

House Bill 112 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 29th, Rice of the 51st, Battles of the 15th, and Harden of the 28th

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

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

28 **SECTION 1.**

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

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

34 **SECTION 2.**

35 Article 1 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to
 36 general provisions regarding bonds and recognizances, is amended by revising Code Section
 37 17-6-5, relating to acceptance of cash bonds for violations relating to motor vehicles, as
 38 follows:

39 "17-6-5.

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

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

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

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

45 (4) Commercial vehicle or driver safety;

46 (5) Hazardous materials transportation;

47 (6) Motor carrier insurance or registration;

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

49 ~~(5)~~(8) Game ~~game~~ and fish;

50 ~~(6)~~(9) Boating ~~boating~~; or

51 ~~(7)~~(10) Litter ~~litter~~ control

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

60 **SECTION 3.**

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

63 "17-6-8.

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

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

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

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

69 (4) Commercial vehicle or driver safety;

70 (5) Hazardous materials transportation;

71 (6) Motor carrier insurance or registration;

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

73 (5)(8) Game ~~game~~ and fish;

74 (6)(9) Boating ~~boating~~; or

75 (7)(10) Litter ~~litter~~ control

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

84 **SECTION 4.**

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

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

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

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

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

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

96 (5) Commercial vehicle or driver safety;

97 (6) Hazardous materials transportation;

98 (7) Motor carrier insurance or registration; or

132 **SECTION 8.**

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

135 "(28.1) 'Motor carrier' shall have the same meaning as provided for in Code Section
 136 40-2-1, and the terms 'carrier' and 'motor carrier' are synonymous."

137 "(50.1) 'Regulatory compliance inspection' means the examination of facilities, property,
 138 buildings, vehicles, drivers, employees, cargo, packages, records, books, or supporting
 139 documentation kept or required to be kept in the normal course of business or enterprise
 140 operations."

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

145 **SECTION 9.**

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

148 "40-1-8.

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

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

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

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

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

160 (2) Every driver employed to operate a motor vehicle for a motor carrier shall be at least
 161 18 years of age, meet the qualification requirements the commissioner shall from time to
 162 time promulgate, be of temperate habits and good moral character, possess a valid driver's
 163 license, not use or possess prohibited drugs or alcohol while on duty, and be fully
 164 competent and sufficiently rested to operate the motor vehicle under his or her charge;

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

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

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

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

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

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

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

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

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

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

220 (h) Every officer, agent, or employee of any corporation and every person who violates
 221 or fails to comply with this Code section or any order, rule, or regulation adopted pursuant
 222 to this Code section, or who procures, aids, or abets a violation of this Code section or such
 223 rule or regulation, shall be guilty of a misdemeanor. Misdemeanor violations of this Code
 224 section may be prosecuted, handled, and disposed of in the manner provided for by Chapter
 225 13 of this title."

226 **SECTION 10.**

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

228 "ARTICLE 2

229 40-1-20.

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

232 40-1-21.

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

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

240 40-1-22.

241 As used in this article, the term:

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

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

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

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

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

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

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

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

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

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

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

276 40-1-23.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

456 40-1-24.

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

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

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

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

485 40-1-25.

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

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

491 **SECTION 10.1.**

492 Said title is further amended by revising subsection (b) of Code Section 40-2-8, relating to
 493 operation of unregistered vehicle or vehicle without current license plate, revalidation decal,
 494 or county and extension of temporary plate, holographic security images, and disposition of
 495 fines, as follows:

