

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 provide for related
3 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 SECTION 1.

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

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

18 (2)(A) It shall be a misdemeanor to operate any vehicle required to be registered in the
19 State of Georgia without a valid numbered license plate properly validated, unless such
20 operation is otherwise permitted under this chapter; and provided, further, that the
21 purchaser of a new vehicle or a used vehicle from a dealer of new or used motor
22 vehicles who displays a temporary plate issued as provided by subparagraph (B) of this
23 paragraph may operate such vehicle on the public highways and streets of this state
24 without a current valid license plate during the period within which the purchaser is
25 required by Code Section 40-2-20 to register such vehicle as provided for in Code
26 Section 40-2-29. An owner acquiring a motor vehicle from an entity that is not a new

27 ~~or used vehicle dealer shall register such vehicle as provided for in Code Section~~
 28 ~~40-2-20; but the purchaser of any vehicle from a dealer of new or used motor vehicles~~
 29 ~~shall display a temporary plate issued as provided by subparagraph (B) of this~~
 30 ~~paragraph on the rear of such vehicle in the space provided for a license plate when~~
 31 ~~such vehicle is operated on the public highways and streets of this state during such~~
 32 ~~period prior to registration, unless such purchaser has made application to transfer to~~
 33 ~~such vehicle in accordance with this chapter a valid license plate issued to him or her,~~
 34 ~~in which event the license plate to be transferred shall be displayed on the vehicle~~
 35 ~~during the period prior to registration, or unless such vehicle is to be registered under~~
 36 ~~the International Registration Plan pursuant to Article 3A of this chapter.~~

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

61 (ii) All temporary plates issued by dealers to purchasers of vehicles shall be of a
 62 standard design prescribed by regulation promulgated by the department ~~in~~
 63 ~~accordance with the requirements of this subparagraph. All temporary plates shall be~~

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

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

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

84 **SECTION 2.**

85 This Act shall become effective on November 1, 2011.

86 **SECTION 3.**

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