

House Bill 1103

By: Representatives Cheokas of the 138th, Stephens of the 164th, Greene of the 151st,
Williams of the 145th, Hawkins of the 27th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-2-167 of the Official Code of Georgia Annotated, relating to
2 separately stated fees in a rental agreement, so as to revise the definition of "heavy-duty
3 equipment motor vehicle" for the purposes of said Code section; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 40-2-167 of the Official Code of Georgia Annotated, relating to separately
8 stated fees in a rental agreement, is amended by revising subsection (a) as follows:

9 "(a) As used in this Code section, the term:

10 (1) 'Heavy-duty equipment motor vehicle' means a motor vehicle with all its attachments
11 and parts which is self-propelled, weighs 1,500 pounds or more, and is primarily designed
12 and used for construction, industrial, maritime, or mining uses, provided that such motor
13 vehicles are not required to be registered and have a license plate.

14 (2) 'Motor vehicle rental company' means an individual or business entity whose
15 business activity is renting motor vehicles to consumers under rental agreements for
16 periods of 90 days or less or renting ~~'heavy-duty equipment motor vehicles'~~ as such term
17 is defined in Code Section 48-5-505 heavy-duty equipment motor vehicles under rental
18 agreements for periods of less than 365 days or under open-ended agreements.

19 ~~(2)~~(3) 'Recoverable facility charges' means governmental and private concession fees,
20 including airport concession fees, consolidated facility charges, and the fees and charges
21 incurred thereon, actually paid by a motor vehicle rental company.

22 ~~(3)~~(4) 'Recoverable fees and taxes' means costs incurred by a motor vehicle rental
23 company to license, title, register, plate, and inspect rental motor vehicles and ad valorem
24 taxes imposed in connection with the registration of rental motor vehicles or a 1 1/2
25 percent property tax recovery fee on ~~'heavy-duty equipment motor vehicles'~~ as such term
26 is defined in Code Section 48-5-505 heavy-duty equipment motor vehicles.

27 ~~(4)~~(5) 'Rental agreement' means an agreement under which a rental motor vehicle is
28 rented or leased.

29 ~~(5)~~(6) 'Rental motor vehicle' means a motor vehicle that is rented or leased without a
30 driver."

31 **SECTION 2.**

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