

Senate Bill 293

By: Senators Anderson of the 24th, Payne of the 54th, Gooch of the 51st, Robertson of the 29th, Kennedy of the 18th and others

**AS PASSED**

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and  
2 traffic, so as to revise penalties for certain offenses relative to license plates, revalidation  
3 decals, temporary operating permits, certificates of registration, certificates of title, and  
4 alteration of odometers; to provide for limitations on the private use of dealer vehicles by  
5 employees; to revise fees for manufacturer, manufacturer headquarters, distributor, and  
6 dealer license plates; to provide for required material and design of such license plates; to  
7 provide for required material and design of a dealer's license plate; to provide for the  
8 issuance of annual permits by the Department of Revenue to operate unregistered motor  
9 vehicles upon highways of this state; to provide for conditions and limitations upon such  
10 operation; to provide for application requirements; to provide for violations and punishment;  
11 to provide for authority to suspend or revoke such permits; to authorize collection of a fee  
12 for such permits; to provide for authority to adopt rules and regulations; to amend Chapter  
13 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor vehicles and  
14 used motor vehicle parts dealers, so as to provide that the State Board of Registration of Used  
15 Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers be subject to the "Georgia  
16 Administrative Procedure Act"; to provide for requirements for licensure as a used motor  
17 vehicle dealer or used motor vehicle parts dealer; to authorize investigations by the

S. B. 293

- 1 -

18 Department of Revenue; to provide for related matters; to provide for effective dates; to  
19 repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **PART I**  
22 **SECTION 1-1.**

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

26 "40-2-4.

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

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

32 **SECTION 1-2.**

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

35 "40-2-5.

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

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

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

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

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

45 (b) Any person who shall knowingly violate any provision of subsection (a) of this Code  
 46 section shall be guilty of a misdemeanor of a high and aggravated nature and, upon  
 47 conviction thereof, shall be punished by a fine of not less than ~~\$500.00~~ \$750.00 or by  
 48 confinement for not more than 12 months, or both.

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

52 **SECTION 1-3.**

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

55 "40-2-6.

56 Except as otherwise provided in this chapter, any person who shall willfully mutilate,  
 57 obliterate, deface, alter, change, or conceal any numeral, letter, character, county  
 58 designation, or other marking of any license plate issued under the motor vehicle  
 59 registration laws of this state; who shall knowingly operate a vehicle bearing a license plate  
 60 on which any numeral, letter, character, ~~county designation~~, or other marking has been  
 61 willfully mutilated, obliterated, defaced, altered, changed, or concealed; or who shall  
 62 knowingly operate a vehicle bearing a license plate issued for another vehicle and not  
 63 properly transferred as provided by law shall be guilty of a misdemeanor and, upon  
 64 conviction thereof, shall be punished by a fine of not less than \$750.00 or by confinement  
 65 of not more than 12 months, or both."

66 **SECTION 1-4.**

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

69 "40-2-6.1.

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

76 **SECTION 1-5.**

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

79 "40-2-7.

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

86 **SECTION 1-6.**

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

90 "40-2-8.1.

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

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

111 (c)(1) The department may provide by rule or regulation for the sale and distribution of  
112 temporary operating permits to dealers by third parties through the development and  
113 maintenance of an electronic temporary operating permit issuance system and establish  
114 standards for distribution and issuance of such permits. The department may further  
115 provide by rule or regulation for standards for authorized access to an electronic  
116 temporary operating permit issuance system, which may include, but shall not be limited  
117 to, required criminal background checks for any user of the system and periodic audits.

118 Any third party authorized to sell and distribute temporary operating permits shall  
119 maintain an inventory record of such permits by number and name of the dealer.

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

145 of this Code section or the rules and regulations of the department and such dealer has  
146 failed to produce satisfactory evidence of extenuating circumstances to justify such  
147 noncompliance.

148 (B) If the department suspends a dealer's access to the electronic temporary operating  
149 permit issuance system established pursuant to this Code section after an informal  
150 review held pursuant to subparagraph (A) of this paragraph, the suspended dealer shall  
151 have the right to a formal hearing to review the suspension pursuant to Code  
152 Section 40-3-6. Such hearing shall be held within 30 days of the department's decision  
153 to suspend the dealer's access to the electronic temporary operating permit issuance  
154 system and shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia  
155 Administrative Procedure Act.' At such hearing, the department may present evidence  
156 of any instances in which the suspended dealer unlawfully issued temporary operating  
157 permits or issued fraudulent temporary operating permits. Upon a finding that the  
158 suspended dealer is in compliance with the requirements of this Code section and has  
159 issued temporary operating permits predominantly for bona fide motor vehicle sales,  
160 the department shall provide for the immediate restoration of access to the electronic  
161 temporary operating permit issuance system for such dealer but shall be authorized to  
162 impose fines or fees as provided by law for failure to comply with the requirements of  
163 this chapter. Upon a finding that the suspended dealer violated the requirements of this  
164 Code section or rules and regulations of the department, the department shall be  
165 authorized to extend the term of suspension for a period of up to 24 months. Upon a  
166 finding that a dealer has unlawfully issued temporary operating permits in violation of  
167 this chapter or rules and regulations of the department, the department shall further be  
168 authorized to issue a civil monetary penalty in an amount no greater than \$100.00 per  
169 violation, suspend or revoke the registration issued to a dealer pursuant to Code  
170 Section 40-2-39, and suspend, confiscate, or limit issuance of any dealer plates issued  
171 pursuant to Code Section 40-2-38 for a period of up to 24 months. The department

