

House Bill 184

By: Representatives Lumsden of the 12<sup>th</sup>, Crowe of the 118<sup>th</sup>, Williamson of the 112<sup>th</sup>, Prince of the 132<sup>nd</sup>, and Hitchens of the 161<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 40 and 44 of the Official Code of Georgia Annotated, relating to motor  
2 vehicles and traffic and property, respectively, so as to establish the "Georgia Consumer  
3 Protection Towing Act"; to provide for legislative purpose; to provide for definitions; to  
4 provide for applicability; to provide for consumer protections for emergency towing, owner  
5 requested towing, and private property towing; to provide for estimates and invoices; to  
6 provide for notice requirements; to provide for recording; to provide for the release of towed  
7 motor vehicles; to provide for fees; to provide for towing company certificate requirements;  
8 to provide for prohibitions; to provide for penalties and enforcement; to provide for rules and  
9 regulations; to provide for conforming changes; to provide for related matters; to provide for  
10 an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
14 amended in Chapter 11, relating to abandoned, derelict, and civil forfeiture of motor vehicles,  
15 by adding a new article to read as follows:

H. B. 184

16 "ARTICLE 3

17 40-11-30.

18 This article shall be known and may be cited as the 'Georgia Consumer Protection Towing  
19 Act.'

20 40-11-31.

21 The purpose of this article is to establish minimum standards for towing services and to  
22 promote fair and honest practices in the towing service business.

23 40-11-32.

24 As used in this article, the term:

25 (1) 'Automobile club services' shall have the same meaning as provided in Code  
26 Section 33-61-1.

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

28 (3) 'Emergency towing' means the towing of a vehicle due to an accident, mechanical  
29 breakdown on a public roadway, or other emergency related incident necessitating  
30 vehicle removal for public safety with or without the owner's consent.

31 (4) 'Government agency towing' means the towing of government owned or government  
32 controlled vehicles by the government agency that owns or controls such vehicles.

33 (5) 'Law enforcement towing' means the towing of a vehicle for law enforcement  
34 purposes other than seizure towing. The term includes towing for law enforcement  
35 purposes that is performed by a towing company under a contract with or on behalf of the  
36 state or a local unit or a law enforcement agency of the state or local unit.

37 (6) 'Owner' means the registered owner, the owner as recorded on the title, the lessor, the  
38 lessee, any security interest holders, and all lienholders as shown on the records of the  
39 Department of Revenue or the records from the vehicle's state of registration. For

40 purposes of this article, a rental vehicle company is the owner of a motor vehicle rented  
41 pursuant to a rental agreement.

42 (7) 'Owner requested towing' means the request to tow a vehicle by or on behalf of the  
43 vehicle owner or operator.

44 (8) 'Private property towing' means the towing of a vehicle without the owner's consent  
45 from private property on which such vehicle was illegally parked or for which some  
46 exigent circumstance necessitated its removal to another location.

47 (9) 'Seizure towing' means the towing of a vehicle for law enforcement purposes  
48 involving the maintenance of the chain of custody of evidence or forfeiture of assets.

49 (10) 'Storage facility' means any lot, facility, or other property used to store vehicles that  
50 have been removed from another location by a tow truck. Such term includes a storage  
51 firm or a storage yard.

52 (11) 'Towing company' means any service, company, or business that tows or otherwise  
53 moves vehicles by means of a tow truck or owns or operates a storage facility for towed  
54 vehicles. Such term shall include a towing firm. Such term shall not include an  
55 automobile club, car dealership, or insurance company.

56 (12) 'Towing service' means the towing, moving, or unloading of an abandoned,  
57 disabled, or improperly parked vehicle. Such term shall include a flatbed service or  
58 rollback service in which a towing company moves vehicles by loading them onto a  
59 flatbed platform. Such term shall include a recovery service in which a towing company  
60 moves a vehicle by the use of a wheel lift device, such as a lift, crane, hoist, winch,  
61 cradle, jack, automobile ambulance, tow dolly, or any other similar device.

