

Senate Bill 569

By: Senators Strickland of the 42nd, Robertson of the 29th, Jones of the 10th, Summers of the 13th, Mallow of the 2nd and others

AS PASSED

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 provide for the issuance of emergency vehicle light permits for towing service
3 companies in certain instances; to provide for the establishment of a towed motor vehicle
4 database by the Department of Revenue or an authorized third party; to provide for the use
5 of such database to satisfy notice requirements for liens upon motor vehicles in certain
6 instances; to allow for re-impoundment of motor vehicles upon failing to comply with notice
7 requirements; to provide for certain fees; to provide for definitions; to provide for related
8 matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
13 amended in Code Section 40-1-1, relating to definitions, by revising paragraph (5) as
14 follows:

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15 "(5) 'Authorized emergency vehicle' means a motor vehicle belonging to a public utility
16 corporation, belonging to a towing service company, or operated by the Department of
17 Transportation and designated as an emergency vehicle by the Department of Public
18 Safety; a motor vehicle belonging to a fire department or a certified private vehicle
19 belonging to a volunteer firefighter or a fire-fighting association, partnership, or
20 corporation; an emergency organ transplant vehicle as such term is defined in Code
21 Section 31-11-2; an ambulance; or a motor vehicle belonging to a federal, state, or local
22 law enforcement agency, provided such vehicle is in use as an emergency vehicle by one
23 authorized to use it for that purpose."

24 **SECTION 1-2.**

25 Said title is further amended by revising Code Section 40-8-92, relating to designation of
26 emergency vehicles, flashing or revolving lights, permits, fee, and use of flashing or
27 revolving green lights on public property, as follows:

28 "40-8-92.

29 (a) The commissioner of public safety shall be authorized to designate certain motor
30 vehicles as emergency vehicles. The commissioner of public safety shall so designate each
31 vehicle by issuing to such vehicle a permit to operate flashing or revolving emergency
32 lights of the appropriate color. Such permit shall be valid for five years from the date of
33 issuance. Any and all officially marked law enforcement vehicles as specified in Code
34 Section 40-8-91 shall not be required to have a permit for the use of a blue light. Any and
35 all fire department vehicles which are distinctly marked on each side shall not be required
36 to have a permit for the use of a red light. Any and all motor vehicles which are operated
37 for ambulance services, as defined in Code Section 31-11-2, under a valid license from the
38 Emergency Health Section of the Department of Public Health shall not be required to have
39 a permit for the use of a red light.

40 (b)(1) The commissioner shall authorize the use of red flashing or revolving lights only
41 when the person or governmental agency shall demonstrate to the commissioner a proven
42 need for equipping a vehicle with emergency lights.

43 (2) When an application for emergency lights has been submitted by a towing service
44 company, such need shall be deemed proven when the towing service company:

45 (A) Is a participant in a towing and recovery program with the Department of
46 Transportation pursuant to Code Section 32-6-2 or is otherwise authorized by contract
47 with a local government to perform towing services or clear roadways; and

48 (B) Has completed the minimum safety course requirements adopted by the
49 commissioner of public safety for such purpose through adoption of rules and
50 regulations.

51 (3) The fee for ~~such lights~~ a permit issued pursuant to this Code section shall be \$2.00,
52 provided that no federal, state, county, or municipal governmental agency or an
53 ambulance provider, as defined in Code Section 31-11-2, shall be required to pay such
54 fee.

55 (c) Nothing contained in this Code section shall prohibit the commissioner of public safety
56 from issuing a single special use permit to cover more than one vehicle, provided each
57 vehicle covered under such special use permit shall pay the fee specified in subsection (b)
58 of this Code section.

59 (d) Except as provided in this subsection, it shall be unlawful for any person, firm, or
60 corporation to operate any motor vehicle or to park any motor vehicle on public property
61 with flashing or revolving green lights. This subsection shall not apply to any motor
62 vehicle being used by any law enforcement agency, fire department, emergency
63 management agency, or other governmental entity to designate the location of the
64 command post for such agency, department, or entity at the site of an emergency."

