

House Bill 106 (COMMITTEE SUBSTITUTE)

By: Representatives Roberts of the 155th, Burns of the 159th, McCall of the 33rd, and Cooke of the 18th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges,
2 and ferries, so as to revise what constitutes part of the state highway system; to provide for
3 the appropriation of funds to the Department of Transportation; to provide for notice in the
4 disposition of property; to provide for the determination of market value of property acquired
5 by the department; to provide for the procedure for the sale of property when the right of
6 acquisition is not exercised; to provide for the implementation of the federal Public
7 Transportation Safety Program; to amend Title 40 of the Official Code of Georgia Annotated,
8 relating to motor vehicles and traffic, so as to provide for submission of electronic accident
9 reports by law enforcement agencies; to provide for related matters; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
14 is amended by revising Code Section 32-4-20, relating to the composition of the state
15 highway system, as follows:

16 "32-4-20.

17 The state highway system shall consist of an integrated network of arterials and of other
18 public roads or bypasses serving as the major collectors therefor. No public road shall be
19 designated as a part of the state highway system unless it meets at least one of the
20 following requirements:

21 (1) Serves trips of substantial length and duration indicative of regional, state-wide, or
22 interstate importance;

23 (2) Connects adjoining county seats;

24 (3) Connects urban or regional areas with outlying areas, both intrastate and interstate;

25 or

- 26 (4) Serves as part of the principal collector network for the state-wide and interstate
 27 arterial public road system; ~~or~~
 28 (5) ~~Serves as part of a programmed road improvement project plan in which the~~
 29 ~~department will utilize state or federal funds for the acquisition of rights of way."~~

30 SECTION 2.

31 Said title is further amended by revising Code Section 32-5-2, relating to the appropriation
 32 of funds to the Department of Transportation, as follows:

33 "32-5-2.

34 All federal funds received by the state treasurer under Code Section 32-5-1 are continually
 35 appropriated to the department for the purpose specified in the grants of such funds except
 36 as such funds may be directed by the federal government to the State Road and Tollway
 37 Authority, ~~provided that no federal funds or funds appropriated to the department shall be~~
 38 ~~expended for procurement of rights of way for a road to be constructed on a county road~~
 39 ~~system except as otherwise provided by law or by agreement between the federal~~
 40 ~~government and the department."~~

41 SECTION 3.

42 Said title is further amended by revising Code Section 32-7-4, relating to procedure for the
 43 disposition of property by the Department of Transportation, as follows:

44 "32-7-4.

45 (a)(1) In disposing of property, as authorized under Code Section 32-7-3, the department,
 46 a county, or a municipality, provided that such department, county, or municipality has
 47 held title to the property for no more than 30 years, shall notify the owner of such
 48 property at the time of its acquisition or, if the tract from which the department, a county,
 49 or a municipality acquired its property has been subsequently sold, shall notify the owner
 50 of abutting land holding title through the owner from whom the department, a county, or
 51 a municipality acquired its property. The notice shall be in writing delivered to the
 52 appropriate owner or by publication if his or her address is unknown; and he or she shall
 53 have the right to acquire, as provided in this subsection, the property with respect to
 54 which the notice is given. Publication, if necessary, shall be in a newspaper of general
 55 circulation in the county where the property is located. If, after a search of the ~~land and~~
 56 ~~probate~~ available public records, the address of any interested party cannot be found, ~~an~~
 57 ~~affidavit stating such a record of the~~ facts and reciting the steps taken to establish the
 58 address of any such person shall be placed in the department, county, or municipal
 59 records and shall be accepted in lieu of service of notice by mailing the same to the last
 60 known address of such person. After properly completing and ~~filing such affidavit~~

61 documenting the search, the department, county, or municipality may dispose of the
62 property in accordance with the provisions of subsection (b) of this Code section.

