

Senate Bill 251

By: Senator Thompson of the 5th

**AS PASSED**

AN ACT

To amend Article 1 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to the registration and licensing of motor vehicles, so as to require the establishment by the Department of Revenue of an Internet website for stolen and towed motor vehicles; to require that certain persons shall post the vehicle identification numbers and license plate numbers of certain motor vehicles that are towed or reported stolen; to provide for penalties for failing to post such information; to provide for certain required features of such website; to require law enforcement agencies in this state to post the vehicle identification numbers and license plate numbers of stolen vehicles to such website; to provide for enforcement by the Department of Revenue; to provide for the promulgation of rules and regulations; to amend Code Section 40-5-147 so as to change provisions relating to issuance of commercial drivers' licenses and permits; to amend Code Section 40-5-150 so as to provide for expiration of commercial drivers' licenses; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 1 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to the registration and licensing of motor vehicles, is amended by adding a new Code Section 40-2-11 to read as follows:

"40-2-11.

(a) The Department of Revenue shall establish an Internet website for the purpose of posting the vehicle identification numbers and license plate numbers of motor vehicles that are towed without the knowledge or consent of the owner or operator of such vehicle and vehicles that have been reported as stolen to law enforcement authorities in this state. Such website shall store the vehicle identification number and license plate number of each such vehicle that was towed without the knowledge or consent of the owner or operator of such vehicle along with a notation of the location where such vehicle is stored and a contact number for such storage facility. Such website shall also store the vehicle identification number and license plate number of each vehicle that has been reported as being stolen to

law enforcement authorities in this state with a notation that such vehicle has been reported as being stolen. Such website shall be designed in a manner and contain other such criteria as may be determined by the Department of Revenue to make such website useful for the public to determine if a vehicle reported as stolen has in fact been towed or impounded. Such website shall be accessible for viewing by the public.

(b)(1) Each tow truck and wrecker operator in this state shall, within 24 hours of towing a motor vehicle without the knowledge or consent of the owner or operator of such motor vehicle, enter or cause to be stored on the website established under subsection (a) of this Code section the vehicle identification number and license plate number of such vehicle and a notation of the location where such vehicle is stored and a contact number for such storage facility.

(2) The operator of any storage facility or repair shop in which a vehicle is stored:

(A) After such vehicle has been towed without the knowledge or consent of the owner or operator of such vehicle; or

(B) After such vehicle has been reported as stolen to law enforcement authorities in this state

shall, within 24 hours of such vehicle being towed to such location, verify that the information required under this Code section has been timely entered on the website established under subsection (a) of this Code section. In the event such information has not been entered, the operator shall enter or cause to be posted on the website the required information within 24 hours of such vehicle being towed to such location.

(3) Any tow truck or wrecker operator or operator of any storage facility or repair shop who fails to comply with the requirements of paragraphs (1) and (2) of this subsection due to lack of Internet capability shall report the required information to the Department of Revenue by an alternative method to be established by the department.

(c) Each tow truck or wrecker operator or operator of a storage facility or repair shop who is required to post the information required by subsection (b) of this Code section but who fails timely to post or cause to be posted such information shall be subject to a civil penalty in the amount of \$1,000.00 for each such violation. Additionally, any individual who is required to post the information required by subsection (b) of this Code section but who fails timely to post or cause to be posted such information shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor, shall not be entitled to any storage fees, shall not be eligible to contract with or serve on a rotation list providing wrecker services for this state or any political subdivision thereof, and shall not be licensed

by any municipal authority to provide removal of improperly parked cars under Code Section 44-1-13.

(d) Each law enforcement agency in this state receiving a report of a stolen motor vehicle shall post or cause to be posted on the website established under subsection (a) of this Code section the vehicle identification numbers and license plate numbers of such motor vehicle.

(e) Any person who, without authorization, tampers with such website or in any manner interferes with such website shall be guilty of a misdemeanor of a high and aggravated nature.

(f) The Department of Revenue shall be authorized to promulgate such rules and regulations as it deems necessary to implement the provisions of this Code section."

### **SECTION 2.**

Code Section 40-5-147, relating to the requirements for issuing a commercial driver's license or instruction permit, is amended by revising paragraph (1) of subsection (a) as follows:

"(a)(1) Except as provided in Code Section 40-5-148, no person may be issued a commercial driver's license unless that person is a resident of this state, is at least 18 years of age, has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulations enumerated in 49 C.F.R. Part 383, subparts G and H, and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986, Title XII of Public Law 99-570, in addition to any other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the department in English only."

### **SECTION 3.**

Code Section 40-5-150, relating to commercial drivers' licenses, is amended by revising subsections (g) and (h) as follows:

"(g) Except as provided for in Code Section 40-5-21.1, the commercial driver's license shall expire on the licensee's birthdate in the fifth year following the issuance of such license.

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

**SECTION 4.**

This Act shall become effective on January 1, 2008.

**SECTION 5.**

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