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CRIMES AND OFFENSES

Offenses Against Public Order and Safety: Prohibit Leaving Abandoned Automobiles Accessible to Children

CODE SECTIONS:	O.C.G.A. §§ 16-11-100(a) (amended), 16-11-100(b) (new)
BILL NUMBER:	HB 1156
ACT NUMBER:	1335
SUMMARY:	Prior to the Act, Georgia law did not prohibit leaving dangerous abandoned or discarded automobiles in places accessible to children. The Act makes it a misdemeanor to leave an abandoned or discarded motor vehicle that does not have at least one door which can be easily opened from the inside, or one door or window removed, in any place accessible to children.
EFFECTIVE DATE:	July 1, 1992

History

In 1991, a tragic accident occurred in Irwin County, Georgia.[1] Two small children who were playing in an old discarded automobile in a neighbor's yard got locked inside.[2] These two children died because they could not get out of the car.[3] Under Georgia law at that time, leaving dangerous abandoned automobiles accessible to children was not unlawful.[4]

HB 1156

The Act amends Code section 16-11-100, relating to the offense of failing to remove the lid, door, or locking device from certain abandoned, unattended, or discarded containers.[5] Before the Act, the law did not include abandoned or discarded motor vehicles.[6] A new subsection (b) was added which makes it a misdemeanor to leave an abandoned or discarded motor vehicle which does not have at least one door which can be easily opened from the inside, or one door or window

1. Telephone Interview with Rep. Van Streat, House District No. 139 (Apr. 16, 1992) [hereinafter Streat Interview].
2. *Id.*
3. *Id.*
4. *Id.*
5. O.C.G.A. § 16-11-100 (1992).
6. 1968 Ga. Laws 1249 (formerly found at O.C.G.A. § 16-11-100 (1988)).

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removed, in any place accessible to children.[7]

The first version of the bill included "unattended" vehicles.[8] The term "unattended" was removed from the final version because of concern about unattended police vehicles.[9] Also included in the first version of the bill was an amendment to Code section 43-48-11, relating to investigation of complaints and grounds for suspension, revocation, or refusal to renew licenses issued to dealers of motor vehicle parts, which added the violation of Code section 16-11-100 to the list of grounds for suspension, refusal to renew, and revocation of a license to any dealer.[10] This provision was omitted because legislators believed that, with the addition of the new misdemeanor provisions of Code section 16-11-100, exposure to civil tort liability was sufficient to encourage dealers to take adequate precautions.[11]

Donna S. Shapiro

7. O.C.G.A. § 16-11-100(b) (1992).
8. HB 1156, as introduced, 1992 Ga. Gen. Assem.
9. Streat Interview, *supra* note 1; *see* O.C.G.A. § 16-11-100(b) (1992).
10. HB 1156 as introduced, 1992 Ga. Gen. Assem.
11. Streat Interview, *supra* note 1; *see* O.C.G.A. § 16-11-100(b) (1992).

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