

Senate Bill 118

By: Senators Hill of the 32nd, Murphy of the 27th, Miller of the 49th, Gooch of the 51st, Ginn of the 47th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 6 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to administration and enforcement of chapter regarding registration and licensing of  
3 motor vehicles, so as to provide definitions; to establish an Auto Insurance Verification Data  
4 Base; to provide for the procedures for the operation and maintenance of such data base; to  
5 provide for the disclosure of information in such data base to certain entities and limitations  
6 on the use and release of such information; to notify owners of motor vehicles of their failure  
7 to provide proof of financial responsibility; to provide for penalties for violations; to correct  
8 citations; to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Article 6 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to  
12 administration and enforcement of chapter regarding registration and licensing of motor  
13 vehicles, is amended by revising Code Section 40-2-137, relating to definitions, notice of  
14 insurance coverage and termination, electronic transmission of notice, public inspection of  
15 minimum liability insurance records, duties of vehicle owner, lapse fee, suspension of  
16 vehicle registrations, waiver of lapse fee, and persons on active military duty, as follows:

17 "40-2-137.

18 ~~(a) As used in this Code section, the term:~~

19 ~~(1) 'Commercial vehicle policy' means a policy of motor vehicle liability insurance~~  
20 ~~insuring a motor vehicle that is rated or insured as a business use or commercial use~~  
21 ~~vehicle or is licensed by the state as a commercial vehicle.~~

22 ~~(2) 'Fleet policy' means a commercial vehicle policy that insures two or more vehicles~~  
23 ~~that are not identified individually by vehicle identification number on the policy or a~~  
24 ~~commercial policy that is subject to adjustment by audit for vehicle changes at the end~~  
25 ~~of the policy period.~~

26 ~~(3) 'Lapse' means one or more days upon which the records of the department do not~~  
27 ~~reflect that a motor vehicle was covered by a policy of minimum motor vehicle insurance~~  
28 ~~coverage.~~

29 ~~(4) 'Minimum motor vehicle insurance coverage' means minimum coverage as specified~~  
30 ~~in Chapter 34 of Title 33.~~

31 ~~(5) 'Proof of minimum insurance coverage' means the receipt from an insurer by the~~  
32 ~~department of notice of such insurance coverage by electronic transmission or other~~  
33 ~~means approved by the department.~~

34 ~~(6) 'Terminate' or 'termination' means actual cessation of insurance coverage after the~~  
35 ~~date upon which coverage will not be restored for any reason, including without~~  
36 ~~limitation cancellation, nonrenewal, and nonpayment of premium and without regard to~~  
37 ~~whether such cessation was preceded by any extension or grace period allowed by the~~  
38 ~~insurer.~~

39 ~~(b)(1)(A) For purposes of aiding in the enforcement of the requirement of minimum~~  
40 ~~motor vehicle liability insurance, any insurer issuing or renewing in this state any~~  
41 ~~policy of motor vehicle liability insurance required by Chapter 34 of Title 33 other than~~  
42 ~~a fleet policy shall within 30 days after the date the insurance agent binds the coverage~~  
43 ~~or on the date such coverage was renewed, whichever is applicable, provide notice of~~  
44 ~~such insurance coverage by electronic transmission to the department; except that once~~  
45 ~~coverage data has been electronically transmitted to the department, there shall be no~~  
46 ~~requirement to report on subsequent renewals of that coverage. Insurance coverage~~  
47 ~~information included in such notice of issue or renewal shall be limited exclusively to~~  
48 ~~name of insurer; vehicle identification number; the make and year of the insured motor~~  
49 ~~vehicle; and policy effective date. The department shall not require the policy limits~~  
50 ~~to be disclosed for purposes of this subparagraph. For the purposes of this Code~~  
51 ~~section, the vehicle identification number shall be the vehicle identification number as~~  
52 ~~that number is shown in the records of the department. For the purposes of this Code~~  
53 ~~section, the Commissioner of Insurance shall furnish such notices to the department~~  
54 ~~upon issuance of a certificate of self-insurance.~~

