

House Bill 518

By: Representative Rice of the 51<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so  
2 as to provide for a definition of a commercial motor vehicle; to provide for expiration of  
3 license plates issued to manufacturers, distributors, and dealers; to provide for annual and  
4 staggered registration by dealers, manufacturers, and transporters; to provide for the  
5 suspension or revocation of commercial motor vehicles when not in compliance with federal  
6 safety regulations; to provide for fees; to change the time limit for registration applications  
7 from 90 to 30 days; to provide for cancellation of certificates of title for vehicles designated  
8 for scrap metal or to be dismantled or demolished; to provide for applicability; to provide for  
9 effective dates; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended  
13 in Code Section 40-1-1, relating to definitions, by adding a new paragraph to read as follows:

14 "(8.3) 'Commercial motor vehicle' means any self-propelled or towed motor vehicle used  
15 on a highway in intrastate and interstate commerce to transport passengers or property  
16 when the vehicle:

17 (A) Has a gross vehicle weight rating, gross combination weight rating, gross vehicle  
18 weight, or gross combination weight of 4,537 kg (10,001 lbs.) or more;

19 (B) Is designed or used to transport more than eight passengers, including the driver,  
20 for compensation;

21 (C) Is designed or used to transport more than 15 passengers, including the driver, and  
22 is not used to transport passengers for compensation; or

23 (D) Is used to transport material determined to be hazardous by the secretary of the  
24 United States Department of Transportation under 49 U.S.C. Section 5103 and  
25 transported in a quantity that requires placards under regulations prescribed under 49  
26 C.F.R., Subtitle B, Chapter I, Subchapter C."

**SECTION 2.**

Said title is further amended in Code Section 40-2-38, relating to registration and licensing of manufacturers, distributors, and dealers, by revising paragraph (1) of subsection (a) as follows:

"(a)(1) Manufacturers, distributors, and dealers engaged in the manufacture, sale, or leasing of vehicles required to be registered under Code Section 40-2-20 shall register with the commissioner, making application for a distinguishing dealer's number, specifying the name and make of motor vehicle, tractor, or trailer manufactured, sold, or leased by them, upon forms prepared by the commissioner for such purposes, and pay therefor a fee of \$62.00, which shall accompany such application. Upon payment of such fee by a dealer, the commissioner shall furnish to the dealer one master number plate to expire ~~December 31~~ of each year in accordance with subsection (f) of this Code section, to be known as a dealer's number and to be distinguished from the number plates provided for in this chapter by different and distinguishing colors to be determined by the commissioner. The dealer plate for a franchise motor vehicle dealer shall be distinguishable from the dealer plate for a used car dealer and from the dealer plate for a motor vehicle wholesaler. A dealer's number plate is for the purpose of demonstrating or transporting dealer's vehicles or trailers for sale or lease. Persons engaged in the business of transporting vehicles for a dealer under a vehicle's own power shall be permitted to use such dealer's plate for the purpose of transporting a vehicle."

**SECTION 3.**

Said title is further amended in said Code section by adding two new subsections to read as follows:

"(f)(1) The expiration of a license plate issued pursuant to this Code section shall be the last day of the registration period as provided in division (a)(1)(A)(ii) of Code Section 40-2-21, except that for the purposes of this subsection, the registration period shall be determined by the first letter of the legal name of the business listed on the application for registration or renewal of registration. An application for renewal of registration shall not be submitted earlier than 90 days prior to the last day of the registration period. A penalty of 25 percent of the total registration fees due shall be assessed any person registering pursuant to this Code section who, prior to the last day of such person's registration period, fails to apply for renewal or if having applied fails to pay the required fees.

(2) A transition period shall commence on October 1, 2007, and conclude on December 31, 2007, for all existing registrations and any new registration applications presented prior to January 1, 2008. On or after January 1, 2008, new applications for registration

1 shall be submitted and remain valid until the expiration of such registration as specified  
2 in paragraph (1) of this subsection.

3 (g) The commissioner shall adopt rules and regulations for the implementation of this  
4 Code section."

