

The House Committee on Motor Vehicles offers the following substitute to SB 446:

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 general provisions relative to abandoned motor vehicles, so as to allow an entity
3 with a contract with the Department of Revenue to provide information relating to the
4 registered owner or lien holders recorded on motor vehicle titles; to provide for a definition;
5 to increase the value of a motor vehicle for purposes of determining if it is to be classified
6 as derelict; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 Chapter 11 of Title 40 of the Official Code of Georgia Annotated, relating to
10 general provisions relative to abandoned motor vehicles, is amended in Code
11 Section 40-11-1, relating to definitions, by revising paragraphs (2) and (3) and adding a new
12 paragraph to read as follows:

13 "(2) 'Authorized entity' means a public or private entity with access to owner records
14 through contract or agreement with the Department of Revenue.

15 ~~(2)~~(3) 'Motor vehicle' or 'vehicle' means a motor vehicle or trailer.

16 ~~(3)~~(4) 'Owner' or 'owners' means the registered owner, the owner as recorded on the title,
17 lessor, lessee, security interest holders, and all lienholders as shown on the records of the
18 Department of Revenue or the records from the vehicle's state of registration."

19 **SECTION 2.**

20 Said article is further amended in Code Section 40-11-2, relating to duty of person removing
21 or storing a motor vehicle, by revising subsections (a), (b), and (e) as follows:

22 "(a) Any person who removes a motor vehicle from public property at the request of a law
23 enforcement officer or stores such vehicle shall, if the owner of the vehicle or some person
24 acting for the owner is not present, seek the identity of and address of all known owners
25 of such vehicle from the law enforcement officer requesting removal of such, from such

26 officer's agency, from a local law enforcement agency for the jurisdiction in which the
27 remover's or storer's place of business is located, or from the State of Georgia by direct
28 electronic access as provided through its agencies ~~and authorities~~ or authorized entity
29 within three business days of removal. The local law enforcement agency shall furnish
30 such information to the person removing such vehicle within three business days after
31 receipt of such request.

32 (b) Any person who removes a motor vehicle from private property at the request of the
33 property owner or stores such vehicle shall, if the owner of the vehicle or some person
34 acting for the owner is not present, notify in writing a local law enforcement agency of the
35 location of the vehicle, the manufacturer's vehicle identification number, license number,
36 model, year, and make of the vehicle within three business days of the removal of such
37 vehicle and shall seek from the local law enforcement agency or from the State of Georgia
38 by direct electronic access as provided through its agencies ~~and authorities~~ or authorized
39 entity the identity and address of all known owners of such vehicle and any information
40 indicating that such vehicle is a stolen motor vehicle. The local law enforcement agency
41 shall furnish such information to the person removing such vehicle within three business
42 days after receipt of such request."

43 "(e) If none of the owners redeems such motor vehicle as described in subsection (d) of
44 this Code section, or if a vehicle being repaired by a repair facility or being stored by an
45 insurance company providing insurance to cover damages to the vehicle becomes
46 abandoned, the person removing or storing such motor vehicle shall, within seven calendar
47 days of the day such vehicle became an abandoned motor vehicle, give notice by electronic
48 means as provided by the State of Georgia through its agencies ~~and authorities~~ or
49 authorized entity, in writing, or by sworn statement, on the form prescribed by the state
50 revenue commissioner, to the Department of Revenue with a research fee as fixed by rule
51 or regulation payable to the Department of Revenue, stating the manufacturer's vehicle
52 identification number, the license number, the fact that such vehicle is an abandoned motor
53 vehicle, the model, year, and make of the vehicle, the date the vehicle became an
54 abandoned motor vehicle, the date the vehicle was removed, and the present location of
55 such vehicle and requesting the name and address of all owners of such vehicle. If the
56 form submitted is rejected because of inaccurate or missing information, the person
57 removing or storing the vehicle shall resubmit, within seven calendar days of the date of
58 the rejection, a corrected notice form together with an additional research fee as fixed by
59 rule or regulation payable to the Department of Revenue. Each subsequent corrected
60 notice, if required, shall be submitted with an additional research fee as fixed by rule or
61 regulation payable to the Department of Revenue. If a person removing or storing the
62 vehicle has knowledge of facts which reasonably indicate that the vehicle is registered or

63 titled in a certain other state, such person shall check the motor vehicle records of that other
 64 state in the attempt to ascertain the identity of the owner of the vehicle. Research requests
 65 may be submitted and research fees made payable to the office of the tax commissioner and
 66 deposited in the general fund for the county in which the remover's or storer's place of
 67 business is located in lieu of the Department of Revenue, but in like manner, if such office
 68 processes motor vehicle records of the Department of Revenue."

