

SENATE SUBSTITUTE TO HB 898:

AS PASSED SENATE

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 revise provisions relative to fleet
 3 vehicles and fleet vehicle registration plans; to provide for definitions; to provide for fleet
 4 enrollment procedures; to provide for procedures for registering and licensing vehicles
 5 enrolled in a fleet; to provide for license plates; to remove revalidation decal requirements
 6 for vehicles in a fleet vehicle registration plan; to provide for the transfer of license plates
 7 between vehicles registered under a fleet vehicle registration plan; to provide for termination
 8 of participation in a fleet vehicle registration plan program; to provide for conditions related
 9 to wearing headphones or headsets; to prohibit wearing a device which impairs a person's
 10 vision; to revise provisions relating to a special license plate for the personal vehicles of
 11 firefighters; to provide for related matters; to repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and
 15 licensing of motor vehicles, is amended by revising Article 2A, relating to fleet vehicles, as
 16 follows:

17 **"ARTICLE 2A**

18 **40-2-50.**

19 As used in this article, the term:

20 (1) 'Fleet' means ~~1,000~~ 100 or more motor vehicles.

21 (2) 'Fleet registration plan' means the method of registering the motor vehicles of a fleet
 22 as provided in this article.

23 40-2-51.

24 (a)(1) A corporation or firm which has an established place of business in this state or
 25 which is controlled by a parent corporation which has an established place of business in
 26 this state and which owns or operates under a lease agreement a fleet which is not required
 27 to be registered under the International Registration Plan in accordance with Article 3A of
 28 this chapter may enroll in the fleet registration plan and register and obtain licenses to
 29 operate the motor vehicles in such fleet as provided in this article.

30 ~~(2) The provisions of this article for fleet enrollment, registration, and licensing shall not~~
 31 ~~apply to any corporation or firm which leases or rents motor vehicles to other persons for~~
 32 ~~use thereby.~~

33 (b)(1) Applications for enrollment of a fleet under the fleet registration plan may be
 34 submitted to the department in the form and manner prescribed ~~thereby during the period~~
 35 ~~of December 1 of the prior registration year to February 15 of the year for which the~~
 36 ~~license plates are to be issued. Motor vehicles of a fleet shall be enrolled separately by~~
 37 ~~classes and by counties where the vehicles are to be registered~~ by the commissioner.

38 ~~(2)(A)~~ An applicant for enrollment of a fleet under the fleet registration plan shall pay
 39 a fleet enrollment fee of ~~\$200.00~~ \$50.00 for initial enrollment of the fleet.

40 ~~(B) If the applicant for enrollment of a fleet or the parent corporation or firm thereof~~
 41 ~~has not had an established place of business in this state for a period of ten consecutive~~
 42 ~~years or more, the applicant shall post a \$25,000.00 surety bond at the time of applying~~
 43 ~~for enrollment.~~

44 (3) If the department determines that the applicant is eligible for fleet registration and
 45 proper application has been made, the department shall enroll the fleet, indicate the
 46 amount of license fees due for the fleet, ~~validate the enrollment form or forms for the~~
 47 ~~applicable county or counties, and mail the validated original enrollment form or forms~~
 48 ~~with fees indicated to the applicant. Such enrollment shall be valid for a period which~~
 49 ~~is concurrent with that period for which regular license plates are issued for use under~~
 50 ~~Code Section 40-2-31. Thereafter, the department shall, prior to December 1 of each year~~
 51 ~~of the enrollment period, mail the enrollee a statement of the amount of license fees due~~
 52 ~~and payable during the forthcoming registration period for such fleet~~ and assign a unique
 53 registration account number to the applicant.

54 40-2-52.

55 (a) ~~After~~ Within 30 days of receipt of a validated fleet enrollment form, the owner or
 56 operator of the enrolled fleet shall register and obtain licenses to operate the motor vehicles
 57 thereof ~~during the period of December 1 of the prior registration year to February 15 of the~~
 58 ~~year for which the license plates are to be issued~~ by submitting properly completed

59 certificates of title for each vehicle in a fleet and any supporting documents required by the
 60 commissioner. The owner or operator of the enrolled fleet which acquires a vehicle after
 61 approval of fleet enrollment shall submit the properly completed certificates of title and
 62 required supporting documentation for any additional vehicles within 30 days from the date
 63 of acquisition of such vehicle.

64 ~~(b) An applicant for registration of a vehicle of an enrolled fleet shall submit a validated~~
 65 ~~original fleet enrollment form to the county tag agent in each county in which vehicles~~
 66 ~~enrolled under the fleet registration plan are to be registered. All certificates of title by the~~
 67 ~~owner or operator of an enrolled fleet required under this article shall be submitted to the~~
 68 ~~department electronically and in a manner prescribed by the commissioner.~~

69 (c) Any applicable state and local title and ad valorem taxes required pursuant to Code
 70 Section 48-5C-1 shall be paid for any new motor vehicle to be included in an enrolled fleet.

