

House Bill 985 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 29th and Rice of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to modify provisions relating to temporary license plates for motor vehicles; to
3 provide for an extension of time for registration of motor vehicles under certain
4 circumstances; to remove lamination requirements for motor vehicle decals; to provide for
5 the furnishing of motor vehicle driver information to the Department of Revenue for the
6 purpose of detecting fraud; to provide for related matters; to provide an effective date; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

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

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

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

27 without a current valid license plate during the period within which the purchaser is
 28 required by Code Section 40-2-20. An owner acquiring a motor vehicle from an entity
 29 that is not a new or used vehicle dealer shall register such vehicle as provided for in
 30 Code Section 40-2-29 unless such vehicle is to be registered under the International
 31 Registration Plan pursuant to Article 3A of this chapter.

32 (B)(i) Any dealer of new or used motor vehicles shall issue to the purchaser of a
 33 vehicle at the time of sale thereof, ~~unless at such time the purchaser makes application~~
 34 ~~to transfer to such vehicle in accordance with this chapter a valid license plate issued~~
 35 ~~to him or her~~ or unless such vehicle is to be registered under the International
 36 Registration Plan, a temporary plate as provided for by department rules or
 37 regulations which may bear the dealer's name and location and shall bear the
 38 expiration date of the period within which the purchaser is required by Code Section
 39 40-2-20 to register such vehicle. The expiration date of such a temporary plate may
 40 be revised and extended by the county tag agent ~~only~~ upon application by the dealer,
 41 the purchaser, or the transferee if an extension of the purchaser's initial registration
 42 period has been granted as provided by Code Section 40-2-20. Such temporary plate
 43 shall not resemble a license plate issued by this state and shall be issued without
 44 charge or fee therefore. ~~Such temporary plate shall be surrendered to the tag agent at~~
 45 ~~the time the vehicle is registered, and the tag agent shall destroy such temporary plate.~~
 46 The requirements of this subparagraph do not apply to a dealer whose primary
 47 business is the sale of salvage motor vehicles and other vehicles on which total loss
 48 claims have been paid by insurers.

49 (ii) All temporary plates issued by dealers to purchasers of vehicles shall be of a
 50 standard design prescribed by regulation promulgated by the department. The
 51 department may provide by rule or regulation for the sale and distribution of such
 52 temporary plates by third parties in accordance with paragraph (3) of this subsection.

53 (3) ~~All sellers and distributors of temporary license plates shall register with the~~
 54 ~~department and shall be assigned a distinct identifier by the department.~~ All sellers and
 55 distributors of temporary license plates shall maintain an inventory record of temporary
 56 license plates by number and name of the dealer.

57 (4) The purchaser and operator of a vehicle shall not be subject to the penalties set forth
 58 in this Code section during the period allowed for the registration. If the owner of such
 59 vehicle presents evidence that such owner has properly applied for the registration of
 60 such vehicle, but that the license plate or revalidation decal has not been delivered to such
 61 owner, then the owner shall not be subject to the penalties enumerated in this subsection."

62 **SECTION 2.**

63 Said title is further amended by revising paragraph (1) of subsection (a) of Code Section
64 40-2-20, relating to registration and license requirements, extension of registration period,
65 and penalties, as follows:

66 "(1)(A) Except as provided in subsection (b) of this Code section and subsection (a) of
67 Code Section 40-2-47, every owner of a motor vehicle, including a tractor or
68 motorcycle, and every owner of a trailer shall, during the owner's registration period in
69 each year, register such vehicle as provided in this chapter and obtain a license to
70 operate it for the 12 month period until such person's next registration period.

71 (B)(i) The purchaser or other transferee owner of every new or used motor vehicle,
72 including tractors and motorcycles, or trailer shall register such vehicle as provided
73 in Code Section 40-2-8 and obtain or transfer as provided in this chapter a license to
74 operate it for the period remaining until such person's next registration period which
75 immediately follows such initial registration period, without regard to whether such
76 next registration period occurs in the same calendar year as the initial registration
77 period or how soon such next registration period follows the initial registration period;
78 provided, however, that this registration and licensing requirement does not apply to
79 a dealer which acquires a new or used motor vehicle and holds it for resale. The
80 commissioner may provide by rule or regulation for one 30 day extension of such
81 initial registration period which may be granted by the county tag agent ~~to a purchaser~~
82 ~~or other transferee owner~~ if the transferor has not provided such purchaser or other
83 transferee owner with a title to the motor vehicle more than five business days prior
84 to the expiration of such initial registration period. The county tag agent shall grant
85 an extension of the initial registration period when the transferor, purchaser, or
86 transferee can demonstrate by affidavit in a form provided by the commissioner that
87 title has not been provided to the purchaser or transferee due to the failure of a
88 security interest or lienholder to timely release a security interest or lien in accordance
89 with Code Section 40-3-56.

