

House Bill 150 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 32nd, Rogers of the 10th, Efstration of the 104th, Rhodes of the 120th, and Ridley of the 6th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 32-10-64 and Title 48 of the Official Code of Georgia Annotated,
2 relating to general toll powers, police powers, and rules and regulations of the State Road and
3 Tollway Authority and revenue and taxation, respectively, so as to provide for setoff of debt
4 owed on unpaid toll violations from tax refunds by the Department of Revenue; to provide
5 for the use of the Consumer Price Index for the calculation of motor fuel excise tax; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 32-10-64 of the Official Code of Georgia Annotated, relating to general toll
10 powers, police powers, and rules and regulations of the State Road and Tollway Authority,
11 is amended by revising paragraph (1) of subsection (c) as follows:

12 "(1) No motor vehicle shall be driven or towed through a toll collection facility, where
13 appropriate signs have been erected to notify traffic that it is subject to the payment of
14 tolls beyond such sign, without payment of the proper toll. In the event of nonpayment
15 of the proper toll, as evidenced by video or electronic recording, the registered owner of
16 such vehicle shall be liable to make prompt payment to the authority of the proper toll
17 and an administrative fee of up to \$25.00 per violation to recover the cost of collecting
18 the toll. The authority or its authorized agent shall provide notice to the registered owner
19 of a vehicle, and a reasonable time to respond to such notice, of the authority's finding
20 of a violation of this subsection. The authority or its authorized agent may provide
21 subsequent notices to the registered owner of a vehicle if such owner fails to respond to
22 the initial notice. The administrative fee may increase with each notice, provided that
23 such fee shall not exceed a cumulative total of \$25.00 per violation. Upon failure of the
24 registered owner of a vehicle to pay the proper toll and administrative fee to the authority
25 after notice thereof and within the time designated in such notice, the authority may
26 proceed to seek collection of the proper toll and the administrative fee as debts owing to

27 the authority, in such manner as the authority deems appropriate and as permitted under
 28 law. If the authority finds multiple failures by a registered owner of a vehicle to pay the
 29 proper toll and administrative fee after notice thereof and within the time designated in
 30 such notices, the authority may refer the matter to the Office of State Administrative
 31 Hearings. The scope of any hearing held by the Office of State Administrative Hearings
 32 shall be limited to consideration of evidence relevant to a determination of whether the
 33 registered owner has failed to pay, after notice thereof and within the time designated in
 34 such notice, the proper toll and administrative fee. The only affirmative defense that may
 35 be presented by the registered owner of a vehicle at such a hearing is theft of the vehicle,
 36 as evidenced by presentation at the hearing of a copy of a police report showing that the
 37 vehicle has been reported to the police as stolen prior to the time of the alleged violation.
 38 A determination by the Office of State Administrative Hearings of multiple failures to
 39 pay by a registered owner of a vehicle shall subject such registered owner to imposition
 40 of, in addition to any unpaid tolls and administrative fees, a civil monetary penalty
 41 payable to the authority of not more than \$70.00 per violation. Upon failure by a
 42 registered owner to pay to the authority, within 30 days of the date of notice thereof, the
 43 amount determined by the Office of State Administrative Hearings as due and payable
 44 for multiple violations of this subsection, the motor vehicle registration of such registered
 45 owner shall be immediately suspended by operation of law. The authority shall give
 46 notice to the Department of Revenue of such suspension. Such suspension shall continue
 47 until the proper toll, administrative fee, and civil monetary penalty as have been
 48 determined by the Office of State Administrative Hearings are paid to the authority. The
 49 authority may seek to collect the debt owed through setoff by the Department of Revenue
 50 under procedures set forth in Article 7 of Chapter 7 of Title 48. Actions taken by the
 51 authority under this subsection shall be made in accordance with policies and procedures
 52 approved by the members of the authority."

53

SECTION 2.

54 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
 55 amended in Code Section 48-7-161, relating to definitions relative to setoff debt collection
 56 by the Department of Revenue, by revising paragraph (1) as follows:

57 "(1) 'Claimant agency' means and includes, in the order of priority set forth below:

58 (A) The Department of Human Services and the Department of Behavioral Health and
 59 Developmental Disabilities with respect to collection of debts under Article 1 of
 60 Chapter 11 of Title 19, Code Section 49-4-15, and Chapter 9 of Title 37;

61 (B) The Georgia Student Finance Authority with respect to the collection of debts
 62 arising under Part 3 of Article 7 of Chapter 3 of Title 20;

- 63 (C) The Georgia Higher Education Assistance Corporation with respect to the
 64 collection of debts arising under Part 2 of Article 7 of Chapter 3 of Title 20;
- 65 (D) The Georgia Board for Physician Workforce with respect to the collection of debts
 66 arising under Part 6 of Article 7 of Chapter 3 of Title 20;
- 67 (E) The Department of Labor with respect to the collection of debts arising under Code
 68 Sections 34-8-254 and 34-8-255 and Article 5 of Chapter 8 of Title 34, with the
 69 exception of Code Sections 34-8-158 through 34-8-161; provided, however, that the
 70 Department of Labor establishes that the debtor has been afforded required due process
 71 rights by such Department of Labor with respect to the debt and all reasonable
 72 collection efforts have been exhausted;
- 73 (F) The Department of Community Supervision with respect to probation fees arising
 74 under Code Section 42-8-34 and restitution or reparation ordered by a court as a part
 75 of the sentence imposed on a person convicted of a crime who is in the legal custody
 76 of the Department of Corrections or the Department of Community Supervision;
- 77 (G) The Department of Juvenile Justice with respect to restitution imposed on a
 78 juvenile for a delinquent act which would constitute a crime if committed by an adult;
 79 ~~and~~
- 80 (H) The Georgia Lottery Corporation with respect to proceeds arising under Code
 81 Section 50-27-21; and
- 82 (I) The State Road and Tollway Authority with respect to collection of amounts
 83 determined by the Office of State Administrative Hearings as due and payable for
 84 violations of subsection (c) of Code Section 32-10-64."

85 **SECTION 3.**

86 Said title is further amended in Code Section 48-9-3, relating to levy of excise tax and rate,
 87 taxation of motor fuels not commonly sold or measured by the gallon and rate, prohibition
 88 on motor fuel tax by political subdivisions, exceptions, and exempted sales, by revising
 89 subparagraph (a)(1.1)(C) as follows:

90 "(C) Once the preliminary excise tax rate is established, it shall be multiplied by the annual
 91 percentage of increase or decrease in the Consumer Price Index. The resulting calculation
 92 shall be added to the preliminary excise tax rate, and the result of such calculation shall be
 93 the new excise tax rate for motor fuels for the next calendar year. The Consumer Price
 94 Index shall no longer be used after July 1, ~~2018~~ 2022."

95 **SECTION 4.**

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