

House Bill 1267

By: Representatives Corbett of the 174<sup>th</sup>, Ridley of the 6<sup>th</sup>, Powell of the 33<sup>rd</sup>, and Mathis of the 133<sup>rd</sup>

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 increase 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 authorize certain penalties by the Department of Revenue for  
5 violations of provisions required of licensed used motor vehicle dealers; to authorize  
6 investigatory power to such department for violations of provisions required of licensed used  
7 motor vehicle dealers; to provide for limitations on the private use of dealer vehicles by  
8 employees; to provide for required material and design of a dealer's license plate; to amend  
9 Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor  
10 vehicles and used motor vehicle parts dealers, so as to revise powers and membership of the  
11 board; to provide for standards for an established place of business to operate as a licensed  
12 used motor vehicle dealer; to provide for standards for issuance of a license as a used motor  
13 vehicle dealer; to revise bonding and insurance requirements; to provide for notifications of  
14 insurance termination; to require certain information on advertisements by used motor  
15 vehicle dealers; to require disclosure of certain information to a potential purchaser; to  
16 provide for the disclosure of certain information to the Department of Revenue; to authorize  
17 such department to investigate violations and issue penalties relative to actions of used motor

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18 vehicle dealers; to provide for and revise definitions; to provide for conforming changes; to  
19 provide for related matters; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

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

25 "40-2-4.

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

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

31 **SECTION 2.**

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

34 "40-2-5.

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

36 (1) To remove or transfer a license plate from the motor vehicle for which such license  
37 plate was issued;

38 (2) To sell or otherwise transfer or dispose of a license plate upon or for use on any  
39 motor vehicle other than the vehicle for which such license plate was issued;

40 (3) To buy, receive, use, or possess for use on a motor vehicle any license plate not  
41 issued for use on such motor vehicle; or

42 (4) To operate a motor vehicle bearing a license plate which was improperly removed  
43 or transferred from another vehicle.

44 (b) Any person who shall knowingly violate any provision of subsection (a) of this Code  
45 section shall be guilty of a misdemeanor of a high and aggravated nature and, upon  
46 conviction thereof, shall be punished by a fine of not less than ~~\$500.00~~ \$1,000.00 or by  
47 confinement for not more than 12 months, or both.

48 (c) It shall not be unlawful for any person to place an expired prestige license plate on the  
49 front of a motor vehicle provided that such vehicle also bears a current valid license plate  
50 on the rear of such vehicle."

51 **SECTION 3.**

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

54 "40-2-6.

55 Except as otherwise provided in this chapter, any person who shall willfully mutilate,  
56 obliterate, deface, alter, change, or conceal any numeral, letter, character, county  
57 designation, or other marking of any license plate issued under the motor vehicle  
58 registration laws of this state; who shall knowingly operate a vehicle bearing a license plate  
59 on which any numeral, letter, character, county designation, or other marking has been  
60 willfully mutilated, obliterated, defaced, altered, changed, or concealed; or who shall  
61 knowingly operate a vehicle bearing a license plate issued for another vehicle and not  
62 properly transferred as provided by law shall be guilty of a misdemeanor and, upon  
63 conviction thereof, shall be punished by a fine of not less than \$1,000.00 or by confinement  
64 of not more than 12 months, or both."

65 **SECTION 4.**

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

68 "40-2-6.1.

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

75 **SECTION 5.**

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

78 "40-2-7.

79 A person who removes a license plate from a vehicle or affixes to a vehicle a license plate  
80 not authorized by law for use on it, in either case with intent to conceal or misrepresent the  
81 identity of the vehicle or its owner, is guilty of a misdemeanor and, upon conviction  
82 thereof, shall be punished by a fine of not less than \$1,000.00 or by confinement of not  
83 more than 12 months, or both. As used in this Code section, 'remove' includes deface or  
84 destroy."

85 **SECTION 6.**

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

89 "40-2-8.1.

90 (a) As used in this Code section, the term;

91 ~~(1) 'Dealer' 'dealer' means any person who is engaged, in whole or in part, in the business~~  
92 ~~of selling, exchanging, renting with an option to purchase, or offering an interest in motor~~  
93 ~~vehicles for commission or with intent to make a profit or gain of money or other thing~~  
94 ~~of value, whether or not such motor vehicles are owned by such person, and new motor~~  
95 ~~vehicle dealer or used motor vehicle dealer that demonstrates an annual motor vehicle~~  
96 ~~sales history of at least five motor vehicle sales as identified by department records or~~  
97 ~~documentation approved by the department.~~

98 ~~(2) 'New motor vehicle dealer' means any person engaged in the business of selling or~~  
99 ~~leasing or offering to sell or lease new motor vehicles, as such term is defined in Code~~  
100 ~~Section 10-1-622, and who is licensed or otherwise authorized to utilize trademarks or~~  
101 ~~service marks associated with one or more makes of motor vehicles in connection with~~  
102 ~~such sales or leases.~~

103 ~~(3) 'Used motor vehicle dealer' means any person licensed pursuant to Chapter 47 of~~  
104 ~~Title 43, the 'Used Motor Vehicle Dealers' and Used Motor Vehicle Parts Dealers'~~  
105 ~~Registration Act.'~~

106 (b) Any dealer ~~of new or used motor vehicles~~ shall issue a temporary operating permit  
107 without charge or fee to the purchaser of a vehicle at the time of sale thereof, unless such  
108 vehicle is to be registered under the International Registration Plan or such dealer is one  
109 whose primary business is the sale of salvage motor vehicles and other vehicles on which  
110 total loss claims have been paid by insurers. Such temporary operating permit shall be of  
111 a standard design prescribed the department; provided, however, that such permit shall not  
112 resemble a license plate issued by this state. A temporary operating permit may bear the  
113 name of the dealer and location and shall include an expiration date which shall be 45 days  
114 from the date of purchase and the vehicle identification number of the vehicle to which it  
115 is assigned. The expiration date of a temporary operating permit may be revised and

116 extended by the county tag agent upon application by the dealer, purchaser, or transferee  
117 if an extension of the purchaser's initial registration period has been granted as provided  
118 by Code Section 40-2-20.

119 (c)(1) The department may provide by rule or regulation for the sale and distribution of  
120 temporary operating permits to dealers by third parties through the development and  
121 maintenance of an electronic temporary operating permit issuance system and establish  
122 standards for distribution and issuance of such permits, provided that initial issuance of  
123 such permits shall be limited to a total of five unless and until a dealer demonstrates an  
124 annual motor vehicle sales history of an amount greater than five and warranting the  
125 issuance of a greater amount based upon the total annual sales history. The department  
126 may further provide by rule or regulation for standards for authorized access to an  
127 electronic temporary operating permit issuance system, which may include, but shall not  
128 be limited to, required criminal background checks for any user of the system and  
129 periodic audits. Any third party authorized to sell and distribute temporary operating  
130 permits shall maintain an inventory record of such permits by number and name of the  
131 dealer.

132 (2)(A) The department shall be authorized to suspend access to the electronic  
133 temporary operating permit issuance system established pursuant to this Code section  
134 ~~for any dealer found to have issued temporary operating permits for a vehicle which has~~  
135 ~~not been sold or intended to be registered or otherwise violated requirements for~~  
136 ~~issuance of such permits established by rule or regulation of the department after~~  
137 ~~issuance of notice of such violation by electronic means and opportunity for informal~~  
138 ~~review as set forth in this subparagraph~~ after issuance of notice by electronic means of  
139 a violation of this chapter, Chapter 47 of Title 43, the 'Used Motor Vehicle Dealers' and  
140 Used Motor Vehicle Parts Dealers' Registration Act,' or rules and regulations of the  
141 department and opportunity for informal review as set forth in this subparagraph. Any  
142 dealer who has received notice pursuant to this ~~subsection~~ subparagraph of an alleged

143 violation and for whom the department intends to suspend access to the electronic  
144 temporary operating permit issuance system may request an informal review of the  
145 allegations with the department. The method for making such request shall be  
146 developed by the department and may be by electronic means. Upon receipt of such  
147 request for informal review, the department shall, within ten business days, schedule  
148 an informal conference with such dealer to review the suspected violations.  
149 Proceedings under this subparagraph shall not be governed by any formal procedural  
150 requirements and may be conducted in such manner as the department may establish  
151 by rule or regulation. The department shall consider the historical use of the electronic  
152 temporary operating permit issuance system by the dealer under consideration for  
153 access suspension, together with other pertinent information which may be available,  
154 including any findings and recommendations of the State Board of Registration of Used  
155 Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers or notice of suspension  
156 or revocation of a license issued by such board and shall render a decision regarding  
157 access to the electronic temporary operating permit issuance system within seven  
158 business days of the informal conference. Upon a finding that such dealer violated the  
159 requirements of this ~~Code section~~ chapter, Chapter 47 of Title 43, the 'Used Motor  
160 Vehicle Dealers' and Used Motor Vehicle Parts Dealers' Registration Act,' or rules and  
161 regulations of the department, the department shall be authorized to impose fines or  
162 fees as provided by law. The department shall not be authorized to suspend access to  
163 the temporary operating permit system unless the department finds a dealer to be  
164 substantially out of compliance with the requirements of this ~~Code section~~ chapter,  
165 Chapter 47 of Title 43, the 'Used Motor Vehicle Dealers' and Used Motor Vehicle Parts  
166 Dealers' Registration Act,' or the rules and regulations of the department and such  
167 dealer has failed to produce satisfactory evidence of extenuating circumstances to  
168 justify such noncompliance.

