

The House Committee on Motor Vehicles offers the following substitute to HB 1267:

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to revise penalties for certain offenses relative to license plates, revalidation
3 decals, temporary operating permits, certificates of registration, certificates of title, and
4 alteration of odometers; to provide for limitations on the private use of dealer vehicles by
5 employees; to provide for required material and design of a dealer's license plate; to amend
6 Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor
7 vehicle and used motor vehicle parts dealers, so as to provide that the State Board of
8 Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers is subject
9 to the 'Georgia Administrative Procedure Act; to amend Article 1 of Chapter 2 of Title 48
10 of the Official Code of Georgia Annotated, relating to state administrative organization for
11 the Department of Revenue, so as to establish a Used Motor Vehicle Dealers and Used Motor
12 Vehicle Parts Dealers Licensing Authority Transfer Advisory Council; to provide for
13 composition and duties of such advisory council; to provide for meetings and reporting by
14 such advisory council; to repeal and reserve Chapter 47 of Title 43 of the Official Code of
15 Georgia Annotated, relating to used motor vehicles and used motor vehicle parts dealers; to
16 amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation,
17 so as to abolish the State Board of Registration of Used Motor Vehicle Dealers and Used
18 Motor Vehicle Parts Dealers and transfer powers and duties relative to licensing and

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19 oversight of used motor vehicle dealers and used motor vehicle parts dealers to the
20 Department of Revenue; to amend various titles of the Official Code of Georgia Annotated
21 so as to make conforming changes; to provide for related matters; to provide for an effective
22 date and for contingent effectiveness upon appropriation of funds; to repeal conflicting laws;
23 and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25 **PART I**
26 **SECTION 1-1.**

27 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
28 amended by revising Code Section 40-2-4, relating to manufacture, sale, or issuance of
29 license plate or revalidation decal prohibited, as follows:

30 "40-2-4.

31 (a) Except as otherwise provided for in Article 2B of this chapter, it shall be unlawful for
32 any person, firm, or corporation to make, sell, or issue any license plate or revalidation
33 decal.

34 (b) Any person, firm, or corporation violating subsection (a) of this Code section shall be
35 guilty of a ~~misdemeanor~~ felony."

36 **SECTION 1-2.**

37 Said title is further amended by revising Code Section 40-2-5, relating to unlawful actions
38 relating to license plate and use of expired prestige license plate, as follows:

39 "40-2-5.

40 (a) Except as otherwise provided in this chapter, it shall be unlawful:

- 41 (1) To remove or transfer a license plate from the motor vehicle for which such license
 42 plate was issued;
- 43 (2) To sell or otherwise transfer or dispose of a license plate upon or for use on any
 44 motor vehicle other than the vehicle for which such license plate was issued;
- 45 (3) To buy, receive, use, or possess for use on a motor vehicle any license plate not
 46 issued for use on such motor vehicle; or
- 47 (4) To operate a motor vehicle bearing a license plate which was improperly removed
 48 or transferred from another vehicle.
- 49 (b) Any person who shall knowingly violate any provision of subsection (a) of this Code
 50 section shall be guilty of a misdemeanor of a high and aggravated nature and, upon
 51 conviction thereof, shall be punished by a fine of not less than ~~\$500.00~~ \$750.00 or by
 52 confinement for not more than 12 months, or both.
- 53 (c) It shall not be unlawful for any person to place an expired prestige license plate on the
 54 front of a motor vehicle provided that such vehicle also bears a current valid license plate
 55 on the rear of such vehicle."

56 **SECTION 1-3.**

57 Said title is further amended by revising Code Section 40-2-6, relating to alteration of license
 58 plates and operation of vehicle with altered or improperly transferred plate, as follows:

59 "40-2-6.

60 Except as otherwise provided in this chapter, any person who shall willfully mutilate,
 61 obliterate, deface, alter, change, or conceal any numeral, letter, character, county
 62 designation, or other marking of any license plate issued under the motor vehicle
 63 registration laws of this state; who shall knowingly operate a vehicle bearing a license plate
 64 on which any numeral, letter, character, ~~county designation~~, or other marking has been
 65 willfully mutilated, obliterated, defaced, altered, changed, or concealed; or who shall
 66 knowingly operate a vehicle bearing a license plate issued for another vehicle and not

67 properly transferred as provided by law shall be guilty of a misdemeanor and, upon
68 conviction thereof, shall be punished by a fine of not less than \$750.00 or by confinement
69 of not more than 12 months, or both."

70 **SECTION 1-4.**

71 Said title is further amended by revising Code Section 40-2-6.1, relating to obscuring license
72 plate in order to impede surveillance equipment, as follows:

73 "40-2-6.1.

74 Any person who willfully covers any license plate with plastic, other material, or any part
75 of his or her body in order to prevent or impede the ability of surveillance equipment to
76 clearly photograph or otherwise obtain a clear image of the license plate is guilty of a
77 misdemeanor and ~~shall be punished by a fine not to exceed \$1,000.00~~ and, upon conviction
78 thereof, shall be punished by a fine of not less than \$750.00 or by confinement of not more
79 than 12 months, or both."

80 **SECTION 1-5.**

81 Said title is further amended by revising Code Section 40-2-7, relating to removing or
82 affixing license plate with intent to conceal or misrepresent, as follows:

83 "40-2-7.

84 A person who removes a license plate from a vehicle or affixes to a vehicle a license plate
85 not authorized by law for use on it, in either case with intent to conceal or misrepresent the
86 identity of the vehicle or its owner, is guilty of a misdemeanor and, upon conviction
87 thereof, shall be punished by a fine of not less than \$750.00 or by confinement of not more
88 than 12 months, or both. As used in this Code section, 'remove' includes deface or
89 destroy."

SECTION 1-6.

90

91 Said title is further amended by revising Code Section 40-2-8.1, relating to issuance of
92 temporary operating permits, electronic temporary operating permit issuance system, system
93 access, and suspension from system, as follows:

94 "40-2-8.1.

95 (a) As used in this Code section, the term 'dealer' means any person who is engaged, in
96 whole or in part, in the business of selling, exchanging, renting with an option to purchase,
97 or offering an interest in motor vehicles for commission or with intent to make a profit or
98 gain of money or other thing of value, whether or not such motor vehicles are owned by
99 such person, and demonstrates an annual motor vehicle sales history of at least five motor
100 vehicle sales as identified by department records or documentation approved by the
101 department.

102 (b) Any dealer of new or used motor vehicles shall issue a temporary operating permit
103 without charge or fee to the purchaser of a vehicle at the time of sale thereof, unless such
104 vehicle is to be registered under the International Registration Plan or such dealer is one
105 whose primary business is the sale of salvage motor vehicles and other vehicles on which
106 total loss claims have been paid by insurers. Such temporary operating permit shall be of
107 a standard design prescribed the department; provided, however, that such permit shall not
108 resemble a license plate issued by this state. A temporary operating permit may bear the
109 name of the dealer and location and shall include an expiration date which shall be 45 days
110 from the date of purchase and the vehicle identification number of the vehicle to which it
111 is assigned. The expiration date of a temporary operating permit may be revised and
112 extended by the county tag agent upon application by the dealer, purchaser, or transferee
113 if an extension of the purchaser's initial registration period has been granted as provided
114 by Code Section 40-2-20.

115 (c)(1) The department may provide by rule or regulation for the sale and distribution of
116 temporary operating permits to dealers by third parties through the development and

117 maintenance of an electronic temporary operating permit issuance system and establish
118 standards for distribution and issuance of such permits. The department may further
119 provide by rule or regulation for standards for authorized access to an electronic
120 temporary operating permit issuance system, which may include, but shall not be limited
121 to, required criminal background checks for any user of the system and periodic audits.
122 Any third party authorized to sell and distribute temporary operating permits shall
123 maintain an inventory record of such permits by number and name of the dealer.

124 (2)(A) The department shall be authorized to suspend access to the electronic
125 temporary operating permit issuance system established pursuant to this Code section
126 for any dealer found to have issued temporary operating permits for a vehicle which has
127 not been sold or intended to be registered or otherwise violated requirements for
128 issuance of such permits established by rule or regulation of the department after
129 issuance of notice of such violation by electronic means and opportunity for informal
130 review as set forth in this subparagraph. Any dealer who has received notice pursuant
131 to this subsection of an alleged violation and for whom the department intends to
132 suspend access to the electronic temporary operating permit issuance system may
133 request an informal review of the allegations with the department. The method for
134 making such request shall be developed by the department and may be by electronic
135 means. Upon receipt of such request for informal review, the department shall, within
136 ten business days, schedule an informal conference with such dealer to review the
137 suspected violations. Proceedings under this subparagraph shall not be governed by
138 any formal procedural requirements and may be conducted in such manner as the
139 department may establish by rule or regulation. The department shall consider the
140 historical use of the electronic temporary operating permit issuance system by the
141 dealer under consideration for access suspension, together with other pertinent
142 information which may be available, and shall render a decision regarding access to the
143 electronic temporary operating permit issuance system within seven business days of

144 the informal conference. Upon a finding that such dealer violated the requirements of
145 this Code section or rules and regulations of the department, the department shall be
146 authorized to impose fines or fees as provided by law. The department shall not be
147 authorized to suspend access to the temporary operating permit system unless the
148 department finds a dealer to be substantially out of compliance with the requirements
149 of this Code section or the rules and regulations of the department and such dealer has
150 failed to produce satisfactory evidence of extenuating circumstances to justify such
151 noncompliance.

