

House Bill 259

By: Representatives Geisinger of the 48th, Rice of the 51st, Oliver of the 83rd, Lindsey of the 54th, Taylor of the 55th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 40 and 48 of the Official Code of Georgia Annotated, relating, respectively,
2 to motor vehicles and revenue and taxation, so as to provide for the comprehensive revision
3 of taxation of motor vehicles; to change certain provisions regarding tag agents; to provide
4 for state and local title fees; to provide for definitions; to provide for continuation of tag,
5 revalidation, and registration fees; to provide for distribution of such state and local title fees;
6 to exclude certain vehicles from certain fees; to change certain provisions regarding
7 classification of motor vehicles as a separate class of property for ad valorem tax purposes;
8 to provide for an additional classification exempt from such taxation; to provide for an
9 exemption from sales and use taxes only with respect to certain sales or purchases of certain
10 motor vehicles; to provide for certain reports; to provide for the intent of the General
11 Assembly with regard to the allocation of certain funds received from state title fees and for
12 funding the Georgia Trauma Trust Fund; to provide for a study committee to review and
13 report on such state and local title fees; to provide for effective dates; to provide for
14 applicability; to provide that this Act shall not abate or affect prosecutions, punishments,
15 penalties, administrative proceedings or remedies, or civil actions related to certain
16 violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
20 by revising Code Section 40-2-23, relating to county tax collectors and county tax
21 commissioners' designation as tax agents, as follows:

22 "40-2-23.

23 (a) The tax collectors of the various counties of this state and the tax commissioners of
24 those counties in which the duties of the tax collector are performed by a tax commissioner
25 shall be designated as tag agents of the commissioner for the purpose of accepting
26 applications for the registration of vehicles. The commissioner is authorized to promulgate

27 rules and regulations for the purpose of delegating to such tag agents the custodial
 28 responsibility for properly receiving, processing, issuing, and storing motor vehicle titles
 29 or registrations, or both.

30 ~~(b) The state revenue commissioner is authorized to further designate each such tag agent
 31 as a sales tax agent for the purpose of collecting sales and use tax with respect to the casual
 32 sale or casual use of a motor vehicle. For purposes of this Code section, 'casual sale' or
 33 'casual use' means the sale of a motor vehicle by a person who is not regularly or
 34 systematically engaged in making retail sales of motor vehicles and the first use,
 35 consumption, distribution, or storage for use or consumption of such motor vehicle
 36 purchased through a casual sale. As personal compensation for services rendered to the
 37 Department of Revenue with respect to the collection of such sales and use tax, each such
 38 designated tag agent shall be authorized to retain from such collection a fee of \$200.00 per
 39 month. In any month in which an insufficient amount of such tax is collected to pay such
 40 fee, the amount of any such unpaid fee may be deferred until such month as sufficient
 41 collections are made. Such compensation shall be in addition to any other compensation
 42 to which such tax collector or tax commissioner is entitled.~~

43 ~~(c)(b) The duties and responsibilities of agents of the commissioner designated under this
 44 Code section shall be a part of the official duties and responsibilities of the county tax
 45 collectors and tax commissioners."~~

46 SECTION 2.

47 Said title is further amended by adding a new Code section to read as follows:

48 "40-2-25.1.

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

50 (1) 'Fair market value of a motor vehicle' means:

51 (A) The average of the current fair market value and the current wholesale value of a
 52 motor vehicle for a vehicle listed in the current motor vehicle ad valorem assessment
 53 manual utilized by the state revenue commissioner in determining taxable value of a
 54 motor vehicle under Code Section 48-5-442;

55 (B) For a used motor vehicle which is not so listed in such current motor vehicle ad
 56 valorem assessment manual, the value from the bill of sale or the value from a reputable
 57 used car market guide designated by the commissioner, whichever is greater; or

58 (C) The fair market value determined by the state revenue commissioner from the bill
 59 of sale of a new motor vehicle for which there is no value under subparagraph (A) of
 60 this paragraph, less any rebate and before any reduction for the trade-in value of another
 61 motor vehicle.