65 **SECTION 1-3**

66 Said title is further is amended in Code Section 40-11-13, relating to definitions relative to
67 abandoned motor vehicles, by adding a new paragraph to read as follows:

68 "(8.1) 'Towed motor vehicle database' means the database established pursuant to Code
69 Section 40-11-13.1."

70 **SECTION 1-4.**

71 Said title is further amended by adding a new Code section to read as follows:

72 "40-11-13.1.

73 No later than October 1, 2026, the department shall provide by rule or regulation for the
74 establishment of a towed motor vehicle database for purposes of this article. Such database
75 shall be developed and functional no later than January 1, 2027, and shall provide for the
76 submission of information upon the removal of a motor vehicle and include a feature that
77 allows a motor vehicle owner to search for the location of a towed vehicle by vehicle
78 identification number and license plate number. Such database may be operated and
79 maintained by a third party that is a nonprofit corporation organized under Section
80 501(c)(6) of Title 26 of the Internal Revenue Code and recognized as a membership
81 organization for the towing and storage industry. Such third party shall be required to
82 possess and maintain a surety bond in an amount of no less than \$1 million, demonstrate
83 internal controls and provide data security audits by a licensed certified public accountant,
84 and maintain all records relating to such database for at least five years."

PART II**SECTION 2-1.**

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

90 "(d) A towing and storage firm that has removed an unattended motor vehicle from
91 public property at the request of a peace officer shall, within three days of the removal,
92 submit the vehicle identification number and license plate number of the motor vehicle
93 to the towed motor vehicle database and request from the department the identification
94 and addresses of all owners of such vehicle contained in the records of the department;
95 provided, however, that, if such vehicle has an out-of-state license plate, such request
96 shall be made to the state where the vehicle is registered or to an entity with access to
97 such state's vehicle registration information. The department shall furnish the requested
98 owner information no later than five days from the date the request was received. The
99 department may charge a fee of no more than \$2.00 for such owner information. For
100 purposes of this subsection, an unattended motor vehicle shall include a motor vehicle
101 required to be moved due to arrest of the vehicle's operator or any direction of a peace
102 officer."

SECTION 2-2.

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

107 "(a)(1) Any towing and storage firm which has removed an unattended motor vehicle
108 from private property at the request of the property owner shall, within three days of the
109 removal, submit the vehicle identification number and license plate number of the motor

110 vehicle to the towed motor vehicle database and request from the department the
 111 identification and addresses of all owners of such vehicle contained in the records of the
 112 department; provided, however, that, if such vehicle has an out-of-state license plate, such
 113 request shall be made to the state where the vehicle is registered or to an entity with
 114 access to such state's vehicle registration information. The department shall furnish the
 115 requested owner information no later than five days from the date the request was
 116 received. The department may charge a fee of no more than \$2.00 for such owner
 117 information."

118 SECTION 2-3.

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

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

128 (A) The location of the vehicle;

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

134 (C) The daily fees for storage of the vehicle, which shall be the maximum allowable
 135 daily rate for the storage of the motor vehicle as set forth by rule and regulation of the

136 Department of Public Safety for maximum state-wide rate tariffs or the rate specified
137 pursuant to an agreement with a local governing authority;

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

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

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

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

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

150 (2) If the identity of the owner cannot be ascertained by the department or the department
151 fails to timely furnish the owner information requested pursuant to Code Section
152 40-11-15 or 40-11-16, ~~the towing and storage firm shall, within 60 days of such removal,~~
153 ~~place an advertisement in a newspaper of general circulation or the legal organ in the~~
154 ~~county where such vehicle was obtained. Any advertisement required by this paragraph~~
155 ~~shall run in the newspaper once a week for two consecutive weeks. The advertisement~~
156 ~~shall be in the form provided by the Council of Magistrate Court Judges for such purpose.~~
157 ~~Such advertisement form shall include a space for describing the motor vehicle's year,~~
158 ~~make, model, and manufacturer's vehicle identification number, the present location of~~
159 ~~such vehicle, the fact that such vehicle is subject to a lien which can be foreclosed upon,~~
160 ~~and the fact that such vehicle may be ordered sold to satisfy such lien~~ evidence that the
161 towing and storage firm timely entered the vehicle identification number and license plate

162 number in the towed motor vehicle database shall be deemed sufficient notice for
163 purposes of this article.

