

House Bill 1134

By: Representatives New of the 40th, Corbett of the 174th, Mathis of the 133rd, Powell of the 33rd, and Smith of the 138th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 5 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia
2 Annotated, relating to pawnbrokers, factors, bailees, acceptors, and depositories, so as to
3 revise notice requirements for reposseors of motor vehicles; to provide for requirements
4 for determining the completion of a repossession of a motor vehicle; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 5 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated,
9 relating to pawnbrokers, factors, bailees, acceptors, and depositories, is amended by revising
10 Code Section 44-14-411.1, relating to reposessor of motor vehicle as involuntary,
11 gratuitous, or naked depository of personal property found therein and disposition of personal
12 property, as follows:

13 "44-14-411.1.

14 (a) Any person who lawfully repossesses a motor vehicle shall be an involuntary,
15 gratuitous, or naked depository of any personal property found in such motor vehicle and

16 shall have a lien on such property for any reasonable expenses incurred in storing such
17 property or in giving notice to such owner.

18 (b) Within ten days of the date of repossession, the person repossessing such motor vehicle
19 shall notify the owner of the motor vehicle of the intent to dispose of the personal property.
20 Such notice must be actual notice, but may be by personal service or by service by certified
21 mail or statutory overnight delivery.

22 ~~(c) If the personal property is not redeemed within 30 days from the date of the first notice,~~
23 ~~a second notice shall be sent in the same manner as provided in subsection (b) of this Code~~
24 ~~section.~~

25 ~~(d) If the personal property is not redeemed within 30 days from the date of the second~~
26 ~~such notice, the personal property may be disposed of in the manner most expeditious to~~
27 ~~the depository without further liability and the proceeds shall be disbursed as provided in~~
28 ~~Code Section 44-14-412.~~

29 (c) For purposes of this Code section, a lawful repossession shall be completed when:

30 (1) The motor vehicle has been attached to a tow truck or loaded onto a carrier;

31 (2) The repossessing party or an authorized agent thereof has entered the motor vehicle;

32 or

33 (3) The motor vehicle has been moved by the repossessing party or an authorized agent
34 thereof."

35 **SECTION 2.**

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