

House Bill 596

By: Representative Greene of the 151st

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 reimbursement of costs expended for the clean up of motor
3 vehicle wrecks to tow truck operators; to provide for related matters; to repeal conflicting
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**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 40-6-276, relating to duty of driver of wrecker/tow truck,
9 as follows:

10 "40-6-276.

11 (a) The driver of each wrecker truck towing away any vehicle from the scene of a wreck
12 shall also take away all parts belonging to the vehicle which he or she is towing away, or,
13 if they consist of small parts or broken glass, he or she shall clear the streets of said small
14 parts or glass, unless the driver is ordered not to do so by the investigating police officer
15 due to circumstances at the scene of the accident.

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16 (b) Any person violating subsection (a) of this Code section shall be guilty of a
17 misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed
18 \$100.00.

19 (c) The costs associated with compliance of subsection (a) of this Code section shall be
20 borne by the owner of the motor vehicle towed or by his or her liability insurance coverage
21 provider."

22 **SECTION 2.**

23 Said title is further amended by revising Code Section 40-9-37, relating to requirements for
24 liability insurance policies and erroneous information as to insurance, as follows:

25 "40-9-37.

26 (a) No liability insurance policy shall be effective under Code Section 40-9-34 unless
27 issued by an insurance company authorized to do business in this state, except as provided
28 in subsection (b) of this Code section, and unless such policy or bond is subject to limits,
29 exclusive of interest and costs, of not less than the amounts specified in
30 subparagraph (a)(1)(A) of Code Section 33-7-11.

31 (b) No policy shall be effective under Code Section 40-9-34 with respect to any vehicle
32 which was not registered in this state or which was registered elsewhere than in this state
33 at the effective date of the policy or the most recent renewal thereof unless the insurance
34 company issuing such policy is authorized to do business in this state, or if such company
35 is not authorized to do business in this state, unless it shall execute a power of attorney
36 authorizing the commissioner to accept service on its behalf of notice or process in any
37 action upon such policy arising out of such accident.

38 (c) Whenever erroneous information is given to the department with respect to the matters
39 set forth in paragraph (1), (2), or (3) of Code Section 40-9-34, the department shall take
40 appropriate action as provided in Code Section 40-9-32 after receipt of correct information
41 with respect to such matters.

42 (d) No liability insurance policy shall be effective under Code Section 40-9-34 unless such
43 policy or bond provides coverage for any costs associated with motor vehicle wreck
44 cleanup required by Code Section 40-6-276."

45 **SECTION 3.**

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