63 (2)(A) When an entire parcel acquired by the department, a county, or a municipality,
64 or any interest therein, is being disposed of, it may be acquired under the right created
65 in paragraph (1) of this subsection at such price as may be agreed upon, but in no event
66 less than the price paid for its acquisition. When only remnants or portions of the
67 original acquisition are being disposed of, they may be acquired for the market value
68 thereof at the time the department, county, or municipality decides the property is no
69 longer needed. The department shall use a real estate appraiser with knowledge of the
70 local real estate market who is licensed in Georgia ~~and not an employee of the~~
71 ~~department~~ to establish the fair market value of the property prior to listing such
72 property.

73 (B) The provisions of subparagraph (A) of this paragraph notwithstanding, if the value
74 of the property is ~~\$30,000.00~~ \$75,000.00 or less as determined by department estimate,
75 the department, county, or municipality may negotiate the sale.

76 (3) If the right of acquisition is not exercised within ~~60~~ 30 days after due notice, the
77 department, county, or municipality may proceed to sell such property as provided in
78 subsection (b) of this Code section.

79 (4) When the department, county, or municipality in good faith and with reasonable
80 diligence attempted to ascertain the identity of persons entitled to notice under this Code
81 section and mailed such notice to the last known address of record of those persons or
82 otherwise complied with the notification requirements of this Code section, the failure
83 to in fact notify those persons entitled thereto shall not invalidate any subsequent
84 disposition of property pursuant to this Code section.

85 (b)(1)(A) Unless a sale of the property is made pursuant to paragraph (2) or (3) of this
86 subsection, such sale shall be made to the bidder submitting the highest of the sealed
87 bids received after public advertisement for such bids for two weeks. If the highest of
88 the sealed bids received is less than but within 15 percent of the established market
89 value, the department may accept that bid and convey the property in accordance with
90 the provisions of subsection (c) of this Code section. The department or the county or
91 municipality shall have the right to reject any and all bids, in its discretion, to
92 readvertise, or to abandon the sale.

93 (B) Such public advertisement shall be inserted once a week in such newspapers or
94 other publication, or both, as will ensure adequate publicity, the first insertion to be at
95 least two weeks prior to the opening of bids, the second to follow one week after the
96 first publication. Such advertisement shall include but not be limited to the following
97 items:

- 98 (i) A description sufficient to enable the public to identify the property;
 99 (ii) The time and place for submission and opening of sealed bids;
 100 (iii) The right of the department or the county or municipality to reject any one or all
 101 of the bids;
 102 (iv) All the conditions of sale; and
 103 (v) Such further information as the department or the county or municipality may
 104 deem advisable as in the public interest.

105 (2)(A) Such sale of property may be made by the department or a county or
 106 municipality by listing the property through a real estate broker licensed under Chapter
 107 40 of Title 43 who has a place of business located in the county where the property is
 108 located or outside the county if no such business is located in the county where the
 109 property is located. Property shall be listed for a period of at least three months. Such
 110 property shall not be sold at less than its fair market value. The department shall use
 111 a real estate appraiser with knowledge of the local real estate market who is licensed
 112 in Georgia ~~and not an employee of the department~~ to establish the fair market value of
 113 the property prior to listing such property. All sales shall be approved by the
 114 commissioner on behalf of the department or shall be approved by the governing
 115 authority of the county or municipality at a regular meeting ~~and that shall be open to the~~
 116 ~~public at which meeting,~~ and public comments shall be allowed at such meeting
 117 regarding such sale.

118 (B) Commencing at the time of the listing of the property as provided in subparagraph
 119 (A) of this paragraph, the department, county, or municipality shall provide for a notice
 120 to be inserted once a week for two weeks in the legal organ of the county indicating the
 121 names of real estate brokers listing the property for the political subdivision. The
 122 department, county, or municipality may advertise in magazines relating to the sale of
 123 real estate or similar publications.

124 (C) The department, county, or municipality shall have the right to reject any and all
 125 offers, in its discretion, and to sell such property pursuant to the provisions of paragraph
 126 (1) of this subsection.

127 (3)(A) Such sale of property may be made by the department, a county, or a
 128 municipality to the highest bidder at a public auction conducted by an auctioneer
 129 licensed under Chapter 6 of Title 43. Such property shall not be sold at less than its fair
 130 market value.

