

House Bill 1150

By: Representatives Smith of the 13th, Post 2, Parham of the 94th, Greene of the 134th, Snow of the 1st, Smith of the 110th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 44-1-13 of the Official Code of Georgia Annotated, relating to
2 removal of improperly parked cars or trespassing personal property, so as to provide that the
3 governing authority of a county may license towing and storage firms in the unincorporated
4 areas of a county; to provide for related matters; to provide for an effective date; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 44-1-13 of the Official Code of Georgia Annotated, relating to removal of
9 improperly parked cars or trespassing personal property, is amended by striking subsections
10 (a) and (d) and inserting in their place the following:

11 "(a) Any person or his or her authorized agent entitled to the possession of any parcel or
12 space of private real property, hereinafter referred to as 'private property,' shall have the
13 right to remove or cause to be removed from the property any vehicle or trespassing
14 personal property thereon which is not authorized to be at the place where it is found and
15 to store or cause to be stored such vehicle or trespassing personal property, provided that
16 there shall have been conspicuously posted on the private real property notice that any
17 vehicle or trespassing personal property which is not authorized to be at the place where
18 it is found may be removed at the expense of the owner of the vehicle or trespassing
19 personal property. Such notice shall also include information as to the location where the
20 vehicle or personal property can be recovered, the cost of said recovery, and information
21 as to the form of payment; provided, however, that the owner of private residential property
22 containing not more than four residential units shall not be required to comply with the
23 posting requirements of this subsection. Only towing and storage firms issued permits or
24 licenses by the ~~local~~ municipal or county governing authority of the jurisdiction in which
25 they operate or by the Department of Motor Vehicle Safety, and having a secure
26 impoundment facility, shall be permitted to remove trespassing ~~property~~ vehicles and

1 trespassing personal property at the request of the owner or authorized agent of the private
2 property. The licensing authority of a county governing authority shall be limited to
3 towing and storage firms located in the unincorporated areas of the county."

4 "(d) The municipal or county governing authority of ~~each municipality~~ having towing and
5 storage firms operating within its territorial boundaries may issue a license or permit to
6 engage in private trespass towing pursuant to this Code section to any firm meeting the
7 qualifications imposed by said governing authority. The licensing authority of a county
8 governing authority shall be limited to towing and storage firms located in the
9 unincorporated areas of the county. The fee for the license or permit shall be set by such
10 governing authority. The maximum reasonable costs of removal, relocation, and storage
11 pursuant to the provisions of this Code section shall be compensatory, as such term is used
12 in the public utility rate-making procedures, and shall be established annually by the
13 governing authority of each municipality or county having towing and storage firms
14 operating within its territorial boundaries; provided, however, that no storage fees shall be
15 charged for the first 24 hour period which begins at the time the vehicle is removed from
16 the property, and no such fees shall be allowed for the removal and storage of vehicles
17 removed by towing and storage firms found to be in violation of this Code section."

18 **SECTION 2.**

19 This Act shall become effective October 1, 2004.

20 **SECTION 3.**

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