71 ~~(e)~~(d) The provisions of Article 2 of this chapter for registering and licensing motor
 72 vehicles generally which are not inconsistent with the provisions of this article shall apply
 73 to the registration and licensing of each vehicle of an enrolled fleet.

74 40-2-53.

75 (a)(1) Upon electronic submission by the applicant of a validated original fleet enrollment
 76 form and compliance with of all applicable requirements for registration and licensing of
 77 motor vehicles, of this article, the department shall send notification of such to the county
 78 tag agent. Upon receipt of such notification from the department, the county tag agent shall
 79 issue to the applicant a fleet motor vehicle license plate for each vehicle of the fleet to be
 80 registered and licensed in such county.

81 (2) ~~The county tag agent shall mark the validated original fleet enrollment form as 'taxes~~
 82 ~~paid' or 'tax exempt,' as applicable, and return such form to the registrant.~~

83 (3) ~~The registrant shall submit to the department the validated original fleet enrollment~~
 84 ~~form which has been marked as provided in paragraph (2) of this subsection.~~

85 (b) Fleet motor vehicle license plates shall be similar in design to ~~and issued for the same~~
 86 ~~period as~~ regular license plates issued under Code Section 40-2-31, except that such fleet
 87 motor vehicle license plates shall contain such words or symbols, in addition to the
 88 numbers and letters otherwise prescribed by law, so as to distinctively identify the motor
 89 vehicles on which they are placed as fleet motor vehicles. ~~It shall be a requirement that a~~
 90 ~~county name decal shall be affixed and displayed on license plates issued under this Code~~
 91 ~~section. Such motor vehicle license plates shall contain the word 'FLEET' in the location~~
 92 ~~of and in lieu of the revalidation decal required under Code Section 40-2-8 so as to~~
 93 ~~distinctly identify the motor vehicle as part of an enrolled fleet.~~

94 (c)(1) License plates issued under this Code section shall be renewed annually ~~with a~~
 95 ~~generic fleet revalidation decal upon payment of a renewal fee to the department. Such fee~~
 96 ~~shall be the same amount that would be charged for a revalidation decal for such vehicle.~~

97 (2) ~~The bond required under subsection (b) of Code Section 40-2-51 shall be required~~
 98 ~~at the time of any renewal of such license plates if at the time of such renewal the~~
 99 ~~registrant or the parent corporation or firm thereof has not had an established place of~~
 100 ~~business in this state for a period of ten consecutive years or more.~~

101 (d) License plates issued under this Code section ~~shall~~ may be transferred between
 102 vehicles in the same manner as provided by Code Section 40-2-80 for special license plates
 103 issued under Article 3 of this chapter of the same class upon electronic submission to the
 104 department of the information required under Code Section 40-2-51 for any vehicle added
 105 to an enrolled fleet and the payment of the required registration fees for such additional
 106 vehicle.

107 40-2-54.

108 (a) ~~If a fleet registrant or the parent corporation or firm thereof has not had an established~~
 109 ~~place of business in this state for a period of ten consecutive years or more, the department~~
 110 ~~or its designated agent shall annually conduct an audit of such fleet registrant to ensure~~
 111 ~~compliance with the requirements of this article which may include, without limitation,~~
 112 ~~examination of records of all vehicles in a fleet, additions to or deletions from a fleet since~~
 113 ~~the most recent such audit, and proof of proper payment of or exemption from ad valorem~~
 114 ~~taxes on fleet vehicles. The fleet registrant shall bear the cost of or reimburse the~~
 115 ~~department for the expenses of any audit required by this subsection.~~

116 (b)(a) The department or its designated agent may perform an audit of any fleet registrant
 117 to ensure compliance with the requirements of this article which may include, without
 118 limitation, examination of records of all vehicles in a fleet, additions to or deletions from
 119 a fleet since the most recent such audit, and proof of proper payment of or exemption from
 120 ad valorem taxes on fleet vehicles.

121 (b) The department is authorized to promulgate such rules and regulations as the
 122 department shall find necessary to implement the provisions of this article.

123 40-2-55.

124 An enrollment of a fleet in the fleet registration plan shall be terminated by the department
 125 in the event:

126 (1) ~~The department determines on the basis of an audit that fees for registration and~~
 127 ~~licensing are not paid as required for 20 percent or more of the vehicles in any class of~~
 128 ~~vehicles in the fleet or of those vehicles of the fleet registered in a county;~~

- 129 ~~(2)~~(1) The department determines on the basis of an audit that fees for registration and
 130 licensing are not paid as required for 5 percent or more of the total vehicles in the fleet
 131 which are registered in this state;
 132 ~~(3)~~(2) Of the conviction of the fleet registrant for any unlawful use of any license plate
 133 issued for a fleet vehicle;
 134 ~~(4)~~(3) Of the failure of the fleet registrant to pay title and ad valorem taxes as required
 135 for any fleet vehicle; or
 136 ~~(5)~~(4) Of the failure of the fleet registrant to pay enrollment fees as required; ~~or~~
 137 ~~(6) Of the forfeiture of the surety bond required under Code Section 40-2-52 or 40-2-53."~~

138

SECTION 2.

