

The House Committee on Game, Fish and Parks offers the following substitute to HB 1000:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 52 of the Official Code of Georgia Annotated, relating to waters of the state,
2 ports, and watercraft, so as to provide for the titling of certain watercraft; to provide for
3 related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

6 Title 52 of the Official Code of Georgia Annotated, relating to waters of the state, ports, and
7 watercraft, is amended by adding a new Chapter 7A to read as follows:

8 style="text-align:center">"CHAPTER 7A

9 52-7A-1.

10 This chapter shall be known and may be cited as the 'Watercraft Certificate of Title Act.'

11 52-7A-2.

12 As used in this chapter, the term:

13 (1) 'Commissioner' means the state revenue commissioner.

14 (2) 'Dealer' means any person engaged in the business of manufacturing vessels or
15 selling new or used vessels at an established place of business.

16 (3) 'Homemade vessel' means any vessel that is built by an individual for personal use
17 from raw materials that does not require the assignment of a federal hull identification
18 number by a manufacturer pursuant to federal law. A person furnishing raw materials
19 under a contract may be considered the builder of a homemade vessel. Antique boats,
20 boats reconstructed from existing boat hulls, and rebuilt or reconstructed vessels shall not
21 be considered homemade vessels.

1 (4) 'Hull identification number' or 'HIN' means a number assigned to vessels by the
2 manufacturer of the vessel or by the issuing authority of a state as required by the United
3 States Coast Guard in accordance with federal law.

4 (5) 'Lien' means any lien created by operation of law and not by contract or agreement
5 with respect to a vessel and includes all liens established in Code Section 44-14-320,
6 other than liens in favor of mortgages, and all liens for taxes due the United States of
7 America, constructive notice of which is given by filing notice thereof in the office
8 designated by state law.

9 (6) 'Lienholder' means a person holding a lien created by operation of law on a vessel.

10 (7) To 'mail' means to deposit in the United States mail, properly addressed and with
11 postage paid.

12 (8) 'Natural person' means an individual human being and does not include any firm,
13 partnership, association, corporation, or trust.

14 (9) 'Security agreement' means a written agreement which reserves or creates a security
15 interest.

16 (10) 'Security interest' means an interest in a vessel reserved or created by agreement
17 which secures the payment or performance of an obligation, such as a conditional sales
18 contract, chattel mortgage, bill of sale to secure debt, deed of trust, and the like. This
19 term includes the interest of a lessor under a lease intended as security.

20 (11) 'Security interest holder' means the holder of a security interest in a vessel reserved
21 or created by agreement and which secures payment or performance of an obligation.

22 (12) 'Vessel' means every description of watercraft, other than a seaplane on the water
23 or a sailboard, used or capable of being used as a means of transportation on water and
24 specifically includes, but is not limited to, inflatable rafts and homemade vessels.

25 52-7A-3.

26 (a) The commissioner is responsible for the administration of this chapter and may employ
27 such clerical assistants and agents as may be necessary from time to time to enable the
28 commissioner to speedily, completely, and efficiently perform the duties conferred on the
29 commissioner by this chapter. The commissioner shall be authorized to delegate any
30 administrative responsibility for retention of applications, certificates of title, notices of
31 security interest, and any other forms or documents relating to the application and
32 registration process to the appropriate authorized tag agent for the county in which the
33 application is made or the registration is issued.

34 (b) The commissioner shall prescribe and provide suitable forms of applications,
35 certificates of title, notices of security interest, and all other notices and forms necessary
36 to carry out the provisions of this chapter.

1 (c) The commissioner may:

2 (1) Make necessary investigation to procure information required to carry out the
3 provisions of this chapter; and

4 (2) Adopt and enforce reasonable rules and regulations to carry out the provisions of this
5 chapter.

6 52-7A-4.

7 No certificate of title shall be obtained for:

8 (1) A vessel owned by the United States unless it is registered in this state;

9 (2) A vessel owned by a manufacturer of or dealer in vessels and held for sale, even
10 though incidentally used on state waters or used for testing or demonstration; or a vessel
11 used by a manufacturer solely for testing; except that all dealers acquiring new vessels
12 after July 1, 2008, from a manufacturer for resale shall obtain such evidence of origin of
13 title from the manufacturer as the commissioner shall by rule and regulation prescribe;

14 (3) A vessel owned by a nonresident of this state and not required by law to be registered
15 in this state;

16 (4) A vessel regularly engaged in the interstate transportation of persons or property for
17 which a currently effective certificate of title has been issued in another state;

18 (5) A vessel not motor propelled except for sailboats 12 feet or more in length;

19 (6) A vessel propelled by a motor rated at not more than ten horsepower;

20 (7) A boat trailer;

21 (8) A homemade trailer;

22 (9) A vessel which is not sold for the purpose of lawful use on the waters of this state;
23 or

24 (10) A vessel with a model year prior to 2008.

25 52-7A-5.

26 (a) A peace officer who learns of the theft of a vessel not since recovered shall report the
27 theft to the commissioner. A peace officer who learns of the recovery of a vessel whose
28 theft or conversion he or she knows or has reason to believe has been reported to the
29 commissioner shall forthwith report the recovery to the commissioner.

30 (b) An owner or a security interest holder or lienholder shall report the theft of a vessel,
31 or its conversion if a crime, to the commissioner. A person who has so reported the theft
32 or conversion of a vessel shall, after learning of its recovery, immediately report the
33 recovery to the commissioner.

34 (c) The commissioner shall maintain appropriately indexed weekly and cumulative public
35 records of stolen, converted, and recovered vessels reported pursuant to this Code section.

1 The commissioner may make and distribute copies of the weekly records so maintained to
2 peace officers upon request without fee and to others for the fee, if any, the commissioner
3 prescribes.

4 (d) The commissioner may suspend the registration of a vessel whose theft or conversion
5 is reported pursuant to this Code section; and until the commissioner learns of its recovery
6 or that the report of its theft or conversion was erroneous, the commissioner shall not issue
7 a certificate of title for the vessel.

8 52-7A-6.

9 (a) A person aggrieved by an act or omission to act of the commissioner under this chapter
10 is entitled, upon request, to a hearing. The commissioner shall establish a board to hear
11 complaints of persons aggrieved by an act or omission to act of the commissioner or any
12 employee of the department pertaining to the administration of this chapter. The procedure
13 established in this chapter for the handling of complaints and grievances shall be exclusive,
14 and these procedures shall apply to all such complaints and grievances. The commissioner
15 shall promulgate rules and regulations governing the membership of the board and the
16 organization thereof.

17 (b) Hearings conducted under subsection (a) of this Code section shall be conducted under
18 the terms and conditions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure
19 Act,' and court review of such hearings shall be as provided by that chapter.

20 52-7A-7.

21 (a) Except as provided in Code Section 52-7A-4, every owner of a vessel which is required
22 by law to be registered in this state and for which no certificate of title has been issued by
23 the commissioner shall make application to the commissioner or to the tag agent in the
24 county wherein the owner resides for a certificate of title to the vessel. If a vessel is owned
25 by and used in connection with an established business, application shall be made to the
26 commissioner or to the tag agent in the county in which the business is located. All 2008
27 model vessels and all successive model vessels shall have a certificate of title.

28 (b) When the owner of a vessel is required to have a certificate of title, the Department of
29 Natural Resources shall not register, transfer, or renew the registration of such vessel until
30 a certificate of title has been issued or applied for.

31 (c) No application for a certificate of title for a vessel purchased outside the State of
32 Georgia shall be accepted or processed unless the applicant shows, by a valid bill of sale
33 or contract of purchase or by such other documentation satisfactory to the commissioner,
34 that state and local sales and use tax has been paid or is not due. If state and local sales and
35 use tax is owed on such vessel but has not been paid, the county tag agent shall return the

1 unprocessed application to the applicant informing him or her of the requirements of this
2 Code section.

3 52-7A-8.

4 (a) The application for the first certificate of title of a vessel in this state shall be made by
5 the owner to the commissioner or the commissioner's duly authorized county tag agent on
6 the prescribed form. Except as provided in subsection (b) of this Code section, the
7 application must be submitted to the commissioner or the appropriate authorized county
8 tag agent by the owner of the vessel within 30 days from the date of purchase of the vessel
9 or from the date the owner is otherwise required by law to register the vessel in this state.
10 If the owner does not submit the application within that time, the owner of the vessel shall
11 be required to pay a penalty of \$10.00 in addition to the ordinary title fee provided for by
12 this chapter. If the documents submitted in support of the title application are rejected, the
13 party submitting the documents shall have 60 days from the date of rejection to resubmit
14 the documents required by the commissioner or the authorized county tag agent for the
15 issuance of a certificate of title. Should the documents not be properly resubmitted within
16 the 60 day period, there shall be an additional \$10.00 penalty assessed, and the owner of
17 the vessel shall be required to remove immediately the registration number of the vessel
18 under Chapter 7 of this title. If the documents have not been resubmitted as required under
19 this subsection, the registration number shall be deemed to have expired at 12:00 Midnight
20 of the sixtieth day following the initial rejection of the documents submitted. Such
21 application shall contain:

- 22 (1) The full legal name, residence, and mailing address of the owner;
 - 23 (2) A description of the vessel, including, so far as the following data exist, its make,
24 model, hull identification number, type of vessel, year built, length in feet and inches, and
25 whether new, used, or a demonstrator;
 - 26 (3) The date of purchase by the applicant and, except as provided in paragraph (2) of
27 subsection (c) of this Code section, the name and address of the person from whom the
28 vessel was acquired and the names and addresses of the holders of all security interests
29 and liens in order of their priority; and
 - 30 (4) Any further information the commissioner reasonably requires to identify the vessel
31 and to enable the commissioner or the authorized county tag agent to determine whether
32 the owner is entitled to a certificate of title and the existence or nonexistence of security
33 interests in the vessel and liens on the vessel.
- 34 (b)(1) As used in this subsection, the term 'digital signature' means a digital or electronic
35 method executed or adopted by a party with the intent to be bound by or to authenticate
36 a record, which is unique to the person using it, is capable of verification, is under the

1 sole control of the person using it, and is linked to data in such a manner that if the data
2 are changed the digital or electronic signature is invalidated.