172 shall comply with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,'  
173 in relation to the expedited review provided for in this subparagraph and the suspended  
174 dealer shall have the right to appeal any decision of the department in accordance with  
175 such chapter.

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

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

181 **SECTION 1-7.**

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

185 "40-2-29.

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

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

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

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

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

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

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

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

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

215 **SECTION 1-8.**

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

219 "40-2-38.

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

222 (1) Manufacturers, manufacturer headquarters, distributors, and dealers engaged in the  
223 manufacture, sale, or leasing of vehicles required to be registered under Code

224 Section 40-2-20 shall register by electronic means with the commissioner, making  
225 application for a distinguishing number, upon forms prepared by the commissioner for  
226 such purposes, and pay therefor a fee of ~~\$62.00~~ \$80.00, which shall accompany such  
227 application. Upon payment of such fee by an applicant, the commissioner shall furnish  
228 one master number plate to expire each year in accordance with this Code section based  
229 upon the type of master number plate issued. Each additional plate issued pursuant to this  
230 Code section shall require payment of a ~~\$12.00~~ \$15.00 fee. Each master number plate  
231 and any additional plates issued pursuant to this Code section shall be distinguished from  
232 the license plates provided for in this chapter by different and distinguishing colors to be  
233 determined by the commissioner. The dealer plate for a ~~franchise~~ franchised motor  
234 vehicle dealer shall be distinguishable from the dealer plate for a used ~~car~~ motor vehicle  
235 dealer and from the dealer plate for a motor vehicle wholesaler. Except as otherwise  
236 authorized by this Code section, a dealer's master number plate or additional plates issued  
237 pursuant to this Code section shall be for the purpose of demonstrating or transporting  
238 vehicles or trailers for sale or lease. Persons engaged in the business of transporting  
239 vehicles for a dealer under a vehicle's own power shall be permitted to use such dealer's  
240 plate for the purpose of transporting a vehicle.

241 (2) No dealer may use or permit to be used a dealer's number for private use, on ~~cars~~  
242 motor vehicles for hire or lease, or in any other manner not provided for in this Code  
243 section. A dealer may use or permit to be used a dealer's number for private use on  
244 vehicles owned for purposes of sale or lease by the dealership, regardless of whether such  
245 vehicle has been issued a certificate of title or registered, when such vehicles are operated  
246 by an employee or corporate officer of the dealer which has been issued such number.  
247 A distinguishing dealer's number used by an employee or officer for private use shall  
248 authorize such person to operate the vehicle to which the number is attached on the public  
249 highways and streets. For purposes of, provided that such use shall be for no more than

250 six months per vehicle. As used in this paragraph, the term 'employee' means a person  
 251 who works a minimum of 36 hours per week at the dealership.

252 (3) The manufacturer's or distributor's license plate is limited to no longer than six  
 253 months' use per vehicle. Upon payment of such a fee by a manufacturer or distributor,  
 254 the commissioner shall issue to manufacturers and distributors number plates with the  
 255 word 'Manufacturer' or 'Distributor' on such plates. Nothing in this subsection shall  
 256 preclude a manufacturer or distributor from using a 'Manufacturer' or 'Distributor' number  
 257 plate on motor vehicles it owns when such vehicles are used for evaluation or  
 258 demonstration purposes, notwithstanding incidental personal use by a manufacturer or  
 259 distributor. A dealer may apply for one or more distinguishing dealer's numbers. In the  
 260 event the dealers, distributors, or manufacturers desire more than one tag, they shall so  
 261 state on the application, and, in addition to the fee of ~~\$62.00~~ \$80.00 provided in this Code  
 262 section, shall pay ~~\$12.00~~ \$15.00 for each and every additional number plate furnished.

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

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

271 (i) Is a bona fide manufacturer headquarters; and  
 272 (ii) Maintains a system of records regarding use of such license plates. The  
 273 manufacturer headquarters shall state in each application the number of manufacturer  
 274 headquarters' license plates requested.

