

SENATE SUBSTITUTE TO HB 112

AS PASSED SENATE

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 provide for seminars on operation and safety for
13 motor carriers; to ensure that the financial responsibility requirements of motor carriers in
14 this state are compatible with federal motor carrier safety regulations; to change certain
15 equipment requirements for the lighting equipment and warning flags for protruding loads,
16 brake performance ability, rear view mirrors, window tinting, and tire tread depth on
17 commercial motor vehicles to make them compatible with federal motor carrier safety
18 regulations; to amend Title 46 of the Official Code of Georgia Annotated, relating to public
19 utilities and public transportation, so as to modify, repeal, and create certain definitions; to
20 clarify the applicability of safety regulations to vehicles operated within corporate limits of
21 a city; to provide for fees; to correct an internal reference; to repeal Code Sections 46-7-26
22 and 46-7-37, relating to promulgation of rules and exceptions for private carriers; to provide
23 for penalties; to provide for limousine inspections; to repeal Chapter 11 of said Title 46,
24 relating to transportation of hazardous materials; to provide for related matters; to provide
25 for an effective date; to repeal conflicting laws; and for other purposes.

26 **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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62 "17-6-8.

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

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

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

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

68 (4) Commercial vehicle or driver safety;

69 (5) Hazardous materials transportation;

70 (6) Motor carrier insurance or registration;

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

72 (5)(8) Game ~~game~~ and fish;

73 (6)(9) Boating ~~boating~~; or

74 (7)(10) Litter ~~litter~~ control

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

83 **SECTION 4.**

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

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

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

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

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

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

95 (5) Commercial vehicle or driver safety;

96 (6) Hazardous materials transportation;

97 (7) Motor carrier insurance or registration; or

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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;

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

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

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

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

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

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

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

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

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

219 (h) Every officer, agent, or employee of any corporation and every person who violates
 220 or fails to comply with this Code section or any order, rule, or regulation adopted pursuant
 221 to this Code section, or who procures, aids, or abets a violation of this Code section or such
 222 rule or regulation, shall be guilty of a misdemeanor. Misdemeanor violations of this Code
 223 section may be prosecuted, handled, and disposed of in the manner provided for by Chapter
 224 13 of this title."

225 **SECTION 10.**

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

227 "ARTICLE 2

228 40-1-20.

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

231 40-1-21.

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

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

239 40-1-22.

240 As used in this article, the term:

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

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

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

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

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

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

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

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

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

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

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

275 40-1-23.

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

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

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

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

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

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

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

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

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

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

331 (h)(1) The commissioner or the official designated by the commissioner, pursuant to this
332 Code section and the rules and regulations developed by the commissioner, may issue
333 annual permits which shall allow vehicles transporting hazardous materials to be operated
334 on the public roads of this state for 12 months from the date such permit is issued.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

455 40-1-24.

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

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

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

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

484 40-1-25.

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

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

490 **SECTION 10.1.**

491 Said title is further amended by adding a new subsection to Code Section 40-2-140, relating
 492 to administration of the Unified Carrier Registration Act by the Department of Revenue, as
 493 follows:

494 "(d.1) Before any motor carrier shall be registered under the Unified Carrier Registration
 495 Act of 2005 by the Department of Revenue, that carrier shall furnish evidence to the
 496 department that the carrier, through an authorized representative, has completed, within the
 497 preceding 12 months, an educational seminar on motor carrier operations and safety
 498 regulations that has been certified by the commissioner."

499 **SECTION 11.**

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

502 "40-6-10.1.
 503 No motor carrier subject to the financial responsibility requirements of the Federal Motor
 504 Carrier Safety Administration, or any successor agency, as contained in 49 C.F.R. Part 387,
 505 shall operate any motor vehicle upon the highways of this state until such motor carrier has
 506 obtained and has in effect the minimum levels of financial responsibility prescribed by such
 507 federal regulations."

508 **SECTION 12.**

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

511 "40-8-2.
 512 In addition to the requirements of this article, the commissioner of public safety, as to the
 513 motor vehicles within the jurisdiction of the Department of Public Safety, shall have the
 514 authority to promulgate rules designed to promote safety pursuant to the provisions of
 515 ~~Chapter 16 of this title and Chapter 7 of Title 46~~ Code Section 40-1-8. Any such rules
 516 promulgated or deemed necessary by the commissioner shall include the following: every
 517 ~~motor unit~~ vehicle and all parts thereof shall be maintained in a safe condition at all times.
 518 The lights, brakes, and equipment shall meet such safety requirements as the commissioner
 519 shall promulgate from time to time. Notwithstanding any provision of law to the contrary,
 520 a vehicle, driver, or motor carrier that is subject to a safety rule so promulgated shall

521 comply with the more stringent or additional requirement imposed by that motor carrier
 522 safety or hazardous materials safety rule."

