

Senate Bill 100

By: Senators Harper of the 7th, Albers of the 56th, Williams of the 19th, Dugan of the 30th,
Seay of the 34th 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 provide for applicability with current federal regulations in the safe
3 operations of motor carriers and commercial motor vehicles; to provide for definitions; to
4 provide for registration and regulation of for-hire intrastate motor carriers and intrastate
5 motor carriers; to provide for related matters; to provide for an effective date and
6 applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
10 amended by revising subparagraph (A) of paragraph (8.3) of Code Section 40-1-1, relating
11 to definitions, as follows:

12 "(A) Has a gross vehicle weight rating, gross combination weight rating, gross vehicle
13 weight, or gross combination weight of ~~4,537~~ 4,536 kg (10,001 lbs.) or more;"

14 **SECTION 2.**

15 Said title is further amended by revising paragraph (3) of subsection (a) of Code Section
16 40-1-8, relating to definitions, safe operations of motor carriers and commercial motor
17 vehicles, civil penalties, operation of out-of-service vehicles, and criminal penalties, as
18 follows:

19 "(3) 'Present regulations' means the regulations promulgated under 49 C.F.R. in force and
20 effect on January 1, ~~2014~~ 2015."

21 **SECTION 3.**

22 Said title is further amended by revising Code Section 40-2-1, relating to definitions, as
23 follows:

24 "40-2-1.

25 As used in this chapter, the term:

26 (1) 'Cancellation of vehicle registration' means the annulment or termination by formal
 27 action of the department of a person's vehicle registration because of an error or defect
 28 in the registration or because the person is no longer entitled to such registration. The
 29 cancellation of registration is without prejudice and application for a new registration
 30 may be made at any time after such cancellation.

31 (2) 'Commissioner' means the state revenue commissioner.

32 (3) 'Department' means the Department of Revenue.

33 (4) 'For-hire intrastate motor carrier' means a person engaged in the transportation of
 34 goods or passengers for compensation wholly within the boundaries of this state.

35 (5) 'Intrastate motor carrier' means any self-propelled or towed motor vehicle that is used
 36 on a highway in intrastate commerce to transport passengers or property and:

37 (A) Has a gross vehicle weight rating, gross combination weight rating, gross vehicle
 38 weight, or gross combination weight of 4,536 kg (10,001 lbs.) or more, whichever is
 39 greater;

40 (B) Is designed or used to transport passengers for compensation;

41 (C) Is designed or used to transport more than ten passengers, including the driver, and
 42 is not used to transport passengers for compensation;

43 (D) Is used to transport material found by the United States Secretary of Transportation
 44 to be hazardous pursuant to 49 U.S.C. Section 5103 and is transported in any quantity;

45 or

46 (E) Is a lightweight commercial vehicle as defined in Code Section 40-1-1.

47 ~~(4)~~(6) 'Motor carrier' means:

48 (A) Any entity subject to the terms of the Unified Carrier Registration Agreement
 49 pursuant to 49 U.S.C. Section 14504a whether engaged in interstate or intrastate
 50 commerce, or both; or

51 (B) Any entity defined by the commissioner or commissioner of public safety who
 52 operates or controls commercial motor vehicles as defined in 49 C.F.R. Section 390.5
 53 or this chapter whether operated in interstate or intrastate commerce, or both.

54 ~~(5)~~(7) 'Operating authority' means the registration required by 49 U.S.C. Section 13902,
 55 49 C.F.R. Part 365, 49 C.F.R. Part 368, and 49 C.F.R. Section 392.9a.

56 ~~(6)~~(8) 'Regulatory compliance inspection' means the examination of facilities, property,
 57 buildings, vehicles, drivers, employees, cargo, packages, records, books, or supporting
 58 documentation kept or required to be kept in the normal course of motor carrier business
 59 or enterprise operations.

60 ~~(7)~~(9) 'Resident' means a person who has a permanent home or domicile in Georgia and
 61 to which, having been absent, he or she has the intention of returning. For the purposes
 62 of this chapter, there is a rebuttable presumption that any person who, except for
 63 infrequent, brief absences, has been present in the state for 30 or more days is a resident.

64 ~~(8)~~(10) 'Revocation of vehicle registration' means the termination by formal action of the
 65 department of a vehicle registration, which registration shall not be subject to renewal or
 66 reinstatement, except that an application for a new registration may be presented and
 67 acted upon by the department after the expiration of the applicable period of time
 68 prescribed by law.

69 ~~(9)~~ (11) 'Suspension of vehicle registration' means the temporary withdrawal by formal
 70 action of the department of a vehicle registration, which temporary withdrawal shall be
 71 for a period specifically designated by the department."

72

SECTION 4.

73 Said title is further amended by revising subsections (d), (e), and (f) of Code Section
 74 40-2-140, relating to the administration of the Federal Unified Carrier Registration Act of
 75 2005 by the Department of Public Safety, registration and fee requirements, evidence of
 76 continuing education, requirements for obtaining operating authority, collection, retention,
 77 and utilization of fees, regulatory compliance inspections, and penalties, as follows:

78 "(d)(1) Any intrastate motor carrier, leasing company leasing to a motor carrier, broker,
 79 or freight forwarder that engages in intrastate commerce and operates a motor vehicle on
 80 or over any public highway of this state shall register with the commissioner and pay a
 81 fee determined by the commissioner.

82 (2) No for-hire intrastate motor carrier shall be issued a registration unless there is filed
 83 with the commissioner ~~or the Federal Motor Carrier Safety Administration or any~~
 84 ~~successor agency~~ a certificate of insurance for such applicant or holder, on forms
 85 prescribed by the commissioner, evidencing a policy of indemnity insurance by an
 86 insurance company licensed to do business in this state. Such policy shall provide for the
 87 protection of passengers in passenger vehicles and the protection of the public against the
 88 negligence of such for-hire intrastate motor carrier, and its servants or agents, when it is
 89 determined to be the proximate cause of any injury. The commissioner shall determine
 90 and fix the amounts of such indemnity insurance and shall prescribe the provisions and
 91 limitations thereof. The insurer shall file such certificate. Failure to file any form
 92 required by the commissioner shall not diminish the rights of any person to pursue an
 93 action directly against a for-hire intrastate motor carrier's insurer. The insurer may file
 94 its certificate of insurance electronically with the commissioner.

95 (3) The commissioner shall have the power to permit self-insurance in lieu of a policy
96 of indemnity insurance whenever in his or her opinion the financial ability of the motor
97 carrier so warrants.

98 (4) Any person having a cause of action, whether arising in tort or contract, under this
99 Code section may join in the same cause of action the motor carrier and its insurance
100 carrier.

101 (e) Before any intrastate motor carrier engaged in exempt passenger intrastate commerce
102 shall operate any motor vehicle on or over any public highway of this state, the intrastate
103 motor carrier shall register with the commissioner and pay a fee determined by the
104 commissioner.

105 (f) Prior to the issuance of the initial registration to any intrastate motor carrier ~~Before any~~
106 ~~motor carrier shall be registered under the federal Unified Carrier Registration Act of 2005~~
107 ~~by the Department of Public Safety pursuant to subsection (d) or (e) of this Code section,~~
108 that intrastate motor carrier shall furnish evidence to the Department of Public Safety that
109 the intrastate motor carrier, through an authorized representative, has completed, within the
110 preceding 12 months, an educational seminar on motor carrier operations and safety
111 regulations that has been certified by the commissioner."

112 **SECTION 5.**

113 This Act shall become effective on July 1, 2015, and shall apply to offenses which occur on
114 or after that date.

115 **SECTION 6.**

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