

House Bill 1022

By: Representatives McDonald III of the 26th, Corbett of the 174th, Hitchens of the 161st, Lumsden of the 12th, Crowe of the 118th, 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 prohibit electric tinting; to provide for penalties; to prohibit the use of digital
3 license plates; to provide for a definition; to provide for related matters; to repeal conflicting
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
8 amended by revising Code Section 40-8-73.1, relating to tinting of windows or windshields,
9 as follows:

10 "40-8-73.1.

11 (a) As used in this Code section, the term:

12 (1) 'Electric tinting' means any material that uses an electric current to change the light
13 reflectance or light transmission of a surface. Such term shall include, but is not limited
14 to, electrochromic glass and polymer dispersed liquid crystal film.

15 (2) 'Light reflectance' means the ratio of the amount of total light that is reflected
16 outward by a product or material to the amount of total light falling on the product or
17 material.

18 ~~(2)(3)~~ (3) 'Light transmission' means the ratio of the amount of total light, expressed in
19 percentages, which is allowed to pass through a surface to the amount of light falling on
20 the surface.

21 ~~(3) 'Manufacturer' means a person who produces or assembles a vehicle glass-coating~~
22 ~~material or who fabricates, laminates, or tempers a safety-glazing material, which~~
23 ~~material reduces light transmission.~~

24 (4) 'Material' means any transparent product or substance which reduces light
25 transmission.

26 (5) 'Multipurpose passenger vehicle' means a motor vehicle designed to carry ten persons
27 or less which is constructed on a truck chassis or with special features for occasional
28 off-road operation.

29 (b) Except as provided in this Code section, it shall be unlawful for any person to operate
30 a motor vehicle in this state:

31 (1) Which has material and glazing applied or affixed to the front windshield, which
32 material and glazing when so applied or affixed reduce light transmission through the
33 windshield; ~~or~~

34 (2) Which has material and glazing applied or affixed to the rear windshield or the side
35 or door windows, which material and glazing when so applied or affixed reduce light
36 transmission through the windshield or window to less than 32 percent, plus or minus 3
37 percent, or increase light reflectance to more than 20 percent; or

38 (3) Which has electric tinting applied or affixed to the front windshield, rear windshield,
39 side window, or door window.

40 (c) The provisions of subsection (b) of this Code section shall not apply to:

- 41 (1) Adjustable sun visors which are mounted forward of the side windows and are not
42 attached to the glass;
- 43 (2) Signs, stickers, or other matter which is displayed in a seven-inch square in the lower
44 corner of the windshield farthest removed from the driver or signs, stickers, or other
45 matter which is displayed in a five-inch square in the lower corner of the windshield
46 nearest the driver;
- 47 (3) Direction, destination, or termination signs upon a passenger common carrier motor
48 vehicle if the signs do not interfere with the driver's clear view of approaching traffic;
- 49 (4) Any transparent item which is not red or amber in color which is placed on the
50 uppermost six inches of the windshield;
- 51 (5) Any federal, state, or local sticker or certificate which is required by law to be placed
52 on any windshield or window;
- 53 (6) The rear windshield or the side or door windows, except those windows to the right
54 and left of the driver of:
- 55 (A) A multipurpose passenger vehicle;
- 56 (B) A school bus, any other bus used for public transportation, and any bus or van
57 owned or leased by any religious or any nonprofit organization duly incorporated under
58 the laws of this state;
- 59 (C) Any limousine owned or leased by a public or private entity; or
- 60 (D) Any other vehicle, the windows or windshields of which have been tinted or
61 darkened before factory delivery or permitted by federal law or regulation;
- 62 (7) Any law enforcement vehicle;
- 63 (8) Any vehicle that displays a valid special license plate issued to a government official
64 under Code Section 40-2-61, 40-2-63, or 40-2-64;
- 65 (9) Any vehicle owned or operated by the state or a political subdivision thereof and that
66 displays a valid license plate issued pursuant to Code Section 40-2-37; or

67 (10) Any vehicle operated in the course of business by a person licensed or registered
68 under Chapter 38 of Title 43, relating to private detective and private security businesses.

