

The House Committee on Transportation offers the following substitute to HB 150:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Sections 32-10-64 and 48-7-161 of the Official Code of Georgia Annotated,
2 relating to general toll powers, police powers, and rules and regulations of the State Road and
3 Tollway Authority and definitions relative to setoff debt collection by the Department of
4 Revenue, respectively, so as to provide for setoff of debt owed on unpaid toll violations from
5 tax refunds by the Department of Revenue; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 32-10-64 of the Official Code of Georgia Annotated, relating to general toll
10 powers, police powers, and rules and regulations of the State Road and Tollway Authority,
11 is amended by revising paragraph (1) of subsection (c) as follows:

12 "(1) No motor vehicle shall be driven or towed through a toll collection facility, where
13 appropriate signs have been erected to notify traffic that it is subject to the payment of
14 tolls beyond such sign, without payment of the proper toll. In the event of nonpayment
15 of the proper toll, as evidenced by video or electronic recording, the registered owner of
16 such vehicle shall be liable to make prompt payment to the authority of the proper toll
17 and an administrative fee of up to \$25.00 per violation to recover the cost of collecting
18 the toll. The authority or its authorized agent shall provide notice to the registered owner
19 of a vehicle, and a reasonable time to respond to such notice, of the authority's finding
20 of a violation of this subsection. The authority or its authorized agent may provide
21 subsequent notices to the registered owner of a vehicle if such owner fails to respond to
22 the initial notice. The administrative fee may increase with each notice, provided that
23 such fee shall not exceed a cumulative total of \$25.00 per violation. Upon failure of the
24 registered owner of a vehicle to pay the proper toll and administrative fee to the authority
25 after notice thereof and within the time designated in such notice, the authority may
26 proceed to seek collection of the proper toll and the administrative fee as debts owing to

27 the authority, in such manner as the authority deems appropriate and as permitted under
 28 law. If the authority finds multiple failures by a registered owner of a vehicle to pay the
 29 proper toll and administrative fee after notice thereof and within the time designated in
 30 such notices, the authority may refer the matter to the Office of State Administrative
 31 Hearings. The scope of any hearing held by the Office of State Administrative Hearings
 32 shall be limited to consideration of evidence relevant to a determination of whether the
 33 registered owner has failed to pay, after notice thereof and within the time designated in
 34 such notice, the proper toll and administrative fee. The only affirmative defense that may
 35 be presented by the registered owner of a vehicle at such a hearing is theft of the vehicle,
 36 as evidenced by presentation at the hearing of a copy of a police report showing that the
 37 vehicle has been reported to the police as stolen prior to the time of the alleged violation.
 38 A determination by the Office of State Administrative Hearings of multiple failures to
 39 pay by a registered owner of a vehicle shall subject such registered owner to imposition
 40 of, in addition to any unpaid tolls and administrative fees, a civil monetary penalty
 41 payable to the authority of not more than \$70.00 per violation. Upon failure by a
 42 registered owner to pay to the authority, within 30 days of the date of notice thereof, the
 43 amount determined by the Office of State Administrative Hearings as due and payable
 44 for multiple violations of this subsection, the motor vehicle registration of such registered
 45 owner shall be immediately suspended by operation of law. The authority shall give
 46 notice to the Department of Revenue of such suspension. Such suspension shall continue
 47 until the proper toll, administrative fee, and civil monetary penalty as have been
 48 determined by the Office of State Administrative Hearings are paid to the authority. The
 49 authority may seek to collect the debt owed through setoff by the Department of Revenue
 50 under procedures set forth in Article 7 of Chapter 7 of Title 48. Actions taken by the
 51 authority under this subsection shall be made in accordance with policies and procedures
 52 approved by the members of the authority."

53 **SECTION 2.**

54 Code Section 48-7-161, relating to definitions relative to setoff debt collection by the
 55 Department of Revenue, is amended by revising paragraph (1) as follows:

56 "(1) 'Claimant agency' means and includes, in the order of priority set forth below:

57 (A) The Department of Human Services and the Department of Behavioral Health and
 58 Developmental Disabilities with respect to collection of debts under Article 1 of
 59 Chapter 11 of Title 19, Code Section 49-4-15, and Chapter 9 of Title 37;

60 (B) The Georgia Student Finance Authority with respect to the collection of debts
 61 arising under Part 3 of Article 7 of Chapter 3 of Title 20;

- 62 (C) The Georgia Higher Education Assistance Corporation with respect to the
 63 collection of debts arising under Part 2 of Article 7 of Chapter 3 of Title 20;
- 64 (D) The Georgia Board for Physician Workforce with respect to the collection of debts
 65 arising under Part 6 of Article 7 of Chapter 3 of Title 20;
- 66 (E) The Department of Labor with respect to the collection of debts arising under Code
 67 Sections 34-8-254 and 34-8-255 and Article 5 of Chapter 8 of Title 34, with the
 68 exception of Code Sections 34-8-158 through 34-8-161; provided, however, that the
 69 Department of Labor establishes that the debtor has been afforded required due process
 70 rights by such Department of Labor with respect to the debt and all reasonable
 71 collection efforts have been exhausted;
- 72 (F) The Department of Community Supervision with respect to probation fees arising
 73 under Code Section 42-8-34 and restitution or reparation ordered by a court as a part
 74 of the sentence imposed on a person convicted of a crime who is in the legal custody
 75 of the Department of Corrections or the Department of Community Supervision;
- 76 (G) The Department of Juvenile Justice with respect to restitution imposed on a
 77 juvenile for a delinquent act which would constitute a crime if committed by an adult;
 78 ~~and~~
- 79 (H) The Georgia Lottery Corporation with respect to proceeds arising under Code
 80 Section 50-27-21; and
- 81 (I) The State Road and Tollway Authority with respect to collection of amounts
 82 determined by the Office of State Administrative Hearings as due and payable for
 83 violations of subsection (c) of Code Section 32-10-64."

84 **SECTION 3.**

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