

The House Committee on Motor Vehicles offers the following substitute to SB 149:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating motor vehicles and
2 traffic, so as to provide for definitions relative to registration and licensing of motor vehicles;
3 to provide for certain exceptions to the issuance of license plates, application for motor
4 vehicle registration, and the design and display of license plates and revalidation decals; to
5 permit the owner or operator of a vehicle which has a valid number license plate without the
6 required revalidation decal affixed to the plate to retain custody of the vehicle under certain
7 conditions; to provide for procedures, conditions, and standards for the issuance and display
8 of digital license plates on motor vehicles; to provide for duties and rights of digital license
9 plate providers; to authorize the adoption of rules and regulations by the Department of
10 Revenue in relation to such license plates and providers; to provide for surrender of such
11 plates under certain circumstances; to provide for a report to the General Assembly; to
12 provide for the issuance of a Class C driver's license to operators of certain three-wheeled
13 motor vehicles; to exempt operators of certain three-wheeled motor vehicles from headgear
14 and eye-protective device requirements; to allow for the use of mounts on windshields of
15 motor vehicles for the support of wireless telecommunications devices and stand-alone
16 electronic devices under certain circumstances; to provide for an exception; to provide for
17 related matters; to repeal conflicting laws; to provide for effective dates; and for other
18 purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

21 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
22 amended in Code Section 40-2-1, relating to definitions relative to registration and licensing
23 of motor vehicles, by adding new paragraphs to read as follows:

24 "(3.1) 'Digital license plate' means a license plate which receives wireless data
25 communication to display information electronically.

26 (3.2) 'Digital license plate provider' means a person engaged in the business of providing
 27 digital license plate hardware and services to motor vehicle owners pursuant to this
 28 article."

29 "(5.1) 'License plate' means a sign affixed to a motor vehicle which displays a series of
 30 letters or numbers or both indicating that the vehicle has been registered with this state.
 31 Such sign may be in a material made of metal or paper or a device which allows
 32 information to be presented electronically in a digital format."

33 **SECTION 2.**

34 Said title is further amended in Code Section 40-2-4, relating to prohibition on the
 35 manufacture of plates and decals, by revising subsection (a) as follows:

36 "(a) It ~~is~~ Except as otherwise provided for in Article 2B of this chapter, it shall be unlawful
 37 for any person, firm, or corporation to make, sell, or issue any license plate or revalidation
 38 decal."

39 **SECTION 3.**

40 Said title is amended in Code Section 40-2-8, relating to operation of unregistered vehicle
 41 or vehicle without current license plate or revalidation decal, by revising paragraphs (1)
 42 and (4) of subsection (b) as follows:

43 "(b)(1) Any vehicle operated in the State of Georgia which is required to be registered
 44 and which does not have attached to the rear thereof a numbered license plate ~~and current~~
 45 revalidation decal affixed to a corner or corners of the license plate as designated by the
 46 commissioner, if required, issued to such vehicle by the department shall be stored at the
 47 owner's risk and expense by any law enforcement officer of the State of Georgia, unless
 48 such operation is otherwise permitted by this chapter."

49 "(4) The ~~purchaser~~ owner and operator of a vehicle shall not be subject to the penalties
 50 set forth in this Code section during the period allowed for the registration. If the owner
 51 of such vehicle presents evidence that such owner has properly applied for the
 52 registration of such vehicle, but that the license plate ~~or revalidation decal~~ has not been
 53 delivered to such owner, then the owner shall not be subject to the penalties enumerated
 54 in this subsection."

55 **SECTION 4.**

56 Said title is further amended by revising Code Section 40-2-8.1, relating to operation of
 57 vehicle without revalidation decal on license plate, as follows:

58 "40-2-8.1.
 59 Notwithstanding Code Section 40-2-8 or any other provision of law, a any person who
 60 operates a vehicle or any owner who knowingly permits a vehicle to be operated which is
 61 required to be registered in this state and which has attached to the rear thereof a valid
 62 numbered license plate without having the required revalidation decal affixed upon that
 63 ~~plate, which person is otherwise guilty of a misdemeanor for not having such decal affixed~~
 64 ~~to the plate, shall be subject for that offense only to a fine not to exceed \$25.00 if shall be~~
 65 guilty of a misdemeanor, provided that, if any person convicted of a violation of this Code
 66 section shows to the court having jurisdiction of the offense that the proper revalidation
 67 decal had been obtained prior to the time of the offense is displayed on such vehicle upon
 68 his or her appearance before the court, a fine of no greater than \$50.00 shall be imposed.
 69 The motor vehicle upon which a conviction for a violation of this Code section was based
 70 shall be subject to storage at the owner's risk and expense by law enforcement unless the
 71 person convicted provides the court having jurisdiction of the offense with evidence that
 72 the proper revalidation decal is displayed on such vehicle."