152 (B) If the department suspends a dealer's access to the electronic temporary operating
153 permit issuance system established pursuant to this Code section after an informal
154 review held pursuant to subparagraph (A) of this paragraph, the suspended dealer shall
155 have the right to a formal hearing to review the suspension pursuant to Code
156 Section 40-3-6. Such hearing shall be held within 30 days of the department's decision
157 to suspend the dealer's access to the electronic temporary operating permit issuance
158 system and shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia
159 Administrative Procedure Act.' At such hearing, the department may present evidence
160 of any instances in which the suspended dealer unlawfully issued temporary operating
161 permits or issued fraudulent temporary operating permits. Upon a finding that the
162 suspended dealer is in compliance with the requirements of this Code section and has
163 issued temporary operating permits predominantly for bona fide motor vehicle sales,
164 the department shall provide for the immediate restoration of access to the electronic
165 temporary operating permit issuance system for such dealer but shall be authorized to
166 impose fines or fees as provided by law for failure to comply with the requirements of
167 this chapter. Upon a finding that the suspended dealer violated the requirements of this
168 Code section or rules and regulations of the department, the department shall be
169 authorized to extend the term of suspension for a period of up to 24 months. Upon a
170 finding that a dealer has unlawfully issued temporary operating permits in violation of

171 this chapter or rules and regulations of the department, the department shall further be
172 authorized to issue a civil monetary penalty in an amount no greater than \$100.00 per
173 violation, suspend or revoke the registration issued to a dealer pursuant to Code
174 Section 40-2-39, and suspend, confiscate, or limit issuance of any dealer plates issued
175 pursuant to Code Section 40-2-38 for a period of up to 24 months. The department
176 shall comply with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,'
177 in relation to the expedited review provided for in this subparagraph and the suspended
178 dealer shall have the right to appeal any decision of the department in accordance with
179 such chapter.

180 (d) The commissioner shall prepare an annual report to the General Assembly on activities
181 of the department relating to incidences of fraud and suspected fraud relating to dealers,
182 dealer license plates, and temporary operating permits.

183 (e) The commissioner is authorized to promulgate rules and regulations necessary to
184 effectuate the provisions of this Code section."

185 **SECTION 1-7.**

186 Said title is further amended by revising Code Section 40-2-29, relating to registration and
187 license plate required, timing, required documentation, issuance of temporary operating
188 permit for vehicles failing emission inspection, and extensions, as follows:

189 "40-2-29.

190 (a) Except as otherwise provided in this chapter, any person purchasing or acquiring a
191 vehicle shall register and obtain, or transfer, a license plate to operate such vehicle from
192 the county tag agent in their county of residence no later than seven business days after the
193 date of purchase or acquisition of the vehicle by presenting to the county tag agent the
194 following:

195 (1) If applicable, a motor vehicle certificate of title or an application therefor as provided
196 in Chapter 3 of this title;

197 (2) Satisfactory proof of owner's insurance coverage as provided for in subsection (d) of
198 Code Section 40-2-26;

199 (3) If applicable, satisfactory proof of compliance with Article 2 of Chapter 9 of Title 12,
200 the 'Georgia Motor Vehicle Emission Inspection and Maintenance Act'; and

201 (4) Satisfactory proof that all fees, permits, and taxes have been paid.

202 (b) An application for registration shall be accompanied by check; cash; certified or
203 cashier's check; bank, postal, or express money order; or other similar bankable paper for
204 the required fee or any taxes required by law.

205 (c) Upon application for renewal of a vehicle registration, a person unable to fully comply
206 with the requirements of paragraph (3) of subsection (a) of this Code section shall receive
207 a temporary operating permit that shall be valid for 30 days.

208 (d) The commissioner may provide by rule or regulation for one 30 day extension of the
209 initial registration period which may be granted by the county tag agent if the transferor has
210 not provided such purchaser or other transferee owner with a title to the motor vehicle more
211 than five business days prior to the expiration of such initial registration period. The
212 county tag agent shall grant an extension of the initial registration period when the
213 transferor, purchaser, or transferee can demonstrate by affidavit in a form provided by the
214 commissioner that title has not been provided to the purchaser or transferee due to the
215 failure of a security interest holder or lienholder to timely release a security interest or lien
216 in accordance with Code Section 40-3-56.

217 ~~(e) A conviction for displaying a license plate or temporary operating permit not provided~~
218 ~~for in this chapter shall be punished as a misdemeanor."~~

219 **SECTION 1-8.**

220 Said title is further amended by revising Code Section 40-2-38, relating to registration and
221 licensing of manufacturers, distributors, and dealers and issuance of manufacturer,
222 manufacturer headquarters, distributor, and dealer license plates, as follows:

223 "40-2-38.

224 (a).(1) As used in this Code section, the term 'dealer' shall have the same meaning as set
225 forth in Code Section 40-2-8.1.

226 (1) Manufacturers, manufacturer headquarters, distributors, and dealers engaged in the
227 manufacture, sale, or leasing of vehicles required to be registered under Code
228 Section 40-2-20 shall register by electronic means with the commissioner, making
229 application for a distinguishing number, upon forms prepared by the commissioner for
230 such purposes, and pay therefor a fee of \$62.00, which shall accompany such application.
231 Upon payment of such fee by an applicant, the commissioner shall furnish one master
232 number plate to expire each year in accordance with this Code section based upon the
233 type of master number plate issued. Each additional plate issued pursuant to this Code
234 section shall require payment of a \$12.00 fee. Each master number plate and any
235 additional plates issued pursuant to this Code section shall be distinguished from the
236 license plates provided for in this chapter by different and distinguishing colors to be
237 determined by the commissioner. The dealer plate for a ~~franchise~~ franchised motor
238 vehicle dealer shall be distinguishable from the dealer plate for a used car dealer and from
239 the dealer plate for a motor vehicle wholesaler. Except as otherwise authorized by this
240 Code section, a dealer's master number plate or additional plates issued pursuant to this
241 Code section shall be for the purpose of demonstrating or transporting vehicles or trailers
242 for sale or lease. Persons engaged in the business of transporting vehicles for a dealer
243 under a vehicle's own power shall be permitted to use such dealer's plate for the purpose
244 of transporting a vehicle.

245 (2) No dealer may use or permit to be used a dealer's number for private use, on ~~cars~~
246 motor vehicles for hire or lease, or in any other manner not provided for in this Code
247 section. A dealer may use or permit to be used a dealer's number for private use on
248 vehicles owned for purposes of sale or lease by the dealership, regardless of whether such
249 vehicle has been issued a certificate of title or registered, when such vehicles are operated

250 by an employee or corporate officer of the dealer which has been issued such number.
251 A distinguishing dealer's number used by an employee or officer for private use shall
252 authorize such person to operate the vehicle to which the number is attached on the public
253 highways and streets. For purposes of, provided that such use shall be for no more than
254 six months per vehicle. As used in this paragraph, the term 'employee' means a person
255 who works a minimum of 36 hours per week at the dealership.

256 (3) The manufacturer's or distributor's license plate is limited to no longer than six
257 months' use per vehicle. Upon payment of such a fee by a manufacturer or distributor,
258 the commissioner shall issue to manufacturers and distributors number plates with the
259 word 'Manufacturer' or 'Distributor' on such plates. Nothing in this subsection shall
260 preclude a manufacturer or distributor from using a 'Manufacturer' or 'Distributor' number
261 plate on motor vehicles it owns when such vehicles are used for evaluation or
262 demonstration purposes, notwithstanding incidental personal use by a manufacturer or
263 distributor. A dealer may apply for one or more distinguishing dealer's numbers. In the
264 event the dealers, distributors, or manufacturers desire more than one tag, they shall so
265 state on the application, and, in addition to the fee of \$62.00 provided in this Code
266 section, shall pay \$12.00 for each and every additional number plate furnished.

267 (4)(A) Upon application and payment of the required fee, the commissioner shall issue
268 to manufacturer headquarters or its affiliate number license plates with the words
269 'Manufacturer HQ' on such plates. The manufacturer headquarters' license plates ~~must~~
270 shall be used exclusively on motor vehicles owned or in possession of a manufacturer
271 headquarters or its affiliate. Such manufacturer headquarters' license plates are limited
272 to no longer than 24 months' use per vehicle.

273 (B) A manufacturer headquarters or its affiliate shall apply on a form prescribed by the
274 commissioner and shall provide proof that the applicant:

275 (i) Is a bona fide manufacturer headquarters; and

276 (ii) Maintains a system of records regarding use of such license plates. The
277 manufacturer headquarters shall state in each application the number of manufacturer
278 headquarters' license plates requested.

279 (C) The manufacturer headquarters or its affiliate shall pay an application fee of \$62.00
280 per application as provided in this Code section and shall pay \$12.00 for each and every
281 plate furnished. With respect to any manufacturer headquarters' license plate issued to
282 a manufacturer headquarters or its affiliate, notwithstanding anything to the contrary
283 in this title or Code Section 48-5C-1, such manufacturer headquarters or its affiliate,
284 and any person operating or possessing a motor vehicle using a manufacturer
285 headquarters' license plate pursuant to this paragraph, shall not be subject to state or
286 local title ad valorem tax fees with respect to such vehicle or manufacturer
287 headquarters' license plate.

288 (D) The manufacturer headquarters or its affiliate shall maintain a system of records
289 regarding the motor vehicle to which the manufacturer headquarters' license plate will
290 be attached. Such record shall, at a minimum, contain the:

- 291 (i) ~~Vehicle Identification Number (VIN)~~ identification number;
- 292 (ii) Name and address of the primary individual operating the vehicle; and
- 293 (iii) Manner of use of the vehicle selected from the alternative uses referenced in
294 subparagraph (E) of this paragraph.

