

The House Committee on Motor Vehicles offers the following substitute to HB 184:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1A of Chapter 11 of Title 40 of the Official Code of Georgia Annotated,
2 relating to abandoned motor vehicles, so as to provide for the establishment of a towed motor
3 vehicle database by the Department of Revenue or an authorized third party; to provide for
4 the use of such database to satisfy notice requirements for liens upon motor vehicles in
5 certain instances; to allow for re-impoundment of motor vehicles upon failing to comply with
6 notice requirements; to provide for certain fees; to provide for definitions; to provide for
7 related matters; to provide for effective dates; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **PART I**
11 **SECTION 1-1.**

12 Article 1A of Chapter 11 of Title 40 of the Official Code of Georgia Annotated, relating to
13 abandoned motor vehicles, is amended in Code Section 40-11-13, relating to definitions, by
14 adding a new paragraph to read as follows:

H. B. 184 (SUB)

15 "(8.1) 'Towed motor vehicle database' means the database established pursuant to Code
16 Section 40-11-13.1."

17 **SECTION 1-2.**

18 Said article is further amended by adding a new Code section to read as follows:

19 "40-11-13.1.

20 No later than October 1, 2026, the department shall provide by rule or regulation for the
21 establishment of a towed motor vehicle database for purposes of this article. Such database
22 shall be developed and functional no later than January 1, 2027, and shall provide for the
23 submission of information upon the removal of a motor vehicle and include a feature that
24 allows a motor vehicle owner to search for the location of a towed vehicle by vehicle
25 identification number and license plate number. Such database may be operated and
26 maintained by a third party that is a nonprofit corporation organized under Section
27 501(c)(6) of Title 26 of the Internal Revenue Code and recognized as a membership
28 organization for the towing and storage industry. Such third party shall be required to
29 possess and maintain a surety bond in an amount of no less than \$1 million, demonstrate
30 internal controls and provide data security audits by a licensed certified public accountant,
31 and maintain all records relating to such database for at least five years."

32 **PART II**

33 **SECTION 2-1.**

34 Said article is further amended in Code Section 40-11-15, relating to removal of vehicle,
35 liability, and duty of towing and storage firm when removal at request of law enforcement,
36 by revising subsection (d) as follows:

37 "(d) A towing and storage firm that has removed an unattended motor vehicle from
38 public property at the request of a peace officer shall, within three days of the removal,

39 submit the vehicle identification number of the motor vehicle to the towed motor vehicle
40 database and request from the department the identification and addresses of all owners
41 of such vehicle contained in the records of the department; provided, however, that, if
42 such vehicle has an out-of-state license plate, such request shall be made to the state
43 where the vehicle is registered or to an entity with access to such state's vehicle
44 registration information. The department shall furnish the requested owner information
45 no later than five days from the date the request was received. The department may
46 charge a fee of no more than \$2.00 for such owner information. For purposes of this
47 subsection, an unattended motor vehicle shall include a motor vehicle required to be
48 moved due to arrest of the vehicle's operator or any direction of a peace officer."

49 **SECTION 2-2.**

50 Said article is further amended in Code Section 40-11-16, relating to duty of towing and
51 storage firm when removal at request of property owners and obligations of repair facility
52 or salvage dealer in possession of vehicle, by revising paragraph (1) of subsection (a) as
53 follows:

54 "(a)(1) Any towing and storage firm which has removed an unattended motor vehicle
55 from private property at the request of the property owner shall, within three days of the
56 removal, submit the vehicle identification number of the motor vehicle to the towed
57 motor vehicle database and request from the department the identification and addresses
58 of all owners of such vehicle contained in the records of the department; provided,
59 however, that, if such vehicle has an out-of-state license plate, such request shall be made
60 to the state where the vehicle is registered or to an entity with access to such state's
61 vehicle registration information. The department shall furnish the requested owner
62 information no later than five days from the date the request was received. The
63 department may charge a fee of no more than \$2.00 for such owner information."

SECTION 2-3.

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Said article is further amended in Code Section 40-11-19, relating to notification letter to owners, advertisement, lien upon vehicle, recoverable fees, form disclaiming ownership, and demand letter, by revising subsection (a) and adding a new subsection to read as follows:

"(a)(1) Within ~~15 calendar~~ seven days of removal or initial storage of a motor vehicle, a towing and storage firm shall send all owners the notification letter form developed by the Council of Magistrate Court Judges for such purpose. Such notification shall be by certified mail or by hand delivery with acknowledgment of such receipt by signature of the owner and a copy of such owner's driver's license. Such notification letter shall include, at a minimum:

(A) The location of the vehicle;

(B) The fees connected with the removal of the vehicle, which shall be the maximum allowable charge for the removal of the motor vehicle as set forth by rule and regulation of the Department of Public Safety for maximum state-wide rate tariffs or the rate specified pursuant to an agreement with a local governing authority, except when otherwise exempted or provided for by federal law, rule, or regulation;