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

502 (2)(A) It shall be a misdemeanor to operate any vehicle required to be registered in the
 503 State of Georgia without a valid numbered license plate properly validated, unless such
 504 operation is otherwise permitted under this chapter; and provided, further, that the
 505 purchaser of a new vehicle or a used vehicle from a dealer of new or used motor
 506 vehicles who displays a temporary plate issued as provided by subparagraph (B) of this
 507 paragraph may operate such vehicle on the public highways and streets of this state
 508 without a current valid license plate during the period within which the purchaser is
 509 required by Code Section 40-2-20 ~~to register such vehicle as provided for in Code~~
 510 ~~Section 40-2-29; .~~ An owner acquiring a motor vehicle from an entity that is not a new
 511 or used vehicle dealer shall register such vehicle as provided for in Code Section
 512 40-2-29 but the purchaser of any vehicle from a dealer of new or used motor vehicles;
 513 ~~but the purchaser of any vehicle from a dealer of new or used motor vehicles shall~~
 514 ~~display a temporary plate issued as provided by subparagraph (B) of this paragraph on~~
 515 ~~the rear of such vehicle in the space provided for a license plate when such vehicle is~~
 516 ~~operated on the public highways and streets of this state during such period prior to~~
 517 ~~registration, unless such purchaser has made application to transfer to such vehicle in~~
 518 ~~accordance with this chapter a valid license plate issued to him or her, in which event~~
 519 ~~the license plate to be transferred shall be displayed on the vehicle during the period~~
 520 ~~prior to registration, or unless such vehicle is to be registered under the International~~
 521 ~~Registration Plan pursuant to Article 3A of this chapter.~~

522 (B)(i) Any dealer of new or used motor vehicles shall issue to the purchaser of a
 523 vehicle at the time of sale thereof, unless at such time the purchaser makes application
 524 to transfer to such vehicle in accordance with this chapter a valid license plate issued

525 to him or her or unless such vehicle is to be registered under the International
 526 Registration Plan, a temporary plate as provided for by department rules or
 527 regulations which may bear the dealer's name and location and shall bear, ~~in~~
 528 ~~characters not less than one-quarter of an inch wide and one and one-half inches high,~~
 529 the expiration date of the period within which the purchaser is required by Code
 530 Section 40-2-20 to register such vehicle. ~~Such temporary plates shall be made of~~
 531 ~~heavy stock paper, inscribed with indelible ink, and designed to resist deterioration~~
 532 ~~or fading due to exposure to the elements during the period for which display is~~
 533 ~~required. The expiration date, the vehicle identification number, and the year, make,~~
 534 ~~and model of the vehicle shall be handprinted on the plate at the time of issuance by~~
 535 ~~use of an indelible ink marker, with contrasting ink, provided that the month of~~
 536 ~~expiration shall be indicated by complete word or by three-letter abbreviation thereof.~~
 537 The expiration date of such a temporary plate may be revised and extended by the
 538 county tag agent only if an extension of the purchaser's initial registration period has
 539 been granted as provided by Code Section 40-2-20. Such temporary plate shall not
 540 resemble a license plate issued by this state and shall be issued without charge or fee
 541 therefore. Such temporary plate shall be surrendered to the tag agent at the time the
 542 vehicle is registered, and the tag agent shall destroy such temporary plate. The
 543 requirements of this subparagraph do not apply to a dealer whose primary business
 544 is the sale of salvage motor vehicles and other vehicles on which total loss claims
 545 have been paid by insurers.

546 (ii) All temporary plates issued by dealers to purchasers of vehicles shall be of a
 547 standard design prescribed by regulation promulgated by the department ~~in~~
 548 ~~accordance with the requirements of this subparagraph. All temporary plates shall be~~
 549 ~~required to have a holographic security image and a write-resistant overlay with~~
 550 ~~security features such that any attempt to change or modify the expiration date on the~~
 551 ~~temporary plate will show immediate signs of tampering. All holographic security~~
 552 ~~images required under this division and manufactured on or after July 1, 2005, shall~~
 553 ~~be numbered with a separate and distinct number at the point of manufacture. All~~
 554 ~~holographic security images affixed to temporary plates on or after January 1, 2006,~~
 555 ~~shall be numbered as required by this division. The department may provide by rule~~
 556 ~~or regulation for the sale and distribution of such temporary plates by third parties in~~
 557 ~~accordance with paragraph (3) of this subsection.~~

558 (3) All sellers and distributors of ~~holographic strips must~~ temporary license plates shall
 559 register with the department and shall be assigned a distinct identifier by the department.
 560 ~~Such identifier shall precede the numbers required under division (b)(2)(B)(ii) of this~~
 561 ~~Code section. All sellers and distributors of holographic security images must~~ temporary

562 license plates shall maintain an inventory record of ~~holographic security images~~
 563 temporary license plates by number and purchaser name of the dealer.