55 ~~(B) In cases in which the minimum motor vehicle insurance coverage required by~~  
56 ~~Chapter 34 of Title 33 terminates, the insurer shall by electronic transmission notify the~~  
57 ~~department of such coverage termination on or before the date coverage ends or, if~~  
58 ~~termination is at the request of the insured, then on the date such request is processed~~  
59 ~~by the insurer. Insurance coverage termination information included in such notice~~  
60 ~~shall include vehicle identification number and the date of coverage termination. For~~  
61 ~~the purposes of this Code section, the Commissioner of Insurance shall furnish such~~  
62 ~~notices to the department upon termination of a certificate of self-insurance.~~

63 ~~(C) The commissioner shall notify the Commissioner of Insurance quarterly of any and~~  
64 ~~all violations of the notice requirements of this paragraph by any insurer, and the~~  
65 ~~Commissioner of Insurance may take appropriate action against such insurer the same~~  
66 ~~as is authorized by Code Section 33-2-24 for violations of Title 33; provided, however,~~  
67 ~~that there shall be no private cause of action against an insurer or the department for~~  
68 ~~civil damages for providing information, failing to provide information, or erroneously~~  
69 ~~providing information pursuant to this Code section. No insurer shall utilize the costs~~  
70 ~~of any audit or examination conducted by the Insurance Department pursuant to this~~  
71 ~~paragraph as a cost of business in the insurer's rate base. The department shall~~  
72 ~~commence the reports provided for in this Code section beginning July 1, 2010.~~

73 ~~(D) The reports required of insurers and the Commissioner of Insurance shall not apply~~  
74 ~~to any vehicle for which the vehicle coverage is provided by a fleet policy.~~

75 ~~(2) The department shall prescribe the form and manner of electronic transmission for~~  
76 ~~the purposes of insurers sending the notices required by this Code section which shall in~~  
77 ~~no way be construed as modifying the provisions of Code Section 33-24-45.~~

78 ~~(3) Notwithstanding the provisions of paragraph (1) of this subsection, any irregularities~~  
79 ~~in the notice to the department required by paragraph (1) of this subsection shall not~~  
80 ~~invalidate an otherwise valid termination.~~

81 ~~(4) The minimum liability insurance records which the department is required to~~  
82 ~~maintain under this Code section or any other provision are exempt from the provisions~~  
83 ~~of any law of this state requiring that such records be open for public inspection;~~  
84 ~~provided, however, that the records of any particular motor vehicle may be available for~~  
85 ~~inspection by any law enforcement officer for official law enforcement investigations, the~~  
86 ~~insurer of record, and the owner of the vehicle in the manner prescribed by the~~  
87 ~~commissioner.~~

88 ~~(e)(1) The department shall monitor the reporting by insurers of the issuance of new and~~  
89 ~~renewal policies and the termination of coverage.~~

90 ~~(2)(A) A match is based upon the vehicle identification number as recorded on the~~  
91 ~~department's motor vehicle records. When the vehicle identification number does not~~  
92 ~~match the department's motor vehicle records, the department shall notify the insurer~~  
93 ~~and the insurer shall, within 30 days from receipt of the returned error, correct the~~  
94 ~~vehicle identification number and resubmit the transaction.~~

95 ~~(B) After receipt of the department's notice, if the insurer determines that the vehicle~~  
96 ~~identification number that it submitted to the department is in fact the accurate number~~  
97 ~~on the insured vehicle, then the insurer shall so notify the department and the owner of~~  
98 ~~the vehicle.~~

99       ~~(C) Upon notification, the owner shall, in a manner prescribed by the commissioner,~~  
100       ~~make a correction of such number at the appropriate county tag office.~~

101       ~~(d)(1)(A) Upon notification of coverage termination by the insurer, the department~~  
102       ~~shall send a notice to the owner of the motor vehicle stating that the department has~~  
103       ~~been informed of the fact that coverage has been terminated and provide an explanation~~  
104       ~~of the penalties provided for by law.~~

105       ~~(B) The department shall send such notice to the address of the owner of the motor~~  
106       ~~vehicle shown on the records of the department.~~

