



GEORGIA DEPARTMENT OF REVENUE

▪ MOTOR VEHICLE DIVISION ▪

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David M. Curry, Revenue Commissioner ▪ Georgia Steele, Director

NOTICE TO COUNTY TAG OFFICES Three New Affidavit Forms for H.B. 329 Changes

Why are we receiving notification?

- H.B. 329 provides for new affidavits to be used in certain circumstances. The Department of Revenue (Department) will be issuing three (3) new affidavits with the rollout of the new DRIVES system on May 27, 2019. (Two are entirely new and one is a revised form.) The Department is issuing this bulletin to alert County Tag Offices of the uses and requirements of these new affidavit forms.

What do we need to do?

- County Tag Offices need to begin familiarizing themselves with the three affidavits, which are attached to this notice, in order to process requests beginning May 27.

What are the new affidavit forms and when should customers use them?

- **Form MV-17 – Affidavit to Certify Title Transfer Based on Divorce Decree for Eligibility for Reduced TAVT Rate of 1%**
This affidavit is used in the divorce setting to take advantage of the reduced 1% TAVT rate that H.B. 329 provides for vehicles transferred under a divorce decree. The TAVT rate of 1% (0.5% state tax and 0.5% local tax) applies to the fair market value of the vehicle. This affidavit is used only for vehicles that have already been subject to TAVT prior to the transfer, not vehicles still subject to the annual ad valorem tax. Form MV-17 must be notarized and the customer must attach a certified copy of the divorce decree. Customers who falsify information on the affidavit are subject to fines up to \$5,000 (\$2,500 state and \$2,500 local).
- **Form MV-66A – Georgia Dealer's Affidavit for Title Ad Valorem Tax (TAVT) Exemption Authorized in H.B. 329**
This affidavit is used by a motor vehicle owner to apply for one of three (3) different exemptions from TAVT for certain transfers of a motor vehicle:
 - Transfer of motor vehicle in a business reorganization in which the owners maintain their same levels of ownership interest in the reorganized business entity. For example, if a limited liability company (LLC) with two owners converts to a corporation but the two owners retain the same percentage ownership before and after the transaction, the transfer of the title from the LLC to the corporation would be exempt from TAVT. The exemption is available for all types of business entities.
 - Transfer of motor vehicle from a business entity owner to the business entity.
 - Transfer of motor vehicle from a business entity to the business entity's owner for the purpose of obtaining a prestige or special license plate for the motor vehicle. The owner must attach a copy of the application for the prestige or special license plate.

- **Example:** Owner 1 owns a 25% interest in a limited liability company, which owns a pick-up truck with a standard A-1 plate. The company's owners want the truck to bear a Wildflower plate. The company transfers the truck to Owner 1 for the primary purpose of allowing Owner 1 to obtain a Wildflower plate for the vehicle. If Owner 1 provides the County Tag Office with a Form MV-1 showing the transfer, the Form MV-66A, and the completed application for a Wildflower plate, the County Tag Office should not charge TAVT for the transfer of the truck from the company to Owner 1.
- **Form T-226 – Georgia Department of Revenue – Motor Vehicle Division Application to Extend the Initial Registration Period**

This affidavit is being revised. The current Form T-226 is used by a motor vehicle purchaser to obtain a 30-day extension of the initial registration period when the seller has not delivered the title to the purchaser. Due to the change in the law, the revised Form T-226 can also be used by a transferor or transferee to obtain the 30-day extension for the transferee when the title cannot be obtained due to the lienholder failing to timely release a lien on the motor vehicle. Note that now a transferor or transferee will be able to apply for the extension on behalf of the transferee regardless of whether the title is unavailable because of the seller or the lienholder.

The applicant must submit with the Form T-226 a copy of the bill of sale or the dealer's invoice.

Forms should be completed in their entirety and notarized. Any correction or alteration voids a form, and voided forms should not be accepted. The Form T-226 should not be accepted more than five (5) business days prior to the expiration of the original TOP issued by the dealer.

