

The Senate Transportation Committee offered the following substitute to HB 1190:

A BILL TO BE ENTITLED  
AN ACT

1 To amend provisions related to transportation; to amend Code Section 32-9-11 of the Official  
2 Code of Georgia Annotated, relating to transit services with local governments, so as to allow  
3 free transfers between transit agencies; to amend Code Section 32-10-64 of the Official Code  
4 of Georgia Annotated, relating to the toll powers of the State Road and Tollway Authority,  
5 so as to modify and clarify the processes by which collection of unpaid tolls may be  
6 accomplished; to alter the fees and penalties which may be assessed for failure to pay the  
7 proper toll; to amend Article 6 of Chapter 2 of Title 40 of the Official Code of Georgia  
8 Annotated, relating to enforcement of the provisions relating to registration and licensing of  
9 motor vehicles, so as to provide for suspension of the offender's motor vehicle registration  
10 for multiple violations of the toll provisions; to provide for related matters; to provide for an  
11 effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

13 Code Section 32-9-11 of the Official Code of Georgia Annotated, relating to transit services  
14 with local governments, is amended by inserting a new subsection (d) to read as follows:

15 "(d) A transit agency, as defined in paragraph (2) of subsection (a) of this Code section,  
16 shall provide for free transfers to passengers who wish to transfer to a transit system other  
17 than the transit system of origin in order to continue their trip. The transit system that is  
18 receiving a transfer passenger shall accept such transfer without imposing an additional fee  
19 or fare for the transfer. For purposes of granting free transfers, the Georgia Regional  
20 Transportation Authority shall be considered a transit agency. The free transfers required  
21 under this subsection shall be authorized only where the affected transit facilities are  
22 closely connected at the transfer points."  
23

**SECTION 2.**

Code Section 32-10-64 of the Official Code of Georgia Annotated, relating to the toll powers of the State Road and Tollway Authority, is amended by striking subsection (c) in its entirety and inserting in its place the following:

"(c)(1) No motor vehicle shall be driven or towed through a toll collection facility, where appropriate signs have been erected to notify traffic that it is subject to the payment of tolls beyond such sign, without payment of the proper toll. In the event of nonpayment of the proper toll, as evidenced by video or electronic recording, the registered owner of such vehicle shall be liable to make prompt payment to the authority of the proper toll and an administrative fee of \$25.00 per violation to recover the cost of collecting the toll. The authority or its authorized agent shall provide notice to the registered owner of a vehicle, and a reasonable time to respond to such notice, of the authority's finding of a violation of this subsection. Upon failure of the registered owner of a vehicle to pay the proper toll and administrative fee to the authority after notice thereof and within the time designated in such notice, ~~the registered owner shall be cited for a violation of this subsection and, upon conviction, shall be subject to the payment of a fine of not less than \$50.00 nor more than \$100.00 for each and every violation of this subsection and any other fine or penalty that may be prescribed by law for such violations. In the prosecution of an offense, proof that the vehicle was operated in violation of this subsection, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the registered owner of the vehicle testifies in open court under oath that he was not the operator of the vehicle at the time of the violation. The court of the local jurisdiction in which the violation occurred shall be authorized to assess and collect such fine, in addition to any court costs, provided that the court shall also collect the proper toll and administrative fee and forward such toll and fee to the authority. the authority may proceed to seek collection of the proper toll and the administrative fee as debts owing to the authority, in such manner as the authority deems appropriate and as permitted under law. If the authority finds multiple failures by a registered owner of a vehicle to pay the proper toll and administrative fee after notice thereof and within the time designated in such notice, the authority may refer the matter to the Office of State Administrative Hearings. The scope of any hearing held by the Office of State Administrative Hearings shall be limited to consideration of evidence relevant to a determination of whether the registered owner has failed to pay, after notice thereof and within the time designated in such notice, the proper toll and administrative fee. The only affirmative defense that may be presented by the registered owner of a vehicle at such a hearing is theft of the vehicle,~~

1 as evidenced by presentation at the hearing of a copy of a police report showing that the  
 2 vehicle has been reported to the police as stolen prior to the time of the alleged violation.  
 3 A determination by the Office of State Administrative Hearings of multiple failures to  
 4 pay by a registered owner of a vehicle shall subject such registered owner to imposition  
 5 of, in addition to any unpaid tolls and administrative fees, a civil monetary penalty  
 6 payable to the authority of not more than \$70.00 per violation. Upon failure by a  
 7 registered owner to pay to the authority, within 30 days of the date of notice thereof, the  
 8 amount determined by the Office of State Administrative Hearings as due and payable  
 9 for multiple violations of this subsection, the motor vehicle registration of such registered  
 10 owner shall be immediately suspended by operation of law. The authority shall give  
 11 notice to the Department of Revenue of such suspension. Such suspension shall continue  
 12 until the proper toll, administrative fee, and civil monetary penalty as have been  
 13 determined by the Office of State Administrative Hearings are paid to the authority.  
 14 Actions taken by the authority under this subsection shall be made in accordance with  
 15 policies and procedures approved by the members of the authority.

16 (2) The registered owner of a vehicle which is observed being driven or towed through  
 17 a toll collection facility without payment of the proper toll may avoid liability under this  
 18 subsection by presenting to the authority a copy of a police report showing that the  
 19 vehicle had been reported to the police as stolen prior to the time of the alleged violation.

20 (3) For purposes of this subsection, for any vehicle which is registered to an entity other  
 21 than a natural person, the term 'registered owner' shall be deemed to refer to the natural  
 22 person who is the operator of such motor vehicle at the time of the violation of this  
 23 subsection, but only if the entity to which the vehicle is registered has supplied to the  
 24 authority, within 60 days following notice from the authority or its authorized agent,  
 25 information in the possession of such entity which is sufficient to identify and give notice  
 26 to the natural person who was the operator of the motor vehicle at the time of the  
 27 violation of this subsection."

### 28 **SECTION 3.**

29 Article 6 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to  
 30 enforcement of the provisions relating to registration and licensing of motor vehicles, is  
 31 amended by inserting a new Code Section 40-2-135.1 immediately following Code Section  
 32 40-2-135, relating to revocation of license plates, to read as follows:

33 "40-2-135.1.

34 As provided in subsection (c) of Code Section 32-10-64, the motor vehicle registration of  
 35 any owner who has failed to pay, within 30 days of the date of notice thereof, the amount

1 determined by the Office of State Administrative Hearings as due and payable for one or  
2 more violations of such subsection, shall be immediately suspended by operation of law."

3 **SECTION 4.**

4 This Act shall become effective on January 1, 2007.

5 **SECTION 5.**

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