3 (2) If the application refers to a vessel purchased from a dealer, it shall contain the name
4 and address of the holder of any security interest created or reserved at the time of the
5 sale by the dealer. The application shall be signed by the owner and, unless the dealer's
6 signature appears on the certificate of title or manufacturer's statement of origin
7 submitted in support of the title application, the dealer, provided that as an alternative to
8 a handwritten signature the commissioner may authorize use of a digital signature so long
9 as appropriate security measures are implemented which assure security and verification
10 of the digital signature process, in accordance with regulations promulgated by the
11 commissioner. The dealer shall promptly mail or deliver the application to the
12 commissioner or the county tag agent of the county in which the seller is located, of the
13 county in which the sale takes place, of the county in which the vessel is delivered, or of
14 the county wherein the vessel owner resides so as to have the application submitted to the
15 commissioner or such authorized county tag agent within 30 days from the date of the
16 sale of the vessel. If the application is not submitted within that time, the dealer, or in
17 nondealer sales the transferee, shall be required to pay a penalty of \$10.00 in addition to
18 the ordinary title fee paid by the transferee provided for in this chapter. If the documents
19 submitted in support of the title application are rejected, the dealer submitting the
20 documents shall have 60 days from the date of initial rejection to resubmit the documents
21 required by the commissioner or authorized county tag agent for the issuance of a
22 certificate of title. Should the documents not be properly resubmitted within 60 days,
23 there shall be an additional penalty of \$10.00 assessed against the dealer.

24 (c)(1) If the application refers to a vessel last previously registered in another state or
25 country, the application shall contain or be accompanied by:

26 (A) Any certificate of title issued by the other state or country; and

27 (B) Any other information and documents the commissioner or authorized county tag
28 agent reasonably requires to establish the ownership of the vessel and the existence or
29 nonexistence of security interests in it and liens against it.

30 (2) If the application refers to a vessel last previously registered in another state and if
31 the applicant is the last previously registered owner in such state, the application need not
32 contain the name and address of the person from whom the vessel was acquired.

1 52-7A-9.

2 (a) The commissioner or the commissioner's duly authorized county tag agent, upon
3 receiving application for a first certificate of title, shall check the hull identification number
4 of the vessel shown on the application against the records of vessels required to be
5 maintained by Code Section 52-7A-10 and against the record of stolen and converted
6 vessels required to be maintained by Code Section 52-7A-5.

7 (b) Subsection (a) of this Code section shall not be applicable to an application for the
8 first certificate of title of a new or demonstrator vessel when such application is
9 accompanied by a manufacturer's certificate of origin or similar document approved by the
10 commissioner by rule or regulation.

11 52-7A-10.

12 (a) The commissioner or the commissioner's duly authorized county tag agent shall file
13 each application received and, when satisfied as to its genuineness and regularity and that
14 the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of
15 title for the vessel.

16 (b) The commissioner or the commissioner's duly authorized county tag agent shall
17 maintain a record of all certificates of title issued:

18 (1) Under a distinctive title number assigned to the vessel;

19 (2) Under the hull identification number of the vessel;

20 (3) Alphabetically, under the name of the owner;

21 (4) Under the vessel registration number; and

22 (5) In the discretion of the commissioner, in any other method the commissioner
23 determines.

24 (c) The commissioner or the commissioner's duly authorized county tag agent is
25 authorized and empowered to provide for photographic and photostatic recording of
26 certificate of title records in such manner as the commissioner or the commissioner's duly
27 authorized county tag agent may deem expedient. The photographic or photostatic copies
28 authorized in this subsection shall be sufficient as evidence in tracing of titles of the vessels
29 designated therein and shall also be admitted in evidence in all actions and proceedings to
30 the same extent that the originals would have been admitted.

31 (d) The vessel records which the commissioner or the commissioner's duly authorized
32 county tag agent is required to maintain under this Code section or any other provision are
33 exempt from the provisions of any law of this state requiring that such records be open for
34 public inspection; provided, however, that the records may be disclosed for use by the
35 following:

36 (1) Any licensed dealer of new or used vessels;

1 (2) Any tax collector, tax receiver, or tax commissioner; and

2 (3) The Department of Natural Resources.

3 (e) In addition to any public inspection of records authorized under subsection (d) of this
4 Code section, vessel records consisting of vessel description, title status, title brands,
5 recorded liens, or recorded security interests which the commissioner or the
6 commissioner's duly authorized county tag agent is required to maintain under this Code
7 section shall, in such manner and under such conditions as prescribed by the commissioner,
8 be furnished individually or in bulk to any person upon payment of a reasonable fee, for
9 any purpose not otherwise prohibited by law, including without limitation for the purpose
10 of providing information to allow for informed vessel purchase and safety decisions.
11 Records furnished in accordance with this subsection may be subsequently transferred to
12 third parties. Personal information of any registrant, including name, address, date of birth,
13 or social security number, shall not be furnished or transferred by or to any person pursuant
14 to this subsection.

15 (f) Personal information furnished under subsection (d) of this Code section shall be
16 limited to the natural person's name and address. The personal information obtained by
17 a business under this Code section shall not be resold or redisclosed for any purposes
18 without the written consent of the individual. Furnishing of information to a business
19 under this Code section shall be pursuant to a contract entered into by such business and
20 the state which specifies the consideration to be paid by such business to the state for such
21 information and the frequency of updates.

22 52-7A-11.

23 (a) Each certificate of title issued by the commissioner or the commissioner's duly
24 authorized county tag agent shall contain:

25 (1) The date issued;

26 (2) The name and address of the owner;

27 (3) The names and addresses of the holders of any security interest and of any lien as
28 shown on the application or, if the application is based on a certificate of title, as shown
29 on the certificate;

30 (4) The title number assigned to the vessel;

31 (5) A description of the vessel including, so far as the following data exist, its make,
32 model, hull identification number, type of vessel, year built, length in feet and inches,
33 whether new, used, or a demonstrator, and, if a new vessel or a demonstrator, the date of
34 the first sale of the vessel for use; and

35 (6) Any other data the commissioner prescribes.

1 (b) The certificate of title shall contain forms for assignment and warranty of title by the
2 owner, and for assignment and warranty of title by a dealer, and may contain forms for
3 applications for a certificate of title by a transferee or naming of a security interest holder
4 and of a lienholder and the assignment or release of the security interest and lien.

5 (c) A certificate of title issued by the commissioner or the commissioner's duly authorized
6 county tag agent is prima-facie evidence of the facts appearing on it.

7 (d) A certificate of title for a vessel is not subject to garnishment, attachment, execution,
8 or other judicial process, but this subsection does not prevent a lawful levy upon the vessel.

9 52-7A-12.

10 (a)(1) The certificate of title shall be mailed or delivered to the holder of the first security
11 interest or lien named in it. In the event there is no security interest holder or lienholder
12 named in such certificate, the certificate of title shall be mailed or delivered directly to
13 the owner.

14 (2) The commissioner may enter into agreements with any such security interest holder
15 or lienholder to provide a means of delivery by secure electronic measures of a notice of
16 the recording of such security interest or lien. Such security interest or lien shall remain
17 on the official records of the department until such time as the security interest or lien is
18 released by secure electronic measures or affidavit of lien or security interest release;
19 after which release or at the request of the lienholder or security interest holder, the
20 certificate of title may be printed and mailed or delivered to the next lienholder or
21 security interest holder or as otherwise provided by paragraph (1) of this subsection
22 without payment of any fee required by Code Section 52-7A-22.

23 (b) If the certificate of title is mailed to a security interest holder or lienholder, such person
24 shall notify by mail all other security interest or lien holders that such person has received
25 the certificate of title. The notice shall inform the security interest holder or lienholder of
26 the contents and information reflected on such certificate of title. Such mailing or delivery
27 shall be within five days, exclusive of holidays, after the receipt of the certificate by the
28 holder of any security interest or lien.

29 (c) The security interest holder or lienholder may retain custody of the certificate of title
30 until such security interest holder's or lienholder's claim has been satisfied. The security
31 interest holder or lienholder having custody of a certificate of title must deliver the
32 certificate of title to the next lienholder or security interest holder within ten days after such
33 custodial security interest holder's or lienholder's security interest or lien has been satisfied
34 and, if there is no other security interest holder or lienholder, such custodial security
35 interest holder or lienholder must deliver the certificate of title to the owner.

1 (d) If a security interest or lien has been electronically recorded, the release of such
2 security interest or lien will require the security interest holder or lienholder to notify the
3 commissioner and the owner of the vessel, on a form prescribed by the commissioner, or
4 by electronic means approved by the commissioner, of the release of the security interest
5 or lien. Such notice shall inform the owner that such owner may request a title free of lien,
6 upon verification of such owner's current mailing address, from the commissioner as
7 provided in Code Section 52-7A-34.

8 52-7A-13.

