

House Bill 307

By: Representatives Powell of the 32nd, Ridley of the 6th, Corbett of the 174th, and Harrell of the 106th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to
2 magistrate courts, so as to provide for jurisdiction of such courts; to provide for filing certain
3 documents electronically; to amend Chapter 11 of Title 40 of the Official Code of Georgia
4 Annotated, relating to abandoned motor vehicles, so as to repeal Article 1, relating to
5 abandoned and derelict vehicles, and to enact a new Article 1; to provide for a short title; to
6 provide for legislative intent; to provide for definitions; to provide for unattended motor
7 vehicle checks by peace officers; to provide for procedures, conditions, and limitations for
8 the removal of unattended motor vehicles from public or private property; to prohibit the
9 removal of vehicles left in private lots in certain instances; to provide for conditions for the
10 removal of items from a motor vehicle stored without the consent of the owner; to provide
11 for notice of certain information relating to a motor vehicle removed and stored without the
12 consent of the owner; to provide for the creation of a lien upon a motor vehicle removed and
13 stored without the consent of an owner; to provide for recoverable fees; to provide for
14 procedures, conditions, and limitations for the foreclosure of such lien; to provide for a
15 public sale process; to provide for submission of proceeds from such public sale to the
16 Department of Revenue to be treated as unclaimed property; to provide for a process for
17 obtaining a new motor vehicle title for a motor vehicle purchased at a public sale; to amend
18 Article 5 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to
19 disposition of unclaimed property, so as to provide for proceeds from the sale of an
20 abandoned motor vehicle after satisfaction of a lien to be deposited with the commissioner
21 of revenue; to provide for publication of "Georgia Unclaimed Property List"; to provide for
22 related matters; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **SECTION 1.**

25 Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to magistrate
26 courts, is amended by revising Code Section 15-10-2, relating to general jurisdiction, as
27 follows:

28 "15-10-2.

29 Each magistrate court and each magistrate thereof shall have jurisdiction and power over
30 the following matters:

- 31 (1) The hearing of applications for and the issuance of arrest and search warrants;
- 32 (2) Issuance of warrants and related proceedings as provided in Article 4 of Chapter 6
33 of Title 17, relating to bonds for good behavior and bonds to keep the peace;
- 34 (3) The holding of courts of inquiry;
- 35 (4) The trial of charges of violations of county ordinances and penal ordinances of state
36 authorities;
- 37 (5) The trial of civil claims including garnishment and attachment in which exclusive
38 jurisdiction is not vested in the superior court and the amount demanded or the value of
39 the property claimed does not exceed \$15,000.00, provided that no prejudgment
40 attachment may be granted;
- 41 (6) The issuance of summons, trial of issues, and issuance of writs and judgments in
42 dispossessory proceedings and distress warrant proceedings as provided in Articles 3 and
43 4 of Chapter 7 of Title 44;
- 44 (7) The punishment of contempts by fine not exceeding \$200.00 or by imprisonment not
45 exceeding ten days or both;
- 46 (8) The administration of any oath which is not required by law to be administered by
47 some other officer;
- 48 (9) The granting of bail in all cases where the granting of bail is not exclusively
49 committed to some other court or officer;
- 50 (10) The issuing of subpoenas to compel attendance of witnesses in the magistrate court
51 and subpoenas for the production of documentary evidence before the magistrate court;
- 52 (11) Such other matters as are committed to their jurisdiction by other general laws;
- 53 (12) The trial and sentencing of misdemeanor violations of Code Section 16-9-20,
54 relating to criminal issuance of bad checks, as provided by Article 10 of this chapter;
- 55 (13) The execution or subscribing and the acceptance of written waivers of extradition
56 in the same manner provided for in Code Section 17-13-46;
- 57 (14) The trial and sentencing of misdemeanor violations of other Code sections as
58 provided by Article 13 of this chapter;
- 59 (15) The foreclosure of liens on animals as established in Title 4; and

60 (16) The foreclosure of liens on abandoned mobile homes as established in Article 6 of
 61 Chapter 7 of Title 44; and
 62 (17) The foreclosure of liens on abandoned motor vehicles as established in Article 1 of
 63 Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act."

