

The Senate Finance Committee offers the following substitute to HB 480:

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 40 and 48 of the Official Code of Georgia Annotated, relating, respectively,
2 to motor vehicles and revenue and taxation, so as to provide for the comprehensive revision
3 of taxation of motor vehicles; to change certain provisions regarding tag agents; to provide
4 for state and local title fees; to provide for definitions; to provide for continuation of tag,
5 revalidation, and registration fees; to provide for distribution of such state and local title fees;
6 to exclude certain vehicles from certain fees; to change certain provisions regarding
7 classification of motor vehicles as a separate class of property for ad valorem tax purposes;
8 to provide for an additional classification exempt from such taxation; to provide for an
9 exemption from sales and use taxes only with respect to certain sales or purchases of certain
10 motor vehicles; to provide for certain reports; to provide for the intent of the General
11 Assembly with regard to the allocation of certain funds received from state title fees and for
12 funding the Georgia Trauma Trust Fund; to provide for a study committee to review and
13 report on such state and local title fees; to provide for effective dates; to provide for
14 applicability; to provide that this Act shall not abate or affect prosecutions, punishments,
15 penalties, administrative proceedings or remedies, or civil actions related to certain
16 violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

18 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
19 by revising Code Section 40-2-23, relating to county tax collectors and county tax
20 commissioners' designation as tax agents, as follows:
21

22 "40-2-23.

23 (a) The tax collectors of the various counties of this state and the tax commissioners of
24 those counties in which the duties of the tax collector are performed by a tax commissioner
25 shall be designated as tag agents of the commissioner for the purpose of accepting
26 applications for the registration of vehicles. The commissioner is authorized to promulgate

27 rules and regulations for the purpose of delegating to such tag agents the custodial
 28 responsibility for properly receiving, processing, issuing, and storing motor vehicle titles
 29 or registrations, or both.

30 ~~(b) The state revenue commissioner is authorized to further designate each such tag agent~~
 31 ~~as a sales tax agent for the purpose of collecting sales and use tax with respect to the casual~~
 32 ~~sale or casual use of a motor vehicle. For purposes of this Code section, 'casual sale' or~~
 33 ~~'casual use' means the sale of a motor vehicle by a person who is not regularly or~~
 34 ~~systematically engaged in making retail sales of motor vehicles and the first use,~~
 35 ~~consumption, distribution, or storage for use or consumption of such motor vehicle~~
 36 ~~purchased through a casual sale. As personal compensation for services rendered to the~~
 37 ~~Department of Revenue with respect to the collection of such sales and use tax, each such~~
 38 ~~designated tag agent shall be authorized to retain from such collection a fee of \$200.00 per~~
 39 ~~month. In any month in which an insufficient amount of such tax is collected to pay such~~
 40 ~~fee, the amount of any such unpaid fee may be deferred until such month as sufficient~~
 41 ~~collections are made. Such compensation shall be in addition to any other compensation~~
 42 ~~to which such tax collector or tax commissioner is entitled.~~

43 ~~(c)(b)~~ The duties and responsibilities of agents of the commissioner designated under this
 44 Code section shall be a part of the official duties and responsibilities of the county tax
 45 collectors and tax commissioners."

46 SECTION 2.

47 Said title is further amended by adding a new Code section to read as follows:

48 "40-2-25.1.

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

50 (1) 'Fair market value of a motor vehicle' means:

51 (A) The average of the current fair market value and the current wholesale value of a
 52 motor vehicle for a vehicle listed in the current motor vehicle ad valorem assessment
 53 manual utilized by the state revenue commissioner in determining taxable value of a
 54 motor vehicle under Code Section 48-5-442;

55 (B) For a used motor vehicle which is not so listed in such current motor vehicle ad
 56 valorem assessment manual, the value from the bill of sale or the value from a reputable
 57 used car market guide, whichever is greater; or

58 (C) The fair market value determined by the state revenue commissioner from the bill
 59 of sale of a new motor vehicle less any rebate and before any reduction for the trade-in
 60 value of another motor vehicle.

