

House Bill 252

By: Representatives Powell of the 29<sup>th</sup>, Rice of the 51<sup>st</sup>, Harden of the 28<sup>th</sup>, Austin of the 10<sup>th</sup>,  
and Battles of the 15<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend provisions of the Official Code of Georgia relating to the transportation of  
2 hazardous materials; to amend Chapter 11 of Title 16 of the Official Code of Georgia  
3 Annotated, relating to offenses against public order and safety, so as to change a  
4 cross-reference; to amend Article 1 of Chapter 6 of Title 17 of the Official Code of Georgia  
5 Annotated, relating to bonds and recognizances, so as to add violations for which cash bonds  
6 can be accepted in lieu of bail and proceedings for failure to appear; to amend Chapter 1 of  
7 Title 40 of the Official Code of Georgia Annotated, relating to general provisions regarding  
8 motor vehicles and traffic, so as to designate the existing provisions as Article 1; to update  
9 definitions to make them compatible with federal motor carrier safety regulations; to provide  
10 for safe operations of motor carriers and commercial motor vehicles; to enact a new Article  
11 2, the "Transportation of Hazardous Materials Act," so as to provide procedures for the safe  
12 transportation of hazardous materials within this state; to amend Chapter 8 of Title 40 of the  
13 Official Code of Georgia Annotated, relating to equipment and inspection of motor vehicles,  
14 so as to authorize certain regulations; to amend Title 46 of the Official Code of Georgia  
15 Annotated, relating to public utilities and public transportation, so as to modify, repeal, and  
16 create certain definitions; to provide for fees; to repeal Code Sections 46-7-26 and 46-7-37,  
17 relating to promulgation of rules and exceptions for private carriers; to provide for penalties;  
18 to provide for limousine inspections; to repeal Chapter 11 of said Title 46, relating to  
19 transportation of hazardous materials; to provide for related matters; to provide for an  
20 effective date; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

23 Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against  
24 public order and safety, is amended by revising paragraph (3) of subsection (a) of Code  
25 Section 16-11-111, relating to possession of anhydrous ammonia, as follows:

26 "(3) A person who violates subparagraph (B) of paragraph (2) of this subsection shall be  
 27 subject to civil penalties in accordance with Code Section ~~40-16-6~~ 40-1-23."

28 **SECTION 2.**

29 Article 1 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to  
 30 general provisions regarding bonds and recognizances, is amended by revising Code Section  
 31 17-6-5, relating to acceptance of cash bonds for violations relating to motor vehicles, as  
 32 follows:

33 "17-6-5.

34 Any sheriff, deputy sheriff, county peace officer, or other county officer charged with the  
 35 duty of enforcing the laws of this state relating to:

- 36 (1) Traffic ~~traffic~~ or the operation or licensing of motor vehicles or operators;
- 37 (2) The ~~the~~ width, height, or length of vehicles and loads;
- 38 (3) Motor ~~motor~~ common carriers and motor contract carriers;
- 39 (4) Commercial vehicle or driver safety;
- 40 (5) Hazardous materials transportation;
- 41 (6) Motor carrier insurance or registration;
- 42 (7) Road ~~road~~ taxes on motor carriers as provided in Article 2 of Chapter 9 of Title 48;
- 43 ~~(5)~~(8) Game ~~game~~ and fish;
- 44 ~~(6)~~(9) Boating ~~boating~~; or
- 45 ~~(7)~~(10) Litter ~~litter~~ control

46 who makes an arrest outside the corporate limits of any municipality of this state for a  
 47 violation of said laws and who is authorized, as provided herein by a court of record having  
 48 jurisdiction over such offenses, to accept cash bonds may accept a cash bond from the  
 49 person arrested in lieu of a statutory bond or recognizance. No such officer shall accept  
 50 a cash bond unless he or she is authorized to receive cash bonds in such cases by an order  
 51 of the court having jurisdiction over such offenses and unless such order has been entered  
 52 on the minutes of the court. Any such order may be granted, revoked, or modified by the  
 53 court at any time."

54 **SECTION 3.**

55 Said article is further amended by revising Code Section 17-6-8, relating to acceptance of  
 56 cash bonds and proceedings upon the failure of a person to appear, as follows:

57 "17-6-8.

58 If any person arrested for a misdemeanor arising out of a violation of the laws of this state  
 59 relating to:

- 60 (1) Traffic ~~traffic~~ or the operation or licensing of motor vehicles or operators;

61 (2) ~~The the~~ width, height, or length of vehicles and loads;  
 62 (3) ~~Motor motor~~ common carriers and motor contract carriers;  
 63 (4) Commercial vehicle or driver safety;  
 64 (5) Hazardous materials transportation;  
 65 (6) Motor carrier insurance or registration;  
 66 (7) Road road taxes on motor carriers as provided in Article 2 of Chapter 9 of Title 48;  
 67 ~~(5)~~(8) Game game and fish;  
 68 ~~(6)~~(9) Boating boating; or  
 69 ~~(7)~~(10) Litter litter control  
 70 gives a cash bond for his or her appearance as provided in Code Section 17-6-5 and fails  
 71 to appear on the date, time, and place specified in the citation or summons without legal  
 72 excuse, the court may order said cash bond forfeited without the necessity of complying  
 73 with the statutory procedure provided for in the forfeiture of statutory bail bonds. A  
 74 judgment ordering the case disposed of and settled may be entered by the court and the  
 75 proceeds shall be applied in the same manner as fines. If the court does not enter a  
 76 judgment ordering the case disposed of and settled, the forfeiture of the cash bond shall not  
 77 be a bar to subsequent prosecution of the person charged with the violation of such laws."

78 **SECTION 4.**

79 Said article is further amended by revising subsection (a) of Code Section 17-6-11, relating  
 80 to use of a driver's license in lieu of bail, recognizance, or incarceration, as follows:

81 "(a) Any other laws to the contrary notwithstanding, any person who is apprehended by  
 82 an officer for the violation of the laws of this state or ordinances relating to:

83 (1) Traffic traffic, including any offense under Code Section 40-5-72 or 40-6-10, but  
 84 excepting any other offense for which a license may be suspended for a first offense by  
 85 the commissioner of driver services, any offense covered under Code Section 40-5-54,  
 86 or any offense covered under Article 15 of Chapter 6 of Title 40;

87 (2) ~~The the~~ licensing and registration of motor vehicles and operators;

88 (3) ~~The the~~ width, height, and length of vehicles and loads;

89 (4) ~~Motor motor~~ common carriers and motor contract carriers; ~~or~~

90 (5) Commercial vehicle or driver safety;

91 (6) Hazardous materials transportation;

92 (7) Motor carrier insurance or registration; or

93 (8) Road road taxes on motor carriers as provided in Article 2 of Chapter 9 of Title 48  
 94 upon being served with the official summons issued by such apprehending officer, in lieu  
 95 of being immediately brought before the proper magistrate, recorder, or other judicial  
 96 officer to enter into a formal recognizance or make direct the deposit of a proper sum of

97 money in lieu of a recognizance ordering incarceration, may display his or her driver's  
 98 license to the apprehending officer in lieu of bail, in lieu of entering into a recognizance  
 99 for his or her appearance for trial as set in the aforesaid summons, or in lieu of being  
 100 incarcerated by the apprehending officer and held for further action by the appropriate  
 101 judicial officer. The apprehending officer shall note the driver's license number on the  
 102 official summons. The summons duly served as provided in this Code section shall give  
 103 the judicial officer jurisdiction to dispose of the matter."

