

House Bill 174

By: Representatives Powell of the 29<sup>th</sup>, Rice of the 51<sup>st</sup>, Bearden of the 68<sup>th</sup>, and Benton of the 31<sup>st</sup>

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 generally, so as to define certain terms; to provide for  
3 possessory liens on abandoned or derelict vehicles and their contents; to provide for related  
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 11 of Title 40 of the Official Code of Georgia Annotated, relating to  
8 abandoned motor vehicles generally, is amended by revising paragraphs (2) and (3) of Code  
9 Section 40-11-1, relating to definitions, as follows:

10 "(2) 'Motor vehicle' or 'vehicle' means a motor vehicle or trailer and its contents.

11 (3) 'Owner' or 'owners' means the registered owner, the owner as recorded on the title,  
12 lessor, lessee, security interest holders, and all lienholders as shown on the records of the  
13 Department of Revenue or the records from the vehicle's state of registration."

14 **SECTION 2.**

15 Said article is further amended by revising subsection (a) of Code Section 40-11-2, relating  
16 to duty of person removing or storing motor vehicle, as follows:

17 ~~"(a) Any person who removes a motor vehicle from public property at the request of a law~~  
18 ~~enforcement officer or stores such vehicle shall, if the owner of the vehicle or some person~~  
19 ~~acting for the owner is not present, seek the identity of and address of all known owners~~  
20 ~~of such vehicle from the law enforcement officer requesting removal of such, from such~~  
21 ~~officer's agency, from a local law enforcement agency for the jurisdiction in which the~~  
22 ~~remover's or storer's place of business is located, or from the State of Georgia by direct~~  
23 ~~electronic access as provided through its agencies and authorities within three business~~  
24 ~~days of removal. The local law enforcement agency shall furnish such information to the~~  
25 ~~person removing such vehicle within three business days after receipt of such request or~~

26 facility that legally tows, transports, or stores any motor vehicle shall have a possessory  
27 lien on the vehicle limited to towing and storage fees, plus the costs of notification,  
28 advertisement, and disposal where applicable. The vehicle's owner shall be liable for all  
29 fees incurred. Further, such lien shall include the vehicle's contents with the following  
30 exceptions: prescription drugs or eyewear, any medical device, child safety restraining  
31 devices, any keys, and personal documentation such as birth records, passports, or death  
32 records. This lien attaches when the person or facility acts:

- 33 (1) Under a contract with the owner or someone representing the owner;  
34 (2) At the direction of a law enforcement officer; or  
35 (3) At the direction of an owner or lessor, or a person authorized by the owner or lessor,  
36 of private property on which such vehicle is located and the vehicle was removed in  
37 accordance with Code Section 44-1-13."

38 **SECTION 3.**

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