

House Bill 800

By: Representatives Tarvin of the 2nd and Powell of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 33 and 40 of the Official Code of Georgia Annotated, relating to insurance
2 and motor vehicles and traffic, respectively, so as to provide for optional vehicle equipment
3 inspections and premium discounts if policyholders obtain such inspections; to provide for
4 the approval of premium discounts submitted in filings to the Commissioner of Insurance;
5 to provide for data collection; to provide for definitions; to provide for powers and duties of
6 the Department of Public Safety; to provide for the issuance of certificates of vehicle
7 equipment inspection and vehicle equipment inspection stickers; to provide for terms; to
8 provide for reinspections; to provide for replacement vehicle equipment inspection stickers
9 or certificates of vehicle equipment inspection; to provide for the certification of vehicle
10 equipment inspection stations; to provide for the licensing of mechanic inspectors; to provide
11 for violations and penalties; to provide for rules and regulations; to provide for related
12 matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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37

"ARTICLE 338 40-8-200.39 As used in this article, the term:

40 (1) 'Certificate of authorization' means a certificate issued by the Department of Public
41 Safety to each establishment or location designated as a vehicle equipment inspection
42 station.

43 (2) 'Certificate of vehicle equipment inspection' means a certificate issued upon the
44 inspection and approval of motor vehicle equipment in accordance with this article and
45 the rules and regulations promulgated pursuant to this article. Such certificates shall be
46 furnished to vehicle equipment inspection stations by the department to be completed and
47 issued by such stations to the owner or operator of a motor vehicle upon inspection and
48 approval certifying that such motor vehicle has been inspected and complies with the
49 standards and maintenance required by this article.

50 (3) 'Department' means the Department of Public Safety.

51 (4) 'Director' means the director of the Office of Highway Safety in the Department of
52 Public Safety.

53 (5) 'Inspection term' means the period of time for which a certificate of vehicle
54 equipment inspection shall be considered valid. Such period of time shall be based on
55 the model year of the inspected motor vehicle as follows:

56 (A) For a model year less than five years old, the inspection term shall be five years;

57 (B) For a model year from five to ten years old, the inspection term shall be two years;

58 and

59 (C) For a model year more than ten years old, the inspection term shall be one year.

60 (6) 'Mechanic inspector' means an individual issued a license by the department to
61 perform the vehicle equipment inspections provided for by this article.

62 (7) 'Model year' means a motor vehicle manufacturer's annual production period, as
63 determined by the director; provided, however, that, if the manufacturer has no annual
64 production period, such term shall mean the calendar year. The model year shall be
65 determined by the vehicle identification number appearing on the vehicle.

66 (8) 'Vehicle equipment inspection station' means a motor vehicle dealership, garage,
67 service station, or other establishment designated or operated by the department and
68 which has been issued by the director a certificate of authorization as a vehicle equipment
69 inspection station authorized to carry out the vehicle equipment inspections provided for
70 under this article.

71 (9) 'Vehicle equipment inspection sticker' means a sticker issued in conjunction with a
72 certificate of vehicle equipment inspection to be displayed on the inspected motor
73 vehicle.

74 40-8-201.

75 The department shall have the power and duty to establish:

76 (1) Standards, criteria, and requirements for certifying vehicle equipment inspection
77 stations;

78 (2) Standards, criteria, and requirements for licensing mechanic inspectors;

79 (3) Vehicle equipment standards and specifications to be used by mechanic inspectors
80 at vehicle equipment inspection stations to test, measure, inspect for, or determine
81 satisfaction of vehicle equipment standards as established by the department;

82 (4) Standards, criteria, and specifications for inspection equipment used to test, measure,
83 inspect for, or determine satisfaction of vehicle equipment standards;

84 (5) Procedures to ensure the uniform operation of vehicle equipment inspection stations
85 in a sufficient number and in a manner satisfactory to the department;

86 (6) Forms, applications, certificates, licenses, or other documentation which may be
87 required by the department to implement and administer the provisions of this article; and

88 (7) Fees to be charged by vehicle equipment inspection stations for the performance of
89 vehicle equipment inspections; provided, however, that such fees shall be based on the
90 cost of performing such inspection in an adequate and proper manner, including, but not
91 limited to, the cost of equipment, testing, labor, training, record keeping, reporting, and
92 other overhead expenses.