169 (B) If the department suspends a dealer's access to the electronic temporary operating  
170 permit issuance system established pursuant to this Code section after an informal  
171 review held pursuant to subparagraph (A) of this paragraph, the suspended dealer shall  
172 have the right to a formal hearing to review the suspension pursuant to Code Section  
173 40-3-6. Such hearing shall be held within 30 days of the department's decision to  
174 suspend the dealer's access to the electronic temporary operating permit issuance  
175 system and shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia  
176 Administrative Procedure Act.' At such hearing, the department may present evidence  
177 of any instances in which the suspended dealer unlawfully issued temporary operating  
178 permits or issued fraudulent temporary operating permits. Upon a finding that the  
179 suspended dealer is in compliance with the requirements of this ~~Code section~~ chapter,  
180 Chapter 47 of Title 43, the 'Used Motor Vehicle Dealers' and Used Motor Vehicle Parts  
181 Dealers' Registration Act,' or rules and regulations of the department and has issued  
182 temporary operating permits predominantly for bona fide motor vehicle sales, the  
183 department shall provide for the immediate restoration of access to the electronic  
184 temporary operating permit issuance system for such dealer but shall be authorized to  
185 impose fines or fees as provided by law for failure to comply with the requirements of  
186 this chapter. Upon a finding that the suspended dealer violated the requirements of this  
187 ~~Code section~~ chapter, Chapter 47 of Title 43, the 'Used Motor Vehicle Dealers' and  
188 Used Motor Vehicle Parts Dealers' Registration Act,' or rules and regulations of the  
189 department, the department shall be authorized to extend the term of suspension for a  
190 period of up to 24 months. Upon a finding that a dealer has unlawfully issued  
191 temporary operating permits in violation of this chapter or rules and regulations of the  
192 department, the department shall further be authorized to issue a civil monetary penalty  
193 in an amount no greater than \$100.00 per violation;. Upon a finding that a dealer has  
194 violated the requirements of this chapter, Chapter 47 of Title 43, the 'Used Motor  
195 Vehicle Dealers' and Used Motor Vehicle Parts Dealers' Registration Act,' or rules and

196 regulations of the department, the department shall be further authorized to suspend or  
197 revoke the registration issued to a dealer pursuant to Code Section 40-2-39; and  
198 suspend, confiscate, or limit issuance of any dealer plates issued pursuant to Code  
199 Section 40-2-38 for a period of up to 24 months. The department shall comply with  
200 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' in relation to the  
201 expedited review provided for in this subparagraph and the suspended dealer shall have  
202 the right to appeal any decision of the department in accordance with such chapter.

203 (d) The commissioner is authorized to promulgate rules and regulations necessary to  
204 effectuate the provisions of this Code section."

205 **SECTION 7.**

206 Said title is further amended by revising Code Section 40-2-11, relating to administration of  
207 chapter, as follows:

208 "40-2-11.

209 (a) The commissioner shall be responsible for the administration of this chapter and may  
210 employ such clerical assistants and agents as may be necessary from time to time to enable  
211 the commissioner to speedily and efficiently perform the duties conferred on the  
212 commissioner in this chapter. The commissioner shall be authorized to delegate any  
213 administrative responsibility for retention of applications, certificates of registration, and  
214 any other forms or documents relating to the application and registration process to the  
215 appropriate authorized tag agent for the county in which the application is made or the  
216 registration is issued.

217 (b) The commissioner shall prescribe and provide suitable forms of applications and all  
218 other notices and forms necessary to administer this chapter.

219 (c) The commissioner may:

220 (1) Perform any investigation necessary to procure information required to carry out this  
221 chapter and investigate violations of Chapter 47 of Title 43, the 'Used Motor Vehicle

222 Dealers' and Used Motor Vehicle Parts Dealers' Registration Act,' in furtherance of the  
 223 purposes of this chapter; and  
 224 (2) Adopt and enforce reasonable rules and regulations to administer this chapter."

225 **SECTION 8.**

226 Said title is further amended in Code Section 40-2-20, relating to registration and license  
 227 requirements, certificate of registration and temporary operating permit, and two-year  
 228 registration option for new motor vehicles, by revising subsection (c) as follows:

229 "(c) Any person who fails to register a new or used motor vehicle as required in subsection  
 230 (a) of this Code section shall be guilty of a misdemeanor and, upon conviction thereof,  
 231 shall be punished by a fine ~~not exceeding \$100.00~~ of not less than \$1,000.00 or by  
 232 confinement of not more than 12 months, or both."

233 **SECTION 9.**

234 Said title is further amended in Code Section 40-2-29, relating to registration and license  
 235 plate required, timing, required documentation, issuance of temporary operating permit for  
 236 vehicles failing emission inspection, and extensions, as follows:

237 "40-2-29.

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

- 243 (1) If applicable, a motor vehicle certificate of title or an application therefor as provided  
 244 in Chapter 3 of this title;  
 245 (2) Satisfactory proof of owner's insurance coverage as provided for in subsection (d) of  
 246 Code Section 40-2-26;

- 247 (3) If applicable, satisfactory proof of compliance with Article 2 of Chapter 9 of Title 12,  
248 the 'Georgia Motor Vehicle Emission Inspection and Maintenance Act'; and
- 249 (4) Satisfactory proof that all fees, permits, and taxes have been paid.
- 250 (b) An application for registration shall be accompanied by check; cash; certified or  
251 cashier's check; bank, postal, or express money order; or other similar bankable paper for  
252 the required fee or any taxes required by law.
- 253 (c) Upon application for renewal of a vehicle registration, a person unable to fully comply  
254 with the requirements of paragraph (3) of subsection (a) of this Code section shall receive  
255 a temporary operating permit that shall be valid for 30 days.
- 256 (d) The commissioner may provide by rule or regulation for one 30 day extension of the  
257 initial registration period which may be granted by the county tag agent if the transferor has  
258 not provided such purchaser or other transferee owner with a title to the motor vehicle more  
259 than five business days prior to the expiration of such initial registration period. The  
260 county tag agent shall grant an extension of the initial registration period when the  
261 transferor, purchaser, or transferee can demonstrate by affidavit in a form provided by the  
262 commissioner that title has not been provided to the purchaser or transferee due to the  
263 failure of a security interest holder or lienholder to timely release a security interest or lien  
264 in accordance with Code Section 40-3-56.
- 265 ~~(e) A conviction for displaying a license plate or temporary operating permit not provided~~  
266 ~~for in this chapter shall be punished as a misdemeanor."~~

267

**SECTION 10.**

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

271 "40-2-38.

272 (a)(.1) As used in this Code section, the term 'dealer':

273 (A) 'Dealer' shall have the same meaning as set forth in Code Section 40-2-8.1. Such  
274 term shall include a motor vehicle broker.

275 (B) 'Motor vehicle broker' shall have the same meaning as set forth in Code Section  
276 43-47-2.

277 (1) Manufacturers, manufacturer headquarters, distributors, and dealers engaged in the  
278 manufacture, sale, or leasing of vehicles required to be registered under Code Section  
279 40-2-20 shall register by electronic means with the commissioner, making application for  
280 a distinguishing number, upon forms prepared by the commissioner for such purposes,  
281 and pay therefor a fee of \$62.00, which shall accompany such application. Upon  
282 payment of such fee by an applicant, the commissioner shall furnish one master number  
283 plate to expire each year in accordance with this Code section based upon the type of  
284 master number plate issued. Each additional plate issued pursuant to this Code section  
285 shall require payment of a \$12.00 fee. Each master number plate and any additional  
286 plates issued pursuant to this Code section shall be distinguished from the license plates  
287 provided for in this chapter by different and distinguishing colors to be determined by the  
288 commissioner. The dealer plate for a ~~franchise~~ franchised motor vehicle dealer shall be  
289 distinguishable from the dealer plate for a used car dealer, ~~and~~ from the dealer plate for  
290 a motor vehicle wholesaler, and from the dealer plate for a motor vehicle broker. Except  
291 as otherwise authorized by this Code section, a dealer's master number plate or additional  
292 plates issued pursuant to this Code section shall be for the purpose of demonstrating or  
293 transporting vehicles or trailers for sale or lease. Persons engaged in the business of  
294 transporting vehicles for a dealer under a vehicle's own power shall be permitted to use  
295 such dealer's plate for the purpose of transporting a vehicle.

