

House Bill 978 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Mills of the 25th and Forster of the 3rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 12 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to the uniform rules of the road for motor vehicles, so as to provide that any motor
3 vehicle registered in this state that is involved in a violation of the traffic laws of this state
4 or an accident while being operated by a person who is not legally in this country shall be
5 subject to forfeiture; to provide for related matters; to provide for an effective date; to repeal
6 conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Article 12 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to the
10 uniform rules of the road for motor vehicles, is amended by adding a new Code section to
11 read as follows:

12 "40-6-279.

13 (a) Any motor vehicle that is registered in this state that is:

14 (1) Involved in a violation of the traffic laws of this state; or

15 (2) Involved in an accident in this state

16 while being operated by a person who is not legally in this country shall be considered as
17 property which is subject to forfeiture under the procedures and exceptions contained in
18 Code Section 16-13-49.

19 (b) Any interest holder or owner of a motor vehicle, as defined in paragraphs (6) and (7)
20 of subsection (a) of Code Section 16-13-49, shall be entitled to use all of the defenses and
21 procedures relating to seizure, forfeiture, or recovery of a motor vehicle provided for in
22 that Code section, unless the interest holder actually knew or the owner actually knew that
23 the person operating the motor vehicle was not legally in this country.

24 (c) If an interest holder or owner of a motor vehicle presents a sworn affidavit to the fact
25 that he or she did not have actual knowledge the operator of the seized motor vehicle was
26 not legally in this country to the law enforcement agency or officer that has custody of the

1 motor vehicle, unless the law enforcement agency has sufficient evidence to prove the
2 interest holder or owner did have actual knowledge that the operator of the motor vehicle
3 was not legally in this country, such motor vehicle shall be returned to the interest holder
4 or owner of such motor vehicle promptly and without penalty.

5 (d) When any motor vehicle is forfeited and sold under the provisions of this Code section,
6 the court shall consider any costs incurred by the victim as a result of any accident that
7 occurred while the motor vehicle was being operated by a person who was not legally in
8 this country and may order that a portion of the proceeds of the sale of the vehicle be
9 distributed to the victim."

10 **SECTION 2.**

11 This Act shall become effective on July 1, 2008.

12 **SECTION 3.**

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