

The House Committee on Judiciary Non-Civil offers the following substitute to HB 906:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 40 of the Official Code of Georgia Annotated, relating to
2 off-road vehicles, so as to authorize the civil forfeiture of any off-road vehicle operated while
3 driving aggressively or fleeing police; to provide for related matters; to repeal conflicting
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 7 of Title 40 of the Official Code of Georgia Annotated, relating to off-road
8 vehicles, is amended by revising Code Section 40-7-6, relating to enforcement and penalties,
9 as follows:

10 "40-7-6.

11 (a) All peace officers shall enforce the provisions of this chapter. Except as otherwise
12 provided for in subsection (b) of this Code section, any ~~Any~~ person who violates any
13 provision of this chapter shall not thereby be guilty of a criminal act but shall be subject
14 to a civil penalty of not less than \$25.00.

15 (b) In any instance where an off-road vehicle is operated by a person who is arrested,
16 charged with, and convicted of a violation of Code Section 40-6-395 or 40-6-397, such
17 vehicle is declared to be contraband and subject to forfeiture in accordance with the
18 procedures set forth in Chapter 16 of Title 9; provided, however, that the civil forfeiture
19 proceedings, including the reporting requirements set forth in Code Section 9-16-7, shall
20 be stayed during the pendency of criminal proceedings unless the owner or interest holder
21 of such vehicle waives such stay."

22 **SECTION 2.**

23 All laws and parts of laws in conflict with this Act are repealed.