

House Bill 1158 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Stephens of the 164<sup>th</sup>, Scott of the 153<sup>rd</sup>, Cooper of the 41<sup>st</sup>, Channell of the 116<sup>th</sup>, Oliver of the 83<sup>rd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 31 and 40 of the Official Code of Georgia Annotated, relating, respectively,  
2 to health and motor vehicles, so as to fund the Georgia Trauma Trust Fund; to provide for  
3 certain reports regarding the Georgia Trauma Trust Fund; to provide for intent of the General  
4 Assembly with regard to certain funds for funding the Georgia Trauma Trust Fund; to impose  
5 a charge on motor vehicle registrations in this state which shall be transferred to the state  
6 treasury for the purpose of funding the Georgia Trauma Trust Fund; to provide for the  
7 collection of such charge; to provide for related matters; to provide for a contingent effective  
8 date and applicability; to provide for automatic repeal under certain circumstances; to repeal  
9 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 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising  
13 Code Section 31-11-103, relating to the Georgia Trauma Trust Fund, as follows:

14 "31-11-103.

15 (a) There is established the Georgia Trauma Trust Fund. The executive director of the  
16 Georgia Trauma Care Network Commission shall serve as the trustee of the Georgia  
17 Trauma Trust Fund. The moneys deposited into such fund pursuant to this article may be  
18 expended by the executive director with the approval of the Georgia Trauma Care Network  
19 Commission for those purposes specified in Code Section 31-11-102.

20 (b)(1) As soon as practicable after the end of each fiscal year, the Office of Treasury and  
21 Fiscal Services shall report to the General Assembly, the Office of Planning and Budget,  
22 and the Georgia Trauma Care Network Commission the amount of funds received  
23 pursuant to Code Section 40-2-153 from the trauma charge on motor vehicle  
24 registrations.

25 (2) It is the intent of the General Assembly that, subject to appropriation, an amount  
26 equal to such proceeds received in any fiscal year shall be made available during the

1 following fiscal year to the Georgia Trauma Trust Fund for use of the Georgia Trauma  
 2 Care Network Commission for the purposes set forth in Code Section 31-11-102."

3 **SECTION 2.**

4 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended  
 5 by revising Code Section 40-2-23, relating to county tax collectors and tax commissioners  
 6 designated tag agents, as follows:

7 "40-2-23.

8 (a) The tax collectors of the various counties of this state and the tax commissioners of  
 9 those counties in which the duties of the tax collector are performed by a tax commissioner  
 10 shall be designated as tag agents of the commissioner for the purpose of accepting  
 11 applications for the registration of vehicles. The commissioner is authorized to promulgate  
 12 rules and regulations for the purpose of delegating to such tag agents the custodial  
 13 responsibility for properly receiving, processing, issuing, and storing motor vehicle titles  
 14 or registrations, or both.

15 (b) The state revenue commissioner is authorized to further designate each such tag agent  
 16 as a sales tax agent for the purpose of collecting sales and use tax with respect to the casual  
 17 sale or casual use of a motor vehicle. For purposes of this Code section, 'casual sale' or  
 18 'casual use' means the sale of a motor vehicle by a person who is not regularly or  
 19 systematically engaged in making retail sales of motor vehicles and the first use,  
 20 consumption, distribution, or storage for use or consumption of such motor vehicle  
 21 purchased through a casual sale. As personal compensation for services rendered to the  
 22 Department of Revenue with respect to the collection of such sales and use tax, each such  
 23 designated tag agent shall be authorized to retain from such collection a fee of \$200.00 per  
 24 month. In any month in which an insufficient amount of such tax is collected to pay such  
 25 fee, the amount of any such unpaid fee may be deferred until such month as sufficient  
 26 collections are made. Such compensation shall be in addition to any other compensation  
 27 to which such tax collector or tax commissioner is entitled.

28 (c) The state revenue commissioner is authorized to further designate each such tag agent  
 29 as a tax agent for the purpose of collecting the trauma charge required by Code Section  
 30 40-2-153.

31 ~~(c)~~(d) The duties and responsibilities of agents of the commissioner designated under this  
 32 Code section shall be a part of the official duties and responsibilities of the county tax  
 33 collectors and tax commissioners."

**SECTION 3.**

Said title is further amended by revising Code Section 40-2-29, relating to license fee to accompany application, as follows:

"40-2-29.

An application for registration shall be accompanied by check; cash; certified or cashier's check; bank, postal, or express money order; or other similar bankable paper; for the amount of the license fee and other fees or charges required by law. A money order receipt or other evidence of the purchase and remittance of such bankable paper for the proper amount, dated prior to any delinquency by the proper authority of the issuer, and showing the office of the commissioner or the office of the county tag agent as the payee and the owner of the vehicle sought to be licensed and registered as the remitter shall serve as a temporary permit to operate such vehicle for a period of 15 days from the date of such remittance."

**SECTION 4.**

Said title is further amended by revising Code Section 40-2-30, relating to purchase by mail, as follows:

"40-2-30.

An applicant may purchase a vehicle license plate or revalidation decal by mail, by mailing a properly completed application form to the tag agent of the county of ~~his~~ the applicant's residence along with a money order in the amount of the license fee, all other fees or charges required by law, and all ad valorem taxes due thereon plus an additional fee of \$1.00. The governing authority of the county may by resolution authorize the tag agent of the county to receive application and payment for the purchase of a license plate or revalidation decal by mail without charging the additional \$1.00 fee."

**SECTION 5.**

Said title is further amended by revising paragraph (1) of subsection (a) of Code Section 40-2-33, relating to issuance of license plates, as follows:

"(a)(1) Upon compliance with the provisions of this chapter and the payment of the license fee and other fees or charges required by law, the tag agent shall accept the application for registration and, except as otherwise provided for in this chapter, if the license plate or revalidation decal applied for is in such tag agent's inventory, he or she shall issue the appropriate plate or revalidation decal."

**SECTION 6.**

Said title is further amended by revising Code Section 40-2-153, which is reserved, as follows:

"40-2-153.

There is imposed a trauma charge of \$10.00 per year on each motor vehicle that is required to be licensed and registered with the department. Such trauma charge shall be collected in the same manner and at the same time as the license fee required by this chapter is collected and prior to the issuance of a license plate or revalidation decal for such motor vehicle. This Code section shall not apply to vehicles owned by the state or its departments, agencies, or authorities or by any political subdivision of the state. Such charge shall be remitted to the state treasury for the purpose of funding the Georgia Trauma Trust Fund."

**SECTION 7.**

This Act shall become effective on July 1, 2009; provided, however, that this Act shall only become effective on July 1, 2009, upon the ratification of a resolution at the November, 2008, state-wide general election, which resolution amends the Constitution so as to provide comprehensive ad valorem tax reform pursuant to The Property Tax Reform Amendment. If such resolution is not so ratified, this Act shall not become effective and shall stand repealed in its entirety on January 1, 2009.

**SECTION 8.**

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