61 (2) 'Immediate family member' means spouse, parent, children, or sibling.

62 (3) 'Loaner vehicle' means a motor vehicle owned by a dealer which is withdrawn
 63 temporarily from dealer inventory for exclusive use as a courtesy vehicle loaned at no
 64 charge for a period not to exceed 30 days within a calendar year to any one customer
 65 whose motor vehicle is being serviced by such dealer.

66 (4) 'Rental charge' means the total value received by a rental motor vehicle concern for
 67 the rental for 31 or fewer consecutive days of a rental motor vehicle, including the total
 68 cash and nonmonetary consideration for the rental, including, but not limited to, charges
 69 based on time or mileage and charges for insurance coverage or collision damage waiver,
 70 but excluding all charges for motor fuel taxes or sales taxes.

71 (5) 'Rental motor vehicle' means a motor vehicle designed to carry ten or fewer
 72 passengers and used primarily for the transportation of persons that is rented without a
 73 driver.

74 (6) 'Trade-in value' means the value of the motor vehicle as stated in the bill of sale for
 75 a vehicle which has been traded in to the dealer in a transaction involving the purchase
 76 of another vehicle from the dealer.

77 (b)(1)(A) Except as otherwise provided in this subsection, any motor vehicle for which
 78 a title is issued in this state on or after January 1, 2011, shall be exempt from sales tax
 79 to the extent provided under paragraph (90) of Code Section 48-8-3 and shall not be
 80 subject to ad valorem tax as otherwise required under Chapter 5 of Title 48. Any such
 81 motor vehicle shall be titled as otherwise required under this title but shall be subject
 82 to a state title fee in the amount equal to 3.24 percent of the fair market value of such
 83 vehicle less any trade-in value and a local title fee in the amount equal to 3.51 percent
 84 of the fair market value of such vehicle less any trade-in value.

85 (B) A title fee shall be paid to the county in which the purchaser registers such motor
 86 vehicle.

87 (C) There shall be a penalty imposed on any person who, in the determination of the
 88 state revenue commissioner, falsifies any information in any bill of sale used for
 89 purposes of determining fair market value. Such penalty shall not exceed \$2,500.00 as
 90 a state penalty and shall not exceed \$2,500.00 as a local penalty as determined by the
 91 state revenue commissioner. Such determination shall be made within 60 days of the
 92 state revenue commissioner receiving information of a possible violation of this
 93 paragraph.

94 (2) A person or entity acquiring a salvage title pursuant to subsection (b) of Code
 95 Section 40-3-36 shall not be subject to the fee specified in paragraph (1) of this
 96 subsection but shall be subject to a state title fee of \$10.00 and a local title fee of \$10.00.

97 (3)(A) Upon the death of an owner of a motor vehicle which has not become subject
 98 to paragraph (1) of this subsection, the immediate family member or immediate family

99 members of such owner who receive such motor vehicle pursuant to a will or under the
100 rules of inheritance shall, subsequent to the transfer of title of such motor vehicle,
101 continue to be subject to ad valorem tax and shall not be subject to the state and local
102 title fees provided for in paragraph (1) of this subsection unless the immediate family
103 member or immediate family members make an affirmative written election to become
104 subject to paragraph (1) of this subsection. In the event of such election, such transfer
105 shall be subject to the state and local title fees provided for in paragraph (1) of this
106 subsection.

107 (B) Upon the death of an owner of a motor vehicle which has become subject to
108 paragraph (1) of this subsection, the immediate family member or immediate family
109 members of such owner who receive such motor vehicle pursuant to a will or under the
110 rules of inheritance shall be allowed a one-time exemption from state and local titles
111 fee upon payment in lieu thereof of a \$25.00 state administrative fee and a \$25.00 local
112 administrative fee.

