

Senate Bill 78

By: Senators Robertson of the 29th, Albers of the 56th, Strickland of the 17th, Dugan of the 30th and Anderson of the 24th

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 fleeing police or driving aggressively; to authorize the removal and impoundment of an  
4 off-road vehicle in certain instances; to provide a definition; to provide for related matters;  
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "40-7-6.

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

S. B. 78

- 1 -

16 (b) Any off-road vehicle used during the violation of Code Section 40-6-395 or Code  
17 Section 40-6-397 shall be declared contraband. Such property shall be subject to civil  
18 forfeiture in accordance with the procedures set forth in Chapter 16 of Title 9; provided,  
19 however, that such civil forfeiture proceedings for any vehicle seized pursuant to this  
20 subsection, including the reporting requirements set forth in Code Section 9-16-7, shall be  
21 stayed during the pendency of criminal proceedings unless otherwise agreed to by the  
22 owner or interest holder of such vehicle."

23 **SECTION 2.**

24 Said chapter is further amended by adding a new Code section to read as follows:

25 "40-7-7.

26 (a) Any law enforcement officer shall be authorized to remove or cause to be removed to  
27 the nearest garage or other place of safety any off-road vehicle that has been used in  
28 land-disturbing activity on the property of another when the operator thereof has not been  
29 issued a permit for such activity.

30 (b) As used in this Code section the term 'land-disturbing activity' shall have the same  
31 meaning as set forth in Code Section 12-7-3."

32 **SECTION 3.**

33 All laws and parts of laws in conflict with this Act are repealed.