69 (d) The Department of Public Safety may, upon application from a person required for
70 medical reasons to be shielded from the direct rays of the sun and only if such application
71 is supported by written attestation of such fact from a person licensed to practice medicine
72 under Chapter 34 of Title 43 or a person certified as an optometrist under Chapter 30 of
73 Title 43, issue an exemption from the provisions of this Code section for any motor vehicle
74 owned by such person or in which such person is a habitual passenger. The exemption
75 shall be issued with such conditions and limitations as may be prescribed by the
76 Department of Public Safety.

77 (e) No person shall install any material upon the windshields or windows of any motor
78 vehicle, the installation of which would result in a reduction of light transmission or an
79 increase in light reflectance in violation of subsection (b) of this Code section.

80 (f) Notwithstanding any other provision of this Code section, commercial motor vehicles
81 operated in this state are subject to the specifications of or limitations relating to windshield
82 or window glazing or the application of light reducing or reflectance material to the
83 windshield or windows as provided for in the federal motor carrier safety regulations
84 contained in 49 C.F.R. 393.60 and adopted by the commissioner of public safety pursuant
85 to Code Section 40-1-8.

86 (g) The Department of Public Safety is authorized to promulgate such rules and
87 regulations as may be necessary to carry out the provisions of this Code section.

88 (h)(1) Any person who violates subsection (b) or (e) of this Code section shall be guilty
89 of a misdemeanor.

90 (2) Notwithstanding paragraph (1) of this subsection, any person who violates
91 paragraph (3) of subsection (b) of this Code section shall:

92 (A) Upon the first violation, be subject to a fine of not more than \$500.00; and

93 (B) Upon the second and subsequent violations, be subject to a fine of not more than
94 \$1,000.00."

95 **SECTION 2.**

96 Said title is further amended by revising Code Section 40-2-41, relating to display of license
97 plates, as follows:

98 "40-2-41.

99 Unless otherwise permitted under this chapter, every vehicle required to be registered under
100 this chapter, which is in use upon the highways, shall at all times display the license plate
101 issued to the owner for such vehicle, and the plate shall be fastened to the rear of the
102 vehicle in a position so as not to swing and shall be at all times plainly visible. No person
103 shall display on the rear of a motor vehicle any temporary or permanent plate or tag not
104 issued by the State of Georgia which is intended to resemble a license plate which is issued
105 by the State of Georgia, including, but not limited to, digital license plates. The
106 commissioner is authorized to adopt rules and regulations so as to permit the display of a
107 license plate on the front of certain vehicles. It shall be the duty of the operator of any
108 vehicle to keep the license plate legible at all times. No license plate shall be covered with
109 any material unless the material is colorless and transparent. No license plate shall be
110 covered by electric tinting as such term is defined in Code Section 40-8-73.1. No apparatus
111 that obstructs or hinders the clear display and legibility of a license plate shall be attached
112 to the rear of any motor vehicle required to be registered in the state. Any person who
113 violates any provision of this Code section shall be guilty of a misdemeanor."

114 **SECTION 3.**

115 Said title is further amended by repealing Article 2B of Chapter 2, relating to digital license
116 plates, in its entirety.

117 **SECTION 4.**

118 Said title is further amended by repealing paragraph (3.2) of Code Section 40-2-1, relating
119 to definitions relative to registration and licensing of motor vehicles, in its entirety.

120 **SECTION 5.**

121 Said title is further amended by revising paragraph (1) of subsection (b) of Code
122 Section 40-2-26, relating to form and contents of application for registration, heavy vehicle
123 tax, and satisfactory proof of insurance coverage, as follows:

124 "(b)(1) Application shall be made by the owner of the vehicle upon a form prepared by
125 the commissioner for such purposes setting forth the name, place of residence, and
126 address of the applicant; a brief description of the vehicle to be registered, including its
127 name and model, the name of the manufacturer, the manufacturer's vehicle identification
128 number, and its shipping weight and carrying capacity; from whom, where, and when the
129 vehicle was purchased; the total amount of all liens, if any, thereon, with the name and
130 address of the lienholder; and such other information as the commissioner may require.
131 ~~Such application shall include a method for indicating whether the application is for a~~
132 ~~digital license plate issued pursuant to Article 2B of this chapter."~~

133 **SECTION 6.**

134 Said title is further amended by revising subsection (a) of Code Section 40-2-31, relating to
135 license plate design, retention of manufacturing and delivery cost and revalidation, county,
136 and "In God We Trust" decals, as follows:

137 "(a) If the applicant meets the requirements set forth in this chapter, the commissioner shall
138 issue to the applicant a license plate bearing a distinctive number ~~or a distinctive number~~
139 ~~to be displayed electronically upon a license plate by a digital license plate provider~~
140 ~~pursuant to Article 2B of this chapter."~~

SECTION 7.

