

House Bill 391

By: Representative Stephens of the 164th

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 revise the time by which dealers of motor vehicles are required to transmit
3 applications for title and state and local title ad valorem tax fees to the county tag agent; to
4 revise provisions of law regarding state and local title ad valorem tax fees paid by dealers of
5 used motor vehicles that directly finance the sale of used motor vehicles; to provide for
6 credits for or refunds of that portion of state and local title ad valorem tax fees that is
7 applicable to the unpaid balance of the contract in certain circumstances when the motor
8 vehicle is repossessed by the dealer; to provide for related matters; to provide an effective
9 date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
13 amended by revising subparagraph (b)(1)(E) and by adding a new subparagraph to
14 paragraph (1) of subsection (b) of Code Section 48-5C-1, relating to definitions, exemption
15 from taxation, allocation and disbursement of proceeds collected by tag agents, fair market
16 value of vehicle appealable, and reports, as follows:

17 "(E) A dealer of new or used motor vehicles that accepts an application for title and
18 state and local title ad valorem tax fees from a purchaser of a new or used motor vehicle
19 and does not transmit such application for title and state and local title ad valorem tax
20 fees to the county tag agent within ~~10~~ 30 days following the date of purchase shall be
21 liable to the county tag agent for an amount equal to 5 percent of the amount of such
22 state and local title ad valorem tax fees. An additional 5 percent penalty shall be
23 imposed for each subsequent month the payment is not transmitted."

24 "(G)(i) When a dealer of used motor vehicles that directly finances the sale of a used
25 motor vehicle repossesses a motor vehicle under a retained title, conditional sale, or
26 similar contract and has paid the state and local title ad valorem tax fees on the full

27 selling price of the motor vehicle, the dealer may take credit on a subsequent return
28 for or obtain a refund of that portion of the state and local title ad valorem tax fees
29 that is applicable to the unpaid balance of the contract.

30 (ii) The credit or refund shall be claimed within 12 months following the month in
31 which the motor vehicle is repossessed. The dealer of used motor vehicles that
32 directly finances the sale of a used motor vehicle that originally submitted the state
33 and local title ad valorem tax fees on such dealer's state and local title ad valorem tax
34 fees return may claim a lawful deduction or request a refund."

35 **SECTION 2.**

36 This Act shall become effective upon its approval by the Governor or upon its becoming law
37 without such approval.

38 **SECTION 3.**

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