64 **SECTION 2.**

65 Said chapter is further amended in Code Section 15-10-53, relating to filing of documents
 66 in magistrate court by electronic means, by revising subsection (a) as follows:

67 "(a) Any magistrate court may provide for the filing of civil, garnishment, distress warrant,
 68 dispossessory, foreclosure, ~~abandoned motor vehicle~~, and all other noncriminal actions,
 69 claims, answers, counterclaims, pleadings, postjudgment interrogatories, and other
 70 documents by electronic means."

71 **SECTION 3.**

72 Chapter 11 of Title 40 of the Official Code of Georgia Annotated, relating to abandoned
 73 motor vehicles, is amended by repealing Article 1, relating to abandoned and derelict
 74 vehicles, and enacting a new Article 1 to read as follows:

75 "ARTICLE 1

76 40-11-1.

77 The article shall be known and may be cited as the 'Abandoned Motor Vehicle Act.'

78 40-11-2.

79 The intent of the General Assembly is to provide a comprehensive and streamlined process
 80 for businesses removing motor vehicles from public rights of way and private property to
 81 recover the costs associated with this work while balancing the rights of a motor vehicle
 82 owner, when a motor vehicle has been abandoned or unclaimed. Businesses removing
 83 motor vehicles from public rights of way and private property without the consent of an
 84 owner are regulated by the Department of Public Safety pursuant to Code Section 44-1-13
 85 and, as such, the recoverable fees for these businesses are limited. When executed at the
 86 request of law enforcement, these businesses perform an essential public function of
 87 keeping highways in this state free from obstructions that could cause a threat to public
 88 health or safety or cause traffic congestion. As a result of licensure, these businesses often
 89 incur great costs in performing this service but are unable to recover the full amounts
 90 expended. The intent of the General Assembly is to allow such businesses to continue to
 91 remove abandoned vehicles at the request of law enforcement and private property owners.

92 by providing a method for obtaining excess funds from the sale of abandoned and
93 unclaimed vehicles and applying those funds as reimbursements for unrecovered expenses
94 of such businesses, which will allow them to remain viable and to minimize any financial
95 loss in performing this important public safety function.

96 40-11-3.

97 As used in this article, the term:

98 (1) 'Day' means a business day unless otherwise stated and shall not include Saturdays,
99 Sundays, and legal holidays recognized by the state.

100 (2) 'Department' means the Department of Revenue or any entity that has an agreement
101 with such department to serve as an authorized entity to access information relating to
102 motor vehicle ownership and disseminate such information upon request.

103 (3) 'Owner' means any secured interest holder and person listed on the registration of a
104 motor vehicle found in the records of the department or in the records of the state where
105 the vehicle is registered.

106 (4) 'Paid private parking lot' means private property where the owner or operator of a
107 motor vehicle pays a valuable consideration for the right to park in such location and
108 which is located within 500 feet of an establishment that serves alcoholic beverages for
109 consumption on the premises.

110 (5) 'Repair facility' means any person maintaining physical custody of a motor vehicle
111 for repairs that have been requested or authorized by an owner or by an insurance
112 company acting on behalf of an owner.

113 (6) 'Secured interest holder' means a secured party within the meaning of Code
114 Section 11-9-102 or a person with a perfected encumbrance pertaining to an interest in
115 a motor vehicle.

116 (7) 'Towing and storage firm' means any person regulated by the Department of Public
117 Safety and in compliance with requirements set forth in Code Section 44-1-13 who
118 removes a motor vehicle from private or public property with or without the consent of
119 the motor vehicle owner or authorized user and provides storage for such motor vehicle
120 after removal.

121 (8) 'Trailer' means a vehicle with or without motive power designed to be drawn by a
122 motor vehicle; provided, however, that such term shall not include a mobile home as such
123 term is set forth in Code Section 8-2-160 unless such vehicle was left unattended on
124 public property and its removal was requested by a peace officer.

125 40-11-4.

126 (a) Any peace officer who discovers a motor vehicle which has been left unattended on a
127 highway or other public property shall immediately perform an unattended vehicle check
128 on such motor vehicle, unless an unattended vehicle check card is displayed on such motor
129 vehicle, indicating that an unattended vehicle check has been previously performed. For
130 purposes of this Code section, an unattended vehicle check shall consist of such actions as
131 are reasonably necessary to determine that the unattended vehicle does not contain an
132 injured or incapacitated person and to determine that the unattended vehicle does not pose
133 a threat to public health or safety or traffic congestion.