9 (a) Whenever the certificate of title is in the possession of a security interest holder or
10 lienholder as allowed by this chapter and some other person, including the owner, who has
11 an interest in a transaction concerning a security interest or lien shown on the certificate
12 of title desires to have that transaction reflected on the certificate of title, such security
13 interest holder or lienholder may execute a notice of that transaction in the form prescribed
14 by the commissioner, setting forth the details of the transaction such security interest holder
15 or lienholder desires to be reflected on the certificate of title. The notice, a fee as provided
16 by Code Section 52-7A-22, and the title application shall be mailed by certified mail or
17 statutory overnight delivery, return receipt requested, by the person desiring the change to
18 the first security interest holder or lienholder having possession of the certificate of title.
19 The notice shall contain on its face instructions to the security interest holder or lienholder
20 having custody of the certificate of title directing such security interest holder or lienholder
21 within ten days to forward the notice, the fee, the title application, and the certificate of title
22 to the commissioner or the commissioner's duly authorized county tag agent. The first
23 security interest holder or lienholder having possession of the certificate of title shall
24 comply with the instructions contained in the notice. The commissioner or the authorized
25 county tag agent, upon receipt of such a notice and title application, together with the fee
26 and certificate of title, shall enter the transaction shown on the notice on such
27 commissioner's or authorized county tag agent's records and on the certificate of title or
28 issue a new certificate of title and shall then deliver the certificate of title as provided for
29 in this chapter. The person desiring the change shall retain the return certified mail or
30 statutory overnight delivery receipt as proof of such person's compliance with this Code
31 section.

32 (b) In the event the first security interest holder or lienholder holding the certificate of title
33 fails, refuses, or neglects to forward the title application, notice, fee, and original certificate
34 of title to the commissioner or the commissioner's duly authorized county tag agent, as
35 required by this Code section, the person desiring the change may, on a form prescribed
36 by the commissioner, make direct application to the commissioner or the authorized county

1 tag agent. Such direct application to the commissioner or the authorized county tag agent
2 shall have attached to it the return registered or certified mail or statutory overnight
3 delivery receipt showing the previous mailing of the title application, fee, and notice to the
4 first security interest holder or lienholder. Upon receipt of such a direct application, the
5 commissioner or the authorized county tag agent shall order the first security interest holder
6 or lienholder having custody of the certificate of title to forward the certificate of title to
7 the commissioner or the authorized county tag agent for the purpose of having the
8 subsequent transaction entered thereon or a new certificate of title issued. If, after a direct
9 application to the commissioner or the authorized county tag agent and the order of the
10 commissioner or authorized county tag agent, the first security interest holder or lienholder
11 continues to fail, refuse, or neglect to forward the certificate of title as provided in this
12 Code section, the commissioner or authorized county tag agent may cancel the outstanding
13 certificate of title and issue a new certificate of title reflecting all security interests and
14 liens, including the subsequent security interest; and this new certificate of title shall be
15 delivered as provided for in this chapter.

16 (c) As an alternative to mailing notices of transactions concerning a security interest or lien
17 on the certificate of title to the commissioner or the commissioner's appropriate authorized
18 county tag agent in accordance with this Code section, the commissioner shall be
19 authorized to permit the transaction to be made by electronic means in accordance with
20 regulations promulgated by the commissioner.

21 (d) No first security interest holder or lienholder having possession of a certificate of title
22 shall have the validity of that security interest or lien affected by surrendering the
23 certificate of title as provided by this Code section.

24 52-7A-14.

25 If the commissioner or the commissioner's duly authorized county tag agent is not satisfied
26 as to the ownership of the vessel or that there are no undisclosed security interests in it, the
27 commissioner or authorized county tag agent shall either: (1) withhold issuance of a
28 certificate of title until the applicant presents documents reasonably sufficient to satisfy the
29 commissioner or authorized county tag agent as to the applicant's ownership of the vessel
30 and that there are no undisclosed security interests in it; or (2) as a condition of issuing a
31 certificate of title, require the applicant to file with the commissioner or authorized county
32 tag agent a bond in the form prescribed by the commissioner and executed by the applicant
33 and by a bonding, surety, or insurance company licensed to do business in Georgia. The
34 bond shall be in an amount equal to the value of the vessel as determined by the
35 commissioner or authorized county tag agent and payable to the commissioner for the
36 benefit of any prior owner, security interest holder, or lienholder and any subsequent

1 purchaser of the vessel or person acquiring any security interest or lien on it; and their
2 respective successors in interest against any expense, loss, or damage by reason of the
3 issuance of the certificate of title of the vessel or on account of any defect in or undisclosed
4 security interest upon the right, title, and interest of the applicant in and to the vessel. The
5 commissioner shall have a right of action to recover on the bond for any breach of its
6 conditions, but the aggregate liability of the surety to all persons shall not exceed the
7 amount of the bond. The bond shall expire at the end of four years unless the
8 commissioner or authorized county tag agent has been notified of a breach of a condition
9 of the bond.

10 52-7A-15.

11 (a) The commissioner or the commissioner's duly authorized county tag agent shall refuse
12 issuance of a certificate of title only if any required fee is not paid or if the commissioner
13 or the commissioner's duly authorized county tag agent has reasonable grounds to believe
14 that:

15 (1) The applicant is not the owner of the vessel;

16 (2) The application contains a false or fraudulent statement;

17 (3) The applicant fails to furnish required information or documents or any additional
18 information the commissioner or authorized county tag agent reasonably requires; or

19 (4) The registration of the vessel stands suspended or revoked for any reason provided
20 in the laws of this state.

21 (b) If the application for first certificate of title is rejected, the application shall be returned
22 to the holder of the first security interest or lien named in the application or to the owner
23 if there is no security interest holder or lienholder.

24 52-7A-16.

25 If a certificate of title is lost, stolen, mutilated, or destroyed or becomes illegible, the owner
26 or the legal representative of the owner named in the certificate, as shown by the records
27 of the commissioner or the commissioner's duly authorized county tag agent, shall
28 promptly make application for and may obtain a replacement upon furnishing information
29 satisfactory to the commissioner or authorized county tag agent. The replacement shall be
30 issued on the following terms and conditions:

31 (1) If the replacement title is issued to the owner named in the lost, stolen, mutilated, or
32 destroyed certificate, as shown by the records of the commissioner or authorized county
33 tag agent, the replacement certificate of title shall contain the legend "This is a
34 replacement certificate and may be subject to the rights of a person under the original
35 certificate.';

1 (2) When the vessel for which a replacement certificate of title has been issued is
2 transferred to a new owner, the certificate of title issued to the transferee shall continue
3 to contain the legend 'This is a replacement certificate and may be subject to the rights
4 of a person under the original certificate.' After a replacement certificate has been issued
5 and the records of the commissioner or authorized county tag agent show that the owner
6 has held record title continuously for a period of not less than six calendar months and
7 the record title of the owner has not been challenged, the commissioner or authorized
8 county tag agent may, upon proper application, issue a replacement title, which shall
9 simply contain the legend 'Replacement Title';

10 (3) A person recovering an original certificate of title for which a replacement has been
11 issued shall promptly surrender the original certificate to the commissioner or authorized
12 county tag agent. Where the owner named in a replacement certificate of title, or a
13 transferee, recovers the original certificate, such owner or transferee may surrender the
14 original certificate together with the replacement title and if such owner or transferee is
15 otherwise entitled to a certificate the commissioner or authorized county tag agent may
16 issue such owner or transferee a new certificate of title with no legend thereon;

17 (4) If two or more innocent persons are the victims of the fraud or mistake of another and
18 none of the victims could have reasonably taken steps to detect or prevent the fraud or
19 mistake, the victim who first acquired an interest in a vessel through any certificate of
20 title shall have such victim's interest protected; and

21 (5) A replacement title when the original has been lost in the mail prior to receipt by the
22 registered owner shall be issued by the commissioner without charge upon application
23 and completion of the form and affidavit prescribed by the commissioner setting forth the
24 circumstances of nonreceipt of the title. The owner shall report the nonreceipt or loss and
25 apply for replacement of the title to the commissioner within 60 days of the issuance of
26 such title by the commissioner. An applicant shall provide an affidavit of nonreceipt and
27 verify his or her current mailing address.

28 52-7A-17.

29 (a) If an owner transfers his or her interest in a vessel other than by the creation of a
30 security interest, such owner shall, at the time of delivery of the vessel, execute an
31 assignment and warranty of title to the transferee in the space provided therefor on the
32 certificate of title or as the commissioner prescribes and cause the certificate and
33 assignment to be delivered to the transferee. If the transferor willfully fails to deliver the
34 properly assigned certificate of title to the transferee, the transferor shall be guilty of a
35 misdemeanor. In addition, the transferor shall be civilly liable to the transferee for all

1 damages, including reasonable attorney's fees, occasioned by the transferor's failure to
2 comply with this subsection.

3 (b) Except as provided in Code Section 52-7A-18, the transferee, promptly after delivery
4 of the vessel and certificate of title, shall execute the application for a new certificate of
5 title on the form the commissioner prescribes and cause the application and the certificate
6 of title to be mailed or delivered to the commissioner or the appropriate authorized county
7 tag agent together with the application for change of registration for the vessel so that the
8 title application shall be received within 30 days from the date of the transfer of the vessel.
9 If the title application is not received within that time, the owner shall be required to pay
10 a penalty of \$10.00 in addition to the ordinary title fee required by this chapter. If the
11 documents submitted in support of the title application are rejected, the party submitting
12 the documents shall have 60 days from the date of initial rejection to resubmit the
13 documents required by the commissioner for the issuance of title. If the documents are not
14 properly resubmitted within 60 days, there shall be an additional \$10.00 penalty assessed,
15 and the owner of the vessel shall be required to remove immediately the registration
16 number of the vessel under Chapter 7 of this title. If the documents have not been
17 resubmitted as required under this subsection, the registration number shall be deemed to
18 have expired at 12:00 Midnight of the sixtieth day following the initial rejection of the
19 documents.

20 (c) If a security interest is reserved or created at the time of the transfer, the certificate of
21 title shall be retained by or delivered to the person who becomes the security interest
22 holder, and the parties shall comply with Code Section 52-7A-29.

