

The House Committee on Motor Vehicles offers the following substitute to HB 1100:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated,
2 relating to registration and licensing of motor vehicles generally, so as to revise standards for
3 the issuance of manufacturer's, manufacturer headquarters', distributor's, and dealer's license
4 plates; to provide for the issuance of broker's license plates; to provide for application, fees,
5 and issuance and renewal conditions for such license plates; to amend Chapter 47 of Title 43
6 of the Official Code of Georgia Annotated, relating to used motor vehicle and used motor
7 vehicle parts dealers, so as to provide requirements for the issuance and renewal of a used
8 motor vehicle dealer license to motor vehicle brokers; to amend Code Section 32-9-4 of the
9 Official Code of Georgia Annotated, relating to designation of special or exclusive use travel
10 lanes and use of such lanes, so as to conform a cross-reference; to revise and provide for
11 definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
15 registration and licensing of motor vehicles generally, is amended by revising Code Section
16 40-2-38, relating to registration and licensing of manufacturers, distributors, and dealers and
17 issuance of manufacturer, distributor, and dealer plates, as follows:

18 "40-2-38.

19 (a)(~~1~~) For purposes of this Code section, the term:

20 (1) 'Distributor' shall have the same meaning as provided in Code Section 40-2-39.

21 (2) 'Established place of business' means the location at which a permanent business of
22 bartering, trading, leasing, or selling motor vehicles occurs or the place at which the
23 books, records, and files necessary to conduct such business are kept.

24 (3) 'Manufacturer' shall have the same meaning as provided in Code Section 40-2-39.

25 (4) 'Motor vehicle broker' shall have the same meaning as provided in Code Section
26 43-47-2.

27 (b)(1) Dealers engaged in the sale ~~Manufacturers, distributors, and dealers engaged in~~
 28 ~~the manufacture, sale,~~ or leasing of vehicles required to be registered under Code Section
 29 40-2-20 shall register with the commissioner, making application for a distinguishing
 30 dealer's number, specifying the name and make of motor vehicle, tractor, or trailer
 31 manufactured, sold, or leased by them, upon forms prepared by the commissioner for
 32 such purposes, and pay therefor a fee of \$62.00, which shall accompany such application.
 33 Upon payment of such fee by a dealer, the commissioner shall furnish to the dealer one
 34 master number plate to expire each year in accordance with ~~subsection (f) of this Code~~
 35 section paragraph (3) of this subsection, to be known as a dealer's number and to be
 36 distinguished from the number plates provided for in this chapter by different and
 37 distinguishing colors to be determined by the commissioner. Dealers may be eligible for
 38 additional license plates associated with a master number plate for a fee of \$12.00 per
 39 plate. The ~~dealer~~ dealer's number plate for a franchise motor vehicle dealer shall be
 40 distinguishable from the ~~dealer~~ dealer's number plate for a used car dealer and from the
 41 ~~dealer~~ dealer's number plate for a motor vehicle wholesaler. A dealer's number plate is
 42 for the purpose of demonstrating or transporting dealer's vehicles or trailers for sale or
 43 lease. Persons engaged in the business of transporting vehicles for a dealer under a
 44 vehicle's own power shall be permitted to use such dealer's number plate for the purpose
 45 of transporting a vehicle.

46 (2) No dealer may use or permit to be used a dealer's number for private use, ~~or~~ on cars
 47 for hire, ~~for~~ or lease, or in any other manner not provided for in this Code section. A
 48 dealer may use or permit to be used a dealer's number for private use on vehicles owned
 49 by the dealership, regardless of whether such vehicle has been issued a certificate of title
 50 or registered, when such vehicles are operated by an employee or corporate officer of the
 51 dealer which has been issued such number. A distinguishing dealer's number used by an
 52 employee or officer for private use shall authorize such person to operate the vehicle to
 53 which the number is attached on the public highways and streets. For purposes of this
 54 paragraph, 'employee' means a person who works a minimum of 36 hours per week at the
 55 dealership.