131 (B) The department, county, or municipality shall provide for a notice to be inserted
 132 once a week for the two weeks immediately preceding the auction in the legal organ of
 133 the county including, at a minimum, the following items:

- 134 (i) A description sufficient to enable the public to identify the property;

- 135 (ii) The time and place of the public auction;
- 136 (iii) The right of the department or the county or municipality to reject any one or all
137 of the bids;
- 138 (iv) All the conditions of sale; and
- 139 (v) Such further information as the department or the county or municipality may
140 deem advisable as in the public interest.
- 141 The department, county, or municipality may advertise in magazines relating to the sale
142 of real estate or similar publications.
- 143 (C) The department, county, or municipality shall have the right to reject any and all
144 offers, in its discretion, and to sell such property pursuant to the provisions of paragraph
145 (1) or (2) of this subsection.
- 146 (c) Any conveyance of property shall require the approval of the department, county, or
147 municipality, by ~~order~~ approval of the commissioner on behalf of the department and, in
148 the case of a county or municipality, by resolution, to be recorded in the minutes of its
149 meeting. If the department or the county or municipality approves a sale of property, the
150 commissioner, chairperson, or presiding officer may execute a quitclaim deed conveying
151 such property to the purchaser. All proceeds arising from such sales shall be paid into and
152 constitute a part of the funds of the seller."

153 **SECTION 4.**

154 Said title is further amended in Code Section 32-9-10, relating to the implementation of the
155 federal Intermodal Surface Transportation Efficiency Act of 1991, by revising subsection (a)
156 and adding new subsections to read as follows:

157 "(a) The purpose of this Code section is to implement ~~Section 3029 of Public Law~~
158 ~~102-240, the federal Intermodal Surface Transportation Efficiency Act of 1991, the federal~~
159 Public Transportation Safety Program, 49 U.S.C. Section 5329, referred to in this Code
160 section as the act."

161 "(g) Nothing in this Code section is intended to conflict with any provision of federal law;
162 and, in case of such conflict, such portion of this Code section as may be in conflict with
163 such federal law is declared of no effect to the extent of the conflict.

164 (h) The department is authorized to take the necessary steps to secure the full benefit of the
165 federal-aid program and meet any contingencies not provided for in this Code section,
166 abiding at all times by a fundamental purpose to perform all acts which are necessary,
167 proper, or incidental to the efficient and safe operation and development of the department
168 and the state highway system and of other modes and systems of transportation."

169

SECTION 5.

170 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 171 amended by revising Code Section 40-9-31, relating to the submission of accident reports to
 172 the Department of Driver Services and the Department of Transportation, as follows:

173 "40-9-31.

174 Each state and local law enforcement agency shall submit to the Department of
 175 Transportation the original document of any accident report prepared by such law
 176 enforcement agency or submitted to such agency by a member of the public. If the
 177 Department of Driver Services receives a claim requesting determination of security, the
 178 Department of Transportation shall provide a copy or an electronic copy of any relevant
 179 accident reports to the Department of Driver Services. Any such law enforcement agency
 180 ~~may~~ shall transmit the information contained on the accident report form by electronic
 181 means, provided that the Department of Transportation has first given approval to the
 182 reporting agency for the electronic reporting method utilized. The law enforcement agency
 183 shall retain a copy of each accident report. ~~Any~~ The law enforcement agency ~~that transmits~~
 184 ~~the data by electronic means must~~ shall transmit the data using a nonproprietary
 185 interchangeable electronic format and reporting method. For purposes of this Code section,
 186 the term 'nonproprietary' shall include commonly used report formats. All such reports
 187 shall be submitted to the Department of Transportation not more than ~~15~~ seven days
 188 following the ~~end of the month in~~ date which such report was prepared or received by such
 189 law enforcement agency. The Department of Transportation is authorized to engage the
 190 services of a third party in fulfilling its responsibilities under this Code section."

191

SECTION 6.

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