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

570 **SECTION 10.2.**

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

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

579 **SECTION 11.**

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

582 "40-6-10.1.
 583 No motor carrier subject to the financial responsibility requirements of the Federal Motor
 584 Carrier Safety Administration, or any successor agency, as contained in 49 C.F.R. Part 387,
 585 shall operate any motor vehicle upon the highways of this state until such motor carrier has
 586 obtained and has in effect the minimum levels of financial responsibility prescribed by such
 587 federal regulations."

588 **SECTION 12.**

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

591 "40-8-2.

592 In addition to the requirements of this article, the commissioner of public safety, as to the
 593 motor vehicles within the jurisdiction of the Department of Public Safety, shall have the
 594 authority to promulgate rules designed to promote safety pursuant to the provisions of
 595 ~~Chapter 16 of this title and Chapter 7 of Title 46~~ Code Section 40-1-8. Any such rules

596 promulgated or deemed necessary by the commissioner shall include the following: every
 597 ~~motor unit~~ vehicle and all parts thereof shall be maintained in a safe condition at all times.
 598 The lights, brakes, and equipment shall meet such safety requirements as the commissioner
 599 shall promulgate from time to time. Notwithstanding any provision of law to the contrary,
 600 a vehicle, driver, or motor carrier that is subject to a safety rule so promulgated shall
 601 comply with the more stringent or additional requirement imposed by that motor carrier
 602 safety or hazardous materials safety rule."

603 **SECTION 13.**

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

606 "40-8-27.

607 (a) Except as provided in subsection (b) of this Code section, whenever the load upon any
 608 vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there
 609 shall be displayed at the extreme rear end of the load, at the times specified in Code Section
 610 40-8-20, a red light plainly visible from a distance of at least 500 feet to the sides and rear.
 611 The red light required under this Code section shall be in addition to the red rear light
 612 required upon every vehicle. At any other time there shall be displayed at the extreme rear
 613 end of such load a flag or flags as described in subsection (c) of this Code section not less
 614 than ~~±2~~ 18 inches square and so hung that the entire area is visible to the driver of a vehicle
 615 approaching from the rear.

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

631 (b.1) In lieu of the strobe type lamp or lamps provided for in subsection (b) of this Code
 632 section, any motor vehicle or trailer transporting a load of logs, long pulpwood, poles, or
 633 posts which extend more than four feet beyond the rear of the body or bed of such vehicle
 634 shall have securely affixed as close as practical to the end of any such projection, one
 635 light-emitting diode (LED) light equipped with a multidirectional type lens, mounted so
 636 as to be visible from the rear and from both sides of the projecting load. If the mounting
 637 of one light-emitting diode (LED) light cannot be accomplished so that it is visible from
 638 the rear and from both sides of the projecting load, multiple light-emitting diode (LED)
 639 lights shall be utilized so as to meet the visibility requirements of this subsection. The
 640 light-emitting diode (LED) light or lights shall be amber in color, shall flash at a rate of at
 641 least 60 flashes per minute, and shall be plainly visible from a distance of at least 500 feet
 642 from the rear and sides at a radius of 180 degrees of the projecting load at any time of the
 643 day or night. Any light-emitting diode (LED) light shall be constructed of durable, weather
 644 resistant material and may be powered by the vehicle's electrical system or by an
 645 independent battery system, or both. If the light-emitting diode (LED) light is powered by
 646 an independent battery system, the driver of the vehicle shall have in his or her immediate
 647 possession charged, spare batteries for use in case of battery failure. Any solid state
 648 light-emitting diode (LED) lighting that consists of multiple light-emitting diode (LED)
 649 lights shall not have less than 85 percent of the light-emitting diode (LED) lights in
 650 operable condition. The lights shall remain in operation at any time of the day or night
 651 when the vehicle is operated on any highway or parked on the shoulder or immediately
 652 adjacent to the traveled portion of any public roadway. The projecting load shall also be
 653 marked with a flag or flags as described in subsection (c) of this Code section. An
 654 emergency light permit as provided for in Code Section 40-8-92 is not required on a
 655 vehicle utilizing a light-emitting diode (LED) light to comply with the provisions of this
 656 Code section.

