

House Bill 1161

By: Representative Holland of the 157<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, the  
2 "Motor Vehicle Sales Finance Act," so as to change a certain reference contained therein; to  
3 repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

6 Article 2 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, the "Motor  
7 Vehicle Sales Finance Act," is amended by striking in its entirety Code Section 10-1-36,  
8 relating to the disposition of a motor vehicle repossessed after default and the right to recover  
9 a deficiency, and inserting in lieu thereof the following:

10 "10-1-36.

11 (a) When any motor vehicle has been repossessed after default in accordance with Part 5  
12 of Article 9 of Title 11, the seller or holder shall not be entitled to recover a deficiency  
13 against the buyer unless within ten days after the repossession he or she forwards by  
14 registered or certified mail or statutory overnight delivery, return receipt requested, to the  
15 address of the buyer shown on the contract or later designated by the buyer a notice of the  
16 seller's or holder's intention to pursue a deficiency claim against the buyer. The notice  
17 shall also advise the buyer of his or her rights of redemption, as well as his or her right to  
18 demand a public sale of the repossessed motor vehicle. In the event the buyer exercises his  
19 or her right to demand a public sale of the goods, he or she shall in writing so advise the  
20 seller or holder of his or her election by registered or certified mail or statutory overnight  
21 delivery, return receipt requested, addressed to the seller or holder at the address from  
22 which the seller's or holder's notice emanated within ten days after the posting of the  
23 original seller's or holder's notice.

24 (b) In the event of election of such public sale by the buyer, the seller or holder shall  
25 dispose of said repossessed motor vehicle at a public sale as provided by law, to be held  
26 in the state and county where the original sale took place, or the state and county where the

1 motor vehicle was repossessed, or the state and county of the buyer's residence, at the  
2 seller's election.

3 (c) This Code section is cumulative of Part ~~5~~ 6 of Article 9 of Title 11 and provides  
4 cumulative additional rights and remedies which must be fulfilled before any deficiency  
5 claim will lie against a buyer, and nothing herein shall be deemed to repeal said part."

6 **SECTION 2.**

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