523 **SECTION 13.**

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

526 "40-8-27.

527 (a) Except as provided in subsection (b) of this Code section, whenever the load upon any
 528 vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there
 529 shall be displayed at the extreme rear end of the load, at the times specified in Code Section
 530 40-8-20, a red light plainly visible from a distance of at least 500 feet to the sides and rear.
 531 The red light required under this Code section shall be in addition to the red rear light
 532 required upon every vehicle. At any other time there shall be displayed at the extreme rear
 533 end of such load a flag or flags as described in subsection (c) of this Code section not less
 534 than ~~12~~ 18 inches square and so hung that the entire area is visible to the driver of a vehicle
 535 approaching from the rear.

536 (b) Any motor vehicle or trailer transporting a load of logs, long pulpwood, poles, or posts
 537 which extend more than four feet beyond the rear of the body or bed of such vehicle shall
 538 have securely affixed as close as practical to the end of any such projection one amber
 539 strobe type lamp equipped with a multidirectional type lens so mounted as to be visible
 540 from the rear and both sides of the projecting load. If the mounting of one strobe lamp
 541 cannot be accomplished so that it is visible from the rear and both sides of the projecting
 542 load, multiple strobe lights shall be utilized so as to meet the visibility requirements of this
 543 subsection. The strobe lamp shall flash at a rate of at least 60 flashes per minute and shall
 544 be plainly visible from a distance of at least 500 feet to the rear and sides of the projecting
 545 load any time of the day or night. The lamp shall be operating at any time of the day or
 546 night when the vehicle is operated on any highway or parked on the shoulder or
 547 immediately adjacent to the traveled portion of any public roadway. The projecting load
 548 shall also be marked with a flag or flags as described in subsection (c) of this Code section.
 549 An emergency light permit as provided for in Code Section 40-8-92 is not required on a
 550 vehicle utilizing an amber strobe light to comply with the provisions of this Code section.

551 (b.1) In lieu of the strobe type lamp or lamps provided for in subsection (b) of this Code
 552 section, any motor vehicle or trailer transporting a load of logs, long pulpwood, poles, or
 553 posts which extend more than four feet beyond the rear of the body or bed of such vehicle
 554 shall have securely affixed as close as practical to the end of any such projection, one
 555 light-emitting diode (LED) light equipped with a multidirectional type lens, mounted so
 556 as to be visible from the rear and from both sides of the projecting load. If the mounting

557 of one light-emitting diode (LED) light cannot be accomplished so that it is visible from
 558 the rear and from both sides of the projecting load, multiple light-emitting diode (LED)
 559 lights shall be utilized so as to meet the visibility requirements of this subsection. The
 560 light-emitting diode (LED) light or lights shall be amber in color, shall flash at a rate of at
 561 least 60 flashes per minute, and shall be plainly visible from a distance of at least 500 feet
 562 from the rear and sides at a radius of 180 degrees of the projecting load at any time of the
 563 day or night. Any light-emitting diode (LED) light shall be constructed of durable, weather
 564 resistant material and may be powered by the vehicle's electrical system or by an
 565 independent battery system, or both. If the light-emitting diode (LED) light is powered by
 566 an independent battery system, the driver of the vehicle shall have in his or her immediate
 567 possession charged, spare batteries for use in case of battery failure. Any solid state
 568 light-emitting diode (LED) lighting that consists of multiple light-emitting diode (LED)
 569 lights shall not have less than 85 percent of the light-emitting diode (LED) lights in
 570 operable condition. The lights shall remain in operation at any time of the day or night
 571 when the vehicle is operated on any highway or parked on the shoulder or immediately
 572 adjacent to the traveled portion of any public roadway. The projecting load shall also be
 573 marked with a flag or flags as described in subsection (c) of this Code section. An
 574 emergency light permit as provided for in Code Section 40-8-92 is not required on a
 575 vehicle utilizing a light-emitting diode (LED) light to comply with the provisions of this
 576 Code section.

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

584 **SECTION 14.**

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

587 "40-8-53.