62 (2) 'Immediate family member' means spouse, parent, child, or sibling.

63 (3) 'Loaner vehicle' means a motor vehicle owned by a dealer which is withdrawn
64 temporarily from dealer inventory for exclusive use as a courtesy vehicle loaned at no
65 charge for a period not to exceed 30 days within a calendar year to any one customer
66 whose motor vehicle is being serviced by such dealer.

67 (4) 'Rental charge' means the total value received by a rental motor vehicle entity for
68 the rental for 31 or fewer consecutive days of a rental motor vehicle, including the total
69 cash and nonmonetary consideration for the rental, including, but not limited to, charges
70 based on time or mileage and charges for insurance coverage or collision damage waiver,
71 but excluding all charges for motor fuel taxes or sales taxes.

72 (5) 'Rental motor vehicle' means a motor vehicle designed to carry ten or fewer
73 passengers and used primarily for the transportation of persons that is rented without a
74 driver.

75 (6) 'Trade-in value' means the value of the motor vehicle as stated in the bill of sale for
76 a vehicle which has been traded in to the dealer in a transaction involving the purchase
77 of another vehicle from the dealer.

78 (b)(1)(A) Except as otherwise provided in this subsection, any motor vehicle for which
79 a title is issued in this state on or after January 1, 2012, shall be exempt from sales tax
80 to the extent provided under paragraph (92) of Code Section 48-8-3 and shall not be
81 subject to ad valorem tax as otherwise required under Chapter 5 of Title 48. Any such
82 motor vehicle shall be titled as otherwise required under this title but shall be subject
83 to a state title fee in the amount equal to 3.24 percent of the fair market value of such
84 vehicle less any trade-in value and a local title fee in the amount equal to 3.51 percent
85 of the fair market value of such vehicle less any trade-in value.

86 (B) The application for title and the title fees provided for in subparagraph (A) of this
87 paragraph shall be paid to the tag agent in the county in which the purchaser registers
88 such motor vehicle and shall be paid at the time the purchaser applies for a title and
89 registers such motor vehicle.

90 (C) There shall be a penalty imposed on any person who, in the determination of the
91 state revenue commissioner, falsifies any information in any bill of sale used for
92 purposes of determining fair market value. Such penalty shall not exceed \$2,500.00 as
93 a state penalty and shall not exceed \$2,500.00 as a local penalty as determined by the
94 state revenue commissioner. Such determination shall be made within 60 days of the
95 state revenue commissioner receiving information of a possible violation of this
96 paragraph.

97 (2) A person or entity acquiring a salvage title pursuant to subsection (b) of Code
98 Section 40-3-36 shall not be subject to the fee specified in paragraph (1) of this
99 subsection but shall be subject to a state title fee of \$20.00.

100 (c)(1) The amount of proceeds collected by tag agents each month as state and local title
101 fees, state and local salvage title fees, administrative fees, penalties, and interest pursuant
102 to subsection (b) of this Code section shall be allocated and disbursed as provided in this
103 subsection.

104 (2)(A) For the 2012 tax year and in each subsequent tax year, the amount of such funds
105 shall be disbursed within 30 days following the end of each calendar month as follows:

106 (i) State title fees, state salvage title fees, administrative fees, penalties, and interest
107 shall be remitted to the state revenue commissioner who shall deposit such proceeds
108 in the general fund of the state less an amount not to exceed 1 percent of the total
109 amount otherwise required to be remitted under this subparagraph to defray the cost
110 of administration. Such amount shall be remitted to the collecting county's general
111 fund. Failure by the tag agent to disburse within such 30 day period shall result in a
112 forfeiture of such administrative fee plus interest on such amount at the rate specified
113 in Code Section 48-2-40; and

114 (ii) Local title fees, local salvage title fees, administrative fees, penalties, and interest
115 shall be designated as local government funds. The tag agent shall then distribute the
116 proceeds as specified in paragraph (3) of this subsection.

