

House Bill 551

By: Representatives Ridley of the 6th, Corbett of the 174th, Jasperse of the 11th, Mathis of the 133rd, and Jones of the 25th

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 provide for conditions, procedures, and limitations for issuance of temporary
3 operating permits for motor vehicles; to revise provisions relative to the operation of an
4 unregistered motor vehicle or vehicle without a current license plate, revalidation decal,
5 county decal, or temporary operating permit; to authorize the development and maintenance
6 by third parties of an electronic temporary operating permit issuance system for issuance of
7 temporary operating permits; to provide for utilization of such system by dealers for issuance
8 of temporary operating permits; to provide for the suspension of access to such system by
9 the department for certain violations; to authorize access to certain information with the State
10 Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers
11 for certain purposes; to revise a definition; to provide for notice and hearings; to amend Code
12 Section 43-47-8 of the Official Code of Georgia Annotated, relating to license applications
13 for used motor vehicle dealers and used motor vehicle parts dealers, prerequisites, license
14 fees, renewal, training or test, supplemental licenses, bonds, insurance, suspension for
15 conviction or false statement, and meetings, so as to provide for issuance or renewal of a
16 license for certain used motor vehicle dealers; to amend Code Section 48-5C-1 of the Official
17 Code of Georgia Annotated, relating to alternative ad valorem tax on motor vehicles, so as
18 to provide for enhanced penalty for an owner of a passive entity that fails to pay alternative

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19 ad valorem tax; to provide for a definition; to provide for an effective date; to provide for
20 related matters; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 SECTION 1.

23 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
24 amended by revising Code Section 40-2-8, relating to operation of unregistered vehicle or
25 vehicle without current license plate, revalidation decal, or county decal and temporary
26 operating permit issued by dealers of new or used motor vehicles, as follows:

27 "40-2-8.

28 (a) No person shall own, rent, lease, loan, or operate any vehicle required to be registered
29 pursuant to Code Section 40-2-20 upon a highway in this state without registering such
30 vehicle. Any person who becomes a resident of this state shall register his or her vehicle
31 within 30 days of becoming a resident. Each day that a vehicle is in violation of this Code
32 section shall be deemed to be a separate and distinct offense. Any person convicted of such
33 offense shall be guilty of a misdemeanor and punished by a fine of \$100.00 for each
34 violation. Any person owning or operating any vehicle described in Code Section 40-2-20
35 on any public highway or street without complying with that Code section shall be guilty
36 of a misdemeanor, provided that a person shall register his or her motor vehicle within 30
37 days after becoming a resident of this state. Any person renting, leasing, or loaning any
38 vehicle described in Code Section 40-2-20 which is being used on any public highway or
39 street without complying with that Code section shall be guilty of a misdemeanor and, upon
40 conviction thereof, shall be punished by a fine of \$100.00 for each violation, and each day
41 that such vehicle is operated in violation of Code Section 40-2-20 shall be deemed to be
42 a separate and distinct offense.

43 (b)(1) It shall be unlawful and punishable as for a misdemeanor to operate any vehicle
44 required to be registered in this state pursuant to Code Section 40-2-20 without a valid
45 numbered license plate properly validated with a current revalidation decal, unless such
46 operation is otherwise permitted under this chapter; and provided, further, that the
47 purchaser of a new vehicle or a used vehicle from a dealer of new or used motor vehicles
48 who displays a temporary operating permit issued as provided by ~~paragraph (2) of this~~
49 ~~subsection~~ Code Section 40-2-8.1 may operate such vehicle on the public highways and
50 streets of this state without a current valid license plate during the period ~~within which~~
51 ~~the purchaser is required by Code Section~~ authorized by Code Sections 40-2-8.1
52 and 40-2-20. An owner acquiring a motor vehicle from an entity that is not a new or used
53 vehicle dealer shall register such vehicle as provided for in Code Section 40-2-29 unless
54 such vehicle is to be registered under the International Registration Plan pursuant to
55 Article 3A of this chapter.