588 (a) Except as provided for in subsection (b) of this Code section, every ~~Every~~ motor
 589 vehicle or combination of motor drawn vehicles shall be capable at all times and under all
 590 conditions of loading of being stopped on a dry, smooth, level road free from loose
 591 material, upon application of the service (foot) brake within the distances specified in this

592 Code section or shall be capable of being decelerated at a sustained rate corresponding to
 593 these distances.

	Feet to Stop	Deceleration in
	From 20 Miles	Feet Per Second
	<u>Per Hour</u>	<u>Feet Per Second</u>
597 Vehicles or combinations of vehicles		
598 having brakes on all wheels	30	14
599 Vehicles or combinations of vehicles		
600 not having brakes on all wheels	40	10.7

601 (b) The brake performance ability for commercial motor vehicles shall be as provided for
 602 in the federal motor carrier safety regulations contained in 49 C.F.R. 393.52 and adopted
 603 by the commissioner of public safety pursuant to Code Section 40-1-8. Commercial motor
 604 vehicles shall be capable at all times and under all conditions of loading of being stopped
 605 on a dry, smooth, level road free from loose material upon application of the service (foot)
 606 brake within the distances specified in those rules."

607 **SECTION 15.**

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

610 "40-8-72.

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

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

622 **SECTION 16.**

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

625 "(f) Notwithstanding any other provision of this Code section, commercial motor vehicles
 626 operated in this state are subject to the specifications of or limitations relating to windshield
 627 or window glazing or the application of light reducing or reflectance material to the
 628 windshield or windows as provided for in the federal motor carrier safety regulations
 629 contained in 49 C.F.R. 393.60 and adopted by the commissioner of public safety pursuant
 630 to Code Section 40-1-8.

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

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

635 SECTION 17.

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

638 "(e) All tires:

639 (1) Shall have not less than 2/32 inch tread measurable in all major grooves ~~with the~~
 640 ~~exception of~~ except that school buses and commercial vehicles which shall have not less
 641 than 4/32 inch tread measurable in all major grooves on the front tires and school buses
 642 shall have not less than ~~2/32~~ 4/32 inch tread measurable in all major grooves on the rear
 643 tires when there are ~~at least four~~ only two tires on the rear ~~otherwise the tread on the rear~~
 644 ~~tires shall be not less than 4/32 inch; such measurements shall not be made where tie bars,~~
 645 humps, or fillets are located;

646 (2) Shall be free from any cuts, breaks, or snags on tread and sidewall deep enough to
 647 expose body cord; and

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

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

651 SECTION 18.

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

655 "46-1-1.

656 As used in this title, the term:

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

- 659 (2) 'Certificate' means a certificate of public convenience and necessity issued pursuant
660 to this title.
- 661 (3) 'Commission' means the Public Service Commission.
- 662 (4) 'Company' shall include a corporation, a firm, a partnership, an association, or an
663 individual.
- 664 (5) 'Electric utility' means any retail supplier of electricity whose rates are fixed by the
665 commission.
- 666 (5.1) 'Exempt rideshare' means:
- 667 (A) Government endorsed rideshare programs;
- 668 (B) Rideshare programs in which a rideshare driver seeks reimbursement for, or the
669 rideshare participants pool or otherwise share, rideshare costs such as fuel; or
- 670 (C) The leasing or rental of a vehicle, in the ordinary course of the lessor's or rentor's
671 business, for rideshare purposes as part of a government endorsed rideshare program,
672 or for rideshare under a contract requiring compliance with subparagraph (B) of this
673 paragraph.
- 674 (6) 'For compensation' or 'for hire' means an activity wherein for payment or other
675 compensation a motor vehicle and driver are furnished to a person by another person,
676 acting directly or knowingly and willfully acting with another to provide the combined
677 service of the vehicle and driver, and includes every person acting in concert with, under
678 the control of, or under common control with a motor carrier who shall offer to furnish
679 transportation for compensation or for hire, provided that no exempt rideshare shall be
680 deemed to involve any element of transportation for compensation or for hire.
- 681 (6.1) 'Gas company' means any person certificated under Article 2 of Chapter 4 of this
682 title to construct or operate any pipeline or distribution system, or any extension thereof,
683 for the transportation, distribution, or sale of natural or manufactured gas.
- 684 (6.2) 'Government endorsed rideshare program' means a vanpool, carpool, or similar
685 rideshare operation conducted by or under the auspices of a state or local governmental
686 transit instrumentality, such as GRTA, a transportation management association, or a
687 community improvement district, or conducted under the auspices of such transit
688 agencies, including through any form of contract between such transit instrumentality and
689 private persons or businesses.
- 690 (6.3) 'GRTA' means the Georgia Regional Transportation Authority, which is itself
691 exempt from regulation as a carrier under Code Section 50-32-71.
- 692 (7) 'Household goods' means any personal effects and property used or to be used in a
693 dwelling when a part of the equipment or supplies of such dwelling and such other
694 similar property as the commission may provide for by regulation; provided, however,
695 that such term shall not include property being moved from a factory or store except