104 **SECTION 5.**

105 Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general  
 106 provisions regarding motor vehicles and traffic, is amended by designating the existing  
 107 provisions as Article 1.

108 **SECTION 6.**

109 Said chapter is further amended by adding a new paragraph to Code Section 40-1-1, relating  
 110 to definitions regarding motor vehicles and traffic, to read as follows:

111 "(18.1) 'Hazardous material' means a substance or material as designated pursuant to the  
 112 Federal Hazardous Materials Law, 49 U.S.C. Section 5103(a)."

113 **SECTION 7.**

114 Said chapter is further amended in said Code Section 40-1-1 by renumbering current  
 115 paragraph (24.1) as paragraph (24.2) and by adding a new paragraph (24.1) to read as  
 116 follows:

117 "(24.1) 'Lightweight commercial vehicle' means a motor vehicle which does not meet the  
 118 definition of a commercial motor vehicle and which, in the furtherance of a commercial  
 119 enterprise:

120 (A) Is used to transport hazardous materials in a type and quantity for which placards  
 121 are not required in accordance with the Hazardous Materials Regulations prescribed by  
 122 the United States Department of Transportation, Title 49 C.F.R. Part 172, Subpart F,  
 123 or compatible rules prescribed by the commissioner of public safety;

124 (B) Is used to transport property for compensation;

125 (C) Is used to transport passengers for compensation, other than a taxicab; or

126 (D) Is a wrecker or tow truck."

127 **SECTION 8.**

128 Said chapter is further amended in said Code Section 40-1-1 by adding new paragraphs to  
 129 read as follows:

130 "(28.1) 'Motor carrier' shall have the same meaning as provided for in Code Section  
 131 40-2-1, and the terms 'carrier' and 'motor carrier' are synonymous."

132 "(50.1) 'Regulatory compliance inspection' means the examination of facilities, property,  
 133 buildings, vehicles, drivers, employees, cargo, packages, records, books, or supporting  
 134 documentation kept or required to be kept in the normal course of business or enterprise  
 135 operations."

136 "(76) 'Wrecker' means a vehicle designed, equipped, or used to tow or carry other motor  
 137 vehicles by means of a hoist, crane, sling, lift, or roll-back or slide back platform, by a  
 138 mechanism of a like or similar character, or by any combination thereof, and the terms  
 139 'tow truck' and 'wrecker' are synonymous."

#### 140 **SECTION 9.**

141 Said chapter is further amended in Article 1 by adding a new Code section to read as follows:

142 "40-1-8.

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

144 (1) 'Commissioner' means the commissioner of public safety.

145 (2) 'Department' means the Department of Public Safety.

146 (b) The commissioner shall have the authority to promulgate rules and regulations for the  
 147 safe operation of motor carriers, the safe operation of commercial motor vehicles and  
 148 drivers, and the safe transportation of hazardous materials. Any such rules and regulations  
 149 promulgated or deemed necessary by the commissioner shall include, but are not limited  
 150 to, the following:

151 (1) Every commercial motor vehicle and all parts thereof shall be maintained in a safe  
 152 condition at all times; and the lights, brakes, and equipment shall meet such safety  
 153 requirements as the commissioner shall from time to time promulgate;

154 (2) Every driver employed to operate a motor vehicle for a motor carrier shall be at least  
 155 18 years of age, meet the qualification requirements the commissioner shall from time to  
 156 time promulgate, be of temperate habits and good moral character, possess a valid driver's  
 157 license, not use or possess prohibited drugs or alcohol while on duty, and be fully  
 158 competent and sufficiently rested to operate the motor vehicle under his or her charge;

159 (3) Accidents arising from or in connection with the operation of commercial motor  
 160 vehicles shall be reported to the commissioner of transportation in such detail and in such  
 161 manner as the commissioner of transportation may require;

162 (4) The commissioner shall require each commercial motor vehicle to have attached such  
 163 distinctive markings as shall be adopted by the commissioner. Such identification  
 164 requirements shall comply with the applicable provisions of the Federal Unified Carrier  
 165 Registration Act of 2005; and

166 (5) The commissioner shall provide distinctive rules for the transportation of  
167 unmanufactured forest products in intrastate commerce to be designated the 'Georgia  
168 Forest Products Trucking Rules.'

169 (c)(1) Regulations governing the safe operations of motor carriers, commercial motor  
170 vehicles and drivers, and the safe transportation of hazardous materials may be adopted  
171 by administrative order, including, but not limited to, by referencing compatible federal  
172 regulations or standards without compliance with the procedural requirements of Chapter  
173 13 of Title 50, the 'Georgia Administrative Procedure Act,' provided that such federal  
174 regulations or standards shall be maintained on file by the department and made available  
175 for inspection and copying by the public, by means including, but not limited to, posting  
176 on the department's Internet site. The commissioner may comply with the filing  
177 requirements of Chapter 13 of Title 50 by filing with the office of the Secretary of State  
178 the name and designation of such rules, regulations, standards, and orders. The courts  
179 shall take judicial notice of rules, regulations, standards, or orders so adopted or  
180 published.

181 (2) Rules, regulations, or orders previously adopted, issued, or promulgated pursuant to  
182 the provisions of Chapter 7 or 11 of Title 46 in effect on June 30, 2011, shall remain in  
183 full force and effect until such time as the commissioner of public safety adopts, issues,  
184 or promulgates new rules, regulations, or orders pursuant to the provisions of this Code  
185 section.

186 (d) The commissioner may, pursuant to rule or regulation, specify and impose civil  
187 monetary penalties for violations of laws, rules, and regulations relating to driver and motor  
188 carrier safety and transportation of hazardous materials. Except as may be hereafter  
189 authorized by law, the maximum amount of any such monetary penalty shall not exceed  
190 the maximum penalty authorized by law or rule or regulation for the same violation  
191 immediately prior to July 1, 2005.

192 (e) The commissioner is authorized to adopt such rules and orders as he or she may deem  
193 necessary in the enforcement of this Code section. Such rules and orders shall have the  
194 same dignity and standing as if such rules and orders were specifically provided in this  
195 Code section. The commissioner is authorized to establish such exceptions or exemptions  
196 from the requirements of this Code section, as he or she shall deem appropriate, consistent  
197 with any federal program requirements, and consistent with the protection of the public  
198 health, safety, and welfare.