90 (ii) No person, company, or corporation, including, but not limited to, used motor
91 vehicle dealers and auto auctions, shall sell or transfer a motor vehicle without
92 providing to the purchaser or transferee of such motor vehicle the last certificate of
93 registration on such vehicle at the time of such sale or transfer; provided, however,
94 that in the case of a salvage motor vehicle or a motor vehicle which is stolen but
95 subsequently recovered by the insurance company after payment of a total loss claim,
96 the salvage dealer or insurer, respectively, shall not be required to provide the
97 certificate of registration for such vehicle; and provided, further, that in the case of a
98 repossessed motor vehicle or a court ordered sale or other involuntary transfer, the

99 lienholder or the transferor shall not be required to provide the certificate of
 100 registration for such vehicle but shall, prior to the sale of such vehicle, surrender the
 101 license plate of such vehicle to the commissioner or the county tag agent by personal
 102 delivery or by certified mail or statutory overnight delivery for cancellation."

103 **SECTION 3.**

104 Said title is further amended by revising subsections (a) and (b) of Code Section 40-2-74.1,
 105 relating to special motor vehicle decals for persons with disabilities, as follows:

106 "(a) The department shall issue parking permits for persons with disabilities and may
 107 delegate to county tag agents the responsibility for issuance of such permits to residents of
 108 the county served by the tag agent. The department shall receive applications for and issue
 109 parking permits by mail to persons with disabilities upon presentation of an affidavit of a
 110 licensed doctor of medicine, licensed doctor of osteopathic medicine, licensed doctor of
 111 podiatric medicine, licensed optometrist, or licensed chiropractor stating that such person
 112 is a disabled person, the specific disability that limits or impairs the person's ability to walk,
 113 and that he or she is a person with disabilities as specified in paragraph (5) of Code Section
 114 40-6-221. Permits shall be in such form as the department prescribes but shall be of
 115 sufficient size and sufficiently distinctively marked to be easily visible when placed on or
 116 affixed to the driver's side of the dashboard or hung from the rearview mirror of the parked
 117 vehicle. Permits shall be made of ~~plastic or heavyweight cardboard~~ a substrate as
 118 determined by the commissioner and shall be of sufficient quality to ensure that the
 119 coloring of the permit and the ink used thereon will resist fading for a period of at least four
 120 years. ~~The front and back surfaces of the permit shall be laminated to prevent alteration~~
 121 ~~of the information printed underneath on the permit.~~ Permits shall be issued to individuals,
 122 and the name of the individual and an identification number shall appear on the permit.
 123 The individual to whom a permit is issued may use the permit for any vehicle he or she is
 124 operating or in which he or she is a passenger. Permits shall also be issued to institutions
 125 when the primary purpose of a vehicle operated by the institution is to transport individuals
 126 with disabilities. The name of the institution, the license number of the particular vehicle,
 127 and an identification number shall appear on the permit. The institution shall use such
 128 permit only for a vehicle which is operated by the institution and which is used primarily
 129 to transport individuals with disabilities.

130 (b) The department shall issue a temporary permit to any temporarily disabled person upon
 131 presentation of an affidavit of a licensed doctor of medicine, licensed doctor of osteopathic
 132 medicine, licensed doctor of podiatric medicine, licensed optometrist, or licensed
 133 chiropractor stating that such person is a temporarily disabled person, the specific disability
 134 that limits or impairs the person's ability to walk, that he or she is a person with disabilities

135 as specified in paragraph (5) of Code Section 40-6-221, and a date until which such person
 136 is likely to remain disabled. The temporary permit ~~shall vary in color from one period to~~
 137 ~~the next renewal period and~~ shall show prominently on its face an expiration date the same
 138 as the date specified by such doctor for the likely termination of the disability, which date
 139 shall not be more than 180 days after the date the permit is issued. The expiration date
 140 shall be ~~machine printed, not handwritten,~~ with permanent ink and in boldface type of
 141 sufficient size to be legible when the permit is displayed on the driver's side of the
 142 dashboard or hung from the rearview mirror."