93 40-8-202.

94 The department shall:

- 95 (1) Advise, consult, cooperate, and contract with other state agencies, including, but not
96 limited to, the office of the Commissioner of Insurance and the Department of Revenue,
97 any political subdivision of the state, any designated organization of elected officials
98 within the state, or any other person or entity as necessary to implement the provisions
99 of this article;
- 100 (2) Exercise general supervision over the administration and enforcement of this article
101 and all rules and regulations and orders promulgated under this article;
- 102 (3) Make investigations and inspections to determine and ensure compliance with this
103 article and all rules and regulations promulgated pursuant to this article; and
- 104 (4) Issue, deny, suspend, or revoke certificates and licenses established under this article.

105 40-8-203.

106 (a) The owner of a motor vehicle may obtain an optional certificate of vehicle equipment
107 inspection issued by a vehicle equipment inspection station. Such certificate may be
108 obtained for any motor vehicle owned by any federal agency, state agency, municipality,
109 or other political subdivision registered pursuant to Code Section 40-2-34 or 40-2-35,
110 whichever is applicable, and assigned for use to any federal agency, state agency,
111 municipality, or other political subdivision located in such county and for each motor

112 vehicle which is operated 60 days or more in any calendar year on a federal installation
113 located in whole or in part in any such county.

114 (b) A certificate of vehicle equipment inspection shall be valid for one inspection term and
115 shall certify that:

116 (1) An inspection of the motor vehicle was performed on a specific date; and

117 (2) The motor vehicle, on such specific date, was in compliance with the standards
118 established by the department.

119 40-8-204.

120 (a) A certificate of vehicle equipment inspection shall be issued for a motor vehicle if a
121 mechanic inspector, upon inspection, determines that such motor vehicle is in compliance
122 with the standards established by the department.

123 (b) If an inspection discloses any violation of applicable vehicle equipment standards, the
124 owner of such vehicle shall be notified, in writing, of the equipment which is in violation
125 of the standard.

126 (c) An owner shall have any necessary maintenance and repairs performed on any motor
127 vehicle violating any applicable vehicle equipment standard and shall return the motor
128 vehicle for reinspection at a vehicle equipment inspection station within 30 days of the
129 initial inspection. Such reinspection shall be at no charge to the owner.

130 (d) If, upon reinspection, a motor vehicle fails to meet the requirements of subsection (a)
131 of this Code section, no certificate of vehicle equipment inspection shall be issued.

132 (e) A time extension may be granted for an owner to obtain needed repairs on a vehicle in
133 the case of economic hardship. After having received a time extension under this
134 subsection, a vehicle shall fully pass the applicable test standards before becoming eligible
135 for another time extension.

136 (f) Any vehicle equipment inspection sticker shall bear such information as shall be
137 required by the department. A mechanic inspector shall remove from the vehicle being

138 inspected any old vehicle equipment inspection sticker when a new vehicle equipment
139 inspection sticker is issued.

140 (g) All certificates of vehicle equipment inspection shall be issued by the department for
141 the inspection term.

142 (h) The department shall establish methods by which the owner of a motor vehicle who
143 has lost a certificate of vehicle equipment inspection may have a duplicate certificate of
144 vehicle equipment inspection issued. Any replacement vehicle equipment inspection
145 sticker or certificate of vehicle equipment inspection shall be valid only for the remainder
146 of the period for which the replaced vehicle equipment inspection sticker or certificate of
147 vehicle equipment inspection was valid.

148 40-8-205.

149 (a) A motor vehicle dealership, garage, service station, or other establishment shall submit
150 an application for certification as a vehicle equipment inspection station to the department
151 on a form designated for such purpose and accompanied by any application fee.

152 (b) A certificate of authorization and certificates of vehicle equipment inspection shall be
153 issued only after the department has determined that an applicant's proposed inspection
154 station will be properly equipped, has the necessary mechanic inspectors to conduct
155 inspections, and meets all other requirements of this article or rules and regulations
156 promulgated by the department.

