

House Bill 183 (AS PASSED HOUSE AND SENATE)

By: Representatives Barton of the 5th, Corbett of the 174th, Wiedower of the 121st, Momtahan of the 17th, and Ridley of the 6th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-11-112 and Title 40 of the Official Code of Georgia Annotated,
2 relating to vehicles with false or secret compartments and motor vehicles and traffic,
3 respectively, so as to revise terminology relating to temporary license plates and temporary
4 operating permits; to provide standards for the issuance of temporary operating permits for
5 motor vehicles failing to comply with vehicle emission standards upon vehicle registration
6 renewal; to revise penalties for failure to pay civil monetary penalties relative to illegal
7 speeding in a school zone; to remove outdated provisions; to provide for related matters; to
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Code Section 16-11-112 of the Official Code of Georgia Annotated, relating to vehicles with
12 false or secret compartments, is amended by revising subsection (e) as follows:

13 "(e) Upon the arrest of a person who owns or is operating a vehicle which is in violation
14 of this Code section, if the vehicle is not otherwise subject to forfeiture under other
15 provisions of law, or not determined to be needed to be held as evidence, the law
16 enforcement officer shall seize the license plate and registration for such vehicle and shall

17 issue a citation for violation of this Code section and a temporary ~~license plate~~ operating
 18 permit for the vehicle. The temporary ~~license plate~~ operating permit shall be on a form as
 19 prescribed by the state revenue commissioner. The temporary ~~license plate~~ operating
 20 permit shall be valid for 30 days or until the owner of the vehicle provides verification that
 21 such vehicle has been repaired so as to eliminate any violation of this Code section,
 22 whichever occurs first. Such vehicle shall be subject to inspection by law enforcement and
 23 if it is determined that such vehicle has been repaired, the license plate and registration
 24 shall be returned to the owner at such time."

25 **SECTION 2.**

26 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 27 amended in Code Section 40-2-8, relating to operation of unregistered vehicle or vehicle
 28 without current license plate, revalidation decal, or county decal and temporary plate issued
 29 by dealers of new or used motor vehicles, by revising subsection (b) as follows:

30 "(b)(1) ~~Reserved:~~
 31 ~~(2)(A)~~ It shall be a misdemeanor to operate any vehicle required to be registered in ~~the~~
 32 ~~State of Georgia~~ this state without a valid numbered license plate properly validated,
 33 unless such operation is otherwise permitted under this chapter; and provided, further,
 34 that the purchaser of a new vehicle or a used vehicle from a dealer of new or used motor
 35 vehicles who displays a temporary ~~plate~~ operating permit issued as provided by
 36 ~~subparagraph (B) of this paragraph (2) of this subsection~~ may operate such vehicle on the
 37 public highways and streets of this state without a current valid license plate during the
 38 period within which the purchaser is required by Code Section 40-2-20. An owner
 39 acquiring a motor vehicle from an entity that is not a new or used vehicle dealer shall
 40 register such vehicle as provided for in Code Section 40-2-29 unless such vehicle is to
 41 be registered under the International Registration Plan pursuant to Article 3A of this
 42 chapter.

43 ~~(B)(i)(2)(A)~~ Any dealer of new or used motor vehicles shall issue to the purchaser of
44 a vehicle at the time of sale thereof, unless such vehicle is to be registered under the
45 International Registration Plan, a temporary ~~plate~~ operating permit as provided for by
46 department rules or regulations which may bear the dealer's name and location and shall
47 bear an expiration date 45 days from the date of purchase. The expiration date of such
48 a temporary ~~plate~~ operating permit may be revised and extended by the county tag
49 agent upon application by the dealer, the purchaser, or the transferee if an extension of
50 the purchaser's initial registration period has been granted as provided by Code
51 Section 40-2-20. Such temporary ~~plate~~ operating permit shall not resemble a license
52 plate issued by this state and shall be issued without charge or fee. The requirements
53 of this ~~subparagraph~~ paragraph shall not apply to a dealer whose primary business is the
54 sale of salvage motor vehicles and other vehicles on which total loss claims have been
55 paid by insurers.

56 ~~(ii)(B)~~ All temporary ~~plates~~ operating permits issued by dealers to purchasers of
57 vehicles shall be of a standard design prescribed by regulation promulgated by the
58 department. The department may provide by rule or regulation for the sale and
59 distribution of such temporary ~~plates~~ operating permits by third parties in accordance
60 with paragraph (3) of this subsection.

