

The House Committee on Motor Vehicles offers the following substitute to SB 138:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to revise the provisions regarding temporary plates; to require a sworn statement
3 by an applicant for a tag renewal; to modify certain defenses to the offense of driving without
4 a license; to provide for related matters; to provide for effective dates and applicability; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
9 amended by revising subsection (b) of Code Section 40-2-8, relating to operation of
10 unregistered vehicle or vehicle without current license plate, revalidation decal, or county
11 decal, storage of unlicensed vehicle, jurisdiction, display of temporary plate, revision and
12 extension of temporary plate, holographic security images, and disposition of fines, as
13 follows:

14 "(b)(1) Any vehicle operated in the State of Georgia which is required to be registered
15 and which does not have attached to the rear thereof a numbered license plate and current
16 revalidation decal affixed to a corner or corners of the license plate as designated by the
17 commissioner, if required, shall be stored at the owner's risk and expense by any law
18 enforcement officer of the State of Georgia, unless such operation is otherwise permitted
19 by this chapter.

20 (2)(A) It shall be a misdemeanor to operate any vehicle required to be registered in the
21 State of Georgia without a valid numbered license plate properly validated, unless such
22 operation is otherwise permitted under this chapter; and provided, further, that the
23 purchaser of a new vehicle or a used vehicle from a dealer of new or used motor
24 vehicles who displays a temporary plate issued as provided by subparagraph (B) of this
25 paragraph may operate such vehicle on the public highways and streets of this state
26 without a current valid license plate during the period within which the purchaser is

27 required by Code Section 40-2-20 to register such vehicle as provided for in Code
 28 Section 40-2-29. An owner acquiring a motor vehicle from an entity that is not a new
 29 or used vehicle dealer shall register such vehicle as provided for in Code Section
 30 40-2-20; but the purchaser of any vehicle from a dealer of new or used motor vehicles
 31 shall display a temporary plate issued as provided by subparagraph (B) of this
 32 paragraph on the rear of such vehicle in the space provided for a license plate when
 33 such vehicle is operated on the public highways and streets of this state during such
 34 period prior to registration, unless such purchaser has made application to transfer to
 35 such vehicle in accordance with this chapter a valid license plate issued to him or her,
 36 in which event the license plate to be transferred shall be displayed on the vehicle
 37 during the period prior to registration, or unless such vehicle is to be registered under
 38 the International Registration Plan pursuant to Article 3A of this chapter.

39 (B)(i) Any dealer of new or used motor vehicles shall issue to the purchaser of a
 40 vehicle at the time of sale thereof, unless at such time the purchaser makes application
 41 to transfer to such vehicle in accordance with this chapter a valid license plate issued
 42 to him or her or unless such vehicle is to be registered under the International
 43 Registration Plan, a temporary plate as provided for by department rules or
 44 regulations which may bear the dealer's name and location and shall bear, ~~in~~
 45 ~~characters not less than one-quarter of an inch wide and one and one-half inches high,~~
 46 the expiration date of the period within which the purchaser is required by Code
 47 Section 40-2-20 to register such vehicle. ~~Such temporary plates shall be made of~~
 48 ~~heavy stock paper, inscribed with indelible ink, and designed to resist deterioration~~
 49 ~~or fading due to exposure to the elements during the period for which display is~~
 50 ~~required. The expiration date, the vehicle identification number, and the year, make,~~
 51 ~~and model of the vehicle shall be handprinted on the plate at the time of issuance by~~
 52 ~~use of an indelible ink marker, with contrasting ink, provided that the month of~~
 53 ~~expiration shall be indicated by complete word or by three-letter abbreviation thereof.~~
 54 The expiration date of such a temporary plate may be revised and extended by the
 55 county tag agent only if an extension of the purchaser's initial registration period has
 56 been granted as provided by Code Section 40-2-20. Such temporary plate shall not
 57 resemble a license plate issued by this state and shall be issued without charge or fee
 58 therefor. Such temporary plate shall be surrendered to the tag agent at the time the
 59 vehicle is registered, and the tag agent shall destroy such temporary plate. The
 60 requirements of this subparagraph do not apply to a dealer whose primary business
 61 is the sale of salvage motor vehicles and other vehicles on which total loss claims
 62 have been paid by insurers.