23 (d) Except as provided in Code Section 52-7A-18 and as between the parties, a transfer
24 by an owner is not effective until this Code section and Code Section 52-7A-18 have been
25 complied with; and no purchaser or transferee shall acquire any right, title, or interest in
26 and to a vessel purchased by him or her unless and until he or she shall obtain from the
27 transferor the certificate of title thereto, duly transferred in accordance with this Code
28 section.

29 (e) The commissioner shall promulgate procedures and provide forms whereby a
30 prospective purchaser may, if such prospective purchaser desires, have the commissioner's
31 or the commissioner's duly authorized county tag agent's records searched for undisclosed
32 certificates of title and security interests.

33 52-7A-18.

34 (a)(1) Except as provided in paragraph (2) of this subsection, a dealer who buys a vessel
35 and holds it for resale need not apply to the commissioner for a new certificate of title but
36 may retain the certificate delivered to him or her. Upon transferring the vessel to another

1 person other than by the creation of a security interest, such dealer shall promptly execute
2 the assignment and warranty of title by a dealer. Such assignment and warranty shall
3 show the names and addresses of the transferee and any holder of a security interest
4 created or reserved at the time of the resale and the date of his or her security agreement
5 in the spaces provided therefor on the certificate or as the commissioner prescribes.
6 Transfers of vessels under this Code section shall otherwise conform with Code
7 Section 52-7A-17. A dealer selling a previously registered vessel which under this
8 chapter need not have a certificate of title need not furnish a purchaser of such a vessel
9 a certificate of title. After a previously registered vessel has been brought under the terms
10 of this chapter, a dealer, when selling that vessel, shall conform to all provisions of this
11 chapter.

12 (2)(A) As used in this paragraph, the term 'franchise dealer' means a dealer who under
13 a contract or franchise agreement with a manufacturer, distributor, wholesaler, or
14 importer is authorized to sell new vessels of or for such manufacturer, distributor,
15 wholesaler, or importer and who is authorized to use trademarks or service marks
16 associated with one or more makes of vessels in connection with such sales.

17 (B) A dealer who is not a franchise dealer who acquires a vessel for which the original
18 certificate of title has not been issued and who holds such vessel for resale shall not be
19 exempt from the requirement to obtain a certificate of title in such dealer's name as
20 provided in paragraph (1) of this subsection. Such dealer shall, as provided in Code
21 Section 52-7A-17, obtain a certificate of title in such dealer's name prior to selling or
22 otherwise transferring said vessel to any other person or dealer.

23 (b) Every dealer shall maintain a record, in the form the commissioner prescribes, of every
24 vessel bought, sold, or exchanged by such dealer or received by such dealer for sale or
25 exchange. Such record shall be kept for three years and shall be open to inspection by a
26 representative of the commissioner during reasonable business hours.

27 (c) Except as otherwise provided for in subsection (c) of Code Section 52-7A-17, the
28 dealer shall submit a properly completed certificate of title application and proper
29 supporting documents to the commissioner or to the appropriate authorized county tag
30 agent so that the application and supporting documents shall be submitted to the
31 commissioner or the appropriate authorized county tag agent within 30 days from the date
32 of the transfer of the vessel. If the application and supporting documents are not submitted
33 within that time, the dealer shall be required to pay a penalty of \$10.00 in addition to the
34 ordinary title fee required by this chapter. If the documents submitted in support of the title
35 application are rejected, the dealer submitting the documents shall have 60 days from the
36 date of initial rejection to resubmit the documents required by the commissioner for the

1 issuance of title. If the documents are not properly resubmitted within 60 days, there shall
2 be an additional penalty of \$10.00 assessed against the dealer.

3 52-7A-19.

4 (a) If the interest of an owner in a vessel passes to another other than by voluntary transfer,
5 the transferee shall, except as provided in subsection (b) of this Code section, mail or
6 deliver to the commissioner or the appropriate authorized county tag agent the last
7 certificate of title, if available; proof of the transfer; and his or her application for a new
8 certificate in the form the commissioner prescribes, together with the application for
9 change of registration for the vessel so that the title application and other documents shall
10 be received by the commissioner or the appropriate authorized county tag agent no later
11 than 30 days from the date that the transferee acquired the interest in the vessel. If the title
12 application and other documents are not received within that time, the transferee shall be
13 required to pay a penalty of \$10.00 in addition to the ordinary title fee provided for by this
14 chapter. If the documents submitted in support of the title application are rejected, the
15 party submitting the documents shall have 60 days from the date of initial rejection to
16 resubmit the documents required by the commissioner for the issuance of title. Should the
17 documents not be properly resubmitted within the 60 day period, there shall be an
18 additional \$10.00 penalty assessed, and the owner of the vessel shall be required to remove
19 immediately the registration number of the vessel issued pursuant to Chapter 7 of this title.
20 If the documents have not been resubmitted as required in this subsection, the registration
21 number shall be deemed to have expired at 12:00 Midnight of the sixtieth day following
22 the initial rejection of the documents. If the last certificate of title is not available for
23 transfer under this Code section, then the transferee shall forward such proof of transfer as
24 the commissioner may by regulation prescribe.

25 (b) If the interest of the owner is terminated, whether the vessel is sold pursuant to a power
26 contained in a security agreement or by legal process at the instance of the holder either of
27 a security interest or a lien, the transferee shall promptly mail or deliver to the
28 commissioner or the appropriate authorized county tag agent the last certificate of title, if
29 available; proof of transfer; his or her application for a new certificate, in the form
30 prescribed by the commissioner; and an affidavit made by or on behalf of the holder of a
31 security interest in or lien on the vessel with respect to the termination of the interest of the
32 owner, so as to have the application and supporting documents submitted to the
33 commissioner or the appropriate authorized county tag agent within 30 days from the date
34 the transferee acquired the interest in the vessel. If the application and supporting
35 documents are not submitted within that time, the transferee shall be required to pay a
36 penalty of \$10.00 in addition to the ordinary title fee prescribed by this chapter. If the

1 documents submitted in support of the title application are rejected, the transferee
2 submitting the documents shall have 60 days from the date of initial rejection to resubmit
3 the documents required by the commissioner for the issuance of title. If the documents are
4 not properly resubmitted within 60 days, there shall be an additional \$10.00 penalty
5 assessed, and the owner of the vessel shall be required to remove immediately the
6 registration number of the vessel issued pursuant to Chapter 7 of this title. If the
7 documents have not been resubmitted as required under this subsection, the registration
8 number shall be deemed to have expired at 12:00 Midnight of the sixtieth day following
9 the initial rejection of the documents. If the holder of a security interest or lien succeeds
10 to the interest of the owner and holds the vessel for resale, such person need not secure a
11 new certificate of title but, upon transfer, shall promptly deliver to the transferee the last
12 certificate of title, if available, and such other documents as the commissioner may require
13 by rule or regulation.

14 (c) A person holding a certificate of title whose interest in the vessel has been extinguished
15 or transferred other than by voluntary transfer shall mail or deliver the certificate to the
16 commissioner or the commissioner's duly authorized county tag agent upon request of the
17 commissioner or authorized county tag agent. The delivery of the certificate pursuant to
18 the request of the commissioner or authorized tag agent shall not affect the rights of the
19 person surrendering the certificate; and the action of the commissioner or authorized tag
20 agent in issuing a new certificate of title as provided in this chapter shall not be conclusive
21 upon the rights of an owner or lienholder named in the old certificate.

22 (d) In the event of transfer as upon inheritance, devise, or bequest, upon receipt of an
23 application for a new certificate of title with the required fee, the last certificate of title, if
24 available, and a certified copy of a will or letters of administration or, if no administration
25 is to be had on the estate, an affidavit by the applicant to the effect that the estate is not
26 indebted and the surviving spouse, if any, and the heirs, if any, have amicably agreed
27 among themselves upon a division of the estate or a certificate from the judge of the
28 probate court showing that the vessel registered in the name of the decedent owner has
29 been assigned to the decedent's survivors as part of their year's support, the commissioner
30 shall issue to the person or persons shown by such evidence to be entitled thereto the
31 certificate of title for the vessel.

32 (e)(1) In the event of transfer under a will when the vessel was the decedent's only asset,
33 upon receipt of an application for a new certificate of title accompanied by the required
34 fee, the last certificate of title, if available, and an affidavit by the applicant to the effect
35 that the vessel was owned by the decedent and was the decedent's only asset and was not
36 encumbered, that under the will the applicant is entitled to receive title to such vessel, that
37 no application for the administration of the estate of the deceased or the probate of such

1 will is to be had, and that the estate is not indebted and the surviving spouse, if any, and
2 the heirs, if any, are sui juris and have amicably agreed that title to said vessel be issued
3 to the applicant, the commissioner shall issue to the person or persons shown by such
4 evidence to be entitled thereto the certificate of title for the vessel.

5 (2) The commissioner shall prescribe the form of the affidavit to be used in paragraph (1)
6 of this subsection.

7 (f) A joint interest in a vessel with survivorship in two or more persons may be created in
8 the manner provided by subsection (a) of Code Section 44-6-190; and, if a certificate of
9 title has been issued to two or more persons having such a joint interest with survivorship,
10 then, in the event of the death of such a joint owner, the surviving such owner or owners,
11 if any, need not secure a new certificate of title.

12 52-7A-20.

13 (a) The commissioner or the commissioner's duly authorized county tag agent, upon
14 receipt of a properly assigned certificate of title, with an application for a new certificate
15 of title, the required fee, and any other documents required by law, shall issue a new
16 certificate of title in the name of the transferee as owner and mail the certificate to the first
17 lienholder named in the application or, if none, to the owner.

