

The Senate Public Safety and Homeland Security Committee offered the following substitute to HB 518:

A BILL TO BE ENTITLED
AN ACT

To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so as to provide for a definition of a commercial motor vehicle; to provide for an exception for motor vehicles used by Georgia Lottery Corporation employees from registration and licensing provisions applicable to state vehicles; to provide for expiration of license plates issued to manufacturers, distributors, and dealers; to provide for annual and staggered registration by dealers, manufacturers, and transporters; to provide for the suspension or revocation of commercial motor vehicles when not in compliance with federal safety regulations; to provide for fees; to change the time limit for registration applications from 90 to 30 days; to provide for cancellation of certificates of title for vehicles designated for scrap metal or to be dismantled or demolished; to amend Code Section 50-19-2 of the Official Code of Georgia Annotated, relating to the prohibition against operating a state vehicle without a seal or decal affixed to the front door, so as to exempt vehicles operated by the Georgia Lottery Corporation; to provide for applicability; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

- (A) Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 4,537 kg (10,001 lbs.) or more;
- (B) Is designed or used to transport more than eight passengers, including the driver, for compensation;

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

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

SECTION 2.

Said title is further amended in Code Section 40-2-37, relating to registration and licensing of vehicles of state and political subdivisions, by revising subsections (a) and (b) as follows:

"(a) All vehicles of the type required to be registered by Code Section 40-2-20 owned by the State of Georgia or any municipality or other political subdivision of this state and used exclusively for governmental functions, except those employed in secret investigatory police functions to which regular Georgia license plates are issued, and except for those assigned for the transportation of employees of the Georgia Lottery Corporation to which regular Georgia license plates are issued, shall be registered with the commissioner by the fiscal officers or other proper officials of the respective departments and agencies of the state, municipality, or political subdivision to which such vehicles belong prior to operation and use thereof. Such registration shall be made upon forms prescribed and prepared by the commissioner for such purpose and shall contain a brief description of the vehicle to be registered; its name and model; the name of the manufacturer; the manufacturer's vehicle identification number; the department, agency, political subdivision, or branch thereof to which such vehicle is to be registered; and such other information as to use and identity as the commissioner may require. Upon the filing of the properly executed application for registration, the commissioner, upon being satisfied that such vehicle is bona fide owned by the state or a municipality or political subdivision thereof and is to be used exclusively for governmental functions, shall issue, upon payment by such applicant of a license fee of \$3.00, a license plate which shall be displayed upon such vehicle in the same manner as provided for private vehicles. The license fee, less the actual manufacturing cost of the plates which will be retained by the department, shall be deposited in the general fund of the state treasury. Such license plates shall be replaced at such time as other license plates issued for private vehicles are required to be replaced.

(b) For all vehicles owned by the State of Georgia or any municipality or other political subdivision of this state, except those vehicles employed in covert or secret investigatory police functions to which regular Georgia license plates are issued, those assigned for the transportation of employees of the Georgia Lottery Corporation to which regular Georgia license plates are issued, and those vehicles owned by the Department of Public Safety, the

1 commissioner shall provide for registration and issuance of regular license plates for such
2 vehicles. The license plates issued pursuant to this subsection shall be identical in
3 appearance to regular license plates issued for private vehicles, except that such license
4 plates shall not display any registration expiration. Such license plates may be transferred
5 as provided for in subsection (d) of this Code section. Such license plates shall be issued
6 at the time the vehicle is purchased by the state."

7 **SECTION 3.**

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

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

27 **SECTION 4.**

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

30 "(f)(1) The expiration of a license plate issued pursuant to this Code section shall be the
31 last day of the registration period as provided in division (a)(1)(A)(ii) of Code Section
32 40-2-21, except that for the purposes of this subsection, the registration period shall be
33 determined by the first letter of the legal name of the business listed on the application
34 for registration or renewal of registration. An application for renewal of registration shall
35 not be submitted earlier than 90 days prior to the last day of the registration period. A

1 penalty of 25 percent of the total registration fees due shall be assessed any person
2 registering pursuant to this Code section who, prior to the expiration of such person's
3 registration period, fails to apply for renewal or if having applied fails to pay the required
4 fees.