117 (B) For the 2013 tax year and in each subsequent tax year:

118 (i) The state title fee percentage figure specified in subparagraph (b)(1)(A) of this
119 Code section shall decrease annually by 0.135 percent until the state title fee shall be
120 in an amount equal to 2.7 percent of the fair market value of such vehicle less any
121 trade-in value; and

122 (ii) The local title fee percentage figure specified in subparagraph (b)(1)(A) of this
123 Code section shall increase annually by 0.135 percent until the local title fee shall be
124 in an amount equal 4.05 percent of the fair market value of such vehicle less any
125 trade-in value.

126 (3) The local title fee proceeds required under this subsection shall be distributed as
127 follows:

128 (A) The tag agent of the county shall within 30 days following the end of each calendar
129 month allocate and distribute to the county governing authority and to municipal
130 governing authorities, the board of education of the county school district, and the
131 board of education of any independent school district located in such county an amount
132 of those proceeds necessary to offset any reduction in ad valorem tax on motor vehicles
133 collected in the taxing jurisdiction of each governing authority and school district from
134 the amount of ad valorem taxes on motor vehicles collected in each such governing
135 authority and school district during the same calendar month of 2011. This reduction
136 shall be calculated by subtracting the amount of ad valorem tax on motor vehicles

137 collected in each such taxing jurisdiction from the amount of ad valorem tax on motor
138 vehicles collected in that taxing jurisdiction in the same calendar month of 2011. In the
139 event that the local title fee proceeds are insufficient to fully offset the reduction in ad
140 valorem taxes on motor vehicles, the tag agent shall allocate a proportionate amount of
141 the proceeds to each governing authority and to the board of education of each such
142 school district, and any remaining shortfall shall be paid from the following month's
143 local title fee proceeds. In the event that a shortfall remains, the tag agent shall
144 continue to first allocate local title fee proceeds to offset such shortfalls until the
145 shortfall has been fully repaid; and

146 (B) Of the proceeds remaining following the allocation and distribution under
147 subparagraph (A) of this paragraph, the tag agent shall allocate and distribute to the
148 county governing authority and to municipal governing authorities, the board of
149 education of the county school district, and the board of education of any independent
150 school district located in such county the remaining amount of those proceeds in the
151 manner provided in this subparagraph. Such proceeds shall be deposited in the general
152 fund of such governing authority or board of education and shall not be subject to any
153 use or expenditure requirements provided for under any of the following described local
154 sales and use taxes but shall be authorized to be expended in the same manner as
155 authorized for ad valorem tax revenues on motor vehicles which would otherwise have
156 been collected for such governing authority or board of education. Of such remaining
157 proceeds:

158 (i) An amount equal to one-third of such proceeds shall be distributed to the board
159 of education of the county school district and the board of education of each
160 independent school district located in such county in the same manner as required for
161 any local sales tax for educational purposes levied pursuant to Part 2 of Article 3 of
162 Chapter 8 of Title 48 currently in effect. If such tax is not currently in effect, such
163 proceeds shall be distributed to such board or boards of education in the same manner
164 as if such tax were in effect;

165 (ii)(I) Except as otherwise provided in this division, an amount equal to one-third
166 of such proceeds shall be distributed to the governing authority of the county and
167 the governing authority of each qualified municipality located in such county in the
168 same manner as specified under the distribution certificate for the joint county and
169 municipal sales and use tax under Article 2 of Chapter 8 of Title 48 currently in
170 effect.

171 (II) If such tax were never in effect, such proceeds shall be distributed to the
172 governing authority of the county and the governing authority of each qualified

