

House Bill 1100

By: Representatives New of the 64th, Corbett of the 174th, Prince of the 132nd, Smith of the 138th, McClain of the 109th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to authorize the use of electronic notifications and communications by the
3 Department of Revenue to motor vehicle owners relative to motor vehicle registration and
4 certificates of title upon consent; to provide for definitions; to provide for standards and
5 conditions to obtain such consent; to provide for the issuance of vehicle registration and
6 license plates for government owned vehicles; to provide for exceptions; to revise a
7 definition; to provide for conforming changes; to provide for the establishment of a system
8 for the electronic storage and transfer of certificates of title; to authorize the transfer of
9 certificates of title or granting of security interests therein electronically; to provide for
10 related matters; to provide for an effective date; to repeal conflicting laws; and for other
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
15 amended by adding a new Code section to read as follows:

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16 "40-1-9.

17 (a) For purposes of this Code section, the term:

18 (1) 'Department' means the Department of Revenue.

19 (2) 'Owner' means a person having an interest in or title to a vehicle. Such term shall
20 include a lienholder, security interest holder, and any person entitled to the use or
21 possession of a vehicle subject to a security interest or lien by another person and
22 includes a lessee under a lease not intended as security.

23 (b) Notice required by the department upon an owner pursuant to Chapter 2 or 3 of this
24 title shall be satisfied by electronic means when:

25 (1) The owner consents to receive notifications and communications electronically
26 pursuant to the conditions set forth in subsection (c) of this Code section; and

27 (2) The department includes any record of transmission of any electronic notification or
28 communication to the owner in the motor vehicle title and registration records for such
29 owner.

30 (c) The department shall be authorized to utilize electronic notifications and
31 communications for any owner who agrees to a statement which reads:

32 'I AGREE TO RECEIVE ALL NOTIFICATIONS AND COMMUNICATIONS
33 ELECTRONICALLY. SUCH ELECTRONIC NOTIFICATIONS OR
34 COMMUNICATIONS MAY INCLUDE SUSPENSION, CANCELLATION, OR
35 REVOCAION OF VEHICLE TITLE OR REGISTRATION NOTICES.'

36 (d) If the department becomes aware that an electronic notification or communication was
37 not transmitted to an owner, the department shall send the notification or communication
38 as otherwise required by applicable law.

39 (e) The department shall retain a record pursuant to Chapter 12 of Title 10, the 'Uniform
40 Electronic Transactions Act,' of any electronic notification or communication sent pursuant
41 to this Code section. Such record shall be retrievable by the department for a period of ten
42 years after the date such electronic notification or communication was sent.

43 (f) An owner may withdraw his or her consent to receive notifications and
44 communications by electronic means upon a method established by the department for such
45 purpose pursuant to rule or regulation.

46 (g) Any notification or communication sent by electronic means pursuant to this Code
47 section shall comply with the requirements set forth in Chapter 12 of Title 10, the 'Uniform
48 Electronic Transactions Act.'

49 **SECTION 2.**

50 Said title is further amended in Code Section 40-2-20, relating to registration and license
51 requirements, certificate of registration and temporary operating permit, and two-year
52 registration option for new motor vehicles, by revising paragraph (1) of subsection (b) as
53 follows:

54 "(1) To any motor vehicle or trailer owned by the state or any municipality or other
55 political subdivision of this state ~~and used exclusively for governmental functions except~~
56 to the extent provided by Code Section 40-2-37;"

57 **SECTION 3.**

58 Said title is further amended by revising Code Section 40-2-37, relating to registration and
59 licensing of vehicles of state and political subdivisions, as follows:

60 "40-2-37.

61 (a) ~~Except as otherwise provided in subsection (c) of this Code section, all All~~ vehicles of
62 the type required to be registered by Code Section 40-2-20 owned by the State of Georgia
63 or any municipality or other political subdivision of this state ~~and used exclusively for~~
64 ~~governmental functions, except those employed in secret investigatory police functions to~~
65 ~~which regular Georgia license plates are issued, and except for those assigned for the~~
66 ~~transportation of employees of the Georgia Lottery Corporation to which regular Georgia~~
67 ~~license plates are issued~~, shall be registered with the commissioner by the fiscal officers

68 or other proper officials of the respective departments and agencies of the state,
69 municipality, or political subdivision to which such vehicles belong prior to operation and
70 use thereof. Such registration shall be made upon forms prescribed and prepared by the
71 commissioner for such purpose and shall contain a brief description of the vehicle to be
72 registered; its name and model; the name of the manufacturer; the manufacturer's vehicle
73 identification number; the department, agency, political subdivision, or branch thereof to
74 which such vehicle is to be registered; and such other information as to ~~use and~~ identity as
75 the commissioner may require. Upon the filing of the properly executed application for
76 registration, the commissioner, upon being satisfied that such vehicle is bona fide owned
77 by the state or a municipality or political subdivision thereof and ~~is to be used exclusively~~
78 ~~for governmental functions, shall issue,~~ upon payment by such applicant of a an initial
79 license fee of \$3.00, shall issue a license plate which shall be displayed upon such vehicle
80 in the same manner as provided for private vehicles. The license fee, ~~less the actual~~
81 ~~manufacturing cost of the plates which will be retained by the department,~~ shall be
82 deposited in the general fund of the state treasury. Such license plates shall be replaced at
83 such time as other license plates issued for private vehicles are required to be replaced.