139 Said chapter is further amended by revising paragraph (9) of subsection (1) of Code Section
 140 40-2-86.1, relating to special license plates promoting certain beneficial projects and
 141 supporting certain worthy agencies, funds, or nonprofit corporations and special license
 142 plates for qualified motor vehicles or drivers, as follows:

143 "(9)(A) A special license plate for owners of a private passenger car or truck used for
 144 personal transportation, who are firefighters certified pursuant to Article 1 of Chapter 4
 145 of Title 25 and who are members of fire departments certified pursuant to Article 2 of
 146 Chapter 3 of Title 25 and motor vehicle owners who are ~~certified~~ firefighters of legally
 147 organized volunteer fire departments which have been certified pursuant to Article 2
 148 of Chapter 3 of Title 25. Such license plate shall be inscribed with such letters,
 149 numbers, words, symbols, or a combination thereof as determined by the commissioner
 150 to identify the owner as a ~~certified~~ firefighter. The chiefs of the various fire
 151 departments shall furnish to the commissioner a list of the certified firefighters and
 152 volunteer firefighters of their fire departments who reside in Georgia which list shall
 153 be updated as necessary. The funds raised by the sale of this license plate shall be
 154 deposited in the general fund.

155 (B) Should a certified firefighter or volunteer firefighter who has been issued a special
 156 and distinctive license plate be separated from such firefighter's department for any
 157 reason other than retirement from employment, the ~~chief of such fire department shall~~
 158 ~~obtain the separated member's license plate at the time of the separation and shall~~
 159 ~~forward same to the commissioner along with a certificate to the effect that such person~~
 160 ~~has been separated, and thereupon the commissioner~~ separated firefighter shall, within
 161 14 days of such separation, return such special and distinctive license plate to the local
 162 tag office which issued such license plate. Upon receipt of such special and distinctive
 163 license plate, a local tag agent shall reissue a regular license plate and the appropriate
 164 revalidation decal for the applicable registration period, at no additional charge, to such

165 former ~~certified~~ firefighter to replace the special and distinctive license plate. Should
 166 a ~~certified~~ firefighter return to service with the same or another fire department, the
 167 chief of such fire department shall ~~likewise~~ secure the regular license plate of such
 168 person and return same to the commissioner, along with a certificate to the effect that
 169 such person has become a member of the fire department, and the effective date thereof,
 170 whereupon the commissioner shall, upon application and upon the payment of a \$35.00
 171 manufacturing fee and all other applicable registration and licensing fees at the time of
 172 registration, reissue a special and distinctive license plate to such new member to
 173 replace the returned regular license plate. ~~Upon such request for a change in plate for~~
 174 ~~a certified firefighter who is separated from a fire department, the chief of the fire~~
 175 ~~department shall furnish such member with a copy of the chief's letter to the~~
 176 ~~commissioner requesting the appropriate change in plate, which copy of such letter may~~
 177 ~~be used by such member pending the issuance of the new plate.~~

178 (C) Motor vehicle owners who were firefighters certified pursuant to Article 1 of
 179 Chapter 4 of Title 25 or were members of fire departments certified pursuant to
 180 Article 2 of Chapter 3 of Title 25 and who retired from employment as such shall
 181 continue to be eligible for the firefighter license plates issued under this paragraph the
 182 same as if they continued to be certified and employed as firefighters. Whenever such
 183 a certified firefighter who has been issued a special and distinctive license plate is
 184 retired from employment with such firefighter's department, the chief of such fire
 185 department shall forward to the commissioner a certificate to the effect that such person
 186 has been retired.

187 (D) The spouse of a deceased firefighter shall continue to be eligible to be issued a
 188 distinctive special firefighter's license plate as provided in this paragraph so long as
 189 such person does not remarry."

190

SECTION 3.

191 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules
 192 of the road, is amended by revising Code Section 40-6-250, relating to wearing a device
 193 which impairs hearing or vision, as follows:

194 40-6-250.

195 (a) No person shall operate a motor vehicle while wearing a ~~headset helmet~~ helmet or headphone
 196 which would impair such person's ability to hear, ~~nor shall any person while operating a~~
 197 ~~motor vehicle wear any device which impairs such person's vision;~~ provided, however, that
 198 a person may wear a headset or headphone for communications purposes. The provision of
 199 this subsection shall not apply to the operator of a motorcycle.

200 (b) No person shall operate a motor vehicle while wearing any device which impairs such
201 person's vision.

202 **SECTION 4.**

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