

House Bill 171

By: Representative Rice of the 51<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Sections 40-3-36 and 43-43-3 of the Official Code of Georgia Annotated,  
2 relating to certificates of title for scrap motor vehicles, so as to authorize the use of a  
3 statement of the vehicle owner who does not have a valid title upon the sale of such vehicle;  
4 to prescribe conditions for use of the statement; to authorize the Department of Revenue to  
5 promulgate such statement; to provide for related matters; to provide for an effective date;  
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 40-3-36 of the Official Code of Georgia Annotated, relating to cancellation of  
10 certificates of title for scrap motor vehicles, is amended by revising subsections (a) and (b)  
11 as follows:

12 "(a)(1) Any registered owner or authorized agent of a registered owner who in any  
13 manner sells or disposes of any motor vehicle as scrap metal or parts only or who scraps,  
14 dismantles, or demolishes a motor vehicle shall within 72 hours mail or deliver the  
15 certificate of title to the commissioner for cancellation.

16 (2) Notwithstanding any other provision to the contrary, if the owner or authorized agent  
17 of the owner has not obtained a title in his or her name for the vehicle to be transferred,  
18 or has lost the title for the vehicle to be transferred, he or she may sign a statement  
19 swearing that, in addition to the foregoing conditions, the vehicle is worth \$750.00 or less  
20 and is at least 12 model years old. The statement described in this paragraph may be used  
21 only to transfer such a vehicle to a licensed used motor vehicle parts dealer under Code  
22 Section 43-47-7 or scrap metal processor under Code Section 43-43-1. The department  
23 shall promulgate a form for the statement which shall include, but not be limited to:

24 (A) A statement that the vehicle shall never be titled again; it must be dismantled or  
25 scrapped;

1 (B) A description of the vehicle including the year, make, model, vehicle identification  
 2 number, and color;

3 (C) The name, address, and driver's license number of the owner;

4 (D) A certification that the owner:

5 (i) Never obtained a title to the vehicle in his or her name; or

6 (ii) Was issued a title for the vehicle, but the title was lost or stolen;

7 (E) A certification that the vehicle:

8 (i) Is worth \$750.00 or less; and

9 (ii) Is at least 12 model years old;

10 (F) An acknowledgment that the owner realizes this form will be filed with the  
 11 department and that it is a felony, punishable by imprisonment for not fewer than one  
 12 nor more than three years or a fine of not less than \$1,000.00 nor more than \$5,000.00,  
 13 or both, to knowingly falsify any information on this statement;

14 (G) The owner's signature and the date of the transaction;

15 (H) The name and address of the business acquiring the vehicle;

16 (I) A certification by the business that \$750.00 or less was paid to acquire the vehicle;  
 17 and

18 (J) The business agent's signature and date along with a printed name and title if the  
 19 agent is signing on behalf of a corporation.

20 (3) The used motor vehicle parts dealer or scrap metal processor shall mail or otherwise  
 21 deliver the statement required under paragraph (2) of this subsection to the department  
 22 within 72 hours of the completion of the transaction.

23 ~~(2)~~(4)(A) The registered owner of any motor vehicle which is damaged to the extent  
 24 that its restoration to an operable condition would require the replacement of the front  
 25 clip assembly, which includes the fenders, hood, and bumper; the rear clip assembly,  
 26 which includes the quarter panels, the floor panel assembly, and the roof assembly,  
 27 excluding a soft top; the frame; and a complete side, which includes the fenders, door,  
 28 and quarter panel shall mail or deliver the certificate of title to the commissioner for  
 29 cancellation.

30 (B) A motor vehicle owner who retains possession of a damaged vehicle which is a  
 31 salvage motor vehicle as defined in paragraph (11) of Code Section 40-3-2 shall  
 32 surrender the license plates and registration for such vehicle, shall not operate such  
 33 vehicle upon the roads of this state, and shall not sell, trade, or otherwise dispose of  
 34 such vehicle prior to obtaining a salvage certificate of title for such vehicle.