134 (b) A peace officer who completes an unattended motor vehicle check shall attach the
135 completed check card to the vehicle. Unattended vehicle check cards shall be in such form
136 and shall be attached to vehicles in such manner as may be specified by rule or regulation
137 of the Department of Public Safety. Unattended vehicle check cards shall be serially
138 numbered; shall be of a distinctive color and shape, so as to be readily visible to passing
139 motorists; and shall contain spaces for the investigating peace officer to set forth the
140 location of the vehicle, the date and time of the completion of the unattended vehicle check,
141 and the name of his or her law enforcement agency. Detachable stubs shall be included
142 upon such unattended vehicle check cards and shall bear the same serial number and
143 provide for the same information as the portion of the unattended vehicle check card to be
144 left on the vehicle, shall include a space to identify the investigating peace officer, and shall
145 include a space for the officer to set forth the license plate number and other pertinent
146 identifying information relating to the unattended vehicle. Completed detachable stubs
147 shall be filed with the investigating peace officer's law enforcement agency. The
148 Department of Public Safety may provide unattended vehicle check cards free of charge
149 to law enforcement agencies in this state if sufficient funds for such purpose are available
150 to the Department of Public Safety.

151 (c) It shall be unlawful for any person other than a peace officer to attach any type of
152 unattended motor vehicle check card to a motor vehicle. Any person convicted of violating
153 this subsection shall be guilty of a misdemeanor.

154 (d) Within 24 hours of completing an unattended vehicle check, an investigating peace
155 officer shall contact the Georgia Crime Information Center to determine if the unattended
156 motor vehicle has been entered into the criminal justice information system as a stolen
157 vehicle. If an unattended vehicle has been reported as stolen, the peace officer shall place
158 a phone call to the person who filed such report, providing the location of the motor
159 vehicle.

160 40-11-5.

161 (a) Any peace officer who finds a motor vehicle which has been left unattended on a
162 highway for more than five days, as evidenced by the date on an unattended vehicle check
163 card, may cause such motor vehicle to be removed to a garage or other place of safety.

164 (b) Any peace officer who finds a motor vehicle which has been left unattended on a
165 highway and which poses an immediate threat to public health or safety or traffic
166 congestion, may cause such motor vehicle to be removed to a garage or other place of
167 safety. Within 24 hours of causing an unattended motor vehicle to be removed pursuant
168 to this subsection, the peace officer shall contact the Georgia Crime Information Center to
169 determine if the unattended motor vehicle has been entered into the criminal justice
170 information system as a stolen vehicle. If a removed vehicle has been reported as stolen,
171 the peace officer shall place a phone call to the person who filed such report, providing the
172 name and address of the towing and storage firm who removed the motor vehicle.

173 (c) Any peace officer who causes an unattended motor vehicle to be removed pursuant to
174 this Code section shall be liable only for gross negligence.

175 (d) A towing and storage firm which has removed an unattended motor vehicle from
176 public property at the request of a peace officer shall, within one day of the removal,
177 request from the department the identification and addresses of all owners of such vehicle
178 contained in the records of the department. The department shall furnish the requested
179 owner information no later than five days from the date the request was received. The
180 department may charge a fee of no more than \$2.00 for such owner information.

181 40-11-6.

182 (a) Any towing and storage firm which has removed an unattended motor vehicle from
183 private property at the request of the property owner shall, within one day of the removal,
184 request from the department the identification and addresses of all owners of such vehicle
185 contained in the records of the department. The department shall furnish the requested
186 owner information no later than five days from the date the request was received. The
187 department may charge a fee of no more than \$2.00 for such owner information.

