

Senate Bill 105

By: Senators Davis of the 22nd and Bethel of the 54th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 2 of Title 18 of the Official Code of Georgia Annotated, the
2 "Uniform Fraudulent Transfers Act," so as to provide for a definition; to clarify provisions
3 relating to transfers to charitable organizations; to provide for a statute of limitations; to
4 amend Code Section 44-13-100 of the Official Code of Georgia Annotated, relating to
5 exemptions for purposes of bankruptcy and intestate insolvent estates, so as to revise the
6 debtor's exemption for motor vehicles in a bankruptcy; to provide for related matters; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Article 4 of Chapter 2 of Title 18 of the Official Code of Georgia Annotated, the "Uniform
11 Fraudulent Transfers Act," is amended by adding a new Code section to read as follows:

12 "18-2-81.

13 (a) As used in this Code section, the term:

14 (1) 'Charitable organization' means an organization which has qualified as tax-exempt
15 under Section 501(c)(3) of the federal Internal Revenue Code of 1986 and has been so
16 qualified for not less than two years preceding any transfer pursuant to this Code section,
17 other than a private foundation or family trust.

18 (2) 'Private foundation' shall have the same meaning as set forth in 26 U.S.C. Section
19 509(a).

20 (b) A transfer made to a charitable organization shall be considered complete unless it is
21 established that a fraudulent transfer has occurred as described in Code Section 18-2-74 or
22 18-2-75, and such charitable organization had knowledge of the fraudulent nature of the
23 transfer.

24 (c) The statute of limitations for a civil action with respect to a transfer to a charitable
25 organization under this Code section shall be within two years after such transfer was
26 made."

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SECTION 2.

28 Code Section 44-13-100 of the Official Code of Georgia Annotated, relating to exemptions
29 for purposes of bankruptcy and intestate insolvent estates, is amended by revising paragraph
30 (3) of subsection (a) as follows:

31 "(3) The debtor's interest, not to exceed the total of ~~\$3,500.00~~ \$5,000.00 in value, in all
32 motor vehicles;"

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SECTION 3.

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