113 (4)(A) Upon the transfer from an immediate family member of a motor vehicle which
114 has not become subject to paragraph (1) of this subsection, the immediate family
115 member or immediate family members who receive such motor vehicle shall,
116 subsequent to the transfer of title of such motor vehicle, continue to be subject to ad
117 valorem tax and shall not be subject to the state and local title fees provided for in
118 paragraph (1) of this subsection unless the immediate family member or immediate
119 family members make an affirmative written election to become subject to paragraph
120 (1) of this subsection. In the event of such election, such transfer shall be subject to the
121 state and local title fees provided for in paragraph (1) of this subsection.

122 (B) Upon the transfer from an immediate family member of a motor vehicle which has
123 become subject to paragraph (1) of this subsection, the immediate family member who
124 receives such motor vehicle shall transfer title of such motor vehicle to such recipient
125 family member and shall be allowed a one-time exemption from state and local titles
126 fee upon payment in lieu thereof of a \$25.00 state administrative fee and a \$25.00 local
127 administrative fee.

128 (C) Any title transfer under this paragraph shall be accompanied by an affidavit of the
129 transferor and transferee that such persons are immediate family members to one
130 another. There shall be a penalty imposed on any person who, in the determination of
131 the state revenue commissioner, falsifies any material information in such affidavit.
132 Such penalty shall not exceed \$2,500.00 as a state penalty and shall not exceed
133 \$2,500.00 as a local penalty as determined by the state revenue commissioner. Such
134 determination shall be made within 60 days of the state revenue commissioner
135 receiving information of a possible violation of this paragraph.

- 136 (5) Any individual who:
- 137 (A) Is required by law to register a motor vehicle or motor vehicles in this state which
- 138 were registered in the state in which such person formerly resided; and
- 139 (B) Is required to file an application for a certificate of title under Code
- 140 Section 40-3-21 or 40-3-32
- 141 shall only be required to pay state and local title fees in the amount of 50 percent of the
- 142 amount which would otherwise be due and payable under this subsection at the time of
- 143 filing the application for a certificate of title, and the remaining 50 percent shall be paid
- 144 within 12 months.
- 145 (6) The state and local title fees provided for under this Code section shall not apply to
- 146 corrected titles, replacement titles under Code Section 40-3-31, or titles reissued to the
- 147 same owner which reflect satisfaction of liens.
- 148 (7) Any motor vehicle subject to state and local title fees under this subsection shall
- 149 continue to be subject to the title, tag, revalidation decal, and registration requirements
- 150 and applicable fees as otherwise provided in this title in the same manner as motor
- 151 vehicles which are not subject to state and local title fees under this subsection.
- 152 (8) Motor vehicles owned or leased by or to the state or any county, consolidated
- 153 government, municipality, county or independent school district, or other government
- 154 entity in this state shall not be subject to the state and local title fees provided for under
- 155 this subsection; provided, however, that such other government entity shall not qualify
- 156 for the exclusion under this paragraph unless it is exempt from ad valorem tax and sales
- 157 and use tax pursuant to general law.
- 158 (9)(A) Any motor vehicle which is exempt from sales and use tax pursuant to
- 159 paragraph (30) of Code Section 48-8-3 shall be exempt from state and local title fees
- 160 under this subsection.
- 161 (B) Any motor vehicle which is exempt from ad valorem taxation pursuant to Code
- 162 Section 48-5-478, 48-5-478.1, or 48-5-478.2 shall be exempt from state and local title
- 163 fees under this subsection.
- 164 (10) There shall be a penalty imposed on the transfer of all or any part of the interest in
- 165 a business entity, which interest includes primarily as an asset of such business entity one
- 166 or more motor vehicles, when, in the determination of the state revenue commissioner,
- 167 such transfer is done to evade the payment of state and local title fees under this
- 168 subsection. Such penalty shall not exceed \$2,500.00 as a state penalty per motor vehicle
- 169 and shall not exceed \$2,500.00 as a local penalty per motor vehicle, as determined by the
- 170 state revenue commissioner, plus the amount of the state and local title fees. Such
- 171 determination shall be made within 60 days of the state revenue commissioner receiving
- 172 information that a transfer may be in violation of this paragraph.