188 (b) The towing and storage firm shall submit a copy of the request described in
189 subsection (a) of this Code section by hand delivery, electronic transmission, or telephonic
190 facsimile transmission to the law enforcement department with jurisdiction over the
191 location from where the motor vehicle was removed no later than one day after submission
192 of the request to the department. Within 24 hours of receipt of the copy of the request
193 described in subsection (a) of this Code section, the local law enforcement department shall
194 contact the Georgia Crime Information Center to determine if such motor vehicle has been
195 entered into the criminal justice information system as a stolen vehicle. If such vehicle has

196 been reported as stolen, the local law enforcement department shall place a phone call to
197 the person who filed such report, providing the name and address of the towing and storage
198 firm who submitted a copy of the request described in subsection (a) of this Code section,
199 and the department shall then place a call to such towing and storage firm to inform the
200 towing and storage firm that the vehicle has been reported as stolen.

201 40-11-7.

202 (a) It shall be unlawful for any person to remove, tow, or immobilize or cause to be
203 removed, towed, or immobilized a motor vehicle left in a paid private parking lot between
204 midnight and noon of the following day. Nothing in this Code section shall prohibit the
205 owner or operator of a paid private parking lot from charging a penalty for vehicles which
206 remain in a paid private parking lot during such period without authorization. Such penalty
207 shall not exceed \$25.00 in excess of normal parking fees. No owner or operator of a paid
208 private parking lot shall be liable for any damages to any motor vehicle remaining in a paid
209 private parking lot during such period without authorization. Nothing in this Code section
210 shall prohibit a resident or a business owner who is not an owner or operator of a paid
211 private parking lot from towing, removing, immobilizing, or causing to be towed, removed,
212 or immobilized a motor vehicle left on private property.

213 (b) Any person violating the provisions of subsection (a) of this Code section shall be
214 guilty of a misdemeanor.

215 40-11-8.

216 (a) For purposes of this Code section, the term 'personal items' shall include only the
217 following:

218 (1) Prescription drugs or eyewear;

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

221 (3) Firearms;

222 (4) Medical devices;

223 (5) Child safety restraining devices; or

224 (6) Keys, except the keys to the stored motor vehicle.

225 (b) A towing and storage firm or a repair facility shall allow an owner of a vehicle to
226 retrieve any items within a stored vehicle for 15 days after which notice was sent pursuant
227 to Code Section 40-11-9. After the passage of 15 days from the date such notice was sent
228 pursuant to Code Section 40-11-9, a towing and storage firm or repair facility shall allow
229 an owner of a vehicle to retrieve personal items within a stored vehicle.

230 40-11-9.

231 (a)(1) Within 20 calendar days of removal or initial storage of a motor vehicle, a towing
232 and storage firm shall send all owners by certified mail or statutory overnight delivery,
233 return receipt requested, the notification letter form developed by the Council of
234 Magistrate Court Judges for such purpose. Such notification letter shall include, at a
235 minimum:

236 (A) The location of the vehicle;

237 (B) The fees connected with the removal of the vehicle, which shall be the maximum
238 allowable charge for the removal of the motor vehicle as set forth by rule and regulation
239 of the Department of Public Safety for maximum state-wide rate tariffs;

240 (C) The daily fees for storage of the vehicle, which shall be the maximum allowable
241 daily rate for the storage of the motor vehicle as set forth by rule and regulation of the
242 Department of Public Safety for maximum state-wide rate tariffs;

243 (D) A statement informing the recipient that daily fees will accrue until full payment
244 has been made;

245 (E) A statement informing the recipient that the fees which are recoverable by a towing
246 and storage firm include costs for obtaining the owner's information and notifying the
247 owner, court filing costs, attorney's fees, and interest;

248 (F) A statement informing the recipient that the towing and storage firm has the right
249 to petition a court to foreclose a lien for all amounts owed after 15 calendar days from
250 the date such notice is received;

251 (G) A statement informing the recipient that a court may order the sale of the vehicle
252 to satisfy the debt; and

253 (H) A form to disclaim ownership interest in the motor vehicle by oath or affirmation,
254 with instructions and a brief summary of the legal consequences of executing such
255 form.

256 (2) If the identity of the owners cannot be ascertained, the towing and storage firm shall
257 place an advertisement in a newspaper of general circulation in the county where such
258 vehicle was obtained or, if there is no newspaper in such county, shall post such
259 advertisement at the county courthouse in such place where other public notices are
260 posted. Such advertisement shall run in the newspaper once a week for two consecutive
261 weeks or shall remain posted at the courthouse for two consecutive weeks. The
262 advertisement shall be in the form provided by the Council of Magistrate Court Judges
263 for such purpose. Such advertisement form shall include, at a minimum, a space for
264 describing the motor vehicle, its license and manufacturer's vehicle identification
265 numbers, the location from where such vehicle was initially removed, the present location
266 of such vehicle, any information available relating to an owner, the fact that such vehicle

267 is subject to a lien which can be foreclosed upon, and the fact that such vehicle may be
268 ordered sold to satisfy such lien.

