

House Bill 590

By: Representatives Ford of the 170<sup>th</sup>, Burchett of the 176<sup>th</sup>, Corbett of the 174<sup>th</sup>, McDonald III of the 26<sup>th</sup>, Wiedower of the 121<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and  
2 businesses, so as to provide for the regulation of trailer manufacturers; to establish the State  
3 Board of Trailer Manufacturers; to provide for membership, meetings, and duties of such  
4 board; to provide for the issuance of licenses to manufacture trailers within this state; to  
5 provide for application and licensing requirements; to require maintenance of certain records;  
6 to provide for inspections; to authorize the suspension and revocation of such licenses; to  
7 provide for the power to enjoin unlawful activity; to provide for a penalty; to provide for  
8 punishment; to provide for timing for compliance; to provide for legislative purpose; to  
9 provide for definitions; to provide for related matters; to repeal conflicting laws; and for  
10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
14 is amended by adding a new chapter to read as follows:

H. B. 590

15 "CHAPTER 45A

16 43-45A-1.

17 This chapter is enacted in the exercise of the police powers of the state. Its purposes  
18 generally are to protect the public health, welfare, and safety by providing for the  
19 regulation of the manufacture of trailers in this state and sold for use upon public roadways.

20 43-45A-2.

21 As used in this chapter, the term:

22 (1) 'Board' means the State Board of Trailer Manufacturers.

23 (2) 'Established place of business' means a building at which a permanent business of  
24 constructing or assembling trailers is carried on.

25 (3) 'License' means any license issued to a manufacturer by the board or division director  
26 on behalf of the board under this chapter.

27 (4) 'Manufacturer' means any person engaged in the business of constructing or  
28 assembling a trailer.

29 (5) 'Person' means any individual, partnership, limited liability company, firm,  
30 association, corporation, or combination of individuals of whatever form or character.

31 (6) 'Trailer' means a vehicle with or without motive power designed for carrying persons  
32 or property and for being drawn by a motor vehicle and so constructed that no part of its  
33 weight rests upon the towing vehicle.

34 43-45A-3.

35 (a) There is established the State Board of Trailer Manufacturers, which shall administer  
36 and enforce this chapter. The board shall be composed of nine members as follows:

37 (1) Three members who shall have no less than five years' experience as manufacturers;

38 (2) Three members who shall be members of the state association of trailer  
39 manufacturers;

40 (3) One member who shall be a resident of this state, be appointed from the public at  
41 large, and have no connection whatsoever with the manufacture of trailers;

42 (4) The commissioner of public safety, or his or her designated agent, who shall be a  
43 permanent ex officio member and shall be authorized to vote on all matters before the  
44 board; and

45 (5) The commissioner of driver services, or his or her designated agent, who shall be a  
46 permanent ex officio member and shall be authorized to vote on all matters before the  
47 board.

48 (b) Except for members of the board who are state officials, each member of the board  
49 shall be appointed by the Governor, and each term of office shall be three years or until a  
50 successor has been appointed and qualified. Upon the expiration of each term, the  
51 Governor shall appoint a successor as provided in subsection (a) of this Code section. Any  
52 vacancy on the board arising from death, resignation, or other cause shall be filled by such  
53 appointment for the unexpired term.

54 (c) The board shall select from among its own number a chairperson and a vice  
55 chairperson and shall adopt rules and regulations governing the licensing of applicants and  
56 the enforcement of this chapter and such other rules and regulations governing procedure  
57 as shall be necessary and proper for the carrying out of the objectives of this chapter.

58 43-45A-4.

59 (a) The board shall meet not less than once a year at a place, day, and hour determined by  
60 the division director and as many other times per year as deemed necessary. Each member  
61 of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.

62 (b) The division director shall notify each member of the board not less than ten days in  
63 advance of the time and place of any meeting of the board.

64 43-45A-5.

65 (a) The board shall have the responsibility and duty of administering and enforcing this  
66 chapter.

67 (b) The board shall:

68 (1) Supervise the issuance of licenses;

69 (2) License persons who make proper application to the division director and who meet  
70 the qualifications of this chapter;

71 (3) Issue and renew licenses;

72 (4) Suspend or revoke licenses in the manner provided in this chapter;

73 (5) Appoint representatives to conduct annual inspections of licensees' manufacturing  
74 facilities;

75 (6) Receive annual reports from licensees relating to annual sales of trailers; and

76 (7) Make available to the public a copy of this chapter, any amendments thereto, and all  
77 adopted rules.

78 (c) The division director shall be guided by the recommendations of the board in all  
79 matters relating to this chapter and shall assist the board in carrying out this chapter.

80 (d) In the administration and enforcement of this chapter, the board shall have the power  
81 to adopt reasonable rules and regulations not inconsistent with this chapter and the  
82 Constitution and laws of this state or of the United States for governing its times and places  
83 of meetings; for organization and reorganization; for the performance of facility  
84 inspections; for governing all other matters requisite to the exercising of its powers; for  
85 issuing, suspending, or revoking licenses; and for the transaction of its business under this  
86 chapter.

87 (e) The board may provide, by regulation, for inspections pursuant to Code  
88 Section 43-45A-10 and the collection of reports required by Code Section 43-45A-11. The  
89 division director may contract with third parties to perform administrative services related  
90 to the inspections and reports required by this chapter.

91 43-45A-6.

