

House Bill 356

By: Representatives Stephens of the 164th, Rogers of the 29th, Knight of the 130th, and Harbin of the 122nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and
2 taxation, so as to provide for the ad valorem taxation of certain watercraft; to amend Title 52
3 of the Official Code of Georgia Annotated, relating to waters of the state, ports, and
4 watercraft, so as to provide for the titling and registration of certain watercraft; to provide for
5 legislative intent and findings; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 The General Assembly finds that:

- 10 (1) Titles for watercraft in this state would deter and impede theft;
- 11 (2) Titles for watercraft in this state would facilitate the ownership, transfer, and financing
12 of such watercraft;
- 13 (3) The establishment of a title ad valorem tax for watercraft similar to that used for motor
14 vehicles would reduce the tax burden of watercraft ownership; and
- 15 (4) Titling of watercraft would create a level playing field and fairness for the selling of
16 watercraft by dealers, brokers, agents, private parties, and manufacturers.

17 **SECTION 2.**

18 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
19 amended by revising Chapter 5B, which was previously reserved, as follows:

20 "CHAPTER 5B

21 48-5B-1.

22 (a) As used in this Code section, the term:

- 23 (1) 'Broker/agent' means any person who acts as an intermediary or agent for a fee to
 24 bring together a seller and a purchaser of a vessel or outboard motor.
- 25 (2) 'Dealer' means any person who is engaged in the business of selling vessels or
 26 outboard motors at retail and shall include a manufacturer of vessels or outboard motors
 27 if such manufacturer sells such vessels or outboard motors directly to consumers.
- 28 (3) 'Fair market value' means the price of a vessel or outboard motor as shown on its bill
 29 of sale or invoice. The purchaser shall submit a sworn affidavit in a form prescribed by
 30 the commissioner attesting that the price shown on the bill of sale or invoice is accurate
 31 and correct.
- 32 (4) 'Immediate family member' means spouse, parent, child, sibling, grandparent, or
 33 grandchild.
- 34 (5) 'Outboard motor' means a propulsion system for a vessel, consisting of a
 35 self-contained unit that includes an engine, gearbox, and propeller or jet drive, designed
 36 to be affixed to the outside of the transom of a vessel, with a horsepower rating of 10
 37 horsepower or greater.
- 38 (6) 'Vessel' has the same meaning as provided in Code Section 52-7A-2.
- 39 (b)(1)(A) Except as otherwise provided in this subsection, any vessel or outboard
 40 motor for which a title is issued in this state on or after January 1, 2016, shall be exempt
 41 from sales and use taxes to the extent provided under paragraph (96) of Code Section
 42 48-8-3 and shall not be subject to the ad valorem tax as otherwise required under
 43 Chapter 5 of this title. Any such vessel or outboard motor shall be titled as otherwise
 44 required under Chapter 7A of Title 52 but shall be subject to a state title ad valorem tax
 45 fee and a local title ad valorem tax fee which shall be alternative ad valorem taxes as
 46 authorized by Article VII, Section I, Paragraph III(b)(3) of the Georgia Constitution.
- 47 (B)(i) The combined state and local title ad valorem taxes shall be at a rate equal to
 48 4 percent of the fair market value of the vessel or outboard motor.
- 49 (ii) The state title ad valorem tax shall be at a rate equal to 19 percent of the tax rate
 50 specified in division (i) of this subparagraph, and the local title ad valorem tax shall
 51 be at a rate equal to 81 percent of the tax rate specified in division (i) of this
 52 subparagraph.
- 53 (iii) The commissioner shall promulgate such rules and regulations as may be
 54 necessary and appropriate to implement and administer this Code section, including,
 55 but not limited to, rules and regulations regarding appropriate enforcement and
 56 compliance procedures and methods for the implementation and operation of this
 57 Code section. The commissioner shall promulgate a standardized form to be used by
 58 all dealers of new and used vessels or outboard motors and brokers/agents in this state
 59 in order to ease the administration of this Code section.

60 (C) The application for title fee and the state and local title ad valorem tax fees
61 provided for in subparagraph (A) of this paragraph shall be paid to the tag agent in the
62 county where the owner of the vessel or outboard motor resides and shall be paid at the
63 time the application for a certificate of title is submitted or, in the case of an electronic
64 title transaction, at the time when the electronic title transaction is finalized. In an
65 electronic title transaction, the state and local title ad valorem tax fees shall be remitted
66 electronically directly to the county tag agent. A dealer of new or used vessels or
67 outboard motors or a broker/agent shall make such application for title and remit such
68 state and local title ad valorem tax fees on behalf of the purchaser of a new or used
69 vessel or outboard motor for the purpose of submitting or, in the case of an electronic
70 title application, finalizing such title application and remitting state and local title ad
71 valorem tax fees.

72 (D) There shall be a penalty imposed on any person who, in the determination of the
73 commissioner, falsifies any information in any bill of sale or invoice used for purposes
74 of determining the fair market value of the vessel or outboard motor. Such penalty
75 shall not exceed \$2,500.00 as a state penalty and shall not exceed \$2,500.00 as a local
76 penalty as determined by the commissioner. Such determination shall be made
77 within 60 days of the commissioner receiving information of a possible violation of this
78 paragraph.

79 (E) A dealer of new or used vessels or outboard motors or broker/agent who makes an
80 application for title and collects the state and local title ad valorem tax fees from a
81 purchaser of a new or used vessel or outboard motor and does not submit or, in the case
82 of an electronic title transaction, finalize such application for title and remit such state
83 and local title ad valorem tax fees to the county tag agent within 30 days following the
84 date of purchase shall be liable to the county tag agent for an amount equal to 5 percent
85 of the amount of such state and local title ad valorem tax fees. An additional penalty
86 equal to 10 percent of the amount of such state and local title ad valorem tax fees shall
87 be imposed if such payment is not transmitted within 60 days following the date of
88 purchase. An additional penalty equal to 15 percent of the amount of such state and
89 local title ad valorem tax fees shall be imposed if such payment is not transmitted
90 within 90 days following the date of purchase, and an additional penalty equal to 20
91 percent of the amount of such state and local title ad valorem tax fees shall be imposed
92 if such payment is not transmitted within 120 days following the date of purchase. An
93 additional penalty equal to 25 percent of the amount of such state and local title ad
94 valorem tax fees shall be imposed for each subsequent 30 day period in which the
95 payment is not transmitted. In addition, any such dealer of used vessels or outboard
96 motors or broker/agent who fails to make the application for title and submit or, in the

97 case of an electronic title transaction, finalize such application for title and remit such
 98 state and local title ad valorem tax fees to the county tag agent within 30 days following
 99 the date of purchase shall also be subject to civil fines not to exceed \$500.00 per
 100 transaction.

101 (F) A dealer of new or used vessels or outboard motors or a broker/agent who makes
 102 an application for title and collects state and local title ad valorem tax fees from a
 103 purchaser of a new or used vessel or outboard motor and converts such fees to his or
 104 her own use shall be guilty of theft by conversion and, upon conviction, shall be
 105 punished as provided in Code Section 16-8-12.

106 (2) A person or entity acquiring a salvage title pursuant to subsection (b) of Code
 107 Section 52-7A-21 shall not be subject to the fee specified in paragraph (1) of this
 108 subsection but shall be subject to a state title ad valorem tax fee in an amount equal to
 109 1 percent of the fair market value of the vessel or outboard motor. Such state title ad
 110 valorem tax fee shall be an alternative ad valorem tax as authorized by Article VII,
 111 Section I, Paragraph III(b)(3) of the Georgia Constitution.

112 (c)(1) The amount of proceeds collected by tag agents each month as title ad valorem tax
 113 fees, salvage title ad valorem tax fees, administrative fees, penalties, and interest pursuant
 114 to subsection (b) of this Code section shall be allocated and disbursed as provided in this
 115 subsection.

116 (2) For the 2016 tax year and in each subsequent tax year, the amount of such funds shall
 117 be disbursed within 40 days following the end of each calendar month as follows:

118 (A) State and local title ad valorem tax fees, salvage title ad valorem tax fees,
 119 administrative fees, penalties, and interest shall be remitted to the commissioner less
 120 an amount to be retained by the tag agent not to exceed 1 percent of the total amount
 121 otherwise required to be remitted under this subparagraph to defray the cost of
 122 administration. Such retained amount shall be remitted to the collecting county's
 123 general fund. Failure by the tag agent to disburse within such 40 day period shall result
 124 in a forfeiture of such administrative fee plus interest on such amount at the rate
 125 specified in Code Section 48-2-40; and

126 (B) The commissioner shall deposit the state title ad valorem tax fees in the general
 127 fund of the state and shall disburse within 40 days following the end of each calendar
 128 quarter the local title ad valorem tax fees submitted to him or her to the county tag
 129 agent of each county, less 1 percent to defray the cost of administration which shall be
 130 deposited in the general fund of the state, on a pro rata basis as follows:

131	<u>Appling</u>	<u>0.02%</u>
132	<u>Atkinson</u>	<u>0.07%</u>
133	<u>Bacon</u>	<u>0.01%</u>

134	<u>Baker</u>	<u>0.03%</u>
135	<u>Baldwin</u>	<u>1.14%</u>
136	<u>Banks</u>	<u>0.14%</u>
137	<u>Barrow</u>	<u>0.14%</u>
138	<u>Bartow</u>	<u>3.85%</u>
139	<u>Ben Hill</u>	<u>0.13%</u>
140	<u>Berrien</u>	<u>0.05%</u>
141	<u>Bibb</u>	<u>0.54%</u>
142	<u>Bleckley</u>	<u>0.21%</u>
143	<u>Brantley</u>	<u>0.68%</u>
144	<u>Brooks</u>	<u>0.16%</u>
145	<u>Bryan</u>	<u>0.74%</u>
146	<u>Bulloch</u>	<u>0.31%</u>
147	<u>Burke</u>	<u>0.01%</u>
148	<u>Butts</u>	<u>0.97%</u>
149	<u>Calhoun</u>	<u>0.07%</u>
150	<u>Camden</u>	<u>1.14%</u>
151	<u>Candler</u>	<u>0.10%</u>
152	<u>Carroll</u>	<u>0.43%</u>
153	<u>Catoosa</u>	<u>0.46%</u>
154	<u>Charlton</u>	<u>0.17%</u>
155	<u>Chatham</u>	<u>11.59%</u>
156	<u>Chattahoochee</u>	<u>0.01%</u>
157	<u>Chattooga</u>	<u>0.06%</u>
158	<u>Cherokee</u>	<u>2.80%</u>
159	<u>Clarke</u>	<u>0.33%</u>
160	<u>Clay</u>	<u>0.12%</u>
161	<u>Clayton</u>	<u>0.23%</u>
162	<u>Clinch</u>	<u>0.08%</u>
163	<u>Cobb</u>	<u>0.50%</u>
164	<u>Coffee</u>	<u>0.18%</u>
165	<u>Colquitt</u>	<u>0.29%</u>
166	<u>Columbia</u>	<u>2.60%</u>
167	<u>Cook</u>	<u>0.18%</u>
168	<u>Coweta</u>	<u>0.49%</u>
169	<u>Crawford</u>	<u>0.17%</u>
170	<u>Crisp</u>	<u>0.37%</u>
171	<u>Dade</u>	<u>0.03%</u>

172	<u>Dawson</u>	<u>0.89%</u>
173	<u>Decatur</u>	<u>0.16%</u>
174	<u>DeKalb</u>	<u>0.13%</u>
175	<u>Dodge</u>	<u>0.16%</u>
176	<u>Dooly</u>	<u>0.09%</u>
177	<u>Dougherty</u>	<u>0.82%</u>
178	<u>Douglas</u>	<u>0.78%</u>
179	<u>Early</u>	<u>0.13%</u>
180	<u>Echols</u>	<u>0.01%</u>
181	<u>Effingham</u>	<u>1.29%</u>
182	<u>Elbert</u>	<u>0.17%</u>
183	<u>Emanuel</u>	<u>0.08%</u>
184	<u>Evans</u>	<u>0.02%</u>
185	<u>Fannin</u>	<u>0.75%</u>
186	<u>Fayette</u>	<u>0.26%</u>
187	<u>Floyd</u>	<u>1.08%</u>
188	<u>Forsyth</u>	<u>8.83%</u>
189	<u>Franklin</u>	<u>0.71%</u>
190	<u>Fulton</u>	<u>0.17%</u>
191	<u>Gilmer</u>	<u>0.39%</u>
192	<u>Glascok</u>	<u>0.01%</u>
193	<u>Glynn</u>	<u>0.89%</u>
194	<u>Gordon</u>	<u>0.08%</u>
195	<u>Grady</u>	<u>0.07%</u>
196	<u>Greene</u>	<u>1.20%</u>
197	<u>Gwinnett</u>	<u>5.99%</u>
198	<u>Habersham</u>	<u>0.06%</u>
199	<u>Hall</u>	<u>14.50%</u>
200	<u>Hancock</u>	<u>0.72%</u>
201	<u>Haralson</u>	<u>0.22%</u>
202	<u>Harris</u>	<u>0.62%</u>
203	<u>Hart</u>	<u>1.39%</u>
204	<u>Heard</u>	<u>0.04%</u>
205	<u>Henry</u>	<u>0.55%</u>
206	<u>Houston</u>	<u>0.36%</u>
207	<u>Irwin</u>	<u>0.01%</u>
208	<u>Jackson</u>	<u>0.70%</u>
209	<u>Jasper</u>	<u>0.90%</u>

210	<u>Jeff Davis</u>	<u>0.15%</u>
211	<u>Jefferson</u>	<u>0.16%</u>
212	<u>Jenkins</u>	<u>0.10%</u>
213	<u>Johnson</u>	<u>0.02%</u>
214	<u>Jones</u>	<u>0.40%</u>
215	<u>Lamar</u>	<u>0.09%</u>
216	<u>Lanier</u>	<u>0.04%</u>
217	<u>Laurens</u>	<u>0.51%</u>
218	<u>Lee</u>	<u>0.78%</u>
219	<u>Liberty</u>	<u>0.61%</u>
220	<u>Lincoln</u>	<u>0.53%</u>
221	<u>Long</u>	<u>0.19%</u>
222	<u>Lowndes</u>	<u>0.34%</u>
223	<u>Lumpkin</u>	<u>0.21%</u>
224	<u>Macon</u>	<u>0.03%</u>
225	<u>Madison</u>	<u>0.13%</u>
226	<u>Marion</u>	<u>0.05%</u>
227	<u>McDuffie</u>	<u>0.10%</u>
228	<u>McIntosh</u>	<u>0.86%</u>
229	<u>Meriwether</u>	<u>0.06%</u>
230	<u>Miller</u>	<u>0.08%</u>
231	<u>Mitchell</u>	<u>0.07%</u>
232	<u>Monroe</u>	<u>0.34%</u>
233	<u>Montgomery</u>	<u>0.09%</u>
234	<u>Morgan</u>	<u>0.30%</u>
235	<u>Murray</u>	<u>0.17%</u>
236	<u>Muscogee</u>	<u>1.33%</u>
237	<u>Newton</u>	<u>0.16%</u>
238	<u>Oconee</u>	<u>0.43%</u>
239	<u>Oglethorpe</u>	<u>0.13%</u>
240	<u>Paulding</u>	<u>0.92%</u>
241	<u>Peach</u>	<u>0.07%</u>
242	<u>Pickens</u>	<u>0.26%</u>
243	<u>Pierce</u>	<u>0.09%</u>
244	<u>Pike</u>	<u>0.22%</u>
245	<u>Polk</u>	<u>0.12%</u>
246	<u>Pulaski</u>	<u>0.12%</u>
247	<u>Putnam</u>	<u>2.79%</u>

248	<u>Quitman</u>	<u>0.08%</u>
249	<u>Rabun</u>	<u>1.06%</u>
250	<u>Randolph</u>	<u>0.03%</u>
251	<u>Richmond</u>	<u>0.83%</u>
252	<u>Rockdale</u>	<u>0.31%</u>
253	<u>Schley</u>	<u>0.09%</u>
254	<u>Screven</u>	<u>0.07%</u>
255	<u>Seminole</u>	<u>0.36%</u>
256	<u>Spalding</u>	<u>0.38%</u>
257	<u>Stephens</u>	<u>1.11%</u>
258	<u>Stewart</u>	<u>0.02%</u>
259	<u>Sumter</u>	<u>0.45%</u>
260	<u>Talbot</u>	<u>0.01%</u>
261	<u>Taliaferro</u>	<u>0.01%</u>
262	<u>Tattnell</u>	<u>0.14%</u>
263	<u>Taylor</u>	<u>0.01%</u>
264	<u>Telfair</u>	<u>0.17%</u>
265	<u>Terrell</u>	<u>0.11%</u>
266	<u>Thomas</u>	<u>0.16%</u>
267	<u>Tift</u>	<u>0.36%</u>
268	<u>Toombs</u>	<u>0.11%</u>
269	<u>Towns</u>	<u>0.32%</u>
270	<u>Treutlen</u>	<u>0.05%</u>
271	<u>Troup</u>	<u>0.68%</u>
272	<u>Turner</u>	<u>0.04%</u>
273	<u>Twiggs</u>	<u>0.07%</u>
274	<u>Union</u>	<u>0.26%</u>
275	<u>Upson</u>	<u>0.05%</u>
276	<u>Walker</u>	<u>0.30%</u>
277	<u>Walton</u>	<u>0.56%</u>
278	<u>Ware</u>	<u>0.23%</u>
279	<u>Warren</u>	<u>0.01%</u>
280	<u>Washington</u>	<u>0.12%</u>
281	<u>Wayne</u>	<u>0.42%</u>
282	<u>Webster</u>	<u>0.01%</u>
283	<u>Wheeler</u>	<u>0.01%</u>
284	<u>White</u>	<u>0.10%</u>
285	<u>Whitfield</u>	<u>0.72%</u>

286	<u>Wilcox</u>	<u>0.01%</u>
287	<u>Wilkes</u>	<u>0.07%</u>
288	<u>Wilkinson</u>	<u>0.09%</u>
289	<u>Worth</u>	<u>0.17%</u>

290 Failure by the commissioner to disburse within such 40 day period shall result in a
 291 forfeiture of such administrative fee plus interest on such amount at the rate specified
 292 in Code Section 48-2-40.