73 **SECTION 5.**

74 Said title is further amended in Code Section 40-2-26, relating to form and contents of
 75 application for registration, heavy vehicle tax, and satisfactory proof of insurance coverage,
 76 by revising subsection (b) as follows:

77 "(b) Application shall be made by the owner of the vehicle upon blanks prepared by the
 78 commissioner for such purposes. The application shall contain a statement of the name,
 79 place of residence, and address of the applicant; a brief description of the vehicle to be
 80 registered, including its name and model, the name of the manufacturer, the manufacturer's
 81 vehicle identification number, and its shipping weight and carrying capacity; from whom,
 82 where, and when the vehicle was purchased; the total amount of all liens, if any, thereon,
 83 with the name and address of the lienholder; and such other information as the
 84 commissioner may require. In addition, the commissioner shall provide to an applicant an
 85 opportunity to designate an alternative emergency contact telephone number that shall be
 86 made available to a law enforcement officer making a vehicle tag inquiry in the course of
 87 conducting official law enforcement business. Such application shall include a method for
 88 indicating whether the application is for a digital license plate issued pursuant to Article
 89 2B of this chapter."

SECTION 6.

90
91 Said title is further amended by revising Code Section 40-2-31, relating to the design, costs
92 of manufacture, delivery, and retention of fees for five-year and annual license plates and
93 revalidation, county, and "In God We Trust" decals, as follows:

94 "40-2-31.

95 (a) If the applicant meets the requirements set forth in this chapter, the commissioner shall
96 issue to the applicant a license plate bearing a distinctive number or a distinctive number
97 to be displayed electronically upon a license plate by a digital license plate provider
98 pursuant to Article 2B of this chapter.

99 (b) Such license plates shall be at least six inches wide and not less than 12 inches in
100 length, except motorcycle license plates which shall be at least four inches wide and not
101 less than seven inches in length, and shall show in boldface characters the month and year
102 of expiration, the serial number, and either the full name or the abbreviation of the name
103 of the state, shall designate the county from which the license plate was issued unless
104 specifically stated otherwise in this chapter, and shall show such other distinctive markings
105 as in the judgment of the commissioner may be deemed advisable, so as to indicate the
106 class of weight of the vehicle for which the license plate was issued; and any license plate
107 for a low-speed vehicle shall designate the vehicle as such. Such plates may also bear such
108 figures, characters, letters, or combinations thereof as in the judgment of the commissioner
109 will to the best advantage advertise, popularize, and otherwise promote Georgia as the
110 'Peach State.' ~~The~~ Except for license plates issued pursuant to Article 2B of this chapter,
111 the license plate shall be of such strength and quality that the plate shall provide a
112 minimum service period of at least five years. The commissioner shall adopt rules and
113 regulations, pursuant to the provisions of Chapter 13 of Title 50, the 'Georgia
114 Administrative Procedure Act,' for the design and issuance of new license plates and to
115 implement the other provisions of this Code section.

116 (b.1) Notwithstanding the provisions of Code Sections 40-2-131 and 48-2-17, the
117 commissioner shall retain the costs of manufacturing and delivery of license plates,
118 revalidation decals, and county name decals from the registration fee as set forth in Code
119 Section 40-2-151; provided, however, that this subsection shall not apply to license plates
120 issued pursuant to Article 2B of this chapter.

121 (c) ~~The~~ Except for license plates issued pursuant to Article 2B of this chapter, the face of
122 the license plate to be displayed shall be treated completely with a retroreflective material
123 which will increase the nighttime visibility and legibility of the plate. The department shall
124 prepare the specifications which such retroreflective material shall meet.

