

The Senate Committee on Banking and Financial Institutions offered the following substitute to HB 1134:

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 a
5 rebuttable presumption; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

14 "44-14-411.1.

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

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

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

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

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

30 (c) For purposes of this Code section, there shall be a rebuttable presumption that a lawful
31 repossession shall be completed when:

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

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

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

37 **SECTION 2.**

38 All laws and parts of laws in conflict with this Act are repealed.