157 (c) The department shall not in any manner limit the number, location, and types of vehicle
158 equipment inspection stations certified to operate in any county. In no event shall the
159 department enter into any contract or into a series of contracts the effect of which would
160 be the realization of centralized testing.

161 (d) The department, prior to issuing a certificate of authorization to any motor vehicle
162 dealership, garage, service station, or other establishment, shall require proof that an
163 applicant has either filed a bond or has obtained liability insurance in a form and amount

164 satisfactory to ensure compensation for any damage to a vehicle during an inspection
165 caused by the negligence of the applicant or its agent.

166 (e) With respect to any certificate of authorization issued to any vehicle equipment
167 inspection station certified by the department to inspect motor vehicle equipment for
168 compliance with the requirements of this article:

169 (1) The department shall ensure that a sufficient number of such vehicle equipment
170 inspection stations are available at locations throughout this state to ensure motor vehicles
171 can be inspected;

172 (2) Each vehicle equipment inspection station shall keep on hand a record of inspections,
173 reinspections, the results thereof, and certificates of inspection issued in a manner
174 designated by the department and in conformance with any requirements for such records
175 and reports prescribed pursuant to this article. All records required to be maintained by
176 a vehicle equipment inspection station shall be available for inspection by the department
177 at all times;

178 (3) Each vehicle equipment inspection station shall be required to perform inspections
179 on motor vehicles in conformity with this article and rules and regulations promulgated
180 pursuant to this article;

181 (4) Any fee charged by a vehicle equipment inspection station for performance of the
182 vehicle equipment inspection shall comply with this article and rules and regulations
183 promulgated pursuant to this article;

184 (5) No certificate of authorization for a vehicle equipment inspection station shall be
185 assigned or transferred or used at any location other than the one designated on such
186 certificate; and

187 (6) Every certificate of authorization for a vehicle equipment inspection station and
188 license for a mechanic inspector shall be posted in a conspicuous place in the station.

189 40-8-206.

190 (a) An individual shall submit an application for licensure as a mechanic inspector to the
191 department on a form designated for such purpose and accompanied by any application fee.

192 (b) A license to be a mechanic inspector shall be issued only after the department has
193 determined that an applicant has demonstrated to the department's satisfaction competency
194 to conduct vehicle equipment inspections as established by the department.

195 40-8-207.

196 The director shall be authorized to amend, modify, revoke, or suspend any certificate of
197 authorization issued to a vehicle equipment inspection station or any license issued to a
198 mechanic inspector for cause, including, but not limited to, violating the provisions of this
199 article concerning the inspection of any motor vehicle.

200 40-8-208.

201 (a)(1) No person shall in any manner represent any place or establishment as a vehicle
202 equipment inspection station unless such station has been issued a valid certificate of
203 authorization by the department.

204 (2) No person shall issue a certificate of vehicle equipment inspection for any motor
205 vehicle unless such person holds a valid certificate of authorization issued pursuant to this
206 article and such vehicle has been inspected and approved by a mechanic inspector as
207 required by this article.

208 (b)(1) No person shall make, issue, or knowingly use any imitation or counterfeit of a
209 certificate of vehicle equipment inspection.

210 (2) No person shall possess, display, or cause or permit to be displayed upon any vehicle
211 any vehicle equipment inspection sticker while knowing the same to be counterfeit,
212 issued for another vehicle, or issued without the required inspection and approval.

213 (c) No individual shall in any manner represent himself or herself as a mechanic inspector
214 licensed pursuant to this article unless such individual has been issued a valid license by
215 the department.

216 (d) Any person violating any provision of this article shall be guilty of a misdemeanor and,
217 upon conviction thereof, shall be punished by a fine of not less than \$50.00 nor more than
218 \$250.00.

219 40-8-209.

220 The department shall promulgate such rules and regulations as are necessary to effectuate,
221 administer, and enforce the provisions of this article pursuant to Chapter 13 of Title 50, the
222 'Georgia Administrative Procedure Act.'

223 **SECTION 3.**

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