

The House Committee on Motor Vehicles offers the following substitute to HB 1100:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to registration and licensing of motor vehicles generally, so as to revise standards for  
3 the issuance of manufacturer's, manufacturer headquarters', distributor's, and dealer's license  
4 plates; to provide for the issuance of broker's license plates; to provide for application, fees,  
5 and issuance and renewal conditions for such license plates; to amend Chapter 47 of Title 43  
6 of the Official Code of Georgia Annotated, relating to used motor vehicle and used motor  
7 vehicle parts dealers, so as to provide requirements for the issuance and renewal of a used  
8 motor vehicle dealer license to motor vehicle brokers; to amend Code Section 32-9-4 of the  
9 Official Code of Georgia Annotated, relating to designation of special or exclusive use travel  
10 lanes and use of such lanes, so as to conform a cross-reference; to revise and provide for  
11 definitions; 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 Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to  
15 registration and licensing of motor vehicles generally, is amended by revising Code Section  
16 40-2-38, relating to registration and licensing of manufacturers, distributors, and dealers and  
17 issuance of manufacturer, distributor, and dealer plates, as follows:

18 "40-2-38.

19 (a)(~~1~~) For purposes of this Code section, the term:

20 (1) 'Distributor' shall have the same meaning as provided in Code Section 40-2-39.

21 (2) 'Established place of business' means the location at which a permanent business of  
22 bartering, trading, leasing, or selling motor vehicles occurs or the place at which the  
23 books, records, and files necessary to conduct such business are kept.

24 (3) 'Manufacturer' shall have the same meaning as provided in Code Section 40-2-39.

25 (4) 'Motor vehicle broker' shall have the same meaning as provided in Code Section  
26 43-47-2.

27 (b)(1) Dealers engaged in the sale ~~Manufacturers, distributors, and dealers engaged in~~  
 28 ~~the manufacture, sale,~~ or leasing of vehicles required to be registered under Code Section  
 29 40-2-20 shall register with the commissioner, making application for a distinguishing  
 30 dealer's number, specifying the name and make of motor vehicle, tractor, or trailer  
 31 manufactured, sold, or leased by them, upon forms prepared by the commissioner for  
 32 such purposes, and pay therefor a fee of \$62.00, which shall accompany such application.  
 33 Upon payment of such fee by a dealer, the commissioner shall furnish to the dealer one  
 34 master number plate to expire each year in accordance with ~~subsection (f) of this Code~~  
 35 section paragraph (3) of this subsection, to be known as a dealer's number and to be  
 36 distinguished from the number plates provided for in this chapter by different and  
 37 distinguishing colors to be determined by the commissioner. Dealers may be eligible for  
 38 additional license plates associated with a master number plate for a fee of \$12.00 per  
 39 plate. The ~~dealer~~ dealer's number plate for a franchise motor vehicle dealer shall be  
 40 distinguishable from the ~~dealer~~ dealer's number plate for a used car dealer and from the  
 41 ~~dealer~~ dealer's number plate for a motor vehicle wholesaler. A dealer's number plate is  
 42 for the purpose of demonstrating or transporting dealer's vehicles or trailers for sale or  
 43 lease. Persons engaged in the business of transporting vehicles for a dealer under a  
 44 vehicle's own power shall be permitted to use such dealer's number plate for the purpose  
 45 of transporting a vehicle.

46 (2) No dealer may use or permit to be used a dealer's number for private use, ~~or~~ on cars  
 47 for hire, ~~for~~ or lease, or in any other manner not provided for in this Code section. A  
 48 dealer may use or permit to be used a dealer's number for private use on vehicles owned  
 49 by the dealership, regardless of whether such vehicle has been issued a certificate of title  
 50 or registered, when such vehicles are operated by an employee or corporate officer of the  
 51 dealer which has been issued such number. A distinguishing dealer's number used by an  
 52 employee or officer for private use shall authorize such person to operate the vehicle to  
 53 which the number is attached on the public highways and streets. For purposes of this  
 54 paragraph, 'employee' means a person who works a minimum of 36 hours per week at the  
 55 dealership.