5 **SECTION 4.**

6 Said title is further amended in Code Section 40-2-38.1, relating to transporter license plates,  
7 by adding two new subsections to read as follows:

8 "(i)(1) The expiration of a license plate issued pursuant to this Code section shall be the  
9 last day of the registration period as provided in division (a)(1)(A)(ii) of Code Section  
10 40-2-21, except that for the purposes of this subsection, the registration period shall be  
11 determined by the first letter of the legal name of the business listed on the application  
12 for registration or renewal of registration. An application for renewal of registration shall  
13 not be submitted earlier than 90 days prior to the last day of the registration period. A  
14 penalty of 25 percent of the total registration fees due shall be assessed any person  
15 registering pursuant to this Code section who, prior to the last day of such person's  
16 registration period, fails to apply for renewal or if having applied fails to pay the required  
17 fees.

18 (2) A transition period shall commence on October 1, 2007, and conclude on December  
19 31, 2007, for all existing registrations and any new registration applications presented  
20 prior to January 1, 2008. On or after January 1, 2008, new applications for registration  
21 shall be submitted and remain valid until the expiration of such registration as specified  
22 in paragraph (1) of this subsection.

23 (j) The commissioner shall adopt rules and regulations for the implementation of this Code  
24 section."

25 **SECTION 5.**

26 Said title is further amended in Article 6 of Chapter 2, relating to administration and  
27 enforcement of chapter, by adding a new Code section to read as follows:

28 "40-2-138.

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

**SECTION 6.**

Said title is further amended in subsection (a) of Code Section 40-2-151, relating to annual license fees for operation of vehicles and permanent licensing of certain trailers, by revising paragraphs (1) through (11) as follows:

- "(1) For each passenger motor vehicle not operated as a common or contract carrier for hire . . . . . \$ 20.00
- (2) For each motorcycle . . . . . 20.00
- (3)(A) For each private ~~truck~~ commercial motor vehicle in accordance with the owner declared gross vehicle weight rating, as follows:
  - (i) ~~Less than 14,000 lbs.~~ 10,001 lbs. to 14,000 lbs. . . . . . 20.00
  - (ii) 14,000 to 18,000 lbs. . . . . 25.00
  - (iii) 18,001 to 26,000 lbs. . . . . 38.00
  - (iv) 26,001 to 30,000 lbs. . . . . 45.00
  - (v) 30,001 to 36,000 lbs. . . . . 70.00
  - (vi) 36,001 to 44,000 lbs. . . . . 115.00
  - (vii) 44,001 to 54,999 lbs. . . . . 190.00
  - (viii) 55,000 to 63,280 lbs. . . . . 300.00
  - (ix) 63,281 lbs. to maximum permitted . . . . . 400.00

(B) Subparagraph (A) of this paragraph notwithstanding:

- (i) A straight truck which is not a truck-tractor shall not be classified higher than \$75.00;
- (ii) A straight truck hauling fertilizer or agricultural products shall not be classified higher than \$31.00; and
- (iii) A truck-tractor hauling fertilizer, milk, or crops as defined in paragraph (7.1) of Code Section 1-3-3 shall not be classified higher than \$220.00;

- (4) For each farm truck . . . . . 20.00
- (5) Except as otherwise specifically provided in this Code section, for each private trailer . . . . . 20.00

(6)(A) For each farm trailer including, but not limited to, horse and cattle trailers, the maximum fee shall be \$12.00.

(B) There shall be no fee for trailers:

- (i) Used exclusively to haul agricultural products from one place on the farm to another or from one farm or field to another;
- (ii) With no springs which are being employed in hauling unprocessed farm products to their market destination; and