173 (11) Any owner of any motor vehicle who fails to submit within 30 days of the date such
 174 owner is required by law to register such vehicle in this state an application for a first
 175 certificate of title under Code Section 40-3-21 or a certificate of title under Code
 176 Section 40-3-32 shall be required to pay a penalty in the amount of 10 percent of the state
 177 title fees and 10 percent of the local title fees required under this Code section, plus
 178 interest at the rate of 1.0 percent per month, unless a temporary permit has been issued
 179 by the tax commissioner. In the event the failure to timely apply for a first certificate of
 180 title is due to the failure of a lienholder to comply with Code Section 40-3-56, regarding
 181 release of a security interest or lien, the tax commissioner shall grant a temporary permit,
 182 and no penalty or interest shall be assessed. Such penalty and interest shall be in addition
 183 to the penalty and fee required under Code Section 40-3-21 or 40-3-32, as applicable. A
 184 new or used motor vehicle dealer shall be responsible for remitting state and local title
 185 fees in the same manner as otherwise required of an owner under this paragraph and shall
 186 be subject to the same penalties and interest as an owner for noncompliance with the
 187 requirements of this paragraph.

188 (12) The owner of any motor vehicle purchased in this state for which a title was issued
 189 in this state on or after January 1, 2010, and prior to January 1, 2011, shall be authorized
 190 to opt in to the provisions of this subsection at any time prior to January 1, 2012, upon
 191 compliance with the following requirements:

192 (A) The total amount of state and local title fees which would be due in 2011 if such
 193 vehicle had been titled in 2011 shall be determined;

194 (B) The total amount of state and local sales and use tax and state and local ad valorem
 195 tax which were due and paid in 2010 with respect to that motor vehicle and, if
 196 applicable, the total amount of such taxes which were due and paid with respect to that
 197 motor vehicle in 2011 shall be determined;

198 (C) If the amount derived under subparagraph (A) of this paragraph is greater than the
 199 amount derived under subparagraph (B) of this paragraph, the owner shall remit the
 200 difference to the tag agent. Such remittance shall be deemed local title fee proceeds;
 201 or

202 (D) If the amount derived under subparagraph (A) of this paragraph is less than the
 203 amount derived under subparagraph (B) of this paragraph, no additional amount shall
 204 be due and payable by the owner.

205 Upon certification by the tag agent of compliance with the requirements of this
 206 paragraph, such motor vehicle shall be exempt from sales tax to the extent provided for
 207 under paragraph (90) of Code Section 48-8-3 and shall not be subject to ad valorem tax
 208 as otherwise required under Chapter 5 of Title 48 in the same manner as otherwise
 209 provided in paragraph (1) of this subsection.

210 (13)(A) In the case of a fleet of 50 or fewer rental motor vehicles, the state title fee
 211 shall be \$100.00 per motor vehicle, and the local title fee shall be \$150.00 per motor
 212 vehicle, but only if in the immediately prior calendar year the average amount of sales
 213 and use tax attributable to the rental charge of each rental motor vehicle in such fleet
 214 was at least \$300.00 as certified by the state revenue commissioner.

215 (B) In the case of a fleet of more than 50 rental motor vehicles, the state title fee shall
 216 be \$140.00 per motor vehicle, and the local title fee shall be \$210.00 per motor vehicle,
 217 but only if in the immediately prior calendar year the average amount of sales and use
 218 tax attributable to the rental charge of each rental motor vehicle in such fleet was at
 219 least \$400.00 as certified by the state revenue commissioner. A loaner vehicle shall be
 220 exempt from state and local title fees under this subsection for a period of time not to
 221 exceed six months in a calendar year commencing on the date such loaner vehicle is
 222 withdrawn temporarily from inventory. Immediately upon the expiration of such
 223 six-month period, if the dealer does not return the loaner vehicle to inventory for resale,
 224 the dealer shall be responsible for remitting state and local title fees in the same manner
 225 as otherwise required of an owner under paragraph (11) of this subsection and shall be
 226 subject to the same penalties and interest as an owner for noncompliance with the
 227 requirements of paragraph (11) of this subsection.

