

House Bill 945 (AS PASSED HOUSE AND SENATE)

By: Representatives Rice of the 51<sup>st</sup>, Parham of the 141<sup>st</sup>, Stephens of the 164<sup>th</sup>, Roberts of the 154<sup>th</sup>, and Coan of the 101<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 40-2-130 of the Official Code of Georgia Annotated, relating to  
2 records of certificates of registration, so as to allow persons engaged in providing notification  
3 to owners of towed or impounded vehicles to access motor vehicle registration records; to  
4 amend Code Section 40-3-23 of the Official Code of Georgia Annotated, relating to issuance  
5 of certificates of title, maintenance of record of certificates issued, and records for a fee, so  
6 as to allow persons engaged in providing notification to owners of towed or impounded  
7 vehicles to access motor vehicle certificate of title records; to amend Code Section 40-11-2  
8 of the Official Code of Georgia Annotated, relating to the duty of persons removing or  
9 storing motor vehicles, so as provide for notice provided by the State of Georgia by  
10 electronic means; to provide for related matters; to provide for an effective date; to repeal  
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Code Section 40-2-130 of the Official Code of Georgia Annotated, relating to records of  
15 certificates of registration, is amended by revising paragraphs (3) and (4) and adding a new  
16 paragraph (5) in subsection (c) and revising subsection (d) to read as follows:

17 "(3) The director of the Environmental Protection Division of the Department of Natural  
18 Resources or his or her designee; ~~and~~

19 (4) Any private person who has met the requirements of Code Section 40-2-25, provided  
20 that the information shall be used for the sole purpose of effectuating the registration or  
21 renewal of motor vehicles by electronic or similar means and that the private person  
22 requesting the information has entered into an agreement to provide electronic services  
23 to the commissioner or a county tag agent; provided, further, that the information made  
24 available pursuant to this paragraph for such purpose shall be limited to the vehicle  
25 identification number, the license tag number, the date of expiration of registration, and  
26 the amount of tax owed; and

1 (5) A person or entity authorized by the commissioner for use in providing notice to the  
 2 owners of towed or impounded vehicles.

3 (d) Except as otherwise required in the federal Driver's Privacy Protection Act of 1994,  
 4 18 U.S.C. Chapter 123, personal information furnished under paragraphs (1) through ~~(4)~~  
 5 (5) of subsection (c) of this Code section shall be limited to the natural person's name,  
 6 address, and driver identification number. The personal information obtained by a business  
 7 under this Code section shall not be resold or redisclosed for any purposes other than those  
 8 permitted under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter  
 9 123, without the written consent of the individual. Furnishing of information to a business  
 10 under this Code section shall be pursuant to a contract entered into by such business and  
 11 the state which specifies the consideration to be paid by such business to the state for such  
 12 information and the frequency of updates."

### 13 SECTION 2.

14 Code Section 40-3-23 of the Official Code of Georgia Annotated, relating to issuance of  
 15 certificates of title, maintenance of record of certificates issued, and records for a fee, is  
 16 amended by revising paragraphs (1) and (2) and adding a new paragraph (3) in subsection  
 17 (d) and revising subsection (f) to read as follows:

18 "(d) The motor vehicle records which the commissioner or the commissioner's duly  
 19 authorized county tag agent is required to maintain under this Code section or any other  
 20 provision are exempt from the provisions of any law of this state requiring that such  
 21 records be open for public inspection; provided, however, that, subject to subsection (f) of  
 22 this Code section, the records may be disclosed for use as provided in the federal Driver's  
 23 Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, and by the following:

24 (1) Any licensed dealer of new or used motor vehicles; ~~and~~

25 (2) Any tax collector, tax receiver, or tax commissioner; and

26 (3) A person or entity authorized by the commissioner for use in providing notice to the  
 27 owners of towed or impounded vehicles."

