

House Bill 973 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Coomer of the 14th, Rice of the 95th, Powell of the 32nd, Kaiser of the 59th, Clark of the 101st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 40 and Article 2 of Chapter 6 of Title 32 of the Official Code
2 of Georgia Annotated, relating to identification and regulation of motor vehicles and
3 dimensions and weight of vehicles and loads, respectively, so as to provide for the regulation
4 of vehicles towing other vehicles in certain instances; to provide for regulation by the
5 Department of Public Safety of towing service providers operating on interstate highways
6 subject to appropriation by the General Assembly; to provide for legislative intent; to provide
7 for definitions; to require annual permits for the operation of towing service providers; to
8 provide for power of the department to establish procedures for the issuance of such permits;
9 to provide for a maximum fee to be charged for such permits; to provide for authority to
10 promulgate rules and regulations; to provide for a civil monetary penalty; to provide for a
11 right to a hearing upon denial of such permit; to provide for effective dates; to provide for
12 automatic repeal on January 1, 2021; to provide for related matters; to repeal conflicting
13 laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to identification and
17 regulation of motor vehicles, is amended by adding a new Code section to read as follows:

18 "40-1-9.

19 (a) As used in this Code section, the term:

20 (1) 'Commissioner' means the commissioner of public safety or the official designated
21 by the commissioner pursuant to rules and regulations of the department.

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

23 (3) 'Permit' means an instrument of whatever character or nature, including, but not
24 limited to, electronic format, issued by the department pursuant to this Code section.

25 (4) 'Towing service provider' means any person utilizing a vehicle to tow disabled,
26 damaged, abandoned, or wrecked vehicles in exchange for a fee.

27 (b)(1) Subject to appropriation by the General Assembly, in order to promote safe towing
28 practices by towing service providers in Georgia, the commissioner shall issue permits
29 which allow towing service providers to operate on any portion of the Dwight D.
30 Eisenhower System of Interstate and Defense Highways within this state for the duration
31 of such permit; provided, however, that any such permit shall be in addition to and not
32 in lieu of the ability of counties, municipalities, or consolidated governments to regulate
33 towing service providers operating on any portion of state or local roads within such
34 jurisdiction.

35 (2) Pursuant to this Code section, annual permits shall