228 (14) Any motor vehicle which is donated to and titled in the name of a nonprofit
 229 organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code
 230 for the purpose of being transferred to another person shall be exempt from state and
 231 local title fees.

232 (c)(1) The amount of proceeds collected by tag agents each month as state and local title
 233 fees, state and local salvage title fees, administrative fees, penalties, and interest pursuant
 234 to subsection (b) of this Code section shall be allocated and disbursed as provided in this
 235 subsection.

236 (2)(A) For the 2011 tax year and in each subsequent tax year, the amount of such funds
 237 shall be disbursed within 30 days following the end of each calendar month as follows:

238 (i) State title fees, state salvage title fees, administrative fees, penalties, and interest
 239 shall be remitted to the state revenue commissioner who shall deposit such proceeds
 240 in the general fund of the state less an amount not to exceed 1 percent of the total
 241 amount otherwise required to be remitted under this subparagraph to defray the cost
 242 of administration. Such amount shall be remitted to the county general fund. Failure
 243 to disburse within such 30 day period shall result in a forfeiture of such administrative
 244 fee plus interest on such amount at the rate specified in Code Section 48-2-40; and

245 (ii) Local title fees, local salvage title fees, administrative fees, penalties, and interest
 246 shall be designated as local government funds. The tag agent shall then distribute the
 247 proceeds as specified in paragraph (3) of this subsection.

248 (B) For the 2012 tax year and in each subsequent tax year:

249 (i) The percentage figure specified in subparagraph (b)(1)(A) of this Code section
 250 shall decrease annually by 0.135 percent until the state title fee shall be in an amount
 251 equal to 2.7 percent of the fair market value of such vehicle less any trade-in value;
 252 and

253 (ii) The percentage figure specified in subparagraph (b)(1)(B) of this Code section
 254 shall increase annually by 0.135 percent until the local title fee shall be in an amount
 255 equal 4.05 percent of the fair market value of such vehicle less any trade-in value.

256 (3) The distribution of local title fee proceeds required under this subsection shall be in
 257 accordance with the following:

258 (A) The tag agent of the county shall within 30 days following the end of each calendar
 259 month allocate and distribute to the county governing authority and to municipal
 260 governing authorities, the board of education of the county school district, and the
 261 board of education of any independent school district located in such county an amount
 262 of those proceeds necessary to offset any reduction in ad valorem tax on motor vehicles
 263 collected in the taxing jurisdiction of each governing authority and school district from
 264 the amount of ad valorem taxes on motor vehicles collected in each such governing
 265 authority and school district during the same calendar month of 2010. This reduction
 266 shall be calculated by subtracting the amount of ad valorem tax on motor vehicles
 267 collected in each such taxing jurisdiction from the amount of ad valorem tax on motor
 268 vehicles collected in that taxing jurisdiction in the same calendar month of 2010. In the
 269 event that the local title fee proceeds are insufficient to fully offset the reduction in ad
 270 valorem taxes on motor vehicles, the tag agent shall allocate a proportionate amount of
 271 the proceeds to each governing authority and to the board of education of each such
 272 school district, and any remaining shortfall shall be paid from the following month's
 273 local title fee proceeds. In the event that a shortfall remains, the tag agent shall
 274 continue to first allocate local title fee proceeds to offset such shortfalls until the
 275 shortfall has been fully repaid; and

276 (B) Of the proceeds remaining following the allocation and distribution under
 277 subparagraph (A) of this paragraph, the tag agent shall allocate and distribute to the
 278 county governing authority and to municipal governing authorities, the board of
 279 education of the county school district, and the board of education of any independent
 280 school district located in such county the remaining amount of those proceeds in the
 281 manner provided in this subparagraph. Such proceeds shall be deposited in the general

