

The Senate Transportation Committee offered the following substitute to HB 112:

A BILL TO BE ENTITLED

AN ACT

1 To amend provisions of the Official Code of Georgia Annotated, relating to the Department
 2 of Public Safety; to amend Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
 3 relating to offenses against public order and safety, so as to change a cross-reference; to
 4 amend Article 1 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating
 5 to bonds and recognizances, so as to add violations for which cash bonds can be accepted in
 6 lieu of bail and proceedings for failure to appear; to amend Title 40 of the Official Code of
 7 Georgia Annotated, relating to motor vehicles and traffic, so as to designate the existing
 8 provisions of Chapter 1 as Article 1; to update definitions to make them compatible with
 9 federal motor carrier safety regulations; to provide for safe operations of motor carriers and
 10 commercial motor vehicles; to enact a new Article 2 of said Chapter 1, the "Transportation
 11 of Hazardous Materials Act," so as to provide procedures for the safe transportation of
 12 hazardous materials within this state; to ensure that the financial responsibility requirements
 13 of motor carriers in this state are compatible with federal motor carrier safety regulations; to
 14 change certain equipment requirements for the lighting equipment and warning flags for
 15 protruding loads, brake performance ability, rear view mirrors, window tinting, and tire tread
 16 depth on commercial motor vehicles to make them compatible with federal motor carrier
 17 safety regulations; to amend Title 46 of the Official Code of Georgia Annotated, relating to
 18 public utilities and public transportation, so as to modify, repeal, and create certain
 19 definitions; to clarify the applicability of safety regulations to vehicles operated within
 20 corporate limits of a city; to provide for fees; to repeal Code Sections 46-7-26 and 46-7-37,
 21 relating to promulgation of rules and exceptions for private carriers; to provide for penalties;
 22 to provide for limousine inspections; to repeal Chapter 11 of said Title 46, relating to
 23 transportation of hazardous materials; to provide for related matters; to provide for an
 24 effective date; to repeal conflicting laws; and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

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

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

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SECTION 2.

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

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"17-6-5.

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

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

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(2) ~~The~~ the width, height, or length of vehicles and loads;

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(3) ~~Motor~~ motor common carriers and motor contract carriers;

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(4) Commercial vehicle or driver safety;

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(5) Hazardous materials transportation;

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(6) Motor carrier insurance or registration;

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(7) Road ~~road~~ taxes on motor carriers as provided in Article 2 of Chapter 9 of Title 48;

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~~(5)~~(8) Game ~~game~~ and fish;

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~~(6)~~(9) Boating ~~boating~~; or

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~~(7)~~(10) Litter ~~litter~~ control

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

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SECTION 3.

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

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61 "17-6-8.

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

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

65 (2) The ~~the~~ width, height, or length of vehicles and loads;

66 (3) Motor ~~motor~~ common carriers and motor contract carriers;

67 (4) Commercial vehicle or driver safety;

68 (5) Hazardous materials transportation;

69 (6) Motor carrier insurance or registration;

70 (7) Road ~~road~~ taxes on motor carriers as provided in Article 2 of Chapter 9 of Title 48;

71 (5)(8) Game ~~game~~ and fish;

72 (6)(9) Boating ~~boating~~; or

73 (7)(10) Litter ~~litter~~ control

74 gives a cash bond for his or her appearance as provided in Code Section 17-6-5 and fails
75 to appear on the date, time, and place specified in the citation or summons without legal
76 excuse, the court may order said cash bond forfeited without the necessity of complying
77 with the statutory procedure provided for in the forfeiture of statutory bail bonds. A
78 judgment ordering the case disposed of and settled may be entered by the court and the
79 proceeds shall be applied in the same manner as fines. If the court does not enter a
80 judgment ordering the case disposed of and settled, the forfeiture of the cash bond shall not
81 be a bar to subsequent prosecution of the person charged with the violation of such laws."

82 **SECTION 4.**

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

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

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

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

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

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

94 (5) Commercial vehicle or driver safety;

95 (6) Hazardous materials transportation;

96 (7) Motor carrier insurance or registration; or

SECTION 8.

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

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

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

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

SECTION 9.

Said title is further amended in Article 1 of Chapter 1 by adding a new Code section to read as follows:

"40-1-8.

