years, as measured from  
33 the dates of previous arrests for which convictions were obtained to the date of the  
34 current arrest for which a conviction is obtained, the period of suspension shall be for  
35 three years, provided that after one year from the date of the conviction the person may  
36 apply to the department for reinstatement of his or her driver's license by submitting

1 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved  
2 by the ~~Department of Human Resources~~ and paying to the Department of ~~Motor Vehicle~~  
3 ~~Safety~~ Driver Services a restoration fee of \$210.00 or \$200.00 when such reinstatement  
4 is processed by mail. For purposes of this paragraph, a plea of nolo contendere and all  
5 previous pleas of nolo contendere within such five-year period of time shall constitute a  
6 conviction; and"

7 "(h) Notwithstanding the provisions of subsection (a) of this Code section, licensed drivers  
8 who are 16 years of age who are adjudicated in a juvenile court pursuant to this Code  
9 section may, at their option, complete a DUI Alcohol or Drug Use Risk Reduction Program  
10 approved by the ~~Department of Human Resources~~ or an assessment and intervention  
11 program approved by the juvenile court."

### 12 SECTION 17-17.

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

16 "40-5-80.

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

24 (1) Charge a fee for the consideration of applications for approval of driver improvement  
25 clinics and instructors. The amount of this fee shall be established by the commissioner  
26 of ~~motor vehicle safety~~ and shall, as best as the commissioner shall determine,  
27 approximate the expense incurred by the ~~Department of Motor Vehicle Safety~~ department  
28 in consideration of an application. These licenses and each renewal thereof shall be valid  
29 for a period of four years unless suspended or revoked prior to the expiration of that time  
30 period; and

31 (2) Require, in addition to the criteria established by the commissioner for approval of  
32 driver improvement clinics ~~established by the commissioner of motor vehicle safety~~ and  
33 DUI Alcohol or Drug Use Risk Reduction Programs ~~established by the Department of~~  
34 ~~Human Resources~~, as provided in subsections (a) and (e) of Code Section 40-5-83,  
35 ~~respectively~~, that every driver improvement clinic and DUI Alcohol or Drug Use Risk  
36 Reduction Program shall, as a condition of approval, provide a continuous surety

1 company bond for the protection of the contractual rights of students in such form as will  
2 meet with the approval of the ~~Department of Motor Vehicle Safety or the Department~~  
3 ~~of Human Resources, as applicable~~ department, and written by a company authorized to  
4 do business in this state. The principal sum of the bond shall be established by the  
5 commissioner of ~~motor vehicle safety or the Board of Human Resources, as applicable~~;  
6 however, in no event shall this amount be less than ~~\$2,500.00~~ \$10,000.00 per location,  
7 and a single bond at such rate may be submitted for all locations under the same  
8 ownership. If at any time said bond is not valid and in force, the license of the clinic or  
9 program shall be deemed suspended by operation of law until a valid surety company  
10 bond is again in force."

#### 11 **SECTION 17-18.**

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

15 "(c) It shall be unlawful for the owner, agent, servant, or employee of any driver  
16 improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program licensed by the  
17 ~~Department of Motor Vehicle Safety or the Department of Human Resources~~ department  
18 to directly or indirectly solicit business by personal solicitation on public property, by  
19 phone, or by mail. A violation of this subsection shall be a misdemeanor. Advertising in  
20 any mass media, including, but not limited to, newspapers, radio, television, magazines,  
21 or telephone directories by a driver improvement clinic or DUI Alcohol or Drug Use Risk  
22 Reduction Program shall not be considered a violation of this subsection."

#### 23 **SECTION 17-19.**

24 Said Chapter 5 of Title 40 is further amended by striking Code Section 40-5-82, relating to  
25 administration of the Driver Improvement Program, and inserting in its place a new Code  
26 section to read as follows:

27 "40-5-82.

28 (a) The Driver Improvement Program created by this article shall be administered by the  
29 commissioner of ~~motor vehicle safety~~. The commissioner is authorized to promulgate and  
30 adopt rules and regulations necessary to carry out this article.

31 (b) For the purpose of generating greater interest in highway safety, the commissioner may  
32 solicit the assistance of local governmental authorities, associations, societies, clubs,  
33 schools, colleges, and other organizations or persons knowledgeable in highway safety  
34 driving standards to participate in conjunction with the department in the development of  
35 local driver improvement programs and in conducting driver improvement classes.

1 (c) The ~~Department of Human Resources~~ department is designated as the agency  
2 responsible for the approval and certification of DUI Alcohol or Drug Use Risk Reduction  
3 Programs and staff. This responsibility includes selection of the assessment instrument,  
4 development of the intervention curricula, training of program staff, and monitoring of all  
5 DUI Alcohol or Drug Use Risk Reduction Programs under this article.

6 (d) All DUI Alcohol or Drug Use Risk Reduction Program records including, but not  
7 limited to, assessment results and other components attended shall be confidential and shall  
8 not be released without the written consent of the DUI offender, except that such records  
9 shall be made available to the Department of Human Resources and the Department of  
10 ~~Motor Vehicle Safety~~. Driver Services. The provision of assessments to the Department of  
11 Human Resources shall be according to an interagency agreement between the Department  
12 of Driver Services and the Department of Human Resources, and the agreement may  
13 provide for assessment fees to be transmitted to the Department of Human Resources.

14 (e) The ~~Department of Human Resources~~ department shall conduct a records check for any  
15 applicant for certification as an operator or instructor of a DUI Alcohol or Drug Use Risk  
16 Reduction Program. Each applicant shall submit two sets of classifiable fingerprints to the  
17 department. The department shall transmit both sets of fingerprints to the Georgia Crime  
18 Information Center, which shall submit one set of fingerprints to the Federal Bureau of  
19 Investigation for a search of bureau records and an appropriate report and shall retain one  
20 set and promptly conduct a search of state records. After receiving the report from the  
21 Georgia Crime Information Center and the Federal Bureau of Investigation, the department  
22 shall determine whether the applicant may be certified. No applicant shall be certified who  
23 has previously been convicted of a felony. The department shall promulgate rules and  
24 regulations regarding certification requirements, including restrictions regarding  
25 misdemeanor convictions."

## 26 SECTION 17-20.

27 Said Chapter 5 of Title 40 is further amended in Code Section 40-5-83, relating to  
28 establishment, approval, and operation of clinics, by striking paragraph (1) of subsection (a),  
29 paragraph (3) of subsection (b), and subsection (e) and inserting in their respective places  
30 new paragraphs and a new subsection to read as follows:

31 "(a)(1) The commissioner of motor vehicle safety shall establish criteria for the approval  
32 of driver improvement clinics. To be approved, a clinic shall provide and operate either  
33 a defensive driving course, an advanced defensive driving course, or a professional  
34 defensive driving course or any combination thereof. Clinics shall be composed of  
35 uniform education and training programs consisting of six hours of instruction designed  
36 for the rehabilitation of problem drivers. The commissioner shall establish standards and

1 requirements concerning the contents of courses, qualifications of instructors, attendance  
2 requirements for students, and examinations. Approved clinics shall charge a fee of  
3 \$75.00 for a defensive driving course, an advanced defensive driving course, or a  
4 professional defensive driving course; except that such clinics may charge different fees  
5 of their own choosing if the person is not enrolling in such course pursuant to court order  
6 or department requirement. No clinic shall be approved unless such clinic agrees in  
7 writing to allow the examination and audit of the books, records, and financial statements  
8 of such clinic. Clinics may be operated by any individual, partnership, corporation,  
9 association, civic group, club, county, municipality, board of education, school, or  
10 college."

11 "(3) Driving under the influence and alcohol and drug programs, clinics, and courses  
12 outside of the State of Georgia shall not be required to comply with the provisions of  
13 subsection (e) of this Code section; provided, however, that the department shall not  
14 accept certificates of completion from any such program, clinic, or course unless said  
15 program, clinic, or course has been certified by the ~~Department of Human Resources~~  
16 department as substantially conforming, with respect to course content, with the standards  
17 and requirements promulgated by the ~~Department of Human Resources~~ department under  
18 subsection (e) of this Code section. Certificates of completion from an out-of-state  
19 program, clinic, or course not so certified by the ~~Department of Human Resources~~  
20 department may be accepted only for the purpose of permitting persons who are not  
21 residents of the State of Georgia to reinstate nonresident operating privileges."

