

Senate Bill 299

By: Senators Hamrick of the 30th and Tolleson of the 18th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to  
2 certificates of title, security interests, and liens, so as to provide for penalties for acts without  
3 proof of fraudulent intent; to provide an effective date; to repeal conflicting laws; and for  
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to certificates of  
8 title, security interests, and liens, is amended by striking Code Section 40-3-90, relating to  
9 felonious acts of fraud, it in its entirety and inserting in lieu thereof the following:

10 "40-3-90.

11 (a) A person who, with fraudulent intent:

12 (1) Alters, forges, or counterfeits a certificate of title;

13 (2) Alters or forges an assignment of a certificate of title or an assignment or release of  
14 a security interest on a certificate of title or a form the commissioner prescribed;

15 (3) Has possession of or uses a certificate of title knowing it to have been altered, forged,  
16 or counterfeited;

17 (4) Uses a false or fictitious name or address or makes a material false statement, or fails  
18 to disclose a security interest, or conceals any other material fact in an application for a  
19 certificate of title;

20 (5) Alters or forges a notice of a transaction concerning a security interest or lien  
21 reflected on the certificate of title as provided by Code Section 40-3-27; or

22 (6) Willfully violates any other provision of this chapter after having previously violated  
23 the same or any other provision of this chapter and having been convicted of that act in  
24 a court of competent jurisdiction

25 shall be guilty of a felony.

- 1 (b) A person who, without fraudulent intent:  
2 (1) Alters, forges, or counterfeits a certificate of title;  
3 (2) Alters or forges an assignment of a certificate of title or an assignment or release of  
4 a security interest on a certificate of title or a form the commissioner prescribed;  
5 (3) Has possession of or uses a certificate of title knowing it to have been altered, forged,  
6 or counterfeited;  
7 (4) Uses a false or fictitious name or address or makes a material false statement, or fails  
8 to disclose a security interest, or conceals any other material fact in an application for a  
9 certificate of title;  
10 (5) Alters or forges a notice of a transaction concerning a security interest or lien  
11 reflected on the certificate of title as provided by Code Section 40-3-27; or  
12 (6) Willfully violates any other provision of this chapter after having previously violated  
13 the same or any other provision of this chapter and having been convicted of that act in  
14 a court of competent jurisdiction  
15 shall be guilty of a misdemeanor of high and aggravated nature."

16 **SECTION 2.**

17 This Act shall become effective upon its approval by the Governor or upon its becoming law  
18 without such approval.

19 **SECTION 3.**

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