35 (C) Any insurance company which acquires a damaged motor vehicle by virtue of  
 36 having paid a total loss claim shall mail or deliver the certificate of title to the  
 37 commissioner for cancellation. In every case in which a total loss claim is paid and the

1 insurance company does not acquire such damaged motor vehicle, the insurance  
2 company paying such total loss claim, the vehicle owner, and the lienholder or security  
3 interest holder, as applicable, shall take the following steps to secure a salvage  
4 certificate of title for such motor vehicle:

5 (i) If the vehicle owner is in possession of the certificate of title, the owner shall  
6 deliver the certificate of title to the insurance company prior to any payment of the  
7 claim, and the insurance company shall mail or deliver the certificate of title, an  
8 application for a salvage certificate of title, and the form provided by the  
9 commissioner for issuance of a salvage certificate of title;

10 (ii) If the certificate of title has been lost, destroyed, or misplaced, the vehicle owner  
11 shall, prior to payment of the claim on such vehicle, complete an application for a  
12 replacement title on the form provided by the commissioner and deliver such  
13 application and form to the insurance company and the insurance company shall mail  
14 or deliver such application and form to the commissioner for issuance of a  
15 replacement original title marked salvage;

16 (iii) If the lienholder or security interest holder has possession of the certificate of  
17 title, the vehicle owner shall complete an application for a replacement title on a form  
18 provided by the commissioner and shall deliver the completed form to the insurance  
19 company prior to the payment of the claim; the insurance company shall thereafter  
20 mail or deliver the application to the commissioner with notice of the payment of the  
21 total loss claim and the name and address of the lienholder or security interest holder  
22 in possession of the title. The commissioner shall mail notice to the lienholder or  
23 security interest holder that a total loss claim has been paid on the vehicle and that the  
24 title to such vehicle has been canceled, and the commissioner shall provide to the  
25 lienholder or security interest holder a salvage certificate of title for such vehicle,  
26 provided that the validity of the security interest shall not be affected by issuance of  
27 a salvage certificate of title. The lienholder or security interest holder shall, within  
28 ten days after receipt of such notice of total loss claim and cancellation of the original  
29 certificate of title, mail or deliver the canceled original certificate of title to the  
30 commissioner; or

31 (iv) For the sole purpose of payment of a total loss claim, for any vehicle ten years  
32 of age or older for which neither the vehicle owner nor the lienholder or security  
33 interest holder, if any, possesses a certificate of title, the vehicle owner shall deliver  
34 the vehicle license plate and certificate of registration for such vehicle to the  
35 insurance company prior to payment of any claim and the insurance company shall  
36 mail or deliver the license plate and certificate of registration to the commissioner  
37 with a completed form provided by the commissioner; provided, however, that the

1 vehicle owner shall not operate such vehicle and the owner shall obtain a certificate  
 2 of title for such vehicle as provided by law, which certificate of title shall then be  
 3 subject to cancellation as provided in this paragraph.

4 (D) The department shall give priority to the title submissions provided for in  
 5 subparagraph (C) of this paragraph and shall issue a salvage certificate of title for such  
 6 vehicles within seven days of receipt of such submissions by an insurance company."

7 "(b) Except as provided in subsection (a) of this Code section, any person, firm, or  
 8 corporation which purchases or otherwise acquires a salvage motor vehicle shall apply to  
 9 the commissioner for a salvage certificate of title for such motor vehicle within 30 days of  
 10 the purchase or acquisition of the motor vehicle or within 30 days of the payment of a total  
 11 loss claim as provided in paragraph ~~(2)~~(4) of subsection (a) of this Code section to the  
 12 registered owner of the salvage motor vehicle, if the person, firm, or corporation intends  
 13 to operate or to sell, convey, or transfer the motor vehicle; and no such person, firm, or  
 14 corporation shall sell, transfer, or convey a salvage motor vehicle until such person, firm,  
 15 or corporation has applied for and obtained a salvage certificate of title."

## 16 SECTION 2.

17 Code Section 43-43-3 of the Official Code of Georgia Annotated, relating to cancellation of  
 18 certificates of title for scrap motor vehicles, is revised as follows:

19 "43-43-3.

20 Should a scrap metal processor be presented the certificate of title or vehicle license plate  
 21 for any vehicle or scrap vehicle purchased, that scrap metal processor shall mail or deliver  
 22 the same to the Department of Revenue as required by law. In lieu of a certificate of title,  
 23 an affidavit in accordance with the provisions of subsection (a) of Code Section 40-3-36  
 24 shall be obtained by a scrap metal processor. All other requirements of subsection (a) of  
 25 Code Section 40-3-36 shall be complied with, including maintenance of a copy of such  
 26 affidavit, and any other rules promulgated pursuant thereto."

## 27 SECTION 3.

28 This Act shall become effective on January 1, 2008.

## 29 SECTION 4.

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