- 1 (iii) With no springs which are pulled from a tongue and used primarily to
- 2 transport fertilizer to the farm;
- 3 (7) For house trailers, auto trailers, and boat trailers, whether pulled by a private
- 4 automobile or a private truck, and not used as or in connection with a motor
- 5 vehicle, truck, or tractor used as a common or contract carrier for hire . . . . . 12.00
- 6 (8) For trailers used as or in connection with a motor vehicle, truck, or tractor
- 7 used as a common or contract carrier for hire . . . . . 12.00
- 8 (9) For each motor bus or van-type vehicle used as a common or contract carrier
- 9 for hire in public transportation transporting passengers, the following:
- 10 (A) Weighing 10,000 pounds or less, \$1.90 per 100 pounds factory weight or
- 11 fractional part of 100 pounds factory weight;
- 12 (B) Weighing more than 10,000 pounds and not over 15,000 pounds factory
- 13 weight, \$2.75 for each 100 pounds or fractional part of 100 pounds factory
- 14 weight;
- 15 (C) Weighing more than 15,000 pounds and not more than 20,000 pounds
- 16 factory weight, \$3.45 for each 100 pounds or fractional part of 100 pounds
- 17 factory weight; and
- 18 (D) Weighing more than 20,000 pounds factory weight, \$3.75 for each 100
- 19 pounds or fractional part of 100 pounds factory weight. No motor bus license
- 20 fee shall exceed \$875.00;
- 21 (10)(A) For each ~~truck or nonpassenger-carrying~~ commercial motor vehicle
- 22 operated as a common or contract carrier for hire in accordance with owner
- 23 declared gross vehicle weight rating, as follows:
- 24 (i) ~~Less than 14,000 lbs.~~ 10,001 lbs. to 14,000 lbs. . . . . . 20.00
- 25 (ii) 14,000 to 18,000 lbs. . . . . 25.00
- 26 (iii) 18,001 to 26,000 lbs. . . . . 38.00
- 27 (iv) 26,001 to 30,000 lbs. . . . . 85.00
- 28 (v) 30,001 to 36,000 lbs. . . . . 130.00
- 29 (vi) 36,001 to 44,000 lbs. . . . . 215.00
- 30 (vii) 44,001 to 54,999 lbs. . . . . 365.00
- 31 (viii) 55,000 to 63,280 lbs. . . . . 575.00
- 32 (ix) 63,281 lbs. to maximum permitted . . . . . 725.00
- 33 (B) Subparagraph (A) of this paragraph notwithstanding, a straight truck
- 34 which is not a truck-tractor shall not be classified higher than \$150.00;

1 (11) For each ~~truck~~ commercial motor vehicle leased to a common or contract  
 2 carrier without regard to the duration of the lease and in accordance with the  
 3 ~~owner-declared~~ gross vehicle weight rating, the same license fees as required  
 4 under paragraph (10) of this Code section;"

#### 5 SECTION 7.

6 Said title is further amended in Code Section 40-3-21, relating to application for first  
 7 certificate of title, by revising the introductory language of subsection (a) and paragraph (2)  
 8 of subsection (b) as follows:

9 "(a) The application for the first certificate of title of a vehicle in this state shall be made  
 10 by the owner to the commissioner or the commissioner's duly authorized county tag agent  
 11 on the prescribed form. Except as provided in subsection (b) of this Code section, the  
 12 application must be submitted to the commissioner or the appropriate authorized county  
 13 tag agent by the owner of the vehicle within ~~90~~ 30 days from the date of purchase of the  
 14 vehicle or from the date the owner is otherwise required by law to register the vehicle in  
 15 this state. If the owner does not submit the application within that time, the owner of the  
 16 vehicle shall be required to pay a penalty of \$10.00 in addition to the ordinary title fee  
 17 provided for by this chapter. If the documents submitted in support of the title application  
 18 are rejected, the party submitting the documents shall have 60 days from the date of  
 19 rejection to resubmit the documents required by the commissioner or the authorized county  
 20 tag agent for the issuance of a certificate of title. Should the documents not be properly  
 21 resubmitted within the 60 day period, there shall be an additional \$10.00 penalty assessed,  
 22 and the owner of the vehicle shall be required to remove immediately the license plate of  
 23 the vehicle and return same to the commissioner or the authorized county tag agent. The  
 24 license plate shall be deemed to have expired at 12:00 Midnight of the sixtieth day  
 25 following the initial rejection of the documents submitted, if the documents have not been  
 26 resubmitted as required under this subsection. Such application shall contain:"

