

House Bill 630

By: Representatives Wiedower of the 121st, Ridley of the 6th, Corbett of the 174th, Prince of the 132nd, Reeves of the 99th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used
2 motor vehicle and used motor vehicle parts dealers, so as to remove the used car division and
3 the used parts division of the State Board of Registration of Used Motor Vehicle Dealers and
4 Used Motor Vehicle Parts Dealers; to confer the powers and duties of such divisions to the
5 board; to revise the membership of the board; to revise the powers and duties of the board;
6 to revise and clarify provisions relating to applications for and requirements of licenses; to
7 revise provisions relating to the change of location by licensees; to revise and provide for
8 definitions; to make conforming changes; to provide for related matters; to repeal conflicting
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor
13 vehicle and used motor vehicle parts dealers, is amended in Code Section 43-47-2, relating
14 to definitions, by revising paragraph (3) and subparagraph (A) of paragraph (17) and adding
15 a new paragraph to read as follows:

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16 "(2.1) 'Division director' shall have the same meaning as set forth in Code Section
17 43-1-1.

18 (3) 'Established place of business' means a salesroom or sales office in a building or on
19 an open lot of a retail used car dealership or at which a permanent business of bartering,
20 trading, offering, displaying, selling, buying, dismantling, or rebuilding wrecked or used
21 motor vehicles or parts is carried on, or the place at which the books, records, and files
22 necessary to conduct such business are kept. Each such place of business shall be
23 furnished with a working telephone listed in the name of the licensee for use in
24 conducting the business ~~and shall~~, be marked by an appropriate permanent sign as
25 prescribed by the ~~appropriate division under this chapter~~ board, and meet or exceed any
26 size requirements and standards prescribed by the board."

27 "(17)(A) 'Used motor vehicle dealer,' or 'used car dealer,' ~~or 'licensee'~~ means any person
28 who, for commission or with intent to make a profit or gain of money or other thing of
29 value, sells, exchanges, rents with option to purchase, offers, or attempts to negotiate
30 a sale or exchange of an interest in used motor vehicles or who is engaged wholly or
31 in part in the business of selling used motor vehicles, whether or not such motor
32 vehicles are owned by such person. A motor vehicle wholesaler and a motor vehicle
33 broker shall be deemed to be a used motor vehicle dealer or a used car dealer for the
34 purposes of this chapter. Any independent motor vehicle leasing agency which sells
35 or offers for sale used motor vehicles shall be deemed to be a used motor vehicle dealer
36 or a used car dealer for the purposes of this chapter. Any motor vehicle auction
37 company selling or offering for sale used motor vehicles to independent motor vehicle
38 dealers or to individual consumers shall be deemed to be a used motor vehicle dealer
39 or used car dealer for the purposes of this chapter except as otherwise provided in
40 division (x) of subparagraph (B) of this paragraph. Without limiting any of the
41 foregoing, the sale of five or more used motor vehicles in any one calendar year shall
42 be prima-facie evidence that a person is engaged in the business of selling used motor

43 vehicles. A pawnbroker who disposes of all repossessed motor vehicles by selling or
 44 exchanging his or her interest in such motor vehicles only to licensees under this
 45 chapter shall not be considered a used motor vehicle dealer under this chapter as long
 46 as such pawnbroker does not otherwise engage in activities which would bring him or
 47 her under the licensing requirements of this chapter."

48 **SECTION 2.**

49 Said chapter is further amended by revising Code Section 43-47-3, relating to creation of
 50 board, composition, terms of office, vacancies, election of chairperson, and divisions, as
 51 follows:

52 "43-47-3.

53 (a) There is created a State Board of Registration of Used Motor Vehicle Dealers and Used
 54 Motor Vehicle Parts Dealers. The board shall be comprised of ~~14~~ nine members:

55 (1) Three members shall be independent used car dealers;

56 (2) ~~Three members~~ One member shall be appointed from the public at large and shall
 57 have no connection whatsoever with the sale of used cars or parts;

58 (3) The state revenue commissioner, or a designated agent, shall be a permanent ex
 59 officio member and shall be authorized to vote on all matters before the board;

60 (4) ~~Reserved;~~

61 (5) One member shall be a representative of the automobile auction industry;

62 (6) ~~One member shall be an auto salvage pool operator;~~

63 (7)(5) Two members shall be used motor vehicle parts dealers ~~who are not~~ or rebuilders;
 64 and

65 (8) ~~One member shall be a rebuilder;~~

66 (9) ~~One member shall be a pawnbroker as defined in Code Section 44-12-130 who is in~~
 67 ~~the business of pawning automobile titles and is licensed as a used car dealer; and~~

68 (10)(6) One member shall be a representative of the automobile insurance industry.