63 (ii) All temporary plates issued by dealers to purchasers of vehicles shall be of a
 64 standard design prescribed by regulation promulgated by the department in
 65 accordance with the requirements of this subparagraph. ~~All temporary plates shall be~~
 66 ~~required to have a holographic security image and a write-resistant overlay with~~
 67 ~~security features such that any attempt to change or modify the expiration date on the~~
 68 ~~temporary plate will show immediate signs of tampering. All holographic security~~
 69 ~~images required under this division and manufactured on or after July 1, 2005, shall~~
 70 ~~be numbered with a separate and distinct number at the point of manufacture. All~~
 71 ~~holographic security images affixed to temporary plates on or after January 1, 2006,~~
 72 ~~shall be numbered as required by this division. The department may provide by rule~~
 73 ~~or regulation for the sale and distribution of such temporary plates by third parties in~~
 74 ~~accordance with paragraph (3) of this subsection.~~

75 (3) All sellers and distributors of ~~holographic strips must~~ temporary license plates shall
 76 register with the department and shall be assigned a distinct identifier by the department.
 77 Such identifier shall precede the numbers required under division (b)(2)(B)(ii) of this
 78 Code section. All sellers and distributors of ~~holographic security images must~~ temporary
 79 license plates shall maintain an inventory record of ~~holographic security images by~~
 80 number and ~~purchaser name of the dealer.~~

81 (4) The purchaser and operator of a vehicle shall not be subject to the penalties set forth
 82 in this Code section during the period allowed for the registration. If the owner of such
 83 vehicle presents evidence that such owner has properly applied for the registration of
 84 such vehicle, but that the license plate or revalidation decal has not been delivered to such
 85 owner, then the owner shall not be subject to the ~~above~~ penalties of this subsection."

86 SECTION 2.

87 Said title is further amended by revising subsection (d) of Code Section 40-2-33, relating to
 88 issuance of license plates, payment and disposition of fees, compensation of tag agents, and
 89 required identification, as follows:

90 "(d) The initial issuance of any tag, ~~on or after July 1, 2007,~~ shall not be made unless the
 91 applicant presents at the time of application a valid Georgia driver's license or Georgia
 92 identification card. This subsection shall not apply to those applicants expressly exempted
 93 in Code Section 40-5-21. An applicant for a tag renewal shall swear that such person is in
 94 possession of a valid Georgia driver's license or Georgia identification card and shall
 95 include the applicant's driver's license or identification card number in the renewal, whether
 96 such renewal is accomplished in person, by mail, or electronically. Any person who
 97 knowingly makes any false statement in executing an application for tag renewal shall be
 98 guilty of false swearing, whether or not an oath is actually administered to the applicant.

99 if such statement shall purport to be under oath. Upon conviction of such offense, such
 100 person shall be punished for false swearing as provided by Code Section 16-10-71. A tag
 101 agent shall include the affirmation required by this subsection on the renewal notice form
 102 to be returned by the applicant or completed by the applicant online with an appropriate
 103 space for the applicant to sign the statement and provide his or her driver's license or
 104 identification card number."

105 **SECTION 3.**

106 Said title is further amended by revising subsection (a) of Code Section 40-5-20, relating to
 107 driver's license requirements, surrender of prior licenses, and prohibition of local licenses,
 108 as follows:

109 "(a) No person, except those expressly exempted in this chapter, shall drive any motor
 110 vehicle upon a highway in this state unless such person has a valid driver's license under
 111 this chapter for the type or class of vehicle being driven. Any person who is a resident of
 112 this state for 30 days shall obtain a Georgia driver's license before operating a motor
 113 vehicle in this state. Any violation of this subsection shall be punished as provided in Code
 114 Section 40-5-121, except the violation of driving with an expired license; or a violation of
 115 Code Section 40-5-29 ~~or if~~. If such person produces in court a valid driver's license issued
 116 by this state to such person; which was valid at the time of the alleged offense or proof that
 117 a previously valid license which has been suspended or revoked has been reinstated prior
 118 to the hearing on such charge, then he or she shall not be guilty of ~~such offenses~~ a violation
 119 of this Code section. Any court having jurisdiction over traffic offenses in this state shall
 120 report to the department the name and other identifying information of any individual
 121 convicted of driving without a license."

122 **SECTION 4.**

123 Section 1 of this Act shall become effective on November 1, 2011. The remaining sections
 124 of this Act shall become effective on July 1, 2011, and shall apply to offenses committed on
 125 or after such date; provided, however, that the requirements of Section 2 of this Act shall
 126 apply to applications for tag renewals due on or after July 1, 2012.

127 **SECTION 5.**

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