

Fulton County Magistrate Court

The Abandoned Motor Vehicles Act Changes



Area of AMV Law	Previous Requirement	New Requirement
Unattended Vehicle Checks	Peace officer may remove vehicle after being unattended for more than five days and reasonably believes no one is returning for the car.	Peace officer may remove vehicle after being left unattended for more than five days.
Unattended Vehicle Checks	If an officer immediately removes a vehicle due to safety concerns, that officer must attempt to determine vehicle ownership within 72 hours.	If an officer immediately removes a vehicle or performs (or discovers) an unattended vehicle check, that officer must run a stolen vehicle search within 24 hours.
Removing Vehicle at Request of Peace Officer	If a vehicle is removed from public property at the request of a peace officer, the person removing the vehicle shall seek the vehicles owner information from a local law enforcement agency.	If a towing firm has removed an unattended motor vehicle from public property at the request of a peace officer, the towing firm shall request from the Department of Revenue, the identification and addresses of all owners of the vehicle. If the vehicle has an out of state license plate, the request should be made to the state where the vehicle is registered within three days .
Retrieval of Private Property	N/A	When holding a vehicle, towing firms, repair facilities, and salvage firms must allow individuals to retrieve personal property left in the vehicle for 30 days from when the notice is received.
Notification of Removal to Law Enforcement Agency	Within 3 business days of removal in writing.	Within 24 hours of making a request for owner information to the Department of Revenue (<u>must be done within 3 business days</u>) by hand delivery, electronic transmission, or telephonic facsimile (Fax).
Requesting Owner Information. (Towing/Storage Facilities)	N/A	Within three days of removal from private property , a request must be submitted for the vehicle's owner information to the Department of Revenue.

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Requesting Owner Information. (Repair/Salvage Dealer)	N/A	Without hearing from the owner or insurance company for fifteen days , the repair company must submit a request for the identification and addresses of all owners on file.
Notice Requirements to Vehicle Owner.	Location of vehicle, fees, and warning of abandonment.	More extensive codified list including daily fees, recoverable fees and a form to disclaim ownership.
Notice Requirements for Unknown Owner	Advertise in newspaper of general circulation or courthouse.	Advertise in newspaper of general circulation or legal organ. If owner becomes known, must notice him or her within 2 weeks.
Notice of Petition Requirements	N/A	Petitioner must send a copy of the signed petition (with case number), and a copy of the standardized answer form , to the owner by certified mail or statutory overnight delivery.
Calculating the Lien Amount.	“Reasonable” fees for storage and removal, cost of notification and advertising.	Maximum allowable charge for removal and storage (set by Department of Public Safety), cost of obtaining owner information, cost of notification, cost to file an action, attorney’s fees, and prejudgment interest.
Timeline to Foreclose on a Vehicle	Ten days after delivering a demand for payment that the owner failed to comply with.	Not sooner than ten days , but not longer than six months after compliance with the notice requirements.
Notice of Sale	Bill of Sale and Disposition of Proceeds to court 30 days after sale.	Court Order , Bill of Sale, and Disposition of Proceeds to Department of Revenue fifteen days after sale.
Overage Proceeds Calculation	No deductions from sale amount.	May deduct advertising costs (up to \$120) and cost of holding public sale (up to \$200).
Overage Proceeds Holding Time	1 year.	The firm that sells the vehicle must wait six months to request the funds from the Department of Revenue and must make the request within 1 year of providing the funds to the Department of Revenue.