56 (3) The expiration of a license plate issued pursuant to this subsection shall be the last  
 57 day of the registration period as provided in division (a)(1)(A)(ii) of Code Section  
 58 40-2-21, except that for the purposes of this subsection, the registration period shall be  
 59 determined by the first letter of the legal name of the business listed on the application  
 60 for registration or renewal of registration.

61 (4) In addition to the one master number plate issued in accordance with paragraph (1)  
 62 of this subsection, each dealer may also be issued one additional dealer plate for every  
 63 20 units sold in a calendar year. In order to determine the additional number and

64 classification of plates to be issued to a dealer, a dealer shall be required to certify by  
65 affidavit to the department the number of retail and wholesale units sold in the prior  
66 calendar year using the past motor vehicle sales history of the dealer as identified by  
67 department records of documentation approved by the department. If no sales history is  
68 available, the department shall issue a number of plates based on an estimated number  
69 of sales for the coming calendar year. The department may, in its discretion, request  
70 documentation supporting sales history and may increase or decrease the number and  
71 classification of plates issued based on actual sales.

72 (5) No initial or renewal application for dealer's plates shall be denied under this  
73 subsection without opportunity for hearing in accordance with Chapter 13 of Title 50, the  
74 'Georgia Administrative Procedure Act.'

75 (c)(1) Any dealer's number plate issued to a motor vehicle broker prior to July 1, 2020,  
76 shall remain valid until the expiration of such plate. On and after July 1, 2020, motor  
77 vehicle brokers engaged in the sale or leasing of vehicles required to be registered under  
78 Code Section 40-2-20 shall register with the commissioner, making application for a  
79 distinguishing motor vehicle broker's number upon forms prepared by the commissioner  
80 for such purposes. Such application shall include the applicant's established place of  
81 business, certification that such applicant maintains a system of records regarding the use  
82 of motor vehicle broker's number plates, and the name and make of each motor vehicle,  
83 tractor, or trailer sold or leased. A fee of \$62.00 shall accompany such application. Upon  
84 payment of such fee by a motor vehicle broker, the commissioner shall furnish to the  
85 applicant one license plate to expire each year in accordance with paragraph (3) of this  
86 subsection, to be known as a broker's license plate and to be distinguished from the  
87 license plates provided for in this chapter by different and distinguishing colors to be  
88 determined by the commissioner. Motor vehicle brokers may be eligible for one  
89 additional broker's license plate upon payment of a \$12.00 fee. A broker's license plate  
90 is for the purpose of demonstrating or transporting motor vehicle brokers' motor vehicles,  
91 tractors, or trailers for sale or lease. Persons engaged in the business of transporting  
92 vehicles for a motor vehicle broker under a vehicle's own power shall be permitted to use  
93 such broker's license plate for the purpose of transporting a vehicle.

94 (2) No motor vehicle broker may use or permit to be used a broker's license plate for  
95 private use, on cars for hire or lease, or in any other manner not provided for in this Code  
96 section.

97 (3) The expiration of a license plate issued pursuant to this subsection shall be the last  
98 day of the registration period as provided in division (a)(1)(A)(ii) of Code Section  
99 40-2-21, except that for the purposes of this subsection, the registration period shall be  
100 determined by the first letter of the legal name of the business listed on the application

101 for registration or renewal of registration. Any broker's license plate eligible for renewal  
 102 on or after July 1, 2020, shall be renewed upon demonstration to the department that at  
 103 least 12 units were sold in the registration year set to expire as identified by department  
 104 records of documentation approved by the department. The department may, in its  
 105 discretion, request documentation supporting sales history.

106 (4) No initial or renewal application for broker's license plates shall be denied under this  
 107 subsection without opportunity for hearing in accordance with Chapter 13 of Title 50, the  
 108 'Georgia Administrative Procedure Act.'