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

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

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

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

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

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

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

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

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

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

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

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

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

203 (f)(1) The commissioner may designate members of the department, pursuant to Article
 204 5 of Chapter 2 of Title 35 to perform regulatory compliance inspections. Members of
 205 county, municipal, campus, and other state agencies may be designated by the
 206 commissioner to perform regulatory compliance inspections only of vehicles, drivers, and
 207 cargo in operation, and may only enforce the provisions of rules and regulations
 208 promulgated under this Code section or Article 2 of this chapter subject to the provisions
 209 of a valid agreement between the commissioner and the county, municipal, campus, or
 210 other state agency.

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

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

218 (h) Every officer, agent, or employee of any corporation and every person who violates
 219 or fails to comply with this Code section or any order, rule, or regulation adopted pursuant
 220 to this Code section, or who procures, aids, or abets a violation of this Code section or such
 221 rule or regulation, shall be guilty of a misdemeanor. Misdemeanor violations of this Code
 222 section may be prosecuted, handled, and disposed of in the manner provided for by Chapter
 223 13 of this title."

224 **SECTION 10.**

225 Said title is further amended by adding a new article in Chapter 1 to read as follows:

226 "ARTICLE 2

227 40-1-20.

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

230 40-1-21.

231 The General Assembly finds that the transportation of hazardous materials on the public
 232 roads of this state presents a unique and potentially catastrophic hazard to the public health,
 233 safety, and welfare of the people of Georgia and that the protection of the public health,
 234 safety, and welfare and the secure transportation of hazardous materials requires control
 235 and close regulation of such transportation to minimize that hazard and to that end this

236 article is enacted. This is a remedial law and shall be liberally construed. The Department
237 of Public Safety is designated as the agency to implement and enforce this article.

238 40-1-22.

239 As used in this article, the term:

240 (1) 'Anhydrous ammonia' means the materials identified as 'ammonia, anhydrous,' or
241 'ammonia solutions with more than 50 percent ammonia and relative density less than
242 0.880 at 15 degrees Centigrade in water,' in federal hazardous materials regulations
243 contained in Title 49 C.F.R.

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

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

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

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

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

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

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

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

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

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

274 40-1-23.

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

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

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

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

305 (d) Knowledge by a shipper that a carrier proposes to transport hazardous material in or
306 through this state on the public roads of this state shall be sufficient contact with this state

307 to subject such shipper to the jurisdiction of the commissioner and the courts of this state
308 with respect to such transport.

309 (e)(1) No transportation of hazardous material shall take place in or through this state
310 until the commissioner or his or her designee issues a permit authorizing the applicant to
311 operate or move upon the state's public roads a motor vehicle or combination of vehicles
312 which carry hazardous materials. The commissioner or his or her designee may require
313 changes in the proposed dates, times, routes, detention, holding, or storage of such
314 materials during transport as necessary to maximize protection of the public health,
315 safety, welfare, or the environment. The commissioner is authorized to promulgate
316 reasonable rules and regulations which are necessary or desirable in governing the
317 issuance of permits, provided that such rules and regulations are not in conflict with other
318 provisions of law.

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

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

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

330 (h)(1) 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
332 annual permits which shall allow vehicles transporting hazardous materials to be operated
333 on the public roads of this state for 12 months from the date such permit is issued.

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

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

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

343 (j) For purposes of this article, the commissioner is expressly authorized to contract with
344 any other state or local agency or department to perform any activities necessary to
345 implement this article. Enforcement of this article and any rules, regulations, or orders
346 promulgated, adopted, or issued hereunder shall be the sole province of the department and
347 those entities the commissioner authorizes in writing, except for provisions relating to
348 anhydrous ammonia.

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

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

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

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

372 (n)(1) In the event of any damage to state property or any discharge of hazardous
373 materials from the authorized shipping package or container or any threat of such
374 discharge which results from the transportation, storage, holding, detention, delivery for
375 transportation, or acceptance for transportation of hazardous materials in this state, the
376 state may recover from any shipper, carrier, bailor, bailee, or any other person responsible
377 for such storage, transportation, holding, detention, delivery, or acceptance all costs
378 incurred by the state in the reparation of the damage and all costs incurred in the

379 prevention, abatement, or removal of any such discharge or threatened discharge,
380 including reasonable attorney's fees incurred with respect to recovery.

