

Senate Bill 404

By: Senators Cheeks of the 23rd and Hall of the 22nd

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 1 of Chapter 11 of Title 40 of the Official Code of Georgia Annotated,
2 relating to abandoned motor vehicles and towing, storage, and disposal of motor vehicles,
3 so as to specify the conditions under which a person removing or storing a motor vehicle
4 shall have a lien upon such vehicle; to provide that any such lien may also cover the cost of
5 certain fuel recovery or cleanup activities; to provide for procedural matters; to provide for
6 other related matters; to provide for an effective date and applicability; to repeal conflicting
7 laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 1 of Chapter 11 of Title 40 of the Official Code of Georgia Annotated, relating to
11 abandoned motor vehicles and towing, storage, and disposal of motor vehicles, is amended
12 by striking Code Section 40-11-4, relating to liens, and inserting in its place a new Code
13 section to read as follows:

14 "40-11-4.

15 (a) Any person who lawfully removes or stores any motor vehicle ~~which is or becomes an~~
16 ~~abandoned motor vehicle~~ either in accordance with the provisions of this article or at the
17 request of the owner or authorized user of the motor vehicle shall have a lien on such
18 vehicle for the reasonable fees connected with such removal or storage plus the cost of any
19 notification or advertisement. Any person who so removes or stores a motor vehicle shall
20 also have a lien on such vehicle for reasonable fees for any recovery of spilled fuel,
21 lubricants or other fluids, or cargo or other environmental cleanup performed by such
22 person in connection with such removal or storage. Such lien shall exist if the person
23 moving ~~removing~~ or storing such vehicle is in compliance with Code Section 40-11-2.
24 Such lien shall not be foreclosed until such time as the motor vehicle is or becomes an
25 abandoned motor vehicle; but the person moving or storing such vehicle shall prior to

1 foreclosure be entitled to enforce such lien through retention of the vehicle until the
2 reasonable fees secured by the lien have been paid.

3 (b) The lien acquired under subsection (a) of this Code section may be foreclosed in any
4 court which is competent to hear civil cases, including, but not limited to, magistrate
5 courts. Liens shall be foreclosed in magistrate courts only when the amount of the lien does
6 not exceed the jurisdictional limits established by law for such courts."

7 **SECTION 2.**

8 This Act shall become effective on July 1, 2004, and shall apply with respect to vehicles
9 towed or placed in storage on or after that date. Prior law shall continue to apply with respect
10 to vehicles towed or placed in storage prior to that date.

11 **SECTION 3.**

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