61 (3) All sellers and distributors of temporary ~~license plates~~ operating permits shall
62 maintain an inventory record of temporary ~~license plates~~ operating permits by number
63 and name of the dealer.

64 (4) The purchaser and operator of a vehicle shall not be subject to the penalties set forth
65 in this Code section during the period allowed for the registration of such vehicle. If the
66 owner of such vehicle presents evidence that such owner has properly applied for the
67 registration of such vehicle, but that the license plate or revalidation decal has not been
68 delivered to such owner, then the owner shall not be subject to the penalties enumerated
69 in this subsection."

70 **SECTION 3.**

71 Said title is further amended in Code Section 40-2-20, relating to registration and license
72 requirements, certificate of registration and temporary operating permit, and two-year
73 registration option for new motor vehicles, by revising subparagraphs (a)(1)(A) and (a)(1)(C)
74 as follows:

75 "(a)(1)(A) Except as provided in subsections (b) and (d) of this Code section and
76 subsection (a) of Code Section 40-2-47, every owner of a motor vehicle, including a
77 tractor or motorcycle, and every owner of a trailer shall, during the owner's registration
78 period in each year, register such vehicle as provided in this chapter and obtain a
79 license plate or revalidation decal to operate it for the 12 month period until such
80 person's next registration period."

81 "(C) Upon application for renewal of a vehicle registration, the ~~The~~ county tag agent
82 may issue a temporary operating permit for any vehicle that fails to comply with
83 applicable federal emission standards, provided that the owner of such vehicle has
84 provided verification of the existence of minimum motor vehicle liability insurance
85 coverage and paid all applicable taxes, penalties, insurance lapse fees, and fees other
86 than the registration fee. Such temporary operating permit shall be valid for 30 days
87 and shall not be renewable."

88 **SECTION 4.**

89 Said title is further amended by revising Code Section 40-2-29, relating to registration and
90 license plate requirement, license fee to accompany application, temporary operating permit,
91 and penalties, as follows:

92 "40-2-29.

93 (a) Except as otherwise provided in this chapter, any person purchasing or acquiring a
94 vehicle shall register and obtain, or transfer, a license plate to operate such vehicle from
95 the county tag agent in their county of residence no later than seven business days after the

96 date of purchase or acquisition of the vehicle by presenting to the county tag agent the
97 following:

98 (1) If applicable, a ~~A~~ motor vehicle certificate of title or an application therefor as
99 provided in Chapter 3 of this title;

100 (2) Satisfactory proof of owner's insurance coverage as provided for in subsection (d) of
101 Code Section 40-2-26;

102 (3) If applicable, satisfactory proof of compliance with ~~the~~ Article 2 of Chapter 9 of
103 Title 12, the 'Georgia Motor Vehicle Emission Inspection and Maintenance Act'; and

104 (4) Satisfactory proof that all fees, permits, and taxes have been paid.

105 (b) An application for registration shall be accompanied by check; cash; certified or
106 cashier's check; bank, postal, or express money order; or other similar bankable paper for
107 the ~~amount of the license plate or temporary permit~~ required fee or any taxes required by
108 law.

109 (c) Upon application for renewal of a vehicle registration, a ~~A~~ person unable to fully
110 comply with the requirements of paragraph (3) of subsection (a) of this Code section shall
111 ~~register such vehicle and~~ receive a temporary operating permit that ~~will~~ shall be valid ~~until~~
112 ~~the end of the initial registration period as provided for in paragraph (.1) of subsection (a)~~
113 ~~of Code Section 40-2-21~~ for 30 days.

114 (d) The commissioner may provide by rule or regulation for one 30 day extension of ~~such~~
115 the initial registration period which may be granted by the county tag agent if the transferor
116 has not provided such purchaser or other transferee owner with a title to the motor vehicle
117 more than five business days prior to the expiration of such initial registration period. The
118 county tag agent shall grant an extension of the initial registration period when the
119 transferor, purchaser, or transferee can demonstrate by affidavit in a form provided by the
120 commissioner that title has not been provided to the purchaser or transferee due to the
121 failure of a security interest holder or lienholder to timely release a security interest or lien
122 in accordance with Code Section 40-3-56.