295 (E) Vehicles with manufacturer headquarters' license plates may be operated by
296 persons authorized by the manufacturer headquarters or its affiliate on vehicles of its
297 brand for the following manners of use:

- 298 (i) Evaluation, marketing, or demonstration purposes, notwithstanding incidental
299 personal use by a manufacturer headquarters' authorized employee or other authorized
300 person designated by such manufacturer headquarters or its affiliate; or
- 301 (ii) As part of a vehicle leasing program operated by such manufacturer headquarters
302 or its affiliate for the benefit of employees. Any operation of a motor vehicle by a

303 person for an approved use pursuant to this subparagraph shall be deemed to be a
304 demonstration of the motor vehicle for purposes of Code Section 48-8-39.

305 (5) The commissioner shall include a distinctive logo or emblem for any manufacturer's,
306 distributor's, or manufacturer headquarters' license plate to be attached to an alternative
307 fueled vehicle, as such term is defined in paragraph (7) of subsection (l) of Code
308 Section 40-2-86.1. Alternative fuel vehicles bearing a special license plate pursuant to
309 this subsection shall be subject to the alternative fuel vehicle fees as set forth in paragraph
310 (19) of subsection (a) of Code Section 40-2-151 at the time of initial issuance and
311 annually thereafter in a manner prescribed by the commissioner. Display of a special
312 license plate issued pursuant to this paragraph shall authorize travel by such alternative
313 fueled vehicle in lanes for exclusive or preferential use designated pursuant to Code
314 Section 32-9-4.

315 (b)(1) Dealer plates shall be issued in the following manner:

316 (A) Dealers shall be issued a master plate and two additional plates, for a total of three
317 initial plates; and

318 (B) In addition to the three dealer plates issued in accordance with subparagraph (A)
319 of this paragraph, each dealer may also be issued one additional dealer plate for every
320 20 units sold in a calendar year.

321 (2) In order to determine the additional number and classification of plates to be issued
322 to a dealer, a dealer shall be required to certify by affidavit to the department the number
323 of retail and wholesale units sold in the prior calendar year using the past motor vehicle
324 sales history of the dealer as identified by department records or documentation approved
325 by the department. If no sales history is available, the department shall issue a number
326 of plates based on an estimated number of sales for the coming calendar year. The
327 department may, in its discretion, request documentation supporting sales history and
328 may increase or decrease the number and classification of plates issued based on actual
329 sales.

330 (b.1) On and after January 1, 2027, the license plates issued pursuant to this Code section
331 shall be of a metal material and feature raised text and designs created by stamping dies.

332 (c) The license plates issued pursuant to this Code section shall be revoked and confiscated
333 upon a determination after a hearing that such dealer, distributor, manufacturer, or
334 manufacturer headquarters has unlawfully used such license plates in violation of this Code
335 section.

336 (d) If a license plate issued pursuant to this Code section is lost or stolen, the dealer,
337 manufacturer, distributor, manufacturer headquarters, or other party to whom the license
338 plate was issued shall immediately report the lost or stolen plate to local law enforcement
339 agencies. If a replacement license plate is sought, the dealer, manufacturer, distributor,
340 manufacturer headquarters, or other party to whom the license plate was issued shall file
341 a notarized affidavit with the department requesting a replacement plate. Such affidavit
342 shall certify under penalty of perjury that the license plate has been lost or stolen and that
343 the loss has been reported to a local law enforcement agency.

344 (e) Except as otherwise provided for in this Code section, the expiration of a license plate
345 issued pursuant to this Code section shall be the last day of the registration period as
346 provided in division (a)(1)(A)(ii) of Code Section 40-2-21, except that for the purposes of
347 this subsection, the registration period shall be determined by the first letter of the legal
348 name of the business listed on the application for registration or renewal of registration.
349 An application for renewal of registration shall not be submitted earlier than 90 days prior
350 to the last day of the registration period. A penalty of 25 percent of the total registration
351 fees due shall be assessed any person registering pursuant to this Code section who, prior
352 to the expiration of such person's registration period, fails to apply for renewal or, if having
353 applied, fails to pay the required fees."

354 **SECTION 1-9.**

355 Said title is further amended by revising Code Section 40-2-41, relating to display of license
356 plates, as follows:

357 "40-2-41.

358 Unless otherwise permitted under this chapter, every vehicle required to be registered under
359 this chapter, which is in use upon the highways, shall at all times display the license plate
360 issued to the owner for such vehicle, and the plate shall be fastened to the rear of the
361 vehicle in a position so as not to swing and shall be at all times plainly visible. No person
362 shall display on the rear of a motor vehicle any temporary or permanent plate or tag not
363 issued by the State of Georgia which is intended to resemble a license plate which is issued
364 by the State of Georgia. The commissioner is authorized to adopt rules and regulations so
365 as to permit the display of a license plate on the front of certain vehicles. It shall be the
366 duty of the operator of any vehicle to keep the license plate legible at all times. No license
367 plate shall be covered with any material unless the material is colorless and transparent.
368 No apparatus that obstructs or hinders the clear display and legibility of a license plate shall
369 be attached to the rear of any motor vehicle required to be registered in the state. Any
370 person who violates any provision of this Code section shall be guilty of a misdemeanor,
371 and when he or she is found to have violated this Code section for the purposes of willfully
372 concealing or obscuring the information on a license plate, he or she shall be punished by
373 a fine of not less than \$750.00 or by confinement of not more than 12 months, or both."

374 **SECTION 1-10.**

375 Said title is further amended by revising Code Section 40-3-90, relating to certain acts
376 declared felonies, as follows:

377 "40-3-90.

378 The following acts shall be punishable by a felony when a ~~A~~ person who, with fraudulent
379 intent:

- 380 (1) Alters, forges, or counterfeits a certificate of title;
- 381 (2) Alters or forges an assignment of a certificate of title or an assignment or release of
382 a security interest on a certificate of title or a form the commissioner prescribed;
- 383 (3) Has possession of or uses a certificate of title knowing it to have been altered, forged,
384 or counterfeited;
- 385 (4) Uses a false or fictitious name or address or makes a material false statement, or fails
386 to disclose a security interest, or conceals any other material fact in an application for a
387 certificate of title;
- 388 (5) Alters or forges a notice of a transaction concerning a security interest or lien
389 reflected on the certificate of title as provided by Code Section 40-3-27;
- 390 (6) Knowingly falsifies any information on the statement required by paragraph (2) of
391 subsection (a) of Code Section 40-3-36; ~~or~~
- 392 (7) Knowingly falsifies the odometer reading on a certificate of title;
- 393 (8) Knowingly makes any false statement in any certificate of title application as to the
394 date a vehicle was sold or acquired or as to the date of creation of a security interest or
395 lien; or
- 396 ~~(7)(9)~~ Willfully violates any other provision of this chapter after having previously
397 violated the same or any other provision of this chapter and having been convicted of that
398 act in a court of competent jurisdiction
399 ~~shall be guilty of a felony."~~

400 **SECTION 1-11.**

401 Said title is further amended by revising Code Section 40-3-91, relating to certain acts
402 declared misdemeanors, as follows:

403 "40-3-91.

404 (a) The following acts shall be punishable by a misdemeanor when a person ~~A person~~
405 ~~who:~~

- 406 (1) With fraudulent intent, permits another, not entitled thereto, to use or have possession
 407 of a certificate of title;
- 408 (2) Willfully fails to mail or deliver a certificate of title to the commissioner or to the
 409 purchaser of the motor vehicle or a release of security interest or lien to the owner within
 410 ten days of the time required by this chapter, except as provided in Code Section 40-3-90;
- 411 (3) Willfully fails or refuses to mail or deliver the certificate of title to the commissioner
 412 within ten days after having received a notice, as provided for in Code Section 40-3-27
 413 or 40-3-52; or
- 414 (4) Willfully violates any other provision of this chapter
 415 ~~shall be guilty of a misdemeanor.~~
- 416 ~~(b) Any person, firm, or corporation which knowingly makes any false statement in any
 417 title application as to the date a vehicle was sold or acquired or as to the date of creation
 418 of a security interest or lien shall be guilty of a misdemeanor and, upon conviction thereof,
 419 shall be fined not more than \$100.00 or imprisoned for a period not to exceed 30 days.~~
- 420 ~~(c)~~(b) Any person, firm, or corporation which delivers or accepts a certificate of title
 421 assigned in blank shall be guilty of a misdemeanor and, ~~upon conviction thereof~~, shall be
 422 fined not more than \$100.00 or ~~imprisoned~~ confined for a period not to exceed 30 days for
 423 the acceptance or delivery of each certificate of title assigned in blank."

424 **SECTION 1-12.**

425 Said title is further amended by revising Code Section 40-8-5, relating to alteration of
 426 odometer, involvement with devices which cause odometer to register other than actual
 427 mileage, and penalties, as follows:

428 "40-8-5.

- 429 (a) It shall be unlawful for any person knowingly to tamper with, adjust, alter, change, set
 430 back, disconnect, or fail to connect an odometer of a motor vehicle, or to cause any of the

431 foregoing to occur to an odometer of a motor vehicle, so as to reflect a lower mileage than
432 the motor vehicle has actually been driven, except as provided in this Code section.

433 (b) It shall be unlawful for any person knowingly to bring into this state a motor vehicle
434 which reflects a lower mileage than the motor vehicle actually has been driven due to any
435 illegal acts outlined in subsection (a) of this Code section.

436 (c) It shall be unlawful for any person knowingly to sell or attempt to sell a motor vehicle
437 which reflects a lower mileage than the motor vehicle actually has been driven due to any
438 illegal acts outlined in subsection (a) of this Code section.

439 (d) Subsections (a), (b), and (c) of this Code section shall not apply to the disconnection
440 of the odometer used for registering the mileage or use of new motor vehicles being tested
441 by the manufacturer prior to delivery to a franchised motor vehicle dealer.

442 (e) It shall be unlawful for any person to advertise for sale, to sell, to use, to install, or to
443 have installed any device which causes an odometer to register any mileage other than the
444 actual mileage driven. For the purposes of this subsection, the actual mileage driven is that
445 mileage driven by the vehicle as registered by the odometer within the manufacturer's
446 designed tolerance.