22 "(e) The ~~Department of Human Resources~~ department is designated as the agency  
23 responsible for establishing criteria for the approval of DUI Alcohol or Drug Use Risk  
24 Reduction Programs. An applicant must meet the certification criteria promulgated by the  
25 ~~Department of Human Resources~~ department through its standards and must provide the  
26 following services: (1) the assessment component and (2) the intervention component. The  
27 ~~Department of Human Resources~~ department is designated as the agency responsible for  
28 establishing rules and regulations concerning the contents and duration of the components  
29 of DUI Alcohol or Drug Use Risk Reduction Programs, qualifications of instructors,  
30 attendance requirements for students, examinations, and program evaluations. Qualified  
31 instructors shall be certified for periods of four years each, which may be renewed.  
32 Approved DUI Alcohol or Drug Use Risk Reduction Programs shall charge a fee of \$75.00  
33 for the assessment component and \$190.00 for the intervention component. An additional  
34 fee for required student program materials shall be established by the ~~Department of~~  
35 ~~Human Resources~~ department in such an amount as is reasonable and necessary to cover  
36 the cost of such materials. No DUI Alcohol or Drug Use Risk Reduction Program shall be  
37 approved unless such clinic agrees in writing to submit reports as required in the rules and

1 regulations of the ~~Department of Human Resources~~ department and to allow the  
2 examination and audit of the books, records, and financial statements of such DUI Alcohol  
3 or Drug Use Risk Reduction Program by the ~~Department of Human Resources~~ department  
4 or its authorized agent. DUI Alcohol or Drug Use Risk Reduction Programs may be  
5 operated by any public, private, or governmental entity; provided, however, that, except  
6 as otherwise provided in this subsection, in any political subdivision in which a DUI  
7 Alcohol or Drug Use Risk Reduction Program is operated by a private entity, whether for  
8 profit or nonprofit, neither the local county board of health nor any other governmental  
9 entity shall fund any new programs in that area. Programs currently in existence which are  
10 operated by local county boards of health or any other governmental entities shall be  
11 authorized to continue operation. New programs may be started in areas where no private  
12 DUI Alcohol or Drug Use Risk Reduction Programs have been made available to said  
13 community. The Department of Corrections is authorized to operate DUI Alcohol or Drug  
14 Use Risk Reduction Programs in its facilities where offenders are not authorized to  
15 participate in such programs in the community, provided that such programs meet the  
16 certification criteria promulgated by the Department of ~~Human Resources~~ Driver Services.  
17 All such programs operated by the Department of Corrections shall be exempt from all fee  
18 provisions established in this subsection specifically including the rebate of any fee for the  
19 costs of administration. No DUI Alcohol or Drug Use Risk Reduction Program will be  
20 approved unless such clinic agrees in writing to pay to the state, for the costs of  
21 administration, a fee of \$15.00, for each offender assessed or each offender attending for  
22 points reduction, provided that nothing in this Code section shall be construed so as to  
23 allow the ~~Department of Human Resources~~ department to retain any funds required by the  
24 Constitution of Georgia to be paid into the state treasury; and provided, further, that the  
25 ~~Department of Human Resources~~ department shall comply with all provisions of Part 1 of  
26 Article 4 of Chapter 12 of Title 45, the 'Budget Act,' except Code Section 45-12-92, prior  
27 to expending any such miscellaneous funds."

#### 28 **SECTION 17-21.**

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

31 "40-5-88.

32 (a) As an alternative to criminal or other civil enforcement, the commissioner of ~~motor~~  
33 ~~vehicle safety or the commissioner of human resources, whichever is applicable,~~ driver  
34 services in order to enforce this article or any orders, rules, or regulations promulgated  
35 pursuant to this article, may issue an administrative fine not to exceed \$1,000.00 for each  
36 violation, whenever ~~that~~ the commissioner, after a hearing, determines that any person,



1 firm, or corporation has violated any provisions of this article or any regulations or orders  
 2 promulgated under this article. Notwithstanding the foregoing, violations that are minor in  
 3 nature and committed by a person, firm, or corporation shall be punished only by a written  
 4 reprimand unless the person, firm, or corporation fails to remedy the violation within 30  
 5 days, in which case an administrative fine, not to exceed \$250.00, may be issued.

6 (b) The hearing and any administrative review thereof shall be conducted in accordance  
 7 with the procedure for contested cases under Chapter 13 of Title 50, the 'Georgia  
 8 Administrative Procedure Act.' Any person, firm, or corporation who has exhausted all  
 9 administrative remedies available and who is aggrieved or adversely affected by a final  
 10 order or action of ~~either the commissioner of motor vehicle safety or the commissioner of~~  
 11 ~~human resources~~ driver services shall have the right of judicial review thereof in  
 12 accordance with Chapter 13 of Title 50. All fines recovered under this Code section shall  
 13 be paid into the state treasury. The commissioner of ~~motor vehicle safety or the~~  
 14 ~~commissioner of human resources, as appropriate,~~ driver services may file, in the superior  
 15 court (1) wherein the person under order resides; (2) if such person is a corporation, in the  
 16 county wherein the corporation maintains its principal place of business; or (3) in the  
 17 county wherein the violation occurred, a certified copy of a final order of ~~such~~ the  
 18 commissioner, whether unappealed from or affirmed upon appeal, whereupon the court  
 19 shall render judgment in accordance therewith and notify the parties. Such judgment shall  
 20 have the same effect and proceedings in relation thereto shall thereafter be the same as  
 21 though the judgment had been rendered in an action duly heard and determined by the  
 22 court. The penalty prescribed in this Code section shall be concurrent, alternative, and  
 23 cumulative with any and all other civil, criminal, or alternative rights, remedies, forfeitures,  
 24 or penalties provided, allowed, or available to such commissioner with respect to any  
 25 violation of this article or any order, rules, or regulations promulgated pursuant to this  
 26 article."

## 27 **SECTION 17-22.**

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

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

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

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

36 or

(C) If the vehicle is transporting hazardous materials and is required to be placarded in accordance with the Motor Carrier Safety Rules prescribed by the United States Department of Transportation, Title 49 C.F.R. Part 172, subpart F; provided, however, that for the purposes of this article, no agricultural vehicle, military vehicle operated by military personnel, recreational vehicle, or fire-fighting or emergency equipment vehicle shall be considered a commercial vehicle. As used in this paragraph, the term 'agricultural vehicle' means a farm vehicle which is controlled and operated by a farmer; used to transport agricultural products, farm machinery, or farm supplies to or from a farm; and operated within 150 miles of such person's farm; which vehicle is not used in the operations of a ~~common or contract~~ motor carrier. Any other waiver by the Federal Highway Administration pursuant to Federal Law 49 C.F.R. Parts 383, 391, RIN 2125-AB 68, of the United States Department of Transportation shall supersede state law in authorizing the Department of ~~Motor Vehicle Safety~~ Driver Services to exempt said classes."

#### SECTION 17-23.

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

(b) The identification card shall be valid for ~~four~~ a period of five or ten years, at the option of the applicant, and shall bear the signatures of the commissioner and the Governor and shall bear an identification card number which shall not be the same as the social security number, ~~unless the person specifically requests that the social security number be used, or, in the case of an individual who is not a citizen of the United States, the passport number of the person identified or any number the department deems necessary to implement this Code section.~~

#### SECTION 17-24.

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

"40-5-103.

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

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

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

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

## **PART XVIII**

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

#### **Uniform rules of the road.**

#### **SECTION 18-1.**

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

"(3) On and after ~~January 1, 2004~~ July 1, 2005, the requirement under this Code section that proof or evidence of minimum liability insurance be maintained in a motor vehicle at all times during the operation of the vehicle shall not apply to the owner or operator of any vehicle for which the records or data base of the Department of ~~Motor Vehicle Safety~~ Revenue indicates that required minimum insurance coverage is currently effective."

#### **SECTION 18-2.**

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

"40-6-12.

(a) Any person convicted of a second or subsequent violation of Code Section 40-6-10 within a five-year period, as measured from date of arrest to date of arrest, shall be required to file with the Department of ~~Motor Vehicle Safety~~ Driver Services and maintain for a period of three years from the date of conviction proof of financial responsibility, as such

1 term is defined in paragraph (5) of Code Section 40-9-2, in addition to any other  
2 punishment.

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

### 7 **SECTION 18-3.**

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

11 "(a) Except as provided in subsection (b) of this Code section, the driver of any motor  
12 vehicle carrying passengers for hire, any bus, whether or not operated for hire, or of any  
13 school bus, whether carrying any school children or empty, or of any vehicle carrying any  
14 hazardous material listed in Section 392.10 of Title 49 of the Code of Federal Regulations  
15 as those regulations currently exist or as they may in the future be amended or in  
16 regulations adopted by the commissioner of ~~motor vehicle safety~~ public safety, before  
17 crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but  
18 not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen  
19 and look in both directions along such track for any approaching train and for signals  
20 indicating the approach of a train and shall not proceed until he or she can do so safely.  
21 After stopping as required in this Code section and upon proceeding when it is safe to do  
22 so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will  
23 be no necessity for changing gears while traversing such crossing, and the driver shall not  
24 shift gears while crossing the track or tracks."

### 25 **SECTION 18-4.**

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

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

**SECTION 18-5.**

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

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

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

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

#### 11 **SECTION 18-8.**

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

14 "40-6-277.

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

#### 21 **SECTION 18-9.**

22 Said Chapter 6 of Title 40 is further amended by striking Code Section 40-6-278, relating to  
23 reporting of motor vehicle accidents, and inserting in its place a new Code section to read as  
24 follows:

25 "40-6-278.

26 The commissioner of ~~motor vehicle safety~~ transportation shall prescribe, by rule, uniform  
27 motor vehicle accident reports and reporting procedures which shall be used by all police  
28 officers, whether state, county, or municipal. The rules shall be adopted in accordance with  
29 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The rules may require  
30 one type of report and reporting procedure for motor vehicle accidents in which property  
31 damage alone is involved and another type of report and reporting procedure for motor  
32 vehicle accidents involving personal injury or death. The commissioner may, by rule,  
33 require additional investigation or reports in case of serious bodily injury or death."

**SECTION 18-10.**

Said Chapter 6 of Title 40 is further amended in Code Section 40-6-296, relating to bicycle safety standards, by striking subsection (a) and inserting in its place a new subsection to read as follows:

"(a) Every bicycle when in use at nighttime shall be equipped with a light on the front which shall emit a white light visible from a distance of 300 feet to the front and with a red reflector on the rear of a type approved by the Department of ~~Motor Vehicle~~ Public Safety which shall be visible from a distance of 300 feet to the rear when directly in front of lawful upper beams of headlights on a motor vehicle. A light emitting a red light visible from a distance of 300 feet to the rear may be used in addition to the red reflector."

**SECTION 18-11.**

Said Chapter 6 of Title 40 is further amended by striking Code Section 40-6-315, relating to motorcycle safety standards, and inserting in its place a new Code section to read as follows:

"40-6-315.

(a) No person shall operate or ride upon a motorcycle unless he or she is wearing protective headgear which complies with standards established by the commissioner of ~~motor vehicle~~ public safety.

