

The Senate Transportation Committee offered the following substitute to SB 239:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
2 registration and licensing of motor vehicles, so as to provide for an inference of residency
3 under certain circumstances for drivers of vehicles displaying a license plate not issued by
4 this state; to provide for exceptions to such inference; to provide for instances for issuing
5 uniform traffic citations for resident drivers with license plates not issued by this state; to
6 provide for motor vehicle insurers to submit information regarding out of state insurance
7 coverage transfers to the Department of Driver Services; to provide for an effective date and
8 applicability; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

11 Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and
12 licensing of motor vehicles, is amended in subsection (a) of Code Section 40-2-8, relating
13 to the operation of an unregistered vehicle or vehicle without a current license plate,
14 revalidation decal, or county decal, as follows:
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16 "(a)(1) Any person owning or operating any vehicle described in Code Section 40-2-20
17 on any public highway or street without complying with that Code section shall be guilty
18 of a misdemeanor, provided that a person shall register his or her motor vehicle within
19 30 days after becoming a resident of this state.

20 (2) Any person renting; or leasing;~~or loaning~~ any vehicle described in Code Section
21 40-2-20 which is being used on any public highway or street without complying with that
22 Code section shall be guilty of a misdemeanor, ~~and;~~

23 (3) In any criminal action or proceeding arising out of acts alleged to have been
24 committed by any person in violation of this subsection, the trier of fact may, in its
25 discretion, infer that the driver of a vehicle displaying a license plate not issued by this
26 state has violated this subsection if the person operating the vehicle presents a Georgia

27 driver's license that was issued more than 30 days prior to the date of the stop; provided,
 28 however, that no such inference may be drawn if the driver presented at the time of arrest
 29 or citation:

30 (A) A valid military identification card;

31 (B) A current student identification card for attendance in a postsecondary school of
 32 this state;

33 (C) Documentation evidencing that the driver owns or leases a residence outside this
 34 state;

35 (D) Documentation evidencing that the driver temporarily borrowed the vehicle from
 36 a nonresident owner; or

37 (E) Documentation evidencing that the vehicle is owned or leased by a corporation
 38 incorporated outside this state.

39 (4) An initial uniform traffic citation may be issued for an alleged violation of this
 40 subsection when the vehicle is stopped by a law enforcement officer to enforce any other
 41 traffic laws and ordinances in effect in this state. If the vehicle remains unregistered after
 42 30 days have passed since the issuance of an initial citation for a violation of this
 43 subsection, a law enforcement officer may initiate a stop of a vehicle alleged to be in
 44 violation of this subsection on such basis alone.

45 (5) upon A conviction thereof, under this subsection shall be punished by a fine of
 46 \$100.00 for each violation; and each day that such vehicle is operated in violation of
 47 Code Section 40-2-20 shall be deemed to be a separate and distinct offense.

48 **SECTION 2.**

49 Said chapter is further amended in subparagraph (b)(1)(B) of Code Section 40-2-137, relating
 50 to notice and electronic transmission of insurance coverage and termination by insurers, as
 51 follows:

52 "(B) In cases in which the minimum motor vehicle insurance coverage required by
 53 Chapter 34 of Title 33 terminates or is transferred to another state, the insurer shall by
 54 electronic transmission notify the department of such coverage termination on or before
 55 the date coverage ends or, in cases of a transfer request or if termination is at the
 56 request of the insured, then on the date such request is processed by the insurer.
 57 Insurance coverage termination or transfer information included in such notice shall
 58 include the vehicle identification number and the date of coverage termination or
 59 transfer. For the purposes of this Code section, the Commissioner of Insurance shall
 60 furnish such notices to the department upon termination or transfer of a certificate of
 61 self-insurance."

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SECTION 3.

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This Act shall become effective on July 1, 2012, and shall apply to offenses committed on
64 or after such date.

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SECTION 4.

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