447 (f) It shall be unlawful for any person to conspire with any other person to violate this
448 Code section.

449 (g)(1) In addition to any other penalty provided by law, any person who, with intent to
450 defraud, violates this Code section shall be liable in an amount equal to the sum of:

451 (A) Three times the amount of actual damages sustained or ~~\$1,500.00~~ \$10,000.00,
452 whichever is greater; and

453 (B) In the case of any successful action to enforce the foregoing liability, the costs of
454 the action, together with reasonable attorney's fees, as determined by the court.

455 (2) Any action to enforce any liability created under this subsection may be brought in
456 any superior court or state court having proper jurisdiction, within two years from the
457 date on which the liability arises.

458 (h)(1) If any person violates any provision of this Code section, the Attorney General,
 459 any district attorney in this state, or any solicitor-general in this state may bring an action
 460 in any superior court or state court having jurisdiction to restrain such violation.

461 (2) Any action arising under paragraph (1) of this subsection may be brought within two
 462 years from the date of the violation.

463 (i) Any person violating this Code section shall be guilty of a ~~misdemeanor~~ felony."

464 **PART II**

465 **SECTION 2-1.**

466 Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor
 467 vehicle and used motor vehicle parts dealers, is amended by adding a new Code section to
 468 read as follows:

469 "43-47-6.1.

470 The board established pursuant to this chapter shall be subject to Chapter 13 of Title 50,
 471 the 'Georgia Administrative Procedure Act.'"

472 **SECTION 2-2.**

473 Article 1 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state
 474 administrative organization for the Department of Revenue, is amended by adding a new
 475 Code section to read as follows:

476 "48-2-20.

477 (a) As used in this Code section, the term:

478 (1) 'Advisory council' means the Used Motor Vehicle Dealers and Used Motor Vehicle
 479 Parts Dealers Licensing Authority Transfer Advisory Council created pursuant to this
 480 Code section.

481 (2) 'Board' means the State Board of Registration of Used Motor Vehicle Dealers and
482 Used Motor Vehicle Parts Dealers authorized under Chapter 47 of Title 43.

483 (b) There is established the Used Motor Vehicle Dealers and Used Motor Vehicle Parts
484 Dealers Licensing Authority Transfer Advisory Council for the purpose of assisting the
485 department with the transition of regulating and licensing of used motor vehicle dealers and
486 used motor vehicle parts dealers upon the abolishment of the State Board of Registration
487 of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers.

488 (c) The advisory council shall consist of five members appointed by the commissioner, all
489 of whom shall be licensed by the board or pursuant to Chapter 10 of this title. The
490 commissioner shall appoint the initial members of the advisory council no later than 30
491 days after the effective date of this Code section. All appointments to the advisory council
492 shall be for terms of three years. The commissioner shall make appointments to fill the
493 unexpired portion of any term vacated for any reason. Any appointed member who, during
494 his or her term, ceases to meet the qualifications for original appointment shall thereby
495 forfeit his or her membership on the advisory council. Membership on the advisory council
496 shall not constitute public office, and no member shall be disqualified from holding public
497 office by virtue of his or her membership. Each member of the advisory council shall serve
498 without compensation, but each member of the advisory council shall be reimbursed for
499 travel and other reasonable and necessary expenses incurred by him or her while attending
500 called meetings of the advisory council. The advisory council shall elect a chairperson
501 from among its membership. The commissioner shall be authorized to remove any
502 member of the advisory council for cause. As used in this subsection, the term 'for cause'
503 shall include indictment for or conviction of a felony or any offense involving moral
504 turpitude; misconduct, malpractice, malfeasance, misfeasance, nonfeasance, or incapacity;
505 or failure to attend three consecutive meetings without good and sufficient reason.

506 (d) The advisory council shall:

- 507 (1) Review the rules and regulations of the board and make a recommendation to the
508 commissioner regarding which of those rules and regulations should be:
- 509 (A) Continued in effect as rules of the department with no substantive changes;
510 (B) Modified to modernize procedures; or
511 (C) Repealed as unnecessary, duplicative, or inconsistent with the purposes of
512 Chapter 10 of this title;
- 513 (2) Advise the commissioner on the promulgation of new rules and regulations consistent
514 with the purposes of Chapter 10 of this title;
- 515 (3) Advise the commissioner on the design and implementation of electronic licensing
516 systems, fee structures, and compliance procedures for purposes of professions licensed
517 pursuant to Chapter 10 of this title;
- 518 (4) Advise the commissioner on communications and outreach to the professions
519 licensed by the board or pursuant to Chapter 10 of this title;
- 520 (5) Advise the commissioner on the transfer and disposition of disciplinary matters
521 pending before the board upon its abolishment;
- 522 (6) Identify any gaps in consumer protection that may arise upon the abolishment of the
523 board and recommend legislative or regulatory action; and
- 524 (7) Submit a written report to the commissioner, the Governor, and the chairpersons of
525 the Senate Regulated Industries and Utilities Committee and the House Committee on
526 Regulated Industries not later than five months after the effective date of this Code
527 section with final recommendations and observations.
- 528 (e) The advisory council shall hold its first meeting within 30 days of the appointment of
529 a quorum of its members. The chairperson shall be responsible for calling all meetings of
530 the advisory council. The advisory council shall have at least three meetings and shall
531 meet at other times as determined by the commissioner. A majority of the members shall
532 constitute a quorum for the transaction of business. All meetings of the advisory council
533 shall be open to the public and shall be conducted in accordance with Chapter 14 of

534 Title 50, relating to open meetings. The minutes of the advisory council shall be made
535 available to the public and shall be subject to Article 4 of Chapter 18 of Title 50, relating
536 to the inspection of public records. The advisory council may invite testimony from any
537 person, including former members of the board, licensees, consumer groups, and other
538 stakeholders.

539 (f) The department shall provide the advisory council with office space and administrative
540 support, including staff for record keeping, reporting, and related administrative and
541 clerical functions necessary for the purposes of the advisory council pursuant to this
542 chapter."

543 **PART III**

544 **SECTION 3-1.**

545 Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor
546 vehicles and used motor vehicle parts dealers, is repealed and reserved.

547 **SECTION 3-2.**

548 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
549 amended by revising Chapter 10, which is reserved, as follows:

550 "CHAPTER 10

551 48-10-1.

552 All duties, powers, obligations, and functions formerly exercised by the State Board of
553 Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers under
554 the former provisions of Chapter 47 of Title 43 shall be transferred to the department. All
555 licenses, permits, registrations, and apprentice permits issued under the former provisions

556 of Chapter 47 of Title 43 that are valid and in effect on the effective date of this Code
557 section, shall continue in full force and effect and shall be deemed issued under this
558 chapter. It is the intent of the General Assembly that all rules properly adopted under
559 Chapter 47 of Title 43 prior to the effective date of this Code section, which do not conflict
560 with this chapter shall be valid until such time as they are repealed, revised, or amended
561 pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Reserved:

562 48-10-2.

563 As used in this chapter, the term:

564 (1) 'Dismantler' means any person engaged in the business of acquiring wrecked,
565 abandoned, or reparable motor vehicles and selling either the usable parts, the motor
566 vehicle as a unit, or the hulk of the motor vehicle after the usable parts have been
567 removed. Without limiting any of the foregoing, for the purposes of this chapter, a
568 person shall be presumed to be a dismantler when in possession of ten or more
569 inoperative motor vehicles for more than 45 days unless such vehicles are scrap vehicles
570 being held by a scrap metal processor for recycling scrap metal, vehicles awaiting repairs
571 being held by a repair business, or vehicles being held for other reasons as may be
572 prescribed by the department.

573 (2) 'Established place of business' means a location, other than a building intended for
574 residential use, at which the business of bartering, trading, offering, displaying, selling,
575 buying, dismantling, or rebuilding wrecked or used motor vehicles or parts is carried on
576 and where the books, records, and files necessary to conduct such business are kept.
577 Each such place of business shall be furnished with a working telephone listed in the
578 name of the licensee for use in conducting the business, be marked by an appropriate
579 permanent sign as prescribed by the department, and meet or exceed any size
580 requirements and standards prescribed by the department.

581 (3) 'Financial institution' means a finance company or a banking institution or any
582 subsidiary of a finance company or banking institution which engages solely in the
583 financing or leasing of motor vehicles. Such term shall not mean a pawnbroker as such
584 term is defined in Code Section 44-12-130.

585 (4) 'Licensee' means any person who is required to be licensed or who is actually
586 licensed under this chapter.

587 (5) 'Major component part' means one of the subassemblies of a motor vehicle as defined
588 in Code Section 40-3-2.

589 (6) 'Motor vehicle' means every vehicle which is self-propelled and required to be
590 registered under Title 40, except tractors.

591 (7) 'Part' means any used motor vehicle part that has been installed as standard or
592 optional equipment on a motor vehicle, has been removed from the motor vehicle on
593 which it was originally attached or affixed, and is the subject of sale or resale as a part
594 and not as scrap.

595 (8) 'Person' means any individual, partnership, corporation, limited liability company,
596 firm, association, trust, or other legal entity.

597 (9) 'Rebuilder' means any person engaged in the business of buying more than two
598 salvage or wrecked motor vehicles per year for the purpose of restoring or rebuilding
599 them with used or new motor vehicle parts, or both, to be sold as motor vehicles.

600 (10) 'Salvage dealer' means any person who purchases a salvage vehicle or parts of a
601 salvage vehicle for purposes of resale as parts only or as salvage.