62 (13) 'Tow truck' means a motor vehicle equipped to provide any form of towing service.

63 (14) 'Tow truck operator' means an individual who operates a tow truck as an employee  
64 or agent of a towing company.

65 (15) 'Vehicle' or 'motor vehicle' means any vehicle, machine, tractor, trailer, or  
66 semitrailer propelled or drawn by mechanical power and used on the public streets, roads,  
67 and highways, as determined by the commissioner of public safety.

68 40-11-33.

69 (a) Except as provided for in subsection (b) of this Code section, the provisions of this  
70 article shall be applicable to any entity or person engaging in, or offering to engage in, the  
71 business of providing towing service in this state, including but not limited to emergency  
72 towing, owner requested towing, private property towing, towing of illegally parked motor  
73 vehicles in parking places designated for persons with disabilities, in violation of Code  
74 Section 40-6-226, and nonconsensual towing services on private property and in  
75 municipalities, as provided for in Code Section 44-1-13.

76 (b) The provisions of this article shall not apply to:

77 (1) Motor vehicles towed into or through the state if the tow originates in another  
78 jurisdiction;

79 (2) The towing of motor vehicles by or on behalf of an automobile club, car dealership,  
80 or insurance company;

81 (3) Government agency towing or seizure towing; or

82 (4) The towing of abandoned, derelict, or contraband motor vehicles, as provided for in  
83 Articles 1, 1A, and 2 of this chapter.

84 (c) The provisions of this article confer exclusive regulatory jurisdiction to the department  
85 over the towing services and related storage services of towing companies and storage  
86 facilities. The department shall establish a complaint procedure for consumers and insurers  
87 regarding violations of provisions in this article.

88 40-11-34.

89 (a) This Code section applies to a towing company that engages in or offers to engage in  
90 emergency towing. Prior to removing a vehicle from a tow truck under this Code section,  
91 a towing company shall take photographs, video, or other visual documentation to evidence  
92 the vehicle damages, debris, damaged cargo or property, and complications to recovery  
93 process.

94 (b) Except as provided in subsection (c) of this Code section, a towing company shall not  
95 stop or cause a person to stop at the scene of an accident or near a disabled motor vehicle:

96 (1) If there is an injury as the result of an accident; or

97 (2) For the purpose of:

98 (A) Soliciting an engagement for emergency towing services;

99 (B) Moving a motor vehicle from a public street, road, or highway; or

100 (C) Accruing charges in connection with an activity in subparagraph (A) or (B) of this  
101 paragraph.

102 (c) A towing company may stop or cause a person to stop at the scene of an accident or  
103 near a disabled motor vehicle under the circumstances, or for any of the purposes,  
104 described in subsection (b) of this Code section if:

105 (1) The towing company is requested to stop or to perform a towing service by a law  
106 enforcement officer or by authorized state, county, or municipal personnel;

107 (2) The towing company is summoned to the scene or requested to stop by the owner or  
108 operator of a disabled vehicle;

109 (3) The owner of a disabled motor vehicle has previously provided consent to the towing  
110 company to stop or perform a towing service; or

111 (4) The towing company has reasonable belief that a motorist is in need of immediate  
112 aid. The towing company may not offer towing services in this circumstance unless the  
113 conditions provided for in paragraph (1), (2), or (3) of this subsection are met.

114 (d) Except as provided in subsections (e) and (f) of this Code section, the owner or  
115 operator of a disabled motor vehicle may:

116 (1) Summon to the disabled motor vehicle's location the towing company of the owner's  
117 or operator's choice, either directly or through an insurance company's or an automobile  
118 club's emergency service arrangement; and

119 (2) Designate the location to which the disabled motor vehicle is to be towed; provided,  
120 however, that, if the location designated by the owner or operator is not a storage facility  
121 owned or operated by the towing company, the owner or operator shall make  
122 arrangements for payment to the towing company at the time the towing company is  
123 summoned.