296 (2) No dealer may use or permit to be used a dealer's number for private use, on ~~cars~~  
297 motor vehicles for hire or lease, or in any other manner not provided for in this Code  
298 section. A dealer may use or permit to be used a dealer's number for private use on  
299 vehicles owned for purposes of sale or lease by the dealership, regardless of whether such

300 vehicle has been issued a certificate of title or registered, when such vehicles are operated  
301 by an employee or corporate officer of the dealer which has been issued such number.  
302 A distinguishing dealer's number used by an employee or officer for private use shall  
303 authorize such person to operate the vehicle to which the number is attached on the public  
304 highways and streets. ~~For purposes of;~~ provided that such use shall be for no more than  
305 six months per vehicle. As used in this paragraph, the term 'employee' means a person  
306 who works a minimum of 36 hours per week at the dealership.

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

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

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

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

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

330 (C) The manufacturer headquarters or its affiliate shall pay an application fee of \$62.00  
331 per application as provided in this Code section and shall pay \$12.00 for each and every  
332 plate furnished. With respect to any manufacturer headquarters' license plate issued to  
333 a manufacturer headquarters or its affiliate, notwithstanding anything to the contrary  
334 in this title or Code Section 48-5C-1, such manufacturer headquarters or its affiliate,  
335 and any person operating or possessing a motor vehicle using a manufacturer  
336 headquarters' license plate pursuant to this paragraph, shall not be subject to state or  
337 local title ad valorem tax fees with respect to such vehicle or manufacturer  
338 headquarters' license plate.

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

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

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

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

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

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

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

367 ~~(A)(i)~~ Dealers other than motor vehicle brokers shall be issued a master plate and two  
368 additional plates, for a total of three initial plates; and

369 ~~(B)(ii)~~ In addition to the three dealer plates issued in accordance with division (i) of  
370 this subparagraph ~~(A) of this paragraph~~, each dealer may also be issued one additional  
371 dealer plate for every 20 units sold in a calendar year; and

372 (B) Dealers that are motor vehicle brokers shall be issued one master plate.

373 (2) In order to determine the additional number and classification of plates to be issued  
374 to a dealer, a dealer shall be required to certify by affidavit to the department the number  
375 of retail and wholesale units sold in the prior calendar year using the past motor vehicle  
376 sales history of the dealer as identified by department records or documentation approved  
377 by the department. If no sales history is available, the department shall issue a number  
378 of plates based on an estimated number of sales for the coming calendar year. The  
379 department may, in its discretion, request documentation supporting sales history and

380 may increase or decrease the number and classification of plates issued based on actual  
381 sales.

382 (b.1) The license plates issued pursuant to this Code section shall be of a metal material  
383 and feature raised text and designs created by stamping dies.

384 (c) The license plates issued pursuant to this Code section shall be revoked and confiscated  
385 upon a determination after a hearing that such dealer, distributor, manufacturer, or  
386 manufacturer headquarters has unlawfully used such license plates in violation of this Code  
387 section or committed any other violation of this chapter, Chapter 47 of Title 43, the 'Used  
388 Motor Vehicle Dealers' and Used Motor Vehicle Parts Dealers' Registration Act,' or rules  
389 and regulations of the department.

390 (d) If a license plate issued pursuant to this Code section is lost or stolen, the dealer,  
391 manufacturer, distributor, manufacturer headquarters, or other party to whom the license  
392 plate was issued shall immediately report the lost or stolen plate to local law enforcement  
393 agencies. If a replacement license plate is sought, the dealer, manufacturer, distributor,  
394 manufacturer headquarters, or other party to whom the license plate was issued shall file  
395 a notarized affidavit with the department requesting a replacement plate. Such affidavit  
396 shall certify under penalty of perjury that the license plate has been lost or stolen and that  
397 the loss has been reported to a local law enforcement agency.

398 (e) Except as otherwise provided for in this Code section, the expiration of a license plate  
399 issued pursuant to this Code section shall be the last day of the registration period as  
400 provided in division (a)(1)(A)(ii) of Code Section 40-2-21, except that for the purposes of  
401 this subsection, the registration period shall be determined by the first letter of the legal  
402 name of the business listed on the application for registration or renewal of registration.  
403 An application for renewal of registration shall not be submitted earlier than 90 days prior  
404 to the last day of the registration period. A penalty of 25 percent of the total registration  
405 fees due shall be assessed any person registering pursuant to this Code section who, prior

406 to the expiration of such person's registration period, fails to apply for renewal or, if having  
407 applied, fails to pay the required fees."

408 **SECTION 11.**

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

411 "40-2-41.

412 Unless otherwise permitted under this chapter, every vehicle required to be registered under  
413 this chapter, which is in use upon the highways, shall at all times display the license plate  
414 issued to the owner for such vehicle, and the plate shall be fastened to the rear of the  
415 vehicle in a position so as not to swing and shall be at all times plainly visible. No person  
416 shall display on the rear of a motor vehicle any temporary or permanent plate or tag not  
417 issued by the State of Georgia which is intended to resemble a license plate which is issued  
418 by the State of Georgia. The commissioner is authorized to adopt rules and regulations so  
419 as to permit the display of a license plate on the front of certain vehicles. It shall be the  
420 duty of the operator of any vehicle to keep the license plate legible at all times. No license  
421 plate shall be covered with any material unless the material is colorless and transparent. No  
422 apparatus that obstructs or hinders the clear display and legibility of a license plate shall  
423 be attached to the rear of any motor vehicle required to be registered in the state. Any  
424 person who violates any provision of this Code section shall be guilty of a misdemeanor,  
425 and when he or she is found to have violated this Code section for the purposes of willfully  
426 concealing or obscuring the information on a license plate, he or she shall be punished by  
427 a fine of not less than \$1,000.00 or by confinement of not more than 12 months, or both."

428 **SECTION 12.**

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

431 "40-3-90.

432 The following acts shall be punishable by a felony when a A person who, with fraudulent  
433 intent:

434 (1) Alters, forges, or counterfeits a certificate of title;

435 (2) Alters or forges an assignment of a certificate of title or an assignment or release of  
436 a security interest on a certificate of title or a form the commissioner prescribed;

437 (3) Has possession of or uses a certificate of title knowing it to have been altered, forged,  
438 or counterfeited;

439 (4) Uses a false or fictitious name or address or makes a material false statement, or fails  
440 to disclose a security interest, or conceals any other material fact in an application for a  
441 certificate of title;

442 (5) Alters or forges a notice of a transaction concerning a security interest or lien  
443 reflected on the certificate of title as provided by Code Section 40-3-27;

444 (6) Knowingly falsifies any information on the statement required by paragraph (2) of  
445 subsection (a) of Code Section 40-3-36; or

446 (7) Knowingly falsifies the odometer reading on a certificate of title;

447 (8) Knowingly makes any false statement in any certificate of title application as to the  
448 date a vehicle was sold or acquired or as to the date of creation of a security interest or  
449 lien;

450 (9) Delivers or accepts a certificate of title assigned in blank; or

451 (10) Willfully violates any other provision of this chapter after having previously  
452 violated the same or any other provision of this chapter and having been convicted of that  
453 act in a court of competent jurisdiction.

454 ~~shall be guilty of a felony."~~

455 **SECTION 13.**

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

458 "40-3-91.

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

460 (1) With fraudulent intent, permits another, not entitled thereto, to use or have possession  
461 of a certificate of title;

462 (2) Willfully fails to mail or deliver a certificate of title to the commissioner or to the  
463 purchaser of the motor vehicle or a release of security interest or lien to the owner within  
464 ten days of the time required by this chapter, except as provided in Code Section 40-3-90;

465 (3) Willfully fails or refuses to mail or deliver the certificate of title to the commissioner  
466 within ten days after having received a notice, as provided for in Code Section 40-3-27  
467 or 40-3-52; or

468 (4) Willfully violates any other provision of this chapter

469 ~~shall be guilty of a misdemeanor.~~

470 ~~(b) Any person, firm, or corporation which knowingly makes any false statement in any~~  
471 ~~title application as to the date a vehicle was sold or acquired or as to the date of creation~~  
472 ~~of a security interest or lien shall be guilty of a misdemeanor and, upon conviction thereof,~~  
473 ~~shall be fined not more than \$100.00 or imprisoned for a period not to exceed 30 days.~~

474 ~~(c) Any person, firm, or corporation which delivers or accepts a certificate of title assigned~~  
475 ~~in blank shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not~~  
476 ~~more than \$100.00 or imprisoned for a period not to exceed 30 days for the acceptance or~~  
477 ~~delivery of each certificate of title assigned in blank."~~

478

**SECTION 14.**

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

482 "40-8-5.