173 municipality located in such county on a pro rata basis according to the ratio of the
174 population that each such municipality bears to the population of the entire county.
175 (III) If such tax is currently in effect as well as a local option sales and use tax for
176 educational purposes levied pursuant to a local constitutional amendment, an
177 amount equal to one-third of such proceeds shall be distributed in the same manner
178 as required under subdivision (I) of this division and an amount equal to one-third
179 of such proceeds shall be distributed to the board of education of the county school
180 district.
181 (IV) If such tax is not currently in effect and a local option sales and use tax for
182 educational purposes levied pursuant to a local constitutional amendment is
183 currently in effect, such proceeds shall be distributed to the board of education of
184 the county school district and the board of education of any independent school
185 district in the same manner as required under that local constitutional amendment.
186 (V) If such tax is not currently in effect and a homestead option sales and use tax
187 under Article 2A of Chapter 8 of Title 48 is in effect, such proceeds shall be
188 distributed to the governing authority of the county, each qualified municipality, and
189 each existing municipality in the same proportion as otherwise required under Code
190 Section 48-8-104; and
191 (iii)(I) An amount equal to one-third of such proceeds shall be distributed to the
192 governing authority of the county and the governing authority of each qualified
193 municipality located in such county in the same manner as specified under an
194 intergovernmental agreement or as otherwise required under the county special
195 purpose local option sales and use tax under Part 1 of Article 3 of Chapter 8 of
196 Title 48 currently in effect; provided, however, that this subdivision shall not apply
197 if subdivision (III) of division (ii) of this subparagraph is applicable.
198 (II) If such tax were in effect but expired and is not currently in effect, such
199 proceeds shall be distributed to the governing authority of the county and the
200 governing authority of each qualified municipality located in such county in the
201 same manner as if such tax were still in effect according to the intergovernmental
202 agreement or as otherwise required under the county special purpose local sales and
203 use tax under Part 1 of Article 3 of Chapter 8 of Title 48 for the 12 month period
204 commencing at the expiration of such tax. If such tax is not renewed prior to the
205 expiration of such 12 month period, such amount shall be distributed in accordance
206 with subdivision (I) of division (ii) of this subparagraph; provided, however, that if
207 a tax under Article 2 of Chapter 8 of Title 48 is not in effect, such amount shall be
208 distributed in accordance with subdivision (II) of division (ii) of this subparagraph.

209 (III) If such tax is not currently in effect in a county in which a tax is levied for
210 purposes of a metropolitan area system of public transportation, as authorized by the
211 amendment to the Constitution set out at Ga. L. 1964, p. 1008; the continuation of
212 such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution;
213 and the laws enacted pursuant to such constitutional amendment, such proceeds
214 shall be distributed to the governing body of the authority created by local Act to
215 operate such metropolitan area system of public transportation.

216 (IV) If such tax were never in effect, such proceeds shall be distributed in the same
217 manner as specified under the distribution certificate for the joint county and
218 municipal sales and use tax under Article 2 of Chapter 8 of Title 48 currently in
219 effect; provided, however, that if such tax under such article is not in effect, such
220 proceeds shall be distributed to the governing authority of the county and the
221 governing authority of each qualified municipality located in such county on a pro
222 rata basis according to the ratio of the population that each such municipality bears
223 to the population of the entire county.

224 (4) In the event that the portion of the funding formula set forth in paragraph (3) of this
225 subsection with regard to boards of education is found to be invalid or constitutionally
226 impermissible, then the portion that would otherwise have been transferred to the boards
227 of education by the tag agent shall be transferred to the county governing authority.

228 (d)(1)(A) Upon the death of an owner of a motor vehicle which has not become subject
229 to paragraph (1) of subsection (b) of this Code section, the immediate family member
230 or immediate family members of such owner who receive such motor vehicle pursuant
231 to a will or under the rules of inheritance shall, subsequent to the transfer of title of such
232 motor vehicle, continue to be subject to ad valorem tax and shall not be subject to the
233 state and local title fees provided for in subparagraph (b)(1)(A) of this Code section
234 unless the immediate family member or immediate family members make an
235 affirmative written election to become subject to paragraph (1) of subsection (b) of this
236 Code section. In the event of such election, such transfer shall be subject to the state
237 and local title fees provided for in subparagraph (b)(1)(A) of this Code section.

