

House Bill 551 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to provide for conditions, procedures, and limitations for issuance of temporary
3 operating permits for motor vehicles; to revise provisions relative to the operation of an
4 unregistered motor vehicle or vehicle without a current license plate, revalidation decal,
5 county decal, or temporary operating permit; to authorize the development and maintenance
6 by third parties of an electronic temporary operating permit issuance system for issuance of
7 temporary operating permits; to provide for utilization of such system by dealers for issuance
8 of temporary operating permits; to provide for the suspension of access to such system by
9 the department for certain violations; to provide standards for the issuance of dealer master
10 plates; to authorize access to certain information with the State Board of Registration of
11 Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers for certain purposes; to
12 revise and provide for a definition; to provide for notice and hearings; to amend Code
13 Section 43-47-2 of the Official Code of Georgia Annotated, relating to definitions relative
14 to used motor vehicle and used motor vehicle parts dealers, so as to revise the definition of
15 established place of business; to amend Chapter 1 of Title 44 of the Official Code of Georgia
16 Annotated, relating to general provisions relative to property, so as to authorize the
17 regulation of motor vehicle immobilization operators by the Department of Public Safety;
18 to limit the immobilization of trespassing vehicles to jurisdictions that have authorized such

activity by ordinance or resolution; to provide for fees; to provide for notice requirements; to provide for licenses; to remove authority to impose a civil penalty; to amend Code Section 48-5C-1 of the Official Code of Georgia Annotated, relating to alternative ad valorem tax on motor vehicles, so as to provide for enhanced penalty for an owner of a passive entity that fails to pay alternative ad valorem tax; to provide for a definition; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"40-2-8.

(a) No person shall own, rent, lease, or operate any vehicle required to be registered pursuant to Code Section 40-2-20 upon a highway in this state without registering such vehicle. Any person who becomes a resident of this state shall register his or her vehicle within 30 days of becoming a resident. Any person who fails to comply with this subsection shall be guilty of a misdemeanor and punished by a fine of \$100.00 for each day in which the vehicle is in violation. ~~Any person owning or operating any vehicle described in Code Section 40-2-20 on any public highway or street without complying with that Code section shall be guilty of a misdemeanor, provided that a person shall register his or her motor vehicle within 30 days after becoming a resident of this state. Any person renting, leasing, or loaning any vehicle described in Code Section 40-2-20 which is being used on any public highway or street without complying with that Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of \$100.00 for~~

~~each violation; and each day that such vehicle is operated in violation of Code Section 40-2-20 shall be deemed to be a separate and distinct offense.~~

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

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

~~(B) All temporary operating permits issued by dealers to purchasers of vehicles shall be of a standard design prescribed by regulation promulgated by the department. The department may provide by rule or regulation for the sale and distribution of such temporary operating permits by third parties in accordance with paragraph (3) of this subsection.~~

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

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

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

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

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

100 **SECTION 2.**

101 Said title is further amended by revising Code Section 40-2-8.1, relating to operation of
102 vehicle without revalidation decal on license plate, as follows:

103 "40-2-8.1.

104 ~~Notwithstanding Code Section 40-2-8 or any other provision of law, a person who operates~~
105 ~~a vehicle which is required to be registered in this state and which has attached to the rear~~
106 ~~thereof a valid numbered license plate without having the required revalidation decal~~
107 ~~affixed upon that plate, which person is otherwise guilty of a misdemeanor for not having~~
108 ~~such decal affixed to the plate, shall be subject for that offense only to a fine not to exceed~~
109 ~~\$25.00 if that person shows to the court having jurisdiction of the offense that the proper~~
110 ~~revalidation decal had been obtained prior to the time of the offense.~~

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

118 (b) Any dealer of new or used motor vehicles shall issue a temporary operating permit
119 without charge or fee to the purchaser of a vehicle at the time of sale thereof, unless such
120 vehicle is to be registered under the International Registration Plan or such dealer is one
121 whose primary business is the sale of salvage motor vehicles and other vehicles on which
122 total loss claims have been paid by insurers. Such temporary operating permit shall be of
123 a standard design prescribed the department; provided, however, that such permit shall not

124 resemble a license plate issued by this state. A temporary operating permit may bear the
125 name of the dealer and location and shall include an expiration date which shall be 45 days
126 from the date of purchase. The expiration date of a temporary operating permit may be
127 revised and extended by the county tag agent upon application by the dealer, purchaser, or
128 transferee if an extension of the purchaser's initial registration period has been granted as
129 provided by Code Section 40-2-20.