696 when such property has been purchased by a householder with the intent to use such
 697 property in a dwelling and such property is transported at the request of, and with
 698 transportation charges paid by, the householder.

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

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

703 (A) 'Motor contract carrier' means every person, except common carriers, owning,
 704 controlling, operating, or managing any motor propelled vehicle including the lessees
 705 or trustees of such persons or receivers appointed by any court used in the business of
 706 transporting persons or household goods or property engaged in the activity of
 707 nonconsensual towing pursuant to Code Section 44-1-13 for hire over any public
 708 highway in this state ~~and not operated exclusively within the corporate limits of any~~
 709 ~~city. Vehicles and the drivers thereof operating within the corporate limits of any city~~
 710 shall be subject to the safety regulations adopted by the commissioner of public safety
 711 pursuant to Code Section 40-1-8.

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

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

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

723 (ii) ~~Taxicabs, drays, trucks, buses, and other motor vehicles~~ which operate within the
 724 corporate limits of municipalities and are subject to regulation by the governing
 725 authorities of such municipalities. ~~This exception shall apply to such vehicles even~~
 726 ~~though such vehicles may, in the prosecution of their regular business, occasionally~~
 727 ~~go beyond the corporate limits of such municipalities. Such exception shall not~~
 728 ~~include such vehicles engaged in the moving of household goods nor include~~
 729 ~~passenger vans (I) having a capacity of ten persons or more, (H) conducting~~
 730 ~~nonmetered transportation service and not operated by a municipality or municipal,~~
 731 ~~county, or regional governmental authority, and (HH) which are engaged in private~~
 732 ~~for-hire transportation operating between points within the corporate limits of a~~

733 ~~municipality. Pursuant to Code Section 44-1-13, all tow trucks engaged in~~
 734 ~~nonconsensual towing operations between points within the corporate limits of a~~
 735 ~~municipality shall remain subject to the jurisdiction of the commission and the~~
 736 ~~municipality within which such nonconsensual towing operations are conducted; the~~
 737 ~~provisions of this division notwithstanding, vehicles and the drivers thereof operating~~
 738 ~~within the corporate limits of any city shall be subject to the safety regulations~~
 739 ~~adopted by the commissioner of public safety pursuant to Code Section 40-1-8;~~
 740 (iii) Hotel passenger or baggage motor vehicles when used exclusively for patrons
 741 and employees of such hotel;
 742 (iv) Motor vehicles operated not for profit with a capacity of 15 persons or less when
 743 they are used exclusively to transport elderly and disabled passengers or employees
 744 under a corporate sponsored van pool program, except that a vehicle owned by the
 745 driver may be operated for profit when such driver is traveling to and from his or her
 746 place of work provided each such vehicle carrying more than nine passengers
 747 maintains liability insurance in an amount of not less than \$100,000.00 per person and
 748 \$300,000.00 per accident and \$50,000.00 property damage. For the purposes of this
 749 division, elderly and disabled passengers are defined as individuals over the age of 60
 750 years or who, by reason of illness, injury, age, congenital malfunction, or other
 751 permanent or temporary incapacity or disability, are unable to utilize mass
 752 transportation facilities as effectively as persons who are not so affected;
 753 (v) ~~Granite trucks, where transportation from quarry to finishing plant involves not~~
 754 ~~crossing more than two counties Reserved;~~
 755 (vi) ~~RFD carriers and star-route carriers which carry no more than nine passengers~~
 756 ~~along with carriage of the United States mail, provided that such carriers shall not~~
 757 ~~carry passengers on a route along which another motor common carrier or motor~~
 758 ~~contract carrier of passengers has a permit or a certificate to operate Reserved;~~
 759 (vii) ~~Motor trucks of railway companies which perform a pick-up and delivery~~
 760 ~~service in connection with their freight train service, between their freight terminals~~
 761 ~~and points not more than ten miles distant, when either the freight terminal or such~~
 762 ~~points, or both, are outside the limits of an incorporated city Reserved;~~
 763 (viii) Motor vehicles owned and operated exclusively by the United States
 764 government or by this state or any subdivision thereof;
 765 (ix) ~~Single source leasing whereby a leasing company whose primary business is~~
 766 ~~leasing vehicles and who operates a fleet of ten or more vehicles provides vehicle~~
 767 ~~equipment and drivers in a single transaction to a private carrier. Such arrangement~~
 768 ~~is presumed to result in private carriage by the shipper if the requirements enumerated~~
 769 ~~below are met and subject only to the commission's transportation safety rules:~~