(C) The daily fees for storage of the vehicle, which shall be the maximum allowable daily rate for the storage of the motor vehicle as set forth by rule and regulation of the Department of Public Safety for maximum state-wide rate tariffs or the rate specified pursuant to an agreement with a local governing authority;

(D) A statement informing the recipient that daily fees will accrue until full payment has been made;

(E) A statement informing the recipient that the fees which are recoverable by a towing and storage firm include costs for obtaining the owner's information and notifying the owner, court filing costs, attorney's fees, and interest;

89 (F) A statement informing the recipient that the towing and storage firm has the right
90 to petition a court to foreclose a lien for all amounts owed after ten calendar days from
91 the date such notice is sent;

92 (G) A statement informing the recipient that a court may order the sale of the vehicle
93 to satisfy the debt; and

94 (H) A form to disclaim ownership interest in the motor vehicle by oath or affirmation
95 as set forth in Code Section 40-11-19.5.

96 (2) If the identity of the owner cannot be ascertained by the department or the department
97 fails to timely furnish the owner information requested pursuant to Code Section
98 40-11-15 or 40-11-16, ~~the towing and storage firm shall, within 60 days of such removal,~~
99 ~~place an advertisement in a newspaper of general circulation or the legal organ in the~~
100 ~~county where such vehicle was obtained. Any advertisement required by this paragraph~~
101 ~~shall run in the newspaper once a week for two consecutive weeks. The advertisement~~
102 ~~shall be in the form provided by the Council of Magistrate Court Judges for such purpose.~~
103 ~~Such advertisement form shall include a space for describing the motor vehicle's year,~~
104 ~~make, model, and manufacturer's vehicle identification number, the present location of~~
105 ~~such vehicle, the fact that such vehicle is subject to a lien which can be foreclosed upon,~~
106 ~~and the fact that such vehicle may be ordered sold to satisfy such lien~~ evidence that the
107 towing and storage firm timely entered the vehicle identification number in the towed
108 motor vehicle database shall be deemed sufficient notice for purposes of this article.

109 (3) If the identity of an owner which was previously not ascertained becomes known
110 ~~while an advertisement is run pursuant to paragraph (2) of this subsection,~~ the towing and
111 storage firm shall send a notification letter pursuant to the same requirements set forth in
112 paragraph (1) of this subsection within ten days of obtaining such information."

113 "(g) If a towing and storage firm, repair facility, or salvage dealer fails to comply with the
114 notice requirements in this Code section, the motor vehicle may be re-impounded to permit

115 compliance. Any daily storage fees incurred prior to the date of such re-impoundment shall
116 be waived and not recoverable."

117 **SECTION 2-4.**

118 Said article is further amended by revising Code Section 40-11-19.1, relating to petition to
119 foreclose a lien on motor vehicle, answer, motion for judgment, timing, and fees, as follows:

120 "40-11-19.1.

121 (a) Not sooner than ten calendar days and not later than six months after compliance with
122 the notice requirements set forth in Code Section 40-11-19, a towing and storage firm,
123 repair facility, or salvage dealer may file an action for a petition to foreclose a lien against
124 the motor vehicle in any magistrate court in the county where the motor vehicle is located.
125 An action filed pursuant to this Code section shall be on a form provided by the Council
126 of Magistrate Court Judges for such purpose and shall be accompanied by a filing fee of
127 no more than \$11.00. Any person bringing such action shall include with such form a copy
128 of the owner information obtained pursuant to the request required by Code Section
129 40-11-15 or 40-11-16 and proof of compliance with the notice requirements set forth in
130 Code Section 40-11-19. The petition to foreclose a lien shall be verified by oath or
131 affirmation by the towing and storage firm, repair facility, or salvage dealer in a manner
132 consistent with Article 5 of Chapter 10 of Title 9.

133 (b)(1) The party bringing such action shall send a copy of the oath or affirmation page
134 of the filed petition to any person known to be an owner of the motor vehicle by certified
135 mail ~~or statutory overnight delivery, return receipt requested.~~ The court shall accept
136 electronic documentation as proof that such copy of the filed petition was sent ~~and~~
137 ~~delivered~~ in accordance with the requirements of this subsection. Included in such
138 mailing shall be a copy of a standardized answer form provided by the Council of
139 Magistrate Court Judges for such purpose. Such form shall require oath or affirmation
140 of the respondent and shall include space to set forth:

- 141 (A) The name of the owner;
- 142 (B) The address at which the owner resides;
- 143 (C) A description of the motor vehicle, including the license plate number and the
144 model, make, and year of the vehicle;
- 145 (D) A description of the date the owner obtained an interest in the motor vehicle;
- 146 (E) A brief statement as to why removal of the vehicle was unauthorized, if applicable;
- 147 (F) Any other brief statement as to why the lien claimed by the towing and storage
148 firm, repair facility, or salvage dealer is invalid;
- 149 (G) A copy of any documentation in the owner's possession supporting his or her
150 answer; and
- 151 (H) Any additional facts supporting the owner's answer or as to why the lien should not
152 be foreclosed upon.
- 153 ~~(2) If notice required under Code Section 40-11-19 was satisfied by advertisement, or~~
154 ~~the signed proof of receipt of a copy of the petition required to be sent under~~
155 ~~paragraph (1) of this subsection has not been returned after ten days of such mailing or~~
156 ~~has been returned as unclaimed, the party filing the petition shall, within 60 days, place~~
157 ~~an advertisement in a newspaper of general circulation or the legal organ where such~~
158 ~~action has been filed. No such advertisement shall be required if the return receipt~~
159 ~~required as proof of delivery has been returned with a notation that the notice of the filing~~
160 ~~of the petition has been refused. Such notice shall run in the newspaper once a week for~~
161 ~~two consecutive weeks. Such notice shall include instructions for how an owner may~~
162 ~~obtain the standardized answer form described in this subsection and shall be deemed as~~
163 ~~notice to any and all persons having an interest in or right affected by such petition and~~
164 ~~from any sale of the motor vehicle resulting therefrom.~~
- 165 ~~(3)~~(2) If the identity of an owner which was previously not ascertained becomes known
166 while an advertisement is run pursuant to paragraph (2) of this subsection, the party filing
167 a petition to foreclose shall send a copy of the filed petition pursuant to the same

168 requirements set forth in paragraph (1) of this subsection within ten days of obtaining
169 such information.

170 (c) An owner may file an answer to the petition no later than ~~ten~~ 30 calendar days after
171 receipt notice was sent pursuant to subsection (b) of this Code section by using the
172 standardized answer form provided. ~~If service is made by advertisement pursuant to~~
173 ~~paragraph (2) of subsection (b) of this Code section, an owner may file an answer no later~~
174 ~~than ten days after the expiration of the required two-week advertisement.~~

175 (d) If no answer has been filed at the expiration of the period set forth in subsection (c) of
176 this Code section, the towing and storage firm, repair facility, or salvage dealer may seek
177 to foreclose the lien through a judgment as provided in Code Section 15-10-43 by making
178 such request in writing and submitting to the court proof of ~~service as set forth in~~
179 compliance with subsection (b) of this Code section. Unless providentially hindered, it
180 shall be the duty of the judge to decide all motions for judgment submitted pursuant to this
181 subsection no later than 15 days from when such motion has been made. When a judgment
182 is granted, the motor vehicle shall be considered abandoned and within five days the court
183 shall issue an order for the disposition of the motor vehicle as provided for in Code Section
184 40-11-19.2. A certified copy of such order shall be issued by the clerk of court. A fee of
185 no more than \$14.00 may be charged for a certified copy of such order, which shall be
186 issued by the clerk of court. If no answer has been filed but the court finds that a petition
187 fails to comply with the requirements of this article, ~~a petition may be refiled for such~~
188 ~~action once within six months of the issuance of denial of a judgment~~ the motor vehicle
189 may be re-impounded by a towing and storage firm, repair facility, or salvage dealer to
190 permit compliance. Any daily storage fees incurred prior to the date of such
191 re-impoundment shall be waived and not recoverable.

192 (e)(1) If an answer is returned to the court, a trial shall be held within ten days after
193 receipt of such answer; provided, however, that such trial may be continued by the court
194 for good cause shown by either party.

195 (2) At the trial, the court shall hear evidence of and determine whether the removal of
196 the vehicle was lawful, whether the lien amount is based upon recoverable fees as set
197 forth in subsection (d) of Code Section 40-11-19, and whether notice to all owners was
198 proper, and shall hear any other facts pertinent to the case to reach a decision on
199 foreclosure of the lien. The court may hear evidence of and make a determination on
200 whether storage fees should accrue after the filing date of the petition. Upon conclusion
201 of the trial, the court shall issue a decision on whether to foreclose the lien for the
202 recoverable fees set forth in subsection (d) of Code Section 40-11-19 and, if foreclosure
203 is granted, the court shall order the disposition of the motor vehicle as provided for in
204 Code Section 40-11-19.2. A fee of no more than \$14.00 may be charged for a certified
205 copy of such order which shall be issued by the clerk of court."

206 **PART III**

207 **SECTION 3-1.**

208 (a) Except as provided for in subsection (b) of this section, this Act shall become effective
209 on July 1, 2026.

210 (b) Part II of this Act shall become effective on January 1, 2028.

211 **SECTION 3-2.**

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