275 (C) The manufacturer headquarters or its affiliate shall pay an application fee of ~~\$62.00~~  
 276 \$80.00 per application as provided in this Code section and shall pay ~~\$12.00~~ \$15.00 for

277 each and every plate furnished. With respect to any manufacturer headquarters' license  
278 plate issued to a manufacturer headquarters or its affiliate, notwithstanding anything to  
279 the contrary in this title or Code Section 48-5C-1, such manufacturer headquarters or  
280 its affiliate, and any person operating or possessing a motor vehicle using a  
281 manufacturer headquarters' license plate pursuant to this paragraph, shall not be subject  
282 to state or local title ad valorem tax fees with respect to such vehicle or manufacturer  
283 headquarters' license plate.

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

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

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

- 294 (i) Evaluation, marketing, or demonstration purposes, notwithstanding incidental  
295 personal use by a manufacturer headquarters' authorized employee or other authorized  
296 person designated by such manufacturer headquarters or its affiliate; or
- 297 (ii) As part of a vehicle leasing program operated by such manufacturer headquarters  
298 or its affiliate for the benefit of employees. Any operation of a motor vehicle by a  
299 person for an approved use pursuant to this subparagraph shall be deemed to be a  
300 demonstration of the motor vehicle for purposes of Code Section 48-8-39.

301 (5) The commissioner shall include a distinctive logo or emblem for any manufacturer's,  
302 distributor's, or manufacturer headquarters' license plate to be attached to an alternative  
303 fueled vehicle, as such term is defined in paragraph (7) of subsection (l) of Code

304 Section 40-2-86.1. Alternative fuel vehicles bearing a special license plate pursuant to  
305 this subsection shall be subject to the alternative fuel vehicle fees as set forth in paragraph  
306 (19) of subsection (a) of Code Section 40-2-151 at the time of initial issuance and  
307 annually thereafter in a manner prescribed by the commissioner. Display of a special  
308 license plate issued pursuant to this paragraph shall authorize travel by such alternative  
309 fueled vehicle in lanes for exclusive or preferential use designated pursuant to Code  
310 Section 32-9-4.

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

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

314 (B) In addition to the three dealer plates issued in accordance with subparagraph (A)  
315 of this paragraph, each dealer may also be issued one additional dealer plate for every  
316 20 units sold in a calendar year.

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

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

328 (c) The license plates issued pursuant to this Code section shall be revoked and confiscated  
329 upon a determination after a hearing that such dealer, distributor, manufacturer, or

330 manufacturer headquarters has unlawfully used such license plates in violation of this Code  
331 section.

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

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

350 **SECTION 1-9.**

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

353 "40-2-41.

354 Unless otherwise permitted under this chapter, every vehicle required to be registered under  
355 this chapter, which is in use upon the highways, shall at all times display the license plate

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

370 **SECTION 1-10.**

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

373 "40-3-90.

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

- 376 (1) Alters, forges, or counterfeits a certificate of title;  
 377 (2) Alters or forges an assignment of a certificate of title or an assignment or release of  
 378 a security interest on a certificate of title or a form the commissioner prescribed;  
 379 (3) Has possession of or uses a certificate of title knowing it to have been altered, forged,  
 380 or counterfeited;

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

396 **SECTION 1-11.**

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

399 "40-3-91.

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

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

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

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

410 (4) Willfully violates any other provision of this chapter  
 411 shall be guilty of a misdemeanor.

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

416 ~~(c)~~(b) Any person, firm, or corporation which delivers or accepts a certificate of title  
 417 assigned in blank shall be guilty of a misdemeanor and, upon conviction thereof, shall be  
 418 fined not more than ~~\$100.00 or imprisoned~~ \$750.00 or confined for a period not to exceed  
 419 30 days for the acceptance or delivery of each certificate of title assigned in blank."

420 **SECTION 1-12.**

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

424 "40-8-5.

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

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

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

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

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

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

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

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

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

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

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

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

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

460

**PART IA**

461

**SECTION 1A-1.**

462 Said title is further amended by repealing in its entirety Article 5, relating to unregistered  
463 motor trucks, and enacting a new Article 5 to read as follows:

464

"ARTICLE 5465 40-2-110.

466 (a) Upon proper application, the department shall be authorized to issue in writing a permit  
467 authorizing the limited operation of an unregistered motor vehicle upon highways in this  
468 state. A permit issued pursuant to this Code section shall be for 12 months from the date  
469 the permit is issued and may be interchanged from vehicle to vehicle. Every such permit  
470 shall be carried in the vehicle and shall be open to inspection by any peace officer or  
471 authorized agent of the department.

