

House Bill 1179

By: Representatives Coleman of the 97<sup>th</sup>, Keen of the 179<sup>th</sup>, Crawford of the 127<sup>th</sup>, Smith of the 129<sup>th</sup>, Smith of the 131<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 3 of Title 13 of the Official Code of Georgia Annotated, relating to  
2 elements and formation of contracts, so as to provide that the placement and acceptance of  
3 a winning bid at an auction conducted by an licensed auctioneer shall constitute a valid and  
4 binding contract; to provide for recovery of actual and exemplary damages; to provide for  
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 3 of Title 13 of the Official Code of Georgia Annotated, relating to elements and  
9 formation of contracts, is amended by adding at the end of Article 1 a new Code Section  
10 13-3-6 to read as follows:

11 "13-3-6.

12 (a) The placement and acceptance of a winning bid at an auction conducted by an  
13 auctioneer licensed under Chapter 6 of Title 43 shall constitute a valid and binding  
14 contract.

15 (b) The failure of either party to complete the sale and purchase pursuant to a contract  
16 subject to subsection (a) of this Code section shall entitle the other party to compensatory  
17 damages. In addition, if the property which was the subject of the contract has a value of  
18 more than \$1,000.00, the party not at fault shall be entitled to recover from the party at  
19 fault exemplary damages in the amount of 10 percent of the value of the property but not  
20 more than \$1,000.00."

21 **SECTION 2.**

22 All laws and parts of laws in conflict with this Act are repealed.