

House Bill 1100 (COMMITTEE SUBSTITUTE)

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 lapses of motor vehicle insurance
4 coverage and certificates of title upon consent; to provide for definitions; to provide for
5 standards and conditions to obtain such consent; to provide for the issuance of vehicle
6 registration and license plates for government owned vehicles; to provide for exceptions; to
7 revise a definition; to provide for conforming changes; to provide for the establishment of
8 a system for the electronic storage and transfer of certificates of title; to authorize the transfer
9 of certificates of title or granting of security interests therein electronically; to authorize the
10 use of electronic notifications and communications by the Department of Driver Services to
11 drivers' license holders relative to renewal thereof upon consent; to provide for standards and
12 conditions to obtain such consent; to provide for related matters; to provide for an effective
13 date; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 1100 (SUB)

SECTION 1.

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

"40-1-9.

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

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

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

(b)(1) Notice required by the department upon an owner of a lapse of minimum motor vehicle insurance coverage pursuant to Code Section 40-2-137 shall be satisfied by electronic means when:

(A) The owner consents to receive notifications and communications electronically pursuant to the conditions set forth in paragraph (2) of this subsection; and

(B) The department provides notifications and communications electronically to the owner 30 days, 20 days, and ten days prior to the date of any suspension.

(2) The department shall be authorized to utilize electronic notifications and communications pursuant to this subsection for any owner who agrees to a statement which reads:

'I AGREE TO RECEIVE NOTIFICATIONS AND COMMUNICATIONS ELECTRONICALLY OF A LAPSE OF INSURANCE COVERAGE AND POSSIBLE SUSPENSION OF MY VEHICLE REGISTRATION.'

(c)(1) The department shall be authorized to utilize electronic notifications and communications for notice required pursuant to Chapter 3 of this title with respect to any certificate of title for any owner who has elected to maintain certificate of title records in electronic format in a system maintained pursuant to subsection (g) of Code

42 Section 40-3-23 and for any security interest holder or lienholder with a security interest
43 or lien recorded on such electronically maintained certificate of title record. Notice
44 required by the department pursuant to such chapter shall be satisfied by electronic means
45 when the owner consents to receive notifications and communications electronically upon
46 submission of a certificate of title electronically pursuant to subsection (g) of Code
47 Section 40-3-23 and pursuant to the conditions set forth in paragraph (2) of this
48 subsection.

49 (2) The department shall be authorized to utilize electronic notifications and
50 communications pursuant to this subsection for any owner who agrees to a statement
51 which reads:

52 I AGREE TO RECEIVE NOTIFICATIONS AND COMMUNICATIONS
53 ELECTRONICALLY. SUCH ELECTRONIC NOTIFICATIONS OR
54 COMMUNICATIONS MAY INCLUDE SUSPENSION, CANCELLATION, OR
55 REVOCAION OF VEHICLE TITLE NOTICES.'

56 (d) If the department becomes aware that an electronic notification or communication
57 issued pursuant to this Code section was not transmitted to an owner, the department shall
58 send the notification or communication as otherwise required by applicable law.

59 (e) The department shall include any record of transmission of any electronic notification
60 or communication sent to an owner pursuant to this Code section in the motor vehicle title
61 and registration records for such owner. The department shall retain a record pursuant to
62 Chapter 12 of Title 10, the 'Uniform Electronic Transactions Act,' of any electronic
63 notification or communication sent pursuant to this Code section. Such record shall be
64 retrievable by the department for a period of ten years after the date such electronic
65 notification or communication was sent.

66 (f) An owner may withdraw his or her consent to receive notifications and
67 communications by electronic means authorized by this Code section upon notifying the

68 department in a method established by the department for such purpose pursuant to rule or
69 regulation.

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

73 **SECTION 2.**

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

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

81 **SECTION 3.**

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

84 "40-2-37.

85 (a) Except as otherwise provided in subsection (c) of this Code section, all ~~All~~ vehicles of
86 the type required to be registered by Code Section 40-2-20 owned by the State of Georgia
87 or any municipality or other political subdivision of this state ~~and used exclusively for~~
88 ~~governmental functions, except those employed in secret investigatory police functions to~~
89 ~~which regular Georgia license plates are issued, and except for those assigned for the~~
90 ~~transportation of employees of the Georgia Lottery Corporation to which regular Georgia~~
91 ~~license plates are issued,~~ shall be registered with the commissioner by the fiscal officers
92 or other proper officials of the respective departments and agencies of the state,

93 municipality, or political subdivision to which such vehicles belong prior to operation and
94 use thereof. Such registration shall be made upon forms prescribed and prepared by the
95 commissioner for such purpose and shall contain a brief description of the vehicle to be
96 registered; its name and model; the name of the manufacturer; the manufacturer's vehicle
97 identification number; the department, agency, political subdivision, or branch thereof to
98 which such vehicle is to be registered; and such other information as to ~~use and~~ identity as
99 the commissioner may require. Upon the filing of the properly executed application for
100 registration, the commissioner, upon being satisfied that such vehicle is bona fide owned
101 by the state or a municipality or political subdivision thereof and ~~is to be used exclusively~~
102 ~~for governmental functions, shall issue,~~ upon payment by such applicant of a an initial
103 license fee of \$3.00, shall issue a license plate which shall be displayed upon such vehicle
104 in the same manner as provided for private vehicles. The license fee, ~~less the actual~~
105 ~~manufacturing cost of the plates which will be retained by the department,~~ shall be
106 deposited in the general fund of the state treasury. Such license plates shall be replaced at
107 such time as other license plates issued for private vehicles are required to be replaced.