483 (a) It shall be unlawful for any person knowingly to tamper with, adjust, alter, change, set  
484 back, disconnect, or fail to connect an odometer of a motor vehicle, or to cause any of the  
485 foregoing to occur to an odometer of a motor vehicle, so as to reflect a lower mileage than  
486 the motor vehicle has actually been driven, except as provided in this Code section.

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

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

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

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

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

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

- 505 (A) Three times the amount of actual damages sustained or ~~\$1,500.00~~ \$10,000.00,  
 506 whichever is greater; and
- 507 (B) In the case of any successful action to enforce the foregoing liability, the costs of  
 508 the action, together with reasonable attorney's fees, as determined by the court.
- 509 (2) Any action to enforce any liability created under this subsection may be brought in  
 510 any superior court or state court having proper jurisdiction, within two years from the  
 511 date on which the liability arises.
- 512 (h)(1) If any person violates any provision of this Code section, the Attorney General,  
 513 any district attorney in this state, or any solicitor-general in this state may bring an action  
 514 in any superior court or state court having jurisdiction to restrain such violation.
- 515 (2) Any action arising under paragraph (1) of this subsection may be brought within two  
 516 years from the date of the violation.
- 517 (i) Any person violating this Code section shall be guilty of a ~~misdemeanor~~ felony."

518 **SECTION 15.**

519 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
 520 is amended by revising Chapter 47, relating to used motor vehicles and used motor vehicle  
 521 parts dealers, as follows:

522 "CHAPTER 47

523 43-47-1.

524 This chapter shall be known and may be cited as the 'Used Motor Vehicle Dealers' and  
 525 Used Motor Vehicle Parts Dealers' Registration Act.'

526 43-47-2.

527 As used in this chapter, the term:

528 (1) 'Board' means the State Board of Registration of Used Motor Vehicle Dealers and  
 529 Used Motor Vehicle Parts Dealers.

530 (2) 'Dismantler' means any person, ~~partnership, limited liability company, firm, or~~  
 531 ~~corporation~~ engaged in the business of acquiring wrecked, abandoned, or reparable motor  
 532 vehicles and selling either the usable parts, the motor vehicle as a unit, or the hulk of the  
 533 motor vehicle after the usable parts have been removed. Without limiting any of the  
 534 foregoing, for the purposes of this chapter, a person, ~~partnership, limited liability~~  
 535 ~~company, firm, or corporation~~ shall be presumed to be engaged in the business of auto  
 536 dismantling if he, she, or it possesses a dismantler when in possession of ten or more  
 537 inoperative motor vehicles for more than 45 days unless such vehicles are scrap vehicles  
 538 being held by a scrap metal processor for recycling scrap metal, vehicles awaiting repairs  
 539 being held by a repair business, or vehicles being held for other reasons as may be  
 540 prescribed by the board.

541 ~~(2.1)~~(3) 'Division director' shall have the same meaning as set forth in Code Section  
 542 43-1-1.

543 ~~(3)~~(4) 'Established place of business' means a ~~salesroom or sales office in a building or~~  
 544 ~~on an open lot of a retail used car dealership or at which a permanent~~ location at which  
 545 the business of bartering, trading, offering, displaying, selling, buying, dismantling, or  
 546 rebuilding wrecked or used motor vehicles or parts is carried on; or the place at which the  
 547 books, records, and files necessary to conduct such business are kept. ~~Each such place~~  
 548 ~~of business shall be furnished with a working telephone listed in the name of the licensee~~  
 549 ~~for use in conducting the business, be marked by an appropriate permanent sign as~~  
 550 ~~prescribed by the board, and meet or exceed any size requirements and standards~~  
 551 ~~prescribed by the board. Except when at least 500 motor vehicle sales are conducted~~  
 552 ~~annually at such location, each such place of business shall be at least 250 square feet.~~

553 ~~(4)~~(5) 'Financial institution' means a finance company or a banking institution or any  
 554 subsidiary of a finance company or banking institution which engages solely in the

555 financing or leasing of motor vehicles. Such term shall not mean a pawnbroker as such  
556 term is defined in Code Section 44-12-130.

557 ~~(5)(6)~~ 'Licensee' means any person who is required to be licensed or who is actually  
558 licensed under this chapter.

559 ~~(6)(7)~~ 'Major component part' means one of the subassemblies of a motor vehicle as  
560 defined in paragraph ~~(9)~~ of Code Section 40-3-2.

561 ~~(7)(8)~~ 'Motor vehicle' or 'car' means every vehicle which is self-propelled and required  
562 to be registered under the laws of this state, ~~except trackless trolleys (which are classified~~  
563 ~~as streetcars), airplanes, motorboats, motorcycles, motor driven cycles, or go-carts~~ Title  
564 40, except tractors and motorcycles.

565 ~~(8)(9)~~ 'Motor vehicle broker' means a person who, for a commission or with the intent  
566 to make a profit or gain of money or other thing of value, negotiates or attempts to  
567 negotiate the sale of a motor vehicle on behalf of another and who maintains an  
568 established place of business with square footage in an amount less than capable of  
569 adequately displaying five motor vehicles at one time. Such term shall not mean any  
570 person engaged in the solicitation, negotiation, or advertising of the sale of used motor  
571 vehicles or any owner of real property who allows the display of used motor vehicles on  
572 such property if the sale of such vehicles is made by a used ~~car~~ motor vehicle dealer or  
573 a financial institution.

574 ~~(9)(10)~~ 'Part' means any used motor vehicle part that has been installed as standard or  
575 optional equipment on a motor vehicle, has been removed from the motor vehicle on  
576 which it was originally attached or affixed, and is the subject of sale or resale as a part  
577 and not as scrap.

578 ~~(10)(11)~~ 'Person' means any individual, partnership, limited liability company, firm,  
579 association, corporation, or combination of individuals of whatever form or character.

580 ~~(11)(12)~~ 'Rebuilder' means any person, ~~partnership, limited liability company, firm, or~~  
581 ~~corporation~~ engaged in the business of buying more than two salvage or wrecked motor

582 vehicles per year for the purpose of restoring or rebuilding them with used or new motor  
583 vehicle parts, or both, to be sold as motor vehicles.

584 ~~(12)~~(13) 'Salvage dealer' means any person, firm, or corporation who purchases a salvage  
585 vehicle or parts of a salvage vehicle for purposes of resale as parts only or as salvage.

586 ~~(13) Reserved.~~

587 (14) 'Salvage vehicle' means any vehicle which:

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

590 (B) Has been acquired by an insurance company as a result of the vehicle's being  
591 damaged to the extent that its restoration to an operable condition would require the  
592 replacement of two or more major component parts or for which the insurance company  
593 has paid a total loss claim, excluding recovered total theft vehicles which do not require  
594 the replacement of two or more major component parts for restoration; or

595 (C) Is an imported vehicle which has been damaged in shipment and disclaimed by the  
596 manufacturer as a result of the damage, has never been the subject of a retail sale to a  
597 consumer, and has never been issued a certificate of title.

598 (15) 'Scrap vehicle' means any vehicle which has been wrecked, destroyed, or damaged  
599 to the extent that it cannot be economically repaired, rebuilt, or made operable or  
600 roadworthy.

601 ~~(15.1)~~(16) 'Temporary site' means a location at which used motor vehicles are sold or  
602 offered for sale for which a temporary site permit has been issued by the board in  
603 accordance with Code Section 43-47-8.2 and which location is:

604 (A) Used for a period not to exceed 96 hours in any 30 day period of time;

605 (B) Located in the county in which the established place of business of the used motor  
606 vehicle dealer using the temporary site is located or an adjoining county; and

607 (C) Used not more than three times in any calendar year.

608 ~~(16)~~(17) 'Used motor vehicle' or ~~'used car'~~ means any motor vehicle or ~~car~~ other than a  
609 motor vehicle which has never been the subject of a retail sale ~~by a new motor vehicle~~  
610 ~~dealer or a used motor vehicle dealer~~ and which is the subject of a retail sale to a  
611 consumer for his or her own use or of a resale to another licensed dealer.