124 (e) Subsection (d) of this Code section shall not apply:

125 (1) In any case in which the owner or operator of a disabled motor vehicle:

126 (A) Is incapacitated or otherwise unable to summon a towing company; or

127 (B) Defers to law enforcement or to authorized state, county, or municipal personnel  
128 as to the towing company to be summoned or the location to which the disabled motor  
129 vehicle is to be towed; or

130 (2) In the event of a state of emergency or disaster declared by the Governor;

131 (f) The authority of an owner or operator of a disabled vehicle to summon the towing  
132 company of the owner's or operator's choice under subsection (d) of this Code section shall  
133 be superseded by a law enforcement officer or by authorized state, county, or municipal  
134 personnel if the towing company of choice of the owner or operator:

135 (1) Is unable to respond to the location of the disabled motor vehicle in a timely fashion;  
136 and

137 (2) The disabled motor vehicle is a hazard, impedes the flow of traffic, or may not  
138 legally remain in its location in the opinion of the law enforcement officer or authorized  
139 state, county, or municipal personnel.

140 (g) If a disabled motor vehicle is causing or posing a safety hazard, the disabled motor  
141 vehicle may be moved by a towing company to a safe location after being released by a law  
142 enforcement officer or by authorized state, county, or municipal personnel for that purpose.

143 (h) If a towing company is summoned for emergency towing by the owner or operator of  
144 a disabled motor vehicle, the towing company shall make a record, to the extent available,  
145 consisting of:

146 (1) The first and last name and telephone number of the person who summoned the  
147 towing company to the scene; and

148 (2) The make, model, year, vehicle identification number, and license plate number of  
149 the disabled motor vehicle.

150 (i) If a towing company is summoned for emergency towing by a law enforcement officer  
151 or by authorized state, county, or municipal personnel, the towing company shall make a  
152 record, to the extent available, consisting of:

153 (1) The identity of the law enforcement agency or authorized state, county, or municipal  
154 agency requesting the emergency towing; and

155 (2) The make, model, year, vehicle identification number, and license plate number of  
156 the disabled motor vehicle.

157 (j) A towing company shall retain a record created under subsections (h) and (i) of this  
158 Code section and shall:

159 (1) Provide such record to a law enforcement agency upon request from the time the  
160 towing company appears at the scene of the disabled motor vehicle until the time the  
161 motor vehicle is towed and released to an authorized third party; and

162 (2) Make such record available for inspection and copying not later than two business  
163 days after receiving a written request from a law enforcement agency, the Attorney  
164 General, the disabled motor vehicle's owner, or an authorized agent of the disabled motor  
165 vehicle's owner for a period of two years from the date the disabled vehicle is towed from  
166 the scene.

167 (k) A towing company that performs emergency towing under this Code section shall  
168 properly secure all towed motor vehicles and take all reasonable efforts to prevent further  
169 damage to such vehicles, including weather damage, or theft of such vehicles, including  
170 theft of such vehicles' cargo and contents.

171 40-11-35.

172 (a) This Code section applies to a towing company that engages in or offers to engage in  
173 private property towing. This Code section does not apply to the towing of a motor vehicle  
174 from a tow-away zone that is not located on private property. Prior to removing a vehicle  
175 from a tow truck under this Code section, a towing company shall take photographs, video,  
176 or other visual documentation to evidence the vehicle damages, debris, damaged cargo or  
177 property, and complications to recovery process.

178 (b) The owner of private property may establish a tow-away zone on the owner's property.  
179 A property owner that establishes a tow-away zone under this Code section shall post at  
180 the location of the tow-away zone a sign that is clearly visible to the public. The sign shall  
181 include a statement that the area is a tow-away zone, pertinent contact information, and a  
182 description of any persons authorized to park in the area.