293 (3) The local title ad valorem tax fee proceeds received by the county tag agent pursuant
 294 to subparagraph (B) of paragraph (2) of this subsection shall be distributed as follows:

295 (A) The tag agent of the county shall within 20 days following the receipt of such
 296 county's pro rata share allocate and distribute to the county governing authority and to
 297 municipal governing authorities, the board of education of the county school district,
 298 and the board of education of any independent school district located in such county an
 299 amount of those proceeds necessary to offset any reduction in ad valorem tax on vessels
 300 and outboard motors collected under Chapter 5 of this title in the taxing jurisdiction of
 301 each governing authority and school district from the amount of ad valorem taxes on
 302 vessels and outboard motors collected under Chapter 5 of this title in each such
 303 governing authority and school district during the same calendar quarter of 2015. This
 304 reduction shall be calculated by subtracting the amount of ad valorem tax on vessels
 305 and outboard motors collected under Chapter 5 of this title in each such taxing
 306 jurisdiction from the amount of ad valorem tax on vessels and outboard motors
 307 collected under Chapter 5 of this title in that taxing jurisdiction in the same calendar
 308 quarter of 2015. In the event that the local title ad valorem tax fee proceeds are
 309 insufficient to fully offset such reduction in ad valorem taxes on vessels and outboard
 310 motors, the tag agent shall allocate a proportionate amount of the proceeds to each
 311 governing authority and to the board of education of each such school district, and any
 312 remaining shortfall shall be paid from the following quarter's pro rata share of local title
 313 ad valorem tax fee proceeds. In the event that a shortfall remains, the tag agent shall
 314 continue to first allocate local title ad valorem tax fee proceeds to offset such shortfalls
 315 until the shortfall has been fully repaid; and

316 (B) Of the proceeds remaining following the allocation and distribution under
 317 subparagraph (A) of this paragraph, the tag agent shall allocate and distribute to the
 318 county governing authority and to municipal governing authorities, the board of
 319 education of the county school district, and the board of education of any independent
 320 school district located in such county the remaining amount of those proceeds in the
 321 manner provided in this subparagraph. Such proceeds shall be deposited in the general
 322 fund of such governing authority or board of education and shall not be subject to any

323 use or expenditure requirements provided for under any of the following described local
324 sales and use taxes but shall be authorized to be expended in the same manner as
325 authorized for the ad valorem tax revenues on vessels and outboard motors under
326 Chapter 5 of this title which would otherwise have been collected for such governing
327 authority or board of education. Of such remaining proceeds:

328 (i) An amount equal to one-third of such proceeds shall be distributed to the board
329 of education of the county school district and the board of education of each
330 independent school district located in such county in the same manner as required for
331 any local sales and use tax for educational purposes levied pursuant to Part 2 of
332 Article 3 of Chapter 8 of this title currently in effect. If such tax is not currently in
333 effect, such proceeds shall be distributed to such board or boards of education in the
334 same manner as if such tax were in effect;

335 (ii)(I) Except as otherwise provided in this division, an amount equal to one-third
336 of such proceeds shall be distributed to the governing authority of the county and
337 the governing authority of each qualified municipality located in such county in the
338 same manner as specified under the distribution certificate for the joint county and
339 municipal sales and use tax under Article 2 of Chapter 8 of this title currently in
340 effect.

341 (II) If such tax were never in effect, such proceeds shall be distributed to the
342 governing authority of the county and the governing authority of each qualified
343 municipality located in such county on a pro rata basis according to the ratio of the
344 population that each such municipality bears to the population of the entire county.

345 (III) If such tax is currently in effect as well as a local option sales and use tax for
346 educational purposes levied pursuant to a local constitutional amendment, an
347 amount equal to one-third of such proceeds shall be distributed in the same manner
348 as required under subdivision (I) of this division and an amount equal to one-third
349 of such proceeds shall be distributed to the board of education of the county school
350 district.

351 (IV) If such tax is not currently in effect and a local option sales and use tax for
352 educational purposes levied pursuant to a local constitutional amendment is
353 currently in effect, such proceeds shall be distributed to the board of education of
354 the county school district and the board of education of any independent school
355 district in the same manner as required under such local constitutional amendment.

356 (V) If such tax is not currently in effect and a homestead option sales and use tax
357 under Article 2A of Chapter 8 of this title is in effect, such proceeds shall be
358 distributed to the governing authority of the county, each qualified municipality, and

359 each existing municipality in the same proportion as otherwise required under Code
360 Section 48-8-104; and
361 (iii)(I) An amount equal to one-third of such proceeds shall be distributed to the
362 governing authority of the county and the governing authority of each qualified
363 municipality located in such county in the same manner as specified under an
364 intergovernmental agreement or as otherwise required under the county special
365 purpose local option sales and use tax under Part 1 of Article 3 of Chapter 8 of this
366 title currently in effect; provided, however, that this subdivision shall not apply if
367 subdivision (III) of division (ii) of this subparagraph is applicable.
368 (II) If such tax were in effect but expired and is not currently in effect, such
369 proceeds shall be distributed to the governing authority of the county and the
370 governing authority of each qualified municipality located in such county in the
371 same manner as if such tax were still in effect according to the intergovernmental
372 agreement or as otherwise required under the county special purpose local option
373 sales and use tax under Part 1 of Article 3 of Chapter 8 of this title for the 12 month
374 period commencing at the expiration of such tax. If such tax is not renewed prior
375 to the expiration of such 12 month period, such amount shall be distributed in
376 accordance with subdivision (I) of division (ii) of this subparagraph; provided,
377 however, that if a tax under Article 2 of Chapter 8 of this title is not in effect, such
378 amount shall be distributed in accordance with subdivision (II) of division (ii) of
379 this subparagraph.
380 (III) If such tax is not currently in effect in a county in which a tax is levied for
381 purposes of a metropolitan area system of public transportation, as authorized by the
382 amendment to the Constitution set out at Ga. L. 1964, p. 1008; the continuation of
383 such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution;
384 and the laws enacted pursuant to such constitutional amendment, such proceeds
385 shall be distributed to the governing body of the authority created by local Act to
386 operate such metropolitan area system of public transportation.
387 (IV) If such tax were never in effect, such proceeds shall be distributed in the same
388 manner as specified under the distribution certificate for the joint county and
389 municipal sales and use tax under Article 2 of Chapter 8 of this title currently in
390 effect; provided, however, that if such tax under such article is not in effect, such
391 proceeds shall be distributed to the governing authority of the county and the
392 governing authority of each qualified municipality located in such county on a pro
393 rata basis according to the ratio of the population that each such municipality bears
394 to the population of the entire county.

395 (d)(1)(A) Upon the death of an owner of a vessel or outboard motor which has not
396 become subject to paragraph (1) of subsection (b) of this Code section, the immediate
397 family member or immediate family members of such owner who receive such vessel
398 or outboard motor pursuant to a will or under the rules of inheritance shall, subsequent
399 to the transfer of title of such vessel or outboard motor, continue to be subject to ad
400 valorem tax under Chapter 5 of this title and shall not be subject to the state and local
401 title ad valorem tax fees provided for in paragraph (1) of subsection (b) of this Code
402 section unless the immediate family member or immediate family members make an
403 affirmative written election to become subject to paragraph (1) of subsection (b) of this
404 Code section. In the event of such election, such transfer shall be subject to the state
405 and local title ad valorem tax fees provided for in paragraph (1) of subsection (b) of this
406 Code section.

407 (B) Upon the death of an owner of a vessel or outboard motor which has become
408 subject to paragraph (1) of subsection (b) of this Code section, the immediate family
409 member or immediate family members of such owner who receive such vessel or
410 outboard motor pursuant to a will or under the rules of inheritance shall be subject to
411 a state title ad valorem tax fee in an amount equal to 0.25 percent of the fair market
412 value of the vessel or outboard motor and a local title ad valorem tax fee in an amount
413 equal to 0.25 percent of the fair market value of the vessel or outboard motor. Such
414 state and local title ad valorem tax fees shall be an alternative ad valorem tax as
415 authorized by Article VII, Section I, Paragraph III(b)(3) of the Georgia Constitution.

416 (2)(A) Upon the transfer from an immediate family member of a vessel or outboard
417 motor which has not become subject to paragraph (1) of subsection (b) of this Code
418 section, the immediate family member or immediate family members who receive such
419 vessel or outboard motor shall, subsequent to the transfer of title of such vessel or
420 outboard motor, continue to be subject to ad valorem tax under Chapter 5 of this title
421 and shall not be subject to the state and local title ad valorem tax fees provided for in
422 paragraph (1) of subsection (b) of this Code section unless the immediate family
423 member or immediate family members make an affirmative written election to become
424 subject to paragraph (1) of subsection (b) of this Code section. In the event of such
425 election, such transfer shall be subject to the state and local title ad valorem tax fees
426 provided for in paragraph (1) of subsection (b) of this Code section.

427 (B) Upon the transfer from an immediate family member of a vessel or outboard motor
428 which has become subject to paragraph (1) of subsection (b) of this Code section, the
429 immediate family member who receives such vessel or outboard motor shall transfer
430 title of such vessel or outboard motor to such recipient family member and shall be
431 subject to a state title ad valorem tax fee in an amount equal to 0.25 percent of the fair

432 market value of the vessel or outboard motor and a local title ad valorem tax fee in an
 433 amount equal to 0.25 percent of the fair market value of the vessel or outboard motor.
 434 Such state and local title ad valorem tax fees shall be an alternative ad valorem tax as
 435 authorized by Article VII, Section I, Paragraph III(b)(3) of the Georgia Constitution.
 436 (C) Any title transfer under this paragraph shall be accompanied by an affidavit of the
 437 transferor and transferee that such persons are immediate family members to one
 438 another. There shall be a penalty imposed on any person who, in the determination of
 439 the commissioner, falsifies any material information in such affidavit. Such penalty
 440 shall not exceed \$2,500.00 as a state penalty and shall not exceed \$2,500.00 as a local
 441 penalty as determined by the commissioner. Such determination shall be made
 442 within 60 days of the commissioner receiving information of a possible violation of this
 443 paragraph.

444 (3) Any individual who:

445 (A) Is required by law to register a vessel or vessels or outboard motor or outboard
 446 motors in this state which were registered in the state in which such person formerly
 447 resided; and

448 (B) Is required to file an application for a certificate of title under Code
 449 Section 52-7A-8 or 52-7A-17

450 shall only be required to pay at the time of filing of an application for a certificate of title
 451 a state title ad valorem tax fee in the amount of 1 percent of the fair market value of the
 452 vessel or outboard motor and a local title ad valorem tax fee in the amount of 1 percent
 453 of the fair market value of the vessel or outboard motor.

454 (4) The state and local title ad valorem tax fees provided for under this Code section
 455 shall not apply to corrected titles, replacement titles under Code Section 52-7A-16, or
 456 titles reissued to the same owner pursuant to Code Sections 52-7A-29 through 52-7A-35.

457 (5) Any vessel or outboard motor subject to the state and local title ad valorem tax fees
 458 under paragraph (1) of subsection (b) of this Code section shall continue to be subject to
 459 the title, revalidation decal, and registration requirements and applicable fees as otherwise
 460 provided in Title 52 in the same manner as vessels or outboard motors which are not
 461 subject to such state and local title ad valorem tax fees under paragraph (1) of
 462 subsection (b) of this Code section.

463 (6) Vessels or outboard motors owned or leased by or to the state or any county,
 464 consolidated government, municipality, county or independent school district, or other
 465 government entity in this state shall not be subject to the state and local title ad valorem
 466 tax fees provided for under paragraph (1) of subsection (b) of this Code section; provided,
 467 however, that such other government entity shall not qualify for the exclusion under this

468 paragraph unless it is exempt from ad valorem tax and sales and use tax pursuant to
469 general law.

470 (7) There shall be a penalty imposed on the transfer of all or any part of the interest in
471 a business entity that includes primarily as an asset of such business entity one or more
472 vessels or outboard motors when, in the determination of the commissioner, such transfer
473 is done to evade the payment of the state and local title ad valorem tax fees under this
474 subsection. Such penalty shall not exceed \$5,000.00 as a penalty per vessel or outboard
475 motor, as determined by the commissioner, plus the amount of the state and local title ad
476 valorem tax fees. Such determination shall be made within 60 days of the commissioner
477 receiving information that a transfer may be in violation of this paragraph.

478 (8) Any owner of any vessel or outboard motor who fails to submit within 30 days of the
479 date such owner is required by law to register such vessel or outboard motor in this state
480 an application for a first certificate of title under Code Section 52-7A-8 or a certificate
481 of title under Code Section 52-7A-17 shall be required to pay a penalty in the amount
482 of 10 percent of the state and local title ad valorem tax fees required under this Code
483 section, and if such state and local title ad valorem tax fees and the penalty are not paid
484 within 60 days following the date such owner is required by law to register such vessel
485 or outboard motor, interest at the rate of 1 percent per month shall be imposed on the state
486 and local title ad valorem tax fees due under this Code section, unless a temporary permit
487 has been issued by the tax commissioner. The tax commissioner shall grant a temporary
488 permit in the event the failure to timely apply for a first certificate of title is due to the
489 failure of a lienholder to comply with Code Section 52-7A-35, regarding release of a
490 security interest or lien, and no penalty or interest shall be assessed. Such penalty and
491 interest shall be in addition to the penalty and fee required under Code Section 52-7A-8
492 or 52-7A-17, as applicable.

493 (9) Any vessel or outboard motor which is donated to a nonprofit organization exempt
494 from taxation under Section 501(c)(3) of the Internal Revenue Code for the purpose of
495 being transferred to another person shall, when titled in the name of such nonprofit
496 organization, not be subject to the state and local title ad valorem tax fees under
497 paragraph (1) of subsection (b) of this Code section but shall be subject to the state title
498 ad valorem tax fee otherwise applicable to salvage titles under paragraph (2) of
499 subsection (b) of this Code section.

500 (10) There shall be no liability for any state and local title ad valorem tax fees in any of
501 the following title transactions:

502 (A) The addition or substitution of lienholders on a vessel or outboard motor title so
503 long as the owner of the vessel or outboard motor remains the same;

504 (B) The acquisition of a bonded title by a person or entity pursuant to Code
505 Section 52-7A-14 if the title is to be issued in the name of such person or entity;
506 (C) The acquisition of a title to a vessel or outboard motor by a person or entity as a
507 result of the foreclosure of a mechanic's lien pursuant to Code Section 52-7A-33 if such
508 title is to be issued in the name of such lienholder;
509 (D) The obtaining of a title to a stolen vessel or outboard motor by a person or entity
510 pursuant to Code Section 52-7A-28;
511 (E) The obtaining of a title by and in the name of a vessel or outboard motor
512 manufacturer, licensed distributor, licensed dealer, or licensed rebuilder for the purpose
513 of sale or resale or to obtain a corrected title, provided that the manufacturer,
514 distributor, dealer, or rebuilder shall submit an affidavit in a form promulgated by the
515 commissioner attesting that the transfer of title is for the purpose of accomplishing a
516 sale or resale or to correct a title only;
517 (F) The obtaining of a title by and in the name of the holder of a security interest when
518 a vessel or outboard motor has been repossessed after default in accordance with Part 6
519 of Article 9 of Title 11 if such title is to be issued in the name of such security interest
520 holder;
521 (G) The obtaining of a title by a person or entity for purposes of correcting a title,
522 provided that, subject to subparagraph (E) of this paragraph, title is not being
523 transferred to another person or entity; and
524 (H) The obtaining of a title by a person who pays state and local title ad valorem tax
525 fees on a vessel or outboard motor and subsequently moves out of this state but returns
526 and applies to retitle such vessel or outboard motor in this state.
527 (11) It shall be unlawful for a person, including a dealer of new or used vessels or
528 outboard motors or broker/agent under subparagraph (b)(1)(C) of this Code section, to
529 fail to obtain a title for and register a vessel or outboard motor in accordance with the
530 provisions of this chapter. Any person, including a dealer of new or used vessels or
531 outboard motors or broker/agent under subparagraph (b)(1)(C) of this Code section, who
532 knowingly and willfully fails to obtain a title for or register a vessel or outboard motor
533 in accordance with the provisions of this chapter shall be guilty of a misdemeanor of a
534 high and aggravated nature.
535 (12)(A) Upon the transfer as the result of a divorce decree or court order of a vessel or
536 outboard motor which has not become subject to paragraph (1) of subsection (b) of this
537 Code section, the person who receives such vessel or outboard motor shall, subsequent
538 to the transfer of title of such vessel or outboard motor, continue to be subject to the ad
539 valorem tax under Chapter 5 of this title and shall not be subject to the state and local
540 title ad valorem tax fees provided for in paragraph (1) of subsection (b) of this Code

541 section unless such person makes an affirmative written election to become subject to
542 paragraph (1) of subsection (b) of this Code section. In the event of such election, such
543 transfer shall be subject to the state and local title ad valorem tax fees provided for in
544 paragraph (1) of subsection (b) of this Code section.

545 (B) Upon the transfer as the result of a divorce decree or court order of a vessel or
546 outboard motor which has become subject to paragraph (1) of subsection (b) of this
547 Code section, the person who receives such vessel or outboard motor shall at the time
548 of the transfer of title of such vessel or outboard motor be subject to a state title ad
549 valorem tax fee in an amount equal to 0.25 percent of the fair market value of the vessel
550 or outboard motor and a local title ad valorem tax fee in an amount equal to
551 0.25 percent of the fair market value of the vessel or outboard motor. Such state and
552 local title ad valorem tax fees shall be an alternative ad valorem tax as authorized by
553 Article VII, Section I, Paragraph III(b)(3) of the Georgia Constitution.

554 (C) Any title transfer under this paragraph shall be accompanied by an affidavit of the
555 transferee that such transfer is pursuant to a divorce decree or court order, and the
556 transferee shall attach such decree or order to the affidavit. There shall be a penalty
557 imposed on any person who, in the determination of the commissioner, falsifies any
558 material information in such affidavit. Such penalty shall not exceed \$2,500.00 as a
559 state penalty and shall not exceed \$2,500.00 as a local penalty as determined by the
560 commissioner. Such determination shall be made within 60 days of the commissioner
561 receiving information of a possible violation of this paragraph.

