

Senator Dickerson of the 21st offered the following amendment #1:

1 *Amend the House Committee on Public Safety and Homeland Security substitute to SB 442*
2 *(LC 63 0169S) by replacing lines 1 through 85 with the following:*
3 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
4 traffic, so as to repeal the authority of the Department of Public Safety to establish reasonable
5 rates, fares, and charges for transportation by motor carriers of household goods; to provide
6 for revocation and expiration of commercial drivers' licenses for noncitizens; to provide for
7 testing requirements for the transfer of commercial drivers' licenses for noncitizens; to
8 provide that no owner or operator of a commercial motor vehicle shall be required to retrofit
9 such vehicle; to provide for exceptions; to provide that use of certain information as evidence
10 shall be admissible in criminal or civil proceedings; to provide for violation and punishment;
11 to provide for definitions; to provide for conforming changes; to amend Title 50 of the
12 Official Code of Georgia Annotated, relating to state government, so as to make conforming
13 changes; to provide for related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
17 amended by repealing in its entirety Code Section 40-1-118, relating to establishment of
18 rates, fares, and charges for transportation of household goods, and designating said Code
19 section as reserved.

20

SECTION 2.

21 Said title is further amended by revising Code Section 40-1-119, relating to charges by motor
 22 carriers and unjust discrimination by carriers prohibited, as follows:

23 "40-1-119.

24 No motor carrier of ~~household goods~~ or passengers shall charge, demand, collect, or
 25 receive a greater or lesser or different compensation for the transportation of ~~household~~
 26 ~~goods~~ or passengers or for any service rendered in connection therewith than the rates,
 27 fares, and charges prescribed or approved by order of the department; nor shall any such
 28 motor carrier unjustly discriminate against any person in its rates, fares, or charges for
 29 service. The commissioner may prescribe, by general order, to what persons motor carriers
 30 of passengers may issue passes or free transportation; may prescribe reduced rates for
 31 special occasions; and may fix and prescribe rates and schedules."

32

SECTION 3.

33 Said title is further amended by revising subsection (a) of Code Section 40-5-21.1, relating
 34 to temporary licenses, permits, or special identification cards, foreign licenses or
 35 identification cards as evidence of legal presence in the United States, and extensions, as
 36 follows:

37 "(a)~~(1)~~ Notwithstanding any other provision of this title, an applicant who presents in
 38 person valid documentary evidence of:

39 ~~(1)~~(A) Admission to the United States in a valid, unexpired nonimmigrant status;

40 ~~(2)~~(B) A pending or approved application for asylum in the United States;

41 ~~(3)~~(C) Admission into the United States in refugee status;

42 ~~(4)~~(D) An approved application for temporary protected status in the United States;

43 ~~(5)~~(E) Approved deferred action status;

44 ~~(6)(F)~~ Other federal documentation verified by the United States Department of
 45 Homeland Security to be valid documentary evidence of lawful presence in the United
 46 States under federal immigration law; or

47 ~~(7)(G)~~ Verification of lawful presence as provided by Code Section 40-5-21.2 may be
 48 issued a temporary license, permit, or special identification card. Except as provided
 49 in paragraph (2) of this subsection, such ~~Such~~ temporary license, permit, or special
 50 identification card shall be valid only during the period of time of the applicant's
 51 authorized stay in the United States or five years, whichever occurs first.

52 (2) Except for a lawful permanent resident or a person holding an H-2A, H-2B, or E-2
 53 employment based nonimmigrant status visa, if a noncitizen has been issued a
 54 commercial driver's license under Article 7 of this chapter, the 'Uniform Commercial
 55 Driver's License Act,' such license shall be automatically revoked upon the expiration of
 56 such person's visa or five years, whichever occurs first."

57 **SECTION 4.**

58 Said title is further amended by revising paragraph (1) of subsection (a) of Code
 59 Section 40-5-32, relating to expiration and renewal of licenses, reexamination required, and
 60 electronic renewal notices, as follows:

61 "(a)(1) Except as otherwise provided in this Code section, every driver's license shall
 62 expire on the licensee's birthday in the eighth year following the issuance of such license.

63 Notwithstanding the foregoing;

64 (A) Any any commercial driver's license that contains an H or X endorsement as
 65 defined in subsection (c) of Code Section 40-5-150 shall expire on the date of
 66 expiration of the licensee's security threat assessment conducted by the Transportation
 67 Security Administration of the United States Department of Homeland Security; and

68 (B) Any commercial driver's license issued to a noncitizen shall expire in accordance
 69 with Code Section 40-5-21.1."