107       ~~(C) The mailing of such notice by the department shall be deemed notice of such~~  
108       ~~owner's duty to maintain the required minimum insurance coverage and the possible~~  
109       ~~penalties and consequences for failing to do so and shall be deemed to satisfy all notice~~  
110       ~~requirements of law.~~

111       ~~(2) It shall be the duty of the owner of such motor vehicle to obtain minimum motor~~  
112       ~~vehicle insurance coverage and it shall be the duty of the owner's insurer to provide proof~~  
113       ~~of such coverage to the department within 30 days of the date of such notice, pursuant to~~  
114       ~~the requirements of subparagraph (b)(1)(A) of this Code section.~~

115       ~~(3) If the vehicle is covered by a fleet policy, the owner's insurer shall not be required~~  
116       ~~to provide such proof electronically to the department.~~

117       ~~(e)(1) When proof of minimum motor vehicle insurance coverage is provided within the~~  
118       ~~time period specified in this Code section, but there has been a lapse of coverage for a~~  
119       ~~period of more than ten days, the owner shall remit a \$25.00 lapse fee to the department.~~  
120       ~~Failure to remit the lapse fee to the department within 30 days of the date of such notice~~  
121       ~~will result in the suspension of the owner's motor vehicle registration by operation of law.~~  
122       ~~If any lapse fee provided for in this Code section is paid to the county tax commissioner,~~  
123       ~~the county shall retain \$5.00 thereof as a collection fee.~~

124       ~~(2) If proof is not provided within the time period specified in this Code section that~~  
125       ~~minimum motor vehicle insurance coverage is in effect, the owner's motor vehicle~~  
126       ~~registration shall be suspended immediately by operation of law by the department.~~  
127       ~~When such proof is provided and the owner pays a \$25.00 lapse fee and pays a \$60.00~~  
128       ~~restoration fee, the suspension shall terminate; provided, however, that the commissioner~~  
129       ~~may waive the lapse fee and restoration fee for any owner whose vehicle registration has~~  
130       ~~been suspended pursuant to this paragraph who provides proof of continuous minimum~~  
131       ~~motor vehicle insurance coverage. If any restoration fee provided for in this Code section~~  
132       ~~is paid to the county tax commissioner, the county shall retain \$10.00 thereof as a~~  
133       ~~collection fee.~~

134       ~~(3) In the event of a second suspension of the owner's registration under this Code~~  
135       ~~section, within a five-year period of a prior suspension, the department by operation of~~

136 law shall suspend the motor vehicle registration. When proof is provided that minimum  
 137 motor vehicle insurance coverage is in effect and the owner pays a \$25.00 lapse fee and  
 138 pays a \$60.00 restoration fee, the suspension shall terminate.

139 (4) In the event of a third or subsequent suspension of the owner's registration under this  
 140 Code section, within the previous five-year period from the date of the third or  
 141 subsequent suspension, the department by operation of law shall revoke the motor vehicle  
 142 registration. When proof is provided that minimum motor vehicle insurance coverage is  
 143 in effect and the owner pays a \$25.00 lapse fee and pays a \$160.00 restoration fee, the  
 144 owner may apply for registration of the motor vehicle.

145 (f)(1) The commissioner may waive the lapse fee for any owner whose vehicle  
 146 registration has been voluntarily canceled pursuant to Code Section 40-2-10.

147 (2) Upon being presented with a copy of official orders or other satisfactory proof of  
 148 ordered duty as approved by rule or regulation of the commissioner showing that an  
 149 owner of a motor vehicle was deployed outside the continental United States on active  
 150 military duty in the armed forces of the United States at the time his or her minimum  
 151 motor vehicle insurance coverage for such vehicle terminated, the county tag agent shall  
 152 waive the lapse fee and restoration fee, suspension of the owner's motor vehicle  
 153 registration under this Code section shall terminate, and application for registration of the  
 154 vehicle which otherwise satisfies requirements provided by law may be accepted without  
 155 delay.

