

Senate Bill 239

By: Senators Miller of the 49th, Mullis of the 53rd, Rogers of the 21st, Gooch of the 51st, Murphy of the 27th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 40-2-8 of the Official Code of Georgia Annotated, relating to the  
2 operation of an unregistered vehicle or vehicle without current license plate, revalidation  
3 decal, or county decal, so as to provide for a presumption of residency under certain  
4 circumstances for drivers of vehicles displaying an out-of-state license plate; to provide for  
5 related matters; to provide an effective date; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 40-2-8 of the Official Code of Georgia Annotated, relating to the operation of  
10 an unregistered vehicle or vehicle without current license plate, revalidation decal, or county  
11 decal, is amended by revising subsection (a) as follows:

12 "(a)(1) Any person owning or operating any vehicle described in Code Section 40-2-20  
13 on any public highway or street without complying with that Code section shall be guilty  
14 of a misdemeanor, provided that a person shall register his or her motor vehicle within  
15 30 days after becoming a resident of this state.

16 (2) There shall be a legal presumption that any vehicle displaying an out-of-state license  
17 plate that is stopped in this state and that is being operated by a driver with a valid  
18 Georgia driver's license that was issued more than 60 days prior to such stop is being  
19 operated by a resident of this state without complying with Code Section 40-2-20. A  
20 driver of such vehicle may be charged for such noncompliance unless the driver is able  
21 to provide a valid military identification card, a current student identification card for  
22 attendance in a postsecondary school of this state, documentation evidencing a residence  
23 in another state which is owned or leased by the driver, or such other evidence that, in the  
24 discretion of the officer, establishes that the driver is a nonresident or otherwise operating  
25 such vehicle in compliance with this Code section. A citation issued based on the  
26 presumption established by this paragraph shall not result in the storage of the vehicle as

27 provided in subsection (b) of this Code section. Any person found to have operated a  
 28 vehicle without complying with Code Section 40-2-20 based on the provisions of this  
 29 paragraph shall be guilty of a misdemeanor and, upon conviction, shall be punished by  
 30 a fine of not less than \$1,000.00 or by imprisonment not exceeding 12 months, or both.  
 31 (3) There shall be a legal presumption that any vehicle displaying an out-of-state license  
 32 plate that is observed in a county of this state more than 60 days following an initial  
 33 recorded observation of such vehicle in the same county is being operated by a resident  
 34 of this state without complying with Code Section 40-2-20. An officer shall be  
 35 authorized to stop such vehicle for purposes of determining whether the vehicle is being  
 36 operated by a resident of this state who has failed to comply with Code Section 40-2-20.  
 37 A driver of such vehicle may be charged for such noncompliance unless the driver is able  
 38 to provide a valid military identification card, a current student identification card for  
 39 attendance in a postsecondary school of this state, documentation evidencing a residence  
 40 in another state which is owned or leased by the driver, or such other evidence that, in the  
 41 discretion of the officer, establishes that the driver is a nonresident or otherwise operating  
 42 such vehicle in compliance with this Code section. A citation issued based on the  
 43 presumption established by this paragraph shall not result in the storage of the vehicle as  
 44 provided in subsection (b) of this Code section. The charging officer shall record the date  
 45 and location of the initial observation of the vehicle and the identity of the observing  
 46 party on any uniform traffic citation issued pursuant to the provisions of this paragraph.  
 47 Any person found to have operated a vehicle without complying with Code Section  
 48 40-2-20 based on the provisions of this paragraph shall be guilty of a misdemeanor and,  
 49 upon conviction, shall be punished by a fine of not less than \$1,000.00 or by  
 50 imprisonment not exceeding 12 months, or both.  
 51 (4) Any person renting, leasing, or loaning any vehicle described in Code Section  
 52 40-2-20 which is being used on any public highway or street without complying with that  
 53 Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be  
 54 punished by a fine of \$100.00 for each violation; and each day that such vehicle is  
 55 operated in violation of Code Section 40-2-20 shall be deemed to be a separate and  
 56 distinct offense."

57 **SECTION 2.**

58 This Act shall become effective on July 1, 2011, and shall apply to offenses committed on  
 59 or after such date.

60 **SECTION 3.**

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