

House Bill 255

By: Representatives Rogers of the 10th, Powell of the 32nd, Hitchens of the 161st, Lumsden of the 12th, Benton of the 31st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-1-102 of the Official Code of Georgia Annotated, relating to
2 certification as a prerequisite to the operation of a motor carrier of passengers or household
3 goods or property and minimum insurance requirement, and Article 6A of Chapter 2 of Title
4 40 of the Official Code of Georgia Annotated, relating to administration of the federal
5 Unified Carrier Registration Act of 2005, so as to transfer the administration responsibilities
6 of the federal Unified Carrier Registration Act of 2005 from the Department of Revenue to
7 the Department of Public Safety, to provide for related matters; to provide an effective date;
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Code Section 40-1-102 of the Official Code of Georgia Annotated, relating to certification
12 as a prerequisite to the operation of a motor carrier of passengers or household goods or
13 property and minimum insurance requirement, is amended by revising subsection (b) as
14 follows:

15 "(b) Before a motor carrier may enter into any contract for the transportation of passengers,
16 the motor carrier shall provide to all parties to the agreement a copy of the motor carrier's
17 proof of legally required minimum insurance coverage and a valid certification number
18 demonstrating that the motor carrier is currently certified by the commissioner, ~~the~~
19 ~~Commissioner of Revenue~~, the Federal Motor Carrier Safety Administration, or any other
20 similarly required certifying agency. Any contract entered into in violation of this Code
21 section shall be void and unenforceable."

22 style="text-align:center">**SECTION 2.**

23 Article 6A of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
24 administration of the federal Unified Carrier Registration Act of 2005, is amended by
25 revising Code Section 40-2-140, relating to the Department of Revenue to administer

26 provisions of this article, registration and fee requirements, evidence of continuing education,
 27 requirements for obtaining operating authority, collection, retention, and utilization of fees,
 28 regulatory compliance inspections, and penalties, as follows:

29 "40-2-140.

30 (a) As used in this Code section, the term 'commissioner' means the commissioner public
 31 safety.

32 ~~(a)~~(b) The Department of ~~Revenue~~ Public Safety shall be the state agency responsible for
 33 the administration of the federal Unified Carrier Registration Act of 2005, which includes
 34 participating in the development, implementation, and administration of the Unified Carrier
 35 Registration Agreement.

36 ~~(b)~~(c) Every foreign or domestic motor carrier, leasing company leasing to a motor carrier,
 37 broker, or freight forwarder that engages in interstate commerce in this state shall register
 38 with the commissioner or a base state and pay all fees as required by the federal Unified
 39 Carrier Registration Act of 2005.

40 ~~(c)~~(d)(1) Any motor carrier, leasing company leasing to a motor carrier, broker, or
 41 freight forwarder that engages in intrastate commerce and operates a motor vehicle on or
 42 over any public highway of this state shall register with the commissioner and pay a fee
 43 determined by the commissioner.

44 (2) No motor carrier shall be issued a registration unless there is filed with the
 45 commissioner or the Federal Motor Carrier Safety Administration or any successor
 46 agency a certificate of insurance for such applicant or holder, on forms prescribed by the
 47 commissioner, evidencing a policy of indemnity insurance by an insurance company
 48 licensed to do business in this state. Such policy shall provide for the protection of
 49 passengers in passenger vehicles and the protection of the public against the negligence
 50 of such motor carrier, and its servants or agents, when it is determined to be the
 51 proximate cause of any injury. The commissioner shall determine and fix the amounts
 52 of such indemnity insurance and shall prescribe the provisions and limitations thereof.
 53 The insurer shall file such certificate. Failure to file any form required by the
 54 commissioner shall not diminish the rights of any person to pursue an action directly
 55 against a motor carrier's insurer. The insurer may file its certificate of insurance
 56 electronically with the commissioner.

57 (3) The commissioner shall have the power to permit self-insurance in lieu of a policy
 58 of indemnity insurance whenever in his or her opinion the financial ability of the motor
 59 carrier so warrants.

60 (4) Any person having a cause of action, whether arising in tort or contract, under this
 61 Code section may join in the same cause of action the motor carrier and its insurance
 62 carrier.

63 ~~(d)~~(e) Before any motor carrier engaged in exempt passenger intrastate commerce shall
 64 operate any motor vehicle on or over any public highway of this state, the motor carrier
 65 shall register with the commissioner and pay a fee determined by the commissioner.

66 ~~(d.1)~~(f) Before any motor carrier shall be registered under the federal Unified Carrier
 67 Registration Act of 2005 by the Department of ~~Revenue~~ Public Safety, that carrier shall
 68 furnish evidence to the ~~department~~ Department of Public Safety that the carrier, through
 69 an authorized representative, has completed, within the preceding 12 months, an
 70 educational seminar on motor carrier operations and safety regulations that has been
 71 certified by the commissioner.

72 ~~(e)~~(g) In addition to any requirements under the federal Unified Carrier Registration Act
 73 of 2005, motor carriers required to have operating authority shall fulfill all applicable
 74 requirements for obtaining operating authority prior to any operation of a motor vehicle to
 75 which such requirements apply.

76 ~~(f)~~(h) The commissioner shall collect the fees imposed by this Code section and may
 77 establish rules and regulations and prescribe such forms as are necessary to administer this
 78 Code section and the federal Unified Carrier Registration Act of 2005. Notwithstanding
 79 the provisions of Code ~~Sections~~ Section 40-2-131 and ~~48-2-17~~, the commissioner shall
 80 retain and utilize such fees for motor carrier safety programs and enforcement and
 81 administration of this article.

82 ~~(g)~~(i) The commissioner of ~~public safety~~, and persons he or she designates pursuant to
 83 Chapter 2 of Title 35, shall have the authority to perform regulatory compliance inspections
 84 under the provisions of Article 5 of Chapter 2 of Title 35 for purposes of determining
 85 compliance with laws and regulations, the enforcement and administration of which is the
 86 responsibility of the Department of Public Safety.

87 ~~(h)~~(j) Every officer, agent, or employee of any corporation and every person who fails to
 88 comply with this article and ~~any order, rule, or regulation of the Public Service~~
 89 ~~Commission, Department of Public Safety, or Department of Revenue~~, or who procures,
 90 aids, or abets therein, shall be guilty of a misdemeanor. Misdemeanor violations of this
 91 article may be prosecuted, handled, and disposed of in the manner provided for in Chapter
 92 13 of this title."

93 SECTION 3.

94 This Act shall become effective on July 1, 2013.

95 SECTION 4.

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