562 (13) When an application for a conditional certificate of title is made pursuant to
563 subsection (d) of Code Section 52-7A-7 for a vessel or outboard motor owned by a
564 person on January 1, 2016, such person may elect to opt into the provisions of this
565 chapter by paying a state title ad valorem tax fee in an amount equal to 0.50 percent of
566 the fair market value of the vessel or outboard motor and a local title ad valorem tax fee
567 in an amount equal to 0.50 percent of the fair market value of the vessel or outboard
568 motor. Such vessel or outboard motor shall thereafter not be subject to ad valorem
569 taxation under Chapter 5 of this title. Except as otherwise provided in paragraph (14) of
570 this subsection, this paragraph shall apply only to a vessel or outboard motor being titled
571 in the name of the person who was the owner of such vessel or outboard motor on
572 January 1, 2016, and shall not apply to applications for title as a result of a change in
573 ownership after January 1, 2016;

574 (14) Notwithstanding any provision of this chapter to the contrary, the owner of any
575 vessel or outboard motor purchased on or after January 1, 2015, and prior to January 1,
576 2016, for which a title has been issued pursuant to Chapter 7A of Title 52, shall be

577 authorized to opt in to the provisions of this subsection at any time prior to January 1,
578 2017, upon compliance with the following requirements:

579 (A)(i) The total amount of state and local title ad valorem tax fees which would be
580 due from January 1, 2016, to December 31, 2016, if such vessel or outboard motor
581 had been titled in 2016 shall be determined; and

582 (ii) The total amount of state and local sales and use tax and state and local ad
583 valorem tax under Chapter 5 of this title which were due and paid in 2015 for such
584 vessel or outboard motor shall be determined; and

585 (B)(i) If the amount derived under division (i) of subparagraph (A) of this paragraph
586 is greater than the amount derived under division (ii) of subparagraph (A) of this
587 paragraph, the owner shall remit the difference to the tag agent; or

588 (ii) If the amount derived under division (i) of subparagraph (A) of this paragraph is
589 less than the amount derived under division (ii) of subparagraph (A) of this paragraph,
590 no additional amount shall be due and payable by the owner.

591 Upon certification by the tag agent of compliance with the requirements of this
592 paragraph, such vessel or outboard motor shall not be subject to ad valorem tax as
593 otherwise required under Chapter 5 of this title in the same manner as otherwise provided
594 in paragraph (1) of subsection (b) of this Code section.

595 (e) The fair market value of any vessel or outboard motor subject to this Code section shall
596 be appealable in the same manner as otherwise authorized for a vessel or outboard motor
597 subject to ad valorem taxation under Code Section 48-5-450; provided, however, that the
598 person appealing the fair market value shall first pay the full amount of the state and local
599 title ad valorem taxes prior to filing any appeal. If the appeal is successful, the amount of
600 the tax owed shall be recalculated and, if the amount paid by the person appealing the
601 determination of fair market value is greater than the recalculated tax owed, the person
602 shall be promptly given a refund of the difference.

603 (f) Beginning in 2017, on or before January 31 of each year, the department shall provide
604 a report to the chairpersons of the House Committee on Ways and Means and the Senate
605 Finance Committee showing the state and local title ad valorem tax fee revenues collected
606 pursuant to this chapter and the vessel and outboard motor ad valorem tax proceeds
607 collected pursuant to Chapter 5 of this title during the preceding calendar year.

608 (g) A vessel or outboard motor dealer shall be authorized to apply for a refund of state and
609 local title ad valorem taxes on behalf of the person who purchased a vessel or outboard
610 motor from such dealer. Such dealer shall promptly pay to such purchaser any refund
611 received by the dealer which is owed to the purchaser, and in any event, such payment shall
612 be made no later than ten days following the receipt of such refund by the dealer.

613 (h) Effective beginning with the 2015 tax year and thereafter, vessels or outboard motors
 614 which are owned by a dealer and which are held in inventory for sale or resale shall
 615 constitute a separate classification of tangible property for ad valorem taxation purposes.
 616 The procedures contained in Chapter 5 of this title for returning vessels or outboard motors
 617 for ad valorem taxation, determining the application rates for taxation, and collecting the
 618 ad valorem taxes imposed on vessels or outboard motors shall not apply to vessels or
 619 outboard motors owned by a dealer and held in inventory for sale or resale. Such vessels
 620 or outboard motors which are owned by a dealer and which are held in inventory for sale
 621 or resale shall not be returned for ad valorem taxation under Chapter 5 of this title and shall
 622 not be taxed, and no taxes shall be collected on such vessels or outboard motors until such
 623 vessels or outboard motors are transferred to a purchaser and become subject to the
 624 provisions of this chapter or Chapter 5 of this title Reserved."

625 **SECTION 3.**

626 Said title is further amended by revising Code Section 48-8-3, relating to exemptions to sales
 627 and use taxes, by striking "or" at the end of paragraph (94), striking the period and inserting
 628 "; or" at the end of paragraph (95), and adding a new paragraph to read as follows:

629 "(96) The sale or purchase of any vessel or outboard motor, as defined in Code
 630 Section 52-7A-2, pursuant to Code Section 48-5B-1 which is titled in this state on or after
 631 January 1, 2016. No sales and use taxes shall be imposed upon title ad valorem tax fees
 632 imposed pursuant to Chapter 5B of this title as a part of the purchase price of a vessel or
 633 outboard motor."

634 **SECTION 4.**

635 Title 52 of the Official Code of Georgia Annotated, relating to waters of the state, ports, and
 636 watercraft, is amended by revising Code Section 52-7-5, relating to numbering of vessels,
 637 requirements, and fees, as follows:

638 "52-7-5.

639 (a) ~~The~~ On and after January 1, 2016, the owner of each vessel required to be numbered
 640 by this article shall file an application for number with the ~~department~~ Department of
 641 Revenue through the county tag agent of the county of residence of the owner of the vessel
 642 on forms containing such information required by the ~~department~~ Department of Revenue.
 643 Upon receipt of the completed application and any other required information and
 644 documents, the ~~department~~ county tag agent shall enter the application upon its records and
 645 issue to the applicant a certificate of number stating the number assigned to the vessel, the
 646 name and address of the owner, and such additional information as may be prescribed by
 647 the ~~department~~ Department of Revenue.

648 (b)(1) The identification number assigned to all registered vessels, except those
 649 documented by the United States Coast Guard, shall be permanently painted or attached
 650 to each side of the forward half of the vessel, and no other number may be displayed
 651 thereon. Numbers shall read from left to right, be in block characters, be of a color
 652 contrasting with the background, and be not less than three inches in height nor more than
 653 one inch apart. There shall be a hyphen or space between the prefix letters and numerals
 654 and between the numerals and the suffix letters. The hyphen or space shall be equal to
 655 the width of any letter except I.

656 (2) On vessels so configured that a number on the hull or superstructure would not be
 657 easily visible, the number shall be painted on or attached to a backing plate that is
 658 attached to the forward half of the vessel so that the number will be clearly visible under
 659 normal operating conditions.

660 (3) The numbers shall be maintained in a legible condition.

661 (4) Vessels owned by manufacturers or dealers and being used as demonstrators or for
 662 testing may use the dealer's tag supplied with his or her registration in lieu of a
 663 permanently attached number.

664 (c) Expiration decals shall be assigned by the ~~department~~ Department of Revenue through
 665 its county tag agents to all registered vessels. Such decals shall be displayed one on each
 666 side of the bow preceding the prefix letters and maintained in legible condition. There
 667 shall be a hyphen or space separating each decal and the prefix letters which shall be equal
 668 to the width of any letter except I.

669 (d) Applications shall be signed by the owner or owners of the vessel and shall be
 670 accompanied by the proper fee. ~~Fees for numbering vessels for a registration period of~~
 671 ~~three years shall be as follows:~~

672	(1) Vessels up to 16 feet in length	\$15.00
673	(2) Vessels 16 to 26 feet in length	36.00
674	(3) Vessels 26 to 40 feet in length	90.00
675	(4) Vessels 40 feet in length or longer	150.00

676 The fee for registering a vessel shall be:

677	<u>(1) For a one-year registration period</u>	<u>\$20.00</u>
678	<u>(2) For a five-year registration period</u>	<u>90.00</u>

679 The county tag agent shall transfer 72 percent of such fees to the county treasury and shall
 680 transmit the remaining 28 percent to the Department of Revenue for deposit into the state
 681 treasury.

682 (e)(1) Registration for vessels shall expire on the ~~last day of the month~~ of the owner's
 683 birth in the last year of the registration period and shall thereafter be of no force or effect

684 unless renewed pursuant to this article; provided, however, that the registration for
 685 vessels not owned by individuals shall expire on December 31 of the last year of the
 686 registration period. Certificates of number may be renewed by the owner in the same
 687 manner provided for in the initial securing of such certificates.

688 (2) Registrations may be renewed any time ~~after October 1~~ within 60 days prior to ~~the~~
 689 ~~year of~~ expiration. If the certificate of number is allowed to expire, a renewal application
 690 may still be filed with the ~~department~~ Department of Revenue through its county tag
 691 agents so long as the applicant pays the registration fee prescribed in subsection (d) of
 692 this Code section along with a \$10.00 late fee.

693 (3) Any application for renewal which, due to failure of the applicant to provide
 694 additional information required by the ~~department~~ Department of Revenue, remains
 695 incomplete 60 days after initial receipt of such application shall expire and a new
 696 application and registration fee shall be required for renewal.

697 (f)(1) Should the ownership of a numbered vessel change while a valid registration is in
 698 effect, the new owner shall file, within 30 days following such change of ownership, with
 699 the ~~department~~ Department of Revenue through the county tag agent of the county of
 700 residence of the new owner a new application and pay the prescribed fee for a new
 701 registration. The number assigned upon transfer of ownership shall be identical to the
 702 previous number unless such number has been reassigned by the ~~department~~ Department
 703 of Revenue during any expired registration period.

704 (2) The person transferring ownership of a numbered vessel shall cause the expiration
 705 decals to be removed from such vessel at the time of the change in ownership.

706 (3) Failure by the new owner of a numbered vessel to file for a new registration within
 707 30 days following the change in ownership shall result in the imposition of a civil penalty
 708 in an amount not to exceed \$1,000.00, as determined by the state revenue commissioner.

709 (4) Failure by the previous owner of a numbered vessel to remove the expiration decals
 710 upon the change in ownership shall result in the imposition of a civil penalty in an
 711 amount not to exceed \$1,000.00, as determined by the state revenue commissioner.

712 (g) In the event that an agency of the United States government shall have in force an
 713 overall system of identification (numbering) for vessels within the United States, the
 714 numbering system employed pursuant to this article by the ~~department~~ Department of
 715 Revenue shall be in conformity therewith.

716 (h) The department may issue any ~~certificate of number, expiration decal,~~ marine toilet
 717 certification; or other permit provided for in this chapter directly or may authorize any
 718 person to act as agent for the issuing thereof. ~~In the event that a person accepts such~~
 719 ~~authorization to issue certificates of number, he or she may be allotted a block of numbers~~
 720 ~~and certificates therefor which, upon assignment and issue in conformity with this article~~

721 ~~and with any rules and regulations of the department, shall be valid as if assigned and~~
 722 ~~issued directly by the department.~~ Any person acting as an agent for the department may
 723 charge a fee for his or her services in an amount approved by the department not to exceed
 724 \$10.00 per transaction.

725 (i) All records of the department and the Department of Revenue made or kept pursuant
 726 to this Code section shall ~~be public records~~ not be subject to inspection under Article 4 of
 727 Chapter 18 of Title 50.

728 (j) The owner shall furnish the ~~department~~ Department of Revenue written notice of the
 729 transfer of all or of any part of his or her interest, other than the creation of a security
 730 interest, in a vessel numbered in this state pursuant to this Code section, the theft or
 731 recovery of the vessel, or the destruction or abandonment of the vessel within ~~15~~ ten
 732 business days thereof. Failure to notify the Department of Revenue within ten business
 733 days shall result in the imposition of a civil penalty in an amount not to exceed \$1,000.00,
 734 as determined by the state revenue commissioner.

735 (k) Any holder of a certificate of number shall notify the ~~department~~ Department of
 736 Revenue in writing within 15 days if his or her address no longer conforms to the address
 737 appearing on the certificate and shall, as a part of such notification, furnish the ~~department~~
 738 Department of Revenue with his or her new address.

739 (l) No number other than the number validly assigned to a vessel shall be painted,
 740 attached, or otherwise displayed on either side of the forward half of the vessel.

741 (m)(1) A certificate of number once issued pursuant to this Code section shall be
 742 considered void upon the happening of any one of the following events:

743 (A) The owner transfers all his or her interest in ~~said~~ such vessel to another person or
 744 involuntarily loses his or her interest through legal process;

745 (B) The vessel is destroyed or abandoned;

746 (C) It is discovered by the ~~department~~ Department of Revenue that the application
 747 submitted by the owner contains false or fraudulent information;

748 (D) The fees for issuance are not paid by the applicant; or

749 (E) The state of principal use is changed.

750 (2) A void certificate shall be surrendered to the ~~department~~ Department of Revenue
 751 within 15 days from the date that it becomes or is declared to be void.

752 (n) The number placed on the forward half of the vessel by the owner shall be removed by
 753 the owner if:

754 (1) The vessel is documented under the laws of the United States;

755 (2) The certificate ~~or~~ of number becomes invalid because it is determined that a false or
 756 fraudulent statement was made in the application or the fees have not been paid; or

757 (3) The vessel is no longer used in this state.

758 (o) The ~~board~~ Department of Revenue shall be authorized to establish, by rule or
 759 regulation, a procedure to refund fees collected pursuant to this chapter which were
 760 collected in error or overpayment or to which the ~~department~~ Department of Revenue or
 761 state is otherwise not entitled.

762 (p) Not later than December 31, 2015, the department shall provide the Department of
 763 Revenue with all information maintained by the department regarding the registrations and
 764 numbering of vessels in this state which the Department of Revenue shall make available
 765 to county tag agents.

766 (q) No application for registration or re-registration shall be accepted without proof,
 767 satisfactory to the Department of Revenue, that all applicable taxes on such vessel have
 768 been paid."

769 SECTION 5.

770 Said title is further amended by adding a new Code Section 52-7-5.1 to read as follows:

771 "52-7-5.1.

772 (a) On and after January 1, 2016, the owner of each outboard motor required to be
 773 numbered by this article shall file an application for number with the Department of
 774 Revenue through the county tag agent of the county of residence of the owner of the
 775 outboard motor on forms containing such information required by the Department of
 776 Revenue. Upon receipt of the completed application and any other required information
 777 and documents, the county tag agent shall enter the application upon its records and issue
 778 to the applicant a certificate of number stating the number assigned to the outboard motor
 779 with a decal containing such number for affixing to the outboard motor, the name and
 780 address of the owner, and such additional information as may be prescribed by the
 781 Department of Revenue.

782 (b)(1) The decal issued by the county tag agent containing the identification number
 783 assigned to the outboard motor shall be permanently attached to the outboard motor in
 784 a location and in a manner as prescribed by the state revenue commissioner.

785 (2) The decal shall be maintained in a legible condition.

786 (3) Outboard motors owned by manufacturers or dealers and being used as demonstrators
 787 or for testing may use the dealer's tag supplied with his or her registration in lieu of a
 788 permanently attached decal.

789 (c) In addition, expiration decals shall be assigned by the Department of Revenue through
 790 its county tag agents to all registered outboard motors. Such decals shall be attached to the
 791 outboard motor in a location and in a manner as prescribed by the state revenue
 792 commissioner and shall be maintained in legible condition.

793 (d) Applications shall be signed by the owner or owners of the outboard motor and shall
794 be accompanied by the proper fee. The fee for registering an outboard motor shall be:

795 (1) For a one-year registration period \$10.00

796 (2) For a five-year registration period 45.00

797 The county tag agent shall transfer 72 percent of such fees to the county treasury and shall
798 transmit the remaining 28 percent to the Department of Revenue for deposit into the state
799 treasury.

800 (e)(1) Registration for outboard motors shall expire on the day of the owner's birth in the
801 last year of the registration period and shall thereafter be of no force or effect unless
802 renewed pursuant to this article; provided, however, that the registration for outboard
803 motors not owned by individuals shall expire on December 31 of the last year of the
804 registration period. Certificates of number and expiration decals may be renewed by the
805 owner in the same manner provided for in the initial securing of such certificates and
806 decals.

807 (2) Registrations may be renewed any time within 60 days prior to expiration. If the
808 certificate of number and decal is allowed to expire, a renewal application may still be
809 filed with the Department of Revenue through its county tag agents so long as the
810 applicant pays the registration fee prescribed in subsection (d) of this Code section along
811 with a \$10.00 late fee.

812 (3) Any application for renewal which, due to failure of the applicant to provide
813 additional information required by the Department of Revenue, remains incomplete
814 60 days after initial receipt of such application shall expire and a new application and
815 registration fee shall be required for renewal.

816 (f)(1) Should the ownership of a numbered outboard motor change while a valid
817 registration is in effect, the new owner shall file, within 30 days following such change
818 in ownership, with the Department of Revenue through the county tag agent of the county
819 of residence of the new owner a new application and pay the prescribed fee for a new
820 registration. The number assigned upon transfer of ownership shall be identical to the
821 previous number unless such number has been reassigned by the Department of Revenue
822 during any expired registration period.

823 (2) The person transferring ownership of a numbered outboard motor shall cause the
824 expiration decals to be removed from such outboard motor at the time of the change in
825 ownership.

826 (3) Failure by the new owner of a numbered outboard motor to file for a new registration
827 within 30 days following the change in ownership shall result in the imposition of a civil
828 penalty in an amount not to exceed \$1,000.00, as determined by the state revenue
829 commissioner.

830 (4) Failure by the previous owner of a numbered outboard motor to remove the
831 expiration decals upon the change in ownership shall result in the imposition of a civil
832 penalty in an amount not to exceed \$1,000.00, as determined by the state revenue
833 commissioner.

834 (g) In the event that an agency of the United States government shall have in force an
835 overall system of identification (numbering) for outboard motors within the United States,
836 the numbering system employed pursuant to this article by the Department of Revenue
837 shall be in conformity therewith.

838 (h) Any person acting as an agent for the department may charge a fee for his or her
839 services in an amount approved by the department not to exceed \$10.00 per transaction.

840 (i) All records of the department and the Department of Revenue made or kept pursuant
841 to this Code section shall not be subject to inspection under Article 4 of Chapter 18 of
842 Title 50.

843 (j) The owner shall furnish the Department of Revenue written notice of the transfer of all
844 or of any part of his or her interest, other than the creation of a security interest, in an
845 outboard motor numbered in this state pursuant to this Code section, the theft or recovery
846 of the outboard motor, or the destruction or abandonment of the outboard motor
847 within ten business days thereof. Failure to notify the Department of Revenue within ten
848 business days shall result in the imposition of a civil penalty in an amount not to exceed
849 \$1,000.00, as determined by the state revenue commissioner.

850 (k) Any holder of a certificate of number and decal shall notify the Department of Revenue
851 in writing within 15 days if his or her address no longer conforms to the address appearing
852 on the certificate and shall, as a part of such notification, furnish the Department of
853 Revenue with his or her new address.

854 (l) No decal number other than the number validly assigned to an outboard motor shall be
855 attached or otherwise displayed on an outboard motor.

856 (m)(1) A certificate of number and decal once issued pursuant to this Code section shall
857 be considered void upon the happening of any one of the following events:

858 (A) The owner transfers all his or her interest in such outboard motor to another person
859 or involuntarily loses his or her interest through legal process;

860 (B) The outboard motor is destroyed or abandoned;

861 (C) It is discovered by the Department of Revenue that the application submitted by
862 the owner contains false or fraudulent information;

863 (D) The fees for issuance are not paid by the applicant; or

864 (E) The state of principal use is changed.