56 (3) The expiration of a license plate issued pursuant to this subsection shall be the last
 57 day of the registration period as provided in division (a)(1)(A)(ii) of Code Section
 58 40-2-21, except that for the purposes of this subsection, the registration period shall be
 59 determined by the first letter of the legal name of the business listed on the application
 60 for registration or renewal of registration.

61 (4) In addition to the one master number plate issued in accordance with paragraph (1)
 62 of this subsection, each dealer may also be issued one additional dealer plate for every
 63 20 units sold in a calendar year. In order to determine the additional number and

64 classification of plates to be issued to a dealer, a dealer shall be required to certify by
65 affidavit to the department the number of retail and wholesale units sold in the prior
66 calendar year using the past motor vehicle sales history of the dealer as identified by
67 department records of documentation approved by the department. If no sales history is
68 available, the department shall issue a number of plates based on an estimated number
69 of sales for the coming calendar year. The department may, in its discretion, request
70 documentation supporting sales history and may increase or decrease the number and
71 classification of plates issued based on actual sales.

72 (5) No initial or renewal application for dealer's plates shall be denied under this
73 subsection without opportunity for hearing in accordance with Chapter 13 of Title 50, the
74 'Georgia Administrative Procedure Act.'

75 (c)(1) Any dealer's number plate issued to a motor vehicle broker prior to July 1, 2020,
76 shall remain valid until the expiration of such plate. On and after July 1, 2020, motor
77 vehicle brokers engaged in the sale or leasing of vehicles required to be registered under
78 Code Section 40-2-20 shall register with the commissioner, making application for a
79 distinguishing motor vehicle broker's number upon forms prepared by the commissioner
80 for such purposes. Such application shall include the applicant's established place of
81 business, certification that such applicant maintains a system of records regarding the use
82 of motor vehicle broker's number plates, and the name and make of each motor vehicle,
83 tractor, or trailer sold or leased. A fee of \$62.00 shall accompany such application. Upon
84 payment of such fee by a motor vehicle broker, the commissioner shall furnish to the
85 applicant one license plate to expire each year in accordance with paragraph (3) of this
86 subsection, to be known as a broker's license plate and to be distinguished from the
87 license plates provided for in this chapter by different and distinguishing colors to be
88 determined by the commissioner. Motor vehicle brokers may be eligible for one
89 additional broker's license plate upon payment of a \$12.00 fee. A broker's license plate
90 is for the purpose of demonstrating or transporting motor vehicle brokers' motor vehicles,
91 tractors, or trailers for sale or lease. Persons engaged in the business of transporting
92 vehicles for a motor vehicle broker under a vehicle's own power shall be permitted to use
93 such broker's license plate for the purpose of transporting a vehicle.

94 (2) No motor vehicle broker may use or permit to be used a broker's license plate for
95 private use, on cars for hire or lease, or in any other manner not provided for in this Code
96 section.

97 (3) The expiration of a license plate issued pursuant to this subsection shall be the last
98 day of the registration period as provided in division (a)(1)(A)(ii) of Code Section
99 40-2-21, except that for the purposes of this subsection, the registration period shall be
100 determined by the first letter of the legal name of the business listed on the application

101 for registration or renewal of registration. Any broker's license plate eligible for renewal
 102 on or after July 1, 2020, shall be renewed upon demonstration to the department that at
 103 least 12 units were sold in the registration year set to expire as identified by department
 104 records of documentation approved by the department. The department may, in its
 105 discretion, request documentation supporting sales history.

106 (4) No initial or renewal application for broker's license plates shall be denied under this
 107 subsection without opportunity for hearing in accordance with Chapter 13 of Title 50, the
 108 'Georgia Administrative Procedure Act.'