(b) No person shall operate or ride upon a motorcycle if the motorcycle is not equipped with a windshield unless he or she is wearing an eye-protective device of a type approved by the commissioner of ~~motor vehicle~~ public safety.

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

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

**SECTION 18-12.**

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

1 "40-6-316.

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

5 **SECTION 18-13.**

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

9 "40-6-330.

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

13 **SECTION 18-14.**

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

16 "40-6-352.

17 (a) No person shall operate or ride as a passenger upon a moped unless he or she is  
18 wearing protective headgear which complies with standards established by the  
19 commissioner of ~~motor vehicle~~ public safety. The commissioner in determining such  
20 standards shall consider the size, speed, and operational characteristics of the moped. Such  
21 standards need not necessarily be the same as for motorcyclists; however, any moped  
22 operator wearing an approved motorcycle helmet shall be deemed in compliance with this  
23 subsection. Operators of electric assisted bicycles may wear a properly fitted and fastened  
24 bicycle helmet which meets the standards of the American National Standards Institute or  
25 the Snell Memorial Foundation's Standards for Protective Headgear for Use in Bicycling,  
26 rather than a motorcycle helmet.

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

31 **SECTION 18-15.**

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



1 "40-6-354.

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

5 **SECTION 18-15.1.**

6 Said Chapter 6 of Title 40 is further amended in Code Section 40-6-391, relating to driving  
7 under the influence, by striking subparagraphs (c)(1)(D), (c)(2)(D), and (c)(3)(D) and  
8 inserting in their respective places new subparagraphs to read as follows:

9 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by  
10 the Department of ~~Human Resources~~ Driver Services. The sponsor of any such program  
11 shall provide written notice of such approval to the person upon enrollment in the  
12 program; and"

13 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by  
14 the Department of ~~Human Resources~~ Driver Services. The sponsor of any such program  
15 shall provide written notice of such approval to the person upon enrollment in the  
16 program; and"

17 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by  
18 the Department of ~~Human Resources~~ Driver Services. The sponsor of any such program  
19 shall provide written notice of such approval to the person upon enrollment in the  
20 program; and"

21 **SECTION 18-16.**

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

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

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

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

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

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

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

## **PART XIX**

### **Amendments to Chapter 40-8.**

#### **Equipment and inspection of motor vehicles.**

##### **SECTION 19-1.**

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

"40-8-2.

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

##### **SECTION 19-2.**

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

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

**SECTION 19-3.**

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

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

**SECTION 19-4.**

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

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

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

**SECTION 19-5.**

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

"(a) No person shall sell any motor vehicle manufactured after January 1, 1954, nor shall any such motor vehicle be registered unless such vehicle is equipped with safety glazing materials of a type approved by the commissioner of ~~motor vehicle~~ public safety wherever glazing materials are used in doors, windows, and windshields. The provisions of this Code section shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing materials shall apply to all glazing materials used in doors, windows, and windshields in the drivers' compartments of such vehicles."

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

**SECTION 19-6.**

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

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

**SECTION 19-7.**

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

"40-8-95.

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

**SECTION 19-8.**

Said Chapter 8 of Title 40 is further amended in Code Section 40-8-220, relating to inspection of public school buses, by striking subsections (a) and (f) and inserting in their respective places new subsections to read as follows:

"(a) Every school bus which is defined by paragraph (55) of Code Section 40-1-1 which is owned or operated by a state, county, or municipal government or under contract by any independent school system shall be inspected annually, or more frequently at the discretion of the commissioner of ~~motor vehicle~~ public safety, under the supervision of an employee of the Department of ~~Motor Vehicle~~ Public Safety."

"(f) The commissioner of ~~motor vehicle~~ public safety is authorized to implement any and all provisions of this Code section by the promulgation of necessary rules and regulations. When duly promulgated and adopted, all rules and regulations issued pursuant to this Code section shall have the force of law."

**PART XX****Amendments to Chapter 40-9.****The "Motor Vehicle Safety Responsibility Act."****SECTION 20-1.**

Chapter 9 of Title 40 of the Official Code of Georgia Annotated, the "Motor Vehicle Safety Responsibility Act," is amended by striking in its entirety Article 1, relating to general provisions of the Act, and inserting in its place a new article to read as follows:

**"ARTICLE 1**

40-9-1.

This chapter shall be known and may be cited as the 'Motor Vehicle Safety Responsibility Act.'

1 40-9-2.

2 As used in this chapter, the term:

3 (1) 'Accident' means the collision of any motor vehicle with another vehicle or with any  
4 object or fixture, or involvement of a motor vehicle in any manner in which any person  
5 is killed or injured or in which damage to the property of any one person to an extent of  
6 \$500.00 or more is sustained.

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

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

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

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

15 (6) ~~'Registration' means the registration certificates and registration plates issued under~~  
16 ~~the laws of this state pertaining to the registration of vehicles.~~ (7) 'Suspension of driver's  
17 license' means the temporary withdrawal by formal action of the department of a  
18 resident's license or nonresident's privilege to operate a motor vehicle on the public  
19 highways.

20 40-9-3.

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

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

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

32 (d) The commissioner's decision as rendered at such hearing shall be final unless the  
33 aggrieved person shall desire an appeal, in which case he or she shall have the right to enter  
34 an appeal to the superior court of the county of his or her residence or the Superior Court  
35 of Fulton County by filing a complaint in the superior court, naming the commissioner as  
36 defendant, within 30 days from the date the commissioner enters his or her decision or

1 order. The appellant shall not be required to post any bond nor pay the costs in advance.  
2 If the aggrieved person desires, the appeal may be heard by the judge at term or in  
3 chambers or before a jury at the first term. The hearing on the appeal shall be de novo.  
4 However, such appeal shall not act as a supersedeas of any order or acts of the  
5 commissioner, nor shall the appellant be allowed to operate or permit a motor vehicle to  
6 be operated in violation of any suspension or revocation by the commissioner while such  
7 appeal is pending.

8 40-9-4.

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

15 40-9-5.

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

21 (b) When a nonresident's operating privilege is suspended pursuant to Code Section  
22 40-9-33 or 40-9-61, the department shall transmit a certified copy of the record of such  
23 action to the official in charge of the issuance of licenses and registration certificates in the  
24 state in which such nonresident resides, if the law of such other state provides for action  
25 in relation thereto similar to that provided for in subsection (c) of this Code section.

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

1 40-9-6.

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

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

10 40-9-7.

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

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

20 40-9-8.

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

28 40-9-9.

29 Whenever a driver's license ~~or vehicle registration~~ is suspended under any provisions of  
30 this chapter and the filing of proof of financial responsibility is made a prerequisite to  
31 reinstatement of such license ~~or registration or both~~, no such license ~~or registration~~ shall  
32 be reinstated unless the driver or owner, in addition to complying with the other provisions  
33 of this chapter, pays to the department a fee of \$25.00. Only one such fee shall be paid by  
34 any one person irrespective of the number of licenses ~~and registrations~~ to be reinstated. The



fees paid pursuant to this Code section shall be expendable receipts to be used only by the department toward the cost of administration of this chapter.

40-9-10.

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

40-9-11.

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

40-9-12.

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

## SECTION 20-2.

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

"40-9-30.

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

40-9-31.

Each state and local law enforcement agency shall submit to the Department of ~~Motor Vehicle Safety~~ Transportation the original document of any accident report prepared by such law enforcement agency or submitted to such agency by a member of the public. If the Department of Driver Services receives a claim requesting determination of security, the Department of Transportation shall provide a copy or an electronic copy of any relevant accident reports to the Department of Driver Services. A law enforcement agency may transmit the information contained on the accident report form by electronic means, provided that the ~~department~~ Department of Transportation has first given approval to the reporting agency for the electronic reporting method utilized. The law enforcement agency shall retain a copy of each accident report. All such reports shall be submitted to the

1 ~~department~~ Department of Transportation not more than 15 days following the end of the  
2 month in which such report was prepared or received by such law enforcement agency.

3 40-9-32.

4 (a) The department, not less than 30 days after receipt of an accident report or notice of  
5 an accident with respect to which a person claims under oath to have suffered damages and  
6 requests determination of security, shall determine the amount of security sufficient in its  
7 judgment to satisfy any judgment or judgments for damages resulting from such accident  
8 that may be recovered against each operator and owner. Such determination shall be made  
9 on the basis of the reports or other information submitted. Notwithstanding any other  
10 provisions of this chapter, the department shall not consider or take any action with respect  
11 to an accident report, notice of accident, or any claim filed under this Code section which  
12 is received more than six months after the date of the accident.

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

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

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

35 (d) Any person required to give security after a hearing as provided in subsection (c) of  
36 this Code section may petition for judicial review of the decision of the department, but

1 suspension of such person's driver's license; or operating privilege, ~~or vehicle registration~~  
2 shall not be stayed while such appeal is pending. The superior court upon such appeal may  
3 consider the written reports considered by the department at the hearing as authorized by  
4 subsection (c) of this Code section.

5 40-9-33.

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

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

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

15 ~~(3)~~(2) If such person is a nonresident, the privilege of operating or permitting the  
16 operation of a vehicle within this state.

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

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

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

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

### 27 SECTION 20-3.

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

31 "40-9-41.

32 Neither any accident report filed with the ~~department~~ Department of Transportation, the  
33 action taken by the ~~department~~ Department of Driver Services pursuant to this chapter, the  
34 findings, if any, of the department upon which such action is based, nor the security filed  
35 as provided in this chapter shall be referred to in any way, nor shall they be any evidence

1 of the negligence or due care of either party, at the trial of any action at law to recover  
2 damages."

#### 3 **SECTION 20-4.**

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

8 "40-9-61.

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

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

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

29 40-9-62.