123 ~~(d)~~(e) A conviction for displaying a license plate or temporary license plate operating
 124 permit not provided for in this chapter shall be punished as a misdemeanor."

125 **SECTION 5.**

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

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

134 ~~(2) The commissioner may provide for the issuance of a temporary license plate for any~~
 135 ~~low-speed vehicle, to be displayed until such time as a license plate of the design required~~
 136 ~~by Code Section 40-2-31 has been issued to the registrant as a replacement for such~~
 137 ~~temporary license plate; provided, however, that any such temporary license plate shall~~
 138 ~~designate the low-speed vehicle as such; and provided, further, that the commissioner~~
 139 ~~shall make available for issuance low-speed vehicle license plates of the design required~~
 140 ~~by Code Section 40-2-31 not later than September 1, 2002.~~

141 ~~(3)~~(2) If the metal license plate applied for is not in inventory, the application shall be
 142 approved and forwarded to the commissioner, who, upon receipt of a proper and
 143 approved application, shall issue the license plate applied for by mailing or delivering the
 144 plate to the applicant. Until the license plate is received by the applicant from the
 145 commissioner, the applicant may operate the vehicle without a license plate therefor upon
 146 the receipt issued to him or her by the tag agent.

147 ~~(4)~~(3) At the time of initial application for registration or at any time during the
 148 registration period, a vehicle owner may file with the county tag agent, on a form or

149 electronic form prescribed by the commissioner, a request to have a vehicle license
150 ~~transferred to~~ plate duplicated on a digital license plate purchased from a digital license
151 plate provider. Such request to the county tag agent shall include all applicable
152 registration fees. Upon approving the application provided in this paragraph, the
153 commissioner or county tag agent shall furnish the digital license plate provider with the
154 appropriate licensing information to be displayed upon the digital license plate. In
155 accordance with Code Section 40-2-8, a 45 day temporary operating permit shall be
156 issued by the commissioner or county tag agent to an applicant for a digital license plate
157 until such license plate is received by the applicant."

158

SECTION 6.

159 Said title is further amended in Code Section 40-14-18, relating to enforcement of speed limit
160 in school zones with recorded images, civil monetary penalty, and vehicle registration and
161 transfer of title restrictions for failure to pay penalty, by revising subsections (g) through (j)
162 as follows:

163 "(g) If a violation has not been contested and the assessed penalty has not been paid, the
164 agent or governing body shall send to the person who is the registered owner of the motor
165 vehicle a final notice of any unpaid civil monetary penalty authorized by this Code section,
166 except in cases where there is an adjudication that no violation occurred or there is
167 otherwise a lawful determination that no civil monetary penalty shall be imposed. The
168 notice shall inform the registered owner that the agent or governing body shall send a
169 referral to the Department of Revenue if the assessed penalty is not paid within 30 days
170 after the final notice was mailed and ~~such that such referral shall result in the nonrenewal~~
171 ~~of the registration of such motor vehicle and shall prohibit the title transfer of such motor~~
172 ~~vehicle within this state~~ of the consequences for failure to pay such penalty and any late
173 fee.

174 (h) The agent or governing body shall send a referral to the Department of Revenue not
175 sooner than 30 days after the final notice required under subsection (g) was mailed if a
176 violation of an ordinance or resolution adopted under this article has not been contested and
177 the assessed penalty has not been paid, except in cases where there is an adjudication that
178 no violation occurred or there is otherwise a lawful determination that no civil monetary
179 penalty shall be imposed. The referral to the Department of Revenue shall include the
180 following:

181 (1) Any information known or available to the agent or governing body concerning the
182 license plate number, year of registration, and the name of the owner of the motor
183 vehicle;

184 (2) The date on which the violation occurred;

185 (3) The citation number issued for the violation; and

186 ~~(3)(4) The date when the notice required under this Code section was mailed; and~~

187 ~~(4) The seal, logo, emblem, or electronic seal of the governing body.~~

188 (i) If the Department of Revenue receives a referral under subsection (h) of this Code
189 section, such referral shall be entered into the motor vehicle ~~database~~ data base within five
190 days of receipt and the Department of Revenue shall refuse to renew the registration of the
191 motor vehicle ~~and shall prohibit the title transfer of such vehicle within this state unless and~~
192 ~~until the civil monetary penalty plus any late fee is paid to the agent or governing body.~~
193 ~~The Department of Revenue shall mail a notice to the registered owner:~~

