

House Bill 231

By: Representatives Smith of the 129<sup>th</sup>, Ralston of the 7<sup>th</sup>, Rogers of the 26<sup>th</sup>, Graves of the 12<sup>th</sup>, and Floyd of the 147<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to  
2 regulation of maintenance and use of public roads generally, so as to provide that, in the  
3 removal of vehicles or obstructions from roadways where there is determined to be a threat  
4 to public health or safety or to mitigate traffic congestion, where towing services are so  
5 ordered to remove such obstructions such companies shall be guilty for instances of gross  
6 negligence only; to provide an effective date; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to regulation of  
11 maintenance and use of public roads generally, is amended in Code Section 32-6-2, relating  
12 to the authority of the department, counties, and municipalities to regulate parking and  
13 parking vehicles or leaving vehicles unattended on the right of way of a public road of the  
14 state highway system, by revising paragraph (1) as follows:

15 "(1) The department may regulate and prohibit the parking of any type of vehicle on any  
16 public road on the state highway system, including extensions thereof into or through  
17 municipalities. Whenever any state or local law enforcement officer finds a vehicle  
18 parked in violation of law or the department's regulations, such officer or employee is  
19 authorized to move such vehicle or require the driver or other person in charge of the  
20 vehicle to move the same. If the vehicle is unattended, such officer is authorized to  
21 remove or provide for the removal of such vehicle to the nearest garage or other place of  
22 safety at the owner's expense. State or local law enforcement officers and the department  
23 are further authorized, with or without the consent of the owner, to remove or have  
24 removed any obstruction, cargo, or personal property which is abandoned, unattended,  
25 or damaged as a result of a vehicle accident which the department determines to be a  
26 threat to public health or safety or to mitigate traffic congestion, and any person or towing

1 service that is instructed to remove or have removed such obstruction, cargo, or personal  
2 property by a law enforcement officer, an official of a fire department acting under the  
3 authority of paragraph (1) of Code Section 25-3-1 or paragraph (3) of Code Section  
4 25-3-2, or an official of the department shall be liable only for gross negligence;"

5 **SECTION 2.**

6 This Act shall become effective upon its approval by the Governor or upon its becoming law  
7 without such approval.

8 **SECTION 3.**

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