130 (c)(1) The department may provide by rule or regulation for the sale and distribution of
131 temporary operating permits to dealers by third parties through the development and
132 maintenance of an electronic temporary operating permit issuance system and establish
133 standards for distribution and issuance of such permits. The department may further
134 provide by rule or regulation for standards for authorized access to an electronic
135 temporary operating permit issuance system, which may include, but shall not be limited
136 to, required criminal background checks for any user of the system. Any third party
137 authorized to sell and distribute temporary operating permits shall maintain an inventory
138 record of such permits by number and name of the dealer.

139 (2)(A) The department shall be authorized to suspend access to the electronic
140 temporary operating permit issuance system established pursuant to this Code section
141 for any dealer found to have issued temporary operating permits for a vehicle which has
142 not been sold or intended to be registered or otherwise violated requirements for
143 issuance of such permits established by rule or regulation of the department after
144 issuance of notice of such violation by electronic means and opportunity for informal
145 review as set forth in this subparagraph. Any dealer who has received notice pursuant
146 to this subsection of an alleged violation and for whom the department intends to
147 suspend access to the electronic temporary operating permit issuance system may
148 request an informal review of the allegations with the department. The method for
149 making such request shall be developed by the department and may be by electronic
150 means. Upon receipt of such request for informal review, the department shall, within

ten business days, schedule an informal conference with such dealer to review the suspected violations. Proceedings under this subparagraph shall not be governed by any formal procedural requirements and may be conducted in such manner as the department may establish by rule or regulation. The department shall consider the historical use of the electronic temporary operating permit issuance system by the dealer under consideration for access suspension, together with other pertinent information which may be available, and shall render a decision regarding access to the electronic temporary operating permit issuance system within seven business days of the informal conference. Upon a finding that such dealer violated the requirements of this Code section or rules and regulations of the department, the department shall be authorized to impose fines or fees as provided by law. The department shall not be authorized to suspend access to the temporary operating permit system unless the department finds a dealer to be substantially out of compliance with the requirements of this Code section or the rules and regulations of the department and such dealer has failed to produce satisfactory evidence of extenuating circumstances to justify such noncompliance.

(B) If the department suspends a dealer's access to the electronic temporary operating permit issuance system established pursuant to this Code section after an informal review held pursuant to subparagraph (A) of this paragraph, the suspended dealer shall have the right to a formal hearing to review the suspension pursuant to Code Section 40-3-6. Such hearing shall be held within 30 days of the department's decision to suspend the dealer's access to the electronic temporary operating permit issuance system and shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' At such hearing, the department may present evidence of any instances in which the suspended dealer unlawfully issued temporary operating permits or issued fraudulent temporary operating permits. Upon a finding that the suspended dealer is in compliance with the requirements of this Code section and has

178 issued temporary operating permits predominantly for bona fide motor vehicle sales,
179 the department shall provide for the immediate restoration of access to the electronic
180 temporary operating permit issuance system for such dealer but shall be authorized to
181 impose fines or fees as provided by law for failure to comply with the requirements of
182 this chapter. Upon a finding that the suspended dealer violated the requirements of this
183 Code section or rules and regulations of the department, the department shall be
184 authorized to extend the term of suspension for a period of up to 24 months. Upon a
185 finding that a dealer has unlawfully issued temporary operating permits in violation of
186 this chapter or rules and regulations of the department, the department shall further be
187 authorized to issue a civil monetary penalty in an amount no greater than \$100.00 per
188 violation, suspend or revoke the registration issued to a dealer pursuant to Code Section
189 40-2-39, and suspend, confiscate, or limit issuance of any dealer plates issued pursuant
190 to Code Section 40-2-38 for a period of up to 24 months. The department shall comply
191 with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' in relation to
192 the expedited review provided for in this subparagraph and the suspended dealer shall
193 have the right to appeal any decision of the department in accordance with such chapter.
194 (d) The commissioner is authorized to promulgate rules and regulations necessary to
195 effectuate the provisions of this Code section."

196 **SECTION 3.**

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

200 "(3) At the time of initial application for registration or at any time during the registration
201 period, a vehicle owner may file with the county tag agent, on a form or electronic form
202 prescribed by the commissioner, a request to have a vehicle license plate duplicated on
203 a digital license plate purchased from a digital license plate provider. Such request to the

county tag agent shall include all applicable registration fees. Upon approving the application provided in this paragraph, the commissioner or county tag agent shall furnish the digital license plate provider with the appropriate licensing information to be displayed upon the digital license plate. In accordance with Code Section ~~40-2-8~~ 40-2-8.1, a 45 day temporary operating permit shall be issued by the commissioner or county tag agent to an applicant for a digital license plate until such license plate is received by the applicant."