612 ~~(17)~~(18)(A) 'Used motor vehicle dealer' or ~~'used car dealer'~~ means any person who, for  
613 commission or with intent to make a profit or gain of money or other thing of value,  
614 sells, exchanges, rents with option to purchase, offers, or attempts to negotiate a sale  
615 or exchange of an interest in used motor vehicles or who is engaged wholly or in part  
616 in the business of selling used motor vehicles, whether or not such motor vehicles are  
617 owned by such person. A motor vehicle wholesaler and a motor vehicle broker shall  
618 be deemed to be a used motor vehicle dealer ~~or a used car dealer~~ for the purposes of this  
619 chapter. Any independent motor vehicle leasing agency which sells or offers for sale  
620 used motor vehicles shall be deemed to be a used motor vehicle dealer ~~or a used car~~  
621 ~~dealer~~ for the purposes of this chapter. Any motor vehicle auction company selling or  
622 offering for sale used motor vehicles to independent motor vehicle dealers or to  
623 individual consumers shall be deemed to be a used motor vehicle dealer ~~or used car~~  
624 ~~dealer~~ for the purposes of this chapter except as otherwise provided in division (x) of  
625 subparagraph (B) of this paragraph. Without limiting any of the foregoing, the sale of  
626 five or more used motor vehicles in any one calendar year shall be prima-facie evidence  
627 that a person is engaged in the business of selling used motor vehicles. A pawnbroker  
628 who disposes of all repossessed motor vehicles by selling or exchanging his or her  
629 interest in such motor vehicles only to licensees under this chapter shall not be  
630 considered a used motor vehicle dealer under this chapter ~~as so~~ long as such  
631 pawnbroker does not otherwise engage in activities which would bring him or her under  
632 the licensing requirements of this chapter.

633 (B) ~~Used motor vehicle dealer or used car dealer does~~ Such term shall not include:

- 634 (i) Franchised motor vehicle dealers and their wholly owned and controlled  
635 subsidiaries operating in the county in which their franchise is located or operating  
636 as a direct dealer of a manufacturer;
- 637 (ii) Receivers, trustees, administrators, executors, guardians, or other persons  
638 appointed by or acting under the judgment or order of any court;
- 639 (iii) Public officers while performing their official duties;
- 640 (iv) Persons disposing of motor vehicles acquired for their own use when the same  
641 shall have been acquired and used in good faith and not for the purpose of avoiding  
642 the provisions of this chapter. Evidence of good faith, as provided in this division,  
643 shall consist of the fact that the vehicle is properly titled and registered in the name  
644 of the transferor;
- 645 (v) Financial institutions when the financial institution sells its repossessed or leased  
646 motor vehicles. ~~Finance companies, for purposes of this chapter, shall not include a~~  
647 ~~pawnbroker as defined in Code Section 44-12-130;~~
- 648 (vi) Insurance companies who sell motor vehicles to which they have taken title as  
649 an incident of payments made under policies of insurance;
- 650 (vii) ~~Persons, firms, or corporations~~ who act as agents for insurance companies for  
651 the purpose of soliciting insurance for motor vehicles;
- 652 (viii) ~~Persons, firms, or corporations~~ engaged in a business other than as a used ~~car~~  
653 motor vehicle dealer, ~~as defined in divisions (i) through (vii) of this subparagraph,~~  
654 who sell motor vehicles traded in as a part of the purchase price of an article other  
655 than a motor vehicle and which have not been acquired by direct purchase for cash,  
656 and which business is not for the purpose of violating this chapter;
- 657 (ix) ~~Persons, firms, or corporations which~~ who sell only vehicles which will not be  
658 used primarily for transportation purposes, including, but not limited to, antique  
659 automobiles, classic automobiles, and automobiles sold solely as speculative  
660 investments. In determining whether a vehicle or vehicles will not be used primarily

661 for transportation purposes, the board may rely on the representations, written or oral,  
 662 made regarding the vehicles, but may also look at any other relevant evidence; or  
 663 (x) Persons licensed or companies registered under Chapter 6 of this title, relating to  
 664 auctioneers, when auctioning used motor vehicles which are being disposed of under  
 665 administration of an estate or when auctioning used motor vehicles and real property  
 666 at the same sale when such vehicles and property are owned by a common owner.

667 ~~(18)~~(19) 'Used motor vehicle parts dealer' or 'used parts dealer' means any person;  
 668 ~~partnership, limited liability company, firm, or corporation~~ buying, selling, or using  
 669 motor vehicle parts, either as a used motor vehicle parts dealer, a motor vehicle  
 670 dismantler, a motor vehicle rebuilder, a salvage pool dealer, or a salvage dealer.

671 ~~(19)~~(20) 'Wholesaler' means a person who sells or distributes used motor vehicles to  
 672 motor vehicle dealers in this state, has a sales representative in this state, or controls any  
 673 person who offers for sale, sells, or distributes any used motor vehicles to motor vehicle  
 674 dealers in this state.

675 43-47-3.

676 (a) There is created a State Board of Registration of Used Motor Vehicle Dealers and Used  
 677 Motor Vehicle Parts Dealers. The board shall be composed of ten members:

678 (1) ~~Three~~ Two members shall be independent used ~~car~~ motor vehicle dealers, at least one  
 679 of whom shall be an independent used ~~car~~ motor vehicle dealer that sells at least 100 used  
 680 motor vehicles in ~~the State of Georgia~~ this state each calendar year and that primarily or  
 681 exclusively sells used motor vehicles online;

682 (2) One member shall be ~~appointed from the public at large~~ a local government official  
 683 and shall have no connection whatsoever with the sale of used cars or parts;

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

686 ~~(4)~~(3) One member shall be a representative of the automobile auction industry;

687 ~~(5)~~(4) ~~Two~~ ~~Three~~ members shall be used motor vehicle parts dealers; ~~and~~  
688 ~~(6)~~(5) One member shall be a representative of the automobile insurance industry;  
689 (6) One member shall be a current or former law enforcement officer with at least five  
690 years of experience in the investigation or prosecution of motor vehicle related crimes;  
691 (7) The Attorney General, or his or her designee, shall be a permanent ex officio member  
692 and shall be authorized to vote on all matters before the board; and  
693 (8) The state revenue commissioner or his or her designee, shall be a permanent ex  
694 officio member and shall be authorized to vote on all matters before the board.  
695 (b) The members of the board shall be appointed by the Governor and shall serve terms  
696 of four years. All members shall be residents of this state. The term of the ex officio  
697 member shall be coextensive with his or her term of office.  
698 ~~(b.1)~~(c) Notwithstanding the provisions of subsection (a) of this Code section, all members  
699 serving on the board as of June 30, 2025, shall continue to serve as members of the board  
700 for the remainder of their terms of office but shall only be reappointed in accordance with  
701 the provisions of this Code section.  
702 ~~(c)~~(d) Any vacancies on the board shall be filled by the Governor for the remainder of the  
703 unexpired term. The members of the board shall annually elect one of their number to  
704 serve as chairperson for a term of two years. In the event a chairperson of the board is  
705 unable to complete his or her term, a successor for the remainder of the term shall be  
706 elected from the members of the board.

707 43-47-4.

708 The division director shall be the secretary of the board. He or she shall issue licenses and  
709 certificates and perform such other duties as the board may direct to carry out this chapter  
710 or as provided in Chapter 1 of this title.

711 43-47-5.

712 The members of the board shall be reimbursed for their duties as board members as  
713 provided for in subsection (f) of Code Section 43-1-2.

714 43-47-6.

715 The board shall have the following powers and duties:

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

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

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

726 (4) To publish in print or electronically on or before September 1 of each year an  
727 alphabetical listing of all licensees pursuant to this chapter and to distribute copies of the  
728 same, if requested, to the Department of Public Safety, the Department of Revenue, and  
729 the Georgia Bureau of Investigation, to all sheriffs in this state, and to all county and  
730 municipal police departments in this state;

731 (5) To establish a fee for a license for each principal established place of business and  
732 a fee for a supplemental license for each established place of business not immediately  
733 adjacent to the principal established place of business. The board may establish separate  
734 schedules of fees for such licenses depending on whether the applicant begins to do  
735 business as a licensee prior to or after the issuance of any such license;

736 (6) To coordinate and cooperate with the Department of Revenue for investigation of  
737 potential fraud relating to the issuance of license plates and temporary operating permits  
738 and any abuse related to such; and

739 (7) To do all other things necessary and proper to carry out the powers and duties listed  
740 in this Code section; ~~and~~

741 ~~(7) To set the minimum size requirements and standards of an established place of~~  
742 ~~business.~~

743 43-47-7.

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

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

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

751 43-47-8.

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

756 (1) Maintains an established place of business;

757 (2) Is a resident of this state or lists an agent for service of process who is a resident of  
758 this state;

759 (3) Has, within the preceding 12 months, attended a board approved training and  
760 information seminar, which shall not exceed one day in length, or passed a board

761 approved examination, either of which shall relate to the requirements of licensees  
762 provided in this chapter, including books and records to be kept, requirements of the  
763 Department of Revenue applicable to licensees, and such other topics as in the opinion  
764 of the board promote good business practices of licensees;

765 ~~(3)~~(4) Has applied for or obtained a certificate of registration, Department of Revenue  
766 Form ST-2;

767 ~~(4)~~(5) Has posted or has made provision for the posting of the bond required under  
768 subsection (d) of this Code section; and

769 ~~(5)~~(6) Maintains any liability and property damage insurance required under subsection  
770 (e) of this Code section.