199 (f)(1) The commissioner may designate members of the department, pursuant to Article  
200 5 of Chapter 2 of Title 35 to perform regulatory compliance inspections. Members of  
201 county, municipal, campus, and other state agencies may be designated by the  
202 commissioner to perform regulatory compliance inspections only of vehicles, drivers, and

203 cargo in operation, and may only enforce the provisions of rules and regulations  
 204 promulgated under this Code section or Article 2 of this chapter subject to the provisions  
 205 of a valid agreement between the commissioner and the county, municipal, campus, or  
 206 other state agency.

207 (2) Unless designated and authorized by the commissioner, no members of county,  
 208 municipal, campus, and other state agencies may perform regulatory compliance  
 209 inspections.

210 (g) No person shall drive or operate, or cause the operation of, a vehicle in violation of an  
 211 out-of-service order. As used in this subsection, the term 'out-of-service order' means a  
 212 temporary prohibition against operating as a motor carrier or driving or moving a vehicle,  
 213 freight container or any cargo thereon, or any package containing a hazardous material.

214 (h) Every officer, agent, or employee of any corporation and every person who violates  
 215 or fails to comply with this Code section or any order, rule, or regulation adopted pursuant  
 216 to this Code section, or who procures, aids, or abets a violation of this Code section or such  
 217 rule or regulation, shall be guilty of a misdemeanor. Misdemeanor violations of this Code  
 218 section may be prosecuted, handled, and disposed of in the manner provided for by Chapter  
 219 13 of this title."

220 **SECTION 10.**

221 Said chapter is further amended by adding a new article to read as follows:

222 "ARTICLE 2

223 40-1-20.

224 This article shall be known and may be cited as the "Transportation of Hazardous Materials  
 225 Act.'

226 40-1-21.

227 The General Assembly finds that the transportation of hazardous materials on the public  
 228 roads of this state presents a unique and potentially catastrophic hazard to the public health,  
 229 safety, and welfare of the people of Georgia and that the protection of the public health,  
 230 safety, and welfare and the secure transportation of hazardous materials requires control  
 231 and close regulation of such transportation to minimize that hazard and to that end this  
 232 article is enacted. This is a remedial law and shall be liberally construed. The Department  
 233 of Public Safety is designated as the agency to implement and enforce this article.

234 40-1-22.

235 As used in this article, the term:

236 (1) 'Anhydrous ammonia' means the materials identified as 'ammonia, anhydrous,' or  
237 'ammonia solutions with more than 50 percent ammonia and relative density less than  
238 0.880 at 15 degrees Centigrade in water,' in federal hazardous materials regulations  
239 contained in Title 49 C.F.R.

240 (2) 'C.F.R.' means the United States Code of Federal Regulations, as it may be amended  
241 from time to time in the Federal Register.

242 (3) 'Commissioner' means the commissioner of public safety.

243 (4) 'Department' means the Department of Public Safety.

244 (5) 'Liquefied natural gas' or 'LNG' means methane or natural gas in the form of a  
245 cryogenic or refrigerated liquid, as identified in federal hazardous materials regulations  
246 contained in Title 49 C.F.R.

247 (6) 'Permit' means an instrument of whatever character or nature including, but not  
248 limited to, electronic format, issued by the department pursuant to this article.

249 (7) 'Person,' in addition to the meaning provided in paragraph (43) of Code Section  
250 40-1-1, means and includes any individual, corporation, partnership, association, state,  
251 municipality, political subdivision of a state, and any agency or instrumentality of the  
252 United States government, or any other entity and includes any officer, agent, or  
253 employee of any of the above, who offers, ships, or carries a hazardous material in the  
254 furtherance of a commercial or business enterprise, whether or not such transportation is  
255 for-hire, or who manufactures, fabricates, marks, maintains, reconditions, repairs, or tests  
256 packages designed, used, or intended for the transportation of hazardous materials.

257 (8) 'Polychlorinated biphenyl' or 'PCB' has the same meaning as the material identified  
258 in federal hazardous materials regulations contained in Title 49 C.F.R.

259 (9) 'Radioactive material' has the same meaning as the term is used in federal hazardous  
260 materials regulations contained in Title 49 C.F.R.

261 (10) 'Regulatory compliance inspection' means the examination of facilities, property,  
262 buildings, vehicles, equipment, drivers, employees, cargo, packaging, records, books, or  
263 supporting documentation kept or required to be kept in the normal course of offering or  
264 transporting hazardous materials, or in the normal course of manufacturing, fabricating,  
265 marking, maintaining, reconditioning, repairing, or testing packages designed, used, or  
266 intended for the transportation of hazardous materials.

267 (11) 'Shipper' means any person who arranges for, provides for, solicits a carrier for,  
268 consigns to a carrier for, or contracts with a carrier for shipment or transport of goods,  
269 property, or persons. The terms 'shipper' and 'offeror' are synonymous.

270 40-1-23.

271 (a) Notwithstanding any other provision of law to the contrary, any person transporting,  
272 shipping, or offering for transportation hazardous material on the public roads of this state  
273 shall be subject to the requirements of this article. Persons who ship, offer, transport, or  
274 store incidental to transportation hazardous materials, or who manufacture, fabricate, mark,  
275 maintain, recondition, repair, or test packages used or intended for the transportation of  
276 hazardous materials, shall be deemed to have given consent to regulatory compliance  
277 inspections.

278 (b) No person, including the state or any agency thereof, shall transport hazardous material  
279 in, to, or through this state on the public roads of this state, whether or not the hazardous  
280 material is for delivery in this state and whether or not the transportation originated in this  
281 state; nor shall any person deliver in this state any hazardous material to any person for  
282 transportation; nor shall any such person accept any hazardous material for transportation  
283 in this state without compliance with the following requirements: such materials shall be  
284 packaged, marked, labeled, handled, loaded, unloaded, stored, detained, transported,  
285 placarded, certified, secured, and monitored in compliance with rules and regulations  
286 promulgated by the commissioner pursuant to this article and consistent with federal law.  
287 Compliance with such rules and regulations shall be in addition to and supplemental of  
288 other regulations of the United States Department of Energy, United States Department of  
289 Transportation, United States Nuclear Regulatory Commission, Georgia Department of  
290 Natural Resources, and state fire marshal, applicable to such persons.

291 (c)(1) The commissioner shall promulgate rules and regulations such that no person shall  
292 arrange for the transportation of or cause to be transported in, to, or through this state on  
293 the public roads of this state any hazardous material unless such person shall notify the  
294 commissioner or his or her designee in accordance with such rules and regulations;  
295 provided, however, that such notification requirements shall comply with applicable  
296 federal hazardous materials transportation law.