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

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

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

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

399 (q) The department is designated as the routing agency as defined in Title 49 C.F.R. Part
400 397, Subpart E. Routing determinations for hazardous materials shall be made in
401 accordance with the provisions of Federal Hazardous Materials Law, 49 U.S.C. Section
402 5112. The commissioner or his or her designee shall consult with Georgia Department of
403 Transportation, Georgia Department of Natural Resources, Georgia Emergency
404 Management Agency, Georgia Department of Homeland Security, or other agencies as
405 necessary to carry out these responsibilities.

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

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

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

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

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

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

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

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

450 (4) The department shall, to the extent practicable, engage in education, outreach, and
451 customer service activities to reach persons and entities affected by these regulations and

452 to assist the competitiveness of Georgia citizens and businesses engaged in regulated
453 activities.

454 40-1-24.

455 (a) The commissioner is authorized to employ such persons as may be necessary, in the
456 discretion of the commissioner, for the proper enforcement of this article, as provided for
457 in this article and Chapter 2 of Title 35. It is the intent of the General Assembly, subject
458 to the appropriations process, that funds derived under this article shall be used to further
459 the Department of Public Safety's hazardous materials transportation safety programs;
460 provided, however, that the department shall retain those funds derived specifically for
461 inspection or escort.

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

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

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

483 40-1-25.

484 In the event that any section, paragraph, or other part of this article, or any requirement
485 thereunder, or any rule, regulation, or order of the commissioner promulgated hereunder,
486 is found to be preempted by federal law, or otherwise found to be improper, null or

487 otherwise void, all other requirements not so preempted or otherwise so found shall remain
 488 in full force and effect."

489 **SECTION 11.**

490 Said title is further amended by adding a new section to Chapter 6, relating to the uniform
 491 rules of the road, to read as follows:

492 "40-6-10.1.

493 No motor carrier subject to the financial responsibility requirements of the Federal Motor
 494 Carrier Safety Administration, or any successor agency, as contained in 49 C.F.R. Part 387,
 495 shall operate any motor vehicle upon the highways of this state until such motor carrier has
 496 obtained and has in effect the minimum levels of financial responsibility prescribed by such
 497 federal regulations."

498 **SECTION 12.**

499 Said title is further amended by revising Code Section 40-8-2, relating to vehicles within the
 500 jurisdiction of the commissioner of public safety, as follows:

501 "40-8-2.

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

513 **SECTION 13.**

514 Said title is further amended by revising Code Section 40-8-27, relating to lighting equipment
 515 requirements, as follows:

516 "40-8-27.

517 (a) Except as provided in subsection (b) of this Code section, whenever the load upon any
 518 vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there
 519 shall be displayed at the extreme rear end of the load, at the times specified in Code Section
 520 40-8-20, a red light plainly visible from a distance of at least 500 feet to the sides and rear.

521 The red light required under this Code section shall be in addition to the red rear light
522 required upon every vehicle. At any other time there shall be displayed at the extreme rear
523 end of such load a flag or flags as described in subsection (c) of this Code section not less
524 than ~~12~~ 18 inches square and so hung that the entire area is visible to the driver of a vehicle
525 approaching from the rear.

526 (b) Any motor vehicle or trailer transporting a load of logs, long pulpwood, poles, or posts
527 which extend more than four feet beyond the rear of the body or bed of such vehicle shall
528 have securely affixed as close as practical to the end of any such projection one amber
529 strobe type lamp equipped with a multidirectional type lens so mounted as to be visible
530 from the rear and both sides of the projecting load. If the mounting of one strobe lamp
531 cannot be accomplished so that it is visible from the rear and both sides of the projecting
532 load, multiple strobe lights shall be utilized so as to meet the visibility requirements of this
533 subsection. The strobe lamp shall flash at a rate of at least 60 flashes per minute and shall
534 be plainly visible from a distance of at least 500 feet to the rear and sides of the projecting
535 load any time of the day or night. The lamp shall be operating at any time of the day or
536 night when the vehicle is operated on any highway or parked on the shoulder or
537 immediately adjacent to the traveled portion of any public roadway. The projecting load
538 shall also be marked with a flag or flags as described in subsection (c) of this Code section.