28 "(f) Except as otherwise required in the federal Driver's Privacy Protection Act of 1994,  
 29 18 U.S.C. Chapter 123, personal information furnished under paragraphs (1), ~~and (2), and~~  
 30 (3) of subsection (d) of this Code section shall be limited to the natural person's name,  
 31 address, and driver identification number. The personal information obtained by a business  
 32 under this Code section shall not be resold or redisclosed for any purposes other than those  
 33 permitted under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter  
 34 123, without the written consent of the individual. Furnishing of information to a business  
 35 under this Code section shall be pursuant to a contract entered into by such business and

1 the state which specifies the consideration to be paid by such business to the state for such  
2 information and the frequency of updates."

3 **SECTION 3.**

4 Code Section 40-11-2 of the Official Code of Georgia Annotated, relating to the duty of  
5 persons removing or storing motor vehicles, is amended by revising subsections (a), (b), and  
6 (e) as follows:

7 "(a) Any person who removes a motor vehicle from public property at the request of a law  
8 enforcement officer or stores such vehicle shall, if the owner of the vehicle or some person  
9 acting for the owner is not present, seek the identity of and address of all known owners  
10 of such vehicle from the law enforcement officer requesting removal of such, from such  
11 officer's agency, ~~or~~ from a local law enforcement agency for the jurisdiction in which the  
12 remover's or storer's place of business is located, or from the State of Georgia by direct  
13 electronic access as provided through its agencies and authorities within three business  
14 days of removal. The local law enforcement agency shall furnish such information to the  
15 person removing such vehicle within three business days after receipt of such request.

16 (b) Any person who removes a motor vehicle from private property at the request of the  
17 property owner or stores such vehicle shall, if the owner of the vehicle or some person  
18 acting for the owner is not present, notify in writing a local law enforcement agency of the  
19 location of the vehicle, the manufacturer's vehicle identification number, license number,  
20 model, year, and make of the vehicle within three business days of the removal of such  
21 vehicle and shall seek from the local law enforcement agency or from the State of Georgia  
22 by direct electronic access as provided through its agencies and authorities the identity and  
23 address of all known owners of such vehicle; and any information indicating that such  
24 vehicle is a stolen motor vehicle. The local law enforcement agency shall furnish such  
25 information to the person removing such vehicle within three business days after receipt  
26 of such request."

27 "(e) If none of the owners redeems such motor vehicle as described in subsection (d) of  
28 this Code section, or if a vehicle being repaired by a repair facility or being stored by an  
29 insurance company providing insurance to cover damages to the vehicle becomes  
30 abandoned, the person removing or storing such motor vehicle shall, within seven calendar  
31 days of the day such vehicle became an abandoned motor vehicle, give notice by electronic  
32 means as provided by the State of Georgia through its agencies and authorities, in writing,  
33 or by sworn statement, on the form prescribed by the state revenue commissioner, to the  
34 Department of Revenue with a research fee as fixed by rule or regulation payable to the  
35 Department of Revenue, stating the manufacturer's vehicle identification number, the  
36 license number, the fact that such vehicle is an abandoned motor vehicle, the model, year,

1 and make of the vehicle, the date the vehicle became an abandoned motor vehicle, the date  
2 the vehicle was removed, and the present location of such vehicle and requesting the name  
3 and address of all owners of such vehicle. If the form submitted is rejected because of  
4 inaccurate or missing information, the person removing or storing the vehicle shall  
5 resubmit, within seven calendar days of the date of the rejection, a corrected notice form  
6 together with an additional research fee as fixed by rule or regulation payable to the  
7 Department of Revenue. Each subsequent corrected notice, if required, shall be submitted  
8 with an additional research fee as fixed by rule or regulation payable to the Department of  
9 Revenue. If a person removing or storing the vehicle has knowledge of facts which  
10 reasonably indicate that the vehicle is registered or titled in a certain other state, such  
11 person shall check the motor vehicle records of that other state in the attempt to ascertain  
12 the identity of the owner of the vehicle. Research requests may be submitted and research  
13 fees made payable to the office of the tax commissioner and deposited in the general fund  
14 for the county in which the remover's or storer's place of business is located in lieu of the  
15 Department of Revenue, but in like manner, if such office processes motor vehicle records  
16 of the Department of Revenue."

17 **SECTION 4.**

18 This Act shall become effective on July 1, 2008.

19 **SECTION 5.**

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