125 (d) In those years in which a new license plate is not issued and the license plate was not
126 issued pursuant to Article 2B of this chapter, a revalidation decal with a distinctive serial

127 number shall be issued and affixed in the space provided on the license plate issued to the
 128 applicant which shall indicate the year and month through which the registration of the
 129 vehicle shall be valid; provided, however, that if the commissioner determines that it is
 130 necessary, two revalidation decals shall be issued for each license plate to reflect the
 131 required information. When an applicant is issued a revalidation decal and such applicant
 132 registered the vehicle in another county the previous year, the applicant shall also be issued
 133 a new county decal which shall be properly affixed to the license plate and shall replace the
 134 other county decal.

135 (e) The commissioner shall furnish without cost to each tag agent reflective adhesive
 136 decals in sufficient number, upon which there shall be printed the name of the agent's
 137 county. Such a decal shall be issued with each metal license plate and shall be affixed in
 138 the space provided on the license plate without obscuring any number or other information
 139 required to be present on the plate. A tag agent shall offer, upon such issuance of a new
 140 ~~permanent~~ metal license plate, the option of obtaining a county decal or a decal providing
 141 for the nation's motto, 'In God We Trust.'

142 (f) A county tag agent shall issue a county name decal, upon request, for the agent's county
 143 only if:

144 (1) The applicant is a resident of or a business located in the county named on the decal;

145 (2) The applicant is registering a new vehicle in such county, is renewing a current
 146 vehicle registration, or is transferring registration of a vehicle to the county named on the
 147 decal; ~~and~~

148 (3) The application for registration of the vehicle is being made in the county named on
 149 the decal; and

150 (4) The license plate was not issued pursuant to Article 2B of this chapter.

151 (g) The commissioner shall furnish without cost to each tag agent reflective adhesive
 152 decals in sufficient number, upon which there shall be printed the nation's motto, 'In God
 153 We Trust.' A tag agent shall offer, upon such issuance of a new ~~permanent~~ metal license
 154 plate, the option of obtaining a county decal or a decal providing for the nation's motto, 'In
 155 God We Trust.' Such a decal shall be issued, upon request and free of charge, by a county
 156 tag agent with each new ~~permanent~~ metal license plate."

157 SECTION 7.

158 Said title is further amended in Code Section 40-2-33, relating to issuance of license plates
 159 and decals, payment and disposition of fees, compensation of tag agents, and required
 160 identification, by revising subsection (a) as follows:

161 "(a)(1) Upon compliance with the provisions of this chapter and the payment of the
 162 license fee required by law, the tag agent shall accept the application for registration and,

163 except as otherwise provided for in this chapter, if the license plate or revalidation decal
 164 applied for is in such tag agent's inventory, he or she shall issue the appropriate plate or
 165 revalidation decal.

166 (2) The commissioner may provide for the issuance of a temporary license plate for any
 167 low-speed vehicle, to be displayed until such time as a license plate of the design required
 168 by Code Section 40-2-31 has been issued to the registrant as a replacement for such
 169 temporary license plate; provided, however, that any such temporary license plate shall
 170 designate the low-speed vehicle as such; and provided, further, that the commissioner
 171 shall make available for issuance low-speed vehicle license plates of the design required
 172 by Code Section 40-2-31 not later than September 1, 2002.

173 (3) If the metal license plate applied for is not in inventory, the application shall be
 174 approved and forwarded to the commissioner, who, upon receipt of a proper and
 175 approved application, shall issue the license plate applied for by mailing or delivering the
 176 plate to the applicant. Until the license plate is received by the applicant from the
 177 commissioner, the applicant may operate the vehicle without a license plate therefor upon
 178 the receipt issued to him or her by the tag agent.

179 (4) If the license plate applied for is a digital license plate, the application shall be
 180 approved and forwarded to the commissioner, who, upon receipt of a proper and
 181 approved application and a request for information relating to the applicant from a digital
 182 license plate provider, shall furnish the digital license plate provider with the information
 183 to be displayed upon the digital license plate. In accordance with Code Section 40-2-8,
 184 a temporary operating permit shall be issued to an applicant for a digital license plate
 185 until such license is received by the applicant."

186 **SECTION 8.**

187 Said title is further amended by adding a new article to read as follows:

188 "ARTICLE 2B

189 40-2-57.