56 ~~(2)(A) Any dealer of new or used motor vehicles shall issue to the purchaser of a~~
57 ~~vehicle at the time of sale thereof, unless such vehicle is to be registered under the~~
58 ~~International Registration Plan, a temporary operating permit as provided for by~~
59 ~~department rules or regulations which may bear the dealer's name and location and shall~~
60 ~~bear an expiration date 45 days from the date of purchase. The expiration date of such~~
61 ~~a temporary operating permit may be revised and extended by the county tag agent~~
62 ~~upon application by the dealer, the purchaser, or the transferee if an extension of the~~
63 ~~purchaser's initial registration period has been granted as provided by Code~~
64 ~~Section 40-2-20. Such temporary operating permit shall not resemble a license plate~~
65 ~~issued by this state and shall be issued without charge or fee. The requirements of this~~
66 ~~paragraph shall not apply to a dealer whose primary business is the sale of salvage~~
67 ~~motor vehicles and other vehicles on which total loss claims have been paid by insurers.~~
68 ~~(B) All temporary operating permits issued by dealers to purchasers of vehicles shall~~
69 ~~be of a standard design prescribed by regulation promulgated by the department. The~~

70 ~~department may provide by rule or regulation for the sale and distribution of such~~
71 ~~temporary operating permits by third parties in accordance with paragraph (3) of this~~
72 ~~subsection.~~

73 ~~(3) All sellers and distributors of temporary operating permits shall maintain an~~
74 ~~inventory record of temporary operating permits by number and name of the dealer.~~

75 ~~(4)(2) The purchaser and operator of a vehicle shall not be subject to the penalties set~~
76 ~~forth in this Code section during the period allowed for the registration of such vehicle.~~
77 ~~If the owner of such vehicle presents evidence that such owner has properly applied for~~
78 ~~the registration of such vehicle, but that the license plate or revalidation decal has not~~
79 ~~been delivered to such owner, then the owner shall not be subject to the penalties~~
80 ~~enumerated in this subsection.~~

81 (c) It shall be unlawful and punishable as for a misdemeanor to operate any vehicle
82 required to be registered in ~~the State of Georgia~~ this state without a valid county decal
83 designating the county where the vehicle was last registered, unless such operation is
84 otherwise permitted under this chapter. ~~Any person convicted of such offense shall be~~
85 ~~punished by a fine of \$25.00 for a first offense and \$100.00 for a second or subsequent~~
86 ~~such offense. However, a A county name decal shall not be required if there is no space~~
87 ~~provided for a county name decal on the current license plate. Any person convicted of a~~
88 violation of this subsection shall be subject to a fine not to exceed \$25.00 if that person
89 shows to the court having jurisdiction of the offense that the proper revalidation decal had
90 been obtained prior to the time of the offense.

91 (d) No violation of this Code section shall have occurred upon presentation of evidence
92 that the owner had properly applied for the registration of such vehicle, but that the license
93 plate or revalidation decal had not been delivered to such owner at the time the uniform
94 traffic citation was issued.

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

124 provide by rule or regulation for standards for authorized access to an electronic
125 temporary operating permit issuance system, which may include, but shall not be limited
126 to, required criminal background checks for any user of the system. Any third party
127 authorized to sell and distribute temporary operating permits shall maintain an inventory
128 record of such permits by number and name of the dealer.

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

151 authorized to impose fines or fees as provided by law. The department shall not be
152 authorized to suspend access to the temporary operating permit system unless the
153 department finds a dealer to be substantially out of compliance with the requirements
154 of this Code section or the rules and regulations of the department and such dealer has
155 failed to produce satisfactory evidence of extenuating circumstances to justify such
156 noncompliance.