69 (b) The members of the board referred to in paragraphs (1), (2), (5), (6), (7), (8), (9), and
70 (10) of subsection (a) of this Code section shall be appointed by the Governor and shall
71 take office on July 1, 1995, or as soon thereafter as appointed. The initial terms of those
72 13 appointed members shall expire as follows: three on June 30, 1996; three on June 30,
73 1997; three on June 30, 1998; and four on June 30, 1999. Thereafter, the appointed
74 members of the board and shall serve terms of four years. All members shall be residents
75 of this state. ~~No more than two of the appointed members shall be from the same~~
76 ~~congressional district. The terms term of the two ex officio members member shall be~~
77 ~~coextensive with their term his or her term of office.~~

78 (b.1) Notwithstanding the provisions of subsection (a) of this Code section, all members
79 serving on the board as of June 30, 2025, shall continue to serve as members of the board
80 for the remainder of their terms of office but shall only be reappointed in accordance with
81 the provisions of this Code section.

82 (c) Any vacancies on the board shall be filled by the Governor for the remainder of the
83 unexpired term. The members of the board shall annually elect one of their number to
84 serve as chairperson for a term of two years. ~~The board chairperson shall not also serve~~
85 ~~contemporaneously as the chairperson of either division under this chapter. The first term~~
86 ~~as chairperson of the board shall be served by a member or members elected from either~~
87 ~~division under this chapter; thereafter, the chairperson for each succeeding term shall not~~
88 ~~be elected from the same division as that of the chairperson from the immediately~~
89 ~~preceding term. In the event a chairperson of the board is unable to complete his or her~~
90 ~~term, his or her a successor for the remainder of the term shall be elected from the same~~
91 ~~division as was the chairperson who is unable to complete the term members of the board.~~
92 ~~The chairperson of the board shall be an ex officio member of both divisions under this~~
93 ~~chapter, however, the chairperson of the board shall not be counted for purposes of~~
94 ~~determining whether a quorum is present in the division meeting for the division in which~~
95 ~~he or she is not a regular member.~~

96 ~~(d)(1) The board shall be composed of two divisions, a used car division and a used parts~~
 97 ~~division:~~

98 ~~(2) The members of the used car division shall be the three independent used car dealers,~~
 99 ~~two of the members from the public at large, the state revenue commissioner or a~~
 100 ~~designated agent, the representative of the automobile auction industry, and the~~
 101 ~~pawnbroker. All powers and duties relating to used car dealers which are not specifically~~
 102 ~~reserved to the board shall be assigned to the used car division. The used car division~~
 103 ~~shall elect one of its members to serve as chairperson of the division for a period of one~~
 104 ~~year:~~

105 ~~(3) The members of the used parts division shall be the third member from the public at~~
 106 ~~large, the state revenue commissioner or a designated agent, the auto salvage pool~~
 107 ~~operator, the two used motor vehicle parts dealers who are not rebuilders, the rebuilder,~~
 108 ~~and the representative of the automobile insurance industry. All powers and duties~~
 109 ~~relating to used parts dealers which are not specifically reserved to the board shall be~~
 110 ~~assigned to the used parts division. The used parts division shall elect one of its members~~
 111 ~~to serve as chairperson of the division for a period of one year.~~

112 ~~(4) The chairperson of the board shall determine which of the two members from the~~
 113 ~~public at large will serve in the used car division and which shall serve in the used parts~~
 114 ~~division."~~

115 **SECTION 3.**

116 Said chapter is further amended by revising Code Section 43-47-4, relating to division
 117 director as secretary of board, as follows:

118 "43-47-4.

119 The division director shall be the secretary of the board ~~and of the divisions~~. He or she shall
 120 issue licenses and certificates and perform such other duties as the board ~~or the divisions~~
 121 may direct to carry out this chapter or as provided in Chapter 1 of this title."

122 **SECTION 4.**

123 Said chapter is further amended by revising Code Section 43-47-5, relating to reimbursement
124 of board members, as follows:

125 "43-47-5.

