

The Senate Finance and Public Utilities Committee offered the following substitute to HB 1178:

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used  
2 motor vehicle and used motor vehicle parts dealers, so as to define a term; to change certain  
3 provisions relating to license applications, prerequisites, license fees, renewal, and  
4 supplemental licenses; to exempt "wheels to work" nonprofit organizations from certain  
5 requirements; to repeal conflicting laws; and for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor  
9 vehicle and used motor vehicle parts dealers, is amended in Code Section 43-47-2, relating  
10 to definitions, by adding a new paragraph to read as follows:

11 "(19) 'Wheels to work organization' means any nonprofit organization qualified as a  
12 tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986,  
13 as amended, which facilitates the entry or reentry of low-income or no-income  
14 individuals into gainful employment by providing motor vehicles to such individuals,  
15 which motor vehicles have been obtained by such organization through purchase or  
16 donation."

17 **SECTION 2.**

18 Said chapter is further amended by striking Code Section 43-47-8, relating to license  
19 applications, prerequisites, license fees, renewal, and supplemental licenses, and inserting  
20 in lieu thereof the following:

21 "43-47-8.

22 (a) Applications for a license shall be made to the board, shall contain the information  
23 required by this chapter, and shall be accompanied by the fee prescribed by the board. Each  
24 applicant for a new license shall submit to the board such information as may be required  
25 by the Georgia Crime Information Center and by the Federal Bureau of Investigation,

1 including classifiable sets of fingerprints, an affidavit by the applicant disclosing the date  
2 and nature of any conviction for the violation of any crime involving violence, a used  
3 motor vehicle, illegal drugs, tax evasion, failure to pay taxes, or any crime involving the  
4 illegal use, carrying, possession of a dangerous weapon, or moral turpitude, and such fees  
5 as may be set by the Georgia Crime Information Center and by the Federal Bureau of  
6 Investigation for a records check comparison by the Georgia Crime Information Center and  
7 by the Federal Bureau of Investigation. Application for a license under this chapter shall  
8 constitute consent for performance of a records check comparison.

9 (b) A division under this chapter shall not issue or renew any license unless the applicant  
10 or holder thereof shall show that he or she maintains an established place of business as  
11 defined in Code Section 43-47-2; provided, however, that neither this subsection nor Code  
12 Section 43-47-8.2 shall apply to any wheels to work organization.

13 (c) All licenses issued under this chapter shall be renewable biennially. The divisions may  
14 establish continuing education requirements for license renewals.

15 (d) Each division may require either that within the preceding year the applicant has  
16 attended a training and information seminar approved by the division or that the applicant  
17 has passed a test approved by the division and administered by the division director. Such  
18 seminar or test, if required, shall include, but shall not be limited to, dealer requirements  
19 of this chapter, including books and records to be kept; requirements of the Department of  
20 Motor Vehicle Safety and the Sales and Use Tax Division of the Department of Revenue;  
21 and such other information as in the opinion of the division will promote good business  
22 practices. No seminar shall exceed one day in length.

23 (e) Supplemental licenses shall be issued for each place of business operated or proposed  
24 to be operated by the licensee that is not contiguous to other premises for which a license  
25 is issued.

26 (f) Each application for a license shall also show that the licensee has obtained, or has  
27 applied for, a certificate of registration, Department of Revenue Form ST-2, commonly  
28 known as a sales tax number certificate. The board shall not renew any license unless the  
29 applicant or holder thereof shall show that he or she maintains a certificate of registration,  
30 Department of Revenue Form ST-2, under the laws of this state providing for issuance of  
31 such certificates.

32 (g) Each application for a license shall show that the prospective licensee has or has made  
33 provision for a bond. The required bond shall be executed with a surety company duly  
34 authorized to do business in this state and shall be payable to the Governor for the use and  
35 benefit of any purchaser and vendees or successors in title of any used motor vehicle and  
36 shall be conditioned to pay all loss, damages, and expenses that may be sustained by such

1 purchaser, his or her vendees, or successors in title that may be occasioned by reason of  
2 any misrepresentation, deceptive practice, or unfair practice or by reason of any breach of  
3 warranty as to such used vehicle.

4 (h) The bond shall be in the amount of \$20,000.00 for used car dealers and \$10,000.00 for  
5 used parts dealers and shall be filed, immediately upon the granting of the license, with the  
6 division director by the licensee and shall be approved by the division director as to form  
7 and as to the solvency of the surety. The prospective licensee may file the required bond  
8 with the division director for the division director's approval prior to the granting of a  
9 license.

10 (i) No licensee shall cancel, or cause to be canceled, a bond issued pursuant to this Code  
11 section unless the appropriate division is informed in writing by a certified letter at least  
12 30 days prior to the proposed cancellation.

13 (j) If the surety or licensee cancels the bond and the licensee fails to submit, within ten  
14 days of the effective date of the cancellation, a new bond, the division may revoke his or  
15 her license.

16 (k) Each application for a license shall show that the licensee maintains public liability and  
17 property damage insurance with liability limits of not less than \$50,000.00 per person and  
18 \$100,000.00 per accident, personal insurance liability coverage, and \$25,000.00 property  
19 damage liability coverage. Any licensee under Chapter 6 of this title or wheels to work  
20 organization shall be exempt from the requirements of this subsection.

21 (l) Each division may authorize the division director to issue a license when he or she has  
22 received the bond required by subsections (g) and (h) of this Code section, the proof of  
23 insurance required by subsection (k) of this Code section, and a fingerprint card for  
24 submission to the Georgia Crime Information Center and to the Federal Bureau of  
25 Investigation. Each completed application for a permanent license shall be reviewed by the  
26 appropriate division, which may deny licensure for any good reason under this chapter.  
27 Any other provision of law to the contrary notwithstanding, each applicant for a license  
28 pursuant to the provisions of this Code section shall agree in writing in the application that  
29 if the applicant makes a false statement on the application or if the criminal record check  
30 returned from the Georgia Crime Information Center or from the Federal Bureau of  
31 Investigation reveals a conviction of or an entry of a plea of nolo contendere to a crime  
32 involving the use of violence, a used motor vehicle, or illegal drugs; tax evasion or failure  
33 to pay taxes; any crime involving the illegal use or possession of a dangerous weapon; or  
34 any crime involving moral turpitude, then the division shall be authorized to suspend the  
35 license without a prior hearing. The divisions shall each meet as needed, in their discretion.

The board shall meet at least once each quarter and upon the call of the board chairperson for any special sessions."

### SECTION 3.

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