109 (d)(1) Manufacturers and distributors engaged in the manufacture or distribution of  
 110 motor vehicles required to be registered under Code Section 40-2-20 shall register with  
 111 the commissioner upon forms prepared by the commissioner for such purposes and pay  
 112 therefor a fee of \$62.00, which shall accompany such application. The manufacturer's  
 113 or distributor's license plate is issued pursuant to this subsection shall be limited to no  
 114 longer than six months' use per vehicle. Upon payment of such a fee by a manufacturer  
 115 or distributor, the commissioner shall issue to manufacturers and distributors number  
 116 plates with the word 'Manufacturer' or 'Distributor' on such plates. Nothing in this  
 117 subsection shall preclude a manufacturer or distributor from using a 'Manufacturer' or  
 118 'Distributor' number plate on motor vehicles it owns when such vehicles are used for  
 119 evaluation or demonstration purposes, notwithstanding incidental personal use by a  
 120 manufacturer or distributor. A ~~dealer~~ manufacturer or distributor may apply for one or  
 121 more distinguishing ~~dealer's~~ numbers. In the event the ~~dealers~~, distributors; or  
 122 manufacturers desire more than one ~~tag~~ number plate, they shall so state on the  
 123 application, and, in addition to the fee of \$62.00 provided in this ~~Code section~~  
 124 ~~subsection~~, shall pay \$12.00 for each and every additional number plate furnished.

125 (2) The expiration of a license plate issued pursuant to this subsection shall be the last  
 126 day of the registration period as provided in division (a)(1)(A)(ii) of Code Section  
 127 40-2-21, except that for the purposes of this subsection, the registration period shall be  
 128 determined by the first letter of the legal name of the business listed on the application  
 129 for registration or renewal of registration.

130 ~~(4)(A)~~ (e)(1) Upon application and payment of the required fee, the commissioner shall  
 131 issue to manufacturer headquarters or its affiliate number license plates with the words  
 132 'Manufacturer HQ' on such plates. The manufacturer ~~headquarters~~ headquarters' license  
 133 plates must be used exclusively on motor vehicles owned or in possession of a  
 134 manufacturer headquarters or its affiliate. Such manufacturer ~~headquarters~~ headquarters'  
 135 license plates are limited to no longer than 24 months' use per vehicle.

136 ~~(B)~~ (2) A manufacturer headquarters or its affiliate shall apply on a form prescribed by  
 137 the commissioner and shall provide proof that the applicant:

138 (i)(A) Is a bona fide manufacturer headquarters; and

139 (ii)(B) Maintains a system of records regarding use of such license plates. The  
 140 manufacturer headquarters shall state in each application the number of manufacturer  
 141 ~~headquarters~~ headquarters' license plates requested.

142 ~~(C)~~(3) The manufacturer headquarters or its affiliate shall pay an application fee of  
 143 \$62.00 per application ~~as provided in this Code section~~ and shall pay \$12.00 for each and  
 144 every additional number plate furnished applied for. ~~With respect to any manufacturer~~  
 145 ~~headquarters license plate issued to a manufacturer headquarters or its affiliate,~~  
 146 notwithstanding Notwithstanding anything to the contrary in this title or Code Section  
 147 48-5C-1, such manufacturer headquarters or its affiliate, and any person operating or  
 148 possessing a motor vehicle using a manufacturer ~~headquarters~~ headquarters' license plate  
 149 pursuant to this ~~paragraph~~ subsection, shall not be subject to state or local title ad valorem  
 150 tax fees with respect to such vehicle or manufacturer ~~headquarters~~ headquarters' license  
 151 plate.

152 ~~(D)~~(4) The manufacturer headquarters or its affiliate shall maintain a system of records  
 153 regarding the motor vehicle to which the manufacturer ~~headquarters~~ headquarters' license  
 154 plate will be attached. Such record shall, at a minimum, contain the:

155 (i)(A) Vehicle Identification Number (VIN);

156 (ii)(B) Name and address of the primary individual operating the vehicle; and

157 (iii)(C) Manner of use of the vehicle selected from the alternative uses referenced in  
 158 ~~subparagraph (E)~~ paragraph (5) of this ~~paragraph~~ subsection.