183 (c) A towing company that tows a motor vehicle under this Code section shall ensure that  
184 such vehicle is towed to a storage facility that is located within 25 miles of the location of  
185 the tow-away zone from which such vehicle was removed or, if there is no such storage  
186 facility, to the storage facility closest to the tow-away zone.

187 (d) If the owner or operator of a motor vehicle that is parked in violation of a tow-away  
188 zone arrives at the location of the tow-away zone while such vehicle is in the process of  
189 being towed, the towing company shall give the owner or operator either oral or written  
190 notification that the owner or operator may pay a fee in an amount that is not greater than  
191 half of the amount of the fee the towing company normally charges for the release of such  
192 vehicle. Upon the payment of the amount specified, the towing company shall release the

193 motor vehicle to the owner or operator and give the owner or operator a receipt showing  
194 the full amount of the fee the towing company normally charges for the release of a motor  
195 vehicle and the amount of the fee paid by the owner or operator.

196 (e) Not later than two hours after completing a tow of a motor vehicle from private  
197 property, a towing company shall provide notice of the towing to the law enforcement  
198 agency having jurisdiction in the location of the private property.

199 (f) A towing company that performs private property towing under this Code section shall  
200 properly secure all towed motor vehicles and take all reasonable efforts to prevent further  
201 damage to such vehicles, including weather damage, or theft of such vehicles, including  
202 theft of such vehicles' cargo and contents.

203 (g) This Code section shall not affect any private property owner's rights under Articles  
204 1 and 1A of this chapter with respect to abandoned or derelict vehicles on such owner's  
205 private property.

206 40-11-36.

207 (a) Prior to attaching a motor vehicle to a tow truck, the towing company shall furnish the  
208 owner, if the owner is present at the scene, a rate sheet listing all rates for towing services,  
209 including but not limited to all rates for towing and associated fees, cleanup charges, labor,  
210 storage, and any other services provided by the towing company. A charge in excess of  
211 what is reflected on the rate sheet for any service shall be deemed excessive as provided  
212 in Code Section 40-11-39. The rate sheet shall also be posted at the towing company's  
213 place of business and be made available upon request to consumers.

214 (b) An itemized invoice of actual towing charges assessed by a towing company for a  
215 completed tow shall be made available to the owner of the motor vehicle or the owner's  
216 authorized agent, which may be an insurance company, not later than one business day  
217 after the tow is completed or after the towing company has obtained all necessary

218 information to be included on the invoice, including any charges submitted by  
219 subcontractors used by the towing company to complete the tow, whichever occurs later.

220 (c) The itemized invoice required by subsection (b) of this Code section shall contain the  
221 following information:

222 (1) An invoice number;

223 (2) The location from which the motor vehicle was towed;

224 (3) The location to which the motor vehicle was towed;

225 (4) The name, address, and telephone number of the towing company;

226 (5) A description of the towed motor vehicle, including the make, model, year, vehicle  
227 identification number, and color;

228 (6) The license plate number and state of registration for the towed motor vehicle;

229 (7) The cost of the original towing service;

230 (8) The cost of any vehicle storage fees, expressed as a daily rate;

231 (9) Any other reasonable fees; and

232 (10) The costs for services that were performed under a warranty or that were otherwise  
233 performed at no cost to the owner of the motor vehicle.

234 (d) Any reasonable service or fee in addition to the services or fees provided for in  
235 subsection (c) of this Code section shall be set forth individually as a single line item on  
236 the invoice required by this Code section with an explanation and the exact charge for the  
237 service or the exact amount of the fee.

238 (e) A copy of each invoice and receipt submitted by a tow truck operator in accordance  
239 with this Code section shall be retained by the towing company for a period of two years  
240 from the date of issuance. Throughout said two-year period, the copy of each invoice and  
241 receipt shall be made available for inspection and copying not later than two business days  
242 after receiving a written request for inspection from a law enforcement agency, the  
243 Attorney General, the prosecuting attorney or city attorney having jurisdiction in the

244 location of any of the towing company's business locations in this state, the owner of the  
245 disabled motor vehicle, or the agent of such owner.