539 An emergency light permit as provided for in Code Section 40-8-92 is not required on a
540 vehicle utilizing an amber strobe light to comply with the provisions of this Code section.

541 (b.1) In lieu of the strobe type lamp or lamps provided for in subsection (b) of this Code
542 section, any motor vehicle or trailer transporting a load of logs, long pulpwood, poles, or
543 posts which extend more than four feet beyond the rear of the body or bed of such vehicle
544 shall have securely affixed as close as practical to the end of any such projection, one
545 light-emitting diode (LED) light equipped with a multidirectional type lens, mounted so
546 as to be visible from the rear and from both sides of the projecting load. If the mounting
547 of one light-emitting diode (LED) light cannot be accomplished so that it is visible from
548 the rear and from both sides of the projecting load, multiple light-emitting diode (LED)
549 lights shall be utilized so as to meet the visibility requirements of this subsection. The
550 light-emitting diode (LED) light or lights shall be amber in color, shall flash at a rate of at
551 least 60 flashes per minute, and shall be plainly visible from a distance of at least 500 feet
552 from the rear and sides at a radius of 180 degrees of the projecting load at any time of the
553 day or night. Any light-emitting diode (LED) light shall be constructed of durable, weather
554 resistant material and may be powered by the vehicle's electrical system or by an
555 independent battery system, or both. If the light-emitting diode (LED) light is powered by
556 an independent battery system, the driver of the vehicle shall have in his or her immediate
557 possession charged, spare batteries for use in case of battery failure. Any solid state

558 light-emitting diode (LED) lighting that consists of multiple light-emitting diode (LED)
 559 lights shall not have less than 85 percent of the light-emitting diode (LED) lights in
 560 operable condition. The lights shall remain in operation at any time of the day or night
 561 when the vehicle is operated on any highway or parked on the shoulder or immediately
 562 adjacent to the traveled portion of any public roadway. The projecting load shall also be
 563 marked with a flag or flags as described in subsection (c) of this Code section. An
 564 emergency light permit as provided for in Code Section 40-8-92 is not required on a
 565 vehicle utilizing a light-emitting diode (LED) light to comply with the provisions of this
 566 Code section.

567 (c) The flag or flags as required by subsection (a) or (b) of this Code section shall be of a
 568 bright red or orange fluorescent color not less than ~~12~~ 18 inches square which is clearly
 569 visible and shall be displayed in such a manner that the entire area of the flag is visible
 570 from the rear of the vehicle. There shall be a single flag at the extreme rear of the
 571 projecting load if the projecting load is two feet wide or less. Two such warning flags shall
 572 be required if the projecting load is wider than two feet. Flags shall be located to indicate
 573 the maximum width of loads which extend beyond the rear of the vehicle."

574 **SECTION 14.**

575 Said title is further amended by revising Code Section 40-8-53, relating to performance
 576 ability of brakes, as follows:

577 "40-8-53.

578 (a) Except as provided for in subsection (b) of this Code section, every Every motor
 579 vehicle or combination of motor drawn vehicles shall be capable at all times and under all
 580 conditions of loading of being stopped on a dry, smooth, level road free from loose
 581 material, upon application of the service (foot) brake within the distances specified in this
 582 Code section or shall be capable of being decelerated at a sustained rate corresponding to
 583 these distances.

	Feet to Stop	Deceleration in
	From 20 Miles	Feet Per Second
	<u>Per Hour</u>	<u>Feet Per Second</u>
584 Vehicles or combinations of vehicles		
585 having brakes on all wheels	30	14
589 Vehicles or combinations of vehicles		
590 not having brakes on all wheels	40	10.7

591 (b) The brake performance ability for commercial motor vehicles shall be as provided for
 592 in the federal motor carrier safety regulations contained in 49 C.F.R. 393.52 and adopted

593 by the commissioner of public safety pursuant to Code Section 46-7-26. Commercial
 594 motor vehicles shall be capable at all times and under all conditions of loading of being
 595 stopped on a dry, smooth, level road free from loose material upon application of the
 596 service (foot) brake within the distances specified in those rules."

