

**ADOPTED**

Senators McLaurin of the 14th, Albers of the 56th, Cowsert of the 46th, Kirkpatrick of the 32nd, Summers of the 13th, and others offered the following amendment #1:

1 *Amend the Senate Committee on Transportation substitute to HB 551 (LC 39 4771S) by*  
 2 *inserting between "business;" and "to" on line 14:*

3 to amend Chapter 1 of Title 44 of the Official Code of Georgia Annotated, relating to general  
 4 provisions relative to property, so as to authorize the regulation of motor vehicle  
 5 immobilization operators by the Department of Public Safety; to limit the immobilization of  
 6 trespassing vehicles to jurisdictions that have authorized such activity by ordinance or  
 7 resolution; to provide for fees; to provide for notice requirements; to provide for licenses; to  
 8 remove authority to impose a civil penalty;

9 *By inserting the following between lines 351 and 352:*

10 Chapter 1 of Title 44 of the Official Code of Georgia Annotated, relating to general  
 11 provisions relative to property, is amended in Code Section 44-1-13, relating to removal of  
 12 improperly parked cars or trespassing personal property, concurrent jurisdiction, procedure,  
 13 automatic surveillance prohibited, and penalty, by adding a new paragraph to subsection (a)  
 14 and revising subsections (a.1), (b), and (f) as follows:

15 "(1.1) 'Immobilization device' means any mechanical device designed or used to be  
 16 attached to a wheel, tire, or other part of a parked motor vehicle so as to prohibit the  
 17 motor vehicle's usual manner of movement or operation."

18 "(a.1) Any person or his or her authorized agent entitled to the possession of any private  
 19 property shall have the right to remove or cause to be removed from the property or  
 20 immobilize or cause to be immobilized any vehicle or ~~trespassing~~ personal property

21 trespassing thereon which is not authorized to be at the place where it is found and to store  
22 or cause to be stored such trespassing vehicle or trespassing personal property, provided  
23 that there shall have been conspicuously posted on the private property notice that any  
24 trespassing vehicle or trespassing personal property which is not authorized to be at the  
25 place where it is found may be immobilized or removed at the expense of the owner of the  
26 trespassing vehicle or trespassing personal property. Such notice shall also include  
27 information as to the contact information for removal of an immobilization device, the full  
28 legal names of the company conducting the immobilization and the property owner where  
29 the immobilization occurred, the fee amount for removal of an immobilization device,  
30 location where the removed vehicle or personal property can be recovered, the cost of said  
31 recovery, and information as to the form of payment; provided, however, that the owner  
32 of residential private property containing not more than four residential units shall not be  
33 required to comply with the posting requirements of this subsection. Only towing and  
34 storage firms issued permits or licenses by the local governing authority of the jurisdiction  
35 in which they operate or by the department, and having a secure impoundment facility,  
36 shall be permitted to remove trespassing property and trespassing vehicles and personal  
37 property at the request of the owner or authorized agent of the private property. Only  
38 persons issued a permit by the department and operating in a jurisdiction which has  
39 authorized the immobilization of trespassing vehicles by ordinance or resolution of the  
40 governing authority shall be authorized to place an immobilization device upon a  
41 trespassing vehicle.

42 (b)(1) The department shall have the authorization to regulate and control the  
43 immobilization and towing of trespassing vehicles on private property if such  
44 immobilization or towing is performed without the prior consent or authorization of the  
45 owner or operator of the vehicle, including the authority to set just and reasonable rates,  
46 fares, and charges for services related to the immobilization, removal, storage, and  
47 required notification to owners of such ~~towed~~ vehicles. No storage fees shall be charged

48 for the first 24 hour period which begins at the time the vehicle is removed from the  
49 property, ~~and no such.~~ No fees shall be allowed for the immobilization or removal and  
50 storage of vehicles ~~removed by towing and storage firms~~ by persons found to be in  
51 violation of this Code section. ~~The department is authorized to impose a civil penalty for~~  
52 ~~any violation of this Code section in an amount not to exceed \$2,500.00.~~

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

60 "(f) It shall be unlawful and punishable by a fine of \$1,000.00 for any immobilization  
61 device operator or towing and storage firm, permitted or unpermitted, licensed or  
62 unlicensed, to enter into any agreement with any person in possession of private property  
63 to provide automatic or systematic surveillance of such property for purposes of  
64 immobilization or removal and relocation of any ~~such trespassing~~ vehicle or ~~trespassing~~  
65 personal property except upon call by such person in possession of such private property  
66 to such immobilization device operator or towing and storage firm for each individual case  
67 of trespass; provided, further, that it shall be unlawful and punishable by a fine of  
68 \$1,000.00 for any ~~towing and storage firm~~ person to pay to any private property owner or  
69 one in possession of private property any fee or emolument, directly or indirectly, for the  
70 right to immobilize or remove a trespassing vehicle or ~~trespassing~~ personal property from  
71 said private property."

72

## SECTION 10.

73 *By renumbering Sections 10 and 11 accordingly.*