

House Bill 973

By: Representatives Coomer of the 14<sup>th</sup>, Rice of the 95<sup>th</sup>, Powell of the 32<sup>nd</sup>, Kaiser of the 59<sup>th</sup>, Clark of the 101<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to  
2 identification and regulation of motor vehicles, so as to provide for the regulation by the  
3 Department of Public Safety of towing service providers operating on interstate highways  
4 subject to appropriation by the General Assembly; to provide for definitions; to require  
5 annual permits for the operation of towing service providers; to provide for power of the  
6 department to establish procedures for the issuance of such permits; to provide for a  
7 maximum fee to be charged for such permits; to provide for authority to promulgate rules  
8 and regulations; to provide for a right to a hearing upon denial of such permit; to provide for  
9 effective dates; to provide for related matters; to repeal conflicting laws; and for other  
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 SECTION 1.

13 Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to identification and  
14 regulation of motor vehicles, is amended by adding a new Code section to read as follows:

15 "40-1-9.

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

17 (1) 'Commissioner' means the commissioner of public safety or the official designated  
18 by the commissioner pursuant to rules and regulations of the department.

19 (2) 'Department' means the Department of Public Safety.

20 (3) 'Permit' means an instrument of whatever character or nature, including, but not  
21 limited to, electronic format, issued by the department pursuant to this Code section.

22 (4) 'Towing service provider' means any person or company utilizing a vehicle to tow  
23 disabled, damaged, abandoned, or wrecked vehicles at the request of the vehicle owner  
24 or law enforcement in exchange for a fee.

25 (b)(1) Subject to appropriation by the General Assembly, the commissioner shall issue  
26 annual permits which allow towing service providers to operate on any portion of the

27 Dwight D. Eisenhower System of Interstate and Defense Highways within this state for  
28 12 months from the date such permits are issued.

29 (2) Pursuant to this Code section, the commissioner may charge a fee for the issuance  
30 of such permits and may develop and adopt an apportionment schedule for fees to be  
31 established by rules and regulations promulgated by the commissioner. The fee for the  
32 issuance of an annual towing service provider permit shall be not more than \$200.00.

33 (c) Every such permit and all other documentation required by the commissioner shall be  
34 carried in the vehicle to which it refers and shall be open to inspection by any law  
35 enforcement officer or employee of the department who has been given enforcement  
36 authority by the commissioner.

37 (d) The commissioner is authorized to promulgate reasonable rules and regulations which  
38 are necessary or desirable in governing the issuance of permits, provided that such rules  
39 and regulations are not in conflict with other provisions of law. The commissioner is  
40 authorized to issue such orders, authorizations, and modification thereof as necessary to  
41 implement this Code section. A court shall take judicial notice of all rules, regulations, and  
42 orders promulgated and issued by the department pursuant to this Code section.

43 (e)(1) For just cause, including, but not limited to, repeated and consistent past  
44 violations, the commissioner may refuse to issue or may cancel, suspend, or revoke the  
45 towing service provider permit of an applicant or permittee.

46 (2) Within 30 days after any denial or cancellation of a towing service provider permit  
47 granted pursuant to this Code section, the applicant or permit holder may appeal a denial  
48 or cancellation by requesting a hearing before the commissioner in accordance with  
49 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The commissioner  
50 shall notify an applicant or permit holder in writing of the denial or cancellation by  
51 registered or certified mail or statutory overnight delivery to the last known address of  
52 the applicant or permit holder appearing in the commissioner's files or by personal service  
53 upon the applicant or permit holder by an authorized agent of the commissioner.

54 (f) The commissioner is authorized to employ such persons as may be necessary, in the  
55 discretion of the commissioner, for the proper enforcement of this Code section, as  
56 provided for in this Code section and Chapter 2 of Title 35."

57 **SECTION 2.**

58 This Act shall become effective upon approval of this Act by the Governor or upon its  
59 becoming law without such approval for purposes of promulgating rules and regulations and  
60 shall become effective on January 1, 2017, for all other purposes.

61

**SECTION 3.**

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