

House Bill 898 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 32nd, Ridley of the 6th, Trammell of the 132nd, and Hatchett of the 150th

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 revise provisions relating to
9 a special license plate for the personal vehicles of firefighters; to provide for related matters;
10 to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 SECTION 1.

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

16 "ARTICLE 2A

17 40-2-50.

18 As used in this article, the term:

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

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

22 40-2-51.

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

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

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

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

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

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

53 40-2-52.

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

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

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

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

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

73 40-2-53.

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

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

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

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

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

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

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

106 40-2-54.

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

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

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

122 40-2-55.

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

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

- 128 ~~(2)~~(1) The department determines on the basis of an audit that fees for registration and
 129 licensing are not paid as required for 5 percent or more of the total vehicles in the fleet
 130 which are registered in this state;
 131 ~~(3)~~(2) Of the conviction of the fleet registrant for any unlawful use of any license plate
 132 issued for a fleet vehicle;
 133 ~~(4)~~(3) Of the failure of the fleet registrant to pay title and ad valorem taxes as required
 134 for any fleet vehicle; or
 135 ~~(5)~~(4) Of the failure of the fleet registrant to pay enrollment fees as required; ~~or~~
 136 ~~(6) Of the forfeiture of the surety bond required under Code Section 40-2-52 or 40-2-53."~~

137 **SECTION 2.**

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

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

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

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

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

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

189 **SECTION 3.**

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