

House Bill 328

By: Representatives Lane of the 158th, Williams of the 165th, McCall of the 30th, Roberts of the 154th, Barnard of the 166th, 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, so as to limit the amount
3 of storage fees charged for nonconsensually towed trespassing vehicles; to amend Chapter
4 7 of Title 46 of the Official Code of Georgia Annotated, relating to motor carriers, so as to
5 regulate the towing of vehicles from public roads and storage of such vehicles; to repeal
6 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, is amended by revising subsection
11 (b) and adding a new subsection (d.1) as follows:

12 "(b)(1) The commission shall have the authorization to regulate and control the towing
13 of trespassing vehicles on private property if such towing is performed without the prior
14 consent or authorization of the owner or operator of the vehicle, including the authority
15 to set just and reasonable rates, fares, and charges for services related to the removal,
16 storage, and required notification to owners of such towed vehicles; provided, however,
17 that storage fees shall not exceed \$15.00 per day or \$200.00 per month, whichever is less.

18 No storage fees shall be charged for the first 24 hour period which begins at the time the
19 vehicle is removed from the property, and no such fees shall be allowed for the removal
20 and storage of vehicles removed by towing and storage firms found to be in violation of
21 this Code section. The commission is authorized to impose a civil penalty for any
22 violation of this Code section in an amount 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 limits

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

30 "d.(1) Any towing and storage firm having a valid license or permit issued pursuant to Code
31 Section 46-7-50 shall not be required to obtain a separate license or permit pursuant to this
32 Code section, but the provisions of this Code section shall otherwise apply to
33 nonconsensual towing of trespassing vehicles on private property and storage of such
34 vehicles."

35 SECTION 2.

36 Chapter 7 of Title 46 of the Official Code of Georgia Annotated, relating to motor carriers,
37 is amended by enacting a new article to read as follows:

38 "ARTICLE 2

39 46-7-50.

40 (a)(1) The commission shall have the authorization to regulate and control the towing of
41 vehicles from public roads in this state, including the authority to set just and reasonable
42 rates, fares, and charges for services related to the removal, storage, and required
43 notification to owners of such towed vehicles; provided, however, that storage fees shall
44 not exceed \$15.00 per day or \$200.00 per month, whichever is less. No storage fees shall
45 be charged for the first 24 hour period which begins at the time the vehicle is removed
46 from the public road, and no such fees shall be allowed for the removal and storage of
47 vehicles removed by towing and storage firms found to be in violation of this Code
48 section. The commission is authorized to impose a civil penalty for any violation of this
49 Code section in an amount not to exceed \$2,500.00.

50 (2) In accordance with subsection (b) of this Code section, the governing authority of a
51 municipality may require towing and storage operators to charge lower maximum rates
52 on traffic moving between points within such municipality than those provided by the
53 commission's maximum rate tariff and may require higher public liability insurance limits
54 and cargo insurance limits than those required by the commission. The governing
55 authority of a municipality shall not provide for higher maximum costs of removal,
56 relocation, or storage than is provided for by the commission.

57 (b)(1) In addition to the regulatory jurisdiction of the commission, the governing
58 authority of each municipality having towing and storage firms operating within its
59 territorial boundaries may require and issue a license or permit to engage in towing
60 vehicles from public roads within its corporate municipal limits pursuant to this Code
61 section to any firm meeting the qualifications imposed by said governing authority. The

fee for the license or permit shall be set by such governing authority. The maximum reasonable costs of removal, relocation, and storage pursuant to the provisions of this Code section shall be compensatory, as such term is used in the public utility rate-making procedures, and shall be established annually by the governing authority of each municipality having towing and storage firms operating within its territorial boundaries; provided, however, that no storage fees shall be charged for the first 24 hour period which begins at the time the vehicle is removed from the public road, and no such fees shall be allowed for the removal and storage of vehicles removed by towing and storage firms found to be in violation of this Code section.

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

(c) Any towing and storage firm having a valid license or permit issued pursuant to Code Section 44-1-13 shall not be required to obtain a separate license or permit pursuant to this Code section, but the provisions of this Code section shall otherwise apply to towing of vehicles from public roads and storage of such vehicles."

SECTION 3.

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