70

SECTION 5.

71 Said title is further amended by revising subsection (h) of and adding a new subsection to
72 Code Section 40-5-150, relating to contents of license, classifications, endorsements and
73 restrictions, information to be obtained before issuance, notice of issuance, expiration of
74 license, and renewal, as follows:

75 "(h) When applying for renewal of a commercial driver's license, the applicant shall
76 complete the application form required by subsection (a) of Code Section 40-5-149,
77 providing updated information and required medical certifications. If the applicant wishes
78 to retain a hazardous materials endorsement, the written test for a hazardous materials
79 endorsement ~~must~~ shall be taken and passed."

80 "(j) Before transferring a commercial driver's license from a foreign jurisdiction or another
81 state to this state, an applicant who is a noncitizen shall take and pass the knowledge and
82 skills test for driving a commercial vehicle under Code Section 40-5-147."

83

SECTION 6.

84 Said title is further amended by revising Code Section 40-8-7, relating to driving unsafe or
85 improperly equipped vehicle, punishment for violations of chapter generally, and vehicle
86 inspection by law enforcement without warrant, as follows:

87 "40-8-7.

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

89 (1) 'Federal motor vehicle safety standards' means parts or equipment required for the
90 specific make, model, and year of a motor vehicle in accordance with federal motor
91 vehicle safety standards pursuant to 49 C.F.R. Part 571.

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

96 (3) 'Retrofit' means the process of adding new technology, parts, or equipment to a
97 commercial motor vehicle that was not installed during the original construction of such
98 vehicle.

99 (4) 'State and federal operating standards' means the requirement for ongoing inspection
100 and maintenance protocols outlined in 49 C.F.R. Part 396 and the rules and regulations
101 of the regulatory compliance section of the Motor Carrier Compliance Division of the
102 Georgia Department of Public Safety, including, but not limited to, annual and periodic
103 inspections, ongoing maintenance and repair programs, and regular pre-trip and post-trip
104 safety checks.

105 (b)(1) No person shall drive or move, or knowingly authorize another person to drive or
106 move, on any highway any motor vehicle, trailer, semitrailer, or pole trailer, or any
107 combination thereof, upon a highway of this state unless the equipment upon any and
108 every such vehicle is in good working order and adjustment as required in this chapter
109 and the vehicle is in such safe mechanical condition as not to endanger the driver or other
110 occupant or any person upon the highway.

111 (2) There shall be no obligation for any owner or operator of a commercial motor vehicle
112 to retrofit a commercial motor vehicle from its original manufactured condition, except
113 when required by state or federal mandates or required by mandatory manufacturer
114 recalls.

115 (3) Notwithstanding paragraph (2) of this subsection, no owner or operator of a
116 commercial motor vehicle shall be relieved of the duty to abide by federal motor vehicle
117 safety standards and state and federal operating standards.

118 (b)(c) It is a misdemeanor for any person to drive or move, or for the owner to cause or
119 knowingly permit to be driven or moved, on any street or highway any vehicle or
120 combination of vehicles:

121 (1) Which is in such unsafe condition as to endanger any person;

122 (2) Which does not contain those parts or is not at all times equipped with such lights and
123 other equipment in proper condition and adjustment as required in this chapter; or

124 (3) Which is equipped in any manner in violation of this chapter.

125 ~~(e)~~(d) It is also a misdemeanor for any person to do any act forbidden or fail to perform
126 any act required under this chapter.

127 ~~(d)~~(e) Any vehicle suspected of being operated in violation of this ~~article~~ chapter may be
128 the subject of an inspection conducted by any law enforcement officer who has reason to
129 believe such violation is occurring, without the necessity of obtaining a warrant to permit
130 such inspection."

131 **SECTION 7.**

132 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
133 by revising paragraph (8) of subsection (f) of Code Section 50-36-2, relating to secure and
134 verifiable identity document and applicability, as follows:

135 "(8) Paragraph (2) of subsection (a) of Code Section 40-5-21 or ~~paragraph (2) of~~
136 ~~subsection (a) subparagraph (a)(1)(B)~~ of Code Section 40-5-21.1;"

137 **SECTION 8.**

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