

House Bill 114 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 29<sup>th</sup>, Rice of the 51<sup>st</sup>, Battles of the 15<sup>th</sup>, and Harden of the 28<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 11 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to abandoned motor vehicles generally, so as to change a definition; to clarify the fee  
3 for filing a lien foreclosure affidavit; to provide for the disposition of certain contents of  
4 abandoned vehicles; to provide for related matters; to repeal conflicting provisions; and for  
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 11 of Title 40 of the Official Code of Georgia Annotated, relating to  
9 abandoned motor vehicles generally, is amended by revising Code Section 40-11-1, relating  
10 to definitions, as follows:

11 "40-11-1.

12 As used in this article, the term:

13 (1) 'Abandoned motor vehicle' means a motor vehicle or trailer:

14 (A) Which has been left by the owner or some person acting for the owner with an  
15 automobile dealer, repairman, or wrecker service for repair or for some other reason  
16 and has not been called for by such owner or other person within a period of 30 days  
17 after the time agreed upon; or within 30 days after such vehicle is turned over to such  
18 dealer, repairman, or wrecker service when no time is agreed upon; or within 30 days  
19 after the completion of necessary repairs;

20 (B) Which is left unattended on a public street, road, or highway or other public  
21 property for a period of at least five days and when it reasonably appears to a law  
22 enforcement officer that the individual who left such motor vehicle unattended does not  
23 intend to return and remove such motor vehicle. However, on the state highway  
24 system, any law enforcement officer may authorize the immediate removal of vehicles  
25 posing a threat to public health or safety or to mitigate congestion;

26 (C) Which has been lawfully towed onto the property of another at the request of a law  
 27 enforcement officer and left there for a period of not less than 30 days without anyone  
 28 having paid all reasonable current charges for such towing and storage;

29 (D) Which has been lawfully towed onto the property of another at the request of a  
 30 property owner on whose property the vehicle was abandoned and left there for a period  
 31 of not less than 30 days without anyone having paid all reasonable current charges for  
 32 such towing and storage; or

33 (E) Which has been left unattended on private property for a period of not less than 30  
 34 days.

35 (2) 'Motor vehicle' or 'vehicle' means motor vehicle or trailer.

36 (3) 'Owner' or 'owners' means the registered owner, the owner as recorded on the title,  
 37 lessor, lessee, security interest holders, and all lienholders as shown on the records of the  
 38 Department of Revenue or the records from the vehicle's state of registration."

### 39 SECTION 2.

40 Said article is further amended by revising subparagraph (B) of paragraph (3) of Code  
 41 Section 40-11-5, relating to lien foreclosures on abandoned motor vehicles, as follows:

42 "(B) Regardless of the court in which the affidavit required by this paragraph is filed,  
 43 the fee for filing such affidavit shall only be \$10.00 per motor vehicle upon which a lien  
 44 is asserted. Notwithstanding any law to the contrary, the affidavit filing fee shall not  
 45 be taxed nor shall any additional fee or surcharge be assessed for such filing."

### 46 SECTION 3.

47 Said article is further amended by adding a new Code section to read as follows:

48 "40-11-10.

49 (a) As used in this Code section, the term 'contents' means only the following:

50 (1) Prescription drugs or eyewear;

51 (2) Personal documents, including, but not limited to, birth records, passports, or death  
 52 records;

53 (3) Firearms;

54 (4) Medical devices;

55 (5) Child safety restraining devices; or

56 (6) Keys, except the keys to the abandoned motor vehicle.

57 (b) Any person who stores an abandoned motor vehicle pursuant to the provisions of this  
 58 article shall allow the owner of such vehicle to retrieve the contents from such vehicle, and  
 59 the owner of a motor vehicle shall be allowed to retrieve contents and any other item from  
 60 such vehicle if such retrieval occurs within the first 30 days that such vehicle is stored.

61 (c) Prior to the sale or other final disposition of an abandoned motor vehicle, if the person  
62 who stores such vehicle locates contents, as defined in paragraphs (1) through (3) of  
63 subsection (a) of this Code section, in such vehicle, such person shall surrender such  
64 contents to the nearest law enforcement agency."

65 **SECTION 4.**

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