

Senate Bill 128

By: Senators Shafer of the 48th, Hudgens of the 47th, Pearson of the 51st, Hawkins of the 49th, Mullis of the 53rd and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to provide for the regulation of trailers, to provide for the issuances, at the
3 registration and licensing of motor vehicles, and so as to provide for the issuances, at the
4 option of the owner, of permanent license plates for boat trailers, utility trailers, and
5 noncommercial cattle and livestock trailers; to provide for fees; to provide that such license
6 plates shall not be transferable; to provide for administration; to update certain provisions
7 relating to surge brakes; to provide for effective dates; and for applicability; to provide for
8 related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and
12 licensing of motor vehicles, is amended by revising subparagraph (A) of paragraph (1) of
13 subsection (a) of Code Section 40-2-20, relating to registration and license requirements,
14 extension of registration period, and penalties, as follows:

15 " (a)(1)(A) Except as provided in subsection (b) of this Code section and subsection (a)
16 of Code Section 40-2-47, every owner of a motor vehicle, including a tractor or
17 motorcycle, and every owner of a trailer shall, during the owner's registration period in
18 each year, register such vehicle as provided in this chapter and obtain a license to
19 operate it for the 12 month period until such person's next registration period."

20 style="text-align:center">**SECTION 2.**

21 Said chapter is further amended by revising Code Section 40-2-47, relating to permanent
22 registration and license plates for certain trailers and the definition of "leased or rented
23 trailer," as follows:

24 "40-2-47.

25 (a) Notwithstanding any other provision of this chapter to the contrary, the owner of any
 26 trailer, including:

27 ~~(1) any~~ Any leased or rented trailer and including single pole and twin-beam trailers and
 28 other trailers used in commercial logging or commercial trailers used for the hauling of
 29 unprocessed farm products used as or in connection with a motor vehicle, truck, or tractor
 30 used as a common or contract carrier for hire, a private carrier, or a motor carrier of
 31 property; or

32 (2) Any boat trailer, utility trailer, or noncommercial cattle and livestock trailer,

33 shall have the option of obtaining a permanent registration and license plate for such trailer,
 34 in lieu of an annual registration and license plate, upon the payment of the one-time fee
 35 specified in Code Section 40-2-151 and compliance with the provisions of this Code
 36 section; ~~provided, however, that boat trailers, utility trailers, and noncommercial cattle and~~
 37 ~~livestock trailers shall not qualify for such permanent registration and license plate.~~

38 (b) The certificate of registration and license plate issued for a specific trailer under this
 39 Code section shall continue to be valid for the duration of the owner's interest in such
 40 trailer. No registration or license plate issued for any trailer under this Code section shall
 41 be transferred for any reason and a new registration and license plate shall be required
 42 when ownership of the trailer is transferred to a new owner. The payment of the fee for a
 43 permanent registration and license plate shall be in addition to and not in lieu of the
 44 payment of annual ad valorem taxes on such trailer during the period of December 1 to
 45 February 15.

46 ~~(b)~~(c) As used in this Code section, the term 'leased or rented trailer' means any utility
 47 trailer that is owned by and leased or rented out by a person, firm, or corporation in the
 48 business of leasing or renting out such trailers."

49 SECTION 3.

50 Said chapter is further amended by revising subsection (b) of Code Section 40-2-151, relating
 51 to annual license fees for operation of vehicles and fee for permanent licensing of certain
 52 trailers, as follows:

53 "(b) In lieu of the annual fee provided in ~~paragraph~~ paragraphs (6), (7) or (8) of subsection
 54 (a) of this Code section, the optional one-time fee for a permanent registration and license
 55 plate for:

56 (1) any Any trailer used as or in connection with a motor vehicle, truck, or tractor used
 57 as a common or contract carrier for hire, a private carrier, or a motor carrier of property;
 58 or

59 (2) Any boat trailer, utility trailer, or noncommercial cattle and livestock trailer and
 60 authorized to obtain a permanent registration and license plate under the provisions of
 61 Code Section 40-2-47 shall be \$48.00."

62 **SECTION 3A.**

63 Said title is further amended by revising Code Section 40-8-50, relating to brakes required
 64 on motor vehicles, as follows:

65 "40-8-50.

66 (a) As used in this Code section, the term:

67 (1) 'Gross combination weight rating (GCWR)' means the combined gross vehicle weight
 68 ratings of all vehicles in a combination of vehicles.

69 (2) 'Gross vehicle weight rating (GVWR)' means the value specified by the manufacturer
 70 or manufacturers as the maximum loaded weight of a single or a combination
 71 (articulated) vehicle, the actual gross weight, or registered gross weight, whichever is
 72 greater.

