

House Bill 267

By: Representative Shaw of the 176<sup>th</sup>

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, procedure, automatic  
3 surveillance prohibited, and penalty, so as to provide for a certain period of time before  
4 which unauthorized vehicles on private property may be towed; to provide for related  
5 matters; to repeal 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, procedure, automatic surveillance  
10 prohibited, and penalty, is amended by striking subsections (a) and (b) of said Code section  
11 and inserting in lieu thereof the following:

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

13 (1) 'Department' means the Department of Motor Vehicle Safety.

14 (2) 'Private property' means any parcel or space of private real property.

15 (a.1) Any person or his or her authorized agent entitled to the possession of any ~~parcel or~~  
16 ~~space of private real property, hereinafter referred to as 'private property,'~~ shall have the  
17 right to remove or cause to be removed from the property any vehicle or trespassing  
18 personal property thereon which is not authorized to be at the place where it is found and  
19 which has not been authorized to be at such place after the elapse of a 24 hour period of  
20 time and to store or cause to be stored such vehicle or trespassing personal property,  
21 provided that there shall have been conspicuously posted on the private ~~real~~ property notice  
22 that any vehicle or trespassing personal property which is not authorized to be at the place  
23 where it is found after the elapse of a 24 hour period of time may be removed at the  
24 expense of the owner of the vehicle or trespassing personal property. Such notice shall also  
25 include information as to the location where the vehicle or personal property can be  
26 recovered, the cost of said recovery, and information as to the form of payment; provided,

1 however, that the owner of ~~private~~ residential private property containing not more than  
2 four residential units shall not be required to comply with the posting requirements of this  
3 subsection. Only towing and storage firms issued permits or licenses by the local governing  
4 authority of the jurisdiction in which they operate or by the ~~Department of Motor Vehicle~~  
5 ~~Safety~~ department, and having a secure impoundment facility, shall be permitted to remove  
6 trespassing property and trespassing personal property at the request of the owner or  
7 authorized agent of the private property.

8 (b) Except as provided in subsection (d) of this Code section, the ~~Department of Motor~~  
9 ~~Vehicle Safety, hereinafter referred to as the department,~~ department shall have the  
10 authorization to regulate and control the towing of trespassing vehicles on private property  
11 if such towing is performed without the prior consent or authorization of the owner or  
12 operator of the vehicle, including the authority to set just and reasonable rates, fares, and  
13 charges for services related to the removal, storage, and required notification to owners of  
14 such towed vehicles. No storage fees shall be charged for the first 24 hour period which  
15 begins at the time the vehicle is removed from the property, and no such fees shall be  
16 allowed for the removal and storage of vehicles removed by towing and storage firms  
17 found to be in violation of this Code section. The ~~Department of Motor Vehicle Safety~~  
18 department is authorized to impose a civil penalty for any violation of this Code section in  
19 an amount not to exceed \$2,500.00."

## 20 SECTION 2.

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