602 (11) 'Salvage vehicle' means any motor vehicle which:

603 (A) Has been damaged, crushed, or otherwise reduced to such a state that its restoration
604 would require the replacement of two or more major component parts;

605 (B) Has been acquired by an insurance company as a result of the vehicle's being
606 damaged to the extent that its restoration to an operable condition would require the
607 replacement of two or more major component parts or for which the insurance company

608 has paid a total loss claim, excluding recovered total theft vehicles which do not require
609 the replacement of two or more major component parts for restoration; or
610 (C) Is an imported vehicle which has been damaged in shipment and disclaimed by the
611 manufacturer as a result of the damage, has never been the subject of a retail sale to a
612 consumer, and has never been issued a certificate of title.

613 (12) 'Scrap vehicle' means any motor vehicle which has been wrecked, destroyed, or
614 damaged to the extent that it cannot be economically repaired, rebuilt, or made operable
615 or roadworthy.

616 (13) 'Temporary site' shall have the same meaning as set forth in Code Section 40-2-39.

617 (14) 'Used motor vehicle' means any motor vehicle other than a motor vehicle which has
618 never been the subject of a retail sale and which is the subject of a retail sale to a
619 consumer for his or her own use or of a resale to another licensed dealer.

620 (15) 'Used motor vehicle dealer' means any person who, for commission or with intent
621 to make a profit or gain of money or other thing of value, sells, exchanges, rents with
622 option to purchase, offers, or attempts to negotiate a sale or exchange of an interest in
623 used motor vehicles or who is engaged wholly or in part in the business of selling used
624 motor vehicles, whether or not such motor vehicles are owned by such person. A motor
625 vehicle wholesaler shall be deemed to be a used motor vehicle dealer for the purposes of
626 this chapter. Any independent motor vehicle leasing agency which sells or offers for sale
627 used motor vehicles shall be deemed to be a used motor vehicle dealer for the purposes
628 of this chapter. Any motor vehicle auction company selling or offering for sale used
629 motor vehicles to independent motor vehicle dealers or to individual consumers shall be
630 deemed to be a used motor vehicle dealer for the purposes of this chapter except as
631 otherwise provided in paragraph (10) of Code Section 48-10-23. Without limiting any
632 of the foregoing, the sale of five or more used motor vehicles in any one calendar year
633 shall be prima-facie evidence that a person is engaged in the business of selling used
634 motor vehicles. A pawnbroker who disposes of all repossessed motor vehicles by selling

635 or exchanging his or her interest in such motor vehicles only to licensees under this
636 chapter shall not be considered a used motor vehicle dealer under this chapter so long as
637 such pawnbroker does not otherwise engage in activities which would bring him or her
638 under the licensing requirements of this chapter.

639 (16) 'Used motor vehicle parts dealer' or 'used parts dealer' means any person buying,
640 selling, or using motor vehicle parts, either as a used motor vehicle parts dealer, a motor
641 vehicle dismantler, a motor vehicle rebuilder, a salvage pool dealer, or a salvage dealer.

642 (17) 'Wholesaler' means a person who sells or distributes used motor vehicles to motor
643 vehicle dealers in this state, has a sales representative in this state, or controls any person
644 who offers for sale, sells, or distributes any used motor vehicles to motor vehicle dealers
645 in this state.

646 48-10-3.

647 The department shall have the following powers and duties:

648 (1) To receive applications for registration of licensees;

649 (2) To make such rules and regulations as may be necessary to effectuate the
650 administration and enforcement of this chapter and to protect the health, safety, and
651 financial well-being of the public;

652 (3) To arrange for all new applicants to have a criminal background check in accordance
653 with Code Section 48-10-5;

654 (4) To establish and maintain a publicly accessible registry of licensees;

655 (5) To establish a fee for a license for each principal established place of business and
656 a fee for a supplemental license for each established place of business not immediately
657 adjacent to the principal established place of business;

658 (6) To investigate potential fraud relating to the issuance of motor vehicle license plates
659 and temporary operating permits and any abuse related to such;

660 (7) To prepare an annual report to the General Assembly on activities of the department
661 relating to incidences of fraud and suspected fraud relating to licensees, motor vehicle
662 license plates, and temporary operating permits;

663 (8) To enter into cooperative agreements with other state agencies, including the
664 Governor's Office of Consumer Protection, the Department of Public Safety, and the
665 Department of Driver Services, for the purpose of coordinating motor vehicle related
666 regulatory functions;

667 (9) To set the minimum size requirements and the standards for the operation of an
668 established place of business; and

669 (10) To do all other things necessary and proper to carry out the powers and duties listed
670 in this chapter.

671 48-10-4.

672 (a) It shall be unlawful for any person to operate as a used motor vehicle dealer in this state
673 without first registering and obtaining a license from the department as provided in this
674 chapter.

675 (b) It shall be unlawful for any person to operate as a used motor vehicle parts dealer in
676 this state without first registering and obtaining a license from the department as provided
677 in this chapter.

678 (c) It shall be unlawful for any used motor vehicle dealer or any used motor vehicle parts
679 dealer to willfully fail to keep the records required to be kept by this chapter.

680 48-10-5.

681 (a) Any person desiring a license to be a used motor vehicle dealer or a used motor vehicle
682 parts dealer in this state shall submit an application on a form and in such manner as may
683 be prescribed by the department, which shall be accompanied by any applicable fees and
684 evidence satisfactory to the department that the applicant:

- 685 (1) Maintains an established place of business;
686 (2) Is a resident of this state or lists an agent for service of process who is a resident of
687 this state;
688 (3) If applying for a used motor vehicle dealer license, has, within the preceding 12
689 months, attended a department approved training and information seminar, which shall
690 not exceed one day in length, or passed a department approved examination, either of
691 which shall relate to the requirements of licensees provided in this chapter, including
692 books and records to be kept, requirements relating to the issuance of temporary
693 operating permits and registration of motor vehicles, and such other topics as in the
694 opinion of the department promote good business practices of licensees;
695 (4) Has applied for or obtained a certificate of registration for sales and use tax;
696 (5) Has posted or has made provision for the posting of the bond or letter of credit
697 required under Code Section 48-10-6; and
698 (6) Maintains any liability and property damage insurance required under Code
699 Section 48-10-6.
- 700 (b) Applications for a used motor vehicle dealer license or a used motor vehicle parts
701 dealer license shall be made under oath and shall state the applicant's full name; date and
702 place of birth; date and place of any conviction or arrest for any crime, including the plea
703 of nolo contendere or a plea entered pursuant to Article 3 of Chapter 8 of Title 42 or other
704 first offender treatment; and such additional information as the department may require to
705 investigate the qualifications, character, competence, and integrity of the applicant. Each
706 applicant shall submit with his or her application photographs or other renderings of his or
707 her established place of business that show the complete facility, appropriate sign, and
708 entire display area of the established place of business.
- 709 (c) The department is authorized to conduct and receive national background checks on
710 applicants by the submission of fingerprints to the Federal Bureau of Investigation through
711 the Georgia Crime Information Center.

712 (d) In order to determine an applicant's suitability as a used motor vehicle dealer or a used
713 motor vehicle parts dealer, the department shall require such applicant to furnish the
714 department with a full set of fingerprints to enable a criminal background check to be
715 conducted. The applicant shall be responsible for any fees associated with the performance
716 of such background check.

717 (e) The department shall submit the fingerprints furnished by an applicant to the Georgia
718 Crime Information Center. The Georgia Crime Information Center is authorized to submit
719 such fingerprints to the Federal Bureau of Investigation for a national criminal history
720 record check when the investigation conducted by the Georgia Crime Information Center
721 fails to identify a criminal record.

722 (f) The Georgia Crime Information Center shall notify the department in writing of its
723 findings, including the inability to identify a criminal record and the submission of
724 fingerprints of an applicant to the Federal Bureau of Investigation. All findings received
725 by the department shall be used for the exclusive purpose of carrying out its responsibilities
726 under this chapter, shall not be public records, shall be confidential, and shall not be
727 disclosed to any other person or agency except to any person or agency which otherwise
728 has a legal right to inspect such data. Any records obtained in furtherance of this Code
729 section shall be maintained by the department pursuant to laws regarding such records and
730 the rules and regulations of the Federal Bureau of Investigation and the Georgia Crime
731 Information Center, as applicable.

732 48-10-6.

733 (a) By applying for a license under this chapter, an applicant consents to receive
734 notifications and communications from the department electronically. Notice required by
735 the department pursuant to this chapter shall be satisfied by electronic means; provided,
736 however, that, if the department becomes aware that an electronic notification or
737 communication issued pursuant to this chapter was not transmitted to a licensee, the

738 department shall send the notification or communication by certified mail or statutory
739 overnight delivery, return receipt requested.

740 (b) The department shall include any record of transmission of any electronic notification
741 or communication sent to a licensee pursuant to this chapter in the licensing records for
742 such licensee. The department shall retain a record pursuant to Chapter 12 of Title 10, the
743 'Uniform Electronic Transactions Act,' of any electronic notification or communication sent
744 pursuant to this chapter. Such record shall be retrievable by the department for a period
745 of ten years after the date such electronic notification or communication was sent.

746 (c) Any notification or communication sent by electronic means pursuant to this Code
747 section shall comply with the requirements set forth in Chapter 12 of Title 10, the 'Uniform
748 Electronic Transactions Act.'

749 48-10-7.

750 (a)(1) Licensees shall be required, for each license or supplemental license issued in
751 connection with an established place of business, to post a bond that is executed with a
752 surety company duly authorized to do business in this state. Such bond shall be payable
753 to the Governor for the use and benefit of any purchaser and vendees or successors in title
754 of any used motor vehicle and shall be conditioned to pay all losses, damages, and
755 expenses that may be sustained by such purchaser, his or her vendees, or successors in
756 title that may be occasioned by reason of any misrepresentation, deceptive practice, or
757 unfair practice or by reason of any breach of warranty as to such used vehicle. Such bond
758 shall be in the amount of \$50,000.00 for used motor vehicle dealers and \$10,000.00 for
759 used parts dealers and shall be filed, prior to or immediately upon the granting of a
760 license under this chapter, with the commissioner by the licensee and shall be approved
761 by the commissioner as to form and as to the solvency of the surety.