30 (a) A driver's license, ~~vehicle registration~~, or nonresident's operating privilege suspended  
31 pursuant to Code Section 40-9-61 shall remain so suspended and shall not be renewed, nor  
32 shall any such license or registration be thereafter issued in the name of the judgment  
33 debtor, whether or not he or she was previously licensed, unless and until every such  
34 judgment is stayed, or satisfied in full or to the extent provided in subsection (b) of this  
35 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) When \$25,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

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

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

(c) Reserved.

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

40-9-63.

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

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

## **PART XXI**

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

#### **Abandoned Motor Vehicles.**

#### **SECTION 21-1.**

Chapter 11 of Title 40 of the Official Code of Georgia Annotated, relating to abandoned motor vehicles, is amended by striking Code Section 40-11-1, relating to definitions

applicable to abandoned motor vehicles in general, and inserting in its place a new Code section to read as follows:

"40-11-1.

As used in this article, the term:

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

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

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

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

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

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

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

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

## **SECTION 21-2.**

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

1       "(e) If none of the owners redeems such motor vehicle as described in subsection (d) of  
2       this Code section, or if a vehicle being repaired by a repair facility or being stored by an  
3       insurance company providing insurance to cover damages to the vehicle becomes  
4       abandoned, the person removing or storing such motor vehicle shall, within seven calendar  
5       days of the day such vehicle became an abandoned motor vehicle, give notice in writing,  
6       by sworn statement, on the form prescribed by the state revenue commissioner, to the  
7       Department of ~~Motor Vehicle Safety Revenue~~ Revenue with a research fee of ~~\$2.00~~ as fixed by rule  
8       or regulation payable to the Department of ~~Motor Vehicle Safety Revenue~~ Revenue, stating the  
9       manufacturer's vehicle identification number, the license number, the fact that such vehicle  
10      is an abandoned motor vehicle, the model, year, and make of the vehicle, the date the  
11      vehicle became an abandoned motor vehicle, the date the vehicle was removed, and the  
12      present location of such vehicle and requesting the name and address of all owners of such  
13      vehicle. If the form submitted is rejected because of inaccurate or missing information, the  
14      person removing or storing the vehicle shall resubmit, within seven calendar days of the  
15      date of the rejection, a corrected notice form together with an additional research fee of  
16      ~~\$2.00~~ as fixed by rule or regulation payable to the Department of ~~Motor Vehicle Safety~~  
17      Revenue. Each subsequent corrected notice, if required, shall be submitted with an  
18      additional research fee of ~~\$2.00~~ as fixed by rule or regulation payable to the Department  
19      of ~~Motor Vehicle Safety Revenue~~ Revenue. If a person removing or storing the vehicle has  
20      knowledge of facts which reasonably indicate that the vehicle is registered or titled in a  
21      certain other state, such person shall check the motor vehicle records of that other state in  
22      the attempt to ascertain the identity of the owner of the vehicle. Research requests may be  
23      submitted and research fees made payable to the office of the tax commissioner and  
24      deposited in the general fund for the county in which the remover's or storer's place of  
25      business is located in lieu of the Department of ~~Motor Vehicle Safety Revenue~~ Revenue, but in like  
26      manner, if such office processes motor vehicle records of the Department of ~~Motor Vehicle~~  
27      ~~Safety Revenue~~ Revenue. "

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

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

(j) If vehicle information on the abandoned motor vehicle is not in the files of the Department of ~~Motor Vehicle Safety~~ Revenue, the department may require such other information or confirmation as it determines is necessary or appropriate to determine the identity of the vehicle."

### SECTION 21-3

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

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

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

### SECTION 21-4.

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

"(2) The person desiring to foreclose a lien on an abandoned motor vehicle shall, by certified or registered mail or statutory overnight delivery, make a demand upon the owners for the payment of the reasonable fees for removal and storage plus the costs of any notification or advertisement. Such written demand shall include an itemized statement of all charges and may be made concurrent with the notice required by subsection (f) of Code Section 40-11-2. Such demand shall be made on a form



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

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

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

#### 32 **SECTION 21-5.**

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

1 "40-11-7.

2 The purchaser at a sale as authorized in this article shall receive a certified copy of the  
3 court order authorizing such sale. Any such purchaser may obtain a certificate of title to  
4 such motor vehicle by filing the required application, paying the required fees, and filing  
5 a certified copy of the order of the court with the Department of ~~Motor Vehicle Safety~~  
6 Revenue. The Department of ~~Motor Vehicle Safety~~ Revenue shall then issue a certificate  
7 of title, which shall be free and clear of all liens and encumbrances."

#### 8 **SECTION 21-6.**

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

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

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

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

### 33 SECTION 21-7.

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

1 "40-11-24.

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

4 **PART XXII**

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

6 **Prosecution of traffic offenses.**

7 **SECTION 22-1.**

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

11 "40-13-1.

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

20 **SECTION 22-2.**

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

24 "40-13-3.

25 Except for offenses tried in the superior courts, all other courts having jurisdiction of the  
26 offense may proceed with the adjudication of the offenses contained within the complaint  
27 without the necessity of filing an indictment or other accusation in order to bring the  
28 accused to trial. The judge or clerk of each court before whom a person accused of such an  
29 offense is brought shall promptly report the final disposition of the case to the Department  
30 of ~~Motor Vehicle Safety~~ Driver Services. Notwithstanding the reporting requirements of  
31 this Code section, the Department of ~~Motor Vehicle Safety~~ Driver Services may by rule or  
32 regulation relieve the judge or clerk of each such court of the responsibility of reporting  
33 those offenses which do not result in convictions or adjudications of guilt or pleas of nolo  
34 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.

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

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

## **PART XXIV**

### **Amendments to Chapter 8 of Title 42.**

#### **Probation.**

#### **SECTION 24-1.**

Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation, is amended in Code Section 42-8-26, relating to probation supervisors, by striking paragraph (2) of subsection (c) and inserting in its place a new paragraph to read as follows:

"(2) No supervisor shall own, operate, have any financial interest in, be an instructor at, or be employed by any private entity which provides drug or alcohol education services or offers a DUI Alcohol or Drug Use Risk Reduction Program certified by the Department of ~~Human Resources~~ Driver Services."

#### **SECTION 24-2.**

Said Chapter 8 of Title 42 is further amended in Code Section 42-8-104, relating to prohibited conflicts of interest relative to agreements for probation services, by striking paragraph (1) of subsection (c) and inserting in its place a new paragraph to read as follows:

"(c)(1) No private corporation, enterprise, or agency contracting to provide probation services under the provisions of this article on or after January 1, 1997, nor any employees of such entities, shall own, operate, have any financial interest in, be an instructor at, or be employed by any private entity which provides drug or alcohol education services or offers a DUI Alcohol or Drug Use Risk Reduction Program certified by the Department of ~~Human Resources~~ Driver Services."

#### **SECTION 24-3.**

Said Chapter 8 of Title 42 is further amended by striking subsections (a) and (d) of Code Section 42-8-110, relating to ignition interlock devices in general, and inserting in their respective places new subsections to read as follows:

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

1 blood alcohol concentration of the operator, as measured by the device, exceeds 0.02 grams  
2 or if the sample is not a sample of human breath."

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

#### 9 **SECTION 24-4.**

10 Said Chapter 8 of Title 42 is further amended by striking subsection (c) of Code Section  
11 42-8-111, relating to court ordered installation of ignition interlock devices, and inserting in  
12 its place a new subsection to read as follows:

13 "(c) In the case of any person subject to the provisions of subsection (a) of this Code  
14 section, the court shall include in the record of conviction or violation submitted to the  
15 Department of ~~Motor Vehicle Safety~~ Driver Services notice of the requirement for, and the  
16 period of the requirement for, the use of a certified ignition interlock device. Such notice  
17 shall specify any exemption from the installation requirements of paragraph (1) of  
18 subsection (a) of this Code section and any vehicles subject to the installation requirements  
19 of paragraph (2) of said subsection. The records of the Department of ~~Motor Vehicle Safety~~  
20 Driver Services shall contain a record reflecting mandatory use of such device and the  
21 person's driver's license or limited driving permit shall contain a notation that the person  
22 may only operate a motor vehicle equipped with a functioning, certified ignition interlock  
23 device."

#### 24 **SECTION 24-5.**

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

28 "42-8-112.

29 (a) In any case where the court imposes the use of an ignition interlock device as a  
30 condition of probation on a resident of this state whose driving privilege is not suspended  
31 or revoked, the court shall require the person to surrender his or her driver's license to the  
32 court immediately and provide proof of compliance with such order to the court or the  
33 probation officer and obtain an ignition interlock device restricted driving license within  
34 30 days. Upon expiration of the period of time for which such person is required to use an  
35 ignition interlock device, the person may apply for and receive a regular driver's license



1 upon payment of the fee provided for in Code Section 40-5-25. If such person fails to  
2 provide proof of installation to the extent required by subsection (a) of Code Section  
3 42-8-111 and receipt of the restricted driving license within such period, absent a finding  
4 by the court of good cause for that failure, which finding is entered in the court's record,  
5 the court shall revoke or terminate the probation.

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

18 (2) If the person subject to court ordered use of an ignition interlock device as a  
19 condition of probation is authorized under Code Section 40-5-63 or 40-5-67.2 to apply  
20 for reinstatement of his or her driver's license during the period of suspension, such  
21 person shall, prior to applying for reinstatement of the license, have an ignition interlock  
22 device installed and shall maintain such ignition interlock device in a motor vehicle or  
23 vehicles to the extent required by subsection (a) of Code Section 42-8-111 for a period  
24 of six months running concurrently with that of an ignition interlock device limited  
25 driving permit, which permit shall not be issued until such person submits to the  
26 department proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program,  
27 proof of having undergone any clinical evaluation and of having enrolled in any  
28 substance abuse treatment program required by Code Section 40-5-63.1, and proof of  
29 installation of an ignition interlock device on a vehicle or vehicles to the extent required  
30 by subsection (a) of Code Section 42-8-111. Such a person may apply for and be issued  
31 an ignition interlock device limited driving permit at the end of 12 months after the  
32 suspension of the driver's license. At the expiration of such six-month ignition interlock  
33 device limited driving permit, the driver may, if otherwise qualified, apply for  
34 reinstatement of a regular driver's license upon payment of the fee provided in Code  
35 Section 40-5-25.

