

House Bill 566 (COMMITTEE SUBSTITUTE)

By: Representative Pak of the 108<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to general provisions for the registration and licensing of motor vehicles, so as to  
3 provide for definitions; to provide for an exemption to the prohibition of operating an  
4 unregistered motor vehicle when such vehicle is being driven by a professional trained to  
5 diagnose and repair certain parts that cause failure in emission control testing; to provide for  
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Article 1 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to  
10 general provisions for the registration and licensing of motor vehicles, is amended by adding  
11 a new Code section to read as follows:

12 "40-2-12.

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

14 (1) 'Automotive service provider' means a business entity that:

15 (A) Is licensed by a municipal or county governing authority;

16 (B) Complies with all applicable local zoning ordinances;

17 (C) Maintains worker's compensation insurance as required under Chapter 9 of Title  
18 34;

19 (D) Maintains liability insurance that includes nonowner vehicle coverage;

20 (E) Complies with hazardous materials handling and storage requirements provided for  
21 under Part 1 of Article 3 of Chapter 8 of Title 12, the 'Georgia Hazardous Waste  
22 Management Act'; and

23 (F) Is equipped with all the tools and diagnostic equipment necessary to ensure that the  
24 appropriate repair procedures are followed and the parts used meet or exceed original  
25 equipment manufacturer specifications for durability and warranty requirements.

26 (2) 'Readiness test drive sequence' means the procedures used to replicate the conditions  
27 required to initiate the on-board diagnostic equipment self-test procedure to verify  
28 emissions control equipment functionality as defined by the vehicle manufacturer, the  
29 Society of Automotive Engineers, or the United States Environmental Protection Agency.

30 (3) 'Repair order' means the business document used by an automotive service provider  
31 to initiate repairs upon a motor vehicle which is signed and dated by the motor vehicle  
32 owner. Such order shall include the motor vehicle owner's name, address, and contact  
33 information; a description of why the owner is seeking service on the motor vehicle; the  
34 repair procedures to be utilized by the automotive service provider; the replacement parts  
35 to be used in the repair of the motor vehicle; and the cost of the repair.

36 (4) 'Vehicle service professional' means a person employed by an automotive service  
37 provider who has undergone appropriate training in the functionality of the on-board and  
38 external diagnostic equipment in order to appropriately diagnose, repair, and verify the  
39 integrity of a vehicle's emissions control equipment. Such person shall possess a current  
40 Georgia driver's license and maintain the appropriate insurance required for the operation  
41 of a motor vehicle.

42 (b) Any vehicle service professional performing a readiness test drive sequence upon a  
43 vehicle which is not registered as required under Code Section 40-2-20 shall not be subject  
44 to the penalties set forth in this chapter so long as such person is in possession of a repair  
45 order less than 14 days old which is displayed upon the vehicle dashboard."

46 **SECTION 2.**

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