73 (3) 'Hazardous material' has the meaning provided by Chapter 51 of Title 49 of the
 74 United States Code Annotated.

75 (4) 'Surge brakes' means ~~a system of brakes on a trailer or semitrailer in which the trailer~~
 76 ~~service brakes are activated as a result of the forward pressure of the trailer against the~~
 77 ~~towing vehicle during deceleration~~ self-contained, permanently closed hydraulic brake
 78 system for trailers that relies on inertial forces, developed in response to the braking
 79 action of the towing vehicle, applied to a hydraulic device mounted on or connected to
 80 the tongue of the trailer to slow down or stop the towed vehicle.

81 (b) Every motor vehicle, other than a motorcycle or motor driven cycle, when operated
 82 upon a highway shall be equipped with brakes adequate to control the movement of and
 83 to stop and hold such vehicle, including two separate means of applying the brakes, each
 84 of which means shall be effective to apply the brakes to at least two wheels. If these two
 85 separate means of applying the brakes are connected in any way, they shall be so
 86 constructed that failure on any one part of the operating mechanism shall not leave the
 87 motor vehicle without brakes on at least two wheels.

88 (c) Every motorcycle and motor driven cycle manufactured after January 1, 1974, when
 89 operated upon a highway, shall be equipped with at least two brakes which may be
 90 operated by hand or foot.

91 (d) Except as otherwise provided in subsection (e) of this Code section, every trailer or
 92 semitrailer of 3,000 pounds gross weight or more shall be equipped with brakes on all
 93 wheels. Any farm trailer with two or more wheels, pulled from a tongue, used in or

94 operated for farm purposes, including transporting fertilizer and agricultural materials to
 95 the farm, shall not be required to have an independent braking system thereon, provided
 96 such farm trailer shall not weigh over 4,000 pounds when empty.

97 (e) Any trailer or semitrailer may utilize surge brakes, subject to the following conditions
 98 and limitations:

99 (1) The gross vehicle weight rating or the actual gross weight of any surge brake
 100 equipped trailer or semitrailer does not exceed 20,000 pounds ~~The vehicle or combination~~
 101 ~~of vehicles does not include a vehicle designed or used to transport 16 or more~~
 102 ~~passengers, including the driver;~~

103 (2) For trailers and semitrailers with a gross vehicle weight rating of 12,000 pounds or
 104 less, the gross vehicle weight rating of any such trailer shall not exceed 1.75 times the
 105 gross vehicle weight rating of the towing vehicle ~~The trailer or semitrailer has a gross~~
 106 ~~vehicle weight rating which does not exceed 12,000 pounds;~~

107 (3) For trailers and semitrailers with a gross vehicle weight rating greater than 12,000
 108 pounds, but less than 20,001 pounds, the gross vehicle weight rating of any such trailer
 109 shall not exceed 1.25 times the gross vehicle weight rating of the towing vehicle ~~The~~
 110 ~~combination of vehicles does not exceed a gross combination weight rating of 26,000~~
 111 ~~pounds;~~

112 (4) The actual gross weight of the trailer or semitrailer and load does not exceed the
 113 manufacturer's gross vehicle weight rating;

114 (5) The trailer or semitrailer brakes must be designed and connected in such a manner
 115 that in case of accidental breakaway of the towed vehicle the brakes shall apply
 116 automatically; and

117 ~~(6) The trailer or semitrailer is not used to transport hazardous materials in a type and~~
 118 ~~quantity which requires placarding;~~

119 ~~(7) The trailer or semitrailer is not used to transport liquids or gases contained in~~
 120 ~~packaging which exceeds 119 gallons capacity; and~~

121 ~~(8)~~(6) For vehicles used for commercial purposes, the vehicle or combination of vehicles
 122 ~~is used only in intrastate commerce and~~ complies in all other respects with licensing,
 123 insurance, registration, identification, driver and vehicle safety, and hazardous materials
 124 regulations of the Department of Public Safety and United States Department of
 125 Transportation applicable to such vehicles or combination of vehicles.

126 (f) Where there is no manufacturer's gross vehicle weight rating or the manufacturer's
 127 gross vehicle weight rating is exceeded in violation of paragraph (4) of subsection (e) of
 128 this Code section, then the actual gross weight of the trailer or semitrailer shall be used to
 129 determine compliance with paragraphs (2) and (3) of subsection (e) of this Code section."

130 **SECTION 4.**

131 Section 3A of this Act shall become effective upon its approval by the Governor or upon its
132 becoming law without such approval. The remaining sections of this Act shall become
133 effective on January 1, 2010, and shall apply to registration and licensing of trailers on and
134 after such date.

135 **SECTION 5.**

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