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

168 "(g) If a towing and storage firm, repair facility, or salvage dealer fails to comply with the
169 notice requirements in this Code section, the motor vehicle may be re-impounded to permit
170 compliance. Any daily storage fees incurred prior to the date of such re-impoundment shall
171 be waived and not recoverable."

172 **SECTION 2-4.**

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

175 "40-11-19.1.

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

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

196 (A) The name of the owner;

197 (B) The address at which the owner resides;

198 (C) A description of the motor vehicle, including the license plate number and the
199 model, make, and year of the vehicle;

200 (D) A description of the date the owner obtained an interest in the motor vehicle;

201 (E) A brief statement as to why removal of the vehicle was unauthorized, if applicable;

202 (F) Any other brief statement as to why the lien claimed by the towing and storage
203 firm, repair facility, or salvage dealer is invalid;

204 (G) A copy of any documentation in the owner's possession supporting his or her
205 answer; and

206 (H) Any additional facts supporting the owner's answer or as to why the lien should not
207 be foreclosed upon.

208 ~~(2) If notice required under Code Section 40-11-19 was satisfied by advertisement, or~~
209 ~~the signed proof of receipt of a copy of the petition required to be sent under~~
210 ~~paragraph (1) of this subsection has not been returned after ten days of such mailing or~~
211 ~~has been returned as unclaimed, the party filing the petition shall, within 60 days, place~~
212 ~~an advertisement in a newspaper of general circulation or the legal organ where such~~
213 ~~action has been filed. No such advertisement shall be required if the return receipt~~
214 ~~required as proof of delivery has been returned with a notation that the notice of the filing~~

215 ~~of the petition has been refused. Such notice shall run in the newspaper once a week for~~
216 ~~two consecutive weeks. Such notice shall include instructions for how an owner may~~
217 ~~obtain the standardized answer form described in this subsection and shall be deemed as~~
218 ~~notice to any and all persons having an interest in or right affected by such petition and~~
219 ~~from any sale of the motor vehicle resulting therefrom.~~

220 ~~(3)(2) If the identity of an owner which was previously not ascertained becomes known~~
221 ~~while an advertisement is run pursuant to paragraph (2) of this subsection, the party filing~~
222 ~~a petition to foreclose shall send a copy of the filed petition pursuant to the same~~
223 ~~requirements set forth in paragraph (1) of this subsection within ten days of obtaining~~
224 ~~such information.~~

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

230 (d) If no answer has been filed at the expiration of the period set forth in subsection (c) of
231 this Code section, the towing and storage firm, repair facility, or salvage dealer may seek
232 to foreclose the lien through a judgment as provided in Code Section 15-10-43 by making
233 such request in writing and submitting to the court proof of ~~service as set forth in~~
234 compliance with subsection (b) of this Code section. Unless providentially hindered, it
235 shall be the duty of the judge to decide all motions for judgment submitted pursuant to this
236 subsection no later than 15 days from when such motion has been made. When a judgment
237 is granted, the motor vehicle shall be considered abandoned and within five days the court
238 shall issue an order for the disposition of the motor vehicle as provided for in Code
239 Section 40-11-19.2. A certified copy of such order shall be issued by the clerk of court.
240 A fee of no more than \$14.00 may be charged for a certified copy of such order, which
241 shall be issued by the clerk of court. If no answer has been filed but the court finds that a

242 petition fails to comply with the requirements of this article, ~~a petition may be refiled for~~
 243 ~~such action once within six months of the issuance of denial of a judgment~~ the motor
 244 vehicle may be re-impounded by a towing and storage firm, repair facility, or salvage
 245 dealer to permit compliance. Any daily storage fees incurred prior to the date of such
 246 re-impoundment shall be waived and not recoverable.

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

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

261 **PART III**
 262 **SECTION 3-1.**

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

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

266

SECTION 3-2.

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