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

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

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

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

780 ~~(V) The lessee must maintain public liability insurance and accept responsibility~~
781 ~~to the public for any injury caused in the course of performing the transportation~~
782 ~~service conducted by the lessee with the equipment during the term of the lease;~~

783 ~~(VI) The lessee shall display appropriate identification on all equipment leased by~~
784 ~~it showing operation by the lessee during the performance of the transportation;~~

785 ~~(VII) The lessee must accept responsibility for, and bear the cost of, compliance~~
786 ~~with safety regulations during performance by the lessee of any such transportation~~
787 ~~services; and~~

788 ~~(VIII) The lessee must bear the risk of damage to the cargo, subject to any right of~~
789 ~~action the lessee may have against the lessor for the latter's negligence Reserved;~~

790 ~~(x) Motor vehicles engaged exclusively in the transportation of agricultural or dairy~~
791 ~~products, or both, between farm, market, gin, warehouse, or mill, whether such motor~~
792 ~~vehicle is owned by the owner or producer of such agricultural or dairy products or~~
793 ~~not, so long as the title remains in the producer. For the purposes of this division, the~~
794 ~~term 'producer' includes a landlord where the relations of landlord and tenant or~~
795 ~~landlord and cropper are involved. As used in this division, the term 'agricultural~~
796 ~~products' includes fruit, livestock, meats, fertilizer, wood, lumber, cotton, and naval~~
797 ~~stores; household goods and supplies transported to farms for farm purposes; or other~~
798 ~~usual farm and dairy supplies, including products of grove or orchard; poultry and~~
799 ~~eggs; fish and oysters; and timber or logs being hauled by the owner thereof or the~~
800 ~~owner's agents or employees between forest and mill or primary place of manufacture;~~
801 ~~provided, however, motor vehicles with a manufacturer's gross weight rated capacity~~
802 ~~of 44,000 pounds or more engaged solely in the transportation of unmanufactured~~
803 ~~forest products shall be subject to the Georgia Forest Products Trucking Rules which~~
804 ~~shall be adopted and promulgated by the commissioner of public safety only for~~
805 ~~application to such vehicles and vehicles defined in subparagraph (A) of paragraph~~
806 ~~(13) of this Code section; provided, further, that pulpwood trailers and pole trailers~~

807 with a manufacturer's gross weight rated capacity of 10,001 pounds or more engaged
 808 solely in the transportation of unmanufactured forest products shall have two amber
 809 side marker reflectors on each side of the trailer chassis between the rear of the tractor
 810 cab and the rearmost support for the load. All such reflectors shall be not less than
 811 four inches in diameter. Such rules and any amendments thereto adopted by the
 812 commissioner of public safety shall be subject to legislative review in accordance
 813 with the provisions of Code Section 46-2-30, and, for the purposes of such rules and
 814 any amendments thereto, the Senate Natural Resources and the Environment
 815 Committee and the House Committee on Natural Resources and Environment shall
 816 be the appropriate committees within the meaning of said Code Section 46-2-30. The
 817 first such rules adopted by the commissioner of public safety shall be effective July
 818 1, 1991 Reserved;

819 (xi) Reserved;

820 (xii) Reserved;

821 (xiii) Vehicles, owned or operated by the federal or state government, or by any
 822 agency, instrumentality, or political subdivision of the federal or state government,
 823 or privately owned and operated for profit or not for profit, capable of transporting not
 824 more than ten persons for hire when such vehicles are used exclusively to transport
 825 persons who are elderly, disabled, en route to receive medical care or prescription
 826 medication, or returning after receiving medical care or prescription medication. For
 827 the purpose of this division, elderly and disabled persons shall have the same meaning
 828 as in division (iv) of this ~~paragraph~~ subparagraph;

829 (xiv) Reserved; or

830 (xv) Ambulances.