282 fund of such governing authority or board of education and shall not be subject to any
 283 use or expenditure requirements provided for under any of the following described local
 284 sales and use taxes but shall be authorized to be expended in the same manner as
 285 authorized for ad valorem tax revenues on motor vehicles which would otherwise have
 286 been collected for such governing authority or board of education. Of such remaining
 287 proceeds:

288 (i) An amount equal to one-third of such proceeds shall be distributed to the board
 289 of education of the county school district and the board of education of each
 290 independent school district located in such county in the same manner as required for
 291 any local sales tax for educational purposes levied pursuant to Part 2 of Article 3 of
 292 Chapter 8 of Title 48 currently in effect. If such tax is not currently in effect, such
 293 proceeds shall be distributed to such board or boards of education in the same manner
 294 as if such tax were in effect;

295 (ii)(I) Except as otherwise provided in this division, an amount equal to one-third
 296 of such proceeds shall be distributed to the governing authority of the county and
 297 the governing authority of each qualified municipality located in such county in the
 298 same manner as specified under the distribution certificate for the joint county and
 299 municipal sales and use tax under Article 2 of Chapter 8 of Title 48 currently in
 300 effect.

301 (II) If such tax were never in effect, such proceeds shall be distributed to the
 302 governing authority of the county and the governing authority of each qualified
 303 municipality located in such county on a pro rata basis according to the ratio of the
 304 population that each such municipality bears to the population of the entire county.

305 (III) If such tax is currently in effect as well as a local option sales and use tax for
 306 educational purposes levied pursuant to a local constitutional amendment, an
 307 amount equal to one-third of such proceeds shall be distributed in the same manner
 308 as required under subdivision (I) of division (ii) of this subparagraph and an amount
 309 equal to one-third of such proceeds shall be distributed to the board of education of
 310 the county school district.

311 (IV) If such tax is not currently in effect and a local option sales and use tax for
 312 educational purposes levied pursuant to a local constitutional amendment is
 313 currently in effect, such proceeds shall be distributed to the board of education of
 314 the county school district and the board of education of any independent school
 315 district in the same manner as required under that local constitutional amendment.

316 (V) If such tax is not currently in effect and a homestead option sales and use tax
 317 under Article 2A of Chapter 8 of Title 48 is in effect, such proceeds shall be
 318 distributed to the governing authority of the county, each qualified municipality, and

319 each existing municipality in the same proportion as otherwise required under Code
320 Section 48-8-104; and
321 (iii)(I) An amount equal to one-third of such proceeds shall be distributed to the
322 governing authority of the county and the governing authority of each qualified
323 municipality located in such county in the same manner as specified under an
324 intergovernmental agreement or as otherwise required under the county special
325 purpose local option sales and use tax under Part 1 of Article 3 of Chapter 8 of
326 Title 48 currently in effect; provided, however, that this subdivision shall not apply
327 if subdivision (III) of division (ii) of this subparagraph is applicable.
328 (II) If such tax were in effect but expired and is not currently in effect, such
329 proceeds shall be distributed to the governing authority of the county and the
330 governing authority of each qualified municipality located in such county in the
331 same manner as if such tax were still in effect according to the intergovernmental
332 agreement or as otherwise required under the county special purpose local sales and
333 use tax under Part 1 of Article 3 of Chapter 8 of Title 48 for the 12 month period
334 commencing at the expiration of such tax. If such tax is not renewed prior to the
335 expiration of such 12 month period, such amount shall be distributed in accordance
336 with subdivision (I) of division (ii) of this subparagraph; provided, however, that if
337 a tax under Article 2 of Chapter 8 of Title 48 is not in effect, such amount shall be
338 distributed in accordance with subdivision (II) of division (ii) of this subparagraph.
339 (III) If such tax is not currently in effect in a county in which a tax is levied for
340 purposes of a metropolitan area system of public transportation, as authorized by the
341 amendment to the Constitution set out at Ga. L. 1964, p. 1008; the continuation of
342 such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution;
343 and the laws enacted pursuant to such constitutional amendment, such proceeds
344 shall be distributed to the governing body of the authority created by local Act to
345 operate such metropolitan area system of public transportation.
346 (IV) If such tax were never in effect, such proceeds shall be distributed in the same
347 manner as specified under the distribution certificate for the joint county and
348 municipal sales and use tax under Article 2 of Chapter 8 of Title 48 currently in
349 effect; provided, however, that if such tax under such article is not in effect, such
350 proceeds shall be distributed to the governing authority of the county and the
351 governing authority of each qualified municipality located in such county on a pro
352 rata basis according to the ratio of the population that each such municipality bears
353 to the population of the entire county.