597 **SECTION 15.**

598 Said title is further amended by revising Code Section 40-8-72, relating to mirrors, as
 599 follows:

600 "40-8-72.

601 (a) Except as provided in subsection (b) of this Code section, every Every motor vehicle
 602 which is so constructed or loaded as to obstruct the driver's view to the rear thereof from
 603 the driver's position shall be equipped with a mirror so located as to reflect to the driver a
 604 view of the highway for a distance of at least 200 feet to the rear of such vehicle.

605 (b) Every commercial motor vehicle shall be equipped with two rear-vision mirrors
 606 meeting the requirements of the federal motor vehicle safety standards contained in 49
 607 C.F.R. 571.111 in effect at the time of manufacture, one at each side, firmly attached to the
 608 outside of the motor vehicle, and so located as to reflect to the driver a view of the highway
 609 to the rear, along both sides of the vehicle; provided, however, that only one outside mirror
 610 shall be required, which shall be on the driver's side, on a commercial motor vehicle which
 611 is so constructed that the driver has a view to the rear by means of an interior mirror."

612 **SECTION 16.**

613 Said title is further amended by revising subsections (f) and (g) of Code Section 40-8-73.1,
 614 relating to window tinting, as follows:

615 "(f) Notwithstanding any other provision of this Code section, commercial motor vehicles
 616 operated in this state are subject to the specifications of or limitations relating to windshield
 617 or window glazing or the application of light reducing or reflectance material to the
 618 windshield or windows as provided for in the federal motor carrier safety regulations
 619 contained in 49 C.F.R. 393.60 and adopted by the commissioner of public safety pursuant
 620 to Code Section 46-7-26.

621 (g) The Department of Public Safety is authorized to promulgate such rules and
 622 regulations as may be necessary to carry out the provisions of this Code section.

623 ~~(g)~~(h) Any person who violates subsection (b) or (e) of this Code section shall be guilty
 624 of a misdemeanor."

625

SECTION 17.

626

Said title is further amended by revising subsections (e) and (g) of Code Section 40-8-74, relating to tire tread depth, as follows:

627

628

"(e) All tires:

629

(1) Shall have not less than $\frac{2}{32}$ inch tread measurable in all major grooves ~~with the~~

630

~~exception of~~ except that school buses and commercial vehicles which shall have not less

631

than $\frac{4}{32}$ inch tread measurable in all major grooves on the front tires and school buses

632

shall have not less than ~~$\frac{2}{32}$~~ $\frac{4}{32}$ inch tread measurable in all major grooves on the rear

633

tires when there are ~~at least four~~ only two tires on the rear ~~otherwise the tread on the rear~~

634

~~tires shall be not less than $\frac{4}{32}$ inch; such measurements shall not be made where tie bars,~~

635

humps, or fillets are located;

636

(2) Shall be free from any cuts, breaks, or snags on tread and sidewall deep enough to

637

expose body cord; and

638

(3) Shall be free from bumps, bulges, or separations."

639

"(g) Retreaded, regrooved, or recapped tires shall not be used upon the front wheels of

640

buses."

641

SECTION 18.

642

Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public transportation, is amended by revising Code Section 46-1-1, relating to definitions, as follows:

643

644

"46-1-1.

645

As used in this title, the term:

646

647

(1) 'Carrier' means a person who undertakes the transporting of goods or passengers for

648

compensation.

649

(2) 'Certificate' means a certificate of public convenience and necessity issued pursuant

650

to this title.

651

(3) 'Commission' means the Public Service Commission.

652

(4) 'Company' shall include a corporation, a firm, a partnership, an association, or an

653

individual.

654

(5) 'Electric utility' means any retail supplier of electricity whose rates are fixed by the

655

commission.

656

(5.1) 'Exempt rideshare' means:

657

(A) Government endorsed rideshare programs;

658

(B) Rideshare programs in which a rideshare driver seeks reimbursement for, or the

659

rideshare participants pool or otherwise share, rideshare costs such as fuel; or

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

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

671 (6.1) 'Gas company' means any person certificated under Article 2 of Chapter 4 of this
 672 title to construct or operate any pipeline or distribution system, or any extension thereof,
 673 for the transportation, distribution, or sale of natural or manufactured gas.