18 (b) The commissioner or the commissioner's duly authorized county tag agent, upon
19 receipt of an application for a new certificate of title by a transferee other than by voluntary
20 transfer, with proof of the transfer, the required fee, and any other documents required by
21 law, shall issue a new certificate of title in the name of the transferee as owner. If the
22 outstanding certificate of title is not delivered to the commissioner or the authorized county
23 tag agent, the commissioner or authorized county tag agent shall make demand for such
24 title from the title holder.

25 (c) The commissioner or the commissioner's duly authorized county tag agent shall file
26 and retain for five years every surrendered certificate of title, the file to be maintained so
27 as to permit the tracing of title of the vessel designated on such title.

28 52-7A-21.

29 (a)(1) Any registered owner or authorized agent of a registered owner who in any
30 manner sells or disposes of any vessel as scrap metal or parts only or who scraps,
31 dismantles, or demolishes a vessel shall within 72 hours mail or deliver the certificate of
32 title to the commissioner for cancellation.

33 (2) Notwithstanding any other provision of this chapter to the contrary, if the owner or
34 authorized agent of the owner has not obtained a title in his or her name for the vessel to
35 be transferred, or has lost the title for the vessel to be transferred, he or she may sign a

1 statement swearing that, in addition to the foregoing conditions, the vessel is worth
2 \$750.00 or less and is at least 12 years old. The department shall promulgate a form for
3 the statement which shall include, but not be limited to:

4 (A) A statement that the vessel shall never be titled again; it must be dismantled or
5 scrapped;

6 (B) A description of the vessel including the year, make, model, hull identification
7 number, and color;

8 (C) The name and address of the owner;

9 (D) A certification that the owner:

10 (i) Never obtained a title to the vessel in his or her name; or

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

12 (E) A certification that the vessel:

13 (i) Is worth \$750.00 or less;

14 (ii) Is at least 12 years old; and

15 (iii) Is not subject to any security interest or lien;

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

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

21 (H) The name and address of the business acquiring the vessel;

22 (I) A certification by the business that \$750.00 or less was paid to acquire the vessel;
23 and

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

26 (3) The person taking possession of the vessel for scrap metal or parts only or to scrap,
27 dismantle, or demolish a vessel shall mail or otherwise deliver the statement required
28 under paragraph (2) of this subsection to the commissioner within 72 hours of the
29 completion of the transaction, requesting that the commissioner cancel the Georgia
30 certificate of title and registration.

31 (4) Any insurance company which acquires a damaged vessel by virtue of having paid
32 a total loss claim shall mail or deliver the certificate of title to the commissioner for
33 cancellation. In every case in which a total loss claim is paid and the insurance company
34 does not acquire such damaged vessel, the vessel owner shall mail or deliver the
35 certificate of title to the commissioner for cancellation. If the certificate of title has been
36 lost, destroyed, or misplaced, the vessel owner shall, prior to payment of the claim on
37 such vessel, obtain a replacement title. If the security interest holder or lienholder has

1 possession of the certificate of title, the insurance company shall thereafter mail or deliver
2 notification to the commissioner of the payment of the total loss claim and the name and
3 address of the security interest holder or lienholder in possession of the title. The
4 commissioner shall mail notice to the security interest holder or lienholder that a total loss
5 claim has been paid on the vessel and that the title to such vessel has been canceled,
6 provided that the validity of the security interest shall not be affected by issuance of a
7 salvage certificate of title. The security interest holder or lienholder shall, within ten days
8 after receipt of such notice of total loss claim and cancellation of the original certificate
9 of title, mail or deliver the canceled original certificate of title to the commissioner.

10 (b) Except as provided in subsection (a) of this Code section, any person, firm, or
11 corporation which purchases or otherwise acquires a salvage vessel shall apply to the
12 commissioner for a salvage certificate of title for such vessel within 30 days of the
13 purchase or acquisition of the vessel if the person, firm, or corporation intends to operate
14 or to sell, convey, or transfer the vessel for any purpose other than scrapping, dismantling,
15 or demolition; and no such person, firm, or corporation shall sell, transfer, or convey a
16 salvage vessel until such person, firm, or corporation has applied for and obtained a salvage
17 certificate of title. The application for a salvage certificate of title shall be made in a
18 manner to be prescribed by the commissioner. Any certificate of title which is issued to
19 a salvage vessel, as provided for in this Code section, shall contain the word 'salvage' on
20 the face of the certificate in such a manner as the commissioner may prescribe, so as to
21 indicate clearly that the vessel described is a salvage vessel.

22 (c) As an alternative to criminal or other civil enforcement, the commissioner, in order to
23 enforce this Code section or any orders, rules, and regulations promulgated pursuant to this
24 Code section, may issue an administrative fine not to exceed \$1,000.00 for each violation
25 whenever the commissioner, after a hearing, determines that any person has violated any
26 provisions of this Code section or any regulations or orders promulgated under this Code
27 section. The hearing and any administrative review thereof shall be conducted in
28 accordance with the procedure for contested cases under Chapter 13 of Title 50, the
29 'Georgia Administrative Procedure Act.' Any person who has exhausted all administrative
30 remedies available and who is aggrieved or adversely affected by a final order or action of
31 the commissioner shall have the right of judicial review thereof in accordance with
32 Chapter 13 of Title 50. All fines recovered under this subsection shall be paid into the state
33 treasury. The commissioner may file in the superior court (1) of the county wherein the
34 person under order resides; (2) if such person is a corporation, of the county wherein the
35 corporation maintains its principal place of business; or (3) of the county wherein the
36 violation occurred a certified copy of a final order of the commissioner, whether
37 unappealed from or affirmed upon appeal, whereupon the court shall render judgment in

1 accordance with the final order and notify the parties. Such judgment shall have the same
2 effect and proceedings in relation thereto shall thereafter be the same as though the
3 judgment had been rendered in an action duly heard and determined by the court. The
4 penalty prescribed in this Code section shall be concurrent, alternative, and cumulative
5 with any and all other civil, criminal, or alternative rights, remedies, forfeitures, or
6 penalties provided, allowed, or available to the commissioner with respect to any violation
7 of this Code section or any order, rules, or regulations promulgated pursuant thereto.

8 (d) The Commissioner of Insurance is authorized to enforce the provisions of this Code
9 section to the extent such provisions are applicable to insurers under the jurisdiction of the
10 Insurance Department. The Commissioner of Insurance is also authorized to cooperate
11 with the commissioner in enforcing this Code section and to provide the commissioner with
12 any information acquired by the Commissioner of Insurance during any investigation or
13 proceeding involving this Code section. Nothing in this subsection shall be construed to
14 limit the powers and duties of the commissioner to enforce the provisions of this Code
15 section as such provisions apply to insurers.

16 (e) It shall be unlawful for any person, firm, or corporation to violate the provisions of
17 subsection (a) or (b) of this Code section; and any person, firm, or corporation convicted
18 of violating such provisions shall be guilty of a misdemeanor. Any owner of a salvage
19 vessel who transfers or attempts to transfer such vessel without obtaining a salvage
20 certificate of title for such vessel shall be guilty of a misdemeanor of a high and aggravated
21 nature, punishable by a fine not to exceed \$5,000.00. Any security interest holder or
22 lienholder who, after notice by the commissioner of payment of a total loss claim and
23 cancellation of the title of a vessel, fails or refuses to return the title to the commissioner
24 or who surrenders the title to anyone other than the commissioner shall be guilty of a
25 misdemeanor of a high and aggravated nature, punishable by a fine not to exceed
26 \$5,000.00.

27 (f) The registered owner who retains possession of a salvage vessel to whom a total loss
28 claim has been paid shall promptly remove the registration number from such vessel. An
29 insurer which pays a total loss claim shall, on a form prescribed by the commissioner,
30 notify the owner of the duty to remove such registration number.

31 52-7A-22.

32 (a) An application for a certificate of title shall be accompanied by the required fee when
33 mailed or delivered to the commissioner or a designated agent.

34 (b) An application for the naming of a lienholder on a certificate of title shall be
35 accompanied by the required fee when mailed or delivered to the commissioner or a
36 designated agent.

1 (c) The commissioner shall be paid a fee of \$18.00 for the filing of an application for any
2 certificate of title. The commissioner may, by appropriate regulation, provide for
3 additional fees not to exceed \$18.00 for the special handling of applications for certificates
4 of title and related documents. The commissioner shall be paid a fee of \$8.00 for the filing
5 of an application for a replacement certificate of title. The fee for issuance of a
6 replacement certificate of title shall be the same whether mailed or delivered to the
7 commissioner or an agent.

8 (d) The above fees shall be required of all applicants except the State of Georgia and the
9 United States of America.

10 52-7A-23.

11 The commissioner is authorized to utilize the services of persons appointed as county tag
12 agents under Code Section 40-2-23 and to allow such county tag agents to retain a fee not
13 in excess of 50 cents for each application handled, such fee to be disposed of as other tag
14 fees retained by him or her as tag agent are disposed of in his or her county. Any applicant
15 for a title shall have the right to mail the application directly to the department.

16 52-7A-24.

17 (a) All county tag agents accepting and handling title applications shall endeavor to submit
18 such applications and related sums of money to which the department is entitled to the
19 commissioner on a daily basis. All reports of title applications handled and related sums
20 of money collected to which the department is entitled must be submitted to the
21 commissioner within seven calendar days from the close of the business day during which
22 such applications were handled and related sums of money collected.

23 (b) Funds received as a result of handling title applications shall be considered trust funds
24 in the hands of the tag agents until such time as they are paid over to the commissioner.

25 (c) Failure to submit the reports or remit the funds within the seven-calendar-day period
26 from the close of the business day as required by this Code section shall result in the
27 penalties imposed by Code Section 48-2-44.

28 (d) Before the expiration of the time period within which a title report is required to be
29 filed with the commissioner or funds remitted to the commissioner, application may be
30 made to the commissioner for an extension. The commissioner is authorized, upon a
31 showing of justifiable cause, to grant up to a ten-day extension from the deadline provided
32 for the performance of the above duties. Only one such extension may be granted with
33 regard to any reports or funds due the commissioner for a specific business day.