36 (3) If the person subject to court ordered use of an ignition interlock device as a  
37 condition of probation is authorized under Code Section 40-5-58 or under Code Section

1 40-5-67.2 to obtain a habitual violator's probationary license, such person shall, if such  
2 person is a habitual violator as a result of two or more convictions for driving under the  
3 influence of alcohol or drugs, have an ignition interlock device installed and maintained  
4 in a motor vehicle or vehicles to the extent required by subsection (a) of Code Section  
5 42-8-111 for a period of six months following issuance of the probationary license, and  
6 such person shall not during such six-month period drive any motor vehicle that is not so  
7 equipped, all as conditions of such probationary license. Following expiration of such  
8 six-month period with no violation of the conditions of the probationary license, the  
9 person may apply for a habitual violator probationary license without such ignition  
10 interlock device condition.

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

15 (c) Each resident of this state who is required to have an ignition interlock device installed  
16 pursuant to this article shall report to the provider center every 30 days for the purpose of  
17 monitoring the operation of each required ignition interlock device. If at any time it is  
18 determined that a person has tampered with the device, the Department of ~~Motor Vehicle~~  
19 ~~Safety~~ Driver Services shall be given written notice within five days by the probation  
20 officer, the court ordering the use of such device, or the interlock provider. If an ignition  
21 interlock device is found to be malfunctioning, it shall be replaced or repaired, as ordered  
22 by the court or the Department of ~~Motor Vehicle Safety~~ Driver Services, at the expense of  
23 the provider.

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

36 (2) Any person whose ignition interlock device limited driving permit was revoked on  
37 or before July 1, 2004, for failure to report or failure to receive a satisfactory report may

1 make a written request for a hearing and remit to the department a payment of \$250.00  
2 for the cost of the hearing. Within 30 days after receiving a written request for a hearing  
3 and a payment of \$250.00, the Department of ~~Motor Vehicle Safety~~ Driver Services shall  
4 hold a hearing as provided in Chapter 13 of Title 50, the 'Georgia Administrative  
5 Procedure Act.' The hearing shall be recorded.

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

11 (A) Medical necessity, as evidenced by a written statement from a medical doctor;

12 (B) The person was incarcerated;

13 (C) The person was required to be on the job at his or her place of employment, with  
14 proof that the person would be terminated if he or she was not at work; or

15 (D) The vehicle with the installed interlock device was rendered inoperable by reason  
16 of collision, fire, or a major mechanical failure.

17 (4) If the hearing officer determines that the person failed to report to the ignition  
18 interlock provider for any reason other than those specified in paragraph (3) of this  
19 subsection, or if the person received an unsatisfactory report from the provider, after the  
20 expiration of 120 days the person may apply to the department and the department shall  
21 issue a new ignition interlock device limited driving permit to such person.

22 (5) This subsection shall not apply to any person convicted of violating Code Section  
23 42-8-118."

## 24 SECTION 24-6.

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

28 "42-8-115.

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

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

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

#### SECTION 24-7.

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

"42-8-116.

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

#### SECTION 24-8.

Said Chapter 8 of Title 42 is further amended by striking Code Section 42-8-117, relating to revocation of driving privilege upon violation of probation, and inserting in its place a new Code section to read as follows:

"42-8-117.

(a)(1) In the event the sentencing court finds that a person has violated the terms of probation imposed pursuant to subsection (a) of Code Section 42-8-111, the Department of ~~Motor Vehicle Safety~~ Driver Services shall revoke that person's driving privilege for one year from the date the court revokes that person's probation. The court shall report such probation revocation to the Department of ~~Motor Vehicle Safety~~ Driver Services by court order.

(2) This subsection shall not apply to any person whose limited driving permit has been revoked under subsection (d) of Code Section 42-8-112.

(b) In the event the sentencing court finds that a person has twice violated the terms of probation imposed pursuant to subsection (a) of Code Section 42-8-111 during the same period of probation, the Department of ~~Motor Vehicle Safety~~ Driver Services shall revoke that person's driving privilege for five years from the date the court revokes that person's

1 probation for a second time. The court shall report such probation revocation to the  
2 Department of ~~Motor Vehicle Safety~~ Driver Services by court order."

3 **PART XXV**

4 **Amendments to Title 43.**

5 **Professions and businesses.**

6 **SECTION 25-1.**

7 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
8 is amended in Code Section 43-13-2, relating to definitions applicable to driver training  
9 instructors and schools, by striking paragraphs (1) through (4) and inserting in their place  
10 new paragraphs to read as follows:

11 ~~"(1)(2)~~ "(2) 'Department' means the Department of ~~Motor Vehicle Safety~~ Driver Services  
12 acting directly or through its duly authorized officers and agents.

13 ~~(2)(3)~~ (3) 'Driver training schools' means any person, partnership, limited liability company,  
14 or corporation giving driving instruction for hire to ten or more persons per calendar year  
15 for the purpose of assisting such persons to meet the requirements for licensed driving of  
16 Class C or Class M motor vehicles in this state, except for motorcycle operator safety  
17 training programs conducted by or on behalf of the Department of ~~Motor Vehicle Safety~~  
18 Driver Services pursuant to Chapter 15 of Title 40.

19 ~~(3)(1)~~ (1) 'Commercial driver training school' means any person, partnership, limited  
20 liability company, or corporation giving driving instruction for hire to ten or more  
21 persons per calendar year for the purpose of assisting such persons to meet the  
22 requirements for licensed driving of Class A or Class B motor vehicles in this state.

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

25 **SECTION 25-2.**

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

29 "(a) The commissioner of ~~motor vehicle safety~~ driver services is authorized to prescribe,  
30 by rule, standards for the eligibility, conduct, equipment, and operation of driver training  
31 schools and instructors and commercial driver training schools and instructors and to adopt  
32 other reasonable rules and regulations to carry out this chapter. Notwithstanding the  
33 foregoing, violations that are minor in nature and committed by a person, firm, or  
34 corporation shall be punished only by a written reprimand unless the person, firm, or

1 corporation fails to remedy the violation within 30 days, in which case an administrative  
2 fine, not to exceed \$250.00, may be issued."

### 3 **SECTION 25-3.**

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

7 "43-43-3.

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

### 11 **SECTION 25-4.**

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

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

19 "(2) The members of the used car division shall be the three independent used car  
20 dealers, two of the members from the public at large, the state revenue commissioner of  
21 ~~motor vehicle safety~~ or a designated agent, the administrator of Part 2 of Article 15 of  
22 Chapter 1 of Title 10, the 'Fair Business Practices Act of 1975,' or a designated agent, the  
23 representative of the automobile auction industry, and the pawnbroker. All powers and  
24 duties relating to used car dealers which are not specifically reserved to the board shall  
25 be assigned to the used car division. The used car division shall elect one of its members  
26 to serve as chairperson of the division for a period of one year.

27 (3) The members of the used parts division shall be the third member from the public at  
28 large, the state revenue commissioner of ~~motor vehicle safety~~ or a designated agent, the  
29 auto salvage pool operator, the two used motor vehicle parts dealers who are not  
30 rebuilders, the rebuilder, and the representative of the automobile insurance industry. All  
31 powers and duties relating to used parts dealers which are not specifically reserved to the  
32 board shall be assigned to the used parts division. The used parts division shall elect one  
33 of its members to serve as chairperson of the division for a period of one year."

**SECTION 25-5.**

Said Title 43 is further amended in Code Section 43-47-8, relating to licensing of used motor vehicle and used motor vehicle parts dealers, by striking subsection (d) and inserting in its place a new subsection to read as follows:

"(d) Each division may require either that within the preceding year the applicant has attended a training and information seminar approved by the division or that the applicant has passed a test approved by the division and administered by the division director. Such seminar or test, if required, shall include, but shall not be limited to, dealer requirements of this chapter, including books and records to be kept; requirements ~~of the Department of Motor Vehicle Safety and the Sales and Use Tax Division~~ of the Department of Revenue; and such other information as in the opinion of the division will promote good business practices. No seminar shall exceed one day in length."

**SECTION 25-6.**

Said Title 43 is further amended by striking Code Section 43-47-11.1, relating to dealer registration plates for used motor vehicle and used motor vehicle parts dealers, and inserting in its place a new Code section to read as follows:

"43-47-11.1.

As provided by law, every licensee who transfers a used motor vehicle title within this state shall register with the state revenue commissioner ~~of motor vehicle safety~~, making application for a dealer's registration plate. No person not licensed in accordance with this chapter shall be entitled to receive or use any dealer's registration plates for motor vehicles under the motor vehicle laws of this state providing for the issuance of such plates."

**SECTION 25-7.**

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

"43-47-15.

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

**PART XXVI****Amendments to Code Section 44-1-13.**

**Removal of improperly parked cars or trespassing personal property.**

**SECTION 26-1.**

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

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

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

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

(a.1) Any person or his or her authorized agent entitled to the possession of any ~~parcel or space of private real property, hereinafter referred to as 'private property,'~~ shall have the right to remove or cause to be removed from the property any vehicle or trespassing personal property thereon which is not authorized to be at the place where it is found and to store or cause to be stored such vehicle or trespassing personal property, provided that there shall have been conspicuously posted on the private ~~real~~ property notice that any vehicle or trespassing personal property which is not authorized to be at the place where it is found may be removed at the expense of the owner of the vehicle or trespassing personal property. Such notice shall also include information as to the location where the vehicle or personal property can be recovered, the cost of said recovery, and information as to the form of payment; provided, however, that the owner of ~~private~~ residential private property containing not more than four residential units shall not be required to comply with the posting requirements of this subsection. Only towing and storage firms issued permits or licenses by the local governing authority of the jurisdiction in which they operate or by the ~~Department of Motor Vehicle Safety~~ commission, and having a secure impoundment facility, shall be permitted to remove trespassing property and trespassing personal property at the request of the owner or authorized agent of the private property.