190 (a) Any county tag agent with a satisfactory application for registration pursuant to Code
 191 Section 40-2-26 which indicates preference for a digital license plate shall inform the
 192 commissioner of such request. Upon a request by a digital license plate provider, the
 193 department shall transmit any required data to be displayed upon a digital license plate for
 194 an applicant to the digital license plate provider. A county tag agent shall ensure an
 195 applicant complies with the requirements for registration pursuant to this chapter.

196 (b) A motor vehicle owner with a digital license plate shall renew the registration annually
197 as provided by this chapter. The department shall notify the digital license plate provider
198 upon satisfactory renewal. Evidence of such renewal shall be displayed upon the digital
199 license plate in a manner that indicates the year and month through which the registration
200 of the vehicle shall be valid. Compliance with this subsection shall satisfy the revalidation
201 decal requirements of this chapter.

202 (c) A digital license plate provider shall be authorized to collect fees for the provision of
203 digital license plate hardware and for services to such license plate. Such fees may include
204 the cost for the manufacture of the digital license plate, the installation of the digital license
205 plate, and any service or repair plan an applicant may elect to purchase. A digital license
206 plate provider may enter into contracts for the monthly payment of such fees, provided that
207 such contracts comply with the usury and interest laws set forth in Chapter 4 of Title 7.

208 (d) Except as provided for in subsection (b) of this Code section, nothing in this article
209 shall exempt an applicant for a digital license plate from the requirements of Code Sections
210 40-2-8 and 40-2-20.

211 40-2-58.

212 (a) A digital license plate provider shall maintain an inventory of digital license plates in
213 an amount determined to be adequate by the commissioner.

214 (b) The commissioner shall grant a digital license plate provider the same authorization
215 granted to the State of Georgia for the use of any copyright or copyrights for special license
216 plates authorized under Article 3 of this chapter.

217 (c) Upon notice from the commissioner of a cancelled or revoked registration, a digital
218 license plate provider shall terminate the electronic data transmitted to a digital license
219 plate for such vehicle.

220 40-2-59.

221 The owner of a motor vehicle with a digital license plate may cancel a digital license plate
222 by applying for a metal license plate with the county tag agent as provided for in this
223 chapter and upon notification of cancellation to a digital license plate provider.

224 40-2-59.1.

225 The commissioner shall be authorized to develop rules and regulations relating to the
226 digital displays, messaging, and personalization of digital license plates. Any rules and
227 regulations relating to the display of emergency messages for the public or Levi's Call:
228 Georgia's Amber Alert Program shall be adopted in consultation with the Department of

229 Public Safety, the Georgia Bureau of Investigation, the Georgia Emergency Management
 230 and Homeland Security Agency, and the Georgia Association of Broadcasters.

231 40-2-59.2.

232 On or before January 1, 2022, the commissioner shall submit a report on the
 233 implementation of this article to the chairpersons of the Senate Public Safety Committee
 234 and the House Committee on Motor Vehicles."

235 **SECTION 9.**

236 Said title is further amended by adding a new Code section to read as follows:

237 "40-2-59.3.

238 On or before July 1, 2020, and prior to the issuance of any digital license plate, the
 239 commissioner shall promulgate and adopt rules and regulations necessary and appropriate
 240 to carry out Article 2B of this chapter and any other provisions of law relating to the
 241 issuance of digital license plates, including, but not limited to, approval of applications and
 242 fee collection. Such rules and regulations shall not become effective until October 1,
 243 2020."

244 **SECTION 10.**

245 Said title is further amended in Code Section 40-2-136, relating to surrender of license plates
 246 upon second or subsequent convictions of driving under the influence and special license
 247 plate for repeat driving under the influence offenders, by revising subsection (a) as follows:

248 "(a) Upon any person's second or subsequent conviction of violating Code Section
 249 40-6-391 within five years, as measured from the dates of previous arrests for which
 250 convictions were obtained to the date of the current arrest for which a conviction is
 251 obtained, the court shall issue an order requiring that the license plates of all motor vehicles
 252 registered in such person's name be surrendered to the court. The court shall notify the
 253 commissioner within ten days after issuing any such order, and the commissioner shall
 254 revoke each such license plate upon receiving such notice and, if such license plate is a
 255 digital license plate, shall inform the digital license plate provider of the revocation. The
 256 court shall issue a receipt for the surrendered license plate or plates. The court shall
 257 forward the surrendered license plate or plates to the local tag agent immediately upon
 258 receipt; provided, however, that if the surrendered license plate is a digital license plate,
 259 the court shall allow such person to retain the digital license plate. For purposes of this
 260 subsection, a plea of nolo contendere shall constitute a conviction."