674 (6.2) 'Government endorsed rideshare program' means a vanpool, carpool, or similar
 675 rideshare operation conducted by or under the auspices of a state or local governmental
 676 transit instrumentality, such as GRTA, a transportation management association, or a
 677 community improvement district, or conducted under the auspices of such transit
 678 agencies, including through any form of contract between such transit instrumentality and
 679 private persons or businesses.

680 (6.3) 'GRTA' means the Georgia Regional Transportation Authority, which is itself
 681 exempt from regulation as a carrier under Code Section 50-32-71.

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

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

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

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

697 nonconsensual towing pursuant to Code Section 44-1-13 for hire over any public
 698 highway in this state ~~and not operated exclusively within the corporate limits of any~~
 699 ~~city. Vehicles and the drivers thereof operating within the corporate limits of any city~~
 700 shall be subject to the safety regulations adopted by the commissioner of public safety
 701 pursuant to Code Section 46-7-26.

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

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

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

713 (ii) ~~Taxicabs, drays, trucks, buses, and other motor vehicles~~ which operate within the
 714 corporate limits of municipalities and are subject to regulation by the governing
 715 authorities of such municipalities. ~~This exception shall apply to such vehicles even~~
 716 ~~though such vehicles may, in the prosecution of their regular business, occasionally~~
 717 ~~go beyond the corporate limits of such municipalities. Such exception shall not~~
 718 ~~include such vehicles engaged in the moving of household goods nor include~~
 719 ~~passenger vans (I) having a capacity of ten persons or more, (H) conducting~~
 720 ~~nonmetered transportation service and not operated by a municipality or municipal,~~
 721 ~~county, or regional governmental authority, and (III) which are engaged in private~~
 722 ~~for-hire transportation operating between points within the corporate limits of a~~
 723 ~~municipality. Pursuant to Code Section 44-1-13, all tow trucks engaged in~~
 724 ~~nonconsensual towing operations between points within the corporate limits of a~~
 725 ~~municipality shall remain subject to the jurisdiction of the commission and the~~
 726 ~~municipality within which such nonconsensual towing operations are conducted; the~~
 727 provisions of this division notwithstanding, vehicles and the drivers thereof operating
 728 within the corporate limits of any city shall be subject to the safety regulations
 729 adopted by the commissioner of public safety pursuant to Code Section 46-7-26;

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

732 (iv) Motor vehicles operated not for profit with a capacity of 15 persons or less when
 733 they are used exclusively to transport elderly and disabled passengers or employees

734 under a corporate sponsored van pool program, except that a vehicle owned by the
 735 driver may be operated for profit when such driver is traveling to and from his or her
 736 place of work provided each such vehicle carrying more than nine passengers
 737 maintains liability insurance in an amount of not less than \$100,000.00 per person and
 738 \$300,000.00 per accident and \$50,000.00 property damage. For the purposes of this
 739 division, elderly and disabled passengers are defined as individuals over the age of 60
 740 years or who, by reason of illness, injury, age, congenital malfunction, or other
 741 permanent or temporary incapacity or disability, are unable to utilize mass
 742 transportation facilities as effectively as persons who are not so affected;