771 (b) Applications for a used motor vehicle dealer license or a used motor vehicle parts  
772 dealer license shall be made under oath and shall state the applicant's full name; date and  
773 place of birth; date and place of any conviction or arrest for any crime, including the plea  
774 of nolo contendere or a plea entered pursuant to Article 3 of Chapter 8 of Title 42 or other  
775 first offender treatment; and such additional information as the board may require to  
776 investigate the qualifications, character, competence, and integrity of the applicant. Each  
777 applicant shall submit with his or her application photographs or other renderings of his or  
778 her established place of business that show the complete facility, appropriate sign, and  
779 entire display area of the established place of business. A copy of each application shall  
780 be forwarded by the board to the Department of Revenue.

781 (c) Each applicant for a used motor vehicle dealer license or a used motor vehicle parts  
782 dealer license shall furnish to the board a full set of fingerprints to enable a criminal  
783 background investigation to be conducted on the applicant so as to determine the  
784 applicant's suitability to be licensed under this chapter. The board shall submit the  
785 applicant's fingerprints to the Georgia Crime Information Center. If no criminal record is  
786 identified at the state level, the Georgia Crime Information Center is authorized to submit  
787 the fingerprints to the Federal Bureau of Investigation for a national criminal history check.

788 The Georgia Crime Information Center shall notify the board in writing of the results of  
789 such criminal background investigation, which shall be used by the board for the exclusive  
790 purpose of carrying out its responsibilities under this chapter, shall not be a public record,  
791 shall be privileged, and shall not be disclosed to any other person or agency. The applicant  
792 shall be responsible for all fees associated with the performance of such background  
793 investigation.

794 (d)(1) Licensees shall be required, for each license or supplemental license issued in  
795 connection with an established place of business, to post a bond that is executed with a  
796 surety company duly authorized to do business in this state. Such bond shall be payable  
797 to the Governor for the use and benefit of any purchaser and vendees or successors in title  
798 of any used motor vehicle and shall be conditioned to pay all losses, damages, and  
799 expenses that may be sustained by such purchaser, his or her vendees, or successors in  
800 title that may be occasioned by reason of any misrepresentation, deceptive practice, or  
801 unfair practice or by reason of any breach of warranty as to such used vehicle. Such bond  
802 shall be in the amount of ~~\$35,000.00~~ \$100,000.00 for used ~~car~~ motor vehicle dealers and  
803 \$10,000.00 for used parts dealers and shall be filed, prior to or immediately upon the  
804 granting of a license under this chapter, with the division director by the licensee and  
805 shall be approved by the division director as to form and as to the solvency of the surety.

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

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

812 (e)(1) Except for any person licensed under Chapter 6 of this title, who shall be exempt  
813 from the requirements of this subsection, licensees shall maintain, for each license or  
814 supplemental license issued in connection with an established place of business, public

815 liability and property damage insurance with liability limits of not less than \$50,000.00  
816 per person and \$100,000.00 per accident, personal insurance liability coverage, and  
817 \$25,000.00 property damage liability coverage.

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

821 ~~(3) If an insurance company or licensee cancels an insurance policy required under this~~  
822 ~~subsection and the licensee fails to submit, within ten days of the effective date of such~~  
823 ~~cancellation, a new insurance policy, the board may revoke his or her license In cases in~~  
824 ~~which the minimum insurance coverage required by this Code section terminates, the~~  
825 ~~insurer shall by electronic transmission notify the Department of Revenue of such~~  
826 ~~coverage termination on or before the date such coverage ends or, if such termination is~~  
827 ~~at the request of the insured, then on the date such request is processed by the insurer.~~

828 ~~(3) Beginning July 1, 2027, the Department of Revenue shall report to the Commissioner~~  
829 ~~of Insurance quarterly of any and all violations of the notice requirements of this~~  
830 ~~subsection by any insurer, and the Commissioner of Insurance may take appropriate~~  
831 ~~action against such insurer the same as is authorized by Code Section 33-2-24 for~~  
832 ~~violations of Title 33; provided, however, that there shall be no private cause of action~~  
833 ~~against an insurer, the board, or the Department of Revenue for civil damages for~~  
834 ~~providing information, failing to provide information, or erroneously providing~~  
835 ~~information pursuant to this subsection. No insurer shall utilize the costs of any audit or~~  
836 ~~examination conducted by the Department of Insurance pursuant to this subsection as a~~  
837 ~~cost of business in the insurer's rate base.~~

838 ~~(4)(A) The Department of Revenue shall prescribe the form and manner of electronic~~  
839 ~~transmission for the purposes of insurers sending the notices required by paragraph (2)~~  
840 ~~of this subsection which shall in no way be construed as modifying the provisions of~~  
841 ~~Code Section 33-24-45.~~

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

844 (5) Upon notification of the termination of the minimum insurance coverage required by  
845 this subsection by the insurer, the Department of Revenue shall send a notice to the  
846 licensee by certified mail or statutory overnight delivery, return receipt requested, stating  
847 that the department has been informed of the fact that coverage has been terminated and  
848 providing an explanation of the penalties provided for by law.

849 (6) Failure to provide proof of new or reinstated insurance coverage that meets the  
850 minimum insurance coverage required by this subsection within 10 days of the receipt  
851 of the notice sent pursuant to paragraph (5) of this subsection shall result in license  
852 revocation.

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

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

862 (A) The licensee's license number;

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

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

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

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

874 43-47-8.1.

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

878 43-47-8.2.

879 (a) A used motor vehicle dealer shall not engage in any activity as a used motor vehicle  
880 dealer except at such dealer's established place of business which has been registered under  
881 Code Section 40-2-38, at temporary sites not more than three times in any one calendar  
882 year, or at a licensed auto auction or any licensed facility. This subsection shall not be  
883 construed to prohibit a used motor vehicle dealer from delivering a vehicle off site,  
884 provided that the transaction is initiated from an established place of business under this  
885 chapter.

886 (b)(1) At least 60 days prior to opening a sale at a temporary site, a used motor vehicle  
887 dealer ~~must~~ shall make application to the board for a temporary site permit. A separate  
888 application must be submitted for every temporary site sale.

889 (2) To be eligible for a temporary site permit, a used motor vehicle dealer ~~must~~ shall be  
890 registered as required by Code Section 40-2-38. In order to obtain a temporary site  
891 permit, a used motor vehicle dealer ~~must~~ shall provide, on a form promulgated by the  
892 board:

- 893 (A) The address, including county, of the used motor vehicle dealer's established place  
894 of business;
- 895 (B) The address, including county, of the proposed temporary site location;
- 896 (C) The dates and hours of the temporary site sale;
- 897 (D) The number of temporary site sales already conducted by the used motor vehicle  
898 dealer during the calendar year in which the requested temporary site sale is to occur;  
899 and
- 900 (E) The name, address, and contact person of any sponsors, promoters, and lending  
901 institutions involved in or to be represented at the temporary site sale.
- 902 (3) As part of the application, a used motor vehicle dealer ~~must~~ shall submit written  
903 documentation demonstrating that the used motor vehicle dealer has complied with any  
904 licensing requirements applicable in the local jurisdiction in which the temporary site sale  
905 will occur and a copy of a written agreement with the owner of the real property where  
906 this sale will occur.
- 907 (4) A temporary site permit issued pursuant to this subsection shall be valid only for the  
908 dates and hours of the sale as indicated on the application submitted to the board and  
909 ~~must~~ shall be prominently displayed at the temporary site at all times during the site sale.  
910 No used motor vehicle dealer may purchase more than three temporary site permits  
911 within a calendar year. A temporary site permit is not transferable to any other dealer or  
912 location.
- 913 (5) The fee for each application for a temporary site permit shall be established by the  
914 board.
- 915 (c) As an alternative to criminal or other civil enforcement of this Code section or any  
916 orders, rules, and regulations promulgated pursuant hereto, the board may issue an  
917 administrative fine not to exceed \$1,000.00 for each violation whenever the board, after a  
918 hearing, determines that any person has violated any provisions of this Code section or any  
919 orders, rules, and regulations promulgated pursuant hereto. If, after a hearing, the board