269 (b) When a motor vehicle has been left with a repair facility for seven days without
270 payment of amounts owed or communication to the repair facility, the repair facility shall
271 send all owners by certified mail or statutory overnight delivery, return receipt requested,
272 the notification letter form developed by the Council of Magistrate Court Judges for such
273 purpose. Such notification letter shall include, at a minimum:

274 (A) The location of the vehicle;

275 (B) The fees owed for the repair of the vehicle;

276 (C) The daily fees for storage of the vehicle after completion of the repairs, which shall
277 be the maximum allowable daily rate for the storage of the motor vehicle as set forth
278 by rule and regulation of the Department of Public Safety for maximum state-wide rate
279 tariffs;

280 (D) A statement informing the recipient that daily fees will accrue until full payment
281 has been made;

282 (E) A statement informing the recipient that the fees which are recoverable by the
283 repair facility include costs for obtaining the owner's information and notifying the
284 owner, court filing costs, attorney's fees, and interest;

285 (F) A statement informing the recipient that the repair facility has the right to petition
286 a court to foreclose a lien for all amounts owed in 15 calendar days; and

287 (G) A statement informing the recipient that a court may order the sale of the vehicle
288 to satisfy the debt; and

289 (H) A form to disclaim ownership interest in the motor vehicle by oath of affirmation,
290 with instructions and a brief summary of the legal consequences of executing such
291 form.

292 (c) Any towing and storage firm or repair facility shall have a lien upon a motor vehicle
293 located upon its property in the amount of any recoverable fees upon compliance with the
294 notice requirements of this Code section. Fees recoverable under such lien shall include:

295 (1) The maximum allowable charge for the removal of the motor vehicle as set forth by
296 rule and regulation of the Department of Public Safety for maximum state-wide rate
297 tariffs;

298 (2) The maximum allowable daily rate for the storage of the motor vehicle as set forth
299 by rule and regulation of the Department of Public Safety for maximum state-wide rate
300 tariffs multiplied by the number of days such motor vehicle has been stored minus one
301 day;

302 (3) The cost of obtaining owner information from the department pursuant to this article;

303 (4) The cost of any notification to owners required by this article, including any costs of
 304 advertising;

305 (5) The cost to file an action pursuant to Code Section 40-11-10;

306 (6) Attorney's fees, which shall be 15 percent of the total amount of the lien for
 307 recoverable fees; and

308 (7) Any prejudgment interest at a rate of 4 percent per annum.

309 (d) The receipt of a properly notarized form disclaiming ownership in a motor vehicle shall
 310 be filed with the action provided for in Code Section 40-11-10, but shall not be deemed to
 311 relieve a towing and storage firm or repair facility of any obligation to any other owners
 312 of such vehicle under this article. Such form shall be evidence to be considered by the
 313 court in any action filed pursuant to Code Section 40-11-10.

314 40-11-10.

315 (a) Not sooner than 15 calendar days and not later than one year after compliance with the
 316 notice requirements set forth in Code Section 40-11-9, a towing and storage firm or repair
 317 facility may file an action for a statement of claim against the motor vehicle in any
 318 magistrate court in the judicial circuit where the motor vehicle is located. An action filed
 319 pursuant to this Code section shall be on a form provided by the Council of Magistrate
 320 Court Judges for such purpose and shall be accompanied by a filing fee of no more than
 321 \$30.00. A towing and storage firm bringing such action shall include with such form a
 322 copy of the owner information obtained pursuant to the request required by Code Section
 323 40-11-5 or 40-11-6 and proof of compliance with the notice requirements set forth in Code
 324 Section 40-11-9. A repair facility bringing such action shall include with such form proof
 325 of compliance with the notice requirements set forth in Code Section 40-11-9. The
 326 statement of claim shall be verified by oath or affirmation by the towing and storage firm
 327 or repair facility in a manner consistent with Article 5 of Chapter 10 of Title 9.