34 (e) Proof of mailing within the appropriate time period provided for in this Code section,
35 as evidenced by a United States Postal Service postmark, shall be prima-facie proof that

1 the county tag agent has complied in a timely manner with the duties enumerated by this
2 Code section.

3 52-7A-25.

4 (a) The commissioner shall suspend or revoke a certificate of title, upon notice and
5 reasonable opportunity to be heard in accordance with Code Section 52-7A-6, when
6 authorized by any other provision of law or if the commissioner finds:

7 (1) The certificate of title was fraudulently procured or erroneously issued; or

8 (2) The vessel has been scrapped, dismantled, or destroyed.

9 (b) Suspension or revocation of a certificate of title does not, in itself, affect the validity
10 of a security interest noted on it.

11 (c) When the commissioner suspends or revokes a certificate of title, the owner or person
12 in possession of it shall, immediately upon receiving notice of the suspension or revocation,
13 mail or deliver the certificate to the commissioner.

14 (d) The commissioner may seize and impound any certificate of title which has been
15 suspended or revoked.

16 52-7A-26.

17 In instances when an application for title is required to be submitted within a certain time
18 period, proof of mailing within the designated period allowed for submission of the
19 documents, as evidenced by a United States Postal Service postmark, shall be prima-facie
20 proof that the application was timely submitted. Additionally, when the law provides for
21 a penalty for the untimely submission of a title application, the responsibility for the
22 collection of such penalty shall be that of the commissioner.

23 52-7A-27.

24 (a) Any person, firm, or corporation which pays a total loss claim on a vessel as a result
25 of such vessel's being stolen shall within 15 days of the payment of such total loss claim
26 apply to the commissioner for a transfer of the certificate of title into such person's, firm's,
27 or corporation's name. No person, firm, or corporation shall sell, transfer, or convey such
28 vessel until the requirements of this Code section have been met.

29 (b) As an alternative to criminal or other civil enforcement, the commissioner, in order to
30 enforce this Code section or any orders, rules, and regulations promulgated pursuant to this
31 Code section, may issue an administrative fine not to exceed \$1,000.00 for each violation
32 whenever the commissioner, after a hearing, determines that any person has violated any
33 provisions of this Code section or any regulations or orders promulgated under this Code
34 section. The hearing and any administrative review thereof shall be conducted in

1 accordance with the procedure for contested cases under Chapter 13 of Title 50, the
 2 'Georgia Administrative Procedure Act.' Any person who has exhausted all administrative
 3 remedies available and who is aggrieved or adversely affected by a final order or action of
 4 the commissioner shall have the right of judicial review thereof in accordance with
 5 Chapter 13 of Title 50. All fines recovered under this subsection shall be paid into the state
 6 treasury. The commissioner may file in the superior court (1) of the county wherein the
 7 person under order resides; (2) if such person is a corporation, of the county wherein the
 8 corporation maintains its principal place of business; or (3) of the county wherein the
 9 violation occurred a certified copy of a final order of the commissioner, whether
 10 unappealed from or affirmed upon appeal, whereupon the court shall render judgment in
 11 accordance with the final order and notify the parties. Such judgment shall have the same
 12 effect and proceedings in relation thereto shall thereafter be the same as though the
 13 judgment had been rendered in an action duly heard and determined by the court. The
 14 penalty prescribed in this Code section shall be concurrent, alternative, and cumulative
 15 with any and all other civil, criminal, or alternative rights, remedies, forfeitures, or
 16 penalties provided, allowed, or available to the commissioner with respect to any violation
 17 of this Code section or any order, rules, or regulations promulgated pursuant thereto.

18 (c) The Commissioner of Insurance is authorized to enforce the provisions of this Code
 19 section to the extent such provisions are applicable to insurers under the jurisdiction of the
 20 Insurance Department. The Commissioner of Insurance is also authorized to cooperate
 21 with the commissioner in enforcing this Code section and to provide the commissioner with
 22 any information acquired by the Commissioner of Insurance during any investigation or
 23 proceeding involving this Code section. Nothing in this subsection shall be construed to
 24 limit the powers and duties of the commissioner to enforce the provisions of this Code
 25 section as such provisions apply to insurers.

26 52-7A-28.

27 (a) Except as provided in Code Sections 11-9-303, 11-9-316, and 11-9-337, the security
 28 interest in a vessel of the type for which a certificate of title is required shall be perfected
 29 and shall be valid against subsequent creditors of the owner, subsequent transferees, and
 30 the holders of security interests and liens on the vessel by compliance with this chapter.

31 (b)(1) A security interest is perfected by delivery to the commissioner or to the county
 32 tag agent of the county in which the seller is located, the county in which the sale takes
 33 place, the county in which the vessel is delivered, or the county wherein the vessel owner
 34 resides of the required fee and:

35 (A) The existing certificate of title, if any, and an application for a certificate of title
 36 containing the name and address of a security interest holder; or

1 (B) A notice of security interest on forms prescribed by the commissioner.

2 (2) The security interest is perfected as of the time of its creation if the initial delivery
3 of the application or notice to the commissioner or local tag agent is completed within 20
4 days thereafter, regardless of any subsequent rejection of the application or notice for
5 errors; otherwise, as of the date of the delivery to the commissioner or local tag agent.
6 The local tag agent shall issue a receipt or other evidence of the date of filing of such
7 application or notice. When the security interest is perfected as provided for in this
8 subsection, it shall constitute notice to everybody of the security interest of the holder.

9 52-7A-29.

10 If the owner creates a security interest in a vessel:

11 (1) The owner shall immediately execute the application in the space provided therefor
12 on the certificate of title or on a separate form that the commissioner prescribes, showing
13 the name and address of the security interest holder, and shall deliver the certificate, the
14 application, and the required fee to the security interest holder;

15 (2) The security interest holder shall immediately mail or deliver the certificate of title
16 and application and the required fee to the commissioner or the commissioner's
17 appropriate authorized county tag agent within 90 days of the date of creation of the
18 security interest or lien. If the certificate of title and application and the required fee are
19 not mailed or delivered within such time, the security interest holder or lienholder shall
20 be required to pay a \$10.00 penalty in addition to the ordinary title fee provided for by
21 this chapter. If the documents submitted in support of the title application are rejected,
22 the party submitting the documents shall have 60 days from the date of initial rejection
23 to resubmit the documents required by the commissioner or the authorized county tag
24 agent for the issuance of title. If the documents are not properly resubmitted within the
25 60 day period, there shall be an additional \$10.00 penalty assessed, and the owner of the
26 vessel shall be required to remove immediately the registration number required pursuant
27 to Chapter 7. If the documents have not been resubmitted as required under this
28 paragraph, the registration number shall be deemed to have expired at 12:00 Midnight of
29 the sixtieth day following the initial rejection of the documents; and

30 (3) Upon receipt of the certificate of title, the application, and the required fee, the
31 commissioner or the commissioner's duly authorized county tag agent shall issue a new
32 certificate containing the name and address of the security interest holder and of holders
33 of previous unreleased security interests and liens, if any, and shall mail the certificate
34 to the first holder on it. If more than one holder is named on the certificate, the first
35 holder shall comply with subsection (b) of Code Section 52-7A-12 in regard to notifying
36 other holders of the content of the certificate.

1 52-7A-30.

2 (a) If the owner of a vessel desires to place a second or subsequent security interest against
3 the vessel and the certificate of title on that vessel is being held by a security interest holder
4 or lienholder, the owner shall, on the form prescribed by the commissioner, execute a title
5 application and a notice of the second or subsequent security interest; and the holder of the
6 second or subsequent security interest shall forward such notice and title application,
7 together with a fee as provided by Code Section 52-7A-22, by certified mail or statutory
8 overnight delivery, return receipt requested, to the first holder of a security interest or lien
9 who has custody of the certificate of title. The notice of such second or subsequent security
10 interest shall contain on its face instructions to the security interest holder or lienholder
11 having custody of the certificate of title directing such custodial security interest holder or
12 lienholder within ten days to forward the notice, title application, and fee, together with the
13 certificate of title, to the commissioner or the commissioner's duly authorized county tag
14 agent in order that the commissioner or authorized county tag agent may issue a new
15 certificate of title and reflect on the certificate of title the subsequent security interest. The
16 first security interest holder or lienholder having possession of the certificate of title shall
17 comply with the instructions contained in the notice. The commissioner or authorized
18 county tag agent, upon receipt of a properly executed application notice, the fee, and the
19 original certificate of title, shall enter the subsequent security interest on such
20 commissioner's or authorized county tag agent's records and shall issue a new certificate
21 of title and shall then deliver the certificate of title as provided for in this chapter.

22 (b) If the holder of the second or subsequent security interest forwards by registered or
23 certified mail or statutory overnight delivery the title application, notice of the second or
24 subsequent security interest, and fee to the first security interest holder or lienholder who
25 has custody of the certificate of title within ten days of the execution of that second or
26 subsequent security interest, it shall be perfected as of the date it was executed; otherwise,
27 as of the date the notice was forwarded to the first security interest holder or lienholder
28 holding the certificate of title. The second or subsequent security interest holder shall
29 retain the return registered or certified mail or statutory overnight delivery receipt as proof
30 of perfection of the security interest under this Code section.