297 (2) Prior to the transport of spent nuclear fuel or high-level radioactive waste, as those  
298 terms are defined in 42 U.S.C. Chapter 108 as amended by the Federal Nuclear Waste  
299 Policy Act of 1982, the shipper shall notify the commissioner or his or her designee in  
300 the manner required by Title 10 C.F.R. Part 71 or Part 73.

301 (d) Knowledge by a shipper that a carrier proposes to transport hazardous material in or  
302 through this state on the public roads of this state shall be sufficient contact with this state  
303 to subject such shipper to the jurisdiction of the commissioner and the courts of this state  
304 with respect to such transport.

305 (e)(1) No transportation of hazardous material shall take place in or through this state  
306 until the commissioner or his or her designee issues a permit authorizing the applicant to

307 operate or move upon the state's public roads a motor vehicle or combination of vehicles  
308 which carry hazardous materials. The commissioner or his or her designee may require  
309 changes in the proposed dates, times, routes, detention, holding, or storage of such  
310 materials during transport as necessary to maximize protection of the public health,  
311 safety, welfare, or the environment. The commissioner is authorized to promulgate  
312 reasonable rules and regulations which are necessary or desirable in governing the  
313 issuance of permits, provided that such rules and regulations are not in conflict with other  
314 provisions of law.

315 (2) Notwithstanding any provision of law to the contrary, pursuant to uniform permitting  
316 provisions of Federal Hazardous Materials Law, 49 U.S.C. Section 5119, the  
317 commissioner is authorized to adopt rules and regulations to bring state regulations into  
318 compliance with said federal law.

319 (f) Every such permit and all other documentation required by the commissioner shall be  
320 carried in the vehicles or combination of vehicles to which it refers and shall be open to  
321 inspection by any law enforcement officer, firefighter, emergency responder, or employee  
322 of the department who has been given enforcement authority by the commissioner.

323 (g) For just cause, including, but not limited to, repeated and consistent past violations, the  
324 commissioner may refuse to issue or may cancel, suspend, or revoke the permit of an  
325 applicant or permittee.

326 (h)(1) The commissioner or the official designated by the commissioner, pursuant to this  
327 Code section and the rules and regulations developed by the commissioner, may issue  
328 annual permits which shall allow vehicles transporting hazardous materials to be operated  
329 on the public roads of this state for 12 months from the date such permit is issued.

330 (2) The commissioner or the official designated by the commissioner, pursuant to this  
331 Code section and the rules and regulations developed by the commissioner, may issue a  
332 single-trip permit to any vehicle.

333 (3) Pursuant to this article, the commissioner may charge a fee for the issuance of such  
334 permits and may develop and adopt an apportionment schedule for fees to be established  
335 by rules and regulations promulgated by the commissioner. The fee for the issuance of  
336 an annual trip permit shall be not more than \$100.00.

337 (i) The commissioner may arrange for escorts or inspections which comply with Code  
338 Section 35-2-56 or 35-2-101.

339 (j) For purposes of this article, the commissioner is expressly authorized to contract with  
340 any other state or local agency or department to perform any activities necessary to  
341 implement this article. Enforcement of this article and any rules, regulations, or orders  
342 promulgated, adopted, or issued hereunder shall be the sole province of the department and

343 those entities the commissioner authorizes in writing, except for provisions relating to  
344 anhydrous ammonia.

345 (k)(1) Notwithstanding any other provisions of this article, the commissioner is  
346 authorized to establish such exceptions or exemptions from the requirements of this  
347 article, or any provision hereof, for such kinds, quantities, types, or shipments of  
348 hazardous materials as he or she shall deem appropriate, consistent with the protection  
349 of the public health, safety, and welfare.

350 (2) Specifically, but without limitation, the commissioner shall continue in force the  
351 agricultural exceptions in 49 C.F.R. Section 173.5, and the tank exceptions in 49 C.F.R.  
352 Section 173.8, as originally adopted in Public Service Commission Appendix 'A' File  
353 MCA 1-3, Docket No. 16632-M, effective June 1, 1998.

354 (l) This article shall not apply to the transportation, delivery, or acceptance for delivery of  
355 radioactive materials inside the confines of a single contiguous authorized location of use  
356 of any person authorized to use, possess, transport, deliver, or store radioactive materials  
357 by the Department of Natural Resources pursuant to Chapter 13 of Title 31 or by the  
358 United States Nuclear Regulatory Commission; nor shall this article apply to the  
359 transportation, delivery, or acceptance for transportation of radioactive materials under the  
360 direction or supervision of the United States Nuclear Regulatory Commission, United  
361 States Department of Energy, United States Department of Defense, or other federal  
362 agency authorized to possess or transport such material where such transportation, delivery,  
363 or acceptance for transportation is escorted by personnel designated by or under the  
364 authority of those agencies.

365 (m) This article shall not apply to interstate pipeline facilities which are subject to the  
366 jurisdiction of the United States Department of Transportation under the Natural Gas  
367 Pipeline Safety Act of 1968.

368 (n)(1) In the event of any damage to state property or any discharge of hazardous  
369 materials from the authorized shipping package or container or any threat of such  
370 discharge which results from the transportation, storage, holding, detention, delivery for  
371 transportation, or acceptance for transportation of hazardous materials in this state, the  
372 state may recover from any shipper, carrier, bailor, bailee, or any other person responsible  
373 for such storage, transportation, holding, detention, delivery, or acceptance all costs  
374 incurred by the state in the reparation of the damage and all costs incurred in the  
375 prevention, abatement, or removal of any such discharge or threatened discharge,  
376 including reasonable attorney's fees incurred with respect to recovery.

377 (2) The commissioner is expressly authorized to charge reasonable fees for time,  
378 equipment, materials, and supplies used or incurred by the department in the  
379 implementation of this article.

380 (3) The commissioner may issue civil penalties against any person found in violation of  
381 this article or any regulations promulgated or adopted for the safe and secure  
382 transportation of hazardous materials. Such penalties shall not exceed the limits  
383 established by 49 U.S.C. Chapter 51.

384 (o) Any person, firm, or corporation transporting methamphetamine, amphetamine, any  
385 mixture containing either methamphetamine or amphetamine, anhydrous ammonia, or any  
386 mixture containing anhydrous ammonia, shall be subject to all rules and regulations  
387 promulgated by the commissioner pursuant to this article governing the safe operation of  
388 motor vehicles and drivers and the safe transportation of hazardous materials.

389 (p) Notwithstanding the provisions of this Code section, the commissioner may impose  
390 civil monetary penalties in an amount not to exceed the maximum amounts for penalties  
391 established by 49 U.S.C. Chapter 51 for each violation of any rules and regulations  
392 promulgated pursuant to this article with respect to persons transporting methamphetamine,  
393 amphetamine, any mixture containing either methamphetamine or amphetamine, anhydrous  
394 ammonia, or any mixture containing anhydrous ammonia.