328 (b)(1) The party bringing such claim shall send a copy of the filed claim to any person
 329 known to be an owner of the motor vehicle by certified mail or statutory overnight
 330 delivery, return receipt requested. Included in such mailing shall be a copy of a
 331 standardized answer form provided by the Council of Magistrate Court Judges for such
 332 purpose. Such form shall require oath or affirmation of the respondent and shall include
 333 space to set forth:

334 (A) The name of the owner;

335 (B) The address at which the owner resides;

336 (C) A description of the motor vehicle, including the license plate number and the
 337 model, make, and year of the vehicle;

338 (D) A description of the date the owner obtained an interest in the motor vehicle;

339 (E) A brief statement as to why the towing and storage firm was not authorized to
340 remove the vehicle or other brief statement as to why the lien claimed by the towing
341 and storage firm or repair facility is invalid;

342 (F) A copy of any documentation in the owner's possession supporting his or her
343 answer; and

344 (G) Any additional facts supporting the owner's answer or as to why the lien should not
345 be foreclosed upon.

346 (2) If notice required under Code Section 40-11-9 was satisfied by advertisement or the
347 copy of the claim required to be sent under paragraph (1) of this subsection is not
348 properly received, the party filing the claim shall place an advertisement in a newspaper
349 of general circulation when such action has been filed or post a copy of the notice of the
350 statement of claim at the county courthouse where the claim is pending, in such a place
351 where other public notices are posted. Such notice shall run in the newspaper once a
352 week for two consecutive weeks or shall remain posted at the courthouse for two
353 consecutive weeks. Such notice shall include instructions for how an owner may obtain
354 the standardized answer form described in this subsection and shall be deemed as notice
355 to any and all persons having an interest in or right affected by such claim and from any
356 sale of the motor vehicle resulting therefrom.

357 (c) An owner may file an answer to the claim no later than ten days after receipt by using
358 the standardized answer form provided. If service is made by posting pursuant to
359 paragraph (2) of subsection (b) of this Code section, an owner may file an answer no later
360 than ten days after the expiration of the required two-week posting.

361 (d) If no answer has been filed at the expiration of the period set forth in subsection (c) of
362 this Code section, the towing and storage firm or repair facility may seek to foreclose the
363 lien through a default judgment as provided in Code Section 15-10-43 by amending the
364 claim filed to add proof of receipt of copy of the claim as set forth in subsection (b) of this
365 Code section. The court shall grant a default judgment if the amended claim complies with
366 the requirements set forth in this article. When a default judgment is granted, the vehicle
367 shall be considered abandoned and within five days the court shall transmit an order for the
368 disposition of the motor vehicle as provided for in Code Section 40-11-11. If the court
369 finds that an amended claim fails to comply with the requirements of this article, such party
370 may refile a claim for such action once within six months of the denial of a default
371 judgment.

372 (e)(1) If an answer is returned to the court, a trial shall be held within ten days after
373 receipt of such answer; provided, however, that such trial may be continued by the court
374 for good cause shown by either party.

375 (2) At the trial, the court shall hear evidence of and determine whether the removal of
 376 the vehicle was lawful, whether the lien amount is based upon recoverable fees as set
 377 forth in subsection (c) of Code Section 40-11-9, and whether notice to all owners was
 378 proper, and shall hear any other facts pertinent to the case to reach a decision on
 379 foreclosure of the lien. The court may hear evidence of and make a determination on
 380 whether storage fees should accrue after the filing date of the claim. Upon conclusion of
 381 the trial, the court shall issue a decision on whether to foreclose the lien for the
 382 recoverable fees set forth in subsection (c) of Code Section 40-11-9 and, if foreclosure
 383 is granted, the court shall order the disposition of the motor vehicle as provided for in
 384 Code Section 40-11-11.

385 40-11-11.