(b) Except as provided in subsection (d) of this Code section, the ~~Department of Motor Vehicle Safety, hereinafter referred to as the department,~~ commission shall have the authorization to regulate and control the towing of trespassing vehicles on private property if such towing is performed without the prior consent or authorization of the owner or operator of the vehicle, including the authority to set just and reasonable rates, fares, and charges for services related to the removal, storage, and required notification to owners of such towed vehicles. No storage fees shall be charged for the first 24 hour period which begins at the time the vehicle is removed from the property, and no such fees shall be allowed for the removal and storage of vehicles removed by towing and storage firms found to be in violation of this Code section. The ~~Department of Motor Vehicle Safety~~



commission is authorized to impose a civil penalty for any violation of this Code section in an amount not to exceed \$2,500.00."

## **PART XXVII**

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

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

##### **SECTION 27-1.**

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

"(6) 'Law enforcement officer' means any agent or officer of this state, or a political subdivision or municipality thereof, who, as a full-time or part-time employee, is vested either expressly by law or by virtue of public employment or service with authority to enforce the criminal or traffic laws and whose duties include the preservation of public order, the protection of life and property, or the prevention, detection, or investigation of crime. Such term also includes the employees designated by the commissioner of juvenile justice of the Department of Juvenile Justice pursuant to paragraph (2) of subsection (i) of Code Section 49-4A-8, which employees have the duty to investigate and apprehend delinquent and unruly children who have escaped from a facility under the jurisdiction of the Department of Juvenile Justice or who have broken the conditions of supervision. ~~Such term also includes law enforcement officers of the Department of Motor Vehicle Safety.~~ Such term also includes members of the Georgia National Guard, the composition of which is set forth in Code Section 38-2-3, who have been called into active state service by the Governor."

##### **SECTION 27-2.**

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

"(6) 'Law enforcement officer' means any agent or officer of this state, or a political subdivision or municipality thereof, who, as a full-time employee, is vested either expressly by law or by virtue of public employment or service with authority to enforce the criminal or traffic laws and whose duties include the preservation of public order, the protection of life and property, or the prevention, detection, or investigation of crime.

Such term also includes prison guards as defined under Code Section 45-9-81 and the employees designated by the commissioner of juvenile justice of the Department of Juvenile Justice pursuant to paragraph (2) of subsection (i) of Code Section 49-4A-8, which employees have the duty to investigate and apprehend delinquent and unruly children who have escaped from a facility under the jurisdiction of the Department of Juvenile Justice or who have broken the conditions of supervision ~~and employees designated and delegated law enforcement powers by the commissioner of motor vehicle safety, which personnel have the duty to enforce the laws relating to motor carriers and the transportation of hazardous materials."~~

## PART XXVIII

### Amendments to Title 46.

#### Public utilities and public transportation.

#### SECTION 28-1.

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

"(7) 'Household goods' means any personal effects and property used or to be used in a dwelling when a part of the equipment or supplies of such dwelling and such other similar property as the ~~commissioner of motor vehicle safety~~ commission may provide for by regulation; provided, however, that such term shall not include property being moved from a factory or store except when such property has been purchased by a householder with the intent to use such property in a dwelling and such property is transported at the request of, and with transportation charges paid by, the householder."

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

1       "(x) Motor vehicles engaged exclusively in the transportation of agricultural or dairy  
2       products, or both, between farm, market, gin, warehouse, or mill, whether such motor  
3       vehicle is owned by the owner or producer of such agricultural or dairy products or  
4       not, so long as the title remains in the producer. For the purposes of this division, the  
5       term 'producer' includes a landlord where the relations of landlord and tenant or  
6       landlord and cropper are involved. As used in this division, the term 'agricultural  
7       products' includes fruit, livestock, meats, fertilizer, wood, lumber, cotton, and naval  
8       stores; household goods and supplies transported to farms for farm purposes; or other  
9       usual farm and dairy supplies, including products of grove or orchard; poultry and  
10      eggs; fish and oysters; and timber or logs being hauled by the owner thereof or the  
11      owner's agents or employees between forest and mill or primary place of  
12      manufacture; provided, however, motor vehicles with a manufacturer's gross weight  
13      rated capacity of 44,000 pounds or more engaged solely in the transportation of  
14      unmanufactured forest products shall be subject to the Georgia Forest Products  
15      Trucking Rules which shall be adopted and promulgated by the commissioner of  
16      ~~motor vehicle~~ public safety only for application to such vehicles and vehicles defined  
17      in subparagraph (A) of paragraph (13) of this Code section; provided, further, that  
18      pulpwood trailers and pole trailers with a manufacturer's gross weight rated capacity  
19      of 10,001 pounds or more engaged solely in the transportation of unmanufactured  
20      forest products shall have two amber side marker reflectors on each side of the trailer  
21      chassis between the rear of the tractor cab and the rearmost support for the load. All  
22      such reflectors shall be not less than four inches in diameter. Such rules and any  
23      amendments thereto adopted by the commissioner of ~~motor vehicle~~ public safety shall  
24      be subject to legislative review in accordance with the provisions of Code Section  
25      46-2-30, and, for the purposes of such rules and any amendments thereto, the Senate  
26      Natural Resources and the Environment Committee and the House Committee on  
27      Natural Resources and Environment shall be the appropriate committees within the  
28      meaning of said Code Section 46-2-30. The first such rules adopted by the  
29      commissioner of ~~motor vehicle~~ public safety shall be effective July 1, 1991;

30      (xi) Reserved;

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

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

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

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

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

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

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

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

"(18) 'Vehicle' or 'motor vehicle' means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof, determined by the Department of Motor Vehicle Safety state revenue commissioner."

## SECTION 28-2.

(a) Said Title 46 is further amended by striking Code Section 46-7-1, relating to definitions applicable to motor carriers, and inserting in its place a new Code section to read as follows:

"46-7-1.

As used in this chapter, the term: (1) ~~'Commissioner' means the commissioner of motor vehicle safety~~ 'commission' means the Public Service Commission.

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

(b) Said Title 46 is further amended throughout Chapter 7, relating to motor carriers and limousine carriers, by striking the term "commissioner" each place it appears in said chapter in a Code section not otherwise amended by this Act and inserting in each such place the term "commission".

(c) Said Title 46 is further amended in said Chapter 7 by striking the terms "his or her" and "he or she" and inserting respectively "its" and "it" in the following Code sections:

- (1) Code Section 46-7-4, relating to issuance of certificates of authority;
- (2) Code Section 46-7-7, relating to determination of issuance of certificates;
- (3) Code Section 46-7-13, relating to temporary emergency operating authority; and
- (4) Code Section 46-7-33, relating to administrative proceedings.

#### SECTION 28-2.1.

Said Title 46 is further amended by striking Code Section 46-7-12, relating to bond and insurance requirements, and inserting in its place new Code Sections 46-7-12 and 46-7-12.1 to read as follows:

"46-7-12.

(a) No ~~certificate or permit~~ motor carrier of household goods or passengers shall be issued ~~or continued in operation~~ a certificate unless there is filed with the ~~commissioner~~ commission a certificate of insurance for such applicant or holder on forms prescribed by the ~~commissioner~~ commission evidencing a policy of indemnity insurance ~~in some~~ indemnity by an insurance company ~~authorized~~ licensed to do business in this state, which policy must provide for the protection, in case of passenger vehicles, of passengers and ~~baggage carried and of the public against injury proximately caused by the negligence of~~ such motor ~~common carrier or motor contract carrier~~, its servants, or its agents; and, in the case of vehicles transporting ~~freight~~ household goods, to secure the owner or person entitled to recover ~~therefor~~ against loss or damage to such ~~freight~~ household goods for which the motor ~~common carrier or motor contract carrier~~ may be legally liable ~~and for the protection of the public against injuries proximately caused by the negligence of such motor common carrier or motor contract carrier, its servants, or its agents. The commissioner.~~ The commission shall determine and fix the amounts of such indemnity insurance and shall prescribe the provisions and limitations thereof; ~~and such insurance shall be for the benefit of and subject to action by any person who shall sustain injury or loss protected thereby. Such certificate shall be filed by the insurer. The insurer shall file such certificate.~~ The failure to file any form required by the ~~commissioner~~ commission shall not diminish the rights of any person to pursue an action directly against a motor ~~common carrier's or motor contract carrier's~~ insurer.

(b) The ~~commissioner~~ commission shall have power to permit self-insurance, in lieu of a policy of indemnity insurance, whenever in ~~his or her~~ its opinion the financial ability of the motor ~~common carrier or motor contract~~ carrier so warrants.

(c) It shall be permissible under this article for any person having a cause of action arising under this article to join in the same action the motor ~~common carrier or motor contract~~ carrier and the insurance carrier, whether arising in tort or contract.

46-7-12.1.

(a) No motor common carrier or motor contract carrier shall be issued a permit unless there is filed with the state revenue commissioner a certificate of insurance for such applicant or holder on forms prescribed by the commissioner evidencing a policy of indemnity insurance by an insurance company licensed to do business in this state, which policy must provide for the protection of passengers in the case of passenger vehicles and for protection of the public against injury proximately caused by the negligence of such motor common or motor contract carrier, its servants, or its agents. The state revenue commissioner shall determine and fix the amounts of such indemnity insurance and shall prescribe the provisions and limitations thereof. The insurer shall file such certificate. The failure to file any form required by the state revenue commissioner shall not diminish the rights of any person to pursue an action directly against a motor common or motor contract carrier's insurer.