126 The members of the board shall be reimbursed for their duties as board members ~~and as~~
127 ~~division members~~ as provided for in subsection (f) of Code Section 43-1-2."

128 **SECTION 5.**

129 Said chapter is further amended by revising Code Section 43-47-6, relating to general powers
130 and duties of the board, as follows:

131 "43-47-6.

132 ~~All powers and duties under this chapter not specifically reserved to the board shall be the~~
133 ~~powers and duties of the division.~~ The board shall have the following powers and duties:

134 (1) To receive applications for registration of licensees ~~and to forward them to the~~
135 ~~appropriate division;~~

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

139 (3) To arrange for all new applicants to have a criminal background check, which
140 background check shall be mandatory. The applicant's fingerprints shall be forwarded
141 to the Georgia Crime Information Center which shall run a criminal background check
142 on the applicant and provide the results of the background check to the board.
143 Additionally, the applicant's fingerprints will be forwarded to the Federal Bureau of
144 Investigation for a national criminal history record check;

145 (4) To publish in print or electronically on or before September 1 of each year an
146 alphabetical listing of all licensees pursuant to this chapter and to distribute copies of the
147 same, if requested, to the Department of Public Safety, the Department of Revenue, and

148 the Georgia Bureau of Investigation, to all sheriffs in this state, and to all county and
149 municipal police departments in this state;

150 (5) To establish a fee for a license for each principal place of business and a fee for a
151 supplemental license for each place of business not immediately adjacent to the principal
152 place of business. The board may establish separate schedules of fees for such licenses
153 depending on whether the applicant begins to do business as a licensee prior to or after
154 the issuance of any such license; ~~and~~

155 (6) To do all other things necessary and proper to carry out the powers and duties listed
156 in this Code section; and

157 (7) To set the minimum size requirements and standards of an established place of
158 business."

159 **SECTION 6.**

160 Said chapter is further amended by revising Code Section 43-47-7, relating to required
161 license and records, as follows:

162 "43-47-7.

163 (a) It shall be unlawful for any person to operate as a used motor vehicle dealer in this state
164 without first registering and obtaining a license from the ~~used car division~~ board as
165 provided in this chapter.

166 (b) It shall be unlawful for any person to operate as a used motor vehicle parts dealer in
167 this state without first registering and obtaining a license from the ~~used parts division~~ board
168 as provided in this chapter.

169 (c) It shall be unlawful for any used car dealer or any used parts dealer willfully to fail to
170 keep the records required to be kept by this chapter."

171 **SECTION 7.**

172 Said chapter is further amended by repealing Code Section 43-47-8, relating to license
173 applications, prerequisites, license fees, renewal, training or test, supplemental license,
174 bonds, insurance, suspension for conviction or false statement, and meetings, and by enacting
175 a new Code Section 43-47-8 to read as follows:

176 "43-47-8.

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

181 (1) Maintains an established place of business;

182 (2) Has, within the preceding 12 months, attended a board approved training and
183 information seminar, which shall not exceed one day in length, or passed a board
184 approved examination, either of which shall relate to the requirements of licensees
185 provided in this chapter, including books and records to be kept, requirements of the
186 Department of Revenue applicable to licensees, and such other topics as in the opinion
187 of the board promote good business practices of licensees;

188 (3) Has applied for or obtained a certificate of registration, Department of Revenue Form
189 ST-2;

190 (4) Has posted or has made provision for the posting of the bond required under
191 subsection (d) of this Code section; and

192 (5) Maintains any liability and property damage insurance required under subsection (e)
193 of this Code section.

194 (b) Applications for a used motor vehicle dealer license or a used motor vehicle parts
195 dealer license shall be made under oath and shall state the applicant's full name; date and
196 place of birth; date and place of any conviction or arrest for any crime, including the plea
197 of nolo contendere or a plea entered pursuant to Article 3 of Chapter 8 of Title 42 or other

198 first offender treatment; and such additional information as the board may require to
199 investigate the qualifications, character, competence, and integrity of the applicant. Each
200 applicant shall submit with his or her application photographs or other renderings of his or
201 her established place of business that show the complete facility, appropriate sign, and
202 entire display area of the established place of business.

