

House Bill 900 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 3 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to certificates of title for motor vehicles, so as to provide for the cancellation of a  
3 certificate of title for scrap metal, dismantled, or demolished trailers in a manner similar to  
4 motor vehicles, to help prevent trailer theft by persons seeking to sell stolen trailers for scrap  
5 metal; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to  
9 certificates of title for motor vehicles, is amended by revising paragraphs (1) and (2) of  
10 subsection (a) of Code Section 40-3-36, relating to cancellation of certificates of title for  
11 scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative  
12 enforcement, and removal of license plates, as follows:

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

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 including a trailer, to be transferred, or has lost the title for the vehicle or trailer to be  
20 transferred, he or she may sign a statement swearing that, in addition to the foregoing  
21 conditions, the vehicle or trailer is at least 12 model years old and is worth \$850.00 or  
22 less, if the vehicle was used as a motor vehicle, or \$1,700.00 or less if the vehicle was  
23 used as a trailer and is at least 12 model years old. The statement described in this  
24 paragraph may be used only to transfer such a vehicle to a licensed used motor vehicle  
25 parts dealer under Code Section 43-47-7 or scrap metal processor under Code Section

- 26 43-43-1. The department shall promulgate a form for the statement which shall include,  
27 but not be limited to:
- 28 (A) A statement that the vehicle or trailer shall never be titled again; it must be  
29 dismantled or scrapped;
  - 30 (B) A description of the vehicle including, where applicable, the year, make, model,  
31 vehicle identification number, and color;
  - 32 (C) The name, address, and driver's license number of the owner;
  - 33 (D) A certification that the owner:
    - 34 (i) Never obtained a title to the vehicle in his or her name; or
    - 35 (ii) Was issued a title for the vehicle, but the title was lost or stolen;
  - 36 (E) A certification that the vehicle:
    - 37 (i) Is worth \$850.00 or less, or \$1,700.00 or less if the vehicle is a trailer;
    - 38 (ii) Is at least 12 model years old; and
    - 39 (iii) Is not subject to any secured interest or lien;
  - 40 (F) An acknowledgment that the owner realizes this form will be filed with the  
41 department and that it is a felony, punishable by imprisonment for not fewer than one  
42 nor more than three years or a fine of not less than \$1,000.00 nor more than \$5,000.00,  
43 or both, to knowingly falsify any information on this statement;
  - 44 (G) The owner's signature and the date of the transaction;
  - 45 (H) The name, address, and National Motor Vehicle Title Information System  
46 identification number of the business acquiring the vehicle;
  - 47 (I) A certification by the business that \$850.00 or less, or \$1,700.00 or less if the  
48 vehicle is a trailer, was paid to acquire the vehicle; and
  - 49 (J) The business agent's signature and date along with a printed name and title if the  
50 agent is signing on behalf of a corporation."

51 **SECTION 2.**

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