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

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

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

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

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

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

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

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

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

770 ~~(V) The lessee must maintain public liability insurance and accept responsibility~~
771 ~~to the public for any injury caused in the course of performing the transportation~~
772 ~~service conducted by the lessee with the equipment during the term of the lease;~~
773 ~~(VI) The lessee shall display appropriate identification on all equipment leased by~~
774 ~~it showing operation by the lessee during the performance of the transportation;~~
775 ~~(VII) The lessee must accept responsibility for, and bear the cost of, compliance~~
776 ~~with safety regulations during performance by the lessee of any such transportation~~
777 ~~services; and~~
778 ~~(VIII) The lessee must bear the risk of damage to the cargo, subject to any right of~~
779 ~~action the lessee may have against the lessor for the latter's negligence Reserved;~~
780 ~~(x) Motor vehicles engaged exclusively in the transportation of agricultural or dairy~~
781 ~~products, or both, between farm, market, gin, warehouse, or mill, whether such motor~~
782 ~~vehicle is owned by the owner or producer of such agricultural or dairy products or~~
783 ~~not, so long as the title remains in the producer. For the purposes of this division, the~~
784 ~~term 'producer' includes a landlord where the relations of landlord and tenant or~~
785 ~~landlord and cropper are involved. As used in this division, the term 'agricultural~~
786 ~~products' includes fruit, livestock, meats, fertilizer, wood, lumber, cotton, and naval~~
787 ~~stores; household goods and supplies transported to farms for farm purposes; or other~~
788 ~~usual farm and dairy supplies, including products of grove or orchard; poultry and~~
789 ~~eggs; fish and oysters; and timber or logs being hauled by the owner thereof or the~~
790 ~~owner's agents or employees between forest and mill or primary place of manufacture;~~
791 ~~provided, however, motor vehicles with a manufacturer's gross weight rated capacity~~
792 ~~of 44,000 pounds or more engaged solely in the transportation of unmanufactured~~
793 ~~forest products shall be subject to the Georgia Forest Products Trucking Rules which~~
794 ~~shall be adopted and promulgated by the commissioner of public safety only for~~
795 ~~application to such vehicles and vehicles defined in subparagraph (A) of paragraph~~
796 ~~(13) of this Code section; provided, further, that pulpwood trailers and pole trailers~~
797 ~~with a manufacturer's gross weight rated capacity of 10,001 pounds or more engaged~~
798 ~~solely in the transportation of unmanufactured forest products shall have two amber~~
799 ~~side marker reflectors on each side of the trailer chassis between the rear of the tractor~~
800 ~~cab and the rearmost support for the load. All such reflectors shall be not less than~~
801 ~~four inches in diameter. Such rules and any amendments thereto adopted by the~~
802 ~~commissioner of public safety shall be subject to legislative review in accordance~~
803 ~~with the provisions of Code Section 46-2-30, and, for the purposes of such rules and~~
804 ~~any amendments thereto, the Senate Natural Resources and the Environment~~
805 ~~Committee and the House Committee on Natural Resources and Environment shall~~
806 ~~be the appropriate committees within the meaning of said Code Section 46-2-30. The~~

- 807 ~~first such rules adopted by the commissioner of public safety shall be effective July~~
 808 ~~1, 1991~~ Reserved;
- 809 (xi) Reserved;
- 810 (xii) Reserved;
- 811 (xiii) Vehicles, owned or operated by the federal or state government, or by any
 812 agency, instrumentality, or political subdivision of the federal or state government,
 813 or privately owned and operated for profit or not for profit, capable of transporting not
 814 more than ten persons for hire when such vehicles are used exclusively to transport
 815 persons who are elderly, disabled, en route to receive medical care or prescription
 816 medication, or returning after receiving medical care or prescription medication. For
 817 the purpose of this division, elderly and disabled persons shall have the same meaning
 818 as in division (iv) of this ~~paragraph~~ subparagraph;
- 819 (xiv) Reserved; or
- 820 (xv) Ambulances.
- 821 (10) 'Passenger' means a person who travels in a public conveyance by virtue of a
 822 contract, either express or implied, with the carrier as to the payment of the fare or that
 823 which is accepted as an equivalent therefor. The prepayment of fare is not necessary to
 824 establish the relationship of passenger and carrier; although a carrier may demand
 825 prepayment of fare if persons enter his or her vehicle by his or her permission with the
 826 intention of being carried; in the absence of such a demand, an obligation to pay fare is
 827 implied on the part of the passenger, and the reciprocal obligation of carriage of the
 828 carrier arises upon the entry of the passenger.
- 829 ~~(11) 'Permit' means a registration permit issued by the state revenue commissioner~~
 830 ~~authorizing interstate transportation for hire exempt from the jurisdiction of the United~~
 831 ~~States Department of Transportation or intrastate passenger transportation for hire exempt~~
 832 ~~from the jurisdiction of the state revenue commissioner or intrastate transportation by a~~
 833 ~~motor carrier of property~~ Reserved.
- 834 (12) 'Person' means any individual, partnership, trust, private or public corporation,
 835 municipality, county, political subdivision, public authority, cooperative, association, or
 836 public or private organization of any character.
- 837 ~~(13) 'Private carrier' means every person except motor common carriers or motor~~
 838 ~~contract carriers owning, controlling, operating, or managing any motor propelled~~
 839 ~~vehicle, and the lessees or trustees thereof or receivers appointed by any court~~
 840 ~~whatsoever, used in the business of transporting persons or property in private~~
 841 ~~transportation not for hire over any public highway in this state. The term 'private carrier'~~
 842 ~~shall not include:~~