156 (g) The county tax commissioner shall have the authority to waive a lapse fee if sufficient  
 157 proof is provided that no actual lapse in coverage occurred. Such proof shall be retained  
 158 by the county tax commissioner for audit purposes.

159 (h) Notwithstanding any provision of law to the contrary, a person on active military duty  
 160 in the armed forces of the United States whose motor vehicle is registered in this state and  
 161 has license plates from this state and who, as a result of his or her military duties or  
 162 assignment, is required to reside in another state may meet the requirements for minimum  
 163 motor vehicle liability coverage by purchasing such coverage in amounts equal to or  
 164 greater than the minimum coverages required by Georgia law and providing proof of such  
 165 coverage to the department. In such cases, the motor vehicle shall continue to be registered  
 166 and licensed in this state as long as it otherwise meets the requirements of law Reserved."

167 **SECTION 2.**

168 Said article is further amended by designating all of the existing text as Part 1 and adding a  
 169 new part to read as follows:

170

"Part 2171 40-2-139.172 As used in this part:

173 (1) 'Commercial motor vehicle insurance coverage' means a policy of motor vehicle  
 174 liability insurance insuring a motor vehicle that is rated or insured as a business use or  
 175 commercial use vehicle or is licensed by the state as a commercial vehicle.

176 (2) 'Data base' means the Auto Insurance Verification Data Base created in this part.

177 (3) 'Designated agent' means the nongovernmental third party with whom the department  
 178 contracts under this part.

179 (4) 'Fleet policy' means a commercial motor vehicle insurance coverage policy that  
 180 insures two or more vehicles that are not identified individually by vehicle identification  
 181 number on the policy or a commercial motor vehicle insurance coverage policy that is  
 182 subject to adjustment by audit for vehicle changes at the end of the policy period.

183 (5) 'Motor vehicle' has the same meaning as set forth in Code Section 40-1-1.

184 (6) 'Program' means the Auto Insurance Verification Program created under this part.

185 40-2-139.1.186 (a) There is created the Auto Insurance Verification Program to:

187 (1) Establish an Auto Insurance Verification Data Base to verify compliance with a  
 188 motor vehicle owner's or operator's security requirements under this part;

189 (2) Assist in reducing the number of uninsured motor vehicles on the highways of the  
 190 state;

191 (3) Assist in increasing compliance with motor vehicle registration laws;

192 (4) Assist in protecting a financial institution's bona fide security interest in a motor  
 193 vehicle; and

194 (5) Accomplish other law enforcement purposes.

195 (b) The program shall be administered by the department with the assistance of the  
 196 designated agent.

197 (c) The department shall contract, in accordance with all applicable state laws regarding  
 198 bidding and procurement, with a nongovernmental third party to establish and maintain an  
 199 Auto Insurance Verification Data Base for the purposes established under this part.

200 (d)(1) The nongovernmental third party under contract as provided in subsection (c) of  
 201 this Code section shall be the department's designated agent, and shall develop and  
 202 maintain a computer data base from the information provided by:

203 (A) Insurers under subsection (e) of this Code section; and

204 (B) The department.

205 (2)(A) The data base shall be developed and maintained in accordance with guidelines  
 206 established by the department so that state and local law enforcement agencies and  
 207 financial institutions as defined in Code Section 7-1-4 can efficiently access the records  
 208 of the data base, including reports useful for the implementation of the provisions of  
 209 this part.

210 (B)(i) The reports shall be in a form and contain information approved by the  
 211 department.

212 (ii) The reports may be made available through the Internet or through other  
 213 electronic media, if the department determines that sufficient security is provided to  
 214 ensure compliance with provisions of this part regarding limitations on disclosure of  
 215 information in the data base.

216 (e)(1) Except as provided in paragraphs (2) and (3) of this subsection, each insurer that  
 217 issues a policy that includes motor vehicle liability coverage, uninsured motorist  
 218 coverage, underinsured motorist coverage, or personal injury coverage shall before the  
 219 seventh and twenty-first day of each calendar month provide to the designated agent a  
 220 record of each motor vehicle insurance policy in effect for vehicles registered in or  
 221 garaged in this state as of the previous submission that was issued by the insurer.