27 "(2) If the application refers to a vehicle purchased from a dealer, it shall contain the  
 28 name and address of the holder of any security interest created or reserved at the time of  
 29 the sale by the dealer. The application shall be signed by the owner and, unless the  
 30 dealer's signature appears on the certificate of title or manufacturer's statement of origin  
 31 submitted in support of the title application, the dealer, provided that as an alternative to  
 32 a handwritten signature, the commissioner may authorize use of a digital signature as  
 33 long as appropriate security measures are implemented which assure security and  
 34 verification of the digital signature process, in accordance with regulations promulgated  
 35 by the commissioner. The dealer shall promptly mail or deliver the application to the  
 36 commissioner or the county tag agent of the county in which the seller is located, of the

1 county in which the sale takes place, of the county in which the vehicle is delivered, or  
2 of the county wherein the vehicle owner resides so as to have the application submitted  
3 to the commissioner or such authorized county tag agent within ~~90~~ 30 days from the date  
4 of the sale of the vehicle. If the application is not submitted within that time, the dealer,  
5 or in nondealer sales the transferee, shall be required to pay a penalty of \$10.00 in  
6 addition to the ordinary title fee paid by the transferee provided for in this chapter. If the  
7 documents submitted in support of the title application are rejected, the dealer submitting  
8 the documents shall have 60 days from the date of initial rejection to resubmit the  
9 documents required by the commissioner or authorized county tag agent for the issuance  
10 of a certificate of title. Should the documents not be properly resubmitted within 60 days,  
11 there shall be an additional penalty of \$10.00 assessed against the dealer. The willful  
12 failure of a dealer to obtain a certificate of title for a purchaser shall be grounds for  
13 suspension or revocation of the dealer's state issued license and registration for the sale  
14 of motor vehicles."

15 **SECTION 8.**

16 Said title is further amended in Code Section 40-3-32, relating to transfers of vehicles, by  
17 revising subsection (b) as follows:

18 "(b) Except as provided in Code Section 40-3-33, the transferee, promptly after delivery  
19 to him of the vehicle and certificate of title, shall execute the application for a new  
20 certificate of title on the form the commissioner prescribes and cause the application and  
21 the certificate of title to be mailed or delivered to the commissioner or his appropriate  
22 authorized county tag agent together with the application for change of registration for the  
23 vehicle, so that the title application shall be received within ~~90~~ 30 days from the date of the  
24 transfer of the vehicle. If the title application is not received within that time, the owner  
25 shall be required to pay a penalty of \$10.00 in addition to the ordinary title fee provided for  
26 by this chapter. If the documents submitted in support of the title application are rejected,  
27 the party submitting the documents shall have 60 days from the date of initial rejection to  
28 resubmit the documents required by the commissioner for the issuance of title. If the  
29 documents are not properly resubmitted within 60 days, there shall be an additional \$10.00  
30 penalty assessed, and the owner of the vehicle shall be required to remove immediately the  
31 license plate of the vehicle and return same to the commissioner. The license plate shall be  
32 deemed to have expired at 12:00 Midnight of the sixtieth day following the initial rejection  
33 of the documents, if the documents have not been resubmitted as required under this  
34 subsection."

**SECTION 9.**

Said title is further amended in Code Section 40-3-33, relating to transfer of vehicle to or from dealer and records to be kept by dealers, by revising subsection (c) as follows:

"(c) Except as otherwise provided for in subsection (c) of Code Section 40-3-32, the dealer shall submit a properly completed certificate of title application and proper supporting documents to the commissioner or to the appropriate authorized county tag agent so that the application and supporting documents shall be submitted to the commissioner or the appropriate authorized county tag agent within ~~90~~ 30 days from the date of the transfer of the vehicle. If the application and supporting documents are not submitted within that time, the dealer shall be required to pay a penalty of \$10.00 in addition to the ordinary title fee as provided by this chapter. If the documents submitted in support of the title application are rejected, the dealer submitting the documents shall have 60 days from the date of initial rejection to resubmit the documents required by the commissioner for the issuance of title. If the documents are not properly resubmitted within 60 days, there shall be an additional penalty of \$10.00 assessed against the dealer. The willful failure of a dealer to obtain a certificate of title for a purchaser shall be grounds for suspension or revocation of the dealer's state issued license and registration for the sale of motor vehicles."