762 (2) No licensee shall cancel, or cause to be canceled, a bond issued pursuant to this
763 subsection unless the department is informed in writing by a certified letter at least 30
764 days prior to the proposed cancellation.

765 (3) If a surety or licensee cancels a bond issued pursuant to this subsection and the
766 licensee fails to submit, within ten days of the effective date of the cancellation, a new
767 bond, the department may revoke his or her license pursuant to the procedures set forth
768 in this chapter for revocation of a license.

769 (4) In lieu of a surety bond, a licensee may, at the discretion of the commissioner, furnish
770 an irrevocable letter of credit. Such letter of credit shall be:

771 (A) In an amount equal to three times the full amount of the surety bond or surety
772 bonds otherwise required by this Code section;

773 (B) Issued by a financial institution approved by the commissioner; and

774 (C) Conditioned upon the faithful compliance with all provisions of this chapter.

775 (b)(1) Except for any person licensed under Chapter 6 of Title 43, who shall be exempt
776 from the requirements of this subsection, licensees shall maintain, for each license or
777 supplemental license issued in connection with an established place of business, public
778 liability and property damage insurance with liability limits of not less than \$50,000.00
779 per person and \$100,000.00 per accident, personal insurance liability coverage, and
780 \$25,000.00 property damage liability coverage.

781 (2) In cases in which the minimum insurance coverage required by this subsection
782 terminates, the insurer shall by electronic transmission notify the department of such
783 coverage termination on or before the date such coverage ends or, if such termination is
784 at the request of the insured, then on the date such request is processed by the insurer.

785 (3) The department shall report to the Commissioner of Insurance quarterly of any and
786 all violations of the notice requirements of this subsection by any insurer, and the
787 Commissioner of Insurance may take appropriate action against such insurer the same as
788 is authorized by Code Section 33-2-24 for violations of Title 33; provided, however, that

789 there shall be no private cause of action against an insurer or the department for civil
790 damages for providing information, failing to provide information, or erroneously
791 providing information pursuant to this subsection. No insurer shall utilize the costs of
792 any audit or examination conducted by the Department of Insurance pursuant to this
793 subsection as a cost of business in the insurer's rate base.

794 (4)(A) The department shall prescribe the form and manner of electronic transmission
795 for the purposes of insurers sending the notices required by paragraph (2) of this
796 subsection which shall in no way be construed as modifying the provisions of Code
797 Section 33-24-45.

798 (B) Any clerical, typographical, or other nonmaterial defect in the notice required by
799 paragraph (2) of this subsection shall not invalidate such notice.

800 (5) Upon notification of the termination of the minimum insurance coverage required by
801 this subsection by the insurer, the department shall send notice by electronic means to the
802 licensee stating that the department has been informed of the fact that coverage has been
803 terminated and providing an explanation of the penalties provided for by law.

804 (6) Failure to provide proof of new or reinstated insurance coverage that meets the
805 minimum insurance coverage required by this subsection within ten business days of the
806 receipt of the notice sent pursuant to paragraph (5) of this subsection shall be grounds for
807 license suspension in accordance with the procedures set forth in this chapter.

808 (c)(1) Each license issued pursuant to this chapter shall be valid for a period of two years
809 and shall be in connection with a single established place of business, and licensees shall
810 be required to obtain a supplemental license for each additional established place of
811 business that is operated or proposed to be operated by the licensee that is not contiguous
812 to an established place of business for which a license or supplemental license has been
813 issued; provided, however, that a supplemental license shall not be required for any
814 temporary site of a licensee.

815 (2) A licensee applying for a supplemental license shall submit an application on a form
816 and in such a manner as may be prescribed by the department accompanied by any
817 applicable fees. Such application shall include:

818 (A) The licensee's license number;

819 (B) Photographs or other renderings of the licensee's additional established place of
820 business for which a supplemental license is sought that shows the complete facility,
821 appropriate sign, and entire display area of the additional established place of business;

822 (C) Evidence that the licensee has posted, or has made provision for the posting, of the
823 bond or letter of credit required under subsection (a) of this Code section for such
824 additional established place of business; and

825 (D) Evidence that the licensee maintains any liability and property damage insurance
826 required under subsection (b) of this Code section for such additional established place
827 of business.

828 (d) All licenses issued under this chapter shall be renewable biennially. The department
829 may establish continuing education requirements for license renewals.

830 48-10-8.

831 Any person who violates any provision of Code Section 40-2-39.1 shall be deemed to be
832 a licensee for the purpose of imposing sanctions and penalties under this chapter and for
833 the purpose of granting the department jurisdiction over such violator.

834 48-10-9.

835 (a) A used motor vehicle dealer shall not engage in any activity as a used motor vehicle
836 dealer except at such dealer's established place of business which has been registered under
837 Code Section 40-2-38, at temporary sites not more than three times in any one calendar
838 year, or at a licensed auto auction or any licensed facility. This subsection shall not be
839 construed to prohibit a used motor vehicle dealer from delivering a vehicle off site,

840 provided that the transaction is initiated from an established place of business under this
841 chapter.

842 (b)(1) At least 60 days prior to opening a sale at a temporary site, a used motor vehicle
843 dealer shall make application to the department for a temporary site permit. A separate
844 application shall be submitted for every temporary site sale.

845 (2) To be eligible for a temporary site permit, a used motor vehicle dealer shall be
846 registered as required by Code Section 40-2-38. In order to obtain a temporary site
847 permit, a used motor vehicle dealer shall provide, on a form promulgated by the
848 department:

849 (A) The address, including county, of the used motor vehicle dealer's established place
850 of business;

851 (B) The address, including county, of the proposed temporary site location;

852 (C) The dates and hours of the temporary site sale;

853 (D) The number of temporary site sales already conducted by the used motor vehicle
854 dealer during the calendar year in which the requested temporary site sale is to occur;
855 and

856 (E) The name, address, and contact person of any sponsors, promoters, and lending
857 institutions involved in or to be represented at the temporary site sale.

858 (3) As part of the application, a used motor vehicle dealer shall submit written
859 documentation demonstrating that the used motor vehicle dealer has complied with any
860 licensing requirements applicable in the local jurisdiction in which the temporary site sale
861 will occur and a copy of a written agreement with the owner of the real property where
862 this sale will occur.

863 (4) A temporary site permit issued pursuant to this subsection shall be valid only for the
864 dates and hours of the sale as indicated on the application submitted to the department
865 and shall be prominently displayed at the temporary site at all times during the site sale.
866 No used motor vehicle dealer may purchase more than three temporary site permits

867 within a calendar year. A temporary site permit is not transferable to any other dealer or
868 location.

869 (5) The fee for each application for a temporary site permit shall be established by the
870 department.

871 (c) As an alternative to criminal or other civil enforcement of this Code section or any
872 orders, rules, and regulations promulgated pursuant hereto, the department may issue an
873 administrative fine not to exceed \$1,000.00 for each violation whenever the department,
874 after a hearing, determines that any person has violated any provisions of this Code section
875 or any orders, rules, and regulations promulgated pursuant hereto. If, after a hearing, the
876 department determines that any person has violated this provision more than once, the
877 department may suspend his or her license for a period not to exceed ten days. Any
878 hearing and any administrative review held pursuant to this Code section shall be
879 conducted in accordance with the procedure for contested cases under Chapter 13 of
880 Title 50, the 'Georgia Administrative Procedure Act.' Any person who has exhausted all
881 administrative remedies available and who is aggrieved or adversely affected by a final
882 order or action of the department shall have the right of judicial review thereof in
883 accordance with Chapter 13 of Title 50. All fines recovered under this Code section shall
884 be paid into the state treasury. The department may file, in the superior court:

885 (1) In the county wherein the person under order resides;

886 (2) If such person is a corporation, in the county wherein the corporation maintains its
887 established place of business; or

888 (3) In the county wherein the violation occurred,

889 a certified copy of a final order of the department whether unappealed from or affirmed
890 upon appeal, whereupon the superior court shall render judgment in accordance therewith
891 and notify the parties. Such judgment shall have the same effect and proceedings in
892 relation thereto shall thereafter be the same as though the judgment had been rendered in
893 an action duly heard and determined by the superior court. The penalty prescribed in this

894 Code section shall be concurrent, alternative, and cumulative with any and all other civil,
895 criminal, or alternative rights, remedies, forfeitures, or penalties provided, allowed, or
896 available to the department with respect to any violation of this Code section or any order,
897 rule, or regulation promulgated pursuant hereto. For purposes of this Code section, the sale
898 of each motor vehicle while not in compliance with temporary site permit requirements
899 shall constitute a separate violation.

900 (d) Any person who violates any provision of this Code section shall be guilty of a
901 misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed
902 \$1,000.00 or confinement for a period not to exceed 12 months, or both.

903 48-10-10.

904 (a) The licenses issued pursuant to this chapter shall specify the location of each
905 established place of business occupied or to be occupied by the licensee in conducting his
906 or her business, and the license or supplemental license issued therefor shall be
907 conspicuously displayed on each of such premises.

908 (b) If such location, as provided in subsection (a) of this Code section, of a licensee is
909 changed, the licensee shall, at least 30 days prior to relocating to a new location, submit a
910 change of location application, together with any additional fees as established by the
911 department. Such application shall be submitted in a form and manner as prescribed by the
912 department and shall include the licensee's license number and photographs of the new
913 location in accordance with subsection (b) of Code Section 48-10-5. An application for a
914 new location shall be approved if the department determines that the new location meets
915 the requirements of this chapter and of the rules and regulations of the department.

