

House Bill 1232 (COMMITTEE SUBSTITUTE)

By: Representatives Barton of the 5th, Ridley of the 6th, Prince of the 127th, Smith of the 133rd,
and Corbett of the 174th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-11-112 and Chapter 2 of Title 40 of the Official Code of Georgia
2 Annotated, relating to vehicles with false or secret compartments and registration and
3 licensing of motor vehicles, respectively, so as to revise terminology relating to temporary
4 license plates and temporary operating permits; to provide standards for the issuance of
5 temporary operating permits for motor vehicles failing to comply with vehicle emission
6 standards upon vehicle registration renewal; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

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

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

24 **SECTION 2.**

25 Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and
 26 licensing generally, is amended in Code Section 40-2-8, relating to operation of unregistered
 27 vehicle or vehicle without current license plate, revalidation decal, or county decal and
 28 temporary plate issued by dealers of new or used motor vehicles, by revising subsection (b)
 29 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 shall not apply to a dealer whose primary business is the sale of
54 salvage motor vehicles and other vehicles on which total loss claims have been paid by
55 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 chapter 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 chapter is further amended by revising Code Section 40-2-29, relating to registration
90 and license plate requirement, license fee to accompany application, temporary operating
91 permit, 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 chapter is further amended in Code Section 40-2-33, relating to issuance of license
127 plates and decals, transfer of registration to a digital license plate, compensation of tag
128 agents, and 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 low-speed vehicle license plate
136 is received by the applicant ~~license plate of the design required by Code Section 40-2-31~~
137 ~~has been issued to the registrant as a replacement for such temporary license plate;~~
138 ~~provided, however, that any such temporary license plate shall designate the low-speed~~
139 ~~vehicle as such, and provided, further, that the commissioner shall make available for~~
140 ~~issuance low-speed vehicle license plates of the design required by Code Section 40-2-31~~
141 ~~not later than September 1, 2002.~~

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

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

159 **SECTION 6.**

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