203 (c) Each applicant for a used motor vehicle dealer license or a used motor vehicle parts
204 dealer license shall furnish to the board a full set of fingerprints to enable a criminal
205 background investigation to be conducted on the applicant so as to determine the
206 applicant's suitability to be licensed under this chapter. The board shall submit the
207 applicant's fingerprints to the Georgia Crime Information Center. If no criminal record is
208 identified at the state level, the Georgia Crime Information Center is authorized to submit
209 the fingerprints to the Federal Bureau of Investigation for a national criminal history check.
210 The Georgia Crime Information Center shall notify the board in writing of the results of
211 such criminal background investigation, which shall be used by the board for the exclusive
212 purpose of carrying out its responsibilities under this chapter, shall not be a public record,
213 shall be privileged, and shall not be disclosed to any other person or agency. The applicant
214 shall be responsible for all fees associated with the performance of such background
215 investigation.

216 (d)(1) Licensees shall be required, for each license or supplemental license issued in
217 connection with an established place of business, to post a bond that is executed with a
218 surety company duly authorized to do business in this state. Such bond shall be payable
219 to the Governor for the use and benefit of any purchaser and vendees or successors in title
220 of any used motor vehicle and shall be conditioned to pay all losses, damages, and
221 expenses that may be sustained by such purchaser, his or her vendees, or successors in
222 title that may be occasioned by reason of any misrepresentation, deceptive practice, or
223 unfair practice or by reason of any breach of warranty as to such used vehicle. Such bond
224 shall be in the amount of \$35,000.00 for used car dealers and \$10,000.00 for used parts

225 dealers and shall be filed, prior to or immediately upon the granting of a license under
226 this chapter, with the division director by the licensee and shall be approved by the
227 division director as to form and as to the solvency of the surety.

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

231 (3) If a surety or licensee cancels a bond issued pursuant to this subsection and the
232 licensee fails to submit, within ten days of the effective date of the cancellation, a new
233 bond, the board may revoke his or her license.

234 (e)(1) Except for any person licensed under Chapter 6 of this title, who shall be exempt
235 from the requirements of this subsection, licensees shall maintain, for each license or
236 supplemental license issued in connection with an established place of business, public
237 liability and property damage insurance with liability limits of not less than \$50,000.00
238 per person and \$100,000.00 per accident, personal insurance liability coverage, and
239 \$25,000.00 property damage liability coverage.

240 (2) No licensee shall cancel or cause to be canceled an insurance policy issued pursuant
241 to this subsection unless the board is so informed in writing by certified mail at least 30
242 days prior to the proposed cancellation.

243 (3) If an insurance company or licensee cancels an insurance policy required under this
244 subsection and the licensee fails to submit, within ten days of the effective date of such
245 cancellation, a new insurance policy, the board may revoke his or her license.

246 (f)(1) Each license issued pursuant to this chapter shall be in connection with a single
247 established place of business, and licensees shall be required to obtain a supplemental
248 license for each additional established place of business that is operated or proposed to
249 be operated by the licensee that is not contiguous to an established place of business for
250 which a license or supplemental license has been issued; provided, however, that a
251 supplemental license shall not be required for any temporary site of a licensee.

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

255 (A) The licensee's license number;

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

259 (C) Evidence that the licensee has posted, or has made provision for the posting, of the
 260 bond required under subsection (d) of this Code section for such additional established
 261 place of business; and

262 (D) Evidence that the licensee maintains any liability and property damage insurance
 263 required under subsection (e) of this Code section for such additional established place
 264 of business.

265 (g) All licenses issued under this chapter shall be renewable biennially. The board may
 266 establish continuing education requirements for license renewals."

267 **SECTION 8.**

268 Said chapter is further amended in Code Section 43-47-8.2, relating to place of business,
 269 temporary sites, and penalties, by revising paragraph (5) of subsection (b) as follows:

270 "(5) The fee for each application for a temporary site permit shall be ~~\$100.00~~ established
 271 by the board."

272 **SECTION 9.**

273 Said chapter is further amended by revising Code Section 43-47-9, relating to contents of
 274 licenses, display of licenses, and endorsement of change of business location on licenses, as
 275 follows:

276 "43-47-9.