222 (2) Each insurer that issues commercial motor vehicle insurance coverage shall before  
 223 the seventh day of each calendar month provide to the designated agent a record of each  
 224 commercial motor vehicle insurance coverage policy in effect for vehicles registered or  
 225 garaged in this state as of the previous month that was issued by the insurer.

226 (3) An insurer that issues a policy that includes motor vehicle liability coverage,  
 227 uninsured motorist coverage, underinsured motorist coverage, or personal injury coverage  
 228 shall not be required to provide a record of a motor vehicle insurance policy in effect for  
 229 a motor vehicle to the designated agent for vehicles covered by fleet policies, taxicabs,  
 230 agricultural vehicles, antique vehicles, or government vehicles.

231 (4) Nothing in this subsection shall preclude more frequent reporting.

232 (5) Each insurer required to report under paragraph (1) of this subsection shall provide:

233 (A) The name, date of birth, and driver's license number, if the insured provided a  
 234 driver's license number to the insurer, of each insured owner or operator and the address  
 235 of the named insured;

236 (B) The make, year, and vehicle identification number of each insured vehicle; and

237 (C) The policy number and effective date of each policy.

238 (6) Each insurer required to report under paragraph (2) of this subsection shall provide:

239 (A) The named insured;

240 (B) The policy number, effective date, and expiration date of each policy; and

241 (C) The following information, if available:

242 (i) The name, date of birth, and driver's license number of each insured owner or  
 243 operator and the address of the named insured; and

244 (ii) The make, year, and vehicle identification number of each insured vehicle.

245 (7) Each insurer shall provide the information required by this subsection by electronic  
 246 means or by another form that the designated agent agrees to accept.

247 (8) The commissioner may assess a fine against an insurer of up to \$250.00 for each day  
 248 the insurer fails to comply with this subsection. If an insurer shows that the failure to  
 249 comply with this subsection was inadvertent, accidental, or the result of excusable  
 250 neglect, the commissioner shall excuse the fine.

251 (f) With information provided by the department, the designated agent shall, at least twice  
 252 monthly:

253 (1) Update the data base with the motor vehicle insurance information provided by the  
 254 insurers in accordance with subsection (e) of this Code section; and

255 (2) Compare all current motor vehicle registrations against the data base.

256 (g) The Department of Driver Services shall provide the designated agent with the name,  
 257 date of birth, address, and driver's license number of all persons on the driver's license data  
 258 base.

259 (h) The department shall promulgate such rules and regulations and develop such  
 260 procedures for use of the data base for the purpose of administering and enforcing this part.

261 (i)(1) The designated agent shall archive computer data files at least semiannually for  
 262 auditing purposes.

263 (2) The state auditor shall audit the program at least every three years. The audit shall  
 264 include verification of:

265 (A) Billings made by the designated agent; and

266 (B) The accuracy of the designated agent's matching of vehicle registration with  
 267 insurance data.

268 40-2-139.2.

269 (a) If the comparison required under the Auto Insurance Verification Data Base created  
 270 by this part shows that a motor vehicle is not insured for three consecutive months, the  
 271 department shall direct that the designated agent provide notice to the owner of the motor  
 272 vehicle that the owner has 15 days to provide:

273 (1) Proof of financial responsibility in a form prescribed by the rules and regulations of  
 274 the department that demonstrates compliance with the requirements of law for minimum  
 275 motor vehicle liability insurance coverage; or

276 (2) Proof of exemption from financial responsibility requirements.