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

664 **SECTION 14.**

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

667 "40-8-53.

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

	Feet to Stop	
	From 20 Miles	Deceleration in
	<u>Per Hour</u>	<u>Feet Per Second</u>
674 Vehicles or combinations of vehicles		
675 having brakes on all wheels	30	14
676 Vehicles or combinations of vehicles		
677 not having brakes on all wheels	40	10.7

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

687 **SECTION 15.**

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

690 "40-8-72.

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

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

702 **SECTION 16.**

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

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

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

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

715 **SECTION 17.**

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

718 "(e) All tires:

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

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

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

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

731 **SECTION 18.**

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

735 "46-1-1.

736 As used in this title, the term:

- 737 (1) 'Carrier' means a person who undertakes the transporting of goods or passengers for
738 compensation.
- 739 (2) 'Certificate' means a certificate of public convenience and necessity issued pursuant
740 to this title.
- 741 (3) 'Commission' means the Public Service Commission.
- 742 (4) 'Company' shall include a corporation, a firm, a partnership, an association, or an
743 individual.
- 744 (5) 'Electric utility' means any retail supplier of electricity whose rates are fixed by the
745 commission.
- 746 (5.1) 'Exempt rideshare' means:
- 747 (A) Government endorsed rideshare programs;
- 748 (B) Rideshare programs in which a rideshare driver seeks reimbursement for, or the
749 rideshare participants pool or otherwise share, rideshare costs such as fuel; or
- 750 (C) The leasing or rental of a vehicle, in the ordinary course of the lessor's or rentor's
751 business, for rideshare purposes as part of a government endorsed rideshare program,
752 or for rideshare under a contract requiring compliance with subparagraph (B) of this
753 paragraph.
- 754 (6) 'For compensation' or 'for hire' means an activity wherein for payment or other
755 compensation a motor vehicle and driver are furnished to a person by another person,
756 acting directly or knowingly and willfully acting with another to provide the combined
757 service of the vehicle and driver, and includes every person acting in concert with, under
758 the control of, or under common control with a motor carrier who shall offer to furnish
759 transportation for compensation or for hire, provided that no exempt rideshare shall be
760 deemed to involve any element of transportation for compensation or for hire.
- 761 (6.1) 'Gas company' means any person certificated under Article 2 of Chapter 4 of this
762 title to construct or operate any pipeline or distribution system, or any extension thereof,
763 for the transportation, distribution, or sale of natural or manufactured gas.
- 764 (6.2) 'Government endorsed rideshare program' means a vanpool, carpool, or similar
765 rideshare operation conducted by or under the auspices of a state or local governmental
766 transit instrumentality, such as GRTA, a transportation management association, or a
767 community improvement district, or conducted under the auspices of such transit
768 agencies, including through any form of contract between such transit instrumentality and
769 private persons or businesses.
- 770 (6.3) 'GRTA' means the Georgia Regional Transportation Authority, which is itself
771 exempt from regulation as a carrier under Code Section 50-32-71.
- 772 (7) 'Household goods' means any personal effects and property used or to be used in a
773 dwelling when a part of the equipment or supplies of such dwelling and such other

774 similar property as the commission may provide for by regulation; provided, however,
 775 that such term shall not include property being moved from a factory or store except
 776 when such property has been purchased by a householder with the intent to use such
 777 property in a dwelling and such property is transported at the request of, and with
 778 transportation charges paid by, the householder.