SECTION 4.

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

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

(1) Manufacturers, manufacturer headquarters, distributors, and dealers engaged in the manufacture, sale, or leasing of vehicles required to be registered under Code Section 40-2-20 shall register by electronic means with the commissioner, making application for a distinguishing ~~dealer's number, specifying the name and make of motor vehicle, tractor, or trailer manufactured, sold, or leased by them~~ number, upon forms prepared by the commissioner for such purposes, and pay therefor a fee of \$62.00, which shall accompany such application. Upon payment of such fee by ~~a dealer~~ an applicant, the commissioner shall furnish ~~to the dealer~~ one master number plate to expire each year in accordance with ~~subsection (f) of this Code section, to be known as a dealer's number and~~ to be based upon the type of master number plate issued. Each additional plate issued pursuant to this Code section shall require payment of a \$12.00 fee. Each master number

plate and any additional plates issued pursuant to this Code section shall be distinguished from the ~~number~~ license plates provided for in this chapter by different and distinguishing colors to be determined by the commissioner. The dealer plate for a franchise motor vehicle dealer shall be distinguishable from the dealer plate for a used car dealer and from the dealer plate for a motor vehicle wholesaler. Except as otherwise authorized by this Code section, a dealer's master number plate or additional plates issued pursuant to this Code section shall be ~~A dealer's number plate is~~ for the purpose of demonstrating or transporting ~~the dealer's~~ vehicles or trailers for sale or lease. Persons engaged in the business of transporting vehicles for a dealer under a vehicle's own power shall be permitted to use such dealer's plate for the purpose of transporting a vehicle."

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

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

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

~~(f)(1)~~(e) Except as otherwise provided for in this Code section, the ~~The~~ expiration of a license plate issued pursuant to this Code section shall be the last day of the registration period as provided in division (a)(1)(A)(ii) of Code Section 40-2-21, except that for the purposes of this subsection, the registration period shall be determined by the first letter of

the legal name of the business listed on the application for registration or renewal of registration. An application for renewal of registration shall not be submitted earlier than 90 days prior to the last day of the registration period. A penalty of 25 percent of the total registration fees due shall be assessed any person registering pursuant to this Code section who, prior to the expiration of such person's registration period, fails to apply for renewal or if having applied fails to pay the required fees.

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

SECTION 5.

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

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

- (1) Any licensed dealer of new or used motor vehicles;
- (2) Any tax collector, tax receiver, or tax commissioner;
- (3) The director of the Environmental Protection Division of the Department of Natural Resources or his or her designee;
- (4) Any private person who has met the requirements of Code Section 40-2-25, provided that the information shall be used for the sole purpose of effectuating the registration or

renewal of motor vehicles by electronic or similar means and that the private person requesting the information has entered into an agreement to provide electronic services to the commissioner or a county tag agent; provided, further, that the information made available pursuant to this paragraph for such purpose shall be limited to the vehicle identification number, the license tag number, the date of expiration of registration, and the amount of tax owed; ~~and~~

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

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

SECTION 6.

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

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

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

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

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

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

SECTION 7.

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

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

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

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

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

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

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

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

SECTION 8.

Code Section 43-47-2 of the Official Code of Georgia Annotated, relating to definitions relative to used motor vehicle and used motor vehicle parts dealers, is amended by revising paragraph (3) as follows:

"(3) 'Established place of business' means a salesroom or sales office in a building or on an open lot of a retail used car dealership or at which a permanent business of bartering, trading, offering, displaying, selling, buying, dismantling, or rebuilding wrecked or used motor vehicles or parts is carried on, or the place at which the books, records, and files necessary to conduct such business are kept. Each such place of business shall be

furnished with a working telephone listed in the name of the licensee for use in conducting the business and shall be marked by an appropriate permanent sign as prescribed by the appropriate division under this chapter. Except when at least 500 motor vehicle sales are conducted annually at such location, each such place of business shall be at least 250 square feet.

SECTION 9.

Chapter 1 of Title 44 of the Official Code of Georgia Annotated, relating to general provisions relative to property, is amended in Code Section 44-1-13, relating to removal of improperly parked cars or trespassing personal property, concurrent jurisdiction, procedure, automatic surveillance prohibited, and penalty, by adding a new paragraph to subsection (a) and revising subsections (a.1), (b), and (f) as follows:

"(1.1) 'Immobilization device' means any mechanical device designed or used to be attached to a wheel, tire, or other part of a parked motor vehicle so as to prohibit the motor vehicle's usual manner of movement or operation."