865 (2) A void certificate shall be surrendered to the Department of Revenue within 15 days
866 from the date that it becomes or is declared to be void.

867 (n) The number decal placed on the outboard motor by the owner shall be removed by the
 868 owner if:

869 (1) The outboard motor is documented under the laws of the United States;

870 (2) The certificate of number becomes invalid because it is determined that a false or
 871 fraudulent statement was made in the application or the fees have not been paid; or

872 (3) The outboard motor is no longer used in this state.

873 (o) The Department of Revenue shall be authorized to establish, by rule or regulation, a
 874 procedure to refund fees collected pursuant to this chapter which were collected in error
 875 or overpayment or to which the Department of Revenue or state is otherwise not entitled.

876 (p) No application for registration or re-registration shall be accepted without proof,
 877 satisfactory to the Department of Revenue, that all applicable taxes on such outboard motor
 878 have been paid."

879 **SECTION 6.**

880 Said title is further amended by adding a new Chapter 7A to read as follows:

881 "CHAPTER 7A

882 52-7A-1.

883 This chapter shall be known and may be cited as the 'Watercraft Certificate of Title Act.'

884 52-7A-2.

885 As used in this chapter, the term:

886 (1) 'Commissioner' means the state revenue commissioner.

887 (2) 'Dealer' means any person engaged in the business of manufacturing vessels or
 888 outboard motors or selling new or used vessels or outboard motors at an established place
 889 of business.

890 (3) 'Homemade vessel' means any vessel that is built by an individual for personal use
 891 from raw materials that does not require the assignment of a federal hull identification
 892 number by a manufacturer pursuant to federal law. A person furnishing raw materials
 893 under a contract may be considered the builder of a homemade vessel. Antique boats,
 894 boats reconstructed from existing boat hulls, and rebuilt or reconstructed vessels shall not
 895 be considered homemade vessels.

896 (4) 'Hull identification number' means a number assigned to a vessel by the manufacturer
 897 of the vessel or by the issuing authority of a state as required by the United States Coast
 898 Guard in accordance with federal law.

899 (5) 'Lien' means any lien created by operation of law and not by contract or agreement
900 with respect to a vessel or outboard motor and includes all liens established in Code
901 Section 44-14-320, other than liens in favor of mortgages, and all liens for taxes due the
902 United States of America, constructive notice of which is given by filing notice thereof
903 in the office designated by state law.

904 (6) 'Lienholder' means a person holding a lien created by operation of law on a vessel or
905 outboard motor.

906 (7) 'Mail' means to deposit in the United States mail, properly addressed and with
907 postage paid.

908 (8) 'Natural person' means an individual human being and does not include any firm,
909 partnership, association, corporation, or trust.

910 (9) 'Outboard motor' means a propulsion system for a vessel, consisting of a
911 self-contained unit that includes an engine, gearbox, and propeller or jet drive, designed
912 to be affixed to the outside of the transom of a vessel, with a horsepower rating of 10
913 horsepower or greater.

914 (10) 'Security agreement' means a written agreement which reserves or creates a security
915 interest.

916 (11) 'Security interest' means an interest in a vessel or outboard motor reserved or created
917 by agreement which secures the payment or performance of an obligation, such as a
918 conditional sales contract, chattel mortgage, bill of sale to secure debt, deed of trust, and
919 the like. This term includes the interest of a lessor under a lease intended as security.

920 (12) 'Security interest holder' means the holder of a security interest in a vessel or
921 outboard motor reserved or created by agreement and which secures payment or
922 performance of an obligation.

923 (13) 'Vessel' means every description of watercraft, other than a seaplane on the water
924 or a sailboard, which is self-propelled or capable of self-propulsion and is used or capable
925 of being used as a means of transportation on water and specifically includes, but is not
926 limited to, inflatable rafts and homemade vessels.

927 52-7A-3.

928 (a) The commissioner is responsible for the administration of this chapter and may employ
929 such clerical assistants and agents as may be necessary from time to time to enable the
930 commissioner to speedily, completely, and efficiently perform the duties conferred on the
931 commissioner by this chapter. The commissioner shall be authorized to delegate any
932 administrative responsibility for retention of applications, certificates of title, notices of
933 security interest, and any other forms or documents relating to the application and

934 registration process to the appropriate authorized tag agent for the county in which the
935 application is made or the registration is issued.

936 (b) The commissioner shall prescribe and provide suitable forms of applications,
937 certificates of title, notices of security interest, and all other notices and forms necessary
938 to carry out the provisions of this chapter.

939 (c) The commissioner may:

940 (1) Make necessary investigation to procure information required to carry out the
941 provisions of this chapter; and

942 (2) Adopt and enforce reasonable rules and regulations to carry out the provisions of this
943 chapter.

944 52-7A-4.

945 (a) No certificate of title shall be required for:

946 (1) A vessel or outboard motor owned by the United States unless it is registered in this
947 state;

948 (2) A vessel or outboard motor owned by a manufacturer of or dealer in vessels or
949 outboard motors and held for sale, even though incidentally used on state waters or used
950 for testing or demonstration, or a vessel or outboard motor used by a manufacturer solely
951 for testing; provided, however, that all dealers acquiring new vessels or outboard motors
952 after January 1, 2016, from a manufacturer for resale shall obtain such evidence of origin
953 of title from the manufacturer as the commissioner shall by rule and regulation prescribe;

954 (3) A vessel or outboard motor owned by a nonresident of this state and not required by
955 law to be registered in this state;

956 (4) A vessel or outboard motor regularly engaged in the interstate transportation of
957 persons or property for which a currently effective certificate of title has been issued in
958 another state;

959 (5) A vessel not motor propelled except for sailboats 12 feet or more in length;

960 (6) A vessel propelled by a motor rated at not more than ten horsepower;

961 (7) A boat trailer;

962 (8) A homemade boat trailer;

963 (9) A vessel or outboard motor which is not sold for the purpose of lawful use on the
964 waters of this state; or

965 (10) A vessel or outboard motor in this state with a model year of 2015 or earlier until
966 such vessel or outboard motor is sold or otherwise changes ownership.

967 (b) Except as provided in subsection (a) of this Code section, a vessel or outboard motor
968 that is leased or rented shall be required to have a title as provided in this chapter.

969 52-7A-5.

970 (a) A peace officer who learns of the theft of a vessel or outboard motor not since
 971 recovered shall report the theft to the commissioner. A peace officer who learns of the
 972 recovery of a vessel or outboard motor whose theft or conversion he or she knows or has
 973 reason to believe has been reported to the commissioner shall forthwith report the recovery
 974 to the commissioner.

975 (b) An owner or a security interest holder or lienholder shall report the theft of a vessel or
 976 outboard motor, or its conversion if a crime, to the commissioner. A person who has so
 977 reported the theft or conversion of a vessel or outboard motor shall, after learning of its
 978 recovery, immediately report the recovery to the commissioner.

979 (c) The commissioner shall maintain appropriately indexed weekly and cumulative public
 980 records of stolen, converted, and recovered vessels or outboard motors reported pursuant
 981 to this Code section. The commissioner may make and distribute copies of the weekly
 982 records so maintained to peace officers upon request without fee and to others for the fee,
 983 if any, the commissioner prescribes.

984 (d) The commissioner may suspend the registration of a vessel or outboard motor whose
 985 theft or conversion is reported pursuant to this Code section, and until the commissioner
 986 learns of its recovery or that the report of its theft or conversion was erroneous, the
 987 commissioner shall not issue a certificate of title for the vessel or outboard motor.

988 52-7A-6.

989 (a) A person aggrieved by an act or omission to act of the commissioner under this chapter
 990 is entitled, upon request, to a hearing. The commissioner shall establish a board to hear
 991 complaints of persons aggrieved by an act or omission to act of the commissioner or any
 992 employee of the Department of Revenue pertaining to the administration of this chapter.
 993 The procedure established in this chapter for the handling of complaints and grievances
 994 shall be exclusive, and such procedure shall apply to all such complaints and grievances.
 995 The commissioner shall promulgate rules and regulations governing the membership of the
 996 board and the organization thereof.

997 (b) Hearings conducted under subsection (a) of this Code section shall be conducted under
 998 the terms and conditions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure
 999 Act,' and court review of such hearings shall be as provided by such chapter.

1000 52-7A-7.

1001 (a) On and after January 1, 2016, every person who purchases or becomes the owner of
 1002 a vessel or outboard motor which is required by law to be registered in this state shall make
 1003 application to the commissioner or to the tag agent in the county wherein the owner resides

1004 for a certificate of title or conditional certificate of title, as the case may be, to the vessel
1005 or outboard motor. If a vessel or outboard motor is owned by and used in connection with
1006 an established business, application shall be made to the commissioner or to the tag agent
1007 in the county in which the business is located. All 2016 model vessels and outboard motors
1008 and all successive model vessels and outboard motors shall have a certificate of title. All
1009 2015 and earlier model vessels and outboard motors may obtain conditional certificates of
1010 title as provided in subsections (d) and (e) of this Code section. All 2015 and earlier model
1011 vessels and outboard motors which a person purchases or of which a person becomes the
1012 owner on or after January 1, 2016, shall obtain a conditional certificate of title for such
1013 vessel or outboard motor.

1014 (b) When the owner of a vessel or outboard motor is required to have a certificate of title,
1015 the commissioner shall not register or transfer the registration of such vessel or outboard
1016 motor until a certificate of title has been issued or applied for.

1017 (c) No application for a certificate of title for a vessel or outboard motor purchased outside
1018 the State of Georgia shall be accepted or processed unless the applicant shows, by a valid
1019 bill of sale or contract of purchase or by such other documentation satisfactory to the
1020 commissioner, that state and local sales and use tax has been paid or is not due. If state and
1021 local sales and use tax is owed on such vessel or outboard motor but has not been paid, the
1022 county tag agent shall return the unprocessed application to the applicant and shall inform
1023 him or her of the requirements of this Code section.

1024 (d) For a 2015 or earlier model vessel registered in this state pursuant to Code
1025 Section 52-7-5 on January 1, 2016, the owner of such vessel may apply to the
1026 commissioner through the county tag agent for a conditional title for such vessel. For a
1027 2015 or earlier model vessel which a person purchases or of which a person becomes the
1028 owner in this state on or after January 1, 2016, the owner of such vessel shall apply to the
1029 commissioner through the county tag agent for a conditional title for such vessel. The
1030 application shall be made under oath on a form prescribed by the commissioner for such
1031 purpose. Such form shall require the applicant to provide such information as the
1032 commissioner shall determine, including all liens and other encumbrances known to the
1033 applicant at the time of application, which the commissioner shall cause to be listed on the
1034 conditional title upon its issuance. Upon receipt of the application, the commissioner or
1035 the commissioner's duly authorized county tag agent shall file such application and, when
1036 satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance
1037 of a conditional certificate of title under the provisions of this chapter, shall issue a
1038 conditional certificate of title for the vessel. The commissioner and authorized county tag
1039 agent may accept the information shown on the registration information for the vessel
1040 maintained by the Department of Revenue as proof of ownership for purposes of issuing

1041 a conditional title. The conditional certificate of title shall be clearly marked as such and
1042 shall contain a disclaimer that states that the title may not reflect all liens or other
1043 encumbrances affecting the vessel. The commissioner may impose a fee for the issuance
1044 of a conditional title which shall not exceed \$20.00. The duly authorized county tag agent
1045 shall retain 50 percent of such fee for the general fund of the county and shall transmit the
1046 remaining 50 percent to the Department of Revenue for deposit into the state treasury.

1047 (e) For a 2015 or earlier model outboard motor, the owner of such outboard motor as of
1048 January 1, 2016, may apply to the commissioner through the county tag agent for a
1049 conditional title for such outboard motor. For a 2015 or earlier model outboard motor
1050 which a person purchases or of which a person becomes the owner in this state on or after
1051 January 1, 2016, the owner of such outboard motor shall apply to the commissioner
1052 through the county tag agent for a conditional title for such outboard motor. The
1053 application shall be made under oath on a form prescribed by the commissioner for such
1054 purpose. Such form shall require the applicant to provide such information as the
1055 commissioner shall determine, including all liens and other encumbrances known to the
1056 applicant at the time of application, which the commissioner shall cause to be listed on the
1057 conditional title upon its issuance. Upon receipt of the application, the commissioner or
1058 the commissioner's duly authorized county tag agent shall file such application and, when
1059 satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance
1060 of a conditional certificate of title under the provisions of this chapter, shall issue a
1061 conditional certificate of title for the outboard motor. The conditional certificate of title
1062 shall be clearly marked as such and shall contain a disclaimer that states that the title may
1063 not reflect all liens or other encumbrances affecting the outboard motor. The commissioner
1064 may impose a fee for the issuance of a conditional title which shall not exceed \$20.00. The
1065 duly authorized county tag agent shall retain 50 percent of such fee for the general fund of
1066 the county and shall transmit the remaining 50 percent to the Department of Revenue for
1067 deposit into the state treasury.

1068 52-7A-8.

1069 (a) The application for the first certificate of title of a vessel or outboard motor in this state
1070 shall be made by the owner to the commissioner or the commissioner's duly authorized
1071 county tag agent on the prescribed form. Except as provided in subsection (b) of this Code
1072 section, the application shall be submitted to the commissioner or authorized county tag
1073 agent by the owner of the vessel or outboard motor within 30 days from the date of
1074 purchase of the vessel or outboard motor or from the date the owner is otherwise required
1075 by law to register the vessel or outboard motor in this state. If the documents submitted in
1076 support of the title application are rejected, the party submitting the documents shall have

1077 60 days from the date of rejection to resubmit the documents required by the commissioner
1078 or authorized county tag agent for the issuance of a certificate of title. Should the
1079 documents not be properly resubmitted within the 60 day period, the owner of the vessel
1080 or outboard motor shall be required to remove immediately the registration number of the
1081 vessel or outboard motor under Chapter 7 of this title. If the documents have not been
1082 resubmitted as required under this subsection, the registration number shall be deemed to
1083 have expired at 12:00 Midnight of the sixtieth day following the initial rejection of the
1084 documents submitted. Such application shall contain:

1085 (1) The full legal name, residence, and mailing address of the owner;

1086 (2) A description of the vessel, including, so far as the following data exist, its make,
1087 model, hull identification number, type, year built, length in feet and inches, and whether
1088 new, used, or a demonstrator, or a description of the outboard motor, including, so far as
1089 the following data exist, its make, horsepower, serial number, type, year built, and
1090 whether new or used;

1091 (3) The date of purchase by the applicant and, except as provided in paragraph (2) of
1092 subsection (c) of this Code section, the name and address of the person from whom the
1093 vessel or outboard motor was acquired and the names and addresses of the holders of all
1094 security interests and liens in order of their priority; and

1095 (4) Any further information the commissioner reasonably requires to identify the vessel
1096 or outboard motor and to enable the commissioner or authorized county tag agent to
1097 determine whether the owner is entitled to a certificate of title and the existence or
1098 nonexistence of security interests in the vessel or outboard motor and liens on the vessel
1099 or outboard motor.

1100 (b)(1) As used in this subsection, the term 'digital signature' means a digital or electronic
1101 method executed or adopted by a party with the intent to be bound by or to authenticate
1102 a record, which is unique to the person using it, is capable of verification, is under the
1103 sole control of the person using it, and is linked to data in such a manner that if the data
1104 are changed the digital or electronic signature is invalidated.

1105 (2) If the application refers to a vessel or outboard motor purchased from a dealer, it shall
1106 contain the name and address of the holder of any security interest created or reserved at
1107 the time of the sale by the dealer. The application shall be signed by the owner and,
1108 unless the dealer's signature appears on the certificate of title or manufacturer's statement
1109 of origin submitted in support of the title application, the dealer, provided that as an
1110 alternative to a handwritten signature the commissioner may authorize use of a digital
1111 signature so long as appropriate security measures are implemented which assure security
1112 and verification of the digital signature process, in accordance with regulations
1113 promulgated by the commissioner. The dealer shall promptly mail or deliver the

1114 application to the commissioner or the county tag agent of the county in which the seller
 1115 is located, of the county in which the sale takes place, of the county in which the vessel
 1116 or outboard motor is delivered, or of the county wherein the vessel or outboard motor
 1117 owner resides so as to have the application submitted to the commissioner or such
 1118 authorized county tag agent within 30 days from the date of the sale of the vessel or
 1119 outboard motor. If the documents submitted in support of the title application are
 1120 rejected, the dealer submitting the documents shall have 60 days from the date of initial
 1121 rejection to resubmit the documents required by the commissioner or authorized county
 1122 tag agent for the issuance of a certificate of title.

1123 (c)(1) If the application refers to a vessel or outboard motor last previously registered in
 1124 another state or country, the application shall contain or be accompanied by:

1125 (A) Any certificate of title issued by the other state or country; and

1126 (B) Any other information and documents the commissioner or authorized county tag
 1127 agent reasonably requires to establish the ownership of the vessel or outboard motor
 1128 and the existence or nonexistence of security interests in it and liens against it.

1129 (2) If the application refers to a vessel or outboard motor last previously registered in
 1130 another state and if the applicant is the last previously registered owner in such state, the
 1131 application need not contain the name and address of the person from whom the vessel
 1132 or outboard motor was acquired.

1133 52-7A-9.

1134 (a) The commissioner or the commissioner's duly authorized county tag agent, upon
 1135 receiving application for a first certificate of title, shall check the hull identification number
 1136 of the vessel or serial number of the outboard motor shown on the application against the
 1137 records of vessels and outboard motors required to be maintained by Code
 1138 Section 52-7A-10 and against the record of stolen and converted vessels and outboard
 1139 motors required to be maintained by Code Section 52-7A-5.

1140 (b) Subsection (a) of this Code section shall not be applicable to an application for the
 1141 first certificate of title of a new or demonstrator vessel or outboard motor when such
 1142 application is accompanied by a manufacturer's certificate of origin or similar document
 1143 approved by the commissioner by rule or regulation.

1144 52-7A-10.

1145 (a) The commissioner or the commissioner's duly authorized county tag agent shall file
 1146 each application received and, when satisfied as to its genuineness and regularity and that
 1147 the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of
 1148 title for the vessel or outboard motor.