109 (d)(1) Manufacturers and distributors engaged in the manufacture or distribution of
 110 motor vehicles required to be registered under Code Section 40-2-20 shall register with
 111 the commissioner upon forms prepared by the commissioner for such purposes and pay
 112 therefor a fee of \$62.00, which shall accompany such application. The manufacturer's
 113 or distributor's license plate is issued pursuant to this subsection shall be limited to no
 114 longer than six months' use per vehicle. Upon payment of such a fee by a manufacturer
 115 or distributor, the commissioner shall issue to manufacturers and distributors number
 116 plates with the word 'Manufacturer' or 'Distributor' on such plates. Nothing in this
 117 subsection shall preclude a manufacturer or distributor from using a 'Manufacturer' or
 118 'Distributor' number plate on motor vehicles it owns when such vehicles are used for
 119 evaluation or demonstration purposes, notwithstanding incidental personal use by a
 120 manufacturer or distributor. A ~~dealer~~ manufacturer or distributor may apply for one or
 121 more distinguishing ~~dealer's~~ numbers. In the event the ~~dealers~~, distributors; or
 122 manufacturers desire more than one ~~tag~~ number plate, they shall so state on the
 123 application, and, in addition to the fee of \$62.00 provided in this ~~Code section~~
 124 subsection, shall pay \$12.00 for each and every additional number plate furnished.

125 (2) The expiration of a license plate issued pursuant to this subsection shall be the last
 126 day of the registration period as provided in division (a)(1)(A)(ii) of Code Section
 127 40-2-21, except that for the purposes of this subsection, the registration period shall be
 128 determined by the first letter of the legal name of the business listed on the application
 129 for registration or renewal of registration.

130 ~~(4)(A)~~ (e)(1) Upon application and payment of the required fee, the commissioner shall
 131 issue to manufacturer headquarters or its affiliate number license plates with the words
 132 'Manufacturer HQ' on such plates. The manufacturer ~~headquarters~~ headquarters' license
 133 plates must be used exclusively on motor vehicles owned or in possession of a
 134 manufacturer headquarters or its affiliate. Such manufacturer ~~headquarters~~ headquarters'
 135 license plates are limited to no longer than 24 months' use per vehicle.

136 ~~(B)~~ (2) A manufacturer headquarters or its affiliate shall apply on a form prescribed by
 137 the commissioner and shall provide proof that the applicant:

138 (i)(A) Is a bona fide manufacturer headquarters; and

139 (ii)(B) Maintains a system of records regarding use of such license plates. The
140 manufacturer headquarters shall state in each application the number of manufacturer
141 ~~headquarters~~ headquarters' license plates requested.

142 ~~(C)~~(3) The manufacturer headquarters or its affiliate shall pay an application fee of
143 \$62.00 per application ~~as provided in this Code section~~ and shall pay \$12.00 for each and
144 every additional number plate ~~furnished~~ applied for. ~~With respect to any manufacturer~~
145 ~~headquarters license plate issued to a manufacturer headquarters or its affiliate,~~
146 ~~notwithstanding~~ Notwithstanding anything to the contrary in this title or Code Section
147 48-5C-1, such manufacturer headquarters or its affiliate, and any person operating or
148 possessing a motor vehicle using a manufacturer ~~headquarters~~ headquarters' license plate
149 pursuant to this ~~paragraph~~ subsection, shall not be subject to state or local title ad valorem
150 tax fees with respect to such vehicle or manufacturer ~~headquarters~~ headquarters' license
151 plate.

152 ~~(D)~~(4) The manufacturer headquarters or its affiliate shall maintain a system of records
153 regarding the motor vehicle to which the manufacturer ~~headquarters~~ headquarters' license
154 plate will be attached. Such record shall, at a minimum, contain the:

155 (i)(A) Vehicle Identification Number (VIN);

156 (ii)(B) Name and address of the primary individual operating the vehicle; and

157 (iii)(C) Manner of use of the vehicle selected from the alternative uses referenced in
158 ~~subparagraph (E)~~ paragraph (5) of this ~~paragraph~~ subsection.