"(a.1) Any person or his or her authorized agent entitled to the possession of any private property shall have the right to remove or cause to be removed from the property or immobilize or cause to be immobilized any vehicle or ~~trespassing~~ personal property ~~trespassing~~ thereon which is not authorized to be at the place where it is found and to store or cause to be stored such ~~trespassing~~ vehicle or ~~trespassing~~ personal property, provided that there shall have been conspicuously posted on the private property notice that any ~~trespassing~~ vehicle or ~~trespassing~~ personal property which is not authorized to be at the place where it is found may be immobilized or removed at the expense of the owner of the ~~trespassing~~ vehicle or ~~trespassing~~ personal property. Such notice shall also include information as to the contact information for removal of an immobilization device, the full legal names of the company conducting the immobilization and the property owner where the immobilization occurred, the fee amount for removal of an immobilization device,

location where the removed vehicle or personal property can be recovered, the cost of said recovery, and information as to the form of payment; provided, however, that the owner of residential private property containing not more than four residential units shall not be required to comply with the posting requirements of this subsection. Only towing and storage firms issued permits or licenses by the local governing authority of the jurisdiction in which they operate or by the department, and having a secure impoundment facility, shall be permitted to remove trespassing ~~property and trespassing vehicles~~ and personal property at the request of the owner or authorized agent of the private property. Only persons issued a permit by the department and operating in a jurisdiction which has authorized the immobilization of trespassing vehicles by ordinance or resolution of the governing authority shall be authorized to place an immobilization device upon a trespassing vehicle.

(b)(1) The department shall have the authorization to regulate and control the immobilization and towing of trespassing vehicles on private property if such immobilization or towing is performed without the prior consent or authorization of the owner or operator of the vehicle, including the authority to set just and reasonable rates, fares, and charges for services related to the immobilization, removal, storage, and required notification to owners of such ~~towed~~ vehicles. No storage fees shall be charged for the first 24 hour period which begins at the time the vehicle is removed from the property, ~~and no such.~~ No fees shall be allowed for the immobilization or removal and storage of vehicles ~~removed by towing and storage firms by persons~~ found to be in violation of this Code section. ~~The department is authorized to impose a civil penalty for any violation of this Code section in an amount not to exceed \$2,500.00.~~

(2) In accordance with subsection (d) of this Code section, the governing authority of a municipality may require towing and storage ~~operators~~ firms to charge lower maximum rates on traffic moving between points within such municipality than those provided by the department's maximum rate tariff and may require higher public liability insurance

limits and cargo insurance limits than those required by the department. The governing authority of a municipality shall not provide for higher maximum costs of immobilization, removal, relocation, or storage than is provided for by the department."

"(f) It shall be unlawful and punishable by a fine of \$1,000.00 for any towing and storage firm, permitted or unpermitted, licensed or unlicensed, to enter into any agreement with any person in possession of private property to provide automatic or systematic surveillance of such property for purposes of removal and relocation of any ~~such~~ trespassing vehicle or ~~trespassing~~ personal property except upon call by such person in possession of such private property to such towing and storage firm for each individual case of trespass; provided, further, that it shall be unlawful and punishable by a fine of \$1,000.00 for any ~~towing and storage firm~~ person to pay to any private property owner or one in possession of private property any fee or emolument, directly or indirectly, for the right to immobilize or remove a trespassing vehicle or ~~trespassing~~ personal property from said private property."

SECTION 10.

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

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

"(9)(A) Any owner of any motor vehicle who fails to submit within 30 days of the date such owner is required by law to register such vehicle in this state an application for a first certificate of title under Code Section 40-3-21 or a certificate of title under Code Section 40-3-32 shall be required to pay a penalty in the amount of 10 percent of the

state title ad valorem tax fees and 10 percent of the local title ad valorem tax fees required under this Code section and, if such state and local title ad valorem tax fees and the penalty are not paid within 60 days following the date such owner is required by law to register such vehicle, interest at the rate of 1 percent per month shall be imposed on the state and local title ad valorem tax fees due under this Code section, unless a temporary permit has been issued by the tax commissioner. The tax commissioner shall grant a temporary permit in the event the failure to timely apply for a first certificate of title is due to the failure of a lienholder to comply with Code Section 40-3-56, regarding release of a security interest or lien, and no penalty or interest shall be assessed. Such penalty and interest shall be in addition to the penalty and fee required under Code Section 40-3-21 or 40-3-32, as applicable.

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

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

SECTION 11.

This Act shall become effective on January 1, 2026.

466

SECTION 12.

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