354 (d) The fair market value of any motor vehicle subject to this Code section shall be
 355 appealable in the same manner as otherwise authorized for a motor vehicle subject to ad
 356 valorem taxation under Chapter 5 of Title 48.

357 (e)(1) As soon as practicable after the end of each fiscal year, the Office of Treasury and
 358 Fiscal Services shall report to the General Assembly, the Office of Planning and Budget,
 359 and the Georgia Trauma Care Network Commission the amount of funds remitted to the
 360 state for deposit in the general fund pursuant to this Code section from state title fees.

361 (2) It is the intent of the General Assembly that such funds be allocated as follows:

362 (A) For each fiscal year, an amount equal to 105 percent of the amount of state sales
 363 and use taxes received by the state on the sale of motor vehicles in 2010 shall be used
 364 for general appropriations;

365 (B) Subject to appropriation, an amount of those funds in excess of the amount
 366 provided in subparagraph (A) of this paragraph, if any, not to exceed the greater of
 367 \$150 million or an amount equal to the aggregate of \$50.00 for each title for which a
 368 state title fee was collected under subsection (b) of this Code section in the immediately
 369 preceding fiscal year shall be made available during the following fiscal year to the
 370 Georgia Trauma Trust Fund for use of the Georgia Trauma Care Network Commission
 371 for the purposes set forth in Code Section 31-11-102; and

372 (C) For each fiscal year, all funds in excess of the amounts provided in subparagraphs
 373 (A) and (B) of this paragraph, if any, shall be used for general appropriations.

374 (f) As soon as practicable on or after January 1, 2015, a committee shall be appointed
 375 pursuant to this subsection. The committee shall be composed of eight members. The
 376 Speaker of the House of Representatives shall appoint two members of the House of
 377 Representatives as members of the committee and shall designate one of such members as
 378 cochairperson. The Speaker of the House of Representatives shall also appoint an
 379 additional member of the committee who shall be an elected member of the governing
 380 authority of a county or municipality. The President of the Senate shall appoint two
 381 members of the Senate as members of the committee and shall designate one of such
 382 members as cochairperson. The President of the Senate shall also appoint an additional
 383 member of the committee who shall be an elected member of the governing authority of
 384 a county or municipality. The Governor shall appoint two members of the committee who
 385 shall be citizens of this state. The cochairpersons shall call all meetings of the committee.
 386 The committee shall undertake a study of the revenues generated pursuant to this Code
 387 section in comparison to the estimated revenues which would have been generated in the
 388 absence of this Code section and shall examine the equity of the amount of state and local
 389 title fees as well as any other substantive or procedural matters and recommend any action
 390 or legislation which the committee deems necessary or appropriate. The department shall