143 **SECTION 4.**

144 Said title is further amended by revising subsection (f) of Code Section 40-5-2, relating to
 145 keeping of records of applications for licenses and information on licensees and the
 146 furnishing of information, as follows:

147 "(f) The department is specifically authorized to disseminate the following records and
 148 information:

149 (1) To the United States Selective Service System and the Georgia Crime Information
 150 Center, compilations of the names, most current addresses, license or identification card
 151 numbers, and dates of birth of licensees or applicants for licenses or applicants for or
 152 holders of identification cards issued under this chapter, or, in the case of the United
 153 States Selective Service System, any other information from the license or identification
 154 card application as necessary for purposes of registration of persons therewith. Such
 155 information shall only be used in the fulfillment of the legitimate governmental duties of
 156 the United States Selective Service System and the Georgia Crime Information Center
 157 and shall not be further disseminated to any person. Information transmitted to the
 158 United States Selective Service System pursuant to this paragraph shall be provided in
 159 an electronic format;

160 (2) To the military branches of the United States Department of Defense, compilations
 161 of the names, dates of birth, sex, and most current addresses of licensees between the ages
 162 of 16 and 24 for the sole purpose of mailing recruiting and job opportunity information,
 163 provided that the department shall not be required to provide such a compilation more
 164 than once every two months;

165 (3) To the Department of Human Services, compilations of the names, dates of birth, and
 166 most current addresses of licensees or applicants for licenses. Any information provided
 167 pursuant to this subsection shall only be used by the Department of Human Services in
 168 connection with the recovery of delinquent child support payments under Article 1 of
 169 Chapter 11 of Title 19, known as the 'Child Support Recovery Act';

170 (4) To a local fire or law enforcement department, a copy of the abstract of the driving
171 record of any applicant for employment or any current employee and to the Georgia
172 Bureau of Investigation for the purpose of providing a local fire or law enforcement
173 department with the abstract through the Criminal Justice Information System. It shall
174 be unlawful for any person who receives an abstract of the driving record of an individual
175 under this subsection to disclose any information pertaining to such abstract or to make
176 any use thereof except in the performance of official duties with the local fire or law
177 enforcement department;

178 (5) The information required to be made available to organ procurement organizations
179 pursuant to subsection (d) of Code Section 40-5-25 and for the purposes set forth in such
180 Code section;

181 (6)(A) The information required to be made available regarding voter registration
182 pursuant to Code Section 21-2-221 and for the purposes set forth in such Code section;
183 and

184 (B) Information sufficient for use in verifying a registered voter's identity by the
185 Secretary of State, the county election superintendent, or the county registrar, including
186 name, address, date of birth, gender, driver identification number, photograph, and
187 signature; ~~and~~

188 (7) The lists required to be made available to boards of jury commissioners, the Council
189 of Superior Court Clerks of Georgia, and the Administrative Office of the Courts
190 pursuant to Code Section 15-12-40 or 15-12-40.1 regarding county residents who are the
191 holders of drivers' licenses or personal identification cards issued pursuant to this chapter.
192 Such lists shall identify each such person by name, address, date of birth, and gender,
193 and, whenever racial and ethnic information is collected by the department for purposes
194 of voter registration pursuant to Code Section 21-2-221, the department shall also provide
195 such information. The department shall also provide the address, effective date,
196 document issue date, and document expiration date and shall indicate whether the
197 document is a driver's license or a personal identification card. Such information shall
198 be provided to the Council of Superior Court Clerks of Georgia and the Administrative
199 Office of the Courts request in the electronic format required by the council for such
200 purposes and without any charge for such data; and

201 (8) To the Department of Revenue, information sufficient for use in the detection and
202 prevention of fraudulent tax returns, including name, address, date of birth, gender, driver
203 identification number, photograph, and signature. Such information may be provided in
204 electronic format by means of bulk transfer. Any information provided pursuant to this
205 paragraph shall only be used by the Department of Revenue in connection with the
206 detection and prevention of fraudulent tax returns."

207 **SECTION 5.**

208 This Act shall become effective on July 1, 2012.

209 **SECTION 6.**

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