395 (q) The department is designated as the routing agency as defined in Title 49 C.F.R. Part  
396 397, Subpart E. Routing determinations for hazardous materials shall be made in  
397 accordance with the provisions of Federal Hazardous Materials Law, 49 U.S.C. Section  
398 5112. The commissioner or his or her designee shall consult with Georgia Department of  
399 Transportation, Georgia Department of Natural Resources, Georgia Emergency  
400 Management Agency, Georgia Department of Homeland Security, or other agencies as  
401 necessary to carry out these responsibilities.

402 (r) Drivers who transport hazardous materials shall be trained at least to the minimum  
403 standards required by federal law. Upon request by the commissioner, proof of such  
404 federally required driver training shall be made available to the commissioner or his or her  
405 staff.

406 (s) For the transportation of spent nuclear fuel, high-level radioactive waste, and other  
407 hazardous materials, the commissioner may take action to ensure that motor vehicles,  
408 drivers, and packages used in such transportation have been inspected to show compliance  
409 with the federal motor carrier safety regulations and federal hazardous materials  
410 regulations, and compatible state regulations adopted pursuant to this article.

411 (t) Notwithstanding any other provisions of law, a bond or indemnity insurance required  
412 of carriers shall be established by rules and regulations of the commissioner and shall for  
413 all persons subject to this article, whether intrastate or interstate carriers, be at least in the  
414 maximum amount or amounts authorized or required by federal law or regulations.

415 (u) No person shall transport or cause the transportation of hazardous materials in violation  
416 of an out-of-service order.

417 (v) In addition to any other liability imposed by law, any person who violates or fails to  
418 comply with any provision of this article, or any rule, regulation, or order promulgated,  
419 adopted, or issued hereunder, shall be guilty of a misdemeanor. Misdemeanor violations  
420 of this article may be prosecuted, handled, and disposed of in the manner provided for by  
421 Chapter 13 of this title.

422 (w)(1) The commissioner is authorized and empowered to adopt, promulgate, amend,  
423 repeal, or modify such standards, rules, and regulations and to issue such orders,  
424 authorizations, or amendments or modifications thereof as are necessary to implement  
425 this article. Any standards, rules, or regulations adopted pursuant to this article, if  
426 consistent with the applicable laws relating to adoption of such standards, rules, or  
427 regulations, shall have the force and effect of law. Any such rules and regulations shall  
428 be compatible with federal motor carrier safety regulations and federal hazardous  
429 materials regulations in Title 49 C.F.R.

430 (2) Regulations governing the safe operations of motor carriers, commercial motor  
431 vehicles, and drivers and the safe and secure transportation of hazardous materials may  
432 be adopted by administrative order, including, but not limited to, referencing compatible  
433 federal regulations or standards without compliance with the procedural requirements of  
434 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' provided that such  
435 compatible federal regulations or standards shall be maintained on file by the department  
436 and made available for inspection and copying by the public, by means including, but not  
437 limited to, posting on the department's Internet site. The commissioner of public safety  
438 may comply with the filing requirements of Chapter 13 of Title 50 by filing with the  
439 office of the Secretary of State merely the name and designation of such rules,  
440 regulations, standards, and orders. The courts shall take judicial notice of rules,  
441 regulations, standards, or orders so adopted or published.

442 (3) Rules, regulations, or orders previously adopted, issued, or promulgated pursuant to  
443 the provisions of Chapter 7 or 11 of Title 46 in effect on June 30, 2011, shall remain in  
444 full force and effect until such time as the commissioner adopts, issues, or promulgates  
445 new rules, regulations, or orders pursuant to the provisions of this article.

446 (4) The department shall, to the extent practicable, engage in education, outreach, and  
447 customer service activities to reach persons and entities affected by these regulations and  
448 to assist the competitiveness of Georgia citizens and businesses engaged in regulated  
449 activities.

450 40-1-24.

451 (a) The commissioner is authorized to employ such persons as may be necessary, in the  
452 discretion of the commissioner, for the proper enforcement of this article, as provided for

453 in this article and Chapter 2 of Title 35. It is the intent of the General Assembly, subject  
454 to the appropriations process, that funds derived under this article shall be used to further  
455 the Department of Public Safety's hazardous materials transportation safety programs;  
456 provided, however, that the department shall retain those funds derived specifically for  
457 inspection or escort.

458 (b) The commissioner is vested with police powers and authority to designate, deputize,  
459 and delegate to employees of the commissioner the necessary authority to enforce this  
460 article, including the power to stop and inspect all motor vehicles using the public  
461 highways and to enter upon and inspect shipper and carrier facilities for purposes of  
462 determining whether such vehicles and facilities have complied with and are complying  
463 with the provisions of this article and all other laws regulating the use of the public  
464 highways by motor vehicles, and to arrest all persons found in violation thereof, and to  
465 issue out-of-service orders to carriers, vehicles, and drivers in accordance with criteria  
466 which shall be established or adopted by the commissioner.

467 (c) As designated by the commissioner, by way of agreement, members of county,  
468 municipal, campus, and other state agencies may only perform regulatory compliance  
469 inspections of vehicles, drivers, and cargo in operation, and enforce the provisions of this  
470 article and rules and regulations promulgated hereunder subject to the terms and conditions  
471 of that agreement.

472 (d) The commissioner is vested with powers to designate, deputize, and delegate to  
473 employees of the department the necessary authority to enter upon and examine the  
474 facilities where hazardous materials are filled, offered, shipped, or stored incidental to  
475 transportation, or where packages are manufactured, fabricated, marked, maintained,  
476 reconditioned, repaired, or tested for purposes of regulatory compliance inspections for  
477 determining compliance with this article and other laws the administration or enforcement  
478 of which is the responsibility of the department.

479 40-1-25.

480 In the event that any section, paragraph, or other part of this article, or any requirement  
481 thereunder, or any rule, regulation, or order of the commissioner promulgated hereunder,  
482 is found to be preempted by federal law, or otherwise found to be improper, null or  
483 otherwise void, all other requirements not so preempted or otherwise so found shall remain  
484 in full force and effect."

485 **SECTION 11.**

486 Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to equipment and  
487 inspection of motor vehicles, is amended by revising Code Section 40-8-2, relating to  
488 vehicles within the jurisdiction of the commissioner of public safety, as follows:

489 "40-8-2.

490 In addition to the requirements of this article, the commissioner of public safety, as to the  
491 motor vehicles within the jurisdiction of the Department of Public Safety, shall have the  
492 authority to promulgate rules designed to promote safety pursuant to the provisions of  
493 ~~Chapter 16 of this title and Chapter 7 of Title 46~~ Code Section 40-1-8. Any such rules  
494 promulgated or deemed necessary by the commissioner shall include the following: every  
495 ~~motor unit vehicle~~ and all parts thereof shall be maintained in a safe condition at all times.  
496 The lights, brakes, and equipment shall meet such safety requirements as the commissioner  
497 shall promulgate from time to time. Notwithstanding any provision of law to the contrary,  
498 a vehicle, driver, or motor carrier that is subject to a safety rule so promulgated shall  
499 comply with the more stringent or additional requirement imposed by that motor carrier  
500 safety or hazardous materials safety rule."