920 determines that any person has violated this provision more than once, the board may  
921 suspend his or her license for a period not to exceed ten days. Upon any suspension, the  
922 board shall send notice of such suspension to the Department of Revenue within 24 hours  
923 of such decision. Any hearing and any administrative review held pursuant to this Code  
924 section shall be conducted in accordance with the procedure for contested cases under  
925 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Any person who has  
926 exhausted all administrative remedies available and who is aggrieved or adversely affected  
927 by a final order or action of the board shall have the right of judicial review thereof in  
928 accordance with Chapter 13 of Title 50. All fines recovered under this Code section shall  
929 be paid into the state treasury. The board may file, in the superior court:

- 930 (1) In the county wherein the person under order resides;  
931 (2) If such person is a corporation, in the county wherein the corporation maintains its  
932 established place of business; or  
933 (3) In the county wherein the violation occurred,  
934 a certified copy of a final order of the board, whether unappealed from or affirmed upon  
935 appeal, whereupon the superior court shall render judgment in accordance therewith and  
936 notify the parties. Such judgment shall have the same effect and proceedings in relation  
937 thereto shall thereafter be the same as though the judgment had been rendered in an action  
938 duly heard and determined by the superior court. The penalty prescribed in this Code  
939 section shall be concurrent, alternative, and cumulative with any and all other civil,  
940 criminal, or alternative rights, remedies, forfeitures, or penalties provided, allowed, or  
941 available to the board with respect to any violation of this Code section or any order, rule,  
942 or regulation promulgated pursuant hereto. For purposes of this Code section, the sale of  
943 each motor vehicle while not in compliance with temporary site permit requirements shall  
944 constitute a separate violation.

945 (d) Any person who violates any provision of this Code section shall be guilty of a  
946 misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed  
947 \$1,000.00 or imprisonment for a period not to exceed 12 months, or both.

948 43-47-9.

949 (a) The licenses issued pursuant to this chapter shall specify the location of each  
950 established place of business ~~or branch or other location~~ occupied or to be occupied by the  
951 licensee in conducting his or her business; and the license or supplemental license issued  
952 therefor shall be conspicuously displayed on each of such premises.

953 (b) If such location, as provided in subsection (a) of this Code section, of a licensee is  
954 changed, the licensee shall, at least 30 days prior to relocating to a new location, submit a  
955 change of location application, together with any additional fees as established by the  
956 board, to the division director. Such application shall be submitted in a form and manner  
957 as prescribed by the division director and shall include the licensee's license number and  
958 photographs of the new location in accordance with subsection (b) of Code Section  
959 43-47-8. If the division director determines that the new location meets the requirements  
960 of this chapter and of the rules and regulations of the board, the division director shall  
961 approve the application and issue a new license that specifies the new location.

962 43-47-9.1.

963 (a) As used in this Code section, the term 'advertisement' means any communication or  
964 statement, whether printed or electronic, in any way disseminated to the general public for  
965 the sale of a used motor vehicle.

966 (b) Any advertisement by a used motor vehicle dealer shall include the telephone number  
967 and address of the established place of business of such dealer.

968 (c) Any advertisement or private communication by a used motor vehicle dealer with a  
969 potential buyer which contains information on a specific motor vehicle shall include the  
970 vehicle identification number for such vehicle.

971 43-47-10.

972 (a) The board may, upon its own motion, and shall, upon the verified complaint in writing  
973 of any person, investigate the actions of any licensee or anyone who shall assume to act in  
974 such capacity. The board shall have power, in addition to the other powers authorized by  
975 this chapter, to revoke or to suspend a license for a specified time, to be determined in its  
976 discretion, or to invoke such other lesser sanctions, including but not limited to the  
977 imposition of fines and penalty fees, which the board is hereby authorized to create by rule,  
978 where:

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

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

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

984 (C) Making any substantial misrepresentation;

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

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

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

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

992 (H) Fraud or fraudulent practice, unfair and deceptive acts or practices, misleading acts  
993 or practices, or untrustworthiness or incompetency to act as a licensee, including, but

994 not limited to, the failure to provide the appropriate odometer disclosure forms required  
995 by law or knowingly selling or offering for sale any used ~~car~~ motor vehicle on which  
996 the odometer has been tampered with to reflect lower than the actual mileage the ~~car~~  
997 motor vehicle has been driven;

998 (I) The intentional use of any false, fraudulent, or forged statement or document or the  
999 use of any fraudulent, deceitful, dishonest, or immoral practice in connection with any  
1000 of the licensing requirements as provided for in this chapter;

1001 (J) The commission of any crime involving violence, a used motor vehicle, illegal  
1002 drugs, tax evasion, failure to pay taxes, or any crime involving the illegal use, carrying,  
1003 or possession of a dangerous weapon; the conviction of, plea of guilty to, or plea of  
1004 nolo contendere to a crime involving violence, a used motor vehicle, illegal drugs, tax  
1005 evasion, failure to pay taxes, or any crime involving the illegal use, carrying, or  
1006 possession of a dangerous weapon shall be conclusive evidence of the commission of  
1007 such crime;

1008 (K) Use of untruthful or improbable statements or flamboyant or extravagant claims  
1009 concerning such licensee's excellence or abilities;

1010 (L) The performance of any dishonorable or unethical conduct likely to deceive,  
1011 defraud, mislead, unfairly treat, or harm the public;

1012 (M) The use of any false or fraudulent statement in any document in connection with  
1013 the business as a licensee;

1014 (N) Violating or attempting to violate, directly or indirectly, or assisting in or abetting  
1015 the violation of, or conspiring to violate any of the provisions of this chapter, including  
1016 but not limited to (i) the failure to maintain the certificate of registration required by  
1017 Code Section 43-47-8 and (ii) the failure to keep records required by this chapter;

1018 (O) Any other conduct, whether of the same or a different character than heretofore  
1019 specified, which constitutes dishonest dealing;

1020 (P)(i) Any of the following activities by an automobile auction:

- 1021 (I) Allowing a motor vehicle to be sold through an auction where the seller's name  
1022 does not appear on the face of the title;
- 1023 (II) Failing to refund all of the purchase price to the buyer when the title and tag  
1024 receipt are not assigned to and processed for the buyer within 21 days of the  
1025 purchase;
- 1026 (III) Failing to make available to the board, for investigative purposes, auction  
1027 records of a seller, for the purpose of determining if a seller sold more than five  
1028 motor vehicles in a calendar year; provided, however, that the board shall give the  
1029 auction reasonable notice during normal working hours;
- 1030 (IV) Failing to disclose in a conspicuous manner on the bill of sale that a buyer is  
1031 entitled to a refund of all of the purchase price when the title and tag receipt are not  
1032 assigned and processed within 21 days of the purchase;
- 1033 (V) Failing to include on the bill of sale any warranty disclaimer; or
- 1034 (VI) Accepting or delivering a certificate of title signed in blank.
- 1035 (ii) The provisions of this subparagraph shall not apply where:
- 1036 (I) The sale of the motor vehicle is not open to the general public;
- 1037 (II) Either the seller or purchaser of the vehicle is a licensed used ~~car~~ motor vehicle  
1038 dealer;
- 1039 (III) The motor vehicle is sold as a repossessed or abandoned vehicle; or
- 1040 (IV) The motor vehicle is sold on behalf of any government agency or by court  
1041 order.
- 1042 (iii) A violation of this subparagraph shall also be grounds for suspension or censure  
1043 of a license under Code Section 43-6-18, and any auction violating this subparagraph  
1044 may be required by the board to surrender its master tag;
- 1045 (Q) Acting to obtain or holding a license on behalf of another person who was  
1046 previously denied a license or had a license suspended or revoked under this chapter;  
1047 in making determinations under this subparagraph, the board may look at any

- 1048 competent evidence, including, but not limited to, who actually directs the activities at  
1049 the business and who actually receives the proceeds from the business;
- 1050 (R) Having purchased, concealed, possessed, or otherwise acquired or disposed of a  
1051 vehicle, knowing the same to be stolen;
- 1052 (S) Having failed to meet and maintain the requirements for issuance of a license as  
1053 provided for in this chapter;
- 1054 (T) Having failed to pay within 30 days after written demand from the board any fees  
1055 or penalties due on vehicles acquired for dismantling or rebuilding;
- 1056 (U) Having willfully failed to keep or maintain the records required to be kept by this  
1057 chapter; or
- 1058 (V) Having vacated the location of its place of business for thirty days or more without  
1059 having submitted a change of location application pursuant to Code Section 43-47-9;  
1060 or
- 1061 (2) A majority of the members of the board find that the licensee failed to establish,  
1062 maintain, or monitor procedural safeguards to ensure that the following activities do not  
1063 occur at the business, regardless of whether the licensee had actual knowledge of any  
1064 such activity or activities or regardless of whether there was an intent on the part of any  
1065 person to engage in any such activity or activities:
- 1066 (A) Unfair and deceptive acts or practices as defined in Part 2 of Article 15 of Chapter  
1067 1 of Title 10, the 'Fair Business Practices Act of 1975';
- 1068 (B) Any of those activities described in ~~paragraphs (1) through (6)~~ of Code Section  
1069 40-3-90; or
- 1070 (C) Failure to obtain a certificate of title for a purchaser.
- 1071 (b) The board shall notify the Department of Revenue of any suspension or revocation of  
1072 a license for a used motor vehicle dealer within 24 hours of such decision.
- 1073 (c) Upon request by a majority vote of the board or upon the conclusion of an investigation  
1074 pursuant to subsection (a) of this Code section and referral by the board, the Department

1075 of Revenue shall be authorized to investigate a suspected violation of this chapter and  
 1076 impose a civil monetary penalty, suspend access to the electronic temporary operating  
 1077 permit issuance system established pursuant Code Section 4-2-8.1, and suspend, confiscate,  
 1078 or limit issuance of any dealer plates issued pursuant to Code Section 40-2-38 for a period  
 1079 of up to 24 months.

