

House Bill 150 (COMMITTEE SUBSTITUTE)

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

A BILL TO BE ENTITLED
AN ACT

To amend Code Sections 32-10-64 and 48-7-161 of the Official Code of Georgia Annotated, relating to general toll powers, police powers, and rules and regulations of the State Road and Tollway Authority and definitions relative to setoff debt collection by the Department of Revenue, respectively, so as to provide for setoff of debt owed on unpaid toll violations from tax refunds by the Department of Revenue; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

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

SECTION 2.

Code Section 48-7-161, relating to definitions relative to setoff debt collection by the Department of Revenue, is amended by revising paragraph (1) as follows:

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

- (A) The Department of Human Services and the Department of Behavioral Health and Developmental Disabilities with respect to collection of debts under Article 1 of Chapter 11 of Title 19, Code Section 49-4-15, and Chapter 9 of Title 37;
- (B) The Georgia Student Finance Authority with respect to the collection of debts arising under Part 3 of Article 7 of Chapter 3 of Title 20;

(C) The Georgia Higher Education Assistance Corporation with respect to the collection of debts arising under Part 2 of Article 7 of Chapter 3 of Title 20;

(D) The Georgia Board for Physician Workforce with respect to the collection of debts arising under Part 6 of Article 7 of Chapter 3 of Title 20;

(E) The Department of Labor with respect to the collection of debts arising under Code Sections 34-8-254 and 34-8-255 and Article 5 of Chapter 8 of Title 34, with the exception of Code Sections 34-8-158 through 34-8-161; provided, however, that the Department of Labor establishes that the debtor has been afforded required due process rights by such Department of Labor with respect to the debt and all reasonable collection efforts have been exhausted;

(F) The Department of Community Supervision with respect to probation fees arising under Code Section 42-8-34 and restitution or reparation ordered by a court as a part of the sentence imposed on a person convicted of a crime who is in the legal custody of the Department of Corrections or the Department of Community Supervision;

(G) The Department of Juvenile Justice with respect to restitution imposed on a juvenile for a delinquent act which would constitute a crime if committed by an adult; ~~and~~

(H) The Georgia Lottery Corporation with respect to proceeds arising under Code Section 50-27-21; and

(I) The State Road and Tollway Authority with respect to collection of amounts determined by the Office of State Administrative Hearings as due and payable for violations of subsection (c) of Code Section 32-10-64."

SECTION 3.

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