157 (B) If the department suspends a dealer's access to the electronic temporary operating
158 permit issuance system established pursuant to this Code section after an informal
159 review held pursuant to subparagraph (A) of this paragraph, the suspended dealer shall
160 have the right to a formal hearing to review the suspension pursuant to Code Section
161 40-3-6. Such hearing shall be held within 30 days of the department's decision to
162 suspend the dealer's access to the electronic temporary operating permit issuance
163 system and shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia
164 Administrative Procedure Act.' At such hearing, the department may present evidence
165 of any instances in which the suspended dealer unlawfully issued temporary operating
166 permits or issued fraudulent temporary operating permits. Upon a finding that the
167 suspended dealer is in compliance with the requirements of this Code section and has
168 issued temporary operating permits predominantly for bona fide motor vehicle sales,
169 the department shall provide for the immediate restoration of access to the electronic
170 temporary operating permit issuance system for such dealer but shall be authorized to
171 impose fines or fees as provided by law for failure to comply with the requirements of
172 this chapter. Upon a finding that the suspended dealer violated the requirements of this
173 Code section or rules and regulations of the department, the department shall be
174 authorized to extend the term of suspension for a period of up to 24 months. Upon a
175 finding that a dealer has unlawfully issued temporary operating permits in violation of
176 this chapter or rules and regulations of the department, the department shall further be
177 authorized to issue a civil monetary penalty in an amount no greater than \$100.00 per

178 violation, suspend or revoke the registration issued to a dealer pursuant to Code Section
179 40-2-39, and suspend, confiscate, or limit issuance of any dealer plates issued pursuant
180 to Code Section 40-2-38 for a period of up to 24 months. The department shall comply
181 with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' in relation to
182 the expedited review provided for in this subparagraph and the suspended dealer shall
183 have the right to appeal any decision of the department in accordance with such chapter.
184 (c) The commissioner is authorized to promulgate rules and regulations necessary to
185 effectuate the provisions of this Code section."

186 **SECTION 3.**

187 Said title is further amended in Code Section 40-2-33, relating to issuance of license plates
188 and decals, transfer of registration to a digital license plate, compensation of tag agents, and
189 required identification, by revising paragraph (3) of subsection (a) as follows:

190 "(3) At the time of initial application for registration or at any time during the registration
191 period, a vehicle owner may file with the county tag agent, on a form or electronic form
192 prescribed by the commissioner, a request to have a vehicle license plate duplicated on
193 a digital license plate purchased from a digital license plate provider. Such request to the
194 county tag agent shall include all applicable registration fees. Upon approving the
195 application provided in this paragraph, the commissioner or county tag agent shall furnish
196 the digital license plate provider with the appropriate licensing information to be
197 displayed upon the digital license plate. In accordance with Code Section ~~40-2-8~~
198 40-2-8.1, a 45 day temporary operating permit shall be issued by the commissioner or
199 county tag agent to an applicant for a digital license plate until such license plate is
200 received by the applicant."

201 **SECTION 4.**

202 Said title is further amended in Code Section 40-2-38, relating to registration and licensing
 203 of manufacturers, distributors, and dealers and issuance of manufacturer, manufacturer
 204 headquarters, distributor, and dealer plates, by revising paragraph (1) of subsection (a) and
 205 subsections (c) through (f) as follows:

206 "(a)(1) Manufacturers, manufacturer headquarters, distributors, and dealers engaged in
 207 the manufacture, sale, or leasing of vehicles required to be registered under Code Section
 208 40-2-20 shall register by electronic means with the commissioner, making application for
 209 a distinguishing ~~dealer's number, specifying the name and make of motor vehicle, tractor,~~
 210 ~~or trailer manufactured, sold, or leased by them;~~ upon forms prepared by the
 211 commissioner for such purposes, and pay therefor a fee of \$62.00, which shall
 212 accompany such application. Upon payment of such fee by ~~a dealer~~ an applicant, the
 213 commissioner shall furnish ~~to the dealer~~ one master number plate to expire each year in
 214 accordance with ~~subsection (f) of this Code section, to be known as a dealer's number and~~
 215 ~~to~~ based upon the type of master number plate issued. Each additional plate issued
 216 pursuant to this Code section shall require payment of a \$12.00 fee. Each master number
 217 plate and any additional plates issued pursuant to this Code section shall be distinguished
 218 from the number license plates provided for in this chapter by different and distinguishing
 219 colors to be determined by the commissioner. The dealer plate for a franchise motor
 220 vehicle dealer shall be distinguishable from the dealer plate for a used car dealer and from
 221 the dealer plate for a motor vehicle wholesaler. Except as otherwise authorized by this
 222 Code section, a dealer's master number plate or additional plates issued pursuant to this
 223 Code section shall be ~~A dealer's number plate is~~ for the purpose of demonstrating or
 224 transporting ~~the dealer's~~ vehicles or trailers for sale or lease. Persons engaged in the
 225 business of transporting vehicles for a dealer under a vehicle's own power shall be
 226 permitted to use such dealer's plate for the purpose of transporting a vehicle."