31 (c) In the event the first security interest holder or lienholder holding the certificate of the
32 title fails, refuses, or neglects to forward the title application, notice, fee, and original
33 certificate of title to the commissioner or the commissioner's duly authorized county tag
34 agent as required by this Code section, the holder of the second or subsequent security
35 interest may, on a form prescribed by the commissioner, make direct application to the
36 commissioner or authorized county tag agent. Such direct application to the commissioner
37 or authorized county tag agent shall have attached to it the return registered or certified

1 mail or statutory overnight delivery receipt showing the previous mailing of the title
2 application, fee, and notice to the first security interest holder or lienholder. Upon receipt
3 of such a direct application, the commissioner or authorized county tag agent shall order
4 the first security interest holder or lienholder having custody of the certificate of title to
5 forward the certificate of title to the commissioner or the authorized county tag agent for
6 the purpose of having the second or subsequent security interest entered and a new
7 certificate of title issued. If, after a direct application to the commissioner or authorized
8 county tag agent and the order of the commissioner or authorized county tag agent the first
9 security interest holder or lienholder continues to fail, refuse, or neglect to forward the
10 certificate of title as provided in this Code section, the commissioner or authorized county
11 tag agent may cancel the outstanding certificate of title and issue a new certificate of title
12 reflecting all security interests and liens, including the second or subsequent security
13 interest; and this new certificate of title shall be delivered as provided for in this chapter.

14 (d) As an alternative to mailing notices concerning a second or subsequent security
15 interest; to the commissioner or the commissioner's duly authorized county tag agent in
16 accordance with this Code section, the commissioner shall be authorized to permit the
17 transaction to be made by electronic means in accordance with regulations promulgated by
18 the commissioner.

19 (e) No first security interest holder or lienholder having possession of the certificate of title
20 shall have the validity of that security interest or lien affected by surrendering the
21 certificate of title as provided for by this Code section.

22 52-7A-31.

23 (a) If the lienholder, except the holder of a mechanic's lien, perfection of which is
24 prescribed in Code Section 52-7A-32, desires to perfect such lien against a vessel, the
25 lienholder shall, on the form prescribed by the commissioner, execute a title application
26 and a notice of lien stating the type of lien and the specific vessel against which the lien is
27 claimed and shall forward such notice and title application, together with a fee as provided
28 by Code Section 52-7A-22, either personally or by certified mail or statutory overnight
29 delivery, return receipt requested, to the person who has custody of the current certificate
30 of title at the address shown on such certificate of title. If someone other than the owner
31 is holding the certificate of title, a copy of the notice shall also be forwarded to the owner.
32 The lien claimant shall retain the certified mail or statutory overnight delivery receipt as
33 proof of compliance with this Code section.

34 (b) After receipt of the notice of lien, as specified in this Code section, neither the owner
35 nor any other person shall take any action affecting the title other than as provided in this
36 Code section. After receipt of the notice of lien, the person holding the certificate of title

1 shall hold the notice of lien and attachments and the title for ten days. If, during the
2 ten-day period following receipt of the notice, the claimed lien is satisfied, the lien claimant
3 shall, on the form prescribed by the commissioner, notify the owner and the person holding
4 the certificate of title of such satisfaction. The notice of satisfaction shall serve as a release
5 and withdrawal of the pending notice of lien. If the owner or person holding the certificate
6 of title chooses to contest the claimed lien, such owner or person holding the certificate of
7 title shall so indicate on the notice of lien form and shall notify the other interested parties.
8 If the notice contesting the lien is given, or if ten days have elapsed without the lien being
9 satisfied, the person holding the certificate of title shall forward the certificate of title
10 together with the notice of lien and attachments thereto to the commissioner or the
11 commissioner's duly authorized county tag agent in order that the commissioner or
12 authorized county tag agent shall issue a new certificate of title and reflect on the new
13 certificate of title the lien on the vessel. The owner or the person who has custody of the
14 current certificate of title shall comply with the instructions contained in the notice; and in
15 the event such owner or person having custody of the current title cannot do so, such owner
16 or person having custody of the current title shall notify the lien claimant. The
17 commissioner or authorized county tag agent, upon receipt of a properly executed title
18 application, notice, fee, and the current certificate of title, shall enter the lien on the
19 commissioner's or authorized county tag agent's records and shall issue a new certificate
20 of title reflecting the lien and shall then deliver the certificate of title as provided for in this
21 chapter. The lien shall be perfected at the time the lien notice, application for title, fee, and
22 current certificate of title are received by the commissioner or authorized county tag agent.

23 (c) In the event that the person who has custody of the current certificate of title fails,
24 refuses, or neglects to forward the title application, notice, fee, and current certificate of
25 title to the commissioner or the commissioner's duly authorized county tag agent as
26 required by this Code section, the lien claimant may, if such lien claimant's lien has not
27 been satisfied, on a form prescribed by the commissioner, make direct application to the
28 commissioner or authorized county tag agent. Such direct application to the commissioner
29 or authorized county tag agent shall have attached to it the return registered or certified
30 mail or statutory overnight delivery receipt showing the previous mailing of the title
31 application, fee, and notice to the person who has custody of the current certificate of title.
32 Upon receipt of such a direct application, the commissioner or authorized county tag agent
33 shall order the person who has custody of the current certificate of title to forward the
34 certificate of title to the commissioner or authorized county tag agent for the purpose of
35 having the lien entered and a new certificate of title reflecting the lien issued. If, after a
36 direct application to the commissioner or authorized county tag agent and after the order
37 of the commissioner or authorized county tag agent, the person who has custody of the

1 current certificate of title continues to fail, refuse, or neglect to forward the certificate of
2 title as provided in this Code section, the commissioner or authorized county tag agent may
3 cancel the current certificate of title and issue a new certificate of title reflecting all security
4 interests and liens; and this new certificate of title shall be delivered as provided for in this
5 chapter. In the event a direct application is made, the lien shall be perfected as of the date
6 the outstanding certificate of title is canceled.

7 (d) No security interest holder or lienholder having custody of the certificate of title shall
8 have the validity of such security interest holder's or lienholder's security interest or lien
9 affected by surrendering the certificate of title as provided by this Code section. The first
10 security interest holder or lienholder shall have the responsibility to advise a prospective
11 transferee or security interest holder, upon inquiry, that a notice of subsequent lien has been
12 received. Upon the issuing of a new certificate of title, the commissioner or the
13 commissioner's duly authorized county tag agent shall cancel the old certificate of title.

14 (e) A lien perfected under this Code section shall be a lien only against the specific vessel
15 identified in the application for a new certificate.

16 (f) A lien on a vessel for which a certificate of title is required shall be perfected and shall
17 be valid against subsequent transferees and holders of security interests and liens only
18 through compliance with this Code section. The procedure contained in this chapter shall
19 be the exclusive method for the perfection of liens on vessels required to have certificates
20 of title, and no lien shall be effective against such a vessel unless so perfected.

21 52-7A-32.

22 (a) All mechanics of every sort shall have a special lien on any vessel required to have a
23 certificate of title by Code Section 52-7A-7 for work done, for work done and materials
24 furnished, or for materials furnished in repairing or servicing such vessel. Perfection of the
25 lien by recording shall be as provided in Code Section 52-7A-31. The lien may be asserted
26 by retention of the vessel, and all contracts for repairs or service to vessels shall be deemed
27 to incorporate a right of retention by the mechanic to protect this lien until it is paid or
28 satisfied through foreclosure as provided in this Code section. The lien may also be
29 asserted by surrendering the vessel, giving credit, and foreclosing the lien claim in the
30 manner provided in this Code section. If the mechanic surrenders possession of the vessel
31 to the debtor, the mechanic shall record the claim of lien as provided in Code Section
32 52-7A-31. Such special lien shall be superior to all liens except for taxes and such other
33 security interests and liens of which the mechanic had actual or constructive notice before
34 the work was done or material furnished. The validity of the lien against third parties shall
35 be determined in accordance with this chapter.

1 (b) If possession is retained or the lien recorded, the owner-debtor may contest the validity
2 of the amount claimed to be due by making written demand upon the lienholder. If upon
3 receipt of such demand the lienholder fails to institute foreclosure proceedings within ten
4 days where possession has been retained, or within 30 days where possession has been
5 surrendered, the lien is forfeited.

6 (c) The lien shall be foreclosed in the following manner:

7 (1) A person asserting the lien, either for himself or herself or as a guardian,
8 administrator, executor, or trustee, may move to foreclose it by making an affidavit to a
9 court of competent jurisdiction showing all the facts necessary to constitute a lien under
10 this Code section and the amount claimed to be due;

11 (2) Upon such affidavit being filed, the clerk or a judge of the court shall serve notice
12 upon the owner, the recorded security interest holders and lienholders, and the lessee, if
13 any, of the vessel of a right to a hearing to determine if reasonable cause exists to believe
14 that a valid debt exists, and that such hearing must be petitioned for within five days after
15 receipt of the notice and that, if no petition for such hearing is filed within the time
16 allowed, the lien will conclusively be deemed a valid one and foreclosure thereof
17 allowed;

18 (3) If a petition for a hearing is filed within the time allowed, the court shall set a
19 probable cause hearing within ten days of the filing of the petition. If, at the probable
20 cause hearing, the court determines that reasonable cause exists to believe that a valid
21 debt exists, the mechanic shall be given possession of the vessel or the court shall obtain
22 possession of the vessel, as ordered by the court; provided, however, the owner-debtor
23 may retain possession of the vessel by giving bond and security in the amount determined
24 to be probably due and the costs of the action;

25 (4) Within five days of the probable cause hearing, a defendant shall petition the court
26 for a full hearing on the validity of the debt if a further determination of the validity of
27 the debt is desired. If no such petition is filed, the lien on the amount determined
28 reasonably due shall be conclusively deemed valid and foreclosure allowed; if such a
29 petition is filed, the court shall set a full hearing thereon within 30 days of the filing of
30 the petition. Upon the filing of such petition by the defendant, neither the prosecuting
31 mechanic nor the court may sell the vessel, although possession of the vessel may be
32 retained;

33 (5) If, after a full hearing, the court finds that a valid debt exists, then the court shall
34 authorize foreclosure upon and sale of the vessel subject to the lien to satisfy the debt if
35 the debt is not otherwise immediately paid;

36 (6) If the court finds the actions of the mechanic in retaining or seeking possession of the
37 vessel were not taken in good faith, the court, in its discretion, may award damages to the

1 owner, the lessee, or any person deprived of the rightful use of the vessel due to the
2 deprivation of the use of the vessel; and

3 (7) Any proceeding to foreclose a mechanic's lien on a vessel must be instituted within
4 one year from the time the lien is recorded or is asserted by retention.