84 (b) Except as otherwise provided for in subsection (c) of this Code section, the ~~For all~~
85 ~~vehicles owned by the State of Georgia or any municipality or other political subdivision~~
86 ~~of this state, except those vehicles employed in covert or secret investigatory police~~
87 ~~functions to which regular Georgia license plates are issued, those assigned for the~~
88 ~~transportation of employees of the Georgia Lottery Corporation to which regular Georgia~~
89 ~~license plates are issued, and those vehicles owned by the Department of Public Safety, the~~
90 ~~commissioner shall provide for registration and issuance of regular license plates for such~~
91 ~~vehicles. The license plates issued pursuant to this subsection (a) of this Code section shall~~
92 be identical in appearance to regular license plates issued for private vehicles, except that
93 such license plates shall not display any registration expiration. ~~Such license plates may~~

94 ~~be transferred as provided for in subsection (d) of this Code section. Such license plates~~
95 ~~shall be issued at the time the vehicle is purchased by the state.~~

96 ~~(c) All license plates issued to government vehicles pursuant to this Code section and shall~~
97 ~~be marked in such a manner as to indicate the specific type of governmental unit operating~~
98 ~~the vehicle. These markings shall be prominently displayed and shall consist of one of the~~
99 ~~following appropriate legends: 'STATE,' 'CITY,' 'COUNTY,' 'AUTHORITY,' or 'BOARD.'~~
100 ~~In addition, each such license plate shall bear a county identification strip indicating the~~
101 ~~county in which the vehicle is based, except that vehicles owned by the state shall not be~~
102 ~~required to bear such county identification strip. The commissioner shall be authorized to~~
103 ~~grant a waiver of the requirements of this subsection such that regular Georgia license~~
104 ~~plates may be issued for any vehicle or vehicles~~

105 (c) Vehicles owned by the State of Georgia, any municipality of this state, or any other
106 political subdivision of this state that are utilized in covert or secret investigatory police
107 functions, assigned for the transportation of employees of the Georgia Lottery Corporation,
108 or owned by the Department of Public Safety, shall be issued regular license plates upon
109 the filing of the properly executed application for registration and payment of the
110 applicable license fee. The commissioner shall be authorized to grant a waiver of the
111 requirements of subsection (b) of this Code section such that regular license plates may be
112 issued for any vehicle or vehicles owned by the State of Georgia, any municipality of this
113 state, or any other political subdivision of this state upon finding issuance of such waiver
114 to be in the best interest of public safety, public welfare, or efficient administration.

115 ~~(d) Any such license plates~~ license plate issued pursuant to this Code section shall remain
116 displayed and affixed upon such vehicle so long as such vehicle continues to be owned by
117 the state or such municipality or political subdivision ~~and used exclusively for~~
118 ~~governmental functions. Upon cessation of either such ownership or use~~ ownership by the
119 state or a municipality or political subdivision thereof, the license plate issued pursuant to
120 this Code section shall be removed from such vehicle and returned to the commissioner or

121 the county tag agent for destruction. In the event of a transfer of a vehicle to a department
122 or agency, or branch thereof, other than the specific one to which such vehicle is registered,
123 the commissioner shall be notified in writing by the department or agency from which the
124 same is being transferred upon a form prepared and furnished for such purpose by the
125 commissioner. On due proof of loss of any such license plate, or of mutilation due to
126 accidental or natural causes, another license plate may be issued upon application of the
127 fiscal officer or other proper official of the department, agency, or political subdivision to
128 which any such lost plate is registered.

129 (e) No person, firm, or corporation owning or operating ~~any such~~ a motor vehicle shall
130 display upon ~~the~~ such motor vehicle any license plate provided for in this Code section
131 unless at the time of such ownership or operation such vehicle is properly registered under
132 this Code section and is owned by the state or a municipality or political subdivision of this
133 state ~~and is being used exclusively for governmental purposes~~. Any person who violates
134 this subsection shall be guilty of a misdemeanor.

135 ~~(f) This Code section shall apply to all vehicle license plates issued for governmental~~
136 ~~vehicles on and after January 1, 2007."~~

137 **SECTION 4.**

138 Said title is further amended in Code Section 40-2-50, relating to definitions relative to fleet
139 vehicles, by revising paragraph (1) as follows:

140 "(1) 'Fleet' means 100 or more motor vehicles or trailers."

141 **SECTION 5.**

142 Said title is further amended in Code Section 40-2-151, relating to annual license fees for
143 operation of vehicles, fee for permanent licensing of certain trailers, and fee for new
144 passenger car with paid title ad valorem taxes, by revising paragraph (14) of subsection (a)
145 as follows:

146 "(14) For each motor vehicle owned by the state or by a political subdivision or
147 municipality of the state ~~and used exclusively for governmental functions . . . 1.00"~~

148 **SECTION 6.**

149 Said title is further amended in Code Section 40-3-23, relating to issuance of certificate of
150 title, maintenance of record of certificates issued, public inspection, and furnishing records
151 for fee, by adding a new subsection to read as follows:

152 "(g) The commissioner may provide by rule or regulation for the maintenance of certificate
153 of title records in electronic format and in a system accessible by authorized users.
154 Electronic evidence of a certificate of title maintained in such system shall serve as an
155 accurate and true depiction of the state issued certificate of title for a vehicle. The
156 commissioner may further provide by rule or regulation for the transfer of certificates of
157 title or grant of security interests therein in electronic format through such system between
158 authorized users. Any such electronic certificates of title or electronic transfers or grants
159 of security interests shall be valid for all lawful purposes."

160 **SECTION 7.**

161 This Act shall become effective upon its approval by the Governor or upon its becoming law
162 without such approval.

163 **SECTION 8.**

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