227 "~~(c) This Code section shall not apply in any manner to mopeds.~~

228 ~~(d)~~(c) The license plates issued pursuant to this Code section shall be revoked and
229 confiscated upon a determination after a hearing that such dealer, distributor, manufacturer,
230 or manufacturer headquarters has unlawfully used such license plates in violation of this
231 Code section.

232 ~~(e)~~(d) If a license plate issued pursuant to this Code section is lost or stolen, the dealer,
233 manufacturer, distributor, manufacturer headquarters, or other party to whom the license
234 plate was issued ~~must~~ shall immediately report the lost or stolen plate to local law
235 enforcement agencies. If a replacement license plate is sought, the dealer, manufacturer,
236 distributor, manufacturer headquarters, or other party to whom the license plate was issued
237 shall file a notarized affidavit with the department requesting a replacement plate. Such
238 affidavit shall certify under penalty of perjury that the license plate has been lost or stolen
239 and that the loss has been reported to a local law enforcement agency.

240 ~~(f)(1)~~(e) Except as otherwise provided for in this Code section, the ~~The~~ expiration of a
241 license plate issued pursuant to this Code section shall be the last day of the registration
242 period as provided in division (a)(1)(A)(ii) of Code Section 40-2-21, except that for the
243 purposes of this subsection, the registration period shall be determined by the first letter of
244 the legal name of the business listed on the application for registration or renewal of
245 registration. An application for renewal of registration shall not be submitted earlier than
246 90 days prior to the last day of the registration period. A penalty of 25 percent of the total
247 registration fees due shall be assessed any person registering pursuant to this Code section
248 who, prior to the expiration of such person's registration period, fails to apply for renewal
249 or if having applied fails to pay the required fees.

250 ~~(2) A transition period shall commence on October 1, 2007, and conclude on December~~
251 ~~31, 2007, for all existing registrations and any new registration applications presented~~
252 ~~prior to January 1, 2008. On or after January 1, 2008, new applications for registration~~
253 ~~shall be submitted and remain valid until the expiration of such registration as specified~~
254 ~~in paragraph (1) of this subsection."~~

255 **SECTION 5.**

256 Said title is further amended in Code Section 40-2-39, relating to registration and licensing
257 of new motor vehicle dealers, temporary site permits, administrative fines, and penalty, by
258 revising paragraph (3) of subsection (a) as follows:

259 "(3) 'Established place of business' means a permanent salesroom or sales office of a new
260 motor vehicle dealer, which permanent salesroom or sales office is located in a permanent
261 building on an open lot and which is marked by an appropriate sign and at which a
262 permanent business of bartering, trading, or selling of at least five new motor vehicles is
263 carried on in good faith at any one time."

264 **SECTION 6.**

265 Said title is further amended in Code Section 40-2-130, relating to records of certificates of
266 registration, by revising subsection (c) as follows:

267 "(c) The motor vehicle registration records which the commissioner is required to maintain
268 under this Code section or any other provision are exempt from the provisions of any law
269 of this state requiring that such records be open for public inspection; provided, however,
270 that, subject to subsection (d) of this Code section, the records may be disclosed for use as
271 provided in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, and
272 by ~~the following~~:

- 273 (1) Any licensed dealer of new or used motor vehicles;
274 (2) Any tax collector, tax receiver, or tax commissioner;
275 (3) The director of the Environmental Protection Division of the Department of Natural
276 Resources or his or her designee;
277 (4) Any private person who has met the requirements of Code Section 40-2-25, provided
278 that the information shall be used for the sole purpose of effectuating the registration or
279 renewal of motor vehicles by electronic or similar means and that the private person
280 requesting the information has entered into an agreement to provide electronic services

281 to the commissioner or a county tag agent; provided, further, that the information made
282 available pursuant to this paragraph for such purpose shall be limited to the vehicle
283 identification number, the license tag number, the date of expiration of registration, and
284 the amount of tax owed; ~~and~~

285 (5) A person or entity authorized by the commissioner for use in providing notice to the
286 owners of towed or impounded vehicles; and

287 (6) The board established pursuant to Chapter 47 of Title 43 for use in carrying out its
288 functions."

289 **SECTION 7.**

290 Said title is further amended in Code Section 40-3-23, relating to issuance of certificate of
291 title, maintenance of record of certificates issued, public inspection, furnishing records for
292 fee, and electronic format, by revising subsection (d) as follows:

293 "(d) The motor vehicle records which the commissioner or the commissioner's duly
294 authorized county tag agent is required to maintain under this Code section or any other
295 provision are exempt from the provisions of any law of this state requiring that such
296 records be open for public inspection; provided, however, that, subject to subsection (f) of
297 this Code section, the records may be disclosed for use as provided in the federal Driver's
298 Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, and by ~~the following~~:

299 (1) Any licensed dealer of new or used motor vehicles;

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

301 (3) A person or entity authorized by the commissioner for use in providing notice to the
302 owners of towed or impounded vehicles; and

303 (4) The board established pursuant to Chapter 47 of Title 43 for carrying out its
304 functions."

305

SECTION 8.

306 Said title is further amended in Code Section 40-3-33, relating to transfer of vehicle to or
307 from dealer, records to be kept by dealers, electronic filing, and application for title where
308 dealer located, by revising subsections (a) and (b) and by adding new subsections to read as
309 follows:

310 "(a)(1) Except as provided in paragraph (2) of this subsection, a dealer who buys a
311 vehicle and holds it for resale need not apply to the commissioner for a new certificate
312 of title but may retain the delivered certificate ~~delivered to him~~. Upon transferring the
313 vehicle to another person other than by the creation of a security interest, such dealer
314 shall promptly execute the assignment and warranty of title by a dealer. Such assignment
315 and warranty shall show the names and addresses of the transferee and any holder of a
316 security interest created or reserved at the time of the resale and the date of ~~his~~ the
317 security agreement, in the spaces provided therefor on the certificate or as the
318 commissioner prescribes. Transfers of vehicles under this Code section shall otherwise
319 conform with Code Section 40-3-32. A dealer selling a previously registered vehicle for
320 ~~which under this chapter need not have~~ a certificate of title is not required under this
321 chapter need not furnish a purchaser of such a vehicle a certificate of title. After a
322 previously registered vehicle has been brought under the terms of this chapter, a dealer,
323 when selling that vehicle, shall conform to all provisions of this chapter.

324 (2)(A) As used in this paragraph, the term 'franchise dealer' means a dealer who under
325 a contract or franchise agreement with a manufacturer, distributor, wholesaler, or
326 importer is authorized to sell new motor vehicles of or for such manufacturer,
327 distributor, wholesaler, or importer and who is authorized to use trademarks or service
328 marks associated with one or more makes of motor vehicles in connection with such
329 sales.

330 (B) A dealer who is not a franchise dealer who acquires a vehicle for which the original
331 certificate of title has not been issued and who holds such vehicle for resale shall not

332 be exempt from the requirement to obtain a certificate of title in such dealer's name as
333 provided in paragraph (1) of this subsection. Such dealer shall, as provided in Code
334 Section 40-3-32, obtain a certificate of title in such dealer's name prior to selling or
335 otherwise transferring said vehicle to any other person or dealer.