**SECTION 10.**

Said title is further amended in Code Section 40-3-34, relating to transfer of vehicle by operation of law, by revising subsections (a) and (b) as follows:

"(a) If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as provided in subsection (b) of this Code section, mail or deliver to the commissioner or his appropriate authorized county tag agent the last certificate of title, if available; proof of the transfer; and his application for a new certificate in the form the commissioner prescribes, together with the application for change of registration for the vehicle so that the title application and other documents shall be received by the commissioner or his appropriate authorized county tag agent no later than ~~90~~ 30 days from the date that the transferee acquired the interest in the vehicle. If the title application and other documents are not received within that time, the transferee shall be required to pay a penalty of \$10.00 in addition to the ordinary title fee provided for by this chapter. If the documents submitted in support of the title application are rejected, the party submitting the documents shall have 60 days from the date of initial rejection to resubmit the documents required by the commissioner for the issuance of title. Should the documents not be properly resubmitted within the 60 day period, there shall be an additional \$10.00 penalty assessed, and the owner of the vehicle shall be required to



1 remove immediately the license plate of the vehicle and return same to the commissioner.  
 2 The license plate shall be deemed to have expired at 12:00 Midnight of the sixtieth day  
 3 following the initial rejection of the documents, if the documents have not been  
 4 resubmitted as required in this subsection. If the last certificate of title is not available for  
 5 transfer under this Code section, then the transferee shall forward such proof of transfer as  
 6 the commissioner may by regulation prescribe.

7 (b) If the interest of the owner is terminated, whether the vehicle is sold pursuant to a  
 8 power contained in a security agreement or by legal process at the instance of the holder  
 9 either of a security interest or a lien, the transferee shall promptly mail or deliver to the  
 10 commissioner or his appropriate authorized county tag agent the last certificate of title, if  
 11 available; proof of transfer; his application for a new certificate, in the form prescribed by  
 12 the commissioner; and an affidavit made by or on behalf of the holder of a security interest  
 13 in or lien on the vehicle with respect to the termination of the interest of the owner, so as  
 14 to have the application and supporting documents submitted to the commissioner or his  
 15 appropriate authorized county tag agent within ~~90~~ 30 days from the date the transferee  
 16 acquired the interest in the vehicle. If the application and supporting documents are not  
 17 submitted within that time, the transferee shall be required to pay a penalty of \$10.00 in  
 18 addition to the ordinary title fee prescribed by this chapter. If the documents submitted in  
 19 support of the title application are rejected, the transferee submitting the documents shall  
 20 have 60 days from the date of initial rejection to resubmit the documents required by the  
 21 commissioner for the issuance of title. If the documents are not properly resubmitted within  
 22 60 days, there shall be an additional \$10.00 penalty assessed, and the owner of the vehicle  
 23 shall be required to remove immediately the license plate of the vehicle and return same  
 24 to the commissioner. The license plate shall be deemed to have expired at 12:00 Midnight  
 25 of the sixtieth day following the initial rejection of the documents, if the documents have  
 26 not been resubmitted as required under this subsection. If the holder of a security interest  
 27 or lien succeeds to the interest of the owner and holds the vehicle for resale, he need not  
 28 secure a new certificate of title but, upon transfer, shall promptly deliver to the transferee  
 29 the last certificate of title, if available, and such other documents as the commissioner may  
 30 require by rule or regulation."

### 31 SECTION 11.

32 Said title is further amended in Code Section 40-3-36, relating to cancellation of certificate  
 33 of title for scrap, dismantled, or demolished vehicles, by revising paragraph (1) of subsection  
 34 (a) as follows:

35 "(a)(1) Any registered owner or authorized agent of a registered owner who in any  
 36 manner sells or disposes of any ~~motor~~ vehicle as scrap metal or parts only or who scraps,

1 dismantles, or demolishes a ~~motor~~ vehicle shall within 72 hours mail or deliver the  
2 certificate of title to the commissioner for cancellation."

3 **SECTION 12.**

4 Sections 3 and 4 of this Act shall become effective on July 1, 2007, and all other provisions  
5 shall become effective January 1, 2008.

6 **SECTION 13.**

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