246 40-11-37.

247 (a) Within two business days of commencement of towing under this article, the towing  
248 company or storage facility shall commence a search of the National Motor Vehicle Title  
249 Information System database to obtain the last state of record of the vehicle and then obtain  
250 the most current name and address of the person who owns or holds a lien from the state  
251 agency responsible for maintaining motor vehicle title data or an authorized vendor  
252 providing real-time access to that state database, by electronic means, if available. No  
253 storage charges beyond the initial two business days shall accrue until the notice  
254 requirement has been met. If a state does not have a mechanism to provide such  
255 information electronically, then the towing company shall make all reasonable efforts to  
256 obtain the vehicle owner and lienholder information.

257 (b) Upon obtaining the name and address of the owner and lienholder of the motor vehicle,  
258 written notice shall be given directly to such owner and lienholder, and, if known to the  
259 towing service or storage facility, the insurer of such vehicle, by certified mail with  
260 delivery confirmation within three business days unless the ownership information could  
261 not reasonably be obtained within that time. Notice to the owner or insurer shall contain  
262 the following:

263 (1) The date and time the vehicle was towed;

264 (2) The location from which the vehicle was towed;

265 (3) The name, address, and telephone number where the vehicle will be located;

266 (4) The location, address, and telephone number where payment and business  
267 transactions take place, if different from the business address;

268 (5) The name, address, and telephone number of the towing company or storage facility;

269 (6) A description of the towed vehicle, including but not limited to the make, model,  
270 year, vehicle identification number, and color; and

271 (7) The license plate number and state of registration of the towed vehicle.

272 (c) If the search result under subsection (a) of this Code section is a corporation owned  
273 vehicle, then the notice provided in subsection (b) of this Code section shall be sent to the  
274 corporation's address in this state as listed on the registration. The vehicle shall be held for  
275 up to 60 days in order for the vehicle owner to retrieve the towed vehicle. The rate charged  
276 shall be comparable to the standard daily rate. If at any time more than one vehicle owned  
277 by the same corporation is under the control of the towing company or storage facility,  
278 each vehicle shall be processed as a separate transaction.

279 40-11-38.

280 (a) This Code section applies to towing companies that tow and store motor vehicles and  
281 to storage facilities that store motor vehicles towed by a towing company, regardless of  
282 whether the towing company and the storage facility are affiliates.

283 (b) Upon payment of all costs incurred against a motor vehicle that is towed and stored  
284 under this article, the towing company or storage facility shall release the motor vehicle to:

285 (1) A properly identified person who owns or holds a lien on the motor vehicle; or

286 (2) A representative of the responsible insurance company with proof of such status or  
287 proof that the owner of the motor vehicle approves release of the vehicle to such  
288 representative.

289 (c) An owner, a lienholder, or an insurance company representative has the right to inspect  
290 a motor vehicle during normal business hours before accepting return of the motor vehicle  
291 under this Code section.

292 (d) A towing service or storage facility shall accept the following forms of payment from  
293 a person seeking to release a motor vehicle under this Code section: cash, insurance check,  
294 credit card, debit card, money order, or certified check.

295 (e) Upon receiving payment of all costs incurred against a motor vehicle, a towing service  
296 or storage facility shall provide to the person making payment an itemized receipt that  
297 includes the known or available information provided for in Code Section 40-11-36.

298 (f) A towing service or storage facility shall be open for business and accessible by  
299 telephone during normal business hours. A towing service or storage facility shall provide  
300 a telephone number that is available on a 24 hour basis to receive calls and messages from  
301 callers, including calls made outside of normal business hours. All calls made to a towing  
302 service or storage facility shall be returned within 24 hours from the time received.  
303 However, if adverse weather, an act of God, an emergency situation, or another act over  
304 which the towing service or storage facility has no control prevents such towing service or  
305 storage facility from returning calls within 24 hours, the towing service or storage facility  
306 shall return all calls received as quickly as possible.