5 52-7A-33.

6 (a) The holder of any security interest in or lien on a vessel may assign, absolutely or
7 otherwise, such holder's security interest or lien to a person other than the owner without
8 affecting the interest of the owner or the validity of the security interest or lien; but any
9 person without notice of the assignment is protected in dealing with the holder of the
10 security interest or lien, and the holder of the security interest or lien remains liable for any
11 obligations as such holder until the assignee is named as the holder of the security interest
12 or lien on the certificate of title.

13 (b) The assignee may, but need not to perfect the assignment, have the certificate of title
14 endorsed or issued with the assignee named as holder of a security interest or lien upon
15 delivering to the commissioner or the commissioner's duly authorized county tag agent the
16 certificate and assignment by the holder of a security interest or lien named in the
17 certificate in the form the commissioner prescribes, provided that as an alternative to a
18 handwritten signature, the commissioner may authorize use of a digital signature so long
19 as appropriate security measures are implemented which assure security and verification
20 of the digital signature process, in accordance with regulations promulgated by the
21 commissioner. If the assignment refers to a security interest or lien which is reflected on
22 the certificate of title and the certificate of title is in the possession of the first security
23 interest holder or lienholder as provided by this chapter, the assignee may, but need not to
24 perfect the assignment, have the certificate of title endorsed, or a new certificate of title
25 issued, by complying with Code Section 52-7A-13.

26 52-7A-34.

27 (a)(1) If any security interest or lien listed on a certificate of title is satisfied, the holder
28 thereof shall, within ten days after demand, execute a release in the form the
29 commissioner prescribes and mail or deliver the release to the owner, provided that as an
30 alternative to a handwritten signature, the commissioner may authorize use of a digital
31 signature so long as appropriate security measures are implemented which assure security
32 and verification of the digital signature process, in accordance with regulations
33 promulgated by the commissioner. For the purposes of the release of a security interest
34 or lien, the 'holder' of the security interest or lien is the parent bank or other lending
35 institution; and any branch or office of the parent institution may execute such release.

1 (2) If the commissioner has entered into an agreement with such a security interest
2 holder or lienholder to provide a means of delivery by secure electronic measures of a
3 notice of the recording of such security interest or lien, at such time as the security
4 interest or lien is released, by secure electronic measures, the certificate of title may be
5 printed and mailed or delivered to the next security interest holder or lienholder or, if
6 there is no other security interest holder or lienholder, to the owner without payment of
7 any fee required by Code Section 52-7A-22.

8 (b) The owner may then forward the certificate of title, the release, the properly executed
9 title application, and title application fee to the commissioner or the commissioner's duly
10 authorized county tag agent, and the commissioner or authorized county tag agent shall
11 release the security interest or lien on the certificate or issue a new certificate and mail or
12 deliver the certificate to the owner. If the satisfied security interest or lien is one reflected
13 on the certificate of title but the certificate of title is in the custody of the first security
14 interest holder or lienholder as provided by this chapter, the release may be handled as
15 provided in Code Section 52-7A-13, and Code Section 52-7A-12 shall otherwise be
16 complied with. In the event that the security interest holder or lienholder is no longer in
17 business, an individual shall not be required to submit a release to secure a new certificate
18 of title. The owner shall be required to present to the commissioner or authorized county
19 tag agent certification from the appropriate regulatory agency that such security interest
20 holder or lienholder is no longer in business.

21 (c) Any lien or security interest shall be considered satisfied and release shall not be
22 required after ten years from the date of issuance of a title on which such security interest
23 or lien is listed. None of the provisions of this Code section shall preclude the perfection
24 of a new security agreement or lien, or the perfection of an extension of a security
25 agreement or lien beyond a period of ten years, by application for a new certificate of title
26 on which such security agreement or lien is listed. In order to provide for the continuous
27 perfection of a security interest or lien originally entered into for a period of more than ten
28 years, an application for a second title on which the security interest or lien is listed must
29 be submitted to the commissioner or the commissioner's duly authorized tag agent before
30 ten years from the date of the original title on which such security interest or lien is listed.
31 Otherwise the security interest or lien shall be perfected as of the date of receipt of the
32 application by the commissioner or the commissioner's duly authorized county tag agent.

33 52-7A-35.

34 The holder of any security interest or lien named in a certificate of title shall, on written
35 request of the owner, another holder of any security interest or lien named in the certificate,
36 an interested third party, or the commissioner, disclose any information pertinent to the

1 security interest, the security agreement, and the debt secured thereby and the lien and the
2 amount for which it is claimed.

3 52-7A-36.

4 The method provided in this chapter of perfecting and giving notice of security interests
5 and liens with respect to vessels for which certificates of title must be obtained under this
6 chapter is exclusive, and such security interests and liens are exempt from the provisions
7 of law which otherwise require or relate to the recording or filing of security interests or
8 liens, claims of lien executions, and other like instruments with respect to such vessels.

9 52-7A-37.

10 This chapter shall not apply to or affect a security interest in a vessel created by a
11 manufacturer or dealer who holds the vessel for sale. A buyer in the ordinary course of
12 trade with the manufacturer or dealer takes free of such security interest.

13 52-7A-38.

14 Notwithstanding any other provision of law, a transaction does not create a sales or security
15 interest merely because it provides that the rental price is permitted or required to be
16 adjusted under the agreement either upward or downward by reference to the amount
17 realized upon sale or other disposition of the vessel.

18 52-7A-39.

19 Notwithstanding any other provision of law to the contrary, in any claim involving the total
20 loss of a vessel which is subject to more than one perfected security interest or lien as
21 recorded on the title of the vessel, the proceeds of the insurance policy shall be first applied
22 to the debt owed to the first lienholder. In the event that there are proceeds remaining after
23 satisfying the first lienholder, the proceeds shall be then applied to the debt owed to the
24 second and subsequent lienholders in order of priority and any proceeds remaining after
25 the satisfaction of all such recorded liens shall be paid to the insured. If the amount of debt
26 secured by such security interests or liens or the seniority of such security interests or liens
27 is in doubt, any remaining funds shall be deposited with the court and a complaint for
28 interpleader shall be filed in accordance with Code Section 9-11-22.

29 52-7A-40.

30 A person who, with fraudulent intent:

31 (1) Alters, forges, or counterfeits a certificate of title under this chapter;

1 (2) Alters or forges an assignment of a certificate of title or an assignment or release of
2 a security interest on a certificate of title or a form the commissioner prescribed under
3 this chapter;

4 (3) Has possession of or uses a certificate of title under this chapter knowing it to have
5 been altered, forged, or counterfeited;

6 (4) Uses a false or fictitious name or address or makes a material false statement, fails
7 to disclose a security interest, or conceals any other material fact in an application for a
8 certificate of title under this chapter;

9 (5) Alters or forges a notice of a transaction concerning a security interest or lien
10 reflected on the certificate of title as provided by Code Section 52-7A-13; or

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

14 shall be guilty of a felony.

15 52-7A-41.

16 (a) A person who:

17 (1) With fraudulent intent permits another, not entitled thereto, to use or have possession
18 of a certificate of title under this chapter;

19 (2) Willfully fails to mail or deliver a certificate of title to the commissioner or to the
20 purchaser of the vessel or a release of security interest or lien to the owner within ten
21 days of the time required by this chapter, except as provided in Code Section 52-7A-40;

22 (3) Willfully fails or refuses to mail or deliver the certificate of title to the commissioner
23 within ten days after having received a notice, as provided for in Code Section 52-7A-13
24 or 52-7A-30; or

25 (4) Willfully violates any other provision of this chapter
26 shall be guilty of a misdemeanor.

27 (b) Any person, firm, or corporation which knowingly makes any false statement in any
28 title application concerning the date a vessel was sold or acquired or the date of creation
29 of a security interest or lien shall be guilty of a misdemeanor and, upon conviction thereof,
30 shall be fined not more than \$100.00 or imprisoned for a period not to exceed 30 days.

31 (c) Any person, firm, or corporation which delivers or accepts a certificate of title assigned
32 in blank shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not
33 more than \$100.00 or imprisoned for a period not to exceed 30 days for the acceptance or
34 delivery of each certificate of title assigned in blank.

1 52-7A-42.

2 A person who knowingly makes a false report to a peace officer or the commissioner of the
3 theft or conversion of a vessel shall be guilty of a misdemeanor of a high and aggravated
4 nature.

5 52-7A-43.

6 In a prosecution for a crime specified in this chapter, evidence that the defendant has
7 committed a prior act or acts of the same kind is admissible to prove criminal intent or
8 knowledge.

9 52-7A-44.

10 Unless another penalty is provided in this chapter:

11 (1) A person convicted of a felony for the violation of a provision of this chapter shall be
12 punished by a fine of not less than \$500.00 nor more than \$5,000.00, by imprisonment for
13 not less than one year nor more than five years, or by both such fine and imprisonment;
14 and

15 (2) A person convicted of a misdemeanor for the violation of a provision of this chapter
16 shall be punished as provided in Code Section 17-10-3.

17 52-7A-45.

18 The penal provisions of this chapter in no way repeal or modify any existing provision of
19 criminal law but are additional and supplementary thereto."

20

SECTION 2.

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