277 (b) Except for motor vehicles whose registration has been voluntarily cancelled pursuant  
278 to Code Section 40-2-10, if an owner of a motor vehicle fails to provide satisfactory proof  
279 of financial responsibility to the designated agent, the designated agent shall provide a  
280 second notice to the owner of the motor vehicle that the owner has 15 days to provide:  
281 (1) Proof of financial responsibility in a form prescribed by the rules and regulations of  
282 the department that demonstrates compliance with the requirements of law for minimum  
283 motor vehicle liability insurance coverage; or  
284 (2) Proof of exemption from financial responsibility requirements.  
285 (c) For each notice provided, the designated agent shall indicate information relating to the  
286 owner's failure to provide proof of financial responsibility in the data base.  
287 (d) The designated agent shall provide the information on the failure of the owner of a  
288 motor vehicle to provide proof of financial responsibility to state and local law enforcement  
289 agencies as requested and to the department in accordance with the provisions of this part.  
290 (e)(1) The department:  
291 (A) Shall revoke the registration of the motor vehicle upon receiving notification  
292 pursuant to this part of the failure of the owner to provide proof of financial  
293 responsibility; and  
294 (B) Shall provide appropriate notices of the revocation to the owner or operator of the  
295 motor vehicle, the legal consequences of operating a vehicle with revoked registration  
296 and without the owner's or operator's proof of financial responsibility, and instructions  
297 on how to get the registration reinstated.  
298 (2) The department may direct the designated agent to provide the notices provided in  
299 subparagraph (B) of paragraph (1) of this subsection.  
300 (f) Any action by the department to revoke the registration of a motor vehicle under this  
301 Code section may be in addition to an action by a law enforcement agency to impose  
302 criminal penalties.  
303 (g)(1) A person shall not provide a false or fraudulent statement to the department or the  
304 designated agent.  
305 (2) In addition to any other penalties, a person who violates this subsection shall be  
306 guilty of a misdemeanor.  
307 (h) This part shall not affect other actions or penalties that may be taken or imposed for  
308 violation of the owner's or operator's security requirements of this chapter or other law.  
309 (i) If a comparison under the provisions of this part shows that a motor vehicle is not in  
310 compliance with motor vehicle registration laws of this state, the department may direct  
311 that the designated agent provide notice to the owner of a motor vehicle that information  
312 exists which indicates the possible violation.

313 (j) A registration that has been revoked under this Code section shall not be reinstated and  
314 a new license or registration shall not be issued to the holder of the revoked registration  
315 until the person:

316 (1) Pays to the department an administrative reinstatement fee of \$150.00; and

317 (2) Complies with all other requirements of this part.

318 (k) The fee imposed by this Code section is in addition to other fees that may be imposed  
319 by law.

320 (l) Upon being presented with a copy of official orders or other satisfactory proof of  
321 ordered duty as approved by rule or regulation of the commissioner showing that an owner  
322 of a motor vehicle was deployed outside the continental United States on active military  
323 duty in the armed forces of the United States at the time his or her minimum motor vehicle  
324 insurance coverage for such vehicle terminated, the county tag agent shall waive the  
325 restoration fee, suspension of the owner's motor vehicle registration under this Code section  
326 shall terminate, and application for registration of the vehicle which otherwise satisfies  
327 requirements provided by law may be accepted without delay.

328 (m) Notwithstanding any provision of law to the contrary, a person on active military duty  
329 in the armed forces of the United States whose motor vehicle is registered in this state and  
330 has license plates from this state and who, as a result of his or her military duties or  
331 assignment, is required to reside in another state may meet the requirements for minimum  
332 motor vehicle liability coverage by purchasing such coverage in amounts equal to or  
333 greater than the minimum coverages required by Georgia law and providing proof of such  
334 coverage to the department. In such cases, the motor vehicle shall continue to be registered  
335 and licensed in this state as long as it otherwise meets the requirements of law and shall not  
336 be subject to the provisions of this Code section.

337 40-2-139.3.

338 (a) Information in the data base established under this part provided by a person to the  
339 designated agent is considered to be the property of the person providing the information.  
340 The information shall not be disclosed from the data base under Article 4 of Chapter 18 of  
341 Title 50, or otherwise, except as follows:

342 (1) For the purpose of investigating, litigating, or enforcing the owner's or operator's  
343 financial responsibility requirements, the designated agent shall verify insurance  
344 information through the state computer network for a state or local government agency  
345 or court;

346 (2) For the purpose of investigating, litigating, or enforcing the owner's or operator's  
347 financial responsibility requirements, the designated agent shall, upon request, issue to  
348 any state or local government agency or court a certificate documenting the insurance