307 40-11-39.

308 (a) A towing company shall not charge a fee for towing, cleanup services, or storage of a  
309 vehicle that is excessive or unfairly discriminatory.

310 (b) All services rendered by a towing company, including any warranty or zero-cost  
311 services, shall be recorded on an invoice. The towing company or the tow truck operator  
312 shall retain the records for two years and shall make such records available for inspection  
313 and copying upon written request from law enforcement.

314 (c) A towing company shall furnish a copy of its rate sheet as provided in Code  
315 Section 40-11-36 to the department.

316 40-11-40.

317 (a) The department shall approve an application for a towing company certificate or  
318 certificate renewal and shall issue or renew a certificate, provided that the applicant  
319 submits to the department a completed application on a form prescribed by the department

320 and also pays the application fee in an amount to be determined by the commissioner of  
321 public safety or as provided for in Code Sections 32-6-28 and 44-1-13.

322 (b) If applicable by state law, any application for a towing company certificate or  
323 certificate renewal shall include:

324 (1) The applicant's workers' compensation coverage;

325 (2) The applicant's unemployment compensation coverage; and

326 (3) The financial responsibility of an applicant relating to liability insurance or bond  
327 requirements.

328 (c) An applicant shall not have been convicted of fraud or had a civil judgment rendered  
329 against it in the past five years, and an officer, director, or partner of an applicant that is a  
330 corporation or partnership shall not have been convicted of fraud during such officer's,  
331 director's, or partner's tenure.

332 40-11-41.

333 (a) A towing company shall not:

334 (1) Falsely represent, either expressly or by implication, that the towing company  
335 represents or is approved by any organization which provides emergency road service for  
336 disabled motor vehicles;

337 (2) Require an owner or operator of a disabled vehicle to preauthorize repair work or  
338 more than 24 hours of storage as a condition to providing towing service for such  
339 disabled vehicle;

340 (3) Charge more than one towing fee when the owner or operator of a disabled vehicle  
341 requests transportation of such vehicle to a repair facility owned or operated by the  
342 towing company; or

343 (4) Tow a vehicle to a repair facility, unless the owner of such vehicle or the owner's  
344 authorized agent gives consent and such consent is given before such vehicle is removed  
345 from the location from which it is to be towed; provided, however, that such prohibition

346 does not apply to a storage facility that has a repair facility on the same site if the vehicle  
347 is not moved into the repair facility without such consent.

348 (b) A towing company or a storage facility shall not:

349 (1) Upon payment of all costs incurred against a motor vehicle that is towed and stored  
350 under this article, refuse to release such vehicle to a properly identified person who owns  
351 or holds a lien on the motor vehicle or a representative of the responsible insurance  
352 company; provided, however, that a towing company or storage facility shall not release  
353 a motor vehicle in any case in which a law enforcement agency has ordered the motor  
354 vehicle not to be released or in any case in which a judicial order countermands its  
355 release;

356 (2) Refuse to permit a properly identified person who owns or holds a lien on a motor  
357 vehicle or a representative of the responsible insurance company to inspect the motor  
358 vehicle before all costs incurred against the motor vehicle are paid or the motor vehicle  
359 is released; or

360 (3) Charge any storage fee for a stored motor vehicle with respect to any day on which  
361 release of the motor vehicle or inspection of the motor vehicle by the owner, lienholder,  
362 or insurance company is not permitted during normal business hours by the towing  
363 company or storage facility.

364 40-11-42.

365 (a) Any person violating the provisions of this article shall be guilty of a misdemeanor.  
366 The department is authorized to impose a civil penalty for any violation of this article in  
367 an amount not to exceed \$2,500.00.

368 (b) Any person who suffers injury or damages as a result of a violation of the provisions  
369 of this article may bring an action in any court of competent jurisdiction for actual  
370 damages, which shall be presumed to be not less than \$100.00, together with court costs.