261 **SECTION 11.**

262 Said title is further amended in Code Section 40-5-23, relating to classes of licenses, by
 263 revising subsection (c) as follows:

264 "(c) The noncommercial classes of motor vehicles for which operators may be licensed
 265 shall be as follows:

266 Class C — Any single vehicle with a gross vehicle weight rating not in excess of 26,000
 267 pounds, any such vehicle towing a vehicle with a gross vehicle weight rating not in
 268 excess of 10,000 pounds, any such vehicle towing a vehicle with a gross vehicle weight
 269 rating in excess of 10,000 pounds, provided that the combination of vehicles has a gross
 270 combined vehicle weight rating not in excess of 26,000 pounds, any three-wheeled motor
 271 vehicle that is equipped with ~~a steering wheel for directional control~~ seatbelts and a frame
 272 to partially or fully enclose the operator, and any self-propelled or towed vehicle that is
 273 equipped to serve as temporary living quarters for recreational, camping, or travel
 274 purposes and is used solely as a family or personal conveyance; except that any
 275 combination of vehicles with a gross vehicle weight rating not in excess of 26,000 pounds
 276 may be operated under such class of license if such combination of vehicles ~~are~~ is
 277 controlled and operated by a farmer, used to transport agricultural products, livestock,
 278 farm machinery, or farm supplies to or from a farm, and are not used in the operations of
 279 a common or contract carrier;

280 Class D — Provisional license applicable to noncommercial Class C vehicles for which
 281 an applicant desires a driver's license but is not presently licensed to drive;

282 Class E — Any combination of vehicles with a gross vehicle weight rating of 26,001
 283 pounds or more, provided that the gross vehicle weight rating of the vehicle or vehicles
 284 being towed is in excess of 10,000 pounds, and all vehicles included within Class F and
 285 Class C;

286 Class F — Any single vehicle with a gross vehicle weight rating of 26,001 pounds or
 287 more, any such vehicle towing a vehicle with a gross vehicle weight rating not in excess
 288 of 10,000 pounds, and all vehicles included within Class C;

289 Class M — Motorcycles, motor driven cycles, and three-wheeled motorcycles not
 290 equipped with handlebars for directional control seatbelts and a frame to partially or fully
 291 enclose the operator;

292 Class P — Instruction permit applicable to all types of vehicles for which an applicant
 293 desires a driver's license but is not presently licensed to drive."

294 **SECTION 12.**

295 Said title is further amended in Code Section 40-6-315, relating to headgear and
 296 eye-protective devices for riders, by revising subsection (c) as follows:

297 "(c) This Code section shall not apply to persons riding within an enclosed cab or
298 motorized cart or a three-wheeled motor vehicle equipped with seatbelts and a frame to
299 partially or fully enclose the operator. This Code section shall not apply to a person
300 operating a three-wheeled motorcycle used only for agricultural purposes."

301 **SECTION 13.**

302 Said title is further amended by revising subsection (a) of Code Section 40-8-73, relating to
303 windshields and windshield wipers, as follows:

304 "(a) No person shall drive any motor vehicle with any sign, poster, or other nontransparent
305 material upon the front windshield, side windows, or rear windows of such vehicle which
306 obstructs the driver's clear view of the highway or any intersecting highway; provided,
307 however, that, except as prohibited by federal law, rules, or regulations in the operation of
308 a commercial motor vehicle, a person may drive a motor vehicle with a mount for the
309 support of a wireless telecommunications device or stand-alone electronic device, as such
310 terms are defined in Code Section 40-6-241, upon the front windshield, provided that such
311 mount is located on the windshield in a manner which minimizes obstruction of the driver's
312 view."

313 **SECTION 14.**

314 (a) Except as provided for in subsection (b) of this section, this Act shall become effective
315 on October 1, 2020.

316 (b) Sections 3, 4, 9, 11, 12, 13, and 15 of this Act shall become effective on July 1, 2019.

317 **SECTION 15.**

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