5 (2) A transition period shall commence on October 1, 2007, and conclude on December
6 31, 2007, for all existing registrations and any new registration applications presented
7 prior to January 1, 2008. On or after January 1, 2008, new applications for registration
8 shall be submitted and remain valid until the expiration of such registration as specified
9 in paragraph (1) of this subsection.

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

12 **SECTION 5.**

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

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

25 (2) A transition period shall commence on October 1, 2007, and conclude on December
26 31, 2007, for all existing registrations and any new registration applications presented
27 prior to January 1, 2008. On or after January 1, 2008, new applications for registration
28 shall be submitted and remain valid until the expiration of such registration as specified
29 in paragraph (1) of this subsection.

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

32 **SECTION 6.**

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

"40-2-138.

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

SECTION 7.

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

(iii) With no springs which are pulled from a tongue and used primarily to transport fertilizer to the farm;

(7) For house trailers, auto trailers, and boat trailers, whether pulled by a private automobile or a private truck, and not used as or in connection with a motor vehicle, truck, or tractor used as a common or contract carrier for hire 12.00

(8) For trailers used as or in connection with a motor vehicle, truck, or tractor used as a common or contract carrier for hire 12.00

(9) For each motor bus or van-type vehicle used as a common or contract carrier for hire in public transportation transporting passengers, the following:

(A) Weighing 10,000 pounds or less, \$1.90 per 100 pounds factory weight or fractional part of 100 pounds factory weight;

(B) Weighing more than 10,000 pounds and not over 15,000 pounds factory weight, \$2.75 for each 100 pounds or fractional part of 100 pounds factory weight;

(C) Weighing more than 15,000 pounds and not more than 20,000 pounds factory weight, \$3.45 for each 100 pounds or fractional part of 100 pounds factory weight; and

(D) Weighing more than 20,000 pounds factory weight, \$3.75 for each 100 pounds or fractional part of 100 pounds factory weight. No motor bus license fee shall exceed \$875.00;

(10)(A) For each ~~truck or nonpassenger-carrying~~ commercial motor vehicle operated as a common or contract carrier for hire in accordance with owner declared gross vehicle weight rating, as follows:

(i) Less than 14,000 lbs. <u>10,001 lbs. to 14,000 lbs.</u>	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.	85.00
(v) 30,001 to 36,000 lbs.	130.00

1	(vi) 36,001 to 44,000 lbs.	215.00
2	(vii) 44,001 to 54,999 lbs.	365.00
3	(viii) 55,000 to 63,280 lbs.	575.00
4	(ix) 63,281 lbs. to maximum permitted	725.00

5 (B) Subparagraph (A) of this paragraph notwithstanding, a straight truck
6 which is not a truck-tractor shall not be classified higher than \$150.00;

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

11 SECTION 8.

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

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

33 "(2) If the application refers to a vehicle purchased from a dealer, it shall contain the
34 name and address of the holder of any security interest created or reserved at the time of
35 the sale by the dealer. The application shall be signed by the owner and, unless the

dealer's signature appears on the certificate of title or manufacturer's statement of origin submitted in support of the title application, the dealer, provided that as an alternative to a handwritten signature, the commissioner may authorize use of a digital signature as long as appropriate security measures are implemented which assure security and verification of the digital signature process, in accordance with regulations promulgated by the commissioner. The dealer shall promptly mail or deliver the application to the commissioner or the county tag agent of the county in which the seller is located, of the county in which the sale takes place, of the county in which the vehicle is delivered, or of the county wherein the vehicle owner resides so as to have the application submitted to the commissioner or such authorized county tag agent within ~~90~~ 30 days from the date of the sale of the vehicle. If the application is not submitted within that time, the dealer, or in nondealer sales the transferee, shall be required to pay a penalty of \$10.00 in addition to the ordinary title fee paid by the transferee provided for in 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 or authorized county tag agent for the issuance of a certificate of title. Should the documents not be 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 9.

