

HOUSE SUBSTITUTE TO SENATE BILL 251

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated,
 2 relating to the registration and licensing of motor vehicles, so as to require the establishment
 3 by the Department of Revenue of an Internet website for stolen and towed motor vehicles;
 4 to require that certain persons shall post the vehicle identification numbers and license plate
 5 numbers of certain motor vehicles that are towed or reported stolen; to provide for penalties
 6 for failing to post such information; to provide for certain required features of such website;
 7 to require law enforcement agencies in this state to post the vehicle identification numbers
 8 and license plate numbers of stolen vehicles to such website; to provide for enforcement by
 9 the Department of Revenue; to provide for the promulgation of rules and regulations; to
 10 amend Code Section 40-5-147 so as to change provisions relating to issuance of commercial
 11 drivers' licenses and permits; to amend Code Section 40-5-150 so as to provide for expiration
 12 of commercial drivers' licenses; to provide for related matters; to provide for an effective
 13 date; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Article 1 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to the
 17 registration and licensing of motor vehicles, is amended by adding a new Code Section
 18 40-2-11 to read as follows:

19 "40-2-11.

20 (a) The Department of Revenue shall establish an Internet website for the purpose of
 21 posting the vehicle identification numbers and license plate numbers of motor vehicles that
 22 are towed without the knowledge or consent of the owner or operator of such vehicle and
 23 vehicles that have been reported as stolen to law enforcement authorities in this state. Such
 24 website shall store the vehicle identification number and license plate number of each such
 25 vehicle that was towed without the knowledge or consent of the owner or operator of such
 26 vehicle along with a notation of the location where such vehicle is stored and a contact

1 number for such storage facility. Such website shall also store the vehicle identification
2 number and license plate number of each vehicle that has been reported as being stolen to
3 law enforcement authorities in this state with a notation that such vehicle has been reported
4 as being stolen. Such website shall be designed in a manner and contain other such criteria
5 as may be determined by the Department of Revenue to make such website useful for the
6 public to determine if a vehicle reported as stolen has in fact been towed or impounded.
7 Such website shall be accessible for viewing by the public.

8 (b)(1) Each tow truck and wrecker operator in this state shall, within 24 hours of towing
9 a motor vehicle without the knowledge or consent of the owner or operator of such motor
10 vehicle, enter or cause to be stored on the website established under subsection (a) of this
11 Code section the vehicle identification number and license plate number of such vehicle
12 and a notation of the location where such vehicle is stored and a contact number for such
13 storage facility.

14 (2) The operator of any storage facility or repair shop in which a vehicle is stored:

15 (A) After such vehicle has been towed without the knowledge or consent of the owner
16 or operator of such vehicle; or

17 (B) After such vehicle has been reported as stolen to law enforcement authorities in
18 this state

19 shall, within 24 hours of such vehicle being towed to such location, verify that the
20 information required under this Code section has been timely entered on the website
21 established under subsection (a) of this Code section. In the event such information has
22 not been entered, the operator shall enter or cause to be posted on the website the required
23 information within 24 hours of such vehicle being towed to such location.

24 (3) Any tow truck or wrecker operator or operator of any storage facility or repair shop
25 who fails to comply with the requirements of paragraphs (1) and (2) of this subsection
26 due to lack of Internet capability shall report the required information to the Department
27 of Revenue by an alternative method to be established by the department.

28 (c) Each tow truck or wrecker operator or operator of a storage facility or repair shop who
29 is required to post the information required by subsection (b) of this Code section but who
30 fails timely to post or cause to be posted such information shall be subject to a civil penalty
31 in the amount of \$1,000.00 for each such violation. Additionally, any individual who is
32 required to post the information required by subsection (b) of this Code section but who
33 fails timely to post or cause to be posted such information shall be guilty of a misdemeanor
34 and, upon conviction thereof, shall be punished as for a misdemeanor, shall not be entitled
35 to any storage fees, shall not be eligible to contract with or serve on a rotation list providing
36 wrecker services for this state or any political subdivision thereof, and shall not be licensed

1 by any municipal authority to provide removal of improperly parked cars under Code
2 Section 44-1-13.

3 (d) Each law enforcement agency in this state receiving a report of a stolen motor vehicle
4 shall post or cause to be posted on the website established under subsection (a) of this Code
5 section the vehicle identification numbers and license plate numbers of such motor vehicle.

6 (e) Any person who, without authorization, tampers with such website or in any manner
7 interferes with such website shall be guilty of a misdemeanor of a high and aggravated
8 nature.

9 (f) The Department of Revenue shall be authorized to promulgate such rules and
10 regulations as it deems necessary to implement the provisions of this Code section."

11 SECTION 2.

12 Code Section 40-5-147, relating to the requirements for issuing a commercial driver's license
13 or instruction permit, is amended by revising paragraph (1) of subsection (a) as follows:

14 "(a)(1) Except as provided in Code Section 40-5-148, no person may be issued a
15 commercial driver's license unless that person is a resident of this state, is at least 18
16 years of age, has passed a knowledge and skills test for driving a commercial motor
17 vehicle which complies with minimum federal standards established by federal
18 regulations enumerated in 49 C.F.R. Part 383, subparts G and H, ~~has completed the~~
19 ~~Highway Watch safety and security training program or its federally designated successor~~
20 ~~program and is properly registered with the same,~~ and has satisfied all other requirements
21 of the Commercial Motor Vehicle Safety Act of 1986, Title XII of Public Law 99-570,
22 in addition to any other requirements imposed by state law or federal regulation. The
23 tests shall be prescribed and conducted by the department in English only."

24 SECTION 3.

25 Code Section 40-5-150, relating to commercial drivers' licenses, is amended by revising
26 subsections (g) and (h) as follows:

27 "(g) Except as provided for in Code Section 40-5-21.1, the ~~The~~ commercial driver's license
28 shall expire on the licensee's birthdate in the ~~fourth~~ fifth year following the issuance of
29 such license.

30 (h) When applying for renewal of a commercial driver's license, the applicant shall
31 complete the application form required by subsection (a) of Code Section 40-5-149,
32 providing updated information and required medical certifications, ~~and provide evidence~~
33 ~~the applicant has completed the Highway Watch safety and security training program or~~
34 ~~its federally designated successor program and is properly registered with the same.~~ If the

1 applicant wishes to retain a hazardous materials endorsement, the written test for a
2 hazardous materials endorsement must be taken and passed."

3 **SECTION 4.**

4 This Act shall become effective on January 1, 2008.

5 **SECTION 5.**

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