843 ~~(A) Motor vehicles not for hire engaged solely in the harvesting or transportation of~~
 844 ~~forest products; provided, however, that motor vehicles not for hire with a~~
 845 ~~manufacturer's gross weight rated capacity of 44,000 pounds or more engaged solely~~
 846 ~~in the transportation of unmanufactured forest products shall be subject only to the~~
 847 ~~Georgia Forest Products Trucking Rules provided for in division (9)(C)(x) of this Code~~
 848 ~~section;~~

849 ~~(B) Motor vehicles not for hire engaged solely in the transportation of road-building~~
 850 ~~materials;~~

851 ~~(C) Motor vehicles not for hire engaged solely in the transportation of unmanufactured~~
 852 ~~agricultural or dairy products between farm, market, gin, warehouse, or mill whether~~
 853 ~~such vehicle is owned by the owner or producer of such agricultural or dairy products~~
 854 ~~or not, so long as the title remains in the producer;~~

855 ~~(D) Except for the motor vehicles excluded under subparagraph (C) of this paragraph,~~
 856 ~~motor vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds~~
 857 ~~or less; provided, however, that motor vehicles which have a manufacturer's gross~~
 858 ~~vehicle weight rating of 10,000 pounds or less and which are transporting hazardous~~
 859 ~~materials, as the term 'hazardous materials' is defined in Title 49 C.F.R., Parts 107,~~
 860 ~~171-173, and 177-178, shall be included within the meaning of the term 'private carrier';~~
 861 ~~or~~

862 ~~(E) Exempt rideshares Reserved.~~

863 (14) 'Public highway' means every public street, road, highway, or thoroughfare of any
 864 kind in this state.

865 (15) 'Railroad corporation' or 'railroad company' means all corporations, companies, or
 866 individuals owning or operating any railroad in this state. This title shall apply to all
 867 persons, firms, and companies, and to all associations of persons, whether incorporated
 868 or otherwise, that engage in business as common carriers upon any of the lines of railroad
 869 in this state, as well as to railroad corporations and railroad companies as defined in this
 870 Code section.

871 (16) 'Rate,' when used in this title with respect to an electric utility, means any rate,
 872 charge, classification, or service of an electric utility or any rule or regulation relating
 873 thereto.

874 (17) 'Utility' means any person who is subject in any way to the lawful jurisdiction of the
 875 commission.

876 (18) 'Vehicle' or 'motor vehicle' means any vehicle, machine, tractor, trailer, or
 877 semitrailer propelled or drawn by mechanical power and used upon the highways in the
 878 transportation of passengers or property, or any combination thereof, determined by the
 879 ~~state revenue commissioner commission.~~"

880

SECTION 19.

881

Said title is further amended by revising Code Section 46-7-9, relating to fees, as follows:

882

"46-7-9.

883

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

884

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

885

886

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

887

888

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

889

890

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

891

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

892

893

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

894

895

SECTION 20.

896

Said title is further amended by repealing Code Section 46-7-26, relating to the authority of the commissioner to promulgate rules and regulations for safety, and designating it as

897

898

"Reserved."

899

SECTION 21.

900

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

901

902

SECTION 22.

903

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

904

905

"46-7-39.

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

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~~(b) No person shall drive or operate, or cause the operation of, a motor vehicle in violation of an out-of-service order. As used in this subsection, the term 'out-of-service order' means~~

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913 ~~a temporary prohibition against operating as a carrier or driving or moving a motor vehicle,~~
914 ~~freight container or any cargo thereon, or any package containing a hazardous material.~~
915 (c) Misdemeanor violations of this chapter may be prosecuted, handled, and disposed of
916 in the manner provided for by Chapter 13 of Title 40."

917 **SECTION 23.**

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

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

922 **SECTION 24.**

923 Said title is further amended by repealing Chapter 11, relating to the transportation of
924 hazardous materials, in its entirety and designating it as "Reserved."

925 **SECTION 25.**

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

927 **SECTION 26.**

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