472 (b) The application for a permit issued pursuant to this Code section shall include the point  
473 of departure for the unregistered motor vehicle, which shall be the address listed upon a  
474 business license, occupational tax certificate, or other document required to operate a  
475 business issued by a county or municipal corporation in this state. The authorization for  
476 the operation of a motor vehicle based upon a permit issued pursuant to this Code section  
477 shall be limited to a distance of two miles from the point of departure listed on the  
478 application during daylight hours. Operation of an unregistered motor vehicle other than  
479 as authorized by a permit issued pursuant to this Code section shall be punished as for a  
480 violation of Code Section 40-2-8.

481 (c) No permit shall be issued to an applicant pursuant to this Code section unless such  
482 applicant provides the department sufficient proof of:

483 (1) Liability insurance covering property damage and bodily injury to third parties  
484 caused by vehicles rented, leased, borrowed, or used by employees for business purposes  
485 in an amount equal or greater than the required by the minimum coverage as specified in  
486 Chapter 34 of Title 33; and

487 (2) Either:

488 (A) A continuous surety company bond in an amount of at least \$50,000.00; or

489 (B) A current license as a used motor vehicle parts dealer issued pursuant to  
490 Chapter 47 of Title 43.

491 (d) For just cause, including, but not limited to, repeated and consistent past violations, the  
492 department may refuse to issue or may suspend or revoke a permit issued pursuant to this  
493 Code section. The specific period of time of any suspension shall be determined by the  
494 department. Authority to operate an unregistered motor vehicle upon highways in this state  
495 shall cease immediately upon the revocation or suspension of any permit issued pursuant  
496 to this Code section. The department shall be authorized to promulgate rules and  
497 regulations necessary to enforce the suspension of permits authorized under this Code  
498 section upon proper notice and hearing provided by Chapter 13 of Title 50, the 'Georgia  
499 Administrative Procedure Act.'

500 (e) The department shall be authorized to promulgate rules and regulations concerning the  
501 issuance of permits pursuant to this Code section and charge a fee of \$150.00 for the  
502 issuance thereof."

503

## PART II

504

### SECTION 2-1.

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

508 "43-47-6.1.

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

511 **SECTION 2-2.**

512 Said chapter is further amended in Code Section 43-47-8, relating to application for used  
 513 motor vehicle or used motor vehicle parts dealer licenses, bonding and insurance  
 514 requirements, supplemental licenses, and renewal, by revising subsection (a) and  
 515 paragraph (1) of subsection (d) as follows:

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

520 (1) Maintains an established place of business;

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

523 (3) Has, within the preceding 12 months, attended a board approved training and  
 524 information seminar, which shall not exceed one day in length, or passed a board  
 525 approved examination, either of which shall relate to the requirements of licensees  
 526 provided in this chapter, including books and records to be kept, requirements of the  
 527 Department of Revenue applicable to licensees, and such other topics as in the opinion  
 528 of the board promote good business practices of licensees;

529 ~~(3)~~(4) Has applied for or obtained a certificate of registration; for sales and use tax with  
 530 the Department of Revenue Form ST-2;

531 ~~(4)~~(5) Has posted or has made provision for the posting of the bond required under  
 532 subsection (d) of this Code section; and

533 ~~(5)~~(6) Maintains any liability and property damage insurance required under  
 534 subsection (e) of this Code section."

535 "(d)(1) Licensees shall be required, for each license or supplemental license issued in  
 536 connection with an established place of business, to post a bond that is executed with a  
 537 surety company duly authorized to do business in this state. Such bond shall be payable  
 538 to the Governor for the use and benefit of any purchaser and vendees or successors in title  
 539 of any used motor vehicle and shall be conditioned to pay all losses, damages, and  
 540 expenses that may be sustained by such purchaser, his or her vendees, or successors in  
 541 title that may be occasioned by reason of any misrepresentation, deceptive practice, or  
 542 unfair practice or by reason of any breach of warranty as to such used vehicle. Such bond  
 543 shall be in the amount of ~~\$35,000.00~~ \$50,000.00 for used ~~car~~ motor vehicle dealers and  
 544 \$10,000.00 for used parts dealers and shall be filed, prior to or immediately upon the  
 545 granting of a license under this chapter, with the division director by the licensee and  
 546 shall be approved by the division director as to form and as to the solvency of the surety."

547 **SECTION 2-3.**

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

550 "43-47-17.

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

557

**PART III**

558

**SECTION 3-1.**

559 (a) Except as provided for in subsection (b) of this section, this Act shall become effective  
560 on July 1, 2026.

561 (b) Part IA of this Act shall become effective on January 1, 2027.

562

**SECTION 3-2.**

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