

ADOPTED

Senators Loudermilk of the 52nd, Rogers of the 21st, Williams of the 19th, Orrock of the 36th and Albers of the 56th offered the following amendment:

1 *Amend the Senate substitute to HB 269 by deleting "To" at the beginning of line 1 and*
 2 *substituting in its place the following:*

3 To amend Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to
 4 certificates of title, security interests, and liens, so as to change the value of a vehicle that can
 5 be scrapped; to provide for procedures for notifying the Department of Revenue regarding
 6 the cancellation of titles to scrap vehicles; to add falsifying a statement regarding
 7 cancellation of title of a scrap vehicle to the list of acts deemed to be felonies; to

8 *By adding after "requirement;" on line 18 the following:*

9 to amend Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used
 10 motor vehicles and parts dealers, so as to change a cross-reference;

11 *By adding after line 20 the following:*

12 **SECTION .1.**

13 Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to certificates of
 14 title, security interests, and liens, is amended by revising paragraphs (2) and (3) of subsection
 15 (a) of Code Section 40-3-36, relating to the cancellation of a certificate of title for scrap,
 16 dismantled, or demolished vehicles, as follows:

17 "(2) Notwithstanding any other provision of this article to the contrary, if the owner or
 18 authorized agent of the owner has not obtained a title in his or her name for the vehicle
 19 to be transferred, or has lost the title for the vehicle to be transferred, he or she may sign
 20 a statement swearing that, in addition to the foregoing conditions, the vehicle is worth
 21 ~~\$750.00~~ \$850.00 or less and is at least 12 model years old. The statement described in
 22 this paragraph may be used only to transfer such a vehicle to a licensed used motor
 23 vehicle parts dealer under Code Section 43-47-7 or scrap metal processor under Code
 24 Section 43-43-1. The department shall promulgate a form for the statement which shall
 25 include, but not be limited to:

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

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

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

31 (D) A certification that the owner:

- 32 (i) Never obtained a title to the vehicle in his or her name; or
- 33 (ii) Was issued a title for the vehicle, but the title was lost or stolen;
- 34 (E) A certification that the vehicle:
- 35 (i) Is worth ~~\$750.00~~ \$850.00 or less;
- 36 (ii) Is at least 12 model years old; and
- 37 (iii) Is not subject to any secured interest or lien;
- 38 (F) An acknowledgment that the owner realizes this form will be filed with the
- 39 department and that it is a felony, punishable by imprisonment for not fewer than one
- 40 nor more than three years or a fine of not less than \$1,000.00 nor more than \$5,000.00,
- 41 or both, to knowingly falsify any information on this statement;
- 42 (G) The owner's signature and the date of the transaction;
- 43 (H) The name, and address, and National Motor Vehicle Title Information System
- 44 identification number of the business acquiring the vehicle;
- 45 (I) A certification by the business that ~~\$750.00~~ \$850.00 or less was paid to acquire the
- 46 vehicle; and
- 47 (J) The business agent's signature and date along with a printed name and title if the
- 48 agent is signing on behalf of a corporation.
- 49 (3)(A) The used motor vehicle parts dealer or scrap metal processor shall mail or
- 50 otherwise deliver the statement required under paragraph (2) of this subsection to the
- 51 department within 72 hours of the completion of the transaction, requesting that the
- 52 department cancel the Georgia certificate of title and registration.
- 53 (B) Notwithstanding the requirement to mail or otherwise deliver the statement
- 54 required under paragraph (2) of this subsection to the department, the department shall
- 55 provide a mechanism for the receipt of the information required to be obtained in the
- 56 statement by electronic means, at no cost to the used motor vehicle parts dealer or scrap
- 57 metal processor, in lieu of the physical delivery of the statement, in which case the used
- 58 motor vehicle parts dealer or scrap metal processor shall maintain the original statement
- 59 for a period of not less than two years.
- 60 (C) Within 48 hours of each day's close of business, the used motor vehicle parts dealer
- 61 or scrap metal processor who purchases or receives motor vehicles for scrap or for parts
- 62 shall deliver in a format approved by the department, either by facsimile or by other
- 63 electronic means to be made available by the department by January 1, 2012, a list of
- 64 all such vehicles purchased that day for scrap or for parts. That list shall contain the
- 65 following information:
- 66 (i) The name, address, and contact information for the reporting entity;
- 67 (ii) The vehicle identification numbers of such vehicles;
- 68 (iii) The dates such vehicles were obtained;

- 69 (iv) The names of the individuals or entities from whom the vehicles were obtained,
70 for use by law enforcement personnel and appropriate governmental agencies only;
71 (v) A statement of whether the vehicles were, or will be, crushed or disposed of, or
72 offered for sale or other purposes;
73 (vi) A statement of whether the vehicle is intended for export out of the United
74 States; and
75 (vii) The National Motor Vehicle Title Information System identification number of
76 the business acquiring the vehicle.

77 There shall be no charge to either a used motor vehicle parts dealer or scrap metal
78 processor associated with providing this information to the department.

79 (D) For purposes of this subsection, the term 'motor vehicle' shall not include a vehicle
80 which has been crushed or flattened by mechanical means such that it is no longer the
81 motor vehicle as described by the certificate of title, or such that the vehicle
82 identification number is no longer visible or accessible, in which case the purchasing
83 or receiving used motor vehicle parts dealer or scrap metal processor shall verify that
84 the seller has reported the vehicles in accordance with this subsection. Such
85 verification may be in the form of a certification from the seller or contract between the
86 seller and the purchasing or receiving used motor vehicle parts dealer or scrap metal
87 processor which clearly identifies the seller by a government issued photograph
88 identification card, or employer identification number, and shall be maintained for a
89 period of not less than two years.

90 (E) The information obtained by the department in accordance with this subsection
91 shall be reported to the National Motor Vehicle Title Information System, in a format
92 which will satisfy the requirement for reporting this information, in accordance with
93 rules adopted by the United States Department of Justice in 28 C.F.R. 25.56.

94 (F) The information obtained by the department in accordance with this subsection
95 shall be made available only to law enforcement agencies, and for purposes of
96 canceling certificates of title, and shall otherwise be considered to be confidential
97 business information of the respective reporting entities.

98 (G) All records required under the provisions of this Code section shall be maintained
99 for a period of two years by the reporting entity and shall include a scanned or
100 photocopied copy of the seller's or seller's representative's driver's license or state
101 issued identification card."