- 1149 (b) The commissioner or the commissioner's duly authorized county tag agent shall
1150 maintain a record of all certificates of title issued:
- 1151 (1) Under a distinctive title number assigned to the vessel or outboard motor;
 - 1152 (2) Under the hull identification number of the vessel or serial number of the outboard
1153 motor;
 - 1154 (3) Alphabetically, under the name of the owner;
 - 1155 (4) Under the vessel or outboard motor registration number; and
 - 1156 (5) In the discretion of the commissioner, in any other method the commissioner
1157 determines.
- 1158 (c) The commissioner or the commissioner's duly authorized county tag agent is authorized
1159 and empowered to provide for photographic and photostatic recording of certificate of title
1160 records in such manner as the commissioner or authorized county tag agent may deem
1161 expedient. The photographic or photostatic copies authorized in this subsection shall be
1162 sufficient as evidence in the tracing of titles of the vessels or outboard motors designated
1163 therein and shall also be admitted in evidence in all actions and proceedings to the same
1164 extent that the originals would have been admitted.
- 1165 (d) The vessel or outboard motor records which the commissioner or the commissioner's
1166 duly authorized county tag agent is required to maintain under this Code section or any
1167 other provision are exempt from the provisions of any law of this state requiring that such
1168 records be open for public inspection; provided, however, that the records may be disclosed
1169 for use by the following:
- 1170 (1) Any licensed dealer of new or used vessels or outboard motors;
 - 1171 (2) Any tax collector, tax receiver, or tax commissioner; and
 - 1172 (3) The Department of Natural Resources.
- 1173 (e) In addition to any public inspection of records authorized under subsection (d) of this
1174 Code section, vessel or outboard motor records consisting of vessel or outboard motor
1175 description, title status, title brands, recorded liens, or recorded security interests which the
1176 commissioner or the commissioner's duly authorized county tag agent is required to
1177 maintain under this Code section shall, in such manner and under such conditions as
1178 prescribed by the commissioner, be furnished individually or in bulk to any person upon
1179 payment of a reasonable fee for any purpose not otherwise prohibited by law, including
1180 without limitation for the purpose of providing information to allow for informed vessel
1181 or outboard motor purchase and safety decisions. Records furnished in accordance with
1182 this subsection may be subsequently transferred to third parties. Personal information of
1183 any registrant, including name, address, date of birth, or social security number, shall not
1184 be furnished or transferred by or to any person pursuant to this subsection.

1185 (f) Personal information furnished under subsection (d) of this Code section shall be
1186 limited to the natural person's name and address. The personal information obtained by a
1187 business under this Code section shall not be resold or redisclosed for any purpose without
1188 the written consent of the individual. Furnishing of information to a business under this
1189 Code section shall be pursuant to a contract entered into by such business and the state
1190 which specifies the consideration to be paid by such business to the state for such
1191 information and the frequency of updates.

1192 52-7A-11.

1193 (a) Each certificate of title issued by the commissioner or the commissioner's duly
1194 authorized county tag agent shall contain:

1195 (1) The date issued;

1196 (2) The name and address of the owner;

1197 (3) The names and addresses of the holders of any security interest and of any lien as
1198 shown on the application or, if the application is based on a certificate of title, as shown
1199 on the certificate;

1200 (4) The title number assigned to the vessel or outboard motor;

1201 (5) A description of the vessel, including, so far as the following data exist, its make,
1202 model, hull identification number, type, year built, length in feet and inches, whether
1203 new, used, or a demonstrator, and, if a new vessel or a demonstrator, the date of the first
1204 sale of the vessel for use, or a description of the outboard motor, including, so far as the
1205 following data exist, its make, model, serial number, type, year built, horsepower,
1206 whether new or used, and, if a new outboard motor, the date of the first sale of the
1207 outboard motor for use; and

1208 (6) Any other data the commissioner prescribes.

1209 (b) The certificate of title shall contain forms for assignment and warranty of title by the
1210 owner and for assignment and warranty of title by a dealer and may contain forms for
1211 applications for a certificate of title by a transferee or naming of a security interest holder
1212 and of a lienholder and the assignment or release of the security interest and lien.

1213 (c) A certificate of title issued by the commissioner or the commissioner's duly authorized
1214 county tag agent is prima-facie evidence of the facts appearing on it.

1215 (d) A certificate of title for a vessel or outboard motor is not subject to garnishment,
1216 attachment, execution, or other judicial process, but this subsection does not prevent a
1217 lawful levy upon the vessel or outboard motor.

1218 52-7A-12.

1219 (a)(1) The certificate of title shall be mailed or delivered to the holder of the first security
1220 interest or lien named in it. In the event there is no security interest holder or lienholder
1221 named in such certificate, the certificate of title shall be mailed or delivered directly to
1222 the owner.

1223 (2) The commissioner may enter into agreements with any such security interest holder
1224 or lienholder to provide a means of delivery by secure electronic measures of a notice of
1225 the recording of such security interest or lien. Such security interest or lien shall remain
1226 on the official records of the Department of Revenue until such time as the security
1227 interest or lien is released by secure electronic measures or affidavit of lien or security
1228 interest release; after such release or at the request of the lienholder or security interest
1229 holder, the certificate of title may be printed and mailed or delivered to the next
1230 lienholder or security interest holder or as otherwise provided by paragraph (1) of this
1231 subsection.

1232 (b) If the certificate of title is mailed to a security interest holder or lienholder, such person
1233 shall notify by mail all other security interest holders or lienholders that such person has
1234 received the certificate of title. The notice shall inform the security interest holder or
1235 lienholder of the contents and information reflected on such certificate of title. Such
1236 mailing or delivery shall be within five days, exclusive of holidays, after the receipt of the
1237 certificate by the holder of any security interest or lien.

1238 (c) The security interest holder or lienholder may retain custody of the certificate of title
1239 until such security interest holder's or lienholder's claim has been satisfied. The security
1240 interest holder or lienholder having custody of a certificate of title shall deliver the
1241 certificate of title to the next lienholder or security interest holder within ten days after such
1242 custodial security interest holder's or lienholder's security interest or lien has been satisfied
1243 and, if there is no other security interest holder or lienholder, such custodial security
1244 interest holder or lienholder shall deliver the certificate of title to the owner.

1245 (d) If a security interest or lien has been electronically recorded, the release of such
1246 security interest or lien will require the security interest holder or lienholder to notify the
1247 commissioner and the owner of the vessel or outboard motor, on a form prescribed by the
1248 commissioner or by electronic means approved by the commissioner, of the release of the
1249 security interest or lien. Such notice shall inform the owner that such owner may request
1250 a title free of lien, upon verification of such owner's current mailing address, from the
1251 commissioner as provided in Code Section 52-7A-35.

1252 52-7A-13.

1253 (a) Whenever the certificate of title is in the possession of a security interest holder or
1254 lienholder, as allowed by this chapter, and some other person, including the owner, who
1255 has an interest in a transaction concerning a security interest or lien shown on the certificate
1256 of title desires to have that transaction reflected on the certificate of title, such security
1257 interest holder or lienholder may execute a notice of that transaction in the form prescribed
1258 by the commissioner, setting forth the details of the transaction such security interest holder
1259 or lienholder desires to be reflected on the certificate of title. The notice and the title
1260 application shall be mailed by certified mail or statutory overnight delivery, return receipt
1261 requested, by the person desiring the change to the first security interest holder or
1262 lienholder having possession of the certificate of title. The notice shall contain on its face
1263 instructions to the security interest holder or lienholder having custody of the certificate of
1264 title directing such security interest holder or lienholder within ten days to forward the
1265 notice, the title application, and the certificate of title to the commissioner or the
1266 commissioner's duly authorized county tag agent. The first security interest holder or
1267 lienholder having possession of the certificate of title shall comply with the instructions
1268 contained in the notice. The commissioner or authorized county tag agent, upon receipt of
1269 such a notice and title application, together with the certificate of title, shall enter the
1270 transaction shown on the notice on such commissioner's or authorized county tag agent's
1271 records and on the certificate of title or issue a new certificate of title and shall then deliver
1272 the certificate of title as provided for in this chapter. The person desiring the change shall
1273 retain the certified mail or statutory overnight delivery return receipt as proof of such
1274 person's compliance with this Code section.

1275 (b) In the event the first security interest holder or lienholder holding the certificate of title
1276 fails, refuses, or neglects to forward the title application, notice, and original certificate of
1277 title to the commissioner or the commissioner's duly authorized county tag agent, as
1278 required by this Code section, the person desiring the change may, on a form prescribed
1279 by the commissioner, make direct application to the commissioner or authorized county tag
1280 agent. Such direct application to the commissioner or authorized county tag agent shall
1281 have attached to it the certified mail or statutory overnight delivery return receipt showing
1282 the previous mailing of the title application and notice to the first security interest holder
1283 or lienholder. Upon receipt of such a direct application, the commissioner or authorized
1284 county tag agent shall order the first security interest holder or lienholder having custody
1285 of the certificate of title to forward the certificate of title to the commissioner or authorized
1286 county tag agent for the purpose of having the subsequent transaction entered thereon or
1287 a new certificate of title issued. If, after a direct application to the commissioner or
1288 authorized county tag agent and the order of the commissioner or authorized county tag

1289 agent, the first security interest holder or lienholder continues to fail, refuse, or neglect to
1290 forward the certificate of title as provided in this Code section, the commissioner or
1291 authorized county tag agent may cancel the outstanding certificate of title and issue a new
1292 certificate of title reflecting all security interests and liens, including the subsequent
1293 security interest; and this new certificate of title shall be delivered as provided for in this
1294 chapter.

1295 (c) As an alternative to mailing notices of transactions concerning a security interest or lien
1296 on the certificate of title to the commissioner or authorized county tag agent in accordance
1297 with this Code section, the commissioner shall be authorized to permit the transaction to
1298 be made by electronic means in accordance with regulations promulgated by the
1299 commissioner.

1300 (d) No first security interest holder or lienholder having possession of a certificate of title
1301 shall have the validity of that security interest or lien affected by surrendering the
1302 certificate of title as provided by this Code section.

1303 52-7A-14.

1304 If the commissioner or the commissioner's duly authorized county tag agent is not satisfied
1305 as to the ownership of the vessel or outboard motor or that there are no undisclosed security
1306 interests in it, the commissioner or authorized county tag agent shall either: (1) withhold
1307 issuance of a certificate of title until the applicant presents documents reasonably sufficient
1308 to satisfy the commissioner or authorized county tag agent as to the applicant's ownership
1309 of the vessel or outboard motor and that there are no undisclosed security interests in it; or
1310 (2) as a condition of issuing a certificate of title, require the applicant to file with the
1311 commissioner or authorized county tag agent a bond in the form prescribed by the
1312 commissioner and executed by the applicant and by a bonding, surety, or insurance
1313 company licensed to do business in Georgia. The bond shall be in an amount equal to the
1314 value of the vessel or outboard motor as determined by the commissioner or authorized
1315 county tag agent and payable to the commissioner for the benefit of any prior owner,
1316 security interest holder, or lienholder and any subsequent purchaser of the vessel or
1317 outboard motor or person acquiring any security interest or lien on it and their respective
1318 successors in interest against any expense, loss, or damage by reason of the issuance of the
1319 certificate of title of the vessel or outboard motor or on account of any defect in or
1320 undisclosed security interest upon the right, title, and interest of the applicant in and to the
1321 vessel or outboard motor. The commissioner shall have a right of action to recover on the
1322 bond for any breach of its conditions, but the aggregate liability of the surety to all persons
1323 shall not exceed the amount of the bond. The bond shall expire at the end of four years

1324 unless the commissioner or authorized county tag agent has been notified of a breach of a
1325 condition of the bond.

1326 52-7A-15.

1327 (a) The commissioner or the commissioner's duly authorized county tag agent shall refuse
1328 issuance of a certificate of title only if the commissioner or the commissioner's duly
1329 authorized county tag agent has reasonable grounds to believe that:

1330 (1) The applicant is not the owner of the vessel or outboard motor;

1331 (2) The application contains a false or fraudulent statement;

1332 (3) The applicant has failed to furnish required information or documents or any
1333 additional information the commissioner or authorized county tag agent reasonably
1334 requires; or

1335 (4) The registration of the vessel or outboard motor stands suspended or revoked for any
1336 reason provided in the laws of this state.

1337 (b) If the application for first certificate of title is rejected, the application shall be returned
1338 to the holder of the first security interest or lien named in the application or to the owner
1339 if there is no security interest holder or lienholder.

1340 52-7A-16.

1341 If a certificate of title is lost, stolen, mutilated, or destroyed or becomes illegible, the owner
1342 or the legal representative of the owner named in the certificate, as shown by the records
1343 of the commissioner or the commissioner's duly authorized county tag agent, shall
1344 promptly make application for and may obtain a replacement upon furnishing information
1345 satisfactory to the commissioner or authorized county tag agent. The replacement shall be
1346 issued on the following terms and conditions:

1347 (1) If the replacement title is issued to the owner named in the lost, stolen, mutilated, or
1348 destroyed certificate, as shown by the records of the commissioner or authorized county
1349 tag agent, the replacement certificate of title shall contain the legend 'This is a
1350 replacement certificate and may be subject to the rights of a person under the original
1351 certificate.';

1352 (2) When the vessel or outboard motor for which a replacement certificate of title has
1353 been issued is transferred to a new owner, the certificate of title issued to the transferee
1354 shall continue to contain the legend 'This is a replacement certificate and may be subject
1355 to the rights of a person under the original certificate.' After a replacement certificate has
1356 been issued and the records of the commissioner or authorized county tag agent show that
1357 the owner has held record title continuously for a period of not less than six calendar
1358 months and the record title of the owner has not been challenged, the commissioner or

1359 authorized county tag agent may, upon proper application, issue a replacement title,
 1360 which shall simply contain the legend 'Replacement Title';

1361 (3) A person recovering an original certificate of title for which a replacement has been
 1362 issued shall promptly surrender the original certificate to the commissioner or authorized
 1363 county tag agent. Where the owner named in a replacement certificate of title, or a
 1364 transferee, recovers the original certificate, such owner or transferee may surrender the
 1365 original certificate together with the replacement title, and if such owner or transferee is
 1366 otherwise entitled to a certificate, the commissioner or authorized county tag agent may
 1367 issue such owner or transferee a new certificate of title with no legend thereon;

1368 (4) If two or more innocent persons are the victims of the fraud or mistake of another and
 1369 none of the victims could have reasonably taken steps to detect or prevent the fraud or
 1370 mistake, the victim who first acquired an interest in a vessel or outboard motor through
 1371 any certificate of title shall have such victim's interest protected; and

1372 (5) A replacement title when the original has been lost in the mail prior to receipt by the
 1373 registered owner shall be issued by the commissioner without charge upon application
 1374 and completion of the form and affidavit prescribed by the commissioner setting forth the
 1375 circumstances of nonreceipt of the title. The owner shall report the nonreceipt or loss and
 1376 apply for replacement of the title to the commissioner within 60 days of the issuance of
 1377 such title by the commissioner. An applicant shall provide an affidavit of nonreceipt and
 1378 verify his or her current mailing address.

1379 52-7A-17.

1380 (a) If an owner transfers his or her interest in a vessel or outboard motor other than by the
 1381 creation of a security interest, such owner shall, at the time of delivery of the vessel or
 1382 outboard motor, execute an assignment and warranty of title to the transferee in the space
 1383 provided therefor on the certificate of title or as the commissioner prescribes and cause the
 1384 certificate and assignment to be delivered to the transferee. If the transferor willfully fails
 1385 to deliver the properly assigned certificate of title to the transferee, the transferor shall be
 1386 guilty of a misdemeanor. In addition, the transferor shall be civilly liable to the transferee
 1387 for all damages, including reasonable attorney's fees, occasioned by the transferor's failure
 1388 to comply with this subsection.

1389 (b) Except as provided in Code Section 52-7A-18, the transferee, promptly after delivery
 1390 of the vessel or outboard motor and certificate of title, shall execute the application for a
 1391 new certificate of title on the form the commissioner prescribes and cause the application
 1392 and the certificate of title to be mailed or delivered to the commissioner or the appropriate
 1393 authorized county tag agent together with the application for change of registration for the
 1394 vessel or outboard motor so that the title application shall be received within 30 days from

1395 the date of the transfer of the vessel or outboard motor. If the documents submitted in
 1396 support of the title application are rejected, the party submitting the documents shall
 1397 have 60 days from the date of initial rejection to resubmit the documents required by the
 1398 commissioner for the issuance of title. If the documents are not properly resubmitted
 1399 within 60 days, the owner of the vessel or outboard motor shall be required to remove
 1400 immediately the registration number of the vessel or outboard motor under Chapter 7 of
 1401 this title. If the documents have not been resubmitted as required under this subsection, the
 1402 registration number shall be deemed to have expired at 12:00 Midnight of the sixtieth day
 1403 following the initial rejection of the documents.

1404 (c) If a security interest is reserved or created at the time of the transfer, the certificate of
 1405 title shall be retained by or delivered to the person who becomes the security interest
 1406 holder, and the parties shall comply with Code Section 52-7A-30.

1407 (d) Except as provided in Code Section 52-7A-18 and as between the parties, a transfer
 1408 by an owner is not effective until this Code section and Code Section 52-7A-18 have been
 1409 complied with; and no purchaser or transferee shall acquire any right, title, or interest in
 1410 and to a vessel or outboard motor purchased by him or her unless and until he or she shall
 1411 obtain from the transferor the certificate of title thereto, duly transferred in accordance with
 1412 this Code section.

1413 (e) The commissioner shall promulgate procedures and provide forms whereby a
 1414 prospective purchaser may, if such prospective purchaser desires, have the commissioner's
 1415 or the commissioner's duly authorized county tag agent's records searched for undisclosed
 1416 certificates of title and security interests.

1417 52-7A-18.

1418 (a)(1) Except as provided in paragraph (2) of this subsection, a dealer who buys a vessel
 1419 or outboard motor and holds it for resale need not apply to the commissioner for a new
 1420 certificate of title but may retain the certificate delivered to him or her. Upon transferring
 1421 the vessel or outboard motor to another person other than by the creation of a security
 1422 interest, such dealer shall promptly execute the assignment and warranty of title by a
 1423 dealer. Such assignment and warranty shall show the names and addresses of the
 1424 transferee and any holder of a security interest created or reserved at the time of the resale
 1425 and the date of his or her security agreement in the spaces provided therefor on the
 1426 certificate or as the commissioner prescribes. Transfers of vessels or outboard motors
 1427 under this Code section shall otherwise conform with Code Section 52-7A-17. A dealer
 1428 selling a previously registered vessel or outboard motor which under this chapter need
 1429 not have a certificate of title need not furnish a purchaser of such a vessel or outboard
 1430 motor a certificate of title. After a previously registered vessel or outboard motor has

1431 been brought under the terms of this chapter, a dealer, when selling such vessel or
 1432 outboard motor, shall conform to all provisions of this chapter.