349 information, according to the data base, of a specific individual or motor vehicle for the  
 350 time period designated by the government agency;

351 (3) Upon request, the department or its designated agent shall disclose whether or not a  
 352 person is an insured individual and the insurance company name to:

353 (A) That individual or, if that individual is deceased, the administrator or executor of  
 354 such individual's estate;

355 (B) The parent or legal guardian of that individual if the individual is an  
 356 unemancipated minor;

357 (C) The legal guardian of that individual if the individual is legally incapacitated;

358 (D) A person who has power of attorney from the insured individual;

359 (E) A person who submits a notarized release from the insured individual dated no  
 360 more than 90 days before the date the request is made; or

361 (F) A person suffering loss or injury in a motor vehicle accident in which the insured  
 362 individual is involved;

363 (4) For the purpose of investigating, enforcing, or prosecuting laws or issuing citations  
 364 by state or local law enforcement agencies related to the:

365 (A) Registration and renewal of registration of a motor vehicle under this title;

366 (B) Purchase of a motor vehicle with regard to the payment of sales and use taxes; and

367 (C) Owner's or operator's financial responsibility requirements under law;

368 (5) Upon request of a peace officer acting in an official capacity under the provisions of  
 369 paragraph (4) of this subsection, the department or the designated agent shall, upon  
 370 request, disclose relevant information for investigation, enforcement, or prosecution;

371 (6) For the purpose of the state auditor, information shall be provided to the state auditor  
 372 as requested to conduct audits of the program; and

373 (7) Upon request of a financial institution, information may be released for the purpose  
 374 of protecting the financial institution's bona fide security interest in a motor vehicle.

375 (b)(1) The department shall allow the designated agent to prepare and deliver, upon  
 376 request, a report on the insurance information of a person or motor vehicle in accordance  
 377 with this Code section.

378 (2) The report may be in the form of:

379 (A) A certified copy that is considered admissible in any court proceeding in the same  
 380 manner as the original; or

381 (B) Information accessible through the Internet or through other electronic media if the  
 382 department determines that sufficient security is provided to ensure compliance with  
 383 this Code section.

384 (3) The department may allow the designated agent to charge a fee established by the  
 385 department for each:

- 386 (A) Document authenticated, including each certified copy;  
 387 (B) Record accessed by the Internet or by other electronic media; and  
 388 (C) Record provided to a financial institution under paragraph (7) of subsection (a) of  
 389 this Code section.

390 (c) Any person who knowingly releases or discloses information from the data base for a  
 391 purpose other than those authorized in this Code section or to a person who is not entitled  
 392 to it shall be guilty of a misdemeanor.

393 (d) An insurer shall not be liable to any person for complying with this part requiring  
 394 motor vehicle insurance reporting by providing information to the designated agent.

395 (e) Neither the state nor the department's designated agent shall be liable to any person for  
 396 gathering, managing, or using the information in the data base as provided in this part."

397 **SECTION 3.**

398 Code Section 40-2-26 of the Official Code of Georgia Annotated, relating to form and  
 399 contents of application for registration and heavy vehicle tax, is amended by revising  
 400 subparagraph (d)(1)(B) as follows:

401 "(B) Information obtained from the records or data base of the department regarding  
 402 the owner's insurance coverage which information is derived from notice provided to  
 403 the department pursuant to ~~Code Section 40-2-137~~ Part 2 of Article 6 of this chapter;  
 404 or".

405 **SECTION 4.**

406 Code Section 40-5-72 of the Official Code of Georgia Annotated, relating to forwarding of  
 407 license, tag, and tag registration to department, notice, and penalty, is amended by revising  
 408 the Code section as follows:

409 "40-5-72.

410 (a) It is the duty of any person who has his or her driver's license and, where applicable,  
 411 license tag and tag registration suspended under the provisions of Code Section 40-5-70  
 412 or ~~40-2-137~~ Part 2 of Article 6 of Chapter 2 of this title immediately upon suspension and  
 413 demand of the department to forward such items to the department.