501 **SECTION 12.**

502 Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to general  
503 provisions regarding public utilities and public transportation, is amended by revising Code  
504 Section 46-1-1, relating to definitions, as follows:

505 "46-1-1.

506 As used in this title, the term:

- 507 (1) 'Carrier' means a person who undertakes the transporting of goods or passengers for  
508 compensation.
- 509 (2) 'Certificate' means a certificate of public convenience and necessity issued pursuant  
510 to this title.
- 511 (3) 'Commission' means the Public Service Commission.
- 512 (4) 'Company' shall include a corporation, a firm, a partnership, an association, or an  
513 individual.
- 514 (5) 'Electric utility' means any retail supplier of electricity whose rates are fixed by the  
515 commission.
- 516 (5.1) 'Exempt rideshare' means:
- 517 (A) Government endorsed rideshare programs;
- 518 (B) Rideshare programs in which a rideshare driver seeks reimbursement for, or the  
519 rideshare participants pool or otherwise share, rideshare costs such as fuel; or

520 (C) The leasing or rental of a vehicle, in the ordinary course of the lessor's or rentor's  
 521 business, for rideshare purposes as part of a government endorsed rideshare program,  
 522 or for rideshare under a contract requiring compliance with subparagraph (B) of this  
 523 paragraph.

524 (6) 'For compensation' or 'for hire' means an activity wherein for payment or other  
 525 compensation a motor vehicle and driver are furnished to a person by another person,  
 526 acting directly or knowingly and willfully acting with another to provide the combined  
 527 service of the vehicle and driver, and includes every person acting in concert with, under  
 528 the control of, or under common control with a motor carrier who shall offer to furnish  
 529 transportation for compensation or for hire, provided that no exempt rideshare shall be  
 530 deemed to involve any element of transportation for compensation or for hire.

531 (6.1) 'Gas company' means any person certificated under Article 2 of Chapter 4 of this  
 532 title to construct or operate any pipeline or distribution system, or any extension thereof,  
 533 for the transportation, distribution, or sale of natural or manufactured gas.

534 (6.2) 'Government endorsed rideshare program' means a vanpool, carpool, or similar  
 535 rideshare operation conducted by or under the auspices of a state or local governmental  
 536 transit instrumentality, such as GRTA, a transportation management association, or a  
 537 community improvement district, or conducted under the auspices of such transit  
 538 agencies, including through any form of contract between such transit instrumentality and  
 539 private persons or businesses.

540 (6.3) 'GRTA' means the Georgia Regional Transportation Authority, which is itself  
 541 exempt from regulation as a carrier under Code Section 50-32-71.

542 (7) 'Household goods' means any personal effects and property used or to be used in a  
 543 dwelling when a part of the equipment or supplies of such dwelling and such other  
 544 similar property as the commission may provide for by regulation; provided, however,  
 545 that such term shall not include property being moved from a factory or store except  
 546 when such property has been purchased by a householder with the intent to use such  
 547 property in a dwelling and such property is transported at the request of, and with  
 548 transportation charges paid by, the householder.

549 (8) ~~'Motor carrier of property' means a motor common or contract carrier engaged in~~  
 550 ~~transporting property, except household goods, in intrastate commerce in this state~~  
 551 Reserved.

552 (9) 'Motor contract carrier and motor common carrier' means as follows:

553 (A) 'Motor contract carrier' means every person, except common carriers, owning,  
 554 controlling, operating, or managing any motor propelled vehicle including the lessees  
 555 or trustees of such persons or receivers appointed by any court used in the business of  
 556 transporting persons or household goods or property engaged in the activity of

557 nonconsensual towing pursuant to Code Section 44-1-13 for hire over any public  
 558 highway in this state ~~and not operated exclusively within the corporate limits of any~~  
 559 ~~city.~~

560 (B) 'Motor common carrier' means every person owning, controlling, operating, or  
 561 managing any motor propelled vehicle, and the lessees, receivers, or trustees of such  
 562 person, used in the business of transporting for hire of persons or property household  
 563 goods, or both, or engaged in the activity of nonconsensual towing pursuant to Code  
 564 Section 44-1-13, otherwise than over permanent rail tracks, on the public highways of  
 565 Georgia as a common carrier. The term includes, but is not limited to, limousine  
 566 carriers as defined in paragraph (5) of Code Section 46-7-85.1.

567 (C) Except as otherwise provided in this subparagraph, the terms 'motor common  
 568 carrier' and 'motor contract carrier' shall not include:

569 (i) Motor vehicles engaged solely in transporting school children and teachers to and  
 570 from public schools and private schools;

571 (ii) ~~Taxicabs, drays, trucks, buses, and other motor vehicles~~ which operate within the  
 572 corporate limits of municipalities and are subject to regulation by the governing  
 573 authorities of such municipalities. ~~This exception shall apply to such vehicles even~~  
 574 ~~though such vehicles may, in the prosecution of their regular business, occasionally~~  
 575 ~~go beyond the corporate limits of such municipalities. Such exception shall not~~  
 576 ~~include such vehicles engaged in the moving of household goods nor include~~  
 577 ~~passenger vans (I) having a capacity of ten persons or more, (II) conducting~~  
 578 ~~nonmetered transportation service and not operated by a municipality or municipal,~~  
 579 ~~county, or regional governmental authority, and (III) which are engaged in private~~  
 580 ~~for-hire transportation operating between points within the corporate limits of a~~  
 581 ~~municipality. Pursuant to Code Section 44-1-13, all tow trucks engaged in~~  
 582 ~~nonconsensual towing operations between points within the corporate limits of a~~  
 583 ~~municipality shall remain subject to the jurisdiction of the commission and the~~  
 584 ~~municipality within which such nonconsensual towing operations are conducted;~~

585 (iii) Hotel passenger or baggage motor vehicles when used exclusively for patrons  
 586 and employees of such hotel;

587 (iv) Motor vehicles operated not for profit with a capacity of 15 persons or less when  
 588 they are used exclusively to transport elderly and disabled passengers or employees  
 589 under a corporate sponsored van pool program, except that a vehicle owned by the  
 590 driver may be operated for profit when such driver is traveling to and from his or her  
 591 place of work provided each such vehicle carrying more than nine passengers  
 592 maintains liability insurance in an amount of not less than \$100,000.00 per person and  
 593 \$300,000.00 per accident and \$50,000.00 property damage. For the purposes of this

594 division, elderly and disabled passengers are defined as individuals over the age of 60  
 595 years or who, by reason of illness, injury, age, congenital malfunction, or other  
 596 permanent or temporary incapacity or disability, are unable to utilize mass  
 597 transportation facilities as effectively as persons who are not so affected;