831 (10) 'Passenger' means a person who travels in a public conveyance by virtue of a
 832 contract, either express or implied, with the carrier as to the payment of the fare or that
 833 which is accepted as an equivalent therefor. The prepayment of fare is not necessary to
 834 establish the relationship of passenger and carrier; although a carrier may demand
 835 prepayment of fare if persons enter his or her vehicle by his or her permission with the
 836 intention of being carried; in the absence of such a demand, an obligation to pay fare is
 837 implied on the part of the passenger, and the reciprocal obligation of carriage of the
 838 carrier arises upon the entry of the passenger.

839 (11) ~~'Permit' means a registration permit issued by the state revenue commissioner~~
 840 ~~authorizing interstate transportation for hire exempt from the jurisdiction of the United~~
 841 ~~States Department of Transportation or intrastate passenger transportation for hire exempt~~
 842 ~~from the jurisdiction of the state revenue commissioner or intrastate transportation by a~~
 843 ~~motor carrier of property~~ Reserved.

844 (12) 'Person' means any individual, partnership, trust, private or public corporation,
 845 municipality, county, political subdivision, public authority, cooperative, association, or
 846 public or private organization of any character.

847 ~~(13) 'Private carrier' means every person except motor common carriers or motor~~
 848 ~~contract carriers owning, controlling, operating, or managing any motor propelled~~
 849 ~~vehicle, and the lessees or trustees thereof or receivers appointed by any court~~
 850 ~~whatsoever, used in the business of transporting persons or property in private~~
 851 ~~transportation not for hire over any public highway in this state. The term 'private carrier'~~
 852 ~~shall not include:~~

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

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

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

865 ~~(D) Except for the motor vehicles excluded under subparagraph (C) of this paragraph,~~
 866 ~~motor vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds~~
 867 ~~or less; provided, however, that motor vehicles which have a manufacturer's gross~~
 868 ~~vehicle weight rating of 10,000 pounds or less and which are transporting hazardous~~
 869 ~~materials, as the term 'hazardous materials' is defined in Title 49 C.F.R., Parts 107,~~
 870 ~~171-173, and 177-178, shall be included within the meaning of the term 'private carrier';~~
 871 ~~or~~

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

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

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

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

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

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

890 **SECTION 19.**

891 Said title is further amended by revising Code Section 46-7-9, relating to fees, as follows:
 892 "46-7-9.

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

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

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

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

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

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

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

905 **SECTION 20.**

906 Said title is further amended by revising subsection (a) of Code Section 46-7-17, relating to
 907 designation and maintenance of agents for service on nonresidence carriers, service of
 908 process, and venue, as follows:

909 "(a) Each nonresident motor carrier shall, before any permit is issued to it under this article
 910 or at the time of registering as required by Code Section ~~46-7-16~~ 40-2-140, designate and
 911 maintain in this state an agent or agents upon whom may be served all summonses or other
 912 lawful processes in any action or proceeding against such motor carrier growing out of its
 913 carrier operations; and service of process upon or acceptance or acknowledgment of such
 914 service by any such agent shall have the same legal force and validity as if duly served
 915 upon such nonresident carrier personally. Such designation shall be in writing, shall give

916 the name and address of such agent or agents, and shall be filed in the office of the state
 917 revenue commissioner. Upon failure of any nonresident motor carrier to file such
 918 designation with the state revenue commissioner or to maintain such an agent in this state
 919 at the address given, such nonresident carrier shall be conclusively deemed to have
 920 designated the Secretary of State and his or her successors in office as such agent; and
 921 service of process upon or acceptance or acknowledgment of such service by the Secretary
 922 of State shall have the same legal force and validity as if duly served upon such nonresident
 923 carrier personally, provided that notice of such service and a copy of the process are
 924 immediately sent by registered or certified mail or statutory overnight delivery by the
 925 Secretary of State or his or her successor in office to such nonresident carrier, if its address
 926 be known. Service of such process upon the Secretary of State shall be made by delivering
 927 to his or her office two copies of such process with a fee of \$10.00."

928 **SECTION 21.**

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

932 **SECTION 22.**

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

935 **SECTION 23.**

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

938 "46-7-39.

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

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

948 (c) Misdemeanor violations of this chapter may be prosecuted, handled, and disposed of
 949 in the manner provided for by Chapter 13 of Title 40."

950 **SECTION 24.**

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

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

955 **SECTION 25.**

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

958 **SECTION 26.**

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

960 **SECTION 27.**

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