277 (a) The licenses issued pursuant to this chapter shall specify the location of each place of
 278 business or branch or other location occupied or to be occupied by the licensee in
 279 conducting his or her business; and the license or supplemental license issued therefor shall
 280 be conspicuously displayed on each of such premises. ~~In the event any such location is
 281 changed, the appropriate division shall endorse the change of location on the license
 282 without charge.~~

283 (b) If such location, as provided in subsection (a) of this Code section, of a licensee is
 284 changed, the licensee shall, at least 30 days prior to relocating to a new location, submit a
 285 change of location application, together with any additional fees as established by the
 286 board, to the division director. Such application shall be submitted in a form and manner
 287 as prescribed by the division director and shall include the licensee's license number and
 288 photographs of the new location in accordance with subsection (b) of Code Section
 289 43-47-8. If the division director determines that the new location meets the requirements
 290 of this chapter and of the rules and regulations of the board, the division director shall
 291 approve the application and issue a new license that specifies the new location."

292 **SECTION 10.**

293 Said chapter is further amended by revising Code Section 43-47-10, relating to investigation
 294 of licensees by board, suspension or revocation of license, and other sanctions, as follows:

295 "43-47-10.

296 The board ~~or each division~~ may, upon its own motion, and shall, upon the verified
 297 complaint in writing of any person, investigate the actions of any licensee or anyone who
 298 shall assume to act in such capacity. ~~Each division~~ The board shall have power, in addition
 299 to the other powers authorized by this chapter, to revoke or to suspend a license for a
 300 specified time, to be determined in its discretion, or to invoke such other lesser sanctions,

301 including but not limited to the imposition of fines and penalty fees, which the board is
302 hereby authorized to create by rule, where:

303 (1) The licensee is found by a majority of the members of the board to have committed
304 any one or more of the following:

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

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

308 (C) Making any substantial misrepresentation;

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

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

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

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

316 (H) Fraud or fraudulent practice, unfair and deceptive acts or practices, misleading acts
317 or practices, or untrustworthiness or incompetency to act as a licensee, including, but
318 not limited to, the failure to provide the appropriate odometer disclosure forms required
319 by law or knowingly selling or offering for sale any used car on which the odometer has
320 been tampered with to reflect lower than the actual mileage the car has been driven;

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

324 (J) The commission of any crime involving violence, a used motor vehicle, illegal
325 drugs, tax evasion, failure to pay taxes, or any crime involving the illegal use, carrying,
326 or possession of a dangerous weapon; the conviction of, plea of guilty to, or plea of
327 nolo contendere to a crime involving violence, a used motor vehicle, illegal drugs, tax

328 evasion, failure to pay taxes, or any crime involving the illegal use, carrying, or
329 possession of a dangerous weapon shall be conclusive evidence of the commission of
330 such crime;

331 (K) Use of untruthful or improbable statements or flamboyant or extravagant claims
332 concerning such licensee's excellence or abilities;

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

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

337 (N) Violating or attempting to violate, directly or indirectly, or assisting in or abetting
338 the violation of, or conspiring to violate any of the provisions of this chapter, including
339 but not limited to (i) the failure to maintain the certificate of registration required by
340 Code Section 43-47-8 and (ii) the failure to keep records required by this chapter;

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

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

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

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

349 (III) Failing to make available to the board, for investigative purposes, auction
350 records of a seller, for the purpose of determining if a seller sold more than five
351 motor vehicles in a calendar year; provided, however, that the board shall give the
352 auction reasonable notice during normal working hours;

- 353 (IV) Failing to disclose in a conspicuous manner on the bill of sale that a buyer is
354 entitled to a refund of all of the purchase price when the title and tag receipt are not
355 assigned and processed within 21 days of the purchase;
- 356 (V) Failing to include on the bill of sale any warranty disclaimer; or
357 (VI) Accepting or delivering a certificate of title signed in blank.
- 358 (ii) The provisions of this subparagraph shall not apply where:
- 359 (I) The sale of the motor vehicle is not open to the general public;
360 (II) Either the seller or purchaser of the vehicle is a licensed used car dealer;
361 (III) The motor vehicle is sold as a repossessed or abandoned vehicle; or
362 (IV) The motor vehicle is sold on behalf of any government agency or by court
363 order.
- 364 (iii) A violation of this subparagraph shall also be grounds for suspension or censure
365 of a license under Code Section 43-6-18, and any auction violating this subparagraph
366 may be required by the board to surrender its master tag;
- 367 (Q) Acting to obtain or holding a license on behalf of another person who was
368 previously denied a license or had a license suspended or revoked under this chapter;
369 in making determinations under this subparagraph, the ~~division~~ board may look at any
370 competent evidence, including, but not limited to, who actually directs the activities at
371 the business and who actually receives the proceeds from the business;
- 372 (R) Having purchased, concealed, possessed, or otherwise acquired or disposed of a
373 vehicle, knowing the same to be stolen;
- 374 (S) Having failed to meet and maintain the requirements for issuance of a license as
375 provided for in this chapter;
- 376 (T) Having failed to pay within 30 days after written demand from the board any fees
377 or penalties due on vehicles acquired for dismantling or rebuilding; ~~or~~
- 378 (U) Having willfully failed to keep or maintain the records required to be kept by this
379 chapter; or