159 ~~(E)~~(5) Vehicles with manufacturer ~~headquarters~~ headquarters' license plates may be  
 160 operated by persons authorized by the manufacturer headquarters or its affiliate on  
 161 vehicles of its brand for the following manners of use:

162 (i)(A) Evaluation, marketing, or demonstration purposes, notwithstanding incidental  
 163 personal use by a manufacturer headquarters' authorized employee or other authorized  
 164 person designated by such manufacturer headquarters or its affiliate; or

165 (ii)(B) As part of a vehicle leasing program operated by such manufacturer  
 166 headquarters or its affiliate for the benefit of employees. Any operation of a motor  
 167 vehicle by a person for an approved use pursuant to this ~~subparagraph~~ paragraph shall  
 168 be deemed to be a demonstration of the motor vehicle for purposes of Code Section  
 169 48-8-39.

170 ~~(5)~~(f) The commissioner shall include a distinctive logo or emblem for any manufacturer's,  
 171 distributor's, or manufacturer headquarters' license plate to be attached to an alternative  
 172 fueled vehicle, as such term is defined in paragraph (7) of subsection (l) of Code Section  
 173 40-2-86.1. Alternative fuel vehicles bearing a special license plate pursuant to this  
 174 subsection shall be subject to the alternative fuel vehicle fees as set forth in paragraph (19)

175 of subsection (a) of Code Section 40-2-151 at the time of initial issuance and annually  
 176 thereafter in a manner prescribed by the commissioner. Display of a special license plate  
 177 issued pursuant to this ~~paragraph~~ subsection shall authorize travel by such alternative  
 178 fueled vehicle in lanes for exclusive or preferential use designated pursuant to Code  
 179 Section 32-9-4.

180 ~~(b) Dealer plates shall be issued in the following manner:~~

181 ~~(1) Dealers shall be issued a master plate and two additional plates, for a total of three~~  
 182 ~~initial plates; and~~

183 ~~(2) In addition to the three dealer plates issued in accordance with paragraph (1) of this~~  
 184 ~~subsection, each dealer may also be issued one additional dealer plate for every 20 units~~  
 185 ~~sold in a calendar year.~~

186 ~~In order to determine the additional number and classification of plates to be issued to a~~  
 187 ~~dealer, a dealer shall be required to certify by affidavit to the department the number of~~  
 188 ~~retail and wholesale units sold in the prior calendar year using the past motor vehicle sales~~  
 189 ~~history of the dealer as identified by department records of documentation approved by the~~  
 190 ~~department. If no sales history is available, the department shall issue a number of plates~~  
 191 ~~based on an estimated number of sales for the coming calendar year. The department may,~~  
 192 ~~in its discretion, request documentation supporting sales history and may increase or~~  
 193 ~~decrease the number and classification of plates issued based on actual sales.~~

194 ~~(e)(g)~~ This Code section shall not apply in any manner to mopeds as such term is defined  
 195 in Code Section 40-1-1.

196 ~~(d)(h)~~ The license plates issued pursuant to this Code section shall be revoked and  
 197 confiscated upon a determination after a hearing that such dealer, distributor, manufacturer,  
 198 or manufacturer headquarters has unlawfully used such license plates in violation of this  
 199 Code section. The hearing shall be conducted in accordance with the procedure for  
 200 contested cases under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

201 ~~(e)(i)~~ If a license plate issued pursuant to this Code section is lost or stolen, the dealer,  
 202 broker, manufacturer, distributor, manufacturer headquarters, or other party to whom the  
 203 license plate was issued ~~must~~ shall immediately report the lost or stolen plate to local law  
 204 enforcement agencies. If a replacement license plate is sought, the dealer, broker,  
 205 manufacturer, distributor, manufacturer headquarters, or other party to whom the license  
 206 plate was issued shall file a notarized affidavit with the department requesting a  
 207 replacement plate. Such affidavit shall certify under penalty of perjury that the license  
 208 plate has been lost or stolen and that the loss has been reported to a local law enforcement  
 209 agency.