916 48-10-11.

917 (a) The department may, upon its own motion, and shall, upon the verified complaint in
918 writing of any person, investigate the actions of any licensee or anyone who assumes to act

919 in such capacity. The department shall have power, in addition to the other powers
920 authorized by this chapter, after a hearing on such matter, to revoke or to suspend a license
921 for a specified time, to be determined in its discretion, or to invoke such other lesser
922 sanctions, including but not limited to the imposition of fines and penalty fees, which the
923 department is hereby authorized to create by rule, where:

924 (1) The licensee is found to have committed any one or more of the following:

925 (A) Material misstatement in an application for a license;

926 (B) Willful and intentional failure to comply with any provisions of this chapter or any
927 lawful rule or regulation issued by the department under this chapter;

928 (C) Making any substantial misrepresentation;

929 (D) Making any false promises of a character likely to influence, persuade, or induce;

930 (E) Pursuing a continued and flagrant course of misrepresentation or the making of
931 false promises through agents, salespersons, advertising, or otherwise;

932 (F) Failure to account for or to remit any moneys coming into his or her possession
933 which belong to others;

934 (G) Having demonstrated unworthiness or incompetency to act as a licensee in such
935 manner as to safeguard the interest of the public;

936 (H) Fraud or fraudulent practice, unfair and deceptive acts or practices, misleading acts
937 or practices, or untrustworthiness or incompetency to act as a licensee, including, but
938 not limited to, the failure to provide the appropriate odometer disclosure forms required
939 by law or knowingly selling or offering for sale any used motor vehicle on which the
940 odometer has been tampered with to reflect lower than the actual mileage the motor
941 vehicle has been driven;

942 (I) The intentional use of any false, fraudulent, or forged statement or document or the
943 use of any fraudulent, deceitful, dishonest, or immoral practice in connection with any
944 of the licensing requirements as provided for in this chapter;

945 (J) The commission of any crime involving violence, a used motor vehicle, illegal
946 drugs, tax evasion, failure to pay taxes, or any crime involving the illegal use, carrying,
947 or possession of a dangerous weapon; the conviction of, plea of guilty to, or plea of
948 nolo contendere to a crime involving violence, a used motor vehicle, illegal drugs, tax
949 evasion, failure to pay taxes, or any crime involving the illegal use, carrying, or
950 possession of a dangerous weapon shall be conclusive evidence of the commission of
951 such crime;

952 (K) Knowingly making a false statement of material fact in any advertisement to the
953 public;

954 (L) The performance of any dishonorable or unethical conduct likely to deceive,
955 defraud, mislead, unfairly treat, or harm the public;

956 (M) The use of any false or fraudulent statement in any document in connection with
957 the business as a licensee;

958 (N) Violating or attempting to violate, directly or indirectly, or assisting in or abetting
959 the violation of, or conspiring to violate any of the provisions of this chapter, including
960 but not limited to the failure to maintain required insurance and the failure to keep
961 records required by this chapter for a period of at least three years from the transaction
962 date;

963 (O) Any other conduct, whether of the same or a different character than heretofore
964 specified, which constitutes dishonest dealing;

965 (P)(i) Any of the following activities by an automobile auction:

966 (I) Allowing a motor vehicle to be sold through an auction where the seller's name
967 does not appear on the face of the title;

968 (II) Failing to refund all of the purchase price to the buyer when the title and tag
969 receipt are not assigned to and processed for the buyer within 21 days of the
970 purchase;

971 (III) Failing to make available to the department, for investigative purposes, auction
972 records of a seller, for the purpose of determining if a seller sold more than five
973 motor vehicles in a calendar year; provided, however, that the department shall give
974 the auction reasonable notice during normal working hours;
975 (IV) Failing to disclose in a conspicuous manner on the bill of sale that a buyer is
976 entitled to a refund of all of the purchase price when the title and tag receipt are not
977 assigned and processed within 21 days of the purchase;
978 (V) Failing to include on the bill of sale any warranty disclaimer; or
979 (VI) Accepting or delivering a certificate of title signed in blank.
980 (ii) The provisions of this subparagraph shall not apply where:
981 (I) The sale of the motor vehicle is not open to the general public;
982 (II) Either the seller or purchaser of the vehicle is a licensed used motor vehicle
983 dealer;
984 (III) The motor vehicle is sold as a repossessed or abandoned vehicle; or
985 (IV) The motor vehicle is sold on behalf of any government agency or by court
986 order.
987 (iii) A violation of this subparagraph shall also be grounds for suspension or censure
988 of a license under Code Section 43-6-18, and any auction violating this subparagraph
989 may be required by the department to surrender its master dealer license plate issued
990 pursuant to Code Section 40-2-38;
991 (Q) Acting to obtain or holding a license on behalf of another person who was
992 previously denied a license or had a license suspended or revoked under this chapter;
993 in making determinations under this subparagraph, the department may look at any
994 competent evidence, including, but not limited to, who actually directs the activities at
995 the business and who actually receives the proceeds from the business;
996 (R) Having purchased, concealed, possessed, or otherwise acquired or disposed of a
997 vehicle, knowing the same to be stolen;

- 998 (S) Having failed to meet and maintain the requirements for issuance of a license as
 999 provided for in this chapter;
- 1000 (T) Having failed to pay within 30 days after written demand from the department any
 1001 fees or penalties due on motor vehicles acquired for dismantling or rebuilding;
- 1002 (U) Having willfully failed to keep or maintain the records required to be kept by this
 1003 chapter; or
- 1004 (V) Having vacated the location of its place of business for 30 days or more without
 1005 having submitted a change of location application pursuant to Code Section 48-10-10;
 1006 or
- 1007 (2) The department finds, after a hearing, that the licensee failed to establish, maintain,
 1008 or monitor procedural safeguards to ensure that the following activities do not occur at
 1009 the established place of business, regardless of whether the licensee had actual knowledge
 1010 of any such activity or activities or regardless of whether there was an intent on the part
 1011 of any person to engage in any such activity or activities:
- 1012 (A) Unfair and deceptive acts or practices as defined in Part 2 of Article 15 of
 1013 Chapter 1 of Title 10, the 'Fair Business Practices Act of 1975';
- 1014 (B) Any of those activities described in Code Section 40-3-90; or
- 1015 (C) Failure to obtain a certificate of title for a purchaser.
- 1016 (b) In determining the appropriate disciplinary action, the commissioner shall consider:
- 1017 (1) The severity and nature of the violation;
- 1018 (2) The number of consumers affected;
- 1019 (3) The licensee's history of prior violations;
- 1020 (4) The licensee's cooperation with the investigation;
- 1021 (5) Any corrective measures taken by the licensee; and
- 1022 (6) The economic impact of the proposed action on the licensee.
- 1023 (c) The department shall be authorized to investigate a suspected violation of this chapter
 1024 and, after notice and hearing, impose a civil monetary penalty; suspend, confiscate, or limit

1025 issuance of any dealer license plates issued pursuant to Code Section 40-2-38 for a period
1026 of up to 24 months; or suspend or revoke a license. The department shall be further
1027 authorized to suspend access to the electronic temporary operating permit system in
1028 accordance with the procedures set forth in Code Section 40-2-8.1.

1029 48-10-12.

1030 (a) Except as otherwise provided in Code Section 40-2-8.1, no action shall be taken against
1031 a licensee without a hearing in accordance with Chapter 13 of Title 50, the 'Georgia
1032 Administrative Procedure Act.'

1033 (b) The provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,'
1034 with respect to emergency action by a professional licensing agency and summary
1035 suspension of a license are adopted and incorporated by reference into this Code section.

1036 48-10-13.

1037 (a) Every licensee shall maintain for three years a record of:

1038 (1) Every motor vehicle or any motor vehicle body, chassis, or major component part
1039 received or acquired by him or her; its description and any identifying numbers; the date
1040 of its receipt or acquisition; and the full name, address, and driver's license number or
1041 social security number of the person from whom received or acquired; provided,
1042 however, that, in the event such purchase or acquisition is from a used motor vehicle
1043 dealer or from a used motor vehicle parts dealer, the name and address of the corporation
1044 or company shall be sufficient if the seller is registered under this chapter;

1045 (2) Every motor vehicle or any motor vehicle body, chassis, or major component part
1046 disposed of by him or her; its description and any identifying numbers; the date of its
1047 receipt or acquisition; and the full name, address, and driver's license number or social
1048 security number of the person to whom disposed, provided that such information shall not
1049 be required for any parts coming from vehicles that have been reported to the National

1050 Motor Vehicle Title Information System. In the event such disposal is to a used motor
1051 vehicle dealer or to a used motor vehicle parts dealer, the name and address of the
1052 corporation or company shall be sufficient if the purchaser or acquirer is registered under
1053 this chapter;

1054 (3) Every motor vehicle wrecked, dismantled, or crushed by him or her and the date of
1055 its wrecking or dismantling; and

1056 (4) Any other records which the department may reasonably require to protect the public,
1057 as relating to the licensee's method of operation and personnel employed.

1058 (b) The possession of motor vehicles or parts covered by this chapter shall be prima-facie
1059 evidence that they were purchased for the purpose of resale.

1060 48-10-14.

1061 Nothing in this chapter shall prohibit any lawful regulation or licensing of licensees by any
1062 municipality, county, or other political subdivision of this state; provided, however, that
1063 no such political subdivision shall license any licensee required to be registered by this
1064 chapter unless such licensee is properly licensed under this chapter.

1065 48-10-15.