238 (B) Upon the death of an owner of a motor vehicle which has become subject to
239 paragraph (1) of subsection (b) of this Code section, the immediate family member or
240 immediate family members of such owner who receive such motor vehicle pursuant to
241 a will or under the rules of inheritance shall be allowed a one-time exemption from state
242 and local title fees upon payment in lieu thereof a \$25.00 state administrative fee and
243 a \$25.00 local administrative fee.

244 (2)(A) Upon the transfer from an immediate family member of a motor vehicle which
245 has not become subject to paragraph (1) of subsection (b) of this Code section, the

246 immediate family member or immediate family members who receive such motor
 247 vehicle shall, subsequent to the transfer of title of such motor vehicle, continue to be
 248 subject to ad valorem tax and shall not be subject to the state and local title fees
 249 provided for in subparagraph (b)(1)(A) of this Code section unless the immediate
 250 family member or immediate family members make an affirmative written election to
 251 become subject to paragraph (1) of subsection (b) of this Code section. In the event of
 252 such election, such transfer shall be subject to the state and local title fees provided for
 253 in subparagraph (b)(1)(A) of this Code section.

254 (B) Upon the transfer from an immediate family member of a motor vehicle which has
 255 become subject to paragraph (1) of subsection (b) of this Code section, the immediate
 256 family member who receives such motor vehicle shall transfer title of such motor
 257 vehicle to such recipient family member and shall be allowed a one-time exemption
 258 from state and local title fees upon payment in lieu thereof a \$25.00 state administrative
 259 fee and a \$25.00 local administrative fee.

260 (C) Any title transfer under this paragraph shall be accompanied by an affidavit of the
 261 transferor and transferee that such persons are immediate family members to one
 262 another. There shall be a penalty imposed on any person who, in the determination of
 263 the state revenue commissioner, falsifies any material information in such affidavit.
 264 Such penalty shall not exceed \$2,500.00 as a state penalty and shall not exceed
 265 \$2,500.00 as a local penalty as determined by the state revenue commissioner. Such
 266 determination shall be made within 60 days of the state revenue commissioner
 267 receiving information of a possible violation of this paragraph.

268 (3) Any individual who:

269 (A) Is required by law to register a motor vehicle or motor vehicles in this state which
 270 were registered in the state in which such person formerly resided; and

271 (B) Is required to file an application for a certificate of title under Code
 272 Section 40-3-21 or 40-3-32

273 shall only be required to pay state and local title fees in the amount of 50 percent of the
 274 amount which would otherwise be due and payable under this subsection at the time of
 275 filing the application for a certificate of title, and the remaining 50 percent shall be paid
 276 within 12 months.

277 (4) The state and local title fees provided for under this Code section shall not apply to
 278 corrected titles, replacement titles under Code Section 40-3-31, or titles reissued to the
 279 same owner pursuant to Code Sections 40-3-50 through 40-3-56.

280 (5) Any motor vehicle subject to state and local title fees under subparagraph (b)(1)(A)
 281 of this Code section shall continue to be subject to the title, license plate, revalidation
 282 decals, and registration requirements and applicable fees as otherwise provided in this title

283 in the same manner as motor vehicles which are not subject to state and local title fees
284 under subparagraph (b)(1)(A) of this Code section.

285 (6) Motor vehicles owned or leased by or to the state or any county, consolidated
286 government, municipality, county or independent school district, or other government
287 entity in this state shall not be subject to the state and local title fees provided for under
288 subparagraph (b)(1)(A) of this Code section; provided, however, that such other
289 government entity shall not qualify for the exclusion under this paragraph unless it is
290 exempt from ad valorem tax and sales and use tax pursuant to general law.

291 (7)(A) Any motor vehicle which is exempt from sales and use tax pursuant to
292 paragraph (30) of Code Section 48-8-3 shall be exempt from state and local title fees
293 under this subsection.

294 (B) Any motor vehicle which is exempt from ad valorem taxation pursuant to Code
295 Section 48-5-478, 48-5-478.1, 48-5-478.2, or 48-5-478.3 shall be exempt from state and
296 local title fees under subparagraph (b)(1)(A) of this Code section.