(b) The state revenue commissioner shall have power to permit self-insurance, in lieu of a policy of indemnity insurance, whenever in his or her opinion the financial ability of the motor common or motor contract carrier so warrants.

(c) It shall be permissible under this article for any person having a cause of action arising under this article to join in the same action the motor common or motor contract carrier and the insurance carrier, whether arising in tort or contract."

**SECTION 28-3.**

Said Title 46 is further amended by striking Code Section 46-7-15, relating to registration and licensing of carriers, Code Section 46-7-15.1, relating to permits for carriers of property, Code Section 46-7-16, relating to certain permitting and registration of certain types of carriers, and 46-7-17, relating to designation and maintenance of agents for service on nonresident carriers, and inserting in their place new Code sections to read as follows:

"46-7-15.

(a) Except as otherwise provided in this Code section, before any motor common or contract carrier engaged in exempt passenger intrastate commerce as provided for in subparagraph (C) of paragraph (9) of Code Section 46-1-1 shall operate any motor vehicle

1 on or over any public highway of this state, it shall first secure a registration permit from  
2 the state revenue commissioner by making application therefor on forms supplied by the  
3 state revenue commissioner and paying a \$25.00 filing fee. The application shall show the  
4 operations claimed to be exempt. A carrier's registration permit shall be valid so long as  
5 there is no change in its operating authority but may be amended to reflect any changes by  
6 application to the state revenue commissioner on a form provided by the state revenue  
7 commissioner and payment of a \$5.00 filing fee.

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

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

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

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

1 46-7-15.1.

2 (a) Before any motor carrier of property shall operate any motor vehicle on or over any  
3 public highway of this state, it shall first secure a motor carrier of property permit from the  
4 state revenue commissioner by making application therefor on forms supplied by the state  
5 revenue commissioner and paying ~~the required~~ a \$50.00 filing fee. The application shall  
6 be in writing and under oath and shall include such information as the state revenue  
7 commissioner may require including, but not limited to:

8 (1) Whether hazardous ~~commodities~~ materials will be transported;

9 (2) The number and type of vehicles to be utilized;

10 (3) The carrier's safety record and safety rating; ~~and~~

11 (4) Proof of compliance with applicable insurance or self-insurance requirements; and

12 (5) Evidence that the carrier's representative or representatives have completed an  
13 educational seminar on motor carrier operations and applicable safety regulations which  
14 has been certified by the state revenue commissioner.

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

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

29 46-7-16.

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



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

4 (1) Secure a registration permit from the state revenue commissioner by making  
5 application therefor on forms supplied by the state revenue commissioner and paying a  
6 \$25.00 filing fee. A carrier's registration shall be valid so long as there is no change in  
7 its operating authority with regard to its operations in this state, but the registration may  
8 be amended to reflect such changes by application to the state revenue commissioner on  
9 forms supplied by the state revenue commissioner and payment of a \$5.00 filing fee;

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

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

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

35 (d) Where a carrier has not previously qualified with the state revenue commissioner to  
36 operate in interstate exempt or intrastate commerce in Georgia pursuant to this Code  
37 section and thus has not secured a registration permit pursuant to this Code section, the

1 emergency, temporary, or trip-lease vehicle registration permit provided for in subsection  
2 (c) of this Code section will also include the authority to operate in Georgia during the 15  
3 day or less period covered by the emergency, temporary, or trip-lease vehicle registration  
4 permit, provided that the carrier has otherwise qualified its operations with the state  
5 revenue commissioner as provided for in this Code section; provided, however, that  
6 whenever any motor vehicle is operated on or over any public highway of this state without  
7 the motor carrier operating such vehicle first having obtained the annual registration and  
8 identification stamp or license or the emergency, temporary, or trip-lease vehicle  
9 registration permit provided for in this Code section, the motor carrier operating such  
10 vehicle shall be required to pay a fee of \$25.00 for the late registration and identification  
11 of such vehicle.

12 (e) Reserved.

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

16 46-7-17.

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

(b) Except in those cases where the Constitution of Georgia requires otherwise, any action against any resident or nonresident motor common or contract carrier for damages by reason of any breach of duty, whether contractual or otherwise, or for any violation of this article or of any order, decision, rule, regulation, direction, demand, or other requirement established by the state revenue commissioner, may be brought in the county where the cause of action or some part thereof arose; and if the motor common or contract carrier or its agent shall not be found for service in the county where the action is instituted, a second original may issue and service be made in any other county where the service can be made upon the motor common or contract carrier or its agent. The venue prescribed by this Code section shall be cumulative of any other venue provided by law."

#### SECTION 28-4.

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

"46-7-23.

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

#### SECTION 28-5.

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

"46-7-26.

(a) The commissioner of public safety shall have the authority to promulgate rules and regulations for the safe operation of motor vehicles and drivers and the safe transportation of hazardous materials. Any such rules and regulations promulgated or deemed necessary by the commissioner of public safety shall include the following:

(1) Every motor vehicle and all parts thereof shall be maintained in a safe condition at all times; and the lights, brakes, and equipment shall meet such safety requirements as the commissioner of public safety shall from time to time promulgate. ~~Specifically but~~

1 ~~without limitation, the commissioner shall promulgate rules or regulations for the safe~~  
2 ~~operation of trailers or semitrailers effective on and after July 1, 2000, consistent with the~~  
3 ~~applicable provisions of Code Section 40-8-50;~~

4 (2) Every driver employed to operate a motor vehicle for a motor ~~common or contract~~  
5 carrier shall be at least 18 years of age, of temperate habits and good moral character,  
6 possess a valid driver's license, not use or possess prohibited drugs or alcohol while on  
7 duty, and shall be fully competent to operate the motor vehicle under his or her charge;

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

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

14 (b) Regulations governing the safe operation of motor vehicles and drivers and the safe  
15 transportation of hazardous materials may be adopted by administrative order referencing  
16 compatible federal regulations or standards without compliance with the procedural  
17 requirements of Chapter 13 of Title 50, provided that such compatible federal regulations  
18 or standards shall be maintained on file by the Department of Public Safety and made  
19 available for inspection and copying by the public, by means including but not limited to  
20 posting on the department's computer Internet site.

21 (c) The commissioner of public safety may pursuant to rule or regulation specify and  
22 impose civil monetary penalties for violations of laws, rules, and regulations relating to  
23 driver and motor carrier safety and transportation of hazardous materials. Except as may  
24 be hereafter authorized by law, the maximum amount of any such monetary penalty shall  
25 not exceed the maximum penalty authorized by law or rule or regulation for the same  
26 violation immediately prior to July 1, 2005."

#### 27 **SECTION 28-5.1.**

28 Said Title 46 is further amended by striking Code Section 46-7-27, relating to adoption of  
29 regulations, and inserting in its place a new Code section to read as follows:

30 "46-7-27.

31 The ~~commissioner is~~ Public Service Commission, Department of Public Safety, and  
32 Department of Revenue are authorized to adopt such rules and orders as ~~he or she~~ they may  
33 deem necessary in the enforcement of this ~~article~~ chapter. Such rules and orders ~~so~~  
34 ~~approved by the commissioner~~ shall have the same dignity and standing as if such rules and  
35 orders were specifically provided in this ~~article~~ chapter."

**SECTION 28-5.2.**

Said Title 46 is further amended by striking Code Section 46-7-39, relating to criminal penalties, and inserting in its place a new Code section to read as follows:

"46-7-39.

Every officer, agent, or employee of any corporation and every person who violates or fails to comply with this ~~article~~ chapter relating to the regulation of motor carriers, or any order, rule, or regulation of the ~~commissioner~~ Public Service Commission, Department of Public Safety, or Department of Revenue, or who procures, aids, or abets therein, shall be guilty of a misdemeanor."

**SECTION 28-6.**

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

**"ARTICLE 3**

46-7-85.1.

As used in this article, the term:

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

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

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

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

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

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

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

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

46-7-85.2.

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

46-7-85.3.

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

46-7-85.4.

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

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

46-7-85.5.

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

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

1 46-7-85.6.

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

4 46-7-85.7.

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

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

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

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

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

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

15 46-7-85.8.

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

18 46-7-85.9.

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

1 46-7-85.10.

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

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

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

8 (3)(A) Not have been convicted, been on probation or parole, or served time on a  
9 sentence for a period of five years previous to the date of application for the violation  
10 of any of the following criminal offenses of this state or any other state or of the United  
11 States: criminal homicide, rape, aggravated battery, mayhem, burglary, aggravated  
12 assault, kidnapping, robbery, driving a motor vehicle while under the influence of  
13 intoxicating beverages or drugs, child molestation, any sex related offense, leaving the  
14 scene of an accident, criminal solicitation to commit any of the above, any felony in the  
15 commission of which a motor vehicle was used, perjury or false swearing in making  
16 any statement under oath in connection with the application for a chauffeur's permit,  
17 any law involving violence or theft, or possession, sale, or distribution of narcotic  
18 drugs, barbituric acid derivatives, or central nervous system stimulants; provided,  
19 however, that all applicants shall be entitled to the full benefits of Article 3 of Chapter  
20 8 of Title 42, relating to first offender probation.

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

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

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

30 46-7-85.11.

31 The State of Georgia fully occupies and preempts the entire field of regulation over  
32 limousine carriers as regulated by this article; provided, however, that the governing  
33 authority of any county or municipal airport shall be authorized to permit any limousine  
34 carrier doing business at any such airport and may establish fees as part of such permitting  
35 process; provided, further, that counties and municipalities may enact ordinances and



1 regulations which require limousine carriers which are domiciled within their boundaries  
2 to pay business license fees.

3 46-7-85.12.

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

6 46-7-85.13.

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

10 46-7-85.14.