1433 (2)(A) As used in this paragraph, the term 'franchise dealer' means a dealer who under
 1434 a contract or franchise agreement with a manufacturer, distributor, wholesaler, or
 1435 importer is authorized to sell new vessels or outboard motors of or for such
 1436 manufacturer, distributor, wholesaler, or importer and who is authorized to use
 1437 trademarks or service marks associated with one or more makes of vessels or outboard
 1438 motors in connection with such sales.

1439 (B) A dealer who is not a franchise dealer who acquires a vessel or outboard motor for
 1440 which the original certificate of title has not been issued and who holds such vessel or
 1441 outboard motor for resale shall not be exempt from the requirement to obtain a
 1442 certificate of title in such dealer's name as provided in paragraph (1) of this subsection.
 1443 Such dealer shall, as provided in Code Section 52-7A-17, obtain a certificate of title in
 1444 such dealer's name prior to selling or otherwise transferring such vessel or outboard
 1445 motor to any other person or dealer.

1446 (b) Every dealer shall maintain a record, in the form the commissioner prescribes, of every
 1447 vessel or outboard motor bought, sold, or exchanged by such dealer or received by such
 1448 dealer for sale or exchange. Such record shall be kept for three years and shall be open to
 1449 inspection by a representative of the commissioner during reasonable business hours.

1450 (c) Except as otherwise provided for in subsection (c) of Code Section 52-7A-17, the
 1451 dealer shall submit a properly completed certificate of title application and proper
 1452 supporting documents to the commissioner or to the appropriate authorized county tag
 1453 agent so that the application and supporting documents shall be submitted to the
 1454 commissioner or the appropriate authorized county tag agent within 30 days from the date
 1455 of the transfer of the vessel or outboard motor. If the documents submitted in support of
 1456 the title application are rejected, the dealer submitting the documents shall have 60 days
 1457 from the date of initial rejection to resubmit the documents required by the commissioner
 1458 for the issuance of title.

1459 52-7A-19.

1460 (a) If the interest of an owner in a vessel or outboard motor passes to another other than
 1461 by voluntary transfer, the transferee shall, except as provided in subsection (b) of this Code
 1462 section, mail or deliver to the commissioner or the appropriate authorized county tag agent
 1463 the last certificate of title, if available; proof of the transfer; and his or her application for
 1464 a new certificate in the form the commissioner prescribes, together with the application for
 1465 change of registration for the vessel or outboard motor, so that the title application and
 1466 other documents shall be received by the commissioner or the appropriate authorized

1467 county tag agent no later than 30 days from the date that the transferee acquired the interest
1468 in the vessel or outboard motor. If the documents submitted in support of the title
1469 application are rejected, the party submitting the documents shall have 60 days from the
1470 date of initial rejection to resubmit the documents required by the commissioner for the
1471 issuance of title. Should the documents not be properly resubmitted within the 60 day
1472 period, the owner of the vessel or outboard motor shall be required to remove immediately
1473 the registration number of the vessel or outboard motor issued pursuant to Chapter 7 of this
1474 title. If the documents have not been resubmitted as required in this subsection, the
1475 registration number shall be deemed to have expired at 12:00 Midnight of the sixtieth day
1476 following the initial rejection of the documents. If the last certificate of title is not
1477 available for transfer under this Code section, then the transferee shall forward such proof
1478 of transfer as the commissioner may by regulation prescribe.

1479 (b) If the interest of the owner is terminated, whether the vessel or outboard motor is sold
1480 pursuant to a power contained in a security agreement or by legal process at the instance
1481 of the holder either of a security interest or a lien, the transferee shall promptly mail or
1482 deliver to the commissioner or the appropriate authorized county tag agent the last
1483 certificate of title, if available; proof of transfer; his or her application for a new certificate,
1484 in the form prescribed by the commissioner; and an affidavit made by or on behalf of the
1485 holder of a security interest in or lien on the vessel or outboard motor with respect to the
1486 termination of the interest of the owner so as to have the application and supporting
1487 documents submitted to the commissioner or the appropriate authorized county tag agent
1488 within 30 days from the date the transferee acquired the interest in the vessel or outboard
1489 motor. If the documents submitted in support of the title application are rejected, the
1490 transferee submitting the documents shall have 60 days from the date of initial rejection to
1491 resubmit the documents required by the commissioner for the issuance of title. If the
1492 documents are not properly resubmitted within 60 days, the owner of the vessel or outboard
1493 motor shall be required to remove immediately the registration number of the vessel or
1494 outboard motor issued pursuant to Chapter 7 of this title. If the documents have not been
1495 resubmitted as required under this subsection, the registration number shall be deemed to
1496 have expired at 12:00 Midnight of the sixtieth day following the initial rejection of the
1497 documents. If the holder of a security interest or lien succeeds to the interest of the owner
1498 and holds the vessel or outboard motor for resale, such person need not secure a new
1499 certificate of title but, upon transfer, shall promptly deliver to the transferee the last
1500 certificate of title, if available, and such other documents as the commissioner may require
1501 by rule or regulation.

1502 (c) A person holding a certificate of title whose interest in the vessel or outboard motor has
1503 been extinguished or transferred other than by voluntary transfer shall mail or deliver the

1504 certificate to the commissioner or the commissioner's duly authorized county tag agent
1505 upon request of the commissioner or authorized county tag agent. The delivery of the
1506 certificate pursuant to the request of the commissioner or authorized county tag agent shall
1507 not affect the rights of the person surrendering the certificate; and the action of the
1508 commissioner or authorized county tag agent in issuing a new certificate of title as
1509 provided in this chapter shall not be conclusive upon the rights of an owner or lienholder
1510 named in the old certificate.

1511 (d) In the event of transfer as upon inheritance, devise, or bequest, upon receipt of an
1512 application for a new certificate of title, the last certificate of title, if available, and a
1513 certified copy of a will or letters of administration or, if no administration is to be had on
1514 the estate, an affidavit by the applicant to the effect that the estate is not indebted and the
1515 surviving spouse, if any, and the heirs, if any, have amicably agreed among themselves
1516 upon a division of the estate or a certificate from the judge of the probate court showing
1517 that the vessel or outboard motor registered in the name of the decedent owner has been
1518 assigned to the decedent's survivors as part of their year's support, the commissioner shall
1519 issue to the person or persons shown by such evidence to be entitled thereto the certificate
1520 of title for the vessel or outboard motor.

1521 (e)(1) In the event of transfer under a will when the vessel or outboard motor was the
1522 decedent's only asset, upon receipt of an application for a new certificate of title, the last
1523 certificate of title, if available, and an affidavit by the applicant to the effect that the
1524 vessel or outboard motor was owned by the decedent and was the decedent's only asset
1525 and was not encumbered, that under the will the applicant is entitled to receive title to
1526 such vessel or outboard motor, that no application for the administration of the estate of
1527 the deceased or the probate of such will is to be had, and that the estate is not indebted
1528 and the surviving spouse, if any, and the heirs, if any, are sui juris and have amicably
1529 agreed that title to such vessel or outboard motor be issued to the applicant, the
1530 commissioner shall issue to the person or persons shown by such evidence to be entitled
1531 thereto the certificate of title for the vessel or outboard motor.

1532 (2) The commissioner shall prescribe the form of the affidavit to be used in paragraph (1)
1533 of this subsection.

1534 (f) A joint interest in a vessel or outboard motor with survivorship in two or more persons
1535 may be created in the manner provided by subsection (a) of Code Section 44-6-190; and,
1536 if a certificate of title has been issued to two or more persons having such a joint interest
1537 with survivorship, then, in the event of the death of such a joint owner, the surviving such
1538 owner or owners, if any, need not secure a new certificate of title.

1539 52-7A-20.

1540 (a) The commissioner or the commissioner's duly authorized county tag agent, upon
1541 receipt of a properly assigned certificate of title, with an application for a new certificate
1542 of title and any other documents required by law, shall issue a new certificate of title in the
1543 name of the transferee as owner and mail the certificate to the first lienholder named in the
1544 application or, if none, to the owner.

1545 (b) The commissioner or the commissioner's duly authorized county tag agent, upon
1546 receipt of an application for a new certificate of title by a transferee other than by voluntary
1547 transfer, with proof of the transfer and any other documents required by law, shall issue a
1548 new certificate of title in the name of the transferee as owner. If the outstanding certificate
1549 of title is not delivered to the commissioner or the authorized county tag agent, the
1550 commissioner or authorized county tag agent shall make demand for such title from the
1551 title holder.

1552 (c) The commissioner or the commissioner's duly authorized county tag agent shall file
1553 and retain for five years every surrendered certificate of title, and the file shall be
1554 maintained so as to permit the tracing of title of the vessel or outboard motor designated
1555 on such title.

1556 52-7A-21.

1557 (a)(1) Any registered owner or authorized agent of a registered owner who in any
1558 manner sells or disposes of any vessel or outboard motor as scrap metal or parts only or
1559 who scraps, dismantles, or demolishes a vessel or outboard motor shall within 72 hours
1560 mail or deliver the certificate of title to the commissioner for cancellation.

1561 (2) Notwithstanding any other provision of this chapter to the contrary, if the owner or
1562 authorized agent of the owner has not obtained a title in his or her name for the vessel or
1563 outboard motor to be transferred, or has lost the title for the vessel or outboard motor to
1564 be transferred, he or she may sign a statement swearing that, in addition to the foregoing
1565 conditions, the vessel or outboard motor is worth \$750.00 or less and is at least 12 years
1566 old. The Department of Revenue shall promulgate a form for the statement which shall
1567 include, but not be limited to:

1568 (A) A statement that the vessel or outboard motor shall never be titled again; it must
1569 be dismantled or scrapped;

1570 (B) A description of the vessel, including the year, make, model, hull identification
1571 number, and color, or a description of the outboard motor, including the year, make,
1572 model, horsepower, and serial number;

1573 (C) The name and address of the owner;

1574 (D) A certification that the owner:

1575 (i) Never obtained a title to the vessel or outboard motor in his or her name; or
 1576 (ii) Was issued a title for the vessel or outboard motor, but the title was lost or stolen;
 1577 (E) A certification that the vessel or outboard motor:
 1578 (i) Is worth \$750.00 or less;
 1579 (ii) Is at least 12 years old; and
 1580 (iii) Is not subject to any security interest or lien;
 1581 (F) An acknowledgment that the owner realizes the form will be filed with the
 1582 commissioner and that it is a felony, punishable by imprisonment for not fewer than one
 1583 nor more than three years or a fine of not less than \$1,000.00 nor more than \$5,000.00,
 1584 or both, to knowingly falsify any information on such statement;
 1585 (G) The owner's signature and the date of the transaction;
 1586 (H) The name and address of the business acquiring the vessel or outboard motor;
 1587 (I) A certification by the business that \$750.00 or less was paid to acquire the vessel
 1588 or outboard motor; and
 1589 (J) The business agent's signature and date along with a printed name and title if the
 1590 agent is signing on behalf of a corporation.
 1591 (3) The person taking possession of the vessel or outboard motor for scrap metal or parts
 1592 only or to scrap, dismantle, or demolish such vessel or outboard motor shall mail or
 1593 otherwise deliver the statement required under paragraph (2) of this subsection to the
 1594 commissioner within 72 hours of the completion of the transaction, requesting that the
 1595 commissioner cancel the Georgia certificate of title and registration.
 1596 (4) Any insurance company which acquires a damaged vessel or outboard motor by
 1597 virtue of having paid a total loss claim shall mail or deliver the certificate of title to the
 1598 commissioner for cancellation. In every case in which a total loss claim is paid and the
 1599 insurance company does not acquire such damaged vessel or outboard motor, the vessel
 1600 or outboard motor owner shall mail or deliver the certificate of title to the commissioner
 1601 for cancellation. If the certificate of title has been lost, destroyed, or misplaced, the
 1602 vessel or outboard motor owner shall, prior to payment of the claim on such vessel or
 1603 outboard motor, obtain a replacement title. If the security interest holder or lienholder
 1604 has possession of the certificate of title, the insurance company shall thereafter mail or
 1605 deliver notification to the commissioner of the payment of the total loss claim and the
 1606 name and address of the security interest holder or lienholder in possession of the title.
 1607 The commissioner shall mail notice to the security interest holder or lienholder that a total
 1608 loss claim has been paid on the vessel or outboard motor and that the title to such vessel
 1609 or outboard motor has been canceled, provided that the validity of the security interest
 1610 shall not be affected by issuance of a salvage certificate of title. The security interest
 1611 holder or lienholder shall, within ten days after receipt of such notice of total loss claim

1612 and cancellation of the original certificate of title, mail or deliver the canceled original
1613 certificate of title to the commissioner.

1614 (b) Except as provided in subsection (a) of this Code section, any person, firm, or
1615 corporation which purchases or otherwise acquires a salvage vessel or outboard motor shall
1616 apply to the commissioner for a salvage certificate of title for such vessel or outboard
1617 motor within 30 days of the purchase or acquisition of the vessel or outboard motor if the
1618 person, firm, or corporation intends to operate or to sell, convey, or transfer the vessel or
1619 outboard motor for any purpose other than scrapping, dismantling, or demolition; and no
1620 such person, firm, or corporation shall sell, transfer, or convey a salvage vessel or outboard
1621 motor until such person, firm, or corporation has applied for and obtained a salvage
1622 certificate of title. The application for a salvage certificate of title shall be made in a
1623 manner to be prescribed by the commissioner. Any certificate of title which is issued to
1624 a salvage vessel or outboard motor, as provided for in this Code section, shall contain the
1625 word 'salvage' on the face of the certificate in such a manner as the commissioner may
1626 prescribe so as to indicate clearly that the vessel or outboard motor described is a salvage
1627 vessel or outboard motor. The legend 'rebuilt' in no larger than 12 point font shall be
1628 placed on a certificate of title to a vessel or outboard motor which was declared a salvage
1629 vessel or outboard motor and subsequently repaired with less than two major component
1630 parts to restore the vessel or outboard motor to an operable condition. Notwithstanding
1631 this Code section and Code Section 52-7A-22, the legend 'rebuilt' shall only be required
1632 to be placed on the certificate of title to a vessel or outboard motor which was declared a
1633 salvage vessel or outboard motor on or after January 1, 2016, and which was subsequently
1634 rebuilt.

1635 (c) As an alternative to criminal or other civil enforcement, the commissioner, in order to
1636 enforce this Code section or any orders, rules, and regulations promulgated pursuant to this
1637 Code section, may issue an administrative fine not to exceed \$1,000.00 for each violation
1638 whenever the commissioner, after a hearing, determines that any person has violated any
1639 provision of this Code section or any regulation or order promulgated under this Code
1640 section. The hearing and any administrative review thereof shall be conducted in
1641 accordance with the procedure for contested cases under Chapter 13 of Title 50, the
1642 'Georgia Administrative Procedure Act.' Any person who has exhausted all administrative
1643 remedies available and who is aggrieved or adversely affected by a final order or action of
1644 the commissioner shall have the right of judicial review thereof in accordance with
1645 Chapter 13 of Title 50. All fines recovered under this subsection shall be paid into the state
1646 treasury. The commissioner may file in the superior court of the county wherein the person
1647 under order resides; if such person is a corporation, of the county wherein the corporation
1648 maintains its principal place of business; or of the county wherein the violation occurred

1649 a certified copy of a final order of the commissioner, whether unappealed from or affirmed
1650 upon appeal, whereupon the court shall render judgment in accordance with the final order
1651 and notify the parties. Such judgment shall have the same effect, and proceedings in
1652 relation thereto shall thereafter be the same as though the judgment had been rendered in
1653 an action duly heard and determined by the court. The penalty prescribed in this Code
1654 section shall be concurrent, alternative, and cumulative with any and all other civil,
1655 criminal, or alternative rights, remedies, forfeitures, or penalties provided, allowed, or
1656 available to the commissioner with respect to any violation of this Code section or any
1657 order, rules, or regulations promulgated pursuant thereto.

1658 (d) The Commissioner of Insurance is authorized to enforce the provisions of this Code
1659 section to the extent such provisions are applicable to insurers under the jurisdiction of the
1660 Insurance Department. The Commissioner of Insurance is also authorized to cooperate
1661 with the commissioner in enforcing this Code section and to provide the commissioner with
1662 any information acquired by the Commissioner of Insurance during any investigation or
1663 proceeding involving this Code section. Nothing in this subsection shall be construed to
1664 limit the powers and duties of the commissioner to enforce the provisions of this Code
1665 section as such provisions apply to insurers.

1666 (e) It shall be unlawful for any person, firm, or corporation to violate the provisions of
1667 subsection (a) or (b) of this Code section; and any person, firm, or corporation convicted
1668 of violating such provisions shall be guilty of a misdemeanor. Any owner of a salvage
1669 vessel or outboard motor who transfers or attempts to transfer such vessel or outboard
1670 motor without obtaining a salvage certificate of title for such vessel or outboard motor shall
1671 be guilty of a misdemeanor of a high and aggravated nature, punishable by a fine not to
1672 exceed \$5,000.00. Any security interest holder or lienholder who, after notice by the
1673 commissioner of payment of a total loss claim and cancellation of the title of a vessel or
1674 outboard motor, fails or refuses to return the title to the commissioner or who surrenders
1675 the title to anyone other than the commissioner shall be guilty of a misdemeanor of a high
1676 and aggravated nature, punishable by a fine not to exceed \$5,000.00.

1677 (f) The registered owner who retains possession of a salvage vessel or outboard motor to
1678 whom a total loss claim has been paid shall promptly remove the registration number from
1679 such vessel or outboard motor. An insurer which pays a total loss claim shall, on a form
1680 prescribed by the commissioner, notify the owner of the duty to remove such registration
1681 number.

1682 52-7A-22.

1683 For any salvage vessel or outboard motor which, after inspection, it is determined that
1684 repair to an operable condition does not require replacement of two or more major

1685 component parts but it is determined that the damage to the vessel or outboard motor is a
 1686 result of fire shall be designated as fire damaged by the commissioner and such designation
 1687 shall be indicated on the face of the certificate of title for such vessel or outboard motor.

1688 52-7A-23.

1689 (a) As used in this Code section, the term:

1690 (1) 'Application for a certificate of title on a recovered stolen vessel or outboard motor'
 1691 means an application for a certificate of title for a vessel or outboard motor for which an
 1692 insurance company has paid a total loss claim, has obtained a title marked 'unrecovered
 1693 stolen vessel' or 'unrecovered stolen outboard motor,' and which has subsequently been
 1694 recovered.