69 **SECTION 3.**

70 Said article is further amended in Code Section 40-11-9, relating to derelict motor vehicles,
 71 determination of status, disposition, and violation and penalties, by revising subsection (a)
 72 as follows:

73 "(a) If a motor vehicle has been left unattended on private property for not less than two
 74 days or on public property for not less than three days without the owner or driver making
 75 any attempt to recover such vehicle or to leave a conspicuously placed note that such owner
 76 or driver intends to return for such vehicle; or, if a conspicuous note was left, if the motor
 77 vehicle has been left unattended for not less than five days and if because of damage,
 78 vandalism, theft, or fire the vehicle is damaged to the extent that its restoration to an
 79 operable condition would require the replacement of one or more major component parts
 80 or involves any structural damage that would affect the safety of the vehicle; or if there is
 81 evidence that the vehicle was inoperable due to major mechanical breakdown at the time
 82 it was left on the property, such as the engine, transmission, or wheels missing, no coolant
 83 in the cooling system, no oil in the engine, or burned fluid in the transmission; or if the
 84 vehicle is seven or more years old; or if the vehicle is not currently tagged or is not
 85 verifiable by the state as to who is the current owner or lienholder of the vehicle; or if the
 86 vehicle has been abandoned to a wrecker service by an insurance company and the owner
 87 following the insurance company's making a total loss payment, then any person removing
 88 such vehicle shall within 72 hours of removing such vehicle obtain the identity of and
 89 address of the last known registered owner of the vehicle, the owner of the vehicle as
 90 recorded on the certificate of title of such vehicle, and any security interest holder or
 91 lienholder on such vehicle from the local law enforcement agency of the jurisdiction in
 92 which the vehicle was located. If the law enforcement agency shows no information on the
 93 vehicle, then a request for such information shall be sent to the Department of Revenue or
 94 an authorized entity. Within 72 hours after obtaining such information, the person
 95 removing such vehicle shall, by certified mail or statutory overnight delivery, return receipt
 96 requested, notify the registered owner, title owner, and security interest holder or lienholder
 97 of the vehicle that such vehicle will be declared a derelict vehicle and the title to such
 98 vehicle will be canceled by the Department of Revenue if such person or persons fail to

99 respond within ten days of receipt of such notice. The state revenue commissioner shall
100 prescribe the form and content of such notice. If the registered owner, title owner, or
101 security interest holder or lienholder fails to respond within 30 days from the date of such
102 notice by certified mail or statutory overnight delivery, and if the vehicle is appraised as
103 having a total value of less than ~~\$300.00~~ \$600.00, the vehicle shall be considered to be a
104 derelict vehicle. The value of the vehicle shall be determined as 50 percent of the
105 wholesale value of a similar car in the rough section of the *National Auto Research Black*
106 *Book, Georgia Edition*, or if a similar vehicle is not listed in such book or, regardless of the
107 model year or book value of the vehicle, if the vehicle is completely destroyed by fire,
108 flood, or vandalism or is otherwise damaged to the extent that restoration of the vehicle to
109 a safe operable condition would require replacement of more than 50 percent of its major
110 component parts, the person shall obtain an appraisal of the motor vehicle from the local
111 law enforcement agency's auto theft section with jurisdiction in the county or municipality
112 where such vehicle is located. Any person removing a vehicle shall complete a form, to
113 be provided by the Department of Revenue, indicating that the vehicle meets at least four
114 of the above-stated eight conditions for being a derelict vehicle and shall file such form
115 with the Department of Revenue and the law enforcement agency with jurisdiction from
116 which such vehicle was removed."

117

SECTION 4.

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