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

22 46-7-85.15.

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

31 46-7-85.16.

32 Reserved.

1 46-7-85.17.

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

4 **SECTION 28-7.**

5 Said Title 46 is further amended by striking Code Section 46-11-2, relating to purpose of the  
6 law relating to transportation of hazardous materials, and inserting in its place a new Code  
7 Section to read as follows:

8 "46-11-2.

9 "The General Assembly finds that the transportation of hazardous materials on the public  
10 roads of this state presents a unique and potentially catastrophic hazard to the public health,  
11 safety, and welfare of the people of Georgia and that the protection of the public health,  
12 safety, and welfare requires control and regulation of such transportation to minimize that  
13 hazard; to that end this chapter is enacted. The Department of ~~Motor Vehicle~~ Public Safety  
14 is designated as the agency to implement this chapter."

15 **SECTION 28-8.**

16 Said Title 46 is further amended in Code Section 46-11-3, relating to definitions applicable  
17 to transportation of hazardous materials, by striking paragraph (2) and inserting in its place  
18 a new paragraph to read as follows:

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

20 **SECTION 28-9.**

21 Said Title 46 is further amended in Code Section 46-11-4, relating to regulation of  
22 transportation of hazardous materials, by striking subsection (f) and inserting in its place a  
23 new subsection to read as follows:

24 "(f) Every such permit shall be carried in the vehicles or combination of vehicles to which  
25 it refers and shall be open to inspection by any law enforcement officer ~~or employee of the~~  
26 ~~Department of Motor Vehicle Safety who has been given enforcement authority by the~~  
27 ~~commissioner.~~"

28 **SECTION 28-10.**

29 Said Title 46 is further amended by striking Code Section 46-11-5, relating to rules for the  
30 transportation of hazardous materials, and inserting in its place a new Code section to read  
31 as follows:

1 "46-11-5.

2 (a) The commissioner is authorized and empowered to adopt, promulgate, amend, repeal,  
3 or modify such standards, rules, and regulations and to issue such orders, authorizations,  
4 or amendments or modifications thereof as are necessary to implement this chapter. Any  
5 standards, rules, or regulations adopted pursuant to this chapter, if consistent with the  
6 applicable laws relating to adoption of such standards, rules, or regulations, shall have the  
7 force and effect of law.

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

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

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

## 22 SECTION 28-11.

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

26 "46-11-6.

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

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

**PART XXIX****Amendments to Title 48.****Revenue and taxation.****SECTION 29-1.**

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

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

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

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

(e) The instructors for the training classes required by this Code section shall consist of representatives of the Department of Revenue, ~~the Department of Motor Vehicle Safety~~, the Georgia Association of Tax Officials or other similarly qualified organization of affiliated tax officials, the Georgia Center for Continuing Education, or any other qualified

persons with expertise in the field of county tax administration, property taxation, motor vehicle titling and registration, or related matters.

(f) ~~The commissioners of the Department of Revenue and the Department of Motor Vehicle Safety~~ state revenue commissioner may adopt and enforce reasonable rules and regulations governing the establishment and administration of the training classes provided for by this Code section.

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

### SECTION 29-2.

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

"48-5-474.

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

### SECTION 29-3.

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

"48-5-475.

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

**SECTION 29-4.**

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

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

**SECTION 29-5.**

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

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

**SECTION 29-6.**

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

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

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

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

(ii) 'Urban transit system' means a public transit system primarily urban in character which is operated by a street railroad company or a motor common carrier, is subject to the jurisdiction of the ~~Department of Motor Vehicle Safety~~ Public Service Commission, and whose fares and charges are regulated by the ~~Department of Motor~~

~~Vehicle Safety~~ Public Service Commission, or is operated pursuant to a franchise contract with a municipality of this state so that its fares and charges are regulated by or are subject to the approval of the municipality. An urban transit system certificate shall be issued by the ~~Department of Motor Vehicle Safety~~ Public Service Commission, or by the municipality which has regulatory authority, upon an affirmative showing that the applicant operates an urban transit system. The certificate shall be obtained and filed with the commissioner and shall continue in effect so long as the holder of such certificate qualifies as an urban transit system. Any urban transit system certificate granted by the ~~Department of Motor Vehicle Safety~~ prior to January 1, 2002, shall be deemed valid as of the date it was issued;".

## PART XXX

### Amendments to Title 50.

#### State government.

#### SECTION 30-1.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by striking Code Section 50-1-2, relating to the Coordination Council for North American Affairs of the Republic of China, and inserting in its place a new Code Section 50-1-2 to read as follows:

"50-1-2.

The ~~Atlanta office of the Coordination Council for North American Affairs of the Republic of China~~ Taipei Economic and Cultural Representatives Office in the United States, while it maintains an office in Atlanta the State of Georgia, shall be accorded the same privileges and exemptions concerning taxation, ~~automobile license plates~~ the operation of motor vehicles, education, ~~diplomatic~~ immunity, and any other privileges and exemptions, ~~except that the automobile license plate shall state 'foreign government' or similar words as the commissioner of motor vehicle safety shall deem appropriate in lieu of the words 'consular corps,' as were formerly enjoyed by the Consulate General of the Republic of China and which are extended to consulates general of foreign countries generally~~ as provided by the Taiwan Relations Act, 22 U.S.C. Section 3301, et seq."

#### SECTION 30-2.

Said Title 50 is further amended in Code Section 50-18-72, relating to government records for which public disclosure is not required, by striking paragraph (4.1) of subsection (a) and inserting in its place a new paragraph to read as follows:

1       "(4.1) Individual Georgia Uniform Motor Vehicle Accident Reports, except upon the  
2       submission of a written statement of need by the requesting party, such statement to be  
3       provided to the custodian of records and to set forth the need for the report pursuant to  
4       this Code section; provided, however, that any person or entity whose name or  
5       identifying information is contained in a Georgia Uniform Motor Vehicle Accident  
6       Report shall be entitled, either personally or through a lawyer or other representative, to  
7       receive a copy of such report; and provided, further, that Georgia Uniform Motor Vehicle  
8       Accident Reports shall not be available in bulk for inspection or copying by any person  
9       absent a written statement showing the need for each such report pursuant to the  
10      requirements of this Code section. For the purposes of this subsection, the term 'need'  
11      means that the natural person or legal entity who is requesting in person or by  
12      representative to inspect or copy the Georgia Uniform Motor Vehicle Accident Report:  
13      (A) Has a personal, professional, or business connection with a party to the accident;  
14      (B) Owns or leases an interest in property allegedly or actually damaged in the  
15      accident;  
16      (C) Was allegedly or actually injured by the accident;  
17      (D) Was a witness to the accident;  
18      (E) Is the actual or alleged insurer of a party to the accident or of property actually or  
19      allegedly damaged by the accident;  
20      (F) Is a prosecutor or a publicly employed law enforcement officer;  
21      (G) Is alleged to be liable to another party as a result of the accident;  
22      (H) Is an attorney stating that he or she needs the requested reports as part of a criminal  
23      case, or an investigation of a potential claim involving contentions that a roadway,  
24      railroad crossing, or intersection is unsafe;  
25      (I) Is gathering information as a representative of a news media organization; ~~or~~  
26      (J) Is conducting research in the public interest for such purposes as accident  
27      prevention, prevention of injuries or damages in accidents, determination of fault in an  
28      accident or accidents, or other similar purposes; provided, however, this subparagraph  
29      will apply only to accident reports on accidents that occurred more than 30 days prior  
30      to the request and which shall have the name, street address, telephone number, and  
31      driver's license number redacted; or  
32      (K) Is a governmental official, entity, or agency, or an authorized agent thereof,  
33      requesting reports for the purpose of carrying out governmental functions or legitimate  
34      governmental duties."

## **PART XXXI**

### **Amendment to Title 52.**



**Waters of the state, ports, and watercraft.**

**SECTION 31-1.**

Title 52 of the Official Code of Georgia Annotated, relating to waters of the state, ports, and watercraft, is amended in Code Section 52-7-12.6, relating to boating privileges, by striking subsection (a) and inserting in its place a new subsection to read as follows:

"(a) Any operator's privilege to operate a vessel on the waters of this state required to be suspended under subsection (d) of Code Section 52-7-12.5 shall be suspended subject to the following terms and conditions:

(1) Upon the first suspension pursuant to subsection (d) of Code Section 52-7-12.5 within the previous five years, as measured from the dates of previous arrests for which a suspension was obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for one year. Not sooner than 30 days following the effective date of suspension, the person may apply to the department for reinstatement of his or her operator's privilege. Such privilege shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of ~~Human Resources~~ Driver Services. An operator's privilege suspended pursuant to Code Section 52-7-12.5 shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of ~~Human Resources~~ Driver Services; and

(2) Upon the second suspension pursuant to subsection (d) of Code Section 52-7-12.5 within five years, as measured from the dates of previous arrests for which suspensions were obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for three years. Not sooner than 120 days following the effective date of suspension, the person may apply to the department for reinstatement of the person's operator's privilege. Such privilege shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of ~~Human Resources~~ Driver Services. An operator's privilege suspended pursuant to Code Section 52-7-12.5 shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of ~~Human Resources~~ Driver Services; and

(3) Upon the third or subsequent suspension pursuant to subsection (d) of Code Section 52-7-12.5 within five years, as measured from the dates of previous arrests for which suspensions were obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for not less than five years and until such

1 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction  
2 Program approved by the Department of ~~Human Resources~~ Driver Services."

3 **PART XXXII**

4 **Effective dates and repealer.**

5 **SECTION 32-1.**

6 This Act shall become effective July 1, 2005, except that the provisions of subsection (b) of  
7 Code Section 40-16-3.1 shall become effective upon the approval of this Act by the  
8 Governor or upon its becoming law without such approval.

9 **SECTION 32-2.**

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