1695 (2) 'Application for a certificate of title on a salvaged or rebuilt vessel or outboard motor'
 1696 means:

1697 (A) An application for a certificate of title for a vessel or outboard motor for which a
 1698 current Georgia certificate of title is marked 'salvage' pursuant to Code
 1699 Section 52-7A-21 and which has been repaired;

1700 (B) An application for a certificate of title for a vessel or outboard motor for which a
 1701 current out-of-state certificate of title is marked 'salvage,' 'rebuilt,' or 'restored' or any
 1702 similar such phrase; or

1703 (C) An application for a certificate of title for a vessel or outboard motor for which a
 1704 current Georgia certificate of title is marked 'salvage' pursuant to Code
 1705 Section 52-7A-21 and for which the transferee is anyone other than a licensee as
 1706 defined in Code Section 43-47-2.

1707 (b)(1) Upon receipt of an application for a certificate of title on a salvaged or rebuilt
 1708 vessel or outboard motor, the commissioner shall promptly conduct an initial inspection
 1709 on each such vessel or outboard motor prior to the issuance of a certificate of title for the
 1710 vessel or outboard motor. Upon receipt of an application for a certificate of title on a
 1711 recovered stolen vessel or outboard motor which has been stripped of:

1712 (A) Substantially all its interior parts;

1713 (B) Engine; or

1714 (C) Transmission,

1715 the commissioner shall promptly conduct an initial inspection on each such vessel or
 1716 outboard motor prior to the issuance of a certificate of title for the vessel or outboard
 1717 motor. The initial inspection shall include, but shall not be limited to, verification of the
 1718 hull identification number, serial number, verification of the bills of sale or title for the
 1719 major components, verification in regard to rebuilt vessels and outboard motors that the
 1720 word 'rebuilt' is permanently affixed as required by subsection (d) of this Code section,

1721 verification that the vessel or outboard motor was rebuilt in the State of Georgia, and, if
1722 the vessel or outboard motor has been repaired, verification that the vessel or outboard
1723 motor conforms to all safety equipment standards required by law. The commissioner
1724 shall be authorized to charge a fee of \$100.00 for each initial inspection of each vessel
1725 or outboard motor. In the event a vessel or outboard motor fails an inspection, a fee of
1726 \$100.00 shall be charged for each subsequent reinspection. The commissioner may
1727 conduct any such initial inspection and any required reinspections even though the vessel
1728 or outboard motor may have been previously inspected under this Code section.

1729 (2) If, upon inspection under paragraph (1) of this subsection, it is determined that the
1730 vessel or outboard motor is not in full compliance with the law, the commissioner shall
1731 refuse to issue a certificate of title until compliance is reached. The commissioner may
1732 order additional, corrective repairs to such vessel or outboard motor as a condition of
1733 issuance of a certificate of title.

1734 (c) All applications submitted pursuant to this Code section shall be accompanied by one
1735 or more photographs of the vessel or outboard motor in its salvaged condition before any
1736 repairs have been made to such vessel or outboard motor, which photographs shall be used
1737 by the commissioner in his or her inspections of the vessel or outboard motor pursuant to
1738 this Code section. Any person who rebuilds or repairs a salvage vessel or outboard motor
1739 shall submit an application for a certificate of title and obtain an inspection of such vessel
1740 or outboard motor prior to the painting of such vessel or outboard motor.

1741 (d)(1)(A) Upon inspection under subsection (b) of this Code section, if it is determined
1742 that the vessel or outboard motor has been restored to an operable condition by the
1743 replacement of two or more major component parts, a certificate of title may be issued
1744 for such vessel or outboard motor which shall contain the word 'rebuilt' on its face in
1745 no larger than 12 point font. This requirement will indicate to all subsequent owners
1746 of the vessel or outboard motor that such is a rebuilt vessel or outboard motor. If any
1747 such inspection determines that the vessel or outboard motor shall require the
1748 replacement of less than two major component parts in order to restore the vessel or
1749 outboard motor to an operable condition, a certificate of title shall be issued for such
1750 vessel or outboard motor which shall contain the word 'rebuilt' on its face in such
1751 manner as the commissioner shall prescribe. This requirement will indicate to all
1752 subsequent owners of the vessel or outboard motor that such is a rebuilt vessel or
1753 outboard motor.

1754 (B) If it is determined that the vessel or outboard motor required or shall require the
1755 replacement of two or more major component parts in order to restore the vessel or
1756 outboard motor to an operable condition, the department shall cause the word 'rebuilt'
1757 to be affixed to said vessel or outboard motor at the time of inspection by the

1758 commissioner. The word 'rebuilt' shall be affixed in a clear and conspicuous manner
 1759 to such location as the commissioner may prescribe. The word 'rebuilt' shall be
 1760 stamped on a certificate and shall be affixed to the vessel or outboard motor in such
 1761 manner as the commissioner may prescribe. The requirement of this subparagraph shall
 1762 only apply to vessels or outboard motors restored after January 1, 2016.

1763 (2) Upon inspection by the commissioner and compliance with paragraph (2) of
 1764 subsection (b) of this Code section, if it is determined that the vessel or outboard motor
 1765 does not require the replacement of two or more major components or has not had two
 1766 or more major components changed, a certificate of title shall be issued and shall contain
 1767 the word 'rebuilt' on its face.

1768 (3) If, after the initial inspection, the commissioner determines that the damage is so
 1769 extensive that returning such vessel or outboard motor to a safe, operable condition is
 1770 impossible, the salvage certificate shall be revoked and such vessel or outboard motor
 1771 may only be used for scrap or parts. A vessel or outboard motor for which such a
 1772 determination is made shall not be issued a title under any circumstances or conditions
 1773 including, but not limited to, obtaining of a surety bond.

1774 (e) Any person, firm, or corporation that rebuilds or repairs a vessel or outboard motor
 1775 whose current certificate of title is marked 'salvage' shall make application for and obtain
 1776 a certificate of title as provided in this Code section prior to the sale or transfer of such
 1777 vessel or outboard motor. If, under the laws of any other state, a vessel or outboard motor
 1778 has been declared to be nonrebuildable, the commissioner shall not issue any certificate of
 1779 title for such vessel or outboard motor and the vessel or outboard motor shall not be used
 1780 for any purpose except parts.

1781 52-7A-24.

1782 The commissioner is authorized to utilize the services of persons appointed as county tag
 1783 agents under Code Section 40-2-23. Any applicant for a title shall have the right to mail
 1784 the application directly to the Department of Revenue.

1785 52-7A-25.

1786 (a) All county tag agents accepting and handling title applications shall endeavor to submit
 1787 such applications to the commissioner on a daily basis. All reports of title applications
 1788 handled shall be submitted to the commissioner within seven calendar days from the close
 1789 of the business day during which such applications were handled.

1790 (b) Failure to submit the reports within the seven-calendar-day period from the close of
 1791 the business day as required by this Code section shall result in the penalties imposed by
 1792 Code Section 48-2-44.

1793 (c) Before the expiration of the time period within which a title report is required to be
1794 filed with the commissioner, application may be made to the commissioner for an
1795 extension. The commissioner is authorized, upon a showing of justifiable cause, to grant
1796 up to a ten-day extension from the deadline provided for the performance of the duties in
1797 this Code section. Only one such extension may be granted with regard to any reports due
1798 the commissioner for a specific business day.

1799 (d) Proof of mailing within the appropriate time period provided for in this Code section,
1800 as evidenced by a United States Postal Service postmark, shall be prima-facie proof that
1801 the county tag agent has complied in a timely manner with the duties enumerated by this
1802 Code section.

1803 52-7A-26.

1804 (a) The commissioner shall suspend or revoke a certificate of title, upon notice and
1805 reasonable opportunity to be heard in accordance with Code Section 52-7A-6, when
1806 authorized by any other provision of law or if the commissioner finds:

1807 (1) The certificate of title was fraudulently procured or erroneously issued; or

1808 (2) The vessel or outboard motor has been scrapped, dismantled, or destroyed.

1809 (b) Suspension or revocation of a certificate of title does not, in itself, affect the validity
1810 of a security interest noted on it.

1811 (c) When the commissioner suspends or revokes a certificate of title, the owner or person
1812 in possession of it shall, immediately upon receiving notice of the suspension or revocation,
1813 mail or deliver the certificate to the commissioner.

1814 (d) The commissioner may seize and impound any certificate of title which has been
1815 suspended or revoked.

1816 52-7A-27.

1817 In instances when an application for title is required to be submitted within a certain time
1818 period, proof of mailing within the designated period allowed for submission of the
1819 documents, as evidenced by a United States Postal Service postmark, shall be prima-facie
1820 proof that the application was timely submitted.

1821 52-7A-28.

1822 (a) Any person, firm, or corporation which pays a total loss claim on a vessel or outboard
1823 motor as a result of such vessel or outboard motor being stolen shall within 15 days of the
1824 payment of such total loss claim apply to the commissioner for a transfer of the certificate
1825 of title into such person's, firm's, or corporation's name. No person, firm, or corporation

1826 shall sell, transfer, or convey such vessel or outboard motor until the requirements of this
1827 Code section have been met.

1828 (b) As an alternative to criminal or other civil enforcement, the commissioner, in order to
1829 enforce this Code section or any orders, rules, and regulations promulgated pursuant to this
1830 Code section, may issue an administrative fine not to exceed \$1,000.00 for each violation
1831 whenever the commissioner, after a hearing, determines that any person has violated any
1832 provision of this Code section or any regulation or order promulgated under this Code
1833 section. The hearing and any administrative review thereof shall be conducted in
1834 accordance with the procedure for contested cases under Chapter 13 of Title 50, the
1835 'Georgia Administrative Procedure Act.' Any person who has exhausted all administrative
1836 remedies available and who is aggrieved or adversely affected by a final order or action of
1837 the commissioner shall have the right of judicial review thereof in accordance with
1838 Chapter 13 of Title 50. All fines recovered under this subsection shall be paid into the state
1839 treasury. The commissioner may file in the superior court of the county wherein the person
1840 under order resides; if such person is a corporation, of the county wherein the corporation
1841 maintains its principal place of business; or of the county wherein the violation occurred
1842 a certified copy of a final order of the commissioner, whether unappealed from or affirmed
1843 upon appeal, whereupon the court shall render judgment in accordance with the final order
1844 and notify the parties. Such judgment shall have the same effect, and proceedings in
1845 relation thereto shall thereafter be the same as though the judgment had been rendered in
1846 an action duly heard and determined by the court. The penalty prescribed in this Code
1847 section shall be concurrent, alternative, and cumulative with any and all other civil,
1848 criminal, or alternative rights, remedies, forfeitures, or penalties provided, allowed, or
1849 available to the commissioner with respect to any violation of this Code section or any
1850 order, rules, or regulations promulgated pursuant thereto.

1851 (c) The Commissioner of Insurance is authorized to enforce the provisions of this Code
1852 section to the extent such provisions are applicable to insurers under the jurisdiction of the
1853 Insurance Department. The Commissioner of Insurance is also authorized to cooperate
1854 with the commissioner in enforcing this Code section and to provide the commissioner with
1855 any information acquired by the Commissioner of Insurance during any investigation or
1856 proceeding involving this Code section. Nothing in this subsection shall be construed to
1857 limit the powers and duties of the commissioner to enforce the provisions of this Code
1858 section as such provisions apply to insurers.

1859 52-7A-29.

1860 (a) Except as provided in Code Sections 11-9-303, 11-9-316, and 11-9-337, the security
1861 interest in a vessel or outboard motor of the type for which a certificate of title is required

1862 shall be perfected and shall be valid against subsequent creditors of the owner, subsequent
 1863 transferees, and the holders of security interests and liens on the vessel or outboard motor
 1864 by compliance with this chapter.

1865 (b)(1) A security interest is perfected by delivery to the commissioner or to the county
 1866 tag agent of the county in which the seller is located, the county in which the sale takes
 1867 place, the county in which the vessel or outboard motor is delivered, or the county
 1868 wherein the vessel or outboard motor owner resides of:

1869 (A) The existing certificate of title, if any, and an application for a certificate of title
 1870 containing the name and address of a security interest holder; or

1871 (B) A notice of security interest on forms prescribed by the commissioner.

1872 (2) The security interest is perfected as of the time of its creation if the initial delivery
 1873 of the application or notice to the commissioner or county tag agent is completed
 1874 within 20 days thereafter, regardless of any subsequent rejection of the application or
 1875 notice for errors; otherwise, as of the date of the delivery to the commissioner or county
 1876 tag agent. The county tag agent shall issue a receipt or other evidence of the date of filing
 1877 of such application or notice. When the security interest is perfected as provided for in
 1878 this subsection, it shall constitute notice to everybody of the security interest of the
 1879 holder.

1880 52-7A-30.

1881 If the owner creates a security interest in a vessel or outboard motor:

1882 (1) The owner shall immediately execute the application in the space provided therefor
 1883 on the certificate of title or on a separate form that the commissioner prescribes, showing
 1884 the name and address of the security interest holder, and shall deliver the certificate and
 1885 the application to the security interest holder;

1886 (2) The security interest holder shall immediately mail or deliver the certificate of title
 1887 and application to the commissioner or the commissioner's duly authorized county tag
 1888 agent within 90 days of the date of creation of the security interest or lien. If the
 1889 documents submitted in support of the title application are rejected, the party submitting
 1890 the documents shall have 60 days from the date of initial rejection to resubmit the
 1891 documents required by the commissioner or authorized county tag agent for the issuance
 1892 of title. If the documents are not properly resubmitted within the 60 day period, the
 1893 owner of the vessel or outboard motor shall be required to remove immediately the
 1894 registration number required pursuant to Chapter 7. If the documents have not been
 1895 resubmitted as required under this paragraph, the registration number shall be deemed to
 1896 have expired at 12:00 Midnight of the sixtieth day following the initial rejection of the
 1897 documents; and

1898 (3) Upon receipt of the certificate of title and the application, the commissioner or the
1899 commissioner's duly authorized county tag agent shall issue a new certificate containing
1900 the name and address of the security interest holder and of holders of previous unreleased
1901 security interests and liens, if any, and shall mail the certificate to the first holder on it.
1902 If more than one holder is named on the certificate, the first holder shall comply with
1903 subsection (b) of Code Section 52-7A-12 in regard to notifying other holders of the
1904 content of the certificate.

1905 52-7A-31.

1906 (a) If the owner of a vessel or outboard motor desires to place a second or subsequent
1907 security interest against the vessel or outboard motor and the certificate of title on such
1908 vessel or outboard motor is being held by a security interest holder or lienholder, the owner
1909 shall, on the form prescribed by the commissioner, execute a title application and a notice
1910 of the second or subsequent security interest; and the holder of the second or subsequent
1911 security interest shall forward such notice and title application by certified mail or statutory
1912 overnight delivery, return receipt requested, to the first holder of a security interest or lien
1913 who has custody of the certificate of title. The notice of such second or subsequent security
1914 interest shall contain on its face instructions to the security interest holder or lienholder
1915 having custody of the certificate of title directing such custodial security interest holder or
1916 lienholder within ten days to forward the notice and title application, together with the
1917 certificate of title, to the commissioner or the commissioner's duly authorized county tag
1918 agent in order that the commissioner or authorized county tag agent may issue a new
1919 certificate of title and reflect on the certificate of title the subsequent security interest. The
1920 first security interest holder or lienholder having possession of the certificate of title shall
1921 comply with the instructions contained in the notice. The commissioner or authorized
1922 county tag agent, upon receipt of a properly executed application notice and the original
1923 certificate of title, shall enter the subsequent security interest on such commissioner's or
1924 authorized county tag agent's records and shall issue a new certificate of title and shall then
1925 deliver the certificate of title as provided for in this chapter.

1926 (b) If the holder of the second or subsequent security interest forwards by registered or
1927 certified mail or statutory overnight delivery the title application and notice of the second
1928 or subsequent security interest to the first security interest holder or lienholder who has
1929 custody of the certificate of title within ten days of the execution of that second or
1930 subsequent security interest, it shall be perfected as of the date it was executed; otherwise,
1931 as of the date the notice was forwarded to the first security interest holder or lienholder
1932 holding the certificate of title. The second or subsequent security interest holder shall

1933 retain the registered or certified mail or statutory overnight delivery return receipt as proof
 1934 of perfection of the security interest under this Code section.

1935 (c) In the event the first security interest holder or lienholder holding the certificate of the
 1936 title fails, refuses, or neglects to forward the title application, notice, and original certificate
 1937 of title to the commissioner or the commissioner's duly authorized county tag agent as
 1938 required by this Code section, the holder of the second or subsequent security interest may,
 1939 on a form prescribed by the commissioner, make direct application to the commissioner or
 1940 authorized county tag agent. Such direct application to the commissioner or authorized
 1941 county tag agent shall have attached to it the registered or certified mail or statutory
 1942 overnight delivery return receipt showing the previous mailing of the title application and
 1943 notice to the first security interest holder or lienholder. Upon receipt of such a direct
 1944 application, the commissioner or authorized county tag agent shall order the first security
 1945 interest holder or lienholder having custody of the certificate of title to forward the
 1946 certificate of title to the commissioner or authorized county tag agent for the purpose of
 1947 having the second or subsequent security interest entered and a new certificate of title
 1948 issued. If, after a direct application to the commissioner or authorized county tag agent and
 1949 the order of the commissioner or authorized county tag agent, the first security interest
 1950 holder or lienholder continues to fail, refuse, or neglect to forward the certificate of title as
 1951 provided in this Code section, the commissioner or authorized county tag agent may cancel
 1952 the outstanding certificate of title and issue a new certificate of title reflecting all security
 1953 interests and liens, including the second or subsequent security interest; and this new
 1954 certificate of title shall be delivered as provided for in this chapter.

1955 (d) As an alternative to mailing notices concerning a second or subsequent security interest
 1956 to the commissioner or the commissioner's duly authorized county tag agent in accordance
 1957 with this Code section, the commissioner shall be authorized to permit the transaction to
 1958 be made by electronic means in accordance with regulations promulgated by the
 1959 commissioner.

1960 (e) No first security interest holder or lienholder having possession of the certificate of title
 1961 shall have the validity of that security interest or lien affected by surrendering the
 1962 certificate of title as provided for by this Code section.

1963 52-7A-32.

1964 (a) If the lienholder, except the holder of a mechanic's lien, perfection of which is
 1965 prescribed in Code Section 52-7A-33, desires to perfect such lien against a vessel or
 1966 outboard motor, the lienholder shall, on the form prescribed by the commissioner, execute
 1967 a title application and a notice of lien stating the type of lien and the specific vessel or
 1968 outboard motor against which the lien is claimed and shall forward such notice and title

1969 application, either personally or by certified mail or statutory overnight delivery, return
1970 receipt requested, to the person who has custody of the current certificate of title at the
1971 address shown on such certificate of title. If someone other than the owner is holding the
1972 certificate of title, a copy of the notice shall also be forwarded to the owner. The lien
1973 claimant shall retain the certified mail or statutory overnight delivery receipt as proof of
1974 compliance with this Code section.

