



GEORGIA DEPARTMENT OF REVENUE
MOTOR VEHICLE PERFORMANCE BOND
PRIVATE TAG AGENT

MVD FORM MV-48
(05-2015)

WHEREAS, pursuant to O.C.G.A. § 40-2-25 and O.C.G.A. § 40-2-88(i), private tag agents may be appointed for the purpose of processing applications for the registration of motor vehicles and for electronic and direct registration of intrastate or interstate private or commercial motor vehicles on an apportionment basis under the the International Registration Plan as developed by the American Association of Motor Vehicle Administrators; and

WHEREAS, the Commissioner of Revenue is authorized by the Official Code of Georgia Annotated, §§40-2-25 and 40-2-88 to require the Private Tag Agent to give an annual fidelity bond in the amount of Fifty Thousand Dollars (\$50,000.00) with good and sufficient surety or sureties licensed to do business in this state payable to, in favor of, and for the protection of either the patee, taxpayer, or the tax commissioner of the county in which such person processes such applications (County Tax Commissioners”).

WHEREAS, the Principal as bound below has applied to the Department on ___ day of _____, 20___ to be appointed a private tag and title agent, the business of which is to collect motor vehicle registrations and title applications, taxes and penalties, and fees from customers and present such information to the Department in order to obtain motor vehicle registrations, license plates, tags or decals and title documents for said customers for a fee, to give the customer a receipt for cash, to turn over all collected motor vehicle registration and title, taxes and penalties, fees and documents to the Department and to return all applicable registration and title registration documents and receipts to the customer, all in compliance with the laws, rules, regulations and policies of the State of Georgia, the Department and the County Tax Agents (“Services”).

THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That _____ as principal (hereinafter referred to as
(Legal Name and Address of the Private Tag Agent)

“Principal” or “Private Tag Agent”), and _____ as
(Legal Title and Address of Surety)

surety (hereinafter referred to as "Surety"), are held and firmly bound unto the **State of Georgia’s Commissioner of Revenue, the Georgia Department of Revenue (hereinafter “Department”) and each County Tax Commissioner**, as co-obligees, in the amount of **Fifty Thousand Dollars and No Cents (\$50,000.00)**, to which payment Private Tag Agent and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if the Private Tag Agent shall promptly and faithfully perform the Services and shall indemnify and hold harmless the Department, the State of Georgia and the County Tax Commissioners (collectively “Indemnitees”) against and from all cost, expenses, damages, injury or loss to which said Indemnitees may be subjected by reason of any wrongdoing, including patent infringement, misconduct, want of care or skill, default or failure of performance on the part of said Principal, his agents, subcontractors or employees, in the execution or performance of said contract, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

- (1) The said Surety to this bond, for value received, hereby stipulates and agrees that no change or changes in the laws, rules, regulations and policies of the State of Georgia, the Department or the County Tax Agents shall in any wise affect its obligation on this bond, and it does hereby waive notice of any such change or changes.
- (2) If the Department or the County Tax Commissioner declares the Private Tag Agent in default, suspended or terminated, the Surety must promptly obtain all documentation involving the Services from the Private Tag Agent and remit to the Department, time being of the essence.
- (3) In addition to the foregoing, whenever the Department shall notify the Surety that it or the County Tag Agent has received notice that the Private Tag Agent (i) has failed to refund monies paid by a customer upon the Department’s or the County Tax Agents’ suspension or termination of Private Tag Agent status, the Surety shall, within 20 days of receipt of such notice from the Department, cause to be paid any unpaid amounts
- (4) The Private Tag Agent and Surety shall be subject to suit by the Department, the County Tag Agents, or by any aggrieved individual customer if the Private Tag Agent has defaulted on its obligations.
- (5) The Private Tag Agent and Surety shall be subject to suit by action by the Department, the County Tag Agents, or by any aggrieved individual customer if the Private Tag Agent has defaulted on its obligation to it or a customer, said suit being for the purpose of requiring the necessary expenditure of funds to reimburse the Department, the County Tag Agent and/or the aggrieved customer for financial losses due to the Private Tag Agent default on the Services.

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- (6) It is expressly agreed by the Principal and the Surety that the Department, if it desires to do so, it is at liberty to make inquiries at any time of the County Tag Agents, customers or other parties concerning the Private Tag Agent's Services.
- (7) The Private Tag Agent shall have a written agreement with its clients as their attorney-in-fact to conduct the Services on the client's behalf.
- (8) The Private Tag Agents acknowledges that any documentation received or generated in furtherance of the Services is subject to the federal Drivers Privacy Protection Act and the exclusion under the Georgia Open Records Act. Should the Private Tag Agent receive a request for motor vehicle records, the Private Tag Agent shall forward such request to the Department within three (3) business days for response by the Department.
- (9) No right of action shall accrue on this bond to or for the use of any person or corporation other than the Department, the State of Georgia, the County Tag Agents, and any Customer of the Private Tag Agent, or their legal successors.
- (7) For the purposes of this bond, the name and address of the Department's representative to whom correspondence and telecommunications may be addressed and/or with whom business concerning this bond may be conducted will be as follows:

Georgia Department of Revenue, Motor Vehicle Division
Attn: Commercial Registrations Unit
PO Box 740382
Atlanta, GA 30374-0382

- (8) The business for transaction of this bond shall be deemed to have taken place in the Fulton County, Georgia. If any action or proceeding is initiated in connection with this bond and any of its obligations arising hereunder, the venue thereof shall be in the Superior Court of Fulton County, Georgia.
- (9) If any one or more of the provisions of this bond are determined to be illegal or unenforceable by a court of competent jurisdiction, all other provisions shall remain effective.
- (10) This bond shall be binding upon and inure to the benefit of the parties hereto and the individual customers of the Private Tag Agent, their successors, assigns, and legal representatives.
- (11) This bond shall be construed in accordance with Georgia law, including but not limited to, Title 40, Chapter 2 of the Official Code of Georgia.

SIGNED AND SEALED THIS ____ DAY OF _____ A. D., 20_____.

IN THE PRESENCE OF:

WITNESS

PRIVATE TAG AGENT AS PRINCIPAL (SEAL)

NAME

TITLE

WITNESS

SURETY ** (SEAL)

NAME

TITLE

**This Bond must have a valid original copy of the Power of Attorney of the Surety attached hereto.