414 (b) If such driver's license and, where applicable, license tag and tag registration are not  
 415 received by the department within ten days following the effective date of suspension, the  
 416 commissioner shall immediately direct any peace officer to secure possession of the  
 417 driver's license and, where applicable, license tag and tag registration and return the same  
 418 to the department. The person whose driver's license and, where applicable, license tag and  
 419 tag registration have been suspended shall surrender such items to any peace officer upon  
 420 demand.

421 (c) Unless otherwise provided in this Code section, notice of the effective date of  
 422 suspension shall occur when the driver receives actual knowledge or legal notice of the  
 423 suspension, whichever occurs first. For the purposes of making any determination relating  
 424 to the return of a suspended motor vehicle driver's license and, where applicable, license  
 425 tag and tag registration, a period of suspension under Code Section 40-5-70 or ~~40-2-137~~  
 426 Part 2 of Article 6 of Chapter 2 of this title or this Code section shall begin upon the date  
 427 of conviction adjudicated by the court having jurisdiction.

428 (d) Any person violating subsection (a) or (b) of this Code section shall be guilty of a  
 429 misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than  
 430 \$200.00 nor more than \$1,000.00 or imprisonment for not more than 30 days."

431

### SECTION 5.

432 Code Section 40-6-10 of the Official Code of Georgia Annotated, relating to insurance  
 433 requirements for operation of motor vehicles generally, is amended by revising  
 434 paragraphs (2.1) and (8) of subsection (a) and subsection (d) as follows:

435 "(2.1) If the vehicle is insured under a fleet policy as defined in Code Section ~~40-2-137~~  
 436 40-2-139 providing the required minimum insurance coverage or if the vehicle is engaged  
 437 in interstate commerce and registered under the provisions of Article 3A of Chapter 2 of  
 438 this title, the insurance information card issued by the insurer shall be considered  
 439 satisfactory proof of required minimum insurance coverage for the vehicle."

440 "(8)(A) For purposes of this Code section a valid insurance card shall be sufficient  
 441 proof of insurance only for any vehicle covered under a fleet policy as defined in Code  
 442 Section ~~40-2-137~~ 40-2-139. The insurance card for a fleet policy shall contain at least  
 443 the name of the insurer, policy number, policy issue or effective date, policy expiration  
 444 date, and the name of the insured and may, but shall not be required to, include the year,  
 445 make, model, and vehicle identification number of the vehicle insured. If the operator  
 446 of any vehicle covered under a fleet policy as defined in Code Section  
 447 ~~40-2-137~~ 40-2-139 presents a valid insurance card for a fleet policy to any law  
 448 enforcement officer or agency, and the officer or agency does not recognize the  
 449 insurance card as valid proof of insurance and impounds or tows such vehicle for lack  
 450 of proof of insurance, the law enforcement agency or political subdivision shall be  
 451 liable for and limited to the fees of the wrongful impoundment or towing of the vehicle,  
 452 which in no way waives or diminishes any sovereign immunity of such governmental  
 453 entity.

454 (B) For any vehicle covered under a policy of motor vehicle liability insurance that is  
 455 not a fleet policy as defined in Code Section ~~40-2-137~~ 40-2-139, the insurer shall issue  
 456 a policy information card which shall contain at least the name of the insurer, policy

457 number, policy issue or effective date, policy expiration date, name of the insured, and  
458 year, make, model, and vehicle identification number of each vehicle insured; the  
459 owner or operator of the motor vehicle shall keep such policy information card in the  
460 vehicle at all times during operation of the vehicle for purposes of Code  
461 Section 40-6-273.1, but any such policy information card shall not be sufficient proof  
462 of insurance for any purposes of this Code section except as otherwise provided in this  
463 Code section."

464 "(d) Except for vehicles insured under a fleet policy as defined in Code Section ~~40-2-137~~  
465 40-2-139 or under a plan of self-insurance approved by the Commissioner of Insurance,  
466 insurance coverage information from records of the department shall be prima-facie  
467 evidence of the facts stated therein and shall be admissible as evidence in accordance with  
468 Code Section 24-9-924 for the purposes of this Code section."

469

**SECTION 6.**

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