

House Bill 316

By: Representatives Ralston of the 7th, Floyd of the 147th, Rogers of the 26th, Smith of the 168th, Bridges of the 10th, 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, procedure, automatic
3 surveillance prohibited, and penalty, so as to provide the Public Service Commission and the
4 governing authority of municipalities concurrent jurisdiction on matters related to regulating
5 and controlling the towing of certain vehicles under certain circumstances; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 44-1-13 of the Official Code of Georgia Annotated, relating to removal of
10 improperly parked cars or trespassing personal property, procedure, automatic surveillance
11 prohibited, and penalty, is amended by revising subsections (b) and (d) as follows:

12 "(b)(1) The ~~Except as provided in subsection (d) of this Code section, the~~ commission
13 shall have the authorization to regulate and control the towing of trespassing vehicles on
14 private property if such towing is performed without the prior consent or authorization
15 of the owner or operator of the vehicle, including the authority to set just and reasonable
16 rates, fares, and charges for services related to the removal, storage, and required
17 notification to owners of such towed vehicles. No storage fees shall be charged for the
18 first 24 hour period which begins at the time the vehicle is removed from the property,
19 and no such fees shall be allowed for the removal and storage of vehicles removed by
20 towing and storage firms found to be in violation of this Code section. The commission
21 is authorized to impose a civil penalty for any violation of this Code section in an amount
22 not to exceed \$2,500.00.

23 (2) In accordance with subsection (d) of this Code section, the governing authority of a
24 municipality may require towing and storage operators to charge lower maximum rates
25 on traffic moving between points within such municipality than those provided by the
26 commission's maximum rate tariff and may require higher public liability insurance

1 limits and cargo insurance limits than those required by the commission. The governing
 2 authority of a municipality shall not provide for higher maximum costs of removal,
 3 relocation, or storage than is provided for by the commission."

4 "(d)(1) In addition to the regulatory jurisdiction of the commission, the ~~The governing~~
 5 authority of each municipality having towing and storage firms operating within its
 6 territorial boundaries may require and issue a license or permit to engage in private
 7 trespass towing within its corporate municipal limits pursuant to this Code section to any
 8 firm meeting the qualifications imposed by said governing authority. The fee for the
 9 license or permit shall be set by such governing authority. The maximum reasonable
 10 costs of removal, relocation, and storage pursuant to the provisions of this Code section
 11 shall be compensatory, as such term is used in the public utility rate-making procedures,
 12 and shall be established annually by the governing authority of each municipality having
 13 towing and storage firms operating within its territorial boundaries; provided, however,
 14 that no storage fees shall be charged for the first 24 hour period which begins at the time
 15 the vehicle is removed from the property, and no such fees shall be allowed for the
 16 removal and storage of vehicles removed by towing and storage firms found to be in
 17 violation of this Code section.

18 (2) Towing and storage firms operating within a municipality's corporate limits shall
 19 obtain a nonconsensual towing permit from the commission and shall file its registered
 20 agent's name and address with the commission."

21 **SECTION 2.**

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