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

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

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

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

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

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

803 (ii) ~~Taxicabs, drays, trucks, buses, and other motor vehicles~~ which operate within the
 804 corporate limits of municipalities and are subject to regulation by the governing
 805 authorities of such municipalities. ~~This exception shall apply to such vehicles even~~
 806 ~~though such vehicles may, in the prosecution of their regular business, occasionally~~
 807 ~~go beyond the corporate limits of such municipalities. Such exception shall not~~
 808 ~~include such vehicles engaged in the moving of household goods nor include~~
 809 ~~passenger vans (I) having a capacity of ten persons or more, (II) conducting~~
 810 ~~nonmetered transportation service and not operated by a municipality or municipal,~~

811 ~~county, or regional governmental authority, and (H) which are engaged in private~~
812 ~~for-hire transportation operating between points within the corporate limits of a~~
813 ~~municipality. Pursuant to Code Section 44-1-13, all tow trucks engaged in~~
814 ~~nonconsensual towing operations between points within the corporate limits of a~~
815 ~~municipality shall remain subject to the jurisdiction of the commission and the~~
816 ~~municipality within which such nonconsensual towing operations are conducted; the~~
817 ~~provisions of this division notwithstanding, vehicles and the drivers thereof operating~~
818 ~~within the corporate limits of any city shall be subject to the safety regulations~~
819 ~~adopted by the commissioner of public safety pursuant to Code Section 40-1-8;~~
820 (iii) Hotel passenger or baggage motor vehicles when used exclusively for patrons
821 and employees of such hotel;
822 (iv) Motor vehicles operated not for profit with a capacity of 15 persons or less when
823 they are used exclusively to transport elderly and disabled passengers or employees
824 under a corporate sponsored van pool program, except that a vehicle owned by the
825 driver may be operated for profit when such driver is traveling to and from his or her
826 place of work provided each such vehicle carrying more than nine passengers
827 maintains liability insurance in an amount of not less than \$100,000.00 per person and
828 \$300,000.00 per accident and \$50,000.00 property damage. For the purposes of this
829 division, elderly and disabled passengers are defined as individuals over the age of 60
830 years or who, by reason of illness, injury, age, congenital malfunction, or other
831 permanent or temporary incapacity or disability, are unable to utilize mass
832 transportation facilities as effectively as persons who are not so affected;
833 (v) ~~Granite trucks, where transportation from quarry to finishing plant involves not~~
834 ~~crossing more than two counties Reserved;~~
835 (vi) ~~RFD carriers and star-route carriers which carry no more than nine passengers~~
836 ~~along with carriage of the United States mail, provided that such carriers shall not~~
837 ~~carry passengers on a route along which another motor common carrier or motor~~
838 ~~contract carrier of passengers has a permit or a certificate to operate Reserved;~~
839 (vii) ~~Motor trucks of railway companies which perform a pick-up and delivery~~
840 ~~service in connection with their freight train service, between their freight terminals~~
841 ~~and points not more than ten miles distant, when either the freight terminal or such~~
842 ~~points, or both, are outside the limits of an incorporated city Reserved;~~
843 (viii) Motor vehicles owned and operated exclusively by the United States
844 government or by this state or any subdivision thereof;
845 (ix) ~~Single source leasing whereby a leasing company whose primary business is~~
846 ~~leasing vehicles and who operates a fleet of ten or more vehicles provides vehicle~~
847 ~~equipment and drivers in a single transaction to a private carrier. Such arrangement~~

848 is presumed to result in private carriage by the shipper if the requirements enumerated
 849 below are met and subject only to the commission's transportation safety rules:

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

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

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

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

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

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

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

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

870 ~~(x) Motor vehicles engaged exclusively in the transportation of agricultural or dairy~~
 871 ~~products, or both, between farm, market, gin, warehouse, or mill, whether such motor~~
 872 ~~vehicle is owned by the owner or producer of such agricultural or dairy products or~~
 873 ~~not, so long as the title remains in the producer. For the purposes of this division, the~~
 874 ~~term 'producer' includes a landlord where the relations of landlord and tenant or~~
 875 ~~landlord and cropper are involved. As used in this division, the term 'agricultural~~
 876 ~~products' includes fruit, livestock, meats, fertilizer, wood, lumber, cotton, and naval~~
 877 ~~stores; household goods and supplies transported to farms for farm purposes; or other~~
 878 ~~usual farm and dairy supplies, including products of grove or orchard; poultry and~~
 879 ~~eggs; fish and oysters; and timber or logs being hauled by the owner thereof or the~~
 880 ~~owner's agents or employees between forest and mill or primary place of manufacture;~~
 881 ~~provided, however, motor vehicles with a manufacturer's gross weight rated capacity~~
 882 ~~of 44,000 pounds or more engaged solely in the transportation of unmanufactured~~
 883 ~~forest products shall be subject to the Georgia Forest Products Trucking Rules which~~
 884 ~~shall be adopted and promulgated by the commissioner of public safety only for~~

885 ~~application to such vehicles and vehicles defined in subparagraph (A) of paragraph~~
 886 ~~(13) of this Code section; provided, further, that pulpwood trailers and pole trailers~~
 887 ~~with a manufacturer's gross weight rated capacity of 10,001 pounds or more engaged~~
 888 ~~solely in the transportation of unmanufactured forest products shall have two amber~~
 889 ~~side marker reflectors on each side of the trailer chassis between the rear of the tractor~~
 890 ~~cab and the rearmost support for the load. All such reflectors shall be not less than~~
 891 ~~four inches in diameter. Such rules and any amendments thereto adopted by the~~
 892 ~~commissioner of public safety shall be subject to legislative review in accordance~~
 893 ~~with the provisions of Code Section 46-2-30, and, for the purposes of such rules and~~
 894 ~~any amendments thereto, the Senate Natural Resources and the Environment~~
 895 ~~Committee and the House Committee on Natural Resources and Environment shall~~
 896 ~~be the appropriate committees within the meaning of said Code Section 46-2-30. The~~
 897 ~~first such rules adopted by the commissioner of public safety shall be effective July~~
 898 ~~1, 1991~~ Reserved;

899 (xi) Reserved;

900 (xii) Reserved;

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

909 (xiv) Reserved; or

910 (xv) Ambulances.

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

919 (11) ~~'Permit' means a registration permit issued by the state revenue commissioner~~
 920 ~~authorizing interstate transportation for hire exempt from the jurisdiction of the United~~
 921 ~~States Department of Transportation or intrastate passenger transportation for hire exempt~~

922 from the jurisdiction of the state revenue commissioner or intrastate transportation by a
 923 motor carrier of property Reserved.

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

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

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

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

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

945 ~~(D) Except for the motor vehicles excluded under subparagraph (C) of this paragraph,
 946 motor vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds
 947 or less; provided, however, that motor vehicles which have a manufacturer's gross
 948 vehicle weight rating of 10,000 pounds or less and which are transporting hazardous
 949 materials, as the term 'hazardous materials' is defined in Title 49 C.F.R., Parts 107,
 950 171-173, and 177-178, shall be included within the meaning of the term 'private carrier';
 951 or~~

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

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

955 (15) 'Railroad corporation' or 'railroad company' means all corporations, companies, or
 956 individuals owning or operating any railroad in this state. This title shall apply to all
 957 persons, firms, and companies, and to all associations of persons, whether incorporated
 958 or otherwise, that engage in business as common carriers upon any of the lines of railroad

959 in this state, as well as to railroad corporations and railroad companies as defined in this
960 Code section.