108 (b) Except as otherwise provided for in subsection (c) of this Code section, ~~For all~~
109 ~~vehicles owned by the State of Georgia or any municipality or other political subdivision~~
110 ~~of this state, except those vehicles employed in covert or secret investigatory police~~
111 ~~functions to which regular Georgia license plates are issued, those assigned for the~~
112 ~~transportation of employees of the Georgia Lottery Corporation to which regular Georgia~~
113 ~~license plates are issued, and those vehicles owned by the Department of Public Safety, the~~
114 ~~commissioner shall provide for registration and issuance of regular license plates for such~~
115 ~~vehicles. The license plates issued pursuant to this subsection (a) of this Code section shall~~
116 ~~be identical in appearance to regular license plates issued for private vehicles, except that~~
117 ~~such license plates shall not display any registration expiration. Such license plates may~~
118 ~~be transferred as provided for in subsection (d) of this Code section. Such license plates~~
119 ~~shall be issued at the time the vehicle is purchased by the state.~~

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

129 (c) Vehicles owned by the State of Georgia, any municipality of this state, or any other
130 political subdivision of this state that are utilized in covert or secret investigatory police
131 functions, assigned for the transportation of employees of the Georgia Lottery Corporation,
132 or owned by the Department of Public Safety, shall be issued regular license plates upon
133 the filing of the properly executed application for registration and payment of the
134 applicable license fee. The commissioner shall be authorized to grant a waiver of the
135 requirements of subsection (b) of this Code section such that regular license plates may be
136 issued for any vehicle or vehicles owned by the State of Georgia, any municipality of this
137 state, or any other political subdivision of this state upon finding issuance of such waiver
138 to be in the best interest of public safety, public welfare, or efficient administration.

139 (d) Any such license plates license plate issued pursuant to this Code section shall remain
140 displayed and affixed upon such vehicle so long as such vehicle continues to be owned by
141 the state or such municipality or political subdivision and used exclusively for
142 governmental functions. Upon cessation of either such ownership or use ownership by the
143 state or a municipality or political subdivision thereof, the license plate issued pursuant to
144 this Code section shall be removed from such vehicle and returned to the commissioner or
145 the county tag agent for destruction. In the event of a transfer of a vehicle to a department
146 or agency, or branch thereof, other than the specific one to which such vehicle is registered,

147 the commissioner shall be notified in writing by the department or agency from which the
 148 same is being transferred upon a form prepared and furnished for such purpose by the
 149 commissioner. On due proof of loss of any such license plate, or of mutilation due to
 150 accidental or natural causes, another license plate may be issued upon application of the
 151 fiscal officer or other proper official of the department, agency, or political subdivision to
 152 which any such lost plate is registered.

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

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

161 **SECTION 4.**

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

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

165 **SECTION 5.**

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

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

172 **SECTION 6.**

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

176 "(g) The commissioner may provide by rule or regulation for the maintenance of certificate
177 of title records in electronic format and in a system accessible by authorized users.
178 Electronic evidence of a certificate of title maintained in such system shall serve as an
179 accurate and true depiction of the state issued certificate of title for a vehicle. The
180 commissioner may further provide by rule or regulation for the transfer of certificates of
181 title or grant of security interests therein in electronic format through such system between
182 authorized users. Any such electronic certificates of title or electronic transfers or grants
183 of security interests shall be valid for all lawful purposes."

184 **SECTION 7.**

185 Said title is further amended in Code Section 40-5-32, relating to expiration and renewal of
186 licenses and reexamination required, by adding a new subsection to read as follows:

187 "(d)(1) Notice of driver's license renewal issued by the department pursuant to this Code
188 section shall be satisfied by electronic means when:

189 (A) The license holder consents to receive notifications and communications
190 electronically pursuant to the conditions set forth in paragraph (2) of this subsection;
191 and

192 (B) The department includes any record of transmission of any electronic notification
193 or communication to the license holder in the records of the department for such license
194 holder.

195 (2) The department shall be authorized to utilize electronic notifications and
196 communications for any license holder who agrees to a statement which reads:

197 'I AGREE TO RECEIVE ALL NOTIFICATIONS AND COMMUNICATIONS FOR
198 DRIVER'S LICENSE RENEWALS ELECTRONICALLY.'

199 (3) If the department becomes aware that an electronic notification or communication
200 was not transmitted to a license holder, the department shall send the notification or
201 communication as otherwise required by applicable law.

202 (4) The department shall retain a record pursuant to Chapter 12 of Title 10, the 'Uniform
203 Electronic Transactions Act,' of any electronic notification or communication sent
204 pursuant to this subsection. Such record shall be retrievable by the department for a
205 period of ten years after the date such electronic notification or communication was sent.

206 (5) A license holder may withdraw his or her consent to receive notifications and
207 communications by electronic means upon a method established by the department for
208 such purpose pursuant to rule or regulation.

209 (6) Any notification or communication sent by electronic means pursuant to this
210 subsection shall comply with the requirements set forth in Chapter 12 of Title 10, the
211 'Uniform Electronic Transactions Act.'

212 **SECTION 8.**

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

215 **SECTION 9.**

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