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

"(b) Except as provided in Code Section 40-3-33, the transferee, promptly after delivery to him of the vehicle and certificate of title, shall execute the application for a new certificate of title on the form the commissioner prescribes and cause the application and the certificate of title to be mailed or delivered to the commissioner or his appropriate authorized county tag agent together with the application for change of registration for the vehicle, so that the title application shall be received within ~~90~~ 30 days from the date of the transfer of the vehicle. If the title application is not received within that time, the owner 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. If the documents are not properly resubmitted within 60 days, there shall be an additional \$10.00

1 penalty assessed, and the owner of the vehicle shall be required to remove immediately the
2 license plate of the vehicle and return same to the commissioner. The license plate shall be
3 deemed to have expired at 12:00 Midnight of the sixtieth day following the initial rejection
4 of the documents, if the documents have not been resubmitted as required under this
5 subsection."

6 **SECTION 10.**

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

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

24 **SECTION 11.**

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

27 "(a) If the interest of an owner in a vehicle passes to another other than by voluntary
28 transfer, the transferee shall, except as provided in subsection (b) of this Code section, mail
29 or deliver to the commissioner or his appropriate authorized county tag agent the last
30 certificate of title, if available; proof of the transfer; and his application for a new
31 certificate in the form the commissioner prescribes, together with the application for
32 change of registration for the vehicle so that the title application and other documents shall
33 be received by the commissioner or his appropriate authorized county tag agent no later
34 than ~~90~~ 30 days from the date that the transferee acquired the interest in the vehicle. If the
35 title application and other documents are not received within that time, the transferee shall

1 be required to pay a penalty of \$10.00 in addition to the ordinary title fee provided for by
2 this chapter. If the documents submitted in support of the title application are rejected, the
3 party submitting the documents shall have 60 days from the date of initial rejection to
4 resubmit the documents required by the commissioner for the issuance of title. Should the
5 documents not be properly resubmitted within the 60 day period, there shall be an
6 additional \$10.00 penalty assessed, and the owner of the vehicle shall be required to
7 remove immediately the license plate of the vehicle and return same to the commissioner.
8 The license plate shall be deemed to have expired at 12:00 Midnight of the sixtieth day
9 following the initial rejection of the documents, if the documents have not been
10 resubmitted as required in this subsection. If the last certificate of title is not available for
11 transfer under this Code section, then the transferee shall forward such proof of transfer as
12 the commissioner may by regulation prescribe.

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

SECTION 12.

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

"(a)(1) Any registered owner or authorized agent of a registered owner who in any manner sells or disposes of any ~~motor~~ vehicle as scrap metal or parts only or who scraps, dismantles, or demolishes a ~~motor~~ vehicle shall within 72 hours mail or deliver the certificate of title to the commissioner for cancellation."

SECTION 13.

Code Section 50-19-2 of the Official Code of Georgia Annotated, relating to the prohibition against operating a state vehicle without a seal or decal affixed to the front door, is amended by revising it in its entirety as follows:

"50-19-2.

(a) It shall be unlawful for any person to operate on any public road in this state any motor vehicle which is owned or leased by the state or any branch, department, agency, commission, board, or authority of the state or which has been purchased or leased by any public official or public employee with state funds, unless there is affixed to the front door on each side of such vehicle a clearly visible decal or seal containing the name of or otherwise identifying the governmental entity owning or leasing such vehicle or on behalf of which entity funds were expended to purchase or lease such vehicle. This Code section shall not apply to any vehicle used for law enforcement or prosecution purposes or any vehicle assigned for the transportation of the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the executive head of any department of state government, the chancellor of the University System of Georgia, the Chief Justice of the Supreme Court of Georgia, ~~or any Constitutional~~ constitutional state official who is elected by the voters of the entire state, or any employees of the Georgia Lottery Corporation.

(b) Any person violating the provisions of subsection (a) of this Code section shall be guilty of a misdemeanor."

SECTION 14.

Sections 2, 3, 4, 5, and 13 through 15 of this Act shall become effective July 1, 2007. Sections 1, 6, 7, and 12 of this Act shall become effective January 1, 2008. Sections 8, 9, 10, and 11 of this Act shall become effective July 1, 2008.

SECTION 15.

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