1066 The department may impose a fine not to exceed \$500.00 for each violation of any
1067 provision of this chapter. Such fines shall be listed in a schedule contained in the rules and
1068 regulations of the department. The licensee shall pay the fine within 30 days after
1069 receiving written notification from the department unless the licensee requests in writing
1070 a hearing before the department. Such request for a hearing shall be received by the
1071 department within 30 days after receipt of the written notification from the department.
1072 Failure either to pay the fine or request a hearing shall result in immediate suspension of
1073 the license pending a hearing by the department to determine whether revocation or other
1074 disciplinary action should be imposed on the licensee.

1075 48-10-16.

1076 Any licensee who purchases a wrecked or salvage motor vehicle or rebuilds a wrecked or
1077 salvage motor vehicle shall fully comply with Chapter 3 of Title 40, the 'Motor Vehicle
1078 Certificate of Title Act,' regarding titling and inspection of salvage and rebuilt vehicles, and
1079 any rules and regulations adopted pursuant to such chapter.

1080 48-10-17.

1081 All licensees under this chapter who operate salvage pools shall furnish to any person who
1082 purchases a motor vehicle the make, model, year, body style, and vehicle identification
1083 number of the particular vehicle sold. In the event that the operator of a salvage pool is an
1084 insurance company, the claim number of the motor vehicle shall be furnished to the
1085 purchaser in addition to the other required information.

1086 48-10-18.

1087 Every person required to be licensed under this chapter shall, as a condition of licensure,
1088 be deemed to have granted authority and permission to the department and any peace
1089 officer to inspect any record or document and any motor vehicle or motor vehicle part or
1090 accessory at or on the premises of his or her established place of business, or any additional
1091 place of business, at any reasonable time during the day or night during reasonable business
1092 hours.

1093 48-10-19.

1094 Nothing in this chapter shall be construed to prohibit municipalities or counties, by
1095 ordinance or resolution, from authorizing local law enforcement officers to impound used
1096 motor vehicles which are displayed for sale at unlicensed facilities, provided that such
1097 ordinances or resolutions provide for actual prior notice to the owners of such motor
1098 vehicles of such impoundment.

1099 48-10-20.

1100 No licensee, except any licensed auto auction or salvage pool selling at its regular place of
1101 business, shall sell any used motor vehicle on a consignment basis unless the licensee
1102 places his or her name on the title at the time of sale and complies with all other applicable
1103 laws.

1104 48-10-21.

1105 (a) Any person, regardless of whether that person is a licensee or not, who commits or
1106 causes to be done any act that violates this chapter or fails to do any act or causes to be
1107 omitted any act that is required by this chapter shall be subject to a civil penalty not to
1108 exceed \$3,000.00 for each violation. A violation of this chapter shall, for the purposes of
1109 this Code section, constitute a separate offense as to any motor vehicle or motor vehicle
1110 part; and each day during which any person offers for sale, sells, trades, transfers, or
1111 disposes of used motor vehicles or used motor vehicle parts without being licensed
1112 pursuant to this chapter shall constitute a separate offense.

1113 (b) The penalty provided in subsection (a) of this Code section and any restitution due to
1114 specifically named consumers for violations of this chapter shall be recoverable by a civil
1115 action brought by the department, the Attorney General, or any district attorney,
1116 solicitor-general, or municipal or county attorney in any superior or state court having
1117 proper jurisdiction. The proceeds of any civil penalty shall be remitted to the state treasury
1118 by the clerk of the court in which such case is filed; provided, however, that, in an action
1119 brought on behalf of a county or municipality, one-half of the proceeds of such civil
1120 penalty shall be paid into the treasury of such county or municipality. The court shall order
1121 any restitution recovered on behalf of any consumer to be paid over directly to the
1122 consumer by the defendant.

1123 (c) Any person damaged by a violation of this chapter may bring an action against the
1124 person committing the violation, regardless of whether that person is a licensee, in any

1125 superior court of competent jurisdiction to recover actual, consequential, and punitive
1126 damages, attorneys' fees, and court costs.

1127 48-10-22.

1128 Any person, firm, or corporation who violates this chapter shall be guilty of a
1129 misdemeanor. In addition to such criminal penalty, the department may bring an action to
1130 enjoin any violation, actual or threatened, of this chapter notwithstanding the existence of
1131 an adequate remedy at law.

1132 48-10-23.

1133 This chapter shall not apply to:

1134 (1) Franchised motor vehicle dealers and their wholly owned and controlled subsidiaries
1135 operating in the county in which their franchise is located or operating as a direct dealer
1136 of a manufacturer;

1137 (2) Receivers, trustees, administrators, executors, guardians, or other persons appointed
1138 by or acting under the judgment or order of any court;

1139 (3) Public officers while performing their official duties;

1140 (4) Persons disposing of motor vehicles acquired for their own use when the same was
1141 acquired and used in good faith and not for the purpose of avoiding the provisions of this
1142 chapter. Evidence of good faith, as provided in this paragraph, shall consist of the fact
1143 that the motor vehicle is properly titled and registered in the name of the transferor;

1144 (5) Financial institutions when the financial institution sells its repossessed or leased
1145 motor vehicles;

1146 (6) Insurance companies who sell motor vehicles to which they have taken title as an
1147 incident of payments made under an insurance policy;

1148 (7) Persons who act as agents for insurance companies for the purpose of soliciting
1149 insurance for motor vehicles;

1150 (8) Persons engaged in a business other than as a used motor vehicle dealer who sell
 1151 motor vehicles traded in as a part of the purchase price of an article other than a motor
 1152 vehicle and which have not been acquired by direct purchase for cash, and which
 1153 business is not for the purpose of violating this chapter;

1154 (9) Persons who sell only vehicles which will not be used primarily for transportation
 1155 purposes, including, but not limited to, antique automobiles, classic automobiles, and
 1156 automobiles sold solely as speculative investments. In determining whether a vehicle or
 1157 vehicles will not be used primarily for transportation purposes, the department may rely
 1158 on the representations, written or oral, made regarding the motor vehicles, but may also
 1159 look at any other relevant evidence; or

1160 (10) Persons licensed or companies registered as auctioneers under Chapter 6 of Title 43
 1161 when auctioning used motor vehicles which are being disposed of under administration
 1162 of an estate or when auctioning used motor vehicles and real property at the same sale
 1163 when such vehicles and property are owned by a common owner.

1164 48-10-24.

1165 Any person who is licensed under this chapter or its predecessor or under former
 1166 Chapter 47 or 48 of Title 43 who will be required as a result of this chapter to make
 1167 changes in his or her business operations shall not be required to make such changes until
 1168 such time as he or she is required to renew his or her license. Any such changes shall have
 1169 been completed prior to the granting of any renewal license."

1170 **PART IV**

1171 **SECTION 4-1.**

1172 Various titles of the Official Code of Georgia Annotated are amended by replacing:

H. B. 1267 (SUB)

- 1173 (1) "Code Section 43-47-2" with "Code Section 48-10-2" wherever such phrase appears
1174 in:
- 1175 (A) Code Section 10-1-393.18, relating to required disclosures for commercial financing
1176 transactions, exceptions, limitations on brokers, enforcement, and civil penalties;
- 1177 (B) Code Section 40-3-36, relating to cancellation and destruction of certificate of title
1178 for scrap, dismantled, or demolished vehicles or trailers, salvage certificate of title,
1179 administrative enforcement, and removal of license plates; and
- 1180 (C) Code Section 40-3-37, relating to salvaged or rebuilt motor vehicles, inspections,
1181 fees, exemption of motorcycles, and glider kits;
- 1182 (2) "Code Section 43-47-21" with "Code Section 48-10-21" and "Chapter 47 of Title 43"
1183 with "Chapter 10 of Title 48" in Code Section 40-2-39.1, relating to restrictions on sale or
1184 advertising of used motor vehicles displayed or parked, exceptions, enforcement, and
1185 penalty;
- 1186 (3) "Code Section 43-47-7" with "Code Section 48-10-4" in Code Section 40-3-36, relating
1187 to cancellation and destruction of certificate of title for scrap, dismantled, or demolished
1188 vehicles or trailers, salvage certificate of title, administrative enforcement, and removal of
1189 license plates;
- 1190 (4) "Chapter 47 of Title 43" with "Chapter 10 of Title 48" wherever such phrase appears
1191 in:
- 1192 (A) Code Section 10-1-351, relating to verifiable documentation required and unlawful
1193 activities pertaining to used, detached catalytic converters;
- 1194 (B) Code Section 10-1-358.1, relating to exclusions from article's applicability;
- 1195 (C) Code Section 12-8-22, relating to definitions;
- 1196 (D) Code Section 33-6-5, relating to other unfair methods of competition and unfair and
1197 deceptive acts or practices;
- 1198 (E) Code Section 40-2-130, relating to records of certificates of registration;

1199 (F) Code Section 40-3-23, relating to issuance of certificate of title, maintenance of
1200 record of certificates issued, public inspection, fees, and electronic format; and

1201 (G) Code Section 43-6-11.1, relating to expiration of licenses, waiver of continuing
1202 education requirement, and rules and regulations;

1203 (5) "Chapter 47 of Title 43" with "Chapter 10 of this title" in Code Section 48-5C-1,
1204 relating to alternative ad valorem taxation of motor vehicles and title ad valorem tax fee;
1205 and

1206 (6) "Chapter 47 of this title" with "Chapter 10 of Title 48" in Code Section 43-6-22.1,
1207 relating to auctioneers education, research, and recovery fund.

1208 **PART V**

1209 **SECTION 5-1.**

1210 (a) Except as provided in subsection (b) of this section, this Act shall be effective on
1211 July 1, 2026.

1212 (b) Parts III and IV of this Act shall become effective on July 1, 2028, only if funds are
1213 specifically appropriated for purposes of this Act as expressed in a line item making specific
1214 reference to full funding of this Act in an appropriations Act enacted by the General
1215 Assembly.

1216 **PART VI**

1217 **SECTION 6-1.**

1218 All laws and parts of laws in conflict with this Act are repealed.