386 (a)(1) As used in this subsection, the term 'public sale' means a sale:

387 (A) Held at a place reasonably available to persons who might desire to attend and
 388 submit bids;

389 (B) At which those attending shall be given the opportunity to bid on a competitive
 390 basis; and

391 (C) Except as otherwise provided in Title 11 for advertising or dispensing with the
 392 advertising of public sales, of which notice is given by advertisement once a week for
 393 two weeks in the newspaper in which the sheriff's advertisements are published in the
 394 county where the sale is to be held, and which notice shall state the day and hour,
 395 between 9:00 A.M. and 5:00 P.M., and the place of sale and shall briefly identify the
 396 motor vehicle to be sold.

397 (2) Upon order of the court issued pursuant to Code Section 40-11-10, the towing and
 398 storage firm or repair facility shall be authorized to sell the motor vehicle to the highest
 399 and best bidder at public sale.

400 (b) After satisfaction of the lien, the towing and storage firm or repair facility selling such
 401 motor vehicle shall, not later than 30 days after the date of such sale, provide the
 402 Department of Revenue with a copy of the bill of sale as provided to the purchaser and turn
 403 the remaining proceeds of such sale, if any, over to the department to be treated as
 404 unclaimed property pursuant to Article 5 of Chapter 12 of Title 44, the 'Disposition of
 405 Unclaimed Property Act.' The towing and storage firm or repair facility selling such
 406 vehicle may deduct from such proceeds the cost incurred by the advertisement of the public
 407 sale, provided that such amount is no greater than \$120.00, and the cost incurred by the
 408 holding of the public sale, provided that the cost is no greater than \$200.00. Any deduction
 409 so made shall be evidenced by receipts or on a form prescribed by the Department of
 410 Revenue for such purpose through rule and regulation. Any person convicted of failing to

411 comply with the requirements of this subsection shall be subject to a civil penalty as
 412 provided for in Article 5 of Chapter 12 of Title 44.

413 40-11-12.

414 The purchaser of a motor vehicle at a sale authorized in this article shall receive a certified
 415 copy of the court order authorizing such sale. Any such purchaser may obtain a certificate
 416 of title to such motor vehicle by filing the required application, paying the required fees,
 417 and filing a certified copy of the order of the court with the department. The Department
 418 of Revenue shall then issue a certificate of title, which shall be free and clear of all liens
 419 and encumbrances.

420 40-11-13.

421 Any forms required to be made available by the Council of Magistrate Court Judges under
 422 this article shall be developed and published no later than September 1, 2019."

423 **SECTION 4.**

424 Article 5 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to
 425 disposition of unclaimed property, is amended by adding a new Code section to read as
 426 follows:

427 "44-12-211.1.

428 (a) Within ten days of the sale of a motor vehicle pursuant to Article 1 of Chapter 11 of
 429 Title 40, 'The Abandoned Motor Vehicle Act,' and the satisfaction of the amounts owed for
 430 liens upon such motor vehicle, any towing or storage firm or repair facility selling such
 431 motor vehicle shall provide to the commissioner any excess funds minus the allowable
 432 costs incurred for the public sale of such motor vehicle. The towing and storage firm or
 433 repair facility selling such motor vehicle shall include with such funds the court order
 434 issued pursuant to Code Section 40-11-10, a copy of the bill of sale, and a copy of the
 435 receipt for the costs associated with the sale held pursuant to Code Section 40-11-11 or a
 436 form prescribed by the department for such purpose.

437 (b) Any person claiming a property interest in the motor vehicle sold and the excess funds
 438 from the sale shall make such claim to the department upon a form provided for such
 439 purpose through rule or regulation within six months of the sale. If such excess funds
 440 remain unclaimed for more than six months, the person selling such motor vehicle may
 441 make a claim to the department for such excess funds. No claim shall be authorized after
 442 one year from the date excess funds are provided to the commissioner."

443

SECTION 5.

444 Said article is further amended in Code Section 44-12-215, relating to publication of
445 "Georgia Unclaimed Property List" and contents of notice, by revising subsection (c) as
446 follows:

447 "(c) The notice shall contain a statement that information concerning the amount or
448 description of the property and the name of the holder may be obtained by any persons
449 possessing an interest in the property by addressing an inquiry to the commissioner. In
450 cases of property submitted pursuant to Code Section 44-12-211.1, the notice shall also
451 contain the year, make, model, and vehicle identification number of the motor vehicle sold
452 pursuant to Article 1 of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act."

453

SECTION 6.

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