210 ~~(j)(f)(1)~~ The expiration of a license plate issued pursuant to this Code section shall be the  
 211 last day of the registration period as provided in division (a)(1)(A)(ii) of Code Section

212 ~~40-2-21, except that for the purposes of this subsection, the registration period shall be~~  
 213 ~~determined by the first letter of the legal name of the business listed on the application~~  
 214 ~~for registration or renewal of registration. An application for renewal of registration shall~~  
 215 ~~not be submitted earlier than 90 days prior to the last day of the registration period~~  
 216 ~~expiration of the current registration. A penalty of 25 percent of the total registration fees~~  
 217 ~~due shall be assessed any person registering pursuant to this Code section who, prior to~~  
 218 ~~the expiration of such person's registration period, fails to apply for renewal or if having~~  
 219 ~~applied fails to pay the required fees.~~

220 ~~(2) A transition period shall commence on October 1, 2007, and conclude on December~~  
 221 ~~31, 2007, for all existing registrations and any new registration applications presented~~  
 222 ~~prior to January 1, 2008. On or after January 1, 2008, new applications for registration~~  
 223 ~~shall be submitted and remain valid until the expiration of such registration as specified~~  
 224 ~~in paragraph (1) of this subsection.~~

225 ~~(g)(k)~~ The commissioner shall adopt rules and regulations for the implementation of this  
 226 Code section."

## 227 SECTION 2.

228 Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor  
 229 vehicle and used motor vehicle parts dealers, is amended in Code Section 43-47-2, relating  
 230 to definitions, by revising paragraph (3) as follows:

231 "(3) 'Established place of business' means a salesroom or sales office in a building or on  
 232 an open lot of a retail used car dealership or at which a permanent business of bartering,  
 233 trading, offering, displaying, selling, buying, dismantling, negotiating the sale of used  
 234 motor vehicles, or rebuilding wrecked or used motor vehicles or parts is carried on, or the  
 235 place at which the books, records, and files necessary to conduct such business are kept.  
 236 ~~Each such place of business shall be furnished with a working telephone listed in the~~  
 237 ~~name of the licensee for use in conducting the business and shall be marked by an~~  
 238 ~~appropriate permanent sign as prescribed by the appropriate division under this chapter."~~

## 239 SECTION 3.

240 Said chapter is further amended in Code Section 43-47-8, relating to license applications,  
 241 prerequisites, license fees, renewal, training or test, supplemental licenses, bonds, insurance,  
 242 suspension for conviction or false statement, and meetings, by revising subsection (b) and  
 243 by adding a new subsection to read as follows:

244 "(b) A division under this chapter shall not issue or renew any license unless the applicant  
 245 or holder thereof shall show that he or she maintains an established place of business as  
 246 ~~defined in Code Section 43-47-2. Such established place of business shall be furnished~~

247 with a working telephone listed in the name of the licensee for use in conducting the  
 248 business and shall be marked by a permanent sign as prescribed by the appropriate division  
 249 under this chapter.

250 (b.1)(1) In addition to all other requirements of this chapter, the used car division shall  
 251 not issue or renew a license to a motor vehicle broker unless the applicant or holder  
 252 thereof:

253 (A) Demonstrates residency in this state through production of a driver's license or  
 254 personal identification card issued pursuant to Chapter 5 of Title 40; and

255 (B) Demonstrates maintenance of an established place of business with at least 150  
 256 square feet of space with reasonable hours of operation which are prominently posted  
 257 at such location.

258 (2)(A) Any current member of the military or any spouse of a current member of the  
 259 military who is a motor vehicle broker shall be exempt from the requirements of  
 260 subparagraph (A) of paragraph (1) of this subsection.

261 (B) As used in this paragraph, the term 'military' means any regular or reserve  
 262 component of the United States armed forces, the Georgia Army National Guard, or the  
 263 Georgia Air National Guard.

264 (3) Notwithstanding subparagraph (A) of paragraph (1) of this subsection, the used car  
 265 division may grant a license to an applicant who can demonstrate residency within 50  
 266 miles of this state, provided that all other requirements set forth in this subsection have  
 267 been demonstrated."

268 **SECTION 4.**

269 Code Section 32-9-4 of the Official Code of Georgia Annotated, relating to designation of  
 270 special or exclusive use travel lanes and use of such lanes, is amended by revising paragraph  
 271 (4) of subsection (a) as follows:

272 "(4) Vehicles bearing alternative fueled vehicle license plates issued under ~~paragraph (5)~~  
 273 of subsection (a) (f) of Code Section 40-2-38 or paragraph (7) of subsection (l) of Code  
 274 Section 40-2-86.1; or"

275 **SECTION 5.**

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