92 (a) The board shall be authorized to require persons seeking renewal of a license issued  
93 pursuant to this chapter to complete board approved continuing education or training  
94 annually. The board shall be authorized to approve courses offered by institutions of  
95 higher learning, specialty societies, or professional organizations and to designate the  
96 number of hours required and the category or categories in which those hours should be  
97 earned.

98 (b) The board shall be authorized to waive the continuing education and training  
99 requirement of this Code section in cases of hardship, disability, or illness or under such  
100 other circumstances as the board deems appropriate.

101 (c) The board shall be authorized to promulgate rules and regulations to implement and  
102 ensure compliance with the requirements of this Code section.

103 43-45A-7.

104 (a) It shall be unlawful for any person to operate as a manufacturer in this state without  
105 first obtaining a license from the board pursuant to this chapter.

106 (b) No person shall operate as a manufacturer in this state or display a sign or in any way  
107 advertise or make representations as a manufacturer in this state unless such person holds  
108 an unsuspended, unrevoked license issued by the board.

109 (c) Duplicate licenses shall be issued by the board or division director on behalf of the  
110 board to valid licensees operating more than one established place of business upon the  
111 payment of an additional license fee for each established place of business, provided that  
112 each such established place of business meets the requirements of this chapter.

113 43-45A-8.

114 (a) An application to operate as a manufacturer in this state pursuant to this chapter shall:

115 (1) Be in writing on a form prescribed by or furnished by the board;

- 116 (2) Contain the information required by this chapter; and  
117 (3) Be accompanied by a fee of \$150.00.
- 118 (b) The board or division director on behalf of the board shall issue or renew a license to  
119 operate as a manufacturer upon demonstration by the applicant or licensee that such person:
- 120 (1) Maintains an established place of business and demonstrates evidence of minimum  
121 liability and property damage insurance for such established place of business in an  
122 amount determined by the board;
- 123 (2) Maintains insurance for unemployment and accidents arising out of and in the course  
124 of employment in an amount determined by the board or in compliance with state or  
125 federal laws;
- 126 (3) Possesses a National Highway Traffic Safety Administration approved manufacturer  
127 identifier issued by the Society of Automotive Engineers;
- 128 (4) Has furnished to the United States Department of Transportation the information  
129 required pursuant to 49 C.F.R. Section 566.5, as amended;
- 130 (5) Demonstrates that the established place of business meets all local and state building  
131 code requirements; and
- 132 (6) When for renewal of a license, has successfully completed the continuing education  
133 and training requirements established by the board pursuant to Code Section 43-45A-6  
134 and paid the annual licensing fee required by Code Section 43-45A-10.
- 135 43-45A-9.
- 136 (a) All licenses issued by the board pursuant to this chapter shall expire one year from the  
137 date issued but may be renewed annually upon proper application. Each license required  
138 by this chapter shall be conspicuously posted at each established place of business at all  
139 times as may be required by regulations established by the board.
- 140 (b) A person whose license has been suspended or revoked or that has been refused a  
141 license by the board may make a request in writing for a hearing before the board. Upon

142 receipt of such request for hearing in proper form, the board shall schedule a hearing within  
143 a reasonable time, but not later than 30 days. Such hearing and any appeal shall be  
144 conducted in accordance with the provisions of Chapter 13 of Title 50, the 'Georgia  
145 Administrative Procedure Act.'

146 43-45A-10.

147 (a) Every person required to be licensed under this chapter shall, as a condition of  
148 licensure, be deemed to have granted authority and permission to the board, to a designee  
149 of the board, or to any peace officer to inspect any record required to be kept pursuant to  
150 Code Section 43-45A-11 at an established place of business or the premises where trailer  
151 manufacturing is conducted at any reasonable time during the day or night during  
152 reasonable business hours.

153 (b) Every person licensed under this chapter shall remit an annual licensing fee of  
154 \$1,500.00 to the board which shall be deposited in the general fund of the state treasury.

155 43-45A-11.

156 (a) Every licensee shall retain the following records for a period of five years:

157 (1) The vehicle identification number of each trailer produced; and

158 (2) Sales records containing the date and name of purchaser.

159 (b) By December 31 of each year, every licensee shall submit to the board a list of the  
160 vehicle identification numbers for each trailer sold or transferred that year.

161 43-45A-12.

162 (a)(1) The board shall have the power to bring an action to enjoin any person that,  
163 without being licensed by the board, manufactures trailers in this state. The action shall  
164 be filed in the county in which such person resides or maintains an office or in the county  
165 in which the established place of business is located. If it appears that the person is

166 manufacturing trailers in this state without a license issued by the board, then such person  
167 shall be enjoined from manufacturing trailers without a valid license throughout the state.  
168 It is declared that such unlicensed activities are a menace and a nuisance and are  
169 dangerous to the public health, safety, and welfare; and, therefore, it shall not be  
170 necessary, in order to obtain relief, as provided in this paragraph, for the board to allege  
171 or prove that there is no adequate remedy at law.  
172 (2) Any person who manufactures trailers in this state without a license shall have  
173 committed the offense of unlawful trailer manufacturing and, upon conviction thereof,  
174 shall be guilty of a misdemeanor.  
175 (b) Except as otherwise provided for in subsection (a) of this Code section, any licensee  
176 determined to be in violation of the requirements of this chapter shall, upon written notice  
177 thereof from the board, remedy such violation within 90 days. The license of any licensee  
178 that continues to violate the provisions of this chapter after such 90 days shall be suspended  
179 for one year."

180 **SECTION 2.**

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