141
142 Said title is further amended by revising subsection (a) of Code Section 40-2-33, relating to
143 issuance of license plates and decals, transfer of registration to a digital license plate,
144 compensation of tag agents, and required identification, as follows:

145 "(a)(1) Upon compliance with the provisions of this chapter and the payment of the
146 license fee required by law, the tag agent shall accept the application for registration and,
147 except as otherwise provided for in this chapter, if the license plate or revalidation decal
148 applied for is in such tag agent's inventory, he or she shall issue the appropriate plate or
149 revalidation decal.

150 (2) If the metal license plate applied for is not in inventory, the application shall be
151 approved and forwarded to the commissioner, who, upon receipt of a proper and
152 approved application, shall issue the license plate applied for by mailing or delivering the
153 plate to the applicant. Until the license plate is received by the applicant from the
154 commissioner, the applicant may operate the vehicle without a license plate therefor upon
155 the receipt issued to him or her by the tag agent.

156 ~~(2.1)~~(3) The commissioner may provide for the issuance of a temporary operating permit
157 for any multipurpose off-highway vehicle, to be displayed until such time as a license
158 plate of the design required by Code Section 40-2-31 has been issued to the registrant as
159 a replacement for such temporary operating permit; provided, however, that any such
160 temporary operating permit shall designate the multipurpose off-highway vehicle as such;
161 and provided, further, that the commissioner shall make available for issuance
162 multipurpose off-highway vehicle license plates of the design required by Code Section
163 40-2-31 not later than January 1, 2024.

164 ~~(3) At the time of initial application for registration or at any time during the registration~~
165 ~~period, a vehicle owner may file with the county tag agent, on a form or electronic form~~
166 ~~prescribed by the commissioner, a request to have a vehicle license plate duplicated on~~
167 ~~a digital license plate purchased from a digital license plate provider. Such request to the~~

168 ~~county tag agent shall include all applicable registration fees. Upon approving the~~
169 ~~application provided in this paragraph, the commissioner or county tag agent shall furnish~~
170 ~~the digital license plate provider with the appropriate licensing information to be~~
171 ~~displayed upon the digital license plate. In accordance with Code Section 40-2-8.1, a 45~~
172 ~~day temporary operating permit shall be issued by the commissioner or county tag agent~~
173 ~~to an applicant for a digital license plate until such license plate is received by the~~
174 ~~applicant."~~

175 **SECTION 8.**

176 Said title is further amended by revising subsection (a) of Code Section 40-2-136, relating
177 to surrender of license plates upon second or subsequent convictions of driving under the
178 influence and special license plate for repeat driving under the influence offenders, as
179 follows:

180 "(a) Upon any person's second or subsequent conviction of violating Code
181 Section 40-6-391 within five years, as measured from the dates of previous arrests for
182 which convictions were obtained to the date of the current arrest for which a conviction is
183 obtained, the court shall issue an order requiring that the license plates of all motor vehicles
184 registered in such person's name be surrendered to the court. The court shall notify the
185 commissioner within ten days after issuing any such order, and the commissioner shall
186 revoke each such license plate upon receiving such notice ~~and, if such license plate is a~~
187 ~~digital license plate, shall inform the digital license plate provider of the revocation.~~ The
188 court shall issue a receipt for the surrendered license plate or plates. The court shall
189 forward the surrendered license plate or plates to the local tag agent immediately upon
190 receipt; ~~provided, however, that, if the surrendered license plate is a digital license plate,~~
191 ~~the court shall allow such person to retain the digital license plate.~~ For purposes of this
192 subsection, a plea of nolo contendere shall constitute a conviction."

193

SECTION 9.

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