159 ~~(E)~~(5) Vehicles with manufacturer ~~headquarters~~ headquarters' license plates may be
160 operated by persons authorized by the manufacturer headquarters or its affiliate on
161 vehicles of its brand for the following manners of use:

162 (i)(A) Evaluation, marketing, or demonstration purposes, notwithstanding incidental
163 personal use by a manufacturer headquarters' authorized employee or other authorized
164 person designated by such manufacturer headquarters or its affiliate; or

165 (ii)(B) As part of a vehicle leasing program operated by such manufacturer
166 headquarters or its affiliate for the benefit of employees. Any operation of a motor
167 vehicle by a person for an approved use pursuant to this ~~subparagraph~~ paragraph shall
168 be deemed to be a demonstration of the motor vehicle for purposes of Code Section
169 48-8-39.

170 ~~(5)~~(f) The commissioner shall include a distinctive logo or emblem for any manufacturer's,
171 distributor's, or manufacturer headquarters' license plate to be attached to an alternative
172 fueled vehicle, as such term is defined in paragraph (7) of subsection (l) of Code Section
173 40-2-86.1. Alternative fuel vehicles bearing a special license plate pursuant to this
174 subsection shall be subject to the alternative fuel vehicle fees as set forth in paragraph (19)

175 of subsection (a) of Code Section 40-2-151 at the time of initial issuance and annually
 176 thereafter in a manner prescribed by the commissioner. Display of a special license plate
 177 issued pursuant to this ~~paragraph~~ subsection shall authorize travel by such alternative
 178 fueled vehicle in lanes for exclusive or preferential use designated pursuant to Code
 179 Section 32-9-4.

180 ~~(b) Dealer plates shall be issued in the following manner:~~

181 ~~(1) Dealers shall be issued a master plate and two additional plates, for a total of three~~
 182 ~~initial plates; and~~

183 ~~(2) In addition to the three dealer plates issued in accordance with paragraph (1) of this~~
 184 ~~subsection, each dealer may also be issued one additional dealer plate for every 20 units~~
 185 ~~sold in a calendar year.~~

186 ~~In order to determine the additional number and classification of plates to be issued to a~~
 187 ~~dealer, a dealer shall be required to certify by affidavit to the department the number of~~
 188 ~~retail and wholesale units sold in the prior calendar year using the past motor vehicle sales~~
 189 ~~history of the dealer as identified by department records of documentation approved by the~~
 190 ~~department. If no sales history is available, the department shall issue a number of plates~~
 191 ~~based on an estimated number of sales for the coming calendar year. The department may,~~
 192 ~~in its discretion, request documentation supporting sales history and may increase or~~
 193 ~~decrease the number and classification of plates issued based on actual sales.~~

194 ~~(e)(g)~~ This Code section shall not apply in any manner to mopeds as such term is defined
 195 in Code Section 40-1-1.

196 ~~(d)(h)~~ The license plates issued pursuant to this Code section shall be revoked and
 197 confiscated upon a determination after a hearing that such dealer, distributor, manufacturer,
 198 or manufacturer headquarters has unlawfully used such license plates in violation of this
 199 Code section. The hearing shall be conducted in accordance with the procedure for
 200 contested cases under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

201 ~~(e)(i)~~ If a license plate issued pursuant to this Code section is lost or stolen, the dealer,
 202 broker, manufacturer, distributor, manufacturer headquarters, or other party to whom the
 203 license plate was issued ~~must~~ shall immediately report the lost or stolen plate to local law
 204 enforcement agencies. If a replacement license plate is sought, the dealer, broker,
 205 manufacturer, distributor, manufacturer headquarters, or other party to whom the license
 206 plate was issued shall file a notarized affidavit with the department requesting a
 207 replacement plate. Such affidavit shall certify under penalty of perjury that the license
 208 plate has been lost or stolen and that the loss has been reported to a local law enforcement
 209 agency.