297 (8) There shall be a penalty imposed on the transfer of all or any part of the interest in a
298 business entity that includes primarily as an asset of such business entity one or more
299 motor vehicles, when, in the determination of the state revenue commissioner, such
300 transfer is done to evade the payment of state and local title fees under this subsection.
301 Such penalty shall not exceed \$2,500.00 as a state penalty per motor vehicle and shall not
302 exceed \$2,500.00 as a local penalty per motor vehicle, as determined by the state revenue
303 commissioner, plus the amount of the state and local title fees. Such determination shall
304 be made within 60 days of the state revenue commissioner receiving information that a
305 transfer may be in violation of this paragraph.

306 (9) Any owner of any motor vehicle who fails to submit within 30 days of the date such
307 owner is required by law to register such vehicle in this state an application for a first
308 certificate of title under Code Section 40-3-21 or a certificate of title under Code
309 Section 40-3-32 shall be required to pay a penalty in the amount of 10 percent of the state
310 title fees and 10 percent of the local title fees required under this Code section, plus
311 interest at the rate of 1.0 percent per month, unless a temporary permit has been issued
312 by the tax commissioner. The tax commissioner shall grant a temporary permit in the
313 event the failure to timely apply for a first certificate of title is due to the failure of a
314 lienholder to comply with Code Section 40-3-56, regarding release of a security interest
315 or lien, and no penalty or interest shall be assessed. Such penalty and interest shall be in
316 addition to the penalty and fee required under Code Section 40-3-21 or 40-3-32, as
317 applicable. A new or used motor vehicle dealer shall be responsible for remitting state
318 and local title fees in the same manner as otherwise required of an owner under this

319 paragraph and shall be subject to the same penalties and interest as an owner for
320 noncompliance with the requirements of this paragraph.

321 (10) The owner of any motor vehicle purchased in this state for which a title was issued
322 in this state on or after January 1, 2011, and prior to January 1, 2012, shall be authorized
323 to opt in to the provisions of this subsection at any time prior to January 1, 2013, upon
324 compliance with the following requirements:

325 (A)(i) The total amount of state and local title fees which would be due in 2012 if
326 such vehicle had been titled in 2012 shall be determined; and

327 (ii) The total amount of state and local sales and use tax and state and local ad
328 valorem tax which were due and paid in 2011 for that motor vehicle and, if
329 applicable, the total amount of such taxes which were due and paid for that motor
330 vehicle in 2012 shall be determined; and

331 (B)(i) If the amount derived under subparagraph (A) of this paragraph is greater than
332 the amount derived under subparagraph (B) of this paragraph, the owner shall remit
333 the difference to the tag agent. Such remittance shall be deemed local title fee
334 proceeds; or

335 (ii) If the amount derived under subparagraph (A) of this paragraph is less than the
336 amount derived under subparagraph (B) of this paragraph, no additional amount shall
337 be due and payable by the owner.

338 Upon certification by the tag agent of compliance with the requirements of this
339 paragraph, such motor vehicle shall be exempt from sales tax to the extent provided for
340 under paragraph (92) of Code Section 48-8-3 and shall not be subject to ad valorem tax
341 as otherwise required under Chapter 5 of Title 48 in the same manner as otherwise
342 provided in paragraph (1) of subsection (b) of this Code section.

343 (11)(A) In the case of a fleet of 50 or fewer rental motor vehicles, the state title fee
344 shall be \$100.00 per motor vehicle, and the local title fee shall be \$150.00 per motor
345 vehicle, but only if in the immediately prior calendar year the average amount of sales
346 and use tax attributable to the rental charge of each rental motor vehicle in such fleet
347 was at least \$300.00 as certified by the state revenue commissioner.

348 (B) In the case of a fleet of more than 50 rental motor vehicles, the state title fee shall
349 be \$140.00 per motor vehicle, and the local title fee shall be \$210.00 per motor vehicle,
350 but only if in the immediately prior calendar year the average amount of sales and use
351 tax attributable to the rental charge of each rental motor vehicle in such fleet was at
352 least \$400.00 as certified by the state revenue commissioner.