391 provide data to the committee upon request by the committee regarding the revenues
 392 generated by this Code section. The committee may conduct such meetings at such places
 393 and at such times as it may deem necessary or convenient to enable it to exercise fully and
 394 effectively its powers, perform its duties, and accomplish the objectives and purposes of
 395 this subsection. The legislative members of the committee shall receive the allowances
 396 provided for in Code Section 28-1-8. Citizen members shall receive a daily expense
 397 allowance in the amount specified in subsection (b) of Code Section 45-7-21 as well as the
 398 mileage or transportation allowance authorized for state employees. All other funds
 399 necessary to carry out the provisions of this subsection regarding legislative members of
 400 the committee shall come from funds appropriated to the House of Representatives and the
 401 Senate. The expenses and allowances authorized by this subsection shall not be received
 402 by any member of the committee for more than five days unless additional days are
 403 authorized. In the event the committee makes a report of its findings and recommendations,
 404 with suggestions for proposed legislation, if any, such report shall be made on or before
 405 December 31, 2015. The committee shall stand abolished on December 31, 2015."

406

SECTION 3.

407 Title 48 of Official Code of Georgia Annotated, relating to revenue and taxation, is amended
 408 by revising Code Section 48-5-441, relating to classification of motor vehicles and mobile
 409 homes as separate classes of tangible property for ad valorem tax purposes, as follows:

410 "48-5-441.

411 (a)(1) For the purposes of ad valorem taxation, motor vehicles ~~are~~ shall be classified as
 412 a separate and distinct class of tangible property. Such class of tangible property shall
 413 be divided into two distinct and separate subclasses of tangible property with one
 414 subclass including heavy-duty equipment motor vehicles as defined in Code
 415 Section 48-5-505 and the other subclass including all other motor vehicles. The
 416 procedures prescribed by this article for returning motor vehicles, excluding heavy-duty
 417 equipment motor vehicles as defined in Code Section 48-5-505, for taxation, determining
 418 the applicable rates for taxation, and collecting the ad valorem tax imposed on motor
 419 vehicles shall be exclusive.

420 (2) This subsection shall not apply to motor vehicles subject to Code Section 48-5-441.1.

421 (b) For the purposes of ad valorem taxation, mobile homes ~~are~~ shall be classified as a
 422 separate and distinct class of tangible property. The procedures prescribed by this article
 423 for returning mobile homes for taxation, determining the applicable rates for taxation, and
 424 collecting the ad valorem tax imposed on mobile homes shall be exclusive.

425 (c)(1) For the purposes of ad valorem taxation, commercial vehicles ~~are~~ shall be
 426 classified as a separate and distinct class of tangible property. The procedures prescribed

427 by this article for returning commercial vehicles for taxation and for determining the
 428 valuation of commercial vehicles shall be exclusive and as provided for in Code
 429 Section 48-5-442.1. All other procedures prescribed by this article for the taxation of
 430 motor vehicles shall be applicable to the taxation of commercial vehicles.

431 (2) This subsection shall not apply to motor vehicles subject to Code
 432 Section 48-5-441.1."

433 **SECTION 4.**

434 Said title is further amended by adding a new Code section to read as follows:

435 "48-5-441.1.

436 Motor vehicles subject to the provisions of Code Section 40-2-25.1 shall be classified as
 437 a separate and distinct class of tangible property and shall be exempt from all ad valorem
 438 taxation."

439 **SECTION 5.**

440 Said title is further amended in Code Section 48-8-3, relating to exemptions from sales and
 441 use tax, by replacing "; or" with a semicolon at the end of paragraph (88), replacing the
 442 period at the end of paragraph (89) with "; or", and by adding a new paragraph to read as
 443 follows:

444 "(90) The sale or purchase of any motor vehicle titled in this state on or after January 1,
 445 2011, pursuant to Code Section 40-2-25.1."

446 **SECTION 6.**

447 (a) This Act shall become effective on January 1, 2011.

448 (b) Tax, penalty, and interest liabilities and refund eligibility for prior taxable years shall
 449 not be affected by the passage of this Act and shall continue to be governed by the
 450 provisions of general law as it existed immediately prior to January 1, 2011.

451 (c) This Act shall not abate any prosecution, punishment, penalty, administrative
 452 proceedings or remedies, or civil action related to any violation of law committed prior to
 453 January 1, 2011.

454 **SECTION 7.**

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