598 ~~(v) Granite trucks, where transportation from quarry to finishing plant involves not  
 599 crossing more than two counties~~ Reserved;

600 ~~(vi) RFD carriers and star-route carriers which carry no more than nine passengers  
 601 along with carriage of the United States mail, provided that such carriers shall not  
 602 carry passengers on a route along which another motor common carrier or motor  
 603 contract carrier of passengers has a permit or a certificate to operate~~ Reserved;

604 ~~(vii) Motor trucks of railway companies which perform a pick-up and delivery  
 605 service in connection with their freight train service, between their freight terminals  
 606 and points not more than ten miles distant, when either the freight terminal or such  
 607 points, or both, are outside the limits of an incorporated city~~ Reserved;

608 (viii) Motor vehicles owned and operated exclusively by the United States  
 609 government or by this state or any subdivision thereof;

610 ~~(ix) Single source leasing whereby a leasing company whose primary business is  
 611 leasing vehicles and who operates a fleet of ten or more vehicles provides vehicle  
 612 equipment and drivers in a single transaction to a private carrier. Such arrangement  
 613 is presumed to result in private carriage by the shipper if the requirements enumerated  
 614 below are met and subject only to the commission's transportation safety rules:~~

615 ~~(I) The lease must be reduced to writing and a copy maintained on the leased  
 616 vehicle at all times during the term of the lease;~~

617 ~~(II) The period for which the lease applies must be no less than 30 days;~~

618 ~~(III) The lease agreement must provide, and the surrounding facts must reflect, that  
 619 the leased equipment is exclusively committed to the lessee's use for the term of the  
 620 lease;~~

621 ~~(IV) The lease agreement must provide, and the surrounding facts must reflect, that  
 622 during the term of the lease the lessee accepts, possesses, and exercises exclusive  
 623 dominion and control over the leased equipment and assumes complete  
 624 responsibility for the operation of the equipment;~~

625 ~~(V) The lessee must maintain public liability insurance and accept responsibility  
 626 to the public for any injury caused in the course of performing the transportation  
 627 service conducted by the lessee with the equipment during the term of the lease;~~

628 ~~(VI) The lessee shall display appropriate identification on all equipment leased by  
 629 it showing operation by the lessee during the performance of the transportation;~~

630 ~~(VII) The lessee must accept responsibility for, and bear the cost of, compliance~~  
 631 ~~with safety regulations during performance by the lessee of any such transportation~~  
 632 ~~services, and~~  
 633 ~~(VIII) The lessee must bear the risk of damage to the cargo, subject to any right of~~  
 634 ~~action the lessee may have against the lessor for the latter's negligence Reserved;~~  
 635 ~~(x) Motor vehicles engaged exclusively in the transportation of agricultural or dairy~~  
 636 ~~products, or both, between farm, market, gin, warehouse, or mill, whether such motor~~  
 637 ~~vehicle is owned by the owner or producer of such agricultural or dairy products or~~  
 638 ~~not, so long as the title remains in the producer. For the purposes of this division, the~~  
 639 ~~term 'producer' includes a landlord where the relations of landlord and tenant or~~  
 640 ~~landlord and cropper are involved. As used in this division, the term 'agricultural~~  
 641 ~~products' includes fruit, livestock, meats, fertilizer, wood, lumber, cotton, and naval~~  
 642 ~~stores; household goods and supplies transported to farms for farm purposes; or other~~  
 643 ~~usual farm and dairy supplies, including products of grove or orchard; poultry and~~  
 644 ~~eggs; fish and oysters; and timber or logs being hauled by the owner thereof or the~~  
 645 ~~owner's agents or employees between forest and mill or primary place of manufacture;~~  
 646 ~~provided, however, motor vehicles with a manufacturer's gross weight rated capacity~~  
 647 ~~of 44,000 pounds or more engaged solely in the transportation of unmanufactured~~  
 648 ~~forest products shall be subject to the Georgia Forest Products Trucking Rules which~~  
 649 ~~shall be adopted and promulgated by the commissioner of public safety only for~~  
 650 ~~application to such vehicles and vehicles defined in subparagraph (A) of paragraph~~  
 651 ~~(13) of this Code section; provided, further, that pulpwood trailers and pole trailers~~  
 652 ~~with a manufacturer's gross weight rated capacity of 10,001 pounds or more engaged~~  
 653 ~~solely in the transportation of unmanufactured forest products shall have two amber~~  
 654 ~~side marker reflectors on each side of the trailer chassis between the rear of the tractor~~  
 655 ~~cab and the rearmost support for the load. All such reflectors shall be not less than~~  
 656 ~~four inches in diameter. Such rules and any amendments thereto adopted by the~~  
 657 ~~commissioner of public safety shall be subject to legislative review in accordance~~  
 658 ~~with the provisions of Code Section 46-2-30, and, for the purposes of such rules and~~  
 659 ~~any amendments thereto, the Senate Natural Resources and the Environment~~  
 660 ~~Committee and the House Committee on Natural Resources and Environment shall~~  
 661 ~~be the appropriate committees within the meaning of said Code Section 46-2-30. The~~  
 662 ~~first such rules adopted by the commissioner of public safety shall be effective July~~  
 663 ~~1, 1991 Reserved;~~  
 664 ~~(xi) Reserved;~~  
 665 ~~(xii) Reserved;~~

666 (xiii) Vehicles, owned or operated by the federal or state government, or by any  
 667 agency, instrumentality, or political subdivision of the federal or state government,  
 668 or privately owned and operated for profit or not for profit, capable of transporting not  
 669 more than ten persons for hire when such vehicles are used exclusively to transport  
 670 persons who are elderly, disabled, en route to receive medical care or prescription  
 671 medication, or returning after receiving medical care or prescription medication. For  
 672 the purpose of this division, elderly and disabled persons shall have the same meaning  
 673 as in division (iv) of this ~~paragraph~~ subparagraph;

674 (xiv) Reserved; or

675 (xv) Ambulances.

676 (10) 'Passenger' means a person who travels in a public conveyance by virtue of a  
 677 contract, either express or implied, with the carrier as to the payment of the fare or that  
 678 which is accepted as an equivalent therefor. The prepayment of fare is not necessary to  
 679 establish the relationship of passenger and carrier; although a carrier may demand  
 680 prepayment of fare if persons enter his or her vehicle by his or her permission with the  
 681 intention of being carried; in the absence of such a demand, an obligation to pay fare is  
 682 implied on the part of the passenger, and the reciprocal obligation of carriage of the  
 683 carrier arises upon the entry of the passenger.