353 (12) A loaner vehicle shall be exempt from state and local title fees under
354 subparagraph (b)(1)(A) of this Code section for a period of time not to exceed six months
355 in a calendar year commencing on the date such loaner vehicle is withdrawn temporarily

356 from inventory. Immediately upon the expiration of such six-month period, if the dealer
357 does not return the loaner vehicle to inventory for resale, the dealer shall be responsible
358 for remitting state and local title fees in the same manner as otherwise required of an
359 owner under paragraph (9) of this subsection and shall be subject to the same penalties
360 and interest as an owner for noncompliance with the requirements of paragraph (9) of this
361 subsection.

362 (13) Any motor vehicle which is donated to a nonprofit organization exempt from
363 taxation under Section 501(c)(3) of the Internal Revenue Code for the purpose of being
364 transferred to another person shall, when titled in the name of such nonprofit
365 organization, not be subject to state and local title fees under subparagraph (b)(1)(A) of
366 this Code section but shall be subject to state and local title fees otherwise applicable to
367 salvage titles under paragraph (2) of subsection (b) of this Code section.

368 (e) The fair market value of any motor vehicle subject to this Code section shall be
369 appealable in the same manner as otherwise authorized for a motor vehicle subject to ad
370 valorem taxation under Code Section 48-5-450.

371 (f)(1) As soon as practicable after the end of each fiscal year, the Office of Treasury and
372 Fiscal Services shall report to the General Assembly, the Office of Planning and Budget,
373 and the Georgia Trauma Care Network Commission the amount of funds from state title
374 fees remitted to the state for deposit in the general fund pursuant to this Code section.

375 (2) It is the intent of the General Assembly that such funds be allocated as follows:

376 (A) For each fiscal year, an amount equal to 105 percent of the amount of state sales
377 and use taxes received by the state on the sale of motor vehicles in 2011 shall be used
378 for general appropriations;

379 (B) Subject to appropriation, an amount of those funds in excess of the amount
380 provided in subparagraph (A) of this paragraph, if any, not to exceed the greater of
381 \$150 million or an amount equal to the aggregate of \$50.00 for each title for which a
382 state title fee was collected under subparagraph (b)(1)(A) of this Code section in the
383 immediately preceding fiscal year shall be made available during the following fiscal
384 year to the Georgia Trauma Trust Fund for use of the Georgia Trauma Care Network
385 Commission for the purposes set forth in Code Section 31-11-102; and

386 (C) For each fiscal year, all funds in excess of the amounts provided in
387 subparagraphs (A) and (B) of this paragraph, if any, shall be used for general
388 appropriations.

389 (g) As soon as practicable on or after January 1, 2016, a committee shall be appointed
390 pursuant to this subsection. The committee shall be composed of eight members. The
391 Speaker of the House of Representatives shall appoint two members of the House of
392 Representatives as members of the committee and shall designate one of such members as

393 cochairperson. The Speaker of the House of Representatives shall also appoint an
394 additional member of the committee who shall be an elected member of the governing
395 authority of a county or municipality. The Senate Committee on Assignments shall appoint
396 two members of the Senate as members of the committee and shall designate one of such
397 members as cochairperson. The Senate Committee on Assignments shall also appoint an
398 additional member of the committee who shall be an elected member of the governing
399 authority of a county or municipality. The Governor shall appoint two members of the
400 committee who shall be citizens of this state. The cochairpersons shall call all meetings
401 of the committee. The committee shall undertake a study of the revenues generated
402 pursuant to this Code section in comparison to the estimated revenues which would have
403 been generated in the absence of this Code section and shall examine the equity of the
404 amount of state and local title fees as well as any other substantive or procedural matters
405 and recommend any action or legislation which the committee deems necessary or
406 appropriate. The department shall provide data to the committee upon request by the
407 committee regarding the revenues generated by this Code section. The committee may
408 conduct such meetings at such places and at such times as it may deem necessary or
409 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
410 accomplish the objectives and purposes of this subsection. The legislative members of the
411 committee shall receive the allowances provided for in Code Section 28-1-8. Citizen
412 members shall receive a daily expense allowance in the amount specified in subsection (b)
413 of Code Section 45-7-21 as well as the mileage or transportation allowance authorized for
414 state employees. All other funds necessary to carry out the provisions of this subsection
415 regarding legislative members of the committee shall come from funds appropriated to the
416 House of Representatives and the Senate. The expenses and allowances authorized by this
417 subsection shall not be received by any member of the committee for more than five days
418 unless additional days are authorized. In the event the committee makes a report of its
419 findings and recommendations, with suggestions for proposed legislation, if any, such
420 report shall be made on or before December 31, 2016. The committee shall stand abolished
421 on December 31, 2016."