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

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

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

970 **SECTION 19.**

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

972 "46-7-9.

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

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

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

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

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

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

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

985 **SECTION 20.**

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

989 "(a) Each nonresident motor carrier shall, before any permit is issued to it under this article
990 or at the time of registering as required by Code Section ~~46-7-16~~ 40-2-140, designate and
991 maintain in this state an agent or agents upon whom may be served all summonses or other
992 lawful processes in any action or proceeding against such motor carrier growing out of its
993 carrier operations; and service of process upon or acceptance or acknowledgment of such

994 service by any such agent shall have the same legal force and validity as if duly served
 995 upon such nonresident carrier personally. Such designation shall be in writing, shall give
 996 the name and address of such agent or agents, and shall be filed in the office of the state
 997 revenue commissioner. Upon failure of any nonresident motor carrier to file such
 998 designation with the state revenue commissioner or to maintain such an agent in this state
 999 at the address given, such nonresident carrier shall be conclusively deemed to have
 1000 designated the Secretary of State and his or her successors in office as such agent; and
 1001 service of process upon or acceptance or acknowledgment of such service by the Secretary
 1002 of State shall have the same legal force and validity as if duly served upon such nonresident
 1003 carrier personally, provided that notice of such service and a copy of the process are
 1004 immediately sent by registered or certified mail or statutory overnight delivery by the
 1005 Secretary of State or his or her successor in office to such nonresident carrier, if its address
 1006 be known. Service of such process upon the Secretary of State shall be made by delivering
 1007 to his or her office two copies of such process with a fee of \$10.00."

1008 **SECTION 21.**

1009 Said title is further amended by repealing Code Section 46-7-26, relating to the authority of
 1010 the commissioner to promulgate rules and regulations for safety, and designating it as
 1011 "Reserved."

1012 **SECTION 22.**

1013 Said title is further amended by repealing Code Section 46-7-37, relating to exceptions for
 1014 private carriers, and designating it as "Reserved."

1015 **SECTION 23.**

1016 Said title is further amended by revising Code Section 46-7-39, relating to violations of
 1017 orders and penalties, as follows:

1018 "46-7-39.

1019 (a) Every officer, agent, or employee of any corporation and every person who violates or
 1020 fails to comply with this chapter relating to the regulation of motor carriers or any order,
 1021 rule, or regulation of the Public Service Commission, ~~Department of Public Safety, or~~
 1022 ~~Department of Revenue~~; or who procures, aids, or abets therein, shall be guilty of a
 1023 misdemeanor.

1024 ~~(b) No person shall drive or operate, or cause the operation of, a motor vehicle in violation~~
 1025 ~~of an out-of-service order. As used in this subsection, the term 'out-of-service order' means~~
 1026 ~~a temporary prohibition against operating as a carrier or driving or moving a motor vehicle,~~
 1027 ~~freight container or any cargo thereon, or any package containing a hazardous material.~~

1028 (e) Misdemeanor violations of this chapter may be prosecuted, handled, and disposed of
1029 in the manner provided for by Chapter 13 of Title 40."

1030 **SECTION 24.**

1031 Said title is further amended by adding a new subsection to Code Section 46-7-85.5, relating
1032 to safety and mechanical inspections, as follows:

1033 "(c) In addition to the requirements of this Code section, limousine carriers shall comply
1034 with the applicable provisions of Code Section 40-1-8."

1035 **SECTION 25.**

1036 Said title is further amended by repealing Chapter 11, relating to the transportation of
1037 hazardous materials, in its entirety and designating it as "Reserved."

1038 **SECTION 26.**

1039 This Act shall become effective on July 1, 2011; provided, however, that Section 10.1 of this
1040 Act shall become effective on November 1, 2011.

1041 **SECTION 27.**

1042 All laws and parts of laws in conflict with this Act are repealed.