371 A court shall award three times actual damages for any intentional violation of a provision  
372 of this article.  
373 (c) The commissioner of public safety shall adopt rules and regulations necessary to  
374 implement the provisions of this article."

375 **SECTION 2.**

376 Said title is further amended by revising paragraph (12) of Code Section 40-1-100, relating  
377 to definitions relative to certification of motor carriers, as follows:

378 "(12) 'Motor carrier' means:

379 (A) Every person owning, controlling, operating, or managing any motor vehicle,  
380 including the lessees, receivers, or trustees of such persons or receivers appointed by  
381 any court, used in the business of transporting for hire persons, household goods, or  
382 property or engaged in the activity of nonconsensual towing pursuant to Code  
383 Section 44-1-13 for hire over any public highway in this state or providing towing  
384 services as provided for in Article 3 of Chapter 11 of this title.

385 (B) Except as otherwise provided in this subparagraph, the term 'motor carrier' shall  
386 not include:

387 (i) Motor vehicles engaged solely in transporting school children and teachers to and  
388 from public schools and private schools;

389 (ii) Taxicabs which operate within the corporate limits of municipalities and are  
390 subject to regulation by the governing authorities of such municipalities; the  
391 provisions of this division notwithstanding, vehicles and the drivers thereof operating  
392 within the corporate limits of any city shall be subject to the safety regulations  
393 adopted by the commissioner of public safety pursuant to Code Section 40-1-8;

394 (iii) Limousine carriers as provided for in Part 3 of this article;

395 (iv) Hotel passenger or baggage motor vehicles when used exclusively for patrons  
396 and employees of such hotel;

397 (v) Motor vehicles operated not for profit with a capacity of 15 persons or less when  
398 they are used exclusively to transport elderly and disabled passengers or employees  
399 under a corporate sponsored vanpool program, except that a vehicle owned by the  
400 driver may be operated for profit when such driver is traveling to and from his or her  
401 place of work, provided each such vehicle carrying more than nine passengers  
402 maintains liability insurance in an amount of not less than \$100,000.00 per person  
403 and \$300,000.00 per accident and \$50,000.00 property damage. For the purposes of  
404 this part, elderly and disabled passengers are defined as individuals over the age of 60  
405 years or who, by reason of illness, injury, age, congenital malfunction, or other  
406 permanent or temporary incapacity or disability, are unable to utilize mass  
407 transportation facilities as effectively as persons who are not so affected;

408 (vi) Motor vehicles owned and operated exclusively by the United States government  
409 or by this state or any subdivision thereof;

410 (vii) Vehicles, owned or operated by the federal or state government or by any  
411 agency, instrumentality, or political subdivision of the federal or state government,  
412 or privately owned and operated for profit or not for profit, capable of transporting not  
413 more than ten persons for hire when such vehicles are used exclusively to transport  
414 persons who are elderly, disabled, en route to receive medical care or prescription  
415 medication, or returning after receiving medical care or prescription medication. For  
416 the purpose of this part, elderly and disabled persons shall have the same meaning as  
417 in division (v) of this subparagraph; or

418 (viii) Ambulances."

419

**SECTION 3.**

420 Said title is further amended by revising Code Section 40-1-130, relating to inclusion of  
421 motor carrier authorization number in advertising, as follows:

422 "40-1-130.  
423 In any advertisement for a motor carrier, whether by print, radio, television, other  
424 broadcast, or electronic media including but not limited to ~~Internet~~ internet advertising and  
425 any listing or sites on any website, the motor carrier shall include the motor carrier  
426 authorization number issued to it by the Department of Public Safety. The requirements  
427 of this Code section shall not apply to nonconsensual towing motor carriers providing  
428 services pursuant to Code Section 44-1-13 or to towing companies providing towing  
429 services pursuant to Article 3 of Chapter 11 of this title. The department shall be required  
430 to issue a motor carrier authorization number to each registered motor carrier. Whenever  
431 the department, after a hearing conducted in accordance with the provisions of Code  
432 Section 40-1-56, finds that any person is advertising in violation of this Code section, the  
433 department may impose a fine of not more than \$500.00 for an initial violation and not  
434 more than \$15,000.00 for a second or subsequent violation."