422 **SECTION 3.**

423 Title 48 of Official Code of Georgia Annotated, relating to revenue and taxation, is amended
424 by revising Code Section 48-5-441, relating to classification of motor vehicles and mobile
425 homes as separate classes of tangible property for ad valorem tax purposes, as follows:

426 "48-5-441.

427 (a)(1) For the purposes of ad valorem taxation, motor vehicles ~~are~~ shall be classified as
 428 a separate and distinct class of tangible property. Such class of tangible property shall
 429 be divided into two distinct and separate subclasses of tangible property with one
 430 subclass including heavy-duty equipment motor vehicles as defined in Code
 431 Section 48-5-505 and the other subclass including all other motor vehicles. The
 432 procedures prescribed by this article for returning motor vehicles, excluding heavy-duty
 433 equipment motor vehicles as defined in Code Section 48-5-505, for taxation, determining
 434 the applicable rates for taxation, and collecting the ad valorem tax imposed on motor
 435 vehicles shall be exclusive.

436 (2) This subsection shall not apply to motor vehicles subject to Code Section 48-5-441.1.

437 (b) For the purposes of ad valorem taxation, mobile homes ~~are~~ shall be classified as a
 438 separate and distinct class of tangible property. The procedures prescribed by this article
 439 for returning mobile homes for taxation, determining the applicable rates for taxation, and
 440 collecting the ad valorem tax imposed on mobile homes shall be exclusive.

441 (c)(1) For the purposes of ad valorem taxation, commercial vehicles ~~are~~ shall be
 442 classified as a separate and distinct class of tangible property. The procedures prescribed
 443 by this article for returning commercial vehicles for taxation and for determining the
 444 valuation of commercial vehicles shall be exclusive and as provided for in Code
 445 Section 48-5-442.1. All other procedures prescribed by this article for the taxation of
 446 motor vehicles shall be applicable to the taxation of commercial vehicles.

447 (2) This subsection shall not apply to motor vehicles subject to Code
 448 Section 48-5-441.1."

449 SECTION 4.

450 Said title is further amended by adding a new Code section to read as follows:

451 "48-5-441.1.

452 Motor vehicles subject to the provisions of Code Section 40-2-25.1 shall be classified as
 453 a separate and distinct class of tangible property and shall be exempt from all ad valorem
 454 taxation."

455 SECTION 5.

456 Said title is further amended in Code Section 48-8-3, relating to exemptions from sales and
 457 use tax, by replacing "; or" with a semicolon at the end of paragraph (90), replacing the
 458 period at the end of paragraph (91) with "; or", and by adding a new paragraph to read as
 459 follows:

460 "(92) The sale or purchase of any motor vehicle titled in this state on or after January 1,
461 2013, pursuant to Code Section 40-2-25.1."

462 **SECTION 6.**

463 (a) This Act shall become effective on January 1, 2012.

464 (b) Tax, penalty, and interest liabilities and refund eligibility for prior taxable years shall
465 not be affected by the passage of this Act and shall continue to be governed by the
466 provisions of general law as it existed immediately prior to January 1, 2012.

467 (c) This Act shall not abate any prosecution, punishment, penalty, administrative
468 proceedings or remedies, or civil action related to any violation of law committed prior to
469 January 1, 2012.

470 **SECTION 7.**

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