

House Bill 150

By: Representatives Powell of the 32nd, Rogers of the 10th, Efstoration of the 104th, and Rhodes of the 120th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Sections 32-10-64 and 48-7-161 of the Official Code of Georgia Annotated,
2 relating to general toll powers, police powers, and rules and regulations of the State Road and
3 Tollway Authority and definitions relative to setoff debt collection by the Department of
4 Revenue, respectively, so as to provide for the placement of a hold on motor vehicle
5 registration upon failure to pay proper tolls and administrative fees; to provide for setoff of
6 such debt owed from tax refunds by the Department of Revenue; to provide for related
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Code Section 32-10-64 of the Official Code of Georgia Annotated, relating to general toll
11 powers, police powers, and rules and regulations of the State Road and Tollway Authority,
12 is amended by revising paragraph (1) of subsection (c) as follows:

13 "(1) No motor vehicle shall be driven or towed through a toll collection facility, where
14 appropriate signs have been erected to notify traffic that it is subject to the payment of
15 tolls beyond such sign, without payment of the proper toll. In the event of nonpayment
16 of the proper toll, as evidenced by video or electronic recording, the registered owner of
17 such vehicle shall be liable to make prompt payment to the authority of the proper toll
18 and an administrative fee of up to \$25.00 per violation to recover the cost of collecting
19 the toll. The authority or its authorized agent shall provide notice to the registered owner
20 of a vehicle, and a reasonable time to respond to such notice, of the authority's finding
21 of a violation of this subsection. The authority or its authorized agent may provide
22 subsequent notices to the registered owner of a vehicle if such owner fails to respond to
23 the initial notice. The administrative fee may increase with each notice, provided that
24 such fee shall not exceed a cumulative total of \$25.00 per violation. Upon failure of the
25 registered owner of a vehicle to pay the proper toll and administrative fee to the authority
26 after notice thereof and within the time designated in such notice, the authority may

27 proceed to seek collection of the proper toll and the administrative fee as debts owing to
 28 the authority, in such manner as the authority deems appropriate and as permitted under
 29 law. If the authority finds multiple failures by a registered owner of a vehicle to pay the
 30 proper toll and administrative fee after notice thereof and within the time designated in
 31 such notices, the authority may refer the matter to the Office of State Administrative
 32 Hearings, at which time the motor vehicle registration of such registered owner shall be
 33 placed on hold by operation of law and the authority shall give notice to the Department
 34 of Revenue of such hold. The scope of any hearing held by the Office of State
 35 Administrative Hearings shall be limited to consideration of evidence relevant to a
 36 determination of whether the registered owner has failed to pay, after notice thereof and
 37 within the time designated in such notice, the proper toll and administrative fee. The only
 38 affirmative defense that may be presented by the registered owner of a vehicle at such a
 39 hearing is theft of the vehicle, as evidenced by presentation at the hearing of a copy of a
 40 police report showing that the vehicle has been reported to the police as stolen prior to
 41 the time of the alleged violation. A determination by the Office of State Administrative
 42 Hearings of multiple failures to pay by a registered owner of a vehicle shall subject such
 43 registered owner to imposition of, in addition to any unpaid tolls and administrative fees,
 44 a civil monetary penalty payable to the authority of not more than \$70.00 per violation.
 45 Upon failure by a registered owner to pay to the authority, within 30 days of the date of
 46 notice thereof, the amount determined by the Office of State Administrative Hearings as
 47 due and payable for multiple violations of this subsection, the motor vehicle registration
 48 of such registered owner shall be immediately suspended by operation of law. The
 49 authority shall give notice to the Department of Revenue of such suspension. Such
 50 suspension shall continue until the proper toll, administrative fee, and civil monetary
 51 penalty as have been determined by the Office of State Administrative Hearings are paid
 52 to the authority. The authority may seek to collect the debt owed through setoff by the
 53 Department of Revenue under procedures set forth in Article 7 of Chapter 7 of Title 48.
 54 Actions taken by the authority under this subsection shall be made in accordance with
 55 policies and procedures approved by the members of the authority."

56 **SECTION 2.**

57 Code Section 48-7-161, relating to definitions relative to setoff debt collection by the
 58 Department of Revenue, is amended by revising paragraph (1) as follows:

59 "(1) 'Claimant agency' means and includes, in the order of priority set forth below:

60 (A) The Department of Human Services and the Department of Behavioral Health and
 61 Developmental Disabilities with respect to collection of debts under Article 1 of
 62 Chapter 11 of Title 19, Code Section 49-4-15, and Chapter 9 of Title 37;

- 63 (B) The Georgia Student Finance Authority with respect to the collection of debts
 64 arising under Part 3 of Article 7 of Chapter 3 of Title 20;
- 65 (C) The Georgia Higher Education Assistance Corporation with respect to the
 66 collection of debts arising under Part 2 of Article 7 of Chapter 3 of Title 20;
- 67 (D) The Georgia Board for Physician Workforce with respect to the collection of debts
 68 arising under Part 6 of Article 7 of Chapter 3 of Title 20;
- 69 (E) The Department of Labor with respect to the collection of debts arising under Code
 70 Sections 34-8-254 and 34-8-255 and Article 5 of Chapter 8 of Title 34, with the
 71 exception of Code Sections 34-8-158 through 34-8-161; provided, however, that the
 72 Department of Labor establishes that the debtor has been afforded required due process
 73 rights by such Department of Labor with respect to the debt and all reasonable
 74 collection efforts have been exhausted;
- 75 (F) The Department of Community Supervision with respect to probation fees arising
 76 under Code Section 42-8-34 and restitution or reparation ordered by a court as a part
 77 of the sentence imposed on a person convicted of a crime who is in the legal custody
 78 of the Department of Corrections or the Department of Community Supervision;
- 79 (G) The Department of Juvenile Justice with respect to restitution imposed on a
 80 juvenile for a delinquent act which would constitute a crime if committed by an adult;
 81 **and**
- 82 (H) The Georgia Lottery Corporation with respect to proceeds arising under Code
 83 Section 50-27-21; and
- 84 (I) The State Road and Tollway Authority with respect to collection of amounts
 85 determined by the Office of State Administrative Hearings as due and payable for
 86 violations of subsection (c) of Code Section 32-10-64."

87 **SECTION 3.**

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