

Senate Bill 191

By: Senators Cowser of the 46th, Gooch of the 51st, Harbin of the 16th, Watson of the 1st and Kennedy of the 18th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to change certain provisions relating to insurance of motor carriers and to causes
3 of actions involving motor carriers and insurance carriers; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
8 amended by revising Code Section 40-1-112, relating to insurance of motor carriers, as
9 follows:

10 "40-1-112.

11 (a) No motor carrier of household goods or property or passengers shall be issued a motor
12 carrier certificate unless there is filed with the department a certificate of insurance for such
13 applicant or holder on forms prescribed by the commissioner evidencing a policy of
14 indemnity insurance by an insurance company licensed to do business in this state, ~~which~~
15 ~~policy must provide~~ that provides for the protection, in the case of passenger vehicles, of
16 passengers and the public against injury proximately caused by the negligence of such

17 motor carrier, its servants, or its agents; and, in the case of vehicles transporting household
18 goods, to secure the owner or person entitled to recover against loss or damage to such
19 household goods for which the motor common carrier may be legally liable. The
20 department shall determine and fix the amounts of such indemnity insurance and shall
21 prescribe the provisions and limitations thereof. The insurer shall file such certificate. The
22 failure to file any form required by the department shall not diminish the rights of any
23 person to pursue an action directly against a motor carrier's insurer.

24 (b) The department shall have power to permit self-insurance, in lieu of a policy of
25 indemnity insurance, whenever in its opinion the financial ability of the motor carrier so
26 warrants.

27 ~~(c) It shall be permissible under this part for any person having a cause of action arising~~
28 ~~under this part to join in the same action the motor carrier and the insurance carrier,~~
29 ~~whether arising in tort or contract."~~

30 SECTION 2.

31 Said title is further amended by revising paragraph (4) of subsection (d) of Code Section
32 40-2-140, relating to Department of Public Safety to administer provisions of the federal
33 Unified Carrier Registration Act of 2005 and registration, insurance, and fee requirements
34 of motor carriers, as follows:

35 ~~"(4) Any person having a cause of action, whether arising in tort or contract, under this~~
36 ~~Code section may join in the same cause of action the motor carrier and its insurance~~
37 ~~carrier."~~

38 SECTION 3.

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