194 ~~(1) That the registration of the vehicle involved in the violation will not be permitted to~~
195 ~~be renewed;~~

196 ~~(2) That the title of the vehicle involved in the violation will not be permitted to be~~
197 ~~transferred in this state;~~

198 ~~(3) That the aforementioned penalties are being imposed due to the failure to pay the~~
199 ~~civil monetary penalty and any late fee for an ordinance violation adopted under the~~
200 ~~authority of this Code section; and~~

201 ~~(4) Of the procedure that the person may follow to remove the penalties.~~
202 (j) The Department of Revenue shall remove the ~~penalties~~ penalty on a vehicle registration
203 if any person presents the Department of Revenue with adequate proof from the agent or
204 governing body that the penalty and any late fee, if applicable, has been paid."

205 **SECTION 7.**

206 Said title is further amended in Code Section 40-6-163, relating to duty of driver of vehicle
207 meeting or overtaking school bus, reporting of violations, and civil monetary penalty for
208 violations captured by school bus camera, by revising paragraphs (7) through (10) of
209 subsection (d) as follows:

210 "(7) If a violation has not been contested and the assessed penalty has not been paid, the
211 agent or governing body shall send to the person who is the registered owner of the motor
212 vehicle a final notice of any unpaid civil monetary penalty authorized by this Code
213 section, except in cases where there is an adjudication that no violation occurred or there
214 is otherwise a lawful determination that no civil monetary penalty shall be imposed. The
215 notice shall inform the registered owner that the agent or governing body shall send a
216 referral to the Department of Revenue if the assessed penalty and any late fee is not paid
217 within 30 days after the final notice was mailed and ~~that such referral shall result in the~~
218 ~~nonrenewal of the registration of such motor vehicle and shall prohibit the title transfer~~
219 ~~of such motor vehicle within this state~~ of the consequences for failure to pay such penalty
220 and any late fee.

221 (8) The agent or governing body shall send a referral to the Department of Revenue not
222 sooner than 30 days after the final notice required under paragraph (7) of this subsection
223 was mailed if a violation ~~of an ordinance or resolution adopted under this article~~ has not
224 been contested and the assessed penalty has not been paid, except in cases where there
225 is an adjudication that no violation occurred or there is otherwise a lawful determination

226 that no civil monetary penalty shall be imposed. The referral to the Department of
 227 Revenue shall include the following:

228 (A) Any information known or available to the agent or governing body concerning the
 229 license plate number, year of registration, and the name of the owner of the motor
 230 vehicle;

231 (B) The date on which the violation occurred;

232 (C) The citation number issued for the violation; and

233 ~~(C)(D)~~ The date when the notice required under this Code section was mailed; ~~and~~

234 ~~(D) The seal, logo, emblem, or electronic seal of the governing body.~~

235 (9) If the Department of Revenue receives a referral under paragraph (8) of this
 236 subsection, such referral shall be entered into the motor vehicle data base within five days
 237 of receipt and the Department of Revenue shall refuse to renew the registration of such
 238 motor vehicle ~~and shall prohibit the title transfer of such vehicle within this state unless~~
 239 ~~and until the civil monetary penalty plus any late fee is paid to the agent or governing~~
 240 ~~body. The Department of Revenue shall mail a notice to the registered owner of such~~
 241 ~~motor vehicle that informs such owner:~~

242 ~~(A) That the registration of the vehicle involved in the violation will not be permitted~~
 243 ~~to be renewed;~~

244 ~~(B) That the title of the vehicle involved in the violation will not be permitted to be~~
 245 ~~transferred in this state;~~

246 ~~(C) That the aforementioned penalties are being imposed due to the failure to pay the~~
 247 ~~civil monetary penalty plus any late fee for an ordinance violation adopted under the~~
 248 ~~authority of this Code section; and~~

249 ~~(D) Of the procedure that the person may follow to remove the penalties.~~

250 (10) The Department of Revenue shall remove the penalties penalty on a vehicle
 251 registration if any person presents the Department of Revenue with adequate proof from

252 the agent or governing body that the penalty and any late fee, if applicable, has been
253 paid."

254 **SECTION 8.**

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