435 **SECTION 4.**

436 Said title is further amended by revising subsection (g) of Code Section 40-6-226, relating  
437 to offenses and penalties relative to parking for persons with disabilities, as follows:

438 "(g) In addition to the penalties provided for in subsection (f) of this Code section, any  
439 vehicle which is illegally parked in a parking place for persons with disabilities which is  
440 marked by a sign bearing the words 'Tow-Away Zone' as described in paragraph (3) of  
441 Code Section 40-6-221 on public or private property may be towed away or caused to be  
442 towed away by a proper law enforcement agency or the official security agency of said  
443 property at the expense of the owner of the vehicle or, if the vehicle is leased or rented, at  
444 the expense of the person responsible for payment on the lease or rental agreement,  
445 provided that the towing company and storage facility comply with the provisions of  
446 Article 3 of Chapter 11 of this title."

447

**SECTION 5.**

448 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by  
449 revising subsections (a.1) and (c) of Code Section 44-1-13, relating to removal of improperly  
450 parked cars or trespassing personal property, concurrent jurisdiction, procedure, automatic  
451 surveillance prohibited, and penalty, as follows:

452 "(a.1) Any person or his or her authorized agent entitled to the possession of any private  
453 property shall have the right to remove or cause to be removed from the property any  
454 vehicle or trespassing personal property thereon which is not authorized to be at the place  
455 where it is found and to store or cause to be stored such vehicle or trespassing personal  
456 property, provided that there shall have been conspicuously posted on the private property  
457 notice that any vehicle or trespassing personal property which is not authorized to be at the  
458 place where it is found may be removed at the expense of the owner of the vehicle or  
459 trespassing personal property. Such notice shall also include information as to the location  
460 where the vehicle or personal property can be recovered, the cost of said recovery, and  
461 information as to the form of payment; provided, however, that the owner of residential  
462 private property containing not more than four residential units shall not be required to  
463 comply with the posting requirements of this subsection. Only towing and storage firms  
464 issued permits or licenses by the local governing authority of the jurisdiction in which they  
465 operate or by the department, and having a secure impoundment facility, shall be permitted  
466 to remove trespassing property and trespassing personal property at the request of the  
467 owner or authorized agent of the private property. Towing companies and storage facilities  
468 providing towing services and related storage services from private property shall comply  
469 with the requirements provided for in Article 3 of Chapter 11 of Title 40."

470 "(c) In all municipalities, except a consolidated city-county government, having a  
471 population of 100,000 or more according to the United States decennial census of 1970 or  
472 any future such census a person entitled to the possession of an off-street parking area or  
473 vacant lot within an area zoned commercial by the municipality shall have the right to

474 remove any vehicle or trespassing personal property parked thereon after the regular  
475 activity on such property is concluded for the day only if access to such property from the  
476 public way is blocked by a sturdy chain, cable, or rope stretched at least 18 inches above  
477 grade across all driveways or other ways providing access to the off-street parking area or  
478 vacant lot and there is conspicuously posted in the area a notice, the location of which must  
479 be approved by the municipality's police department, that any vehicle or trespassing  
480 personal property parked thereon which is not authorized to be in such area may be  
481 removed at the expense of the owner along with information as to where the vehicle or  
482 trespassing personal property may be recovered, the cost of said recovery, and information  
483 regarding the form of payment. Towing companies and storage facilities providing towing  
484 services and related storage services for a municipality shall comply with the requirements  
485 provided for in Article 3 of Chapter 11 of Title 40."

486 **SECTION 6.**

487 This Act shall become effective upon its approval by the Governor or upon its becoming law  
488 without such approval.

489 **SECTION 7.**

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