1975 (b) After receipt of the notice of lien, as specified in this Code section, neither the owner
1976 nor any other person shall take any action affecting the title other than as provided in this
1977 Code section. After receipt of the notice of lien, the person holding the certificate of title
1978 shall hold the notice of lien and attachments and the title for ten days. If, during the
1979 ten-day period following receipt of the notice, the claimed lien is satisfied, the lien claimant
1980 shall, on the form prescribed by the commissioner, notify the owner and the person holding
1981 the certificate of title of such satisfaction. The notice of satisfaction shall serve as a release
1982 and withdrawal of the pending notice of lien. If the owner or person holding the certificate
1983 of title chooses to contest the claimed lien, such owner or person holding the certificate of
1984 title shall so indicate on the notice of lien form and shall notify the other interested parties.
1985 If the notice contesting the lien is given, or if ten days have elapsed without the lien being
1986 satisfied, the person holding the certificate of title shall forward the certificate of title
1987 together with the notice of lien and attachments thereto to the commissioner or the
1988 commissioner's duly authorized county tag agent in order that the commissioner or
1989 authorized county tag agent shall issue a new certificate of title and reflect on the new
1990 certificate of title the lien on the vessel or outboard motor. The owner or person who has
1991 custody of the current certificate of title shall comply with the instructions contained in the
1992 notice; and in the event such owner or person having custody of the current title cannot do
1993 so, such owner or person having custody of the current title shall notify the lien claimant.
1994 The commissioner or authorized county tag agent, upon receipt of a properly executed title
1995 application, notice, and the current certificate of title, shall enter the lien on the
1996 commissioner's or authorized county tag agent's records and shall issue a new certificate
1997 of title reflecting the lien and shall then deliver the certificate of title as provided for in this
1998 chapter. The lien shall be perfected at the time the lien notice, application for title, and
1999 current certificate of title are received by the commissioner or authorized county tag agent.
2000 (c) In the event that the person who has custody of the current certificate of title fails,
2001 refuses, or neglects to forward the title application, notice, and current certificate of title
2002 to the commissioner or the commissioner's duly authorized county tag agent as required by
2003 this Code section, the lien claimant may, if such lien claimant's lien has not been satisfied,
2004 on a form prescribed by the commissioner, make direct application to the commissioner or
2005 authorized county tag agent. Such direct application to the commissioner or authorized

2006 county tag agent shall have attached to it the certified mail or statutory overnight delivery
 2007 return receipt showing the previous mailing of the title application and notice to the person
 2008 who has custody of the current certificate of title. Upon receipt of such a direct application,
 2009 the commissioner or authorized county tag agent shall order the person who has custody
 2010 of the current certificate of title to forward the certificate of title to the commissioner or
 2011 authorized county tag agent for the purpose of having the lien entered and a new certificate
 2012 of title reflecting the lien issued. If, after a direct application to the commissioner or
 2013 authorized county tag agent and the order of the commissioner or authorized county tag
 2014 agent, the person who has custody of the current certificate of title continues to fail, refuse,
 2015 or neglect to forward the certificate of title as provided in this Code section, the
 2016 commissioner or authorized county tag agent may cancel the current certificate of title and
 2017 issue a new certificate of title reflecting all security interests and liens; and this new
 2018 certificate of title shall be delivered as provided for in this chapter. In the event a direct
 2019 application is made, the lien shall be perfected as of the date the outstanding certificate of
 2020 title is canceled.

2021 (d) No security interest holder or lienholder having custody of the certificate of title shall
 2022 have the validity of such security interest holder's or lienholder's security interest or lien
 2023 affected by surrendering the certificate of title as provided by this Code section. The first
 2024 security interest holder or lienholder shall have the responsibility to advise a prospective
 2025 transferee or security interest holder, upon inquiry, that a notice of subsequent lien has been
 2026 received. Upon the issuance of a new certificate of title, the commissioner or the
 2027 commissioner's duly authorized county tag agent shall cancel the old certificate of title.

2028 (e) A lien perfected under this Code section shall be a lien only against the specific vessel
 2029 or outboard motor identified in the application for a new certificate of title.

2030 (f) A lien on a vessel or outboard motor for which a certificate of title is required shall be
 2031 perfected and shall be valid against subsequent transferees and holders of security interests
 2032 and liens only through compliance with this Code section. The procedure contained in this
 2033 chapter shall be the exclusive method for the perfection of liens on vessels or outboard
 2034 motors required to have certificates of title, and no lien shall be effective against such a
 2035 vessel or outboard motor unless so perfected.

2036 52-7A-33.

2037 (a) All mechanics of every sort shall have a special lien on any vessel or outboard motor
 2038 required to have a certificate of title by Code Section 52-7A-7 for work done, for work
 2039 done and materials furnished, or for materials furnished in repairing or servicing such
 2040 vessel or outboard motor. Perfection of the lien by recording shall be as provided in Code
 2041 Section 52-7A-32. The lien may be asserted by retention of the vessel or outboard motor,

2042 and all contracts for repairs or service to vessels or outboard motors shall be deemed to
2043 incorporate a right of retention by the mechanic to protect this lien until it is paid or
2044 satisfied through foreclosure as provided in this Code section. The lien may also be
2045 asserted by surrendering the vessel or outboard motor, giving credit, and foreclosing the
2046 lien claim in the manner provided in this Code section. If the mechanic surrenders
2047 possession of the vessel or outboard motor to the debtor, the mechanic shall record the
2048 claim of lien as provided in Code Section 52-7A-32. Such special lien shall be superior to
2049 all liens except for taxes and such other security interests and liens of which the mechanic
2050 had actual or constructive notice before the work was done or material furnished. The
2051 validity of the lien against third parties shall be determined in accordance with this chapter.
2052 (b) If possession is retained or the lien recorded, the owner-debtor may contest the validity
2053 of the amount claimed to be due by making written demand upon the lienholder. If upon
2054 receipt of such demand the lienholder fails to institute foreclosure proceedings within ten
2055 days where possession has been retained, or within 30 days where possession has been
2056 surrendered, the lien is forfeited.

2057 (c) The lien shall be foreclosed in the following manner:

2058 (1) A person asserting the lien, either for himself or herself or as a guardian,
2059 administrator, executor, or trustee, may move to foreclose it by making an affidavit to a
2060 court of competent jurisdiction showing all the facts necessary to constitute a lien under
2061 this Code section and the amount claimed to be due;

2062 (2) Upon such affidavit being filed, the clerk or a judge of the court shall serve notice
2063 upon the owner, the recorded security interest holders and lienholders, and the lessee, if
2064 any, of the vessel or outboard motor of a right to a hearing to determine if reasonable
2065 cause exists to believe that a valid debt exists, and such notice shall include that such
2066 hearing must be petitioned for within five days after receipt of the notice and that, if no
2067 petition for such hearing is filed within the time allowed, the lien will conclusively be
2068 deemed a valid one and foreclosure thereof allowed;

2069 (3) If a petition for a hearing is filed within the time allowed, the court shall set a
2070 probable cause hearing within ten days of the filing of the petition. If, at the probable
2071 cause hearing, the court determines that reasonable cause exists to believe that a valid
2072 debt exists, the mechanic shall be given possession of the vessel or outboard motor or the
2073 court shall obtain possession of the vessel or outboard motor, as ordered by the court;
2074 provided, however, that the owner-debtor may retain possession of the vessel or outboard
2075 motor by giving bond and security in the amount determined to be probably due and the
2076 costs of the action;

2077 (4) Within five days of the probable cause hearing, a defendant shall petition the court
2078 for a full hearing on the validity of the debt if a further determination of the validity of

2079 the debt is desired. If no such petition is filed, the lien on the amount determined
2080 reasonably due shall be conclusively deemed valid and foreclosure allowed; if such a
2081 petition is filed, the court shall set a full hearing thereon within 30 days of the filing of
2082 the petition. Upon the filing of such petition by the defendant, neither the prosecuting
2083 mechanic nor the court may sell the vessel or outboard motor, although possession of the
2084 vessel or outboard motor may be retained;

2085 (5) If, after a full hearing, the court finds that a valid debt exists, then the court shall
2086 authorize foreclosure upon and sale of the vessel or outboard motor subject to the lien to
2087 satisfy the debt if the debt is not otherwise immediately paid;

2088 (6) If the court finds the actions of the mechanic in retaining or seeking possession of the
2089 vessel or outboard motor were not taken in good faith, the court, in its discretion, may
2090 award damages to the owner, the lessee, or any person deprived of the rightful use of the
2091 vessel or outboard motor due to the deprivation of the use of the vessel or outboard
2092 motor; and

2093 (7) Any proceeding to foreclose a mechanic's lien on a vessel or outboard motor must
2094 be instituted within one year from the time the lien is recorded or is asserted by retention.

2095 52-7A-34.

2096 (a) The holder of any security interest in or lien on a vessel or outboard motor may assign,
2097 absolutely or otherwise, such holder's security interest or lien to a person other than the
2098 owner without affecting the interest of the owner or the validity of the security interest or
2099 lien; but any person without notice of the assignment is protected in dealing with the holder
2100 of the security interest or lien, and the holder of the security interest or lien remains liable
2101 for any obligations as such holder until the assignee is named as the holder of the security
2102 interest or lien on the certificate of title.

2103 (b) The assignee may, but need not to perfect the assignment, have the certificate of title
2104 endorsed or issued with the assignee named as holder of a security interest or lien upon
2105 delivering to the commissioner or the commissioner's duly authorized county tag agent the
2106 certificate and assignment by the holder of a security interest or lien named in the
2107 certificate in the form the commissioner prescribes, provided that as an alternative to a
2108 handwritten signature, the commissioner may authorize use of a digital signature, as
2109 defined in subsection (b) of Code Section 52-7A-8, so long as appropriate security
2110 measures are implemented which assure security and verification of the digital signature
2111 process, in accordance with regulations promulgated by the commissioner. If the
2112 assignment refers to a security interest or lien which is reflected on the certificate of title
2113 and the certificate of title is in the possession of the first security interest holder or
2114 lienholder as provided by this chapter, the assignee may, but need not to perfect the

2115 assignment, have the certificate of title endorsed, or a new certificate of title issued, by
2116 complying with Code Section 52-7A-13.

2117 52-7A-35.

2118 (a)(1) If any security interest or lien listed on a certificate of title is satisfied, the holder
2119 thereof shall, within ten days after demand, execute a release in the form the
2120 commissioner prescribes and mail or deliver the release to the owner, provided that as an
2121 alternative to a handwritten signature, the commissioner may authorize use of a digital
2122 signature, as defined in subsection (b) of Code Section 52-7A-8, so long as appropriate
2123 security measures are implemented which assure security and verification of the digital
2124 signature process, in accordance with regulations promulgated by the commissioner. For
2125 the purposes of the release of a security interest or lien, the holder of the security interest
2126 or lien is the parent bank or other lending institution; and any branch or office of the
2127 parent bank or other lending institution may execute such release.

2128 (2) If the commissioner has entered into an agreement with such a security interest
2129 holder or lienholder to provide a means of delivery by secure electronic measures of a
2130 notice of the recording of such security interest or lien, at such time as the security
2131 interest or lien is released, by secure electronic measures, the certificate of title may be
2132 printed and mailed or delivered to the next security interest holder or lienholder or, if
2133 there is no other security interest holder or lienholder, to the owner.

2134 (b) The owner may then forward the certificate of title, the release, and the properly
2135 executed title application to the commissioner or the commissioner's duly authorized
2136 county tag agent, and the commissioner or authorized county tag agent shall release the
2137 security interest or lien on the certificate or issue a new certificate and mail or deliver the
2138 certificate to the owner. If the satisfied security interest or lien is one reflected on the
2139 certificate of title but the certificate of title is in the custody of the first security interest
2140 holder or lienholder as provided by this chapter, the release may be handled as provided
2141 in Code Section 52-7A-13, and Code Section 52-7A-12 shall otherwise be complied with.
2142 In the event that the security interest holder or lienholder is no longer in business, an
2143 individual shall not be required to submit a release to secure a new certificate of title. The
2144 owner shall be required to present to the commissioner or authorized county tag agent
2145 certification from the appropriate regulatory agency that such security interest holder or
2146 lienholder is no longer in business.

2147 (c) Any lien or security interest shall be considered satisfied and release shall not be
2148 required after ten years from the date of issuance of a title on which such security interest
2149 or lien is listed. None of the provisions of this Code section shall preclude the perfection
2150 of a new security agreement or lien, or the perfection of an extension of a security

2151 agreement or lien beyond a period of ten years, by application for a new certificate of title
2152 on which such security agreement or lien is listed. In order to provide for the continuous
2153 perfection of a security interest or lien originally entered into for a period of more than ten
2154 years, an application for a second title on which the security interest or lien is listed must
2155 be submitted to the commissioner or the commissioner's duly authorized county tag agent
2156 before ten years from the date of the original title on which such security interest or lien
2157 is listed. Otherwise, the security interest or lien shall be perfected as of the date of receipt
2158 of the application by the commissioner or the commissioner's duly authorized county tag
2159 agent.

2160 52-7A-36.

2161 The holder of any security interest or lien named in a certificate of title shall, upon written
2162 request of the owner, another holder of any security interest or lien named in the certificate,
2163 an interested third party, or the commissioner, disclose any information pertinent to the
2164 security interest, the security agreement, and the debt secured thereby and the lien and the
2165 amount for which it is claimed.

2166 52-7A-37.

2167 The method provided in this chapter of perfecting and giving notice of security interests
2168 and liens with respect to vessels or outboard motors for which certificates of title must be
2169 obtained under this chapter is exclusive, and such security interests and liens are exempt
2170 from the provisions of law which otherwise require or relate to the recording or filing of
2171 security interests or liens, claims of lien executions, and other like instruments with respect
2172 to such vessels or outboard motors.

2173 52-7A-38.

2174 This chapter shall not apply to or affect a security interest in a vessel or outboard motor
2175 created by a manufacturer or dealer who holds the vessel or outboard motor for sale. A
2176 buyer in the ordinary course of trade with the manufacturer or dealer takes free of such
2177 security interest.

2178 52-7A-39.

2179 Notwithstanding any other provision of law, a transaction does not create a sales or security
2180 interest merely because it provides that the rental price is permitted or required to be
2181 adjusted under the agreement either upward or downward by reference to the amount
2182 realized upon sale or other disposition of the vessel or outboard motor.

2183 52-7A-40.

2184 Notwithstanding any other provision of law to the contrary, in any claim involving the total
 2185 loss of a vessel or outboard motor which is subject to more than one perfected security
 2186 interest or lien as recorded on the title of the vessel or outboard motor, the proceeds of the
 2187 insurance policy shall be first applied to the debt owed to the first lienholder. In the event
 2188 that there are proceeds remaining after satisfying the first lienholder, the proceeds shall be
 2189 then applied to the debt owed to the second and subsequent lienholders in order of priority,
 2190 and any proceeds remaining after the satisfaction of all such recorded liens shall be paid
 2191 to the insured. If the amount of debt secured by such security interests or liens or the
 2192 seniority of such security interests or liens is in doubt, any remaining funds shall be
 2193 deposited with the court and a complaint for interpleader shall be filed in accordance with
 2194 Code Section 9-11-22.

2195 52-7A-41.

2196 A person who, with fraudulent intent:

- 2197 (1) Alters, forges, or counterfeits a certificate of title under this chapter;
 2198 (2) Alters or forges an assignment of a certificate of title or an assignment or release of
 2199 a security interest on a certificate of title or a form the commissioner prescribed under
 2200 this chapter;
 2201 (3) Has possession of or uses a certificate of title under this chapter knowing it to have
 2202 been altered, forged, or counterfeited;
 2203 (4) Uses a false or fictitious name or address or makes a material false statement, fails
 2204 to disclose a security interest, or conceals any other material fact in an application for a
 2205 certificate of title under this chapter;
 2206 (5) Alters or forges a notice of a transaction concerning a security interest or lien
 2207 reflected on the certificate of title as provided by Code Section 52-7A-13; or
 2208 (6) Willfully violates any other provision of this chapter after having previously violated
 2209 the same or any other provision of this chapter and having been convicted of that act in
 2210 a court of competent jurisdiction
 2211 shall be guilty of a felony.

2212 52-7A-42.

2213 (a) A person who:

- 2214 (1) With fraudulent intent permits another, not entitled thereto, to use or have possession
 2215 of a certificate of title under this chapter;
 2216 (2) Willfully fails to mail or deliver a certificate of title to the commissioner or to the
 2217 purchaser of the vessel or outboard motor or a release of security interest or lien to the

2218 owner within ten days of the time required by this chapter, except as provided in Code
2219 Section 52-7A-41;

2220 (3) Willfully fails or refuses to mail or deliver the certificate of title to the commissioner
2221 within ten days after having received a notice, as provided for in Code Section 52-7A-13
2222 or 52-7A-31; or

2223 (4) Willfully violates any other provision of this chapter
2224 shall be guilty of a misdemeanor.

2225 (b) Any person, firm, or corporation which knowingly makes any false statement in any
2226 title application concerning the date a vessel or outboard motor was sold or acquired or the
2227 date of creation of a security interest or lien shall be guilty of a misdemeanor and, upon
2228 conviction thereof, shall be fined not more than \$100.00 or imprisoned for a period not to
2229 exceed 30 days.

2230 (c) Any person, firm, or corporation which delivers or accepts a certificate of title assigned
2231 in blank shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not
2232 more than \$100.00 or imprisoned for a period not to exceed 30 days for the acceptance or
2233 delivery of each certificate of title assigned in blank.

2234 52-7A-43.

2235 A person who knowingly makes a false report to a peace officer or the commissioner of the
2236 theft or conversion of a vessel or outboard motor shall be guilty of a misdemeanor of a high
2237 and aggravated nature.

2238 52-7A-44.

2239 In a prosecution for a crime specified in this chapter, evidence that the defendant has
2240 committed a prior act or acts of the same kind is admissible to prove criminal intent or
2241 knowledge.

2242 52-7A-45.

2243 Unless another penalty is provided in this chapter:

2244 (1) A person convicted of a felony for the violation of a provision of this chapter shall
2245 be punished by a fine of not less than \$500.00 nor more than \$5,000.00, by imprisonment
2246 for not less than one year nor more than five years, or by both such fine and
2247 imprisonment; and

2248 (2) A person convicted of a misdemeanor for the violation of a provision of this chapter
2249 shall be punished as provided in Code Section 17-10-3.

2250 52-7A-46.

2251 The penal provisions of this chapter in no way repeal or modify any existing provision of

2252 criminal law but are additional and supplementary thereto."

2253

SECTION 7.

2254 All laws and parts of laws in conflict with this Act are repealed.