



State of Georgia

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HB 865 & Mandatory Electronic Lien and Title Program October 1, 2012

The Georgia Electronic Lien and Title program ("ELT") provides a method for lenders that finance vehicles to be titled in Georgia to record and receive notice of security interests and liens electronically. To participate in ELT, lenders must enter into an agreement with an ELT service provider authorized by the Department of Revenue to electronically process security interest and lien information. Previously, participation in ELT was voluntary. However, HB 865 passed during the 2012 session of the Georgia General Assembly amended O.C.G.A. § 40-3-26 to require mandatory lender participation in ELT. This law is effective January 1, 2013.

To facilitate a smooth transition, the law allows for a discretionary phase-in of the mandate by regulation. The Department of Revenue has provided the following phase-in schedule in proposed Regulation 560-10-12-.03:

- Effective January 1, 2013: Lenders who recorded 500 or more security interests or liens on Georgia certificates of title in calendar year 2012 must participate in ELT.
- Effective July 1, 2013: Lenders who recorded 200 or more security interests or liens on Georgia certificates of title in calendar year 2012 must participate in ELT.
- Effective January 1, 2014: Lenders who recorded 5 or more security interests or liens on Georgia certificates of title in the immediately prior calendar year, or who have recorded 5 or more security interests or liens on Georgia certificates of title within the same calendar year, must participate in ELT.

To be fully prepared for this transition, lenders should contact an approved ELT vendor to begin the enrollment process. Approved ELT vendors are listed below.

Please note: once a lender is participating in ELT, an electronic release effectuated through the ELT portal will satisfy the requirement of the executed release being provided to the Commissioner of the Department of Revenue within 10 days of satisfaction pursuant to O.C.G.A. § 40-3-56.