1080 43-47-11.

1081 Except as provided in subsection (l) of Code Section 43-47-8, no license shall be suspended  
 1082 or revoked without a hearing in accordance with Chapter 13 of Title 50, the 'Georgia  
 1083 Administrative Procedure Act.'

1084 43-47-11.1.

1085 As provided by law, every licensee who transfers a used motor vehicle title within this state  
 1086 shall register with the state revenue commissioner, making application for a dealer's  
 1087 registration plate. ~~No person not~~ Only persons licensed in accordance with this chapter  
 1088 shall be entitled to receive or use any dealer's registration plates for used motor vehicles  
 1089 under the motor vehicle laws of this state providing for the issuance of such plates.

1090 43-47-12.

1091 (a) Every licensee shall maintain for three years a record of:

1092 (1) Every motor vehicle, motor vehicle body, chassis, or major component part of or for  
 1093 a motor vehicle received or acquired by him or her; its description and any identifying  
 1094 numbers; the date of its receipt or acquisition; and the full name, address, and driver's  
 1095 license number or social security number of the person from whom received or acquired;  
 1096 provided, however, that, in the event such purchase or acquisition is from a used ~~car~~  
 1097 motor vehicle dealer or from a used motor vehicle parts dealer, the name and address of  
 1098 the corporation or company shall be sufficient if the seller is registered under this chapter;

1099 (2) Every motor vehicle, motor vehicle body, chassis, or major component part disposed  
1100 of by him or her; its description and any identifying numbers; the date of its receipt or  
1101 acquisition; and the full name, address, and driver's license number or social security  
1102 number of the person to whom disposed; provided, however, that, in the event such  
1103 disposal is to a used ~~car~~ motor vehicle dealer or to a used motor vehicle parts dealer, the  
1104 name and address of the corporation or company shall be sufficient if the purchaser or  
1105 acquirer is registered under this chapter;

1106 (3) Every motor vehicle wrecked, dismantled, or crushed by him or her and the date of  
1107 its wrecking or dismantling; and

1108 (4) Any other records which the board may reasonably require to protect the public, as  
1109 relating to the licensee's method of operation and personnel employed.

1110 (b) The possession of motor vehicles or parts covered by this chapter shall be prima-facie  
1111 evidence that they were purchased for the purpose of resale.

1112 43-47-13.

1113 Nothing in this chapter shall prohibit any lawful regulation or licensing of licensees by any  
1114 municipality, county, or other political subdivision of this state; provided, however, that  
1115 no such political subdivision shall license any licensee required to be registered by this  
1116 chapter unless such licensee is properly licensed under this chapter.

1117 43-47-14.

1118 The board may impose a fine not to exceed \$500.00 for each violation of any provision of  
1119 this chapter. Such fines shall be listed in a schedule contained in the rules and regulations  
1120 of the board. The licensee shall pay the fine within 30 days after receiving written  
1121 notification from either the board or a representative of the board unless the licensee  
1122 requests in writing a hearing before the board. Such request for a hearing ~~must~~ shall be  
1123 received by the board within 30 days after receipt of the written notification from the

1124 board. Failure either to pay the fine or request a hearing shall result in immediate  
1125 suspension of the license pending a hearing by the board to determine whether revocation  
1126 or other disciplinary action should be imposed on the licensee.

1127 43-47-15.

1128 Any licensee who purchases a wrecked or salvage motor vehicle or rebuilds a wrecked or  
1129 salvage motor vehicle shall fully comply with Chapter 3 of Title 40, the 'Motor Vehicle  
1130 Certificate of Title Act,' regarding titling and inspection of salvage and rebuilt vehicles, and  
1131 shall comply with any rules and regulations adopted by the state revenue commissioner  
1132 pursuant to this chapter.

1133 43-47-16.

1134 All licensees under this chapter who operate salvage pools shall furnish to any person who  
1135 purchases a motor vehicle the make, model, year, body style, and vehicle identification  
1136 number of the particular vehicle sold. In the event that the operator of a salvage pool is an  
1137 insurance company, the claim number of the vehicle shall be furnished to the purchaser in  
1138 addition to the other required information.

1139 43-47-17.

1140 Every person required to be licensed under this chapter shall, as a condition of licensure,  
1141 be deemed to have granted authority and permission to the board, the Department of  
1142 Revenue, or to any peace officer to inspect any record or document and any motor vehicle  
1143 or motor vehicle part or accessory at or on the premises of his or her principal place of  
1144 business, or any additional place of business, at any reasonable time during the day or night  
1145 during reasonable business hours.

1146 43-47-18.

1147 Nothing in this chapter shall be construed to prohibit municipalities or counties, by  
1148 ordinance or resolution, from authorizing local law enforcement officers to impound used  
1149 motor vehicles which are displayed for sale at unlicensed facilities, provided that such  
1150 ordinances or resolutions provide for actual prior notice to the owners of such motor  
1151 vehicles of such impoundment.

1152 43-47-19.

1153 No licensee, except any licensed auto auction or salvage pool selling at its regular place of  
1154 business, shall sell any used motor vehicle on a consignment basis unless the licensee  
1155 places his or her name on the title at the time of sale and complies with all other applicable  
1156 laws.

1157 43-47-20.

1158 It is the intent of the General Assembly that all parts of rules properly adopted under this  
1159 chapter and Chapter 48 of this title prior to July 1, 1995, which do not conflict with this  
1160 chapter shall be valid until such time as they are repealed, revised, amended, or otherwise  
1161 changed under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

1162 43-47-21.

1163 (a) Any person, regardless of whether that person is a licensee or not, who commits or  
1164 causes to be done any act that violates this chapter or fails to do any act or causes to be  
1165 omitted any act that is required by this chapter shall be subject to a civil penalty not to  
1166 exceed \$3,000.00 for each violation. A violation of this chapter shall, for the purposes of  
1167 this Code section, constitute a separate offense as to any motor vehicle or motor vehicle  
1168 part; and each day during which any person offers for sale, sells, trades, transfers, or

1169 disposes of used motor vehicles or used motor vehicle parts without being licensed  
1170 pursuant to this chapter shall constitute a separate offense.

1171 (b) The penalty provided in subsection (a) of this Code section and any restitution due to  
1172 specifically named consumers for violations of this chapter shall be recoverable by a civil  
1173 action brought by the board, the Attorney General, or any district attorney,  
1174 solicitor-general, or municipal or county attorney in any superior or state court having  
1175 proper jurisdiction. The proceeds of any civil penalty shall be remitted to the board by the  
1176 clerk of the court in which such case is filed; provided, however, that, in an action brought  
1177 on behalf of a county or municipality, one-half of the proceeds of such civil penalty shall  
1178 be paid into the treasury of such county or municipality. The court shall order any  
1179 restitution recovered on behalf of any consumer to be paid over directly to the consumer  
1180 by the defendant.

1181 (c) Any person damaged by a violation of this chapter may bring an action against the  
1182 person committing the violation, regardless of whether that person is a licensee, in any  
1183 superior court of competent jurisdiction to recover actual, consequential, and punitive  
1184 damages, attorneys' fees, and court costs.

1185 (d) Any person who is already licensed under this chapter or its predecessor or under  
1186 former Chapter 48 of this title who will be required as a result of this chapter to make  
1187 changes in his or her business operations will not be required to make such changes until  
1188 such time as he or she is required to renew his or her license. Any such changes shall have  
1189 been completed prior to the granting of any renewal license.

1190 43-47-22.

1191 Any person, firm, or corporation who violates this chapter shall be guilty of a  
1192 misdemeanor. In addition to such criminal penalty, the board may bring an action to enjoin  
1193 any violation, actual or threatened, of this chapter notwithstanding the existence of an  
1194 adequate remedy at law."

1195

**SECTION 16.**

1196 All laws and parts of laws in conflict with this Act are repealed.