380 (V) Having vacated the location of its place of business for thirty days or more without
 381 having submitted a change of location application pursuant to Code Section 43-47-9;
 382 or

383 (2) A majority of the members of the ~~division~~ board find that the licensee failed to
 384 establish, maintain, or monitor procedural safeguards to ensure that the following
 385 activities do not occur at the business, regardless of whether the licensee had actual
 386 knowledge of any such activity or activities or regardless of whether there was an intent
 387 on the part of any person to engage in any such activity or activities:

388 (A) Unfair and deceptive acts or practices as defined in Part 2 of Article 15 of Chapter
 389 1 of Title 10, the 'Fair Business Practices Act of 1975';

390 (B) Any of those activities described in paragraphs (1) through (6) of Code Section
 391 40-3-90; or

392 (C) Failure to obtain a certificate of title for a purchaser."

393 **SECTION 11.**

394 Said chapter is further amended in Code Section 43-47-12, relating to maintenance of records
 395 by licensees and possession of vehicle or parts as evidence of purchase for resale, by revising
 396 paragraph (4) of subsection (a) as follows:

397 "(4) Any other records which the ~~appropriate division~~ board may reasonably require to
 398 protect the public, as relating to the licensee's method of operation and personnel
 399 employed."

400 **SECTION 12.**

401 Said chapter is further amended by revising Code Section 43-47-14, relating to fines for
 402 violation of chapter, as follows:

403 "43-47-14.
404 ~~Each division or the~~ The board may impose a fine not to exceed \$500.00 for each violation
405 of any provision of this chapter. Such fines shall be listed in a schedule contained in the
406 rules and regulations of the board. The licensee shall pay the fine within 30 days after
407 receiving written notification from either the ~~appropriate division~~ board or a representative
408 of the ~~division~~ board unless the licensee requests in writing a hearing before the ~~division~~
409 board. Such request for a hearing must be received by the ~~division~~ board within 30 days
410 after receipt of the written notification from the ~~division~~ board. Failure either to pay the
411 fine or request a hearing shall result in immediate suspension of the license pending a
412 hearing by the board to determine whether revocation or other disciplinary action should
413 be imposed on the licensee."

414 **SECTION 13.**

415 Said chapter is further amended by revising Code Section 43-47-17, relating to consent to
416 inspection as condition of licensure, as follows:

417 "43-47-17.

418 Every person required to be licensed under this chapter shall, as a condition of licensure,
419 be deemed to have granted authority and permission to the board, ~~to either division,~~ or to
420 any peace officer to inspect any record or document and any motor vehicle or motor
421 vehicle part or accessory at or on the premises of his or her principal place of business, or
422 any additional place of business, at any reasonable time during the day or night during
423 reasonable business hours."

424 **SECTION 14.**

425 Said chapter is further amended in Code Section 43-47-21, relating to civil penalty, civil
426 action, right of private action, and persons already licensed to make changes at time of
427 renewal of license, by revising subsection (b) as follows:

428 "(b) The penalty provided in subsection (a) of this Code section and any restitution due to
429 specifically named consumers for violations of this chapter shall be recoverable by a civil
430 action brought by ~~the division~~, the board, the Attorney General, or any district attorney,
431 solicitor-general, or municipal or county attorney in any superior or state court having
432 proper jurisdiction. The proceeds of any civil penalty shall be remitted to the board by the
433 clerk of the court in which such case is filed; provided, however, that in an action brought
434 on behalf of a county or municipality one-half of the proceeds of such civil penalty shall
435 be paid into the treasury of such county or municipality. The court shall order any
436 restitution recovered on behalf of any consumer to be paid over directly to the consumer
437 by the defendant."

438

SECTION 15.

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