336 (b) Every dealer shall maintain a record, in the form the commissioner prescribes, of every
337 vehicle bought, sold, or exchanged by him, or received by him for sale or exchange. Such
338 record shall be kept for three years and shall be open to inspection by a representative of
339 the commissioner during reasonable business hours. The information contained in records
340 maintained by a dealer pursuant to this subsection shall be an accurate representation of the
341 transaction, and no alternative versions of records shall be produced for a purchaser with
342 information which differs from that contained in records maintained for inspection by the
343 department."

344 "(f) The department shall be authorized to assess a civil penalty against a dealer of up to
345 \$500.00 for each sales transaction conducted in violation of subsection (b) of this Code
346 section.

347 (g) The department is authorized to promulgate rules and regulations necessary to
348 effectuate the provisions of this Code section."

349 **SECTION 9.**

350 Code Section 43-47-8 of the Official Code of Georgia Annotated, relating to license
351 applications for used motor vehicle dealers and used motor vehicle parts dealers,
352 prerequisites, license fees, renewal, training or test, supplemental licenses, bonds, insurance,
353 suspension for conviction or false statement, and meetings, is amended by revising
354 subsection (b) as follows:

355 "(b) A division under this chapter shall not issue or renew any license unless the applicant
356 or holder thereof shall show that he or she maintains an established place of business as
357 defined in Code Section 43-47-2. Any used motor vehicle dealer other than a motor

358 vehicle broker shall demonstrate that such established place of business has five or more
359 used motor vehicles on display for purchase or exchange."

360 **SECTION 10.**

361 Code Section 48-5C-1 of the Official Code of Georgia Annotated, relating to alternative ad
362 valorem tax on motor vehicles, is amended by adding a new paragraph to subsection (a), by
363 revising paragraph (9) of subsection (d), and by adding a new subsection to read as follows:

364 "(3.1) 'Passive entity' means a person, other than an individual, formed under the laws
365 of another state that does not have an established place of business in this state, owns no
366 real property, and conducts no trade or business other than the holding of assets for
367 investment and income."

368 "(9)(A) Any owner of any motor vehicle who fails to submit within 30 days of the date
369 such owner is required by law to register such vehicle in this state an application for a
370 first certificate of title under Code Section 40-3-21 or a certificate of title under Code
371 Section 40-3-32 shall be required to pay a penalty in the amount of 10 percent of the
372 state title ad valorem tax fees and 10 percent of the local title ad valorem tax fees
373 required under this Code section and, if such state and local title ad valorem tax fees
374 and the penalty are not paid within 60 days following the date such owner is required
375 by law to register such vehicle, interest at the rate of 1 percent per month shall be
376 imposed on the state and local title ad valorem tax fees due under this Code section,
377 unless a temporary permit has been issued by the tax commissioner. The tax
378 commissioner shall grant a temporary permit in the event the failure to timely apply for
379 a first certificate of title is due to the failure of a lienholder to comply with Code
380 Section 40-3-56, regarding release of a security interest or lien, and no penalty or
381 interest shall be assessed. Such penalty and interest shall be in addition to the penalty
382 and fee required under Code Section 40-3-21 or 40-3-32, as applicable.

383 (B) The penalties provided for in subparagraph (A) of this paragraph shall be double
384 for any resident of this state who owns at least 50 percent of a passive entity that owns
385 a motor vehicle that fails to submit within 60 days of the date such owner is required
386 by law to register such vehicle in this state an application for a first certificate of title
387 under Code Section 40-3-21 or a certificate of title under Code Section 40-3-32 and
388 register such vehicle."

389 "(h) The commissioner shall be authorized in his or her sole discretion to share information
390 obtained for purposes of this Code section with the board established pursuant to
391 Chapter 47 of Title 43. Any confidential information furnished pursuant to this Code
392 section shall retain its character as confidential. Any person who divulges confidential
393 information obtained pursuant to this Code section shall be subject to the same penalties
394 as those provided for divulgence of information by employees of the department."

395 **SECTION 11.**

396 This Act shall become effective on January 1, 2026.

397 **SECTION 12.**

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