210 ~~(j)(f)(1)~~ The expiration of a license plate issued pursuant to this Code section shall be the
 211 last day of the registration period as provided in division (a)(1)(A)(ii) of Code Section

212 ~~40-2-21, except that for the purposes of this subsection, the registration period shall be~~
 213 ~~determined by the first letter of the legal name of the business listed on the application~~
 214 ~~for registration or renewal of registration. An application for renewal of registration shall~~
 215 ~~not be submitted earlier than 90 days prior to the last day of the registration period~~
 216 ~~expiration of the current registration. A penalty of 25 percent of the total registration fees~~
 217 ~~due shall be assessed any person registering pursuant to this Code section who, prior to~~
 218 ~~the expiration of such person's registration period, fails to apply for renewal or if having~~
 219 ~~applied fails to pay the required fees.~~

220 ~~(2) A transition period shall commence on October 1, 2007, and conclude on December~~
 221 ~~31, 2007, for all existing registrations and any new registration applications presented~~
 222 ~~prior to January 1, 2008. On or after January 1, 2008, new applications for registration~~
 223 ~~shall be submitted and remain valid until the expiration of such registration as specified~~
 224 ~~in paragraph (1) of this subsection.~~

225 ~~(g)(k)~~ The commissioner shall adopt rules and regulations for the implementation of this
 226 Code section."

227 SECTION 2.

228 Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor
 229 vehicle and used motor vehicle parts dealers, is amended in Code Section 43-47-2, relating
 230 to definitions, by revising paragraph (3) as follows:

231 "(3) 'Established place of business' means a salesroom or sales office in a building or on
 232 an open lot of a retail used car dealership or at which a permanent business of bartering,
 233 trading, offering, displaying, selling, buying, dismantling, negotiating the sale of used
 234 motor vehicles, or rebuilding wrecked or used motor vehicles or parts is carried on, or the
 235 place at which the books, records, and files necessary to conduct such business are kept.
 236 ~~Each such place of business shall be furnished with a working telephone listed in the~~
 237 ~~name of the licensee for use in conducting the business and shall be marked by an~~
 238 ~~appropriate permanent sign as prescribed by the appropriate division under this chapter."~~

239 SECTION 3.

240 Said chapter is further amended in Code Section 43-47-8, relating to license applications,
 241 prerequisites, license fees, renewal, training or test, supplemental licenses, bonds, insurance,
 242 suspension for conviction or false statement, and meetings, by revising subsection (b) and
 243 by adding a new subsection to read as follows:

244 "(b) A division under this chapter shall not issue or renew any license unless the applicant
 245 or holder thereof shall show that he or she maintains an established place of business as
 246 ~~defined in Code Section 43-47-2. Such established place of business shall be furnished~~

247 with a working telephone listed in the name of the licensee for use in conducting the
 248 business and shall be marked by a permanent sign as prescribed by the appropriate division
 249 under this chapter.

250 (b.1)(1) In addition to all other requirements of this chapter, the used car division shall
 251 not issue or renew a license to a motor vehicle broker unless the applicant or holder
 252 thereof:

253 (A) Demonstrates residency in this state through production of a driver's license or
 254 personal identification card issued pursuant to Chapter 5 of Title 40; and

255 (B) Demonstrates maintenance of an established place of business with at least 150
 256 square feet of space with reasonable hours of operation which are prominently posted
 257 at such location.

258 (2)(A) Any current member of the military or any spouse of a current member of the
 259 military who is a motor vehicle broker shall be exempt from the requirements of
 260 subparagraph (A) of paragraph (1) of this subsection.

261 (B) As used in this paragraph, the term 'military' means any regular or reserve
 262 component of the United States armed forces, the Georgia Army National Guard, or the
 263 Georgia Air National Guard.

264 (3) Notwithstanding subparagraph (A) of paragraph (1) of this subsection, the used car
 265 division may grant a license to an applicant who can demonstrate residency within 50
 266 miles of this state, provided that all other requirements set forth in this subsection have
 267 been demonstrated."

268 **SECTION 4.**

269 Code Section 32-9-4 of the Official Code of Georgia Annotated, relating to designation of
 270 special or exclusive use travel lanes and use of such lanes, is amended by revising paragraph
 271 (4) of subsection (a) as follows:

272 "(4) Vehicles bearing alternative fueled vehicle license plates issued under ~~paragraph (5)~~
 273 of subsection (a) (f) of Code Section 40-2-38 or paragraph (7) of subsection (l) of Code
 274 Section 40-2-86.1; or"

275 **SECTION 5.**

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