

House Bill 147 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 32<sup>nd</sup>, Knight of the 130<sup>th</sup>, Peake of the 141<sup>st</sup>, and Hatchett of the 150<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to  
2 registration and licensing of motor vehicles, so as to provide for an initial two-year  
3 registration period for certain vehicles; to provide for certain fees; 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 style="text-align:center">**SECTION 1.**

7 Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and  
8 licensing of motor vehicles, is amended by revising Code Section 40-2-20, relating to  
9 registration and license requirements, as follows:

10 "40-2-20.

11 (a)(1)(A) Except as provided in ~~subsection~~ subsections (b) and (d) of this Code section  
12 and subsection (a) of Code Section 40-2-47, every owner of a motor vehicle, including  
13 a tractor or motorcycle, and every owner of a trailer shall, during the owner's  
14 registration period in each year, register such vehicle as provided in this chapter and  
15 obtain a license to operate it for the 12 month period until such person's next  
16 registration period.

17 (B)(i) The purchaser or other transferee owner of every new or used motor vehicle,  
18 including tractors and motorcycles, or trailer shall register such vehicle as provided  
19 in Code Section 40-2-8 and obtain or transfer as provided in this chapter a license to  
20 operate it for the period remaining until such person's next registration period which  
21 immediately follows such initial registration period, without regard to whether such  
22 next registration period occurs in the same calendar year as the initial registration  
23 period or how soon such next registration period follows the initial registration period;  
24 provided, however, that this registration and licensing requirement does not apply to  
25 a dealer which acquires a new or used motor vehicle and holds it for resale. The  
26 commissioner may provide by rule or regulation for one 30 day extension of such

27 initial registration period which may be granted by the county tag agent if the  
 28 transferor has not provided such purchaser or other transferee owner with a title to the  
 29 motor vehicle more than five business days prior to the expiration of such initial  
 30 registration period. The county tag agent shall grant an extension of the initial  
 31 registration period when the transferor, purchaser, or transferee can demonstrate by  
 32 affidavit in a form provided by the commissioner that title has not been provided to  
 33 the purchaser or transferee due to the failure of a security interest or lienholder to  
 34 timely release a security interest or lien in accordance with Code Section 40-3-56.

35 (ii) No person, company, or corporation, including, but not limited to, used motor  
 36 vehicle dealers and auto auctions, shall sell or transfer a motor vehicle without  
 37 providing to the purchaser or transferee of such motor vehicle the last certificate of  
 38 registration on such vehicle at the time of such sale or transfer; provided, however,  
 39 that in the case of a salvage motor vehicle or a motor vehicle which is stolen but  
 40 subsequently recovered by the insurance company after payment of a total loss claim,  
 41 the salvage dealer or insurer, respectively, shall not be required to provide the  
 42 certificate of registration for such vehicle; and provided, further, that in the case of a  
 43 repossessed motor vehicle or a court ordered sale or other involuntary transfer, the  
 44 lienholder or the transferor shall not be required to provide the certificate of  
 45 registration for such vehicle but shall, prior to the sale of such vehicle, surrender the  
 46 license plate of such vehicle to the commissioner or the county tag agent by personal  
 47 delivery or by certified mail or statutory overnight delivery for cancellation.

48 (2) An application for the registration of a motor vehicle may not be submitted separately  
 49 from the application for a certificate of title for such motor vehicle, unless a certificate  
 50 of title has been issued in the owner's name, has been applied for in the owner's name, or  
 51 the motor vehicle is not required to be titled. An application for a certificate of title for  
 52 a motor vehicle may be submitted separately from the application for the registration of  
 53 such motor vehicle.

54 (b) Subsection (a) of this Code section shall not apply:

55 (1) To any motor vehicle or trailer owned by the state or any municipality or other  
 56 political subdivision of this state and used exclusively for governmental functions except  
 57 to the extent provided by Code Section 40-2-37;

58 (2) To any tractor or three-wheeled motorcycle used only for agricultural purposes;

59 (2.1) To any vehicle or equipment used for transporting cargo or containers between and  
 60 within wharves, storage areas, or terminals within the facilities of any port under the  
 61 jurisdiction of the Georgia Ports Authority when such vehicle or equipment is being  
 62 operated upon any public road not part of The Dwight D. Eisenhower System of  
 63 Interstate and Defense Highways by the owner thereof or his or her agent within a radius

64 of ten miles of the port facility of origin and accompanied by an escort vehicle equipped  
 65 with one or more operating amber flashing lights that are visible from a distance of 500  
 66 feet;

67 (3) To any trailer which has no springs and which is being employed in hauling  
 68 unprocessed farm products to their first market destination;

69 (4) To any trailer which has no springs, which is pulled from a tongue, and which is used  
 70 primarily to transport fertilizer to a farm;

71 (5) To any electric powered personal transportation vehicle;

72 (6) To any moped; or

73 (7) To any golf car.

74 (c) Any person who fails to register a new or used motor vehicle as required in subsection  
 75 (a) of this Code section shall be guilty of a misdemeanor and, upon conviction thereof,  
 76 shall be punished by a fine not exceeding \$100.00.

77 (d) Upon the payment of the requisite fee, the purchaser of a new motor vehicle passenger  
 78 car, as such terms are defined in paragraphs (34) and (41) of Code Section 40-1-1, for  
 79 which such purchaser has paid state and local title ad valorem taxes may choose to register  
 80 such passenger car for an initial period of two years instead of the annual registration  
 81 provided for in this Code section provided that the motor vehicle owner does not elect a  
 82 prestige or special license plate. Thereafter, such passenger car shall be subject to the  
 83 annual registration requirements of this Code section."

84 **SECTION 2.**

85 Said chapter is further amended by adding a new subsection to Code Section 40-2-151,  
 86 relating to annual license fees for operation of vehicles and fee for permanent licensing of  
 87 certain trailers, to read as follows:

88 "(c) The fee for a new passenger car for which the purchaser has paid state and local title  
 89 ad valorem taxes and that is being registered as provided in subsection (d) of Code  
 90 Section 40-2-20 shall be \$40.00 for the two-year registration period."

91 **SECTION 3.**

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