684 (11) ~~'Permit' means a registration permit issued by the state revenue commissioner~~  
 685 ~~authorizing interstate transportation for hire exempt from the jurisdiction of the United~~  
 686 ~~States Department of Transportation or intrastate passenger transportation for hire exempt~~  
 687 ~~from the jurisdiction of the state revenue commissioner or intrastate transportation by a~~  
 688 ~~motor carrier of property~~ Reserved.

689 (12) 'Person' means any individual, partnership, trust, private or public corporation,  
 690 municipality, county, political subdivision, public authority, cooperative, association, or  
 691 public or private organization of any character.

692 (13) ~~'Private carrier' means every person except motor common carriers or motor~~  
 693 ~~contract carriers owning, controlling, operating, or managing any motor propelled~~  
 694 ~~vehicle, and the lessees or trustees thereof or receivers appointed by any court~~  
 695 ~~whatsoever, used in the business of transporting persons or property in private~~  
 696 ~~transportation not for hire over any public highway in this state. The term 'private carrier'~~  
 697 ~~shall not include:~~

698 (A) ~~Motor vehicles not for hire engaged solely in the harvesting or transportation of~~  
 699 ~~forest products; provided, however, that motor vehicles not for hire with a~~  
 700 ~~manufacturer's gross weight rated capacity of 44,000 pounds or more engaged solely~~  
 701 ~~in the transportation of unmanufactured forest products shall be subject only to the~~

702 ~~Georgia Forest Products Trucking Rules provided for in division (9)(C)(x) of this Code~~  
 703 ~~section;~~  
 704 ~~(B) Motor vehicles not for hire engaged solely in the transportation of road-building~~  
 705 ~~materials;~~  
 706 ~~(C) Motor vehicles not for hire engaged solely in the transportation of unmanufactured~~  
 707 ~~agricultural or dairy products between farm, market, gin, warehouse, or mill whether~~  
 708 ~~such vehicle is owned by the owner or producer of such agricultural or dairy products~~  
 709 ~~or not, so long as the title remains in the producer;~~  
 710 ~~(D) Except for the motor vehicles excluded under subparagraph (C) of this paragraph,~~  
 711 ~~motor vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds~~  
 712 ~~or less; provided, however, that motor vehicles which have a manufacturer's gross~~  
 713 ~~vehicle weight rating of 10,000 pounds or less and which are transporting hazardous~~  
 714 ~~materials, as the term 'hazardous materials' is defined in Title 49 C.F.R., Parts 107,~~  
 715 ~~171-173, and 177-178, shall be included within the meaning of the term 'private carrier';~~  
 716 ~~or~~  
 717 ~~(E) Exempt rideshares Reserved.~~  
 718 (14) 'Public highway' means every public street, road, highway, or thoroughfare of any  
 719 kind in this state.  
 720 (15) 'Railroad corporation' or 'railroad company' means all corporations, companies, or  
 721 individuals owning or operating any railroad in this state. This title shall apply to all  
 722 persons, firms, and companies, and to all associations of persons, whether incorporated  
 723 or otherwise, that engage in business as common carriers upon any of the lines of railroad  
 724 in this state, as well as to railroad corporations and railroad companies as defined in this  
 725 Code section.  
 726 (16) 'Rate,' when used in this title with respect to an electric utility, means any rate,  
 727 charge, classification, or service of an electric utility or any rule or regulation relating  
 728 thereto.  
 729 (17) 'Utility' means any person who is subject in any way to the lawful jurisdiction of the  
 730 commission.  
 731 (18) 'Vehicle' or 'motor vehicle' means any vehicle, machine, tractor, trailer, or  
 732 semitrailer propelled or drawn by mechanical power and used upon the highways in the  
 733 transportation of passengers or property, or any combination thereof, determined by the  
 734 ~~state revenue commissioner~~ commissioner."

735 **SECTION 13.**

736 Chapter 7 of Title 46 of the Official Code of Georgia Annotated, relating to motor carriers,  
 737 is amended by revising Code Section 46-7-9, relating to fees, as follows:

738 "46-7-9.

739 The commission shall collect the following fees pursuant to this article:

740 (1) A fee of \$75.00 to accompany each application for a certificate, or amendment to an  
741 existing certificate, where the applicant owns or operates fewer than six motor vehicles;

742 (2) A fee of \$150.00 to accompany each application for a certificate, or amendment to  
743 an existing certificate, where the applicant owns or operates six to 15 motor vehicles;

744 (3) A fee of \$200.00 to accompany each application for a certificate, or amendment to  
745 an existing certificate, where the applicant owns or operates more than 15 motor vehicles;

746 (4) A fee of \$75.00 to accompany each application for transfer of a certificate; and

747 (5) A fee of \$50.00 to accompany each application for intrastate temporary emergency  
748 authority under Code Section 46-7-13; ~~and~~

749 ~~(6) A fee of \$50.00 to accompany each application for a motor carrier of property~~  
750 ~~permit."~~

751 **SECTION 14.**

752 Said chapter is further amended by repealing Code Section 46-7-26, relating to the authority  
753 of the commissioner to promulgate rules and regulations for safety, and designating it as  
754 "Reserved."

755 **SECTION 15.**

756 Said chapter is further amended by repealing Code Section 46-7-37, relating to exceptions  
757 for private carriers, and designating it as "Reserved."

758 **SECTION 16.**

759 Said chapter is further amended by revising Code Section 46-7-39, relating to violations of  
760 orders and penalties, as follows:

761 "46-7-39.

762 (a) Every officer, agent, or employee of any corporation and every person who violates or  
763 fails to comply with this chapter relating to the regulation of motor carriers or any order,  
764 rule, or regulation of the Public Service Commission, ~~Department of Public Safety, or~~  
765 ~~Department of Revenue~~, or who procures, aids, or abets therein, shall be guilty of a  
766 misdemeanor.

767 ~~(b) No person shall drive or operate, or cause the operation of, a motor vehicle in violation~~  
768 ~~of an out-of-service order. As used in this subsection, the term 'out-of-service order' means~~  
769 ~~a temporary prohibition against operating as a carrier or driving or moving a motor vehicle,~~  
770 ~~freight container or any cargo thereon, or any package containing a hazardous material.~~

771 (e) Misdemeanor violations of this chapter may be prosecuted, handled, and disposed of  
772 in the manner provided for by Chapter 13 of Title 40."

773 **SECTION 17.**

774 Said chapter is further amended by adding a new subsection to Code Section 46-7-85.5,  
775 relating to safety and mechanical inspections, as follows:

776 "(c) In addition to the requirements of this Code section, limousine carriers shall comply  
777 with the applicable provisions of Code Section 40-1-8."

778 **SECTION 18.**

779 Chapter 11 of Title 46 of the Official Code of Georgia Annotated, relating to the  
780 transportation of hazardous materials, is amended by repealing said chapter in its entirety and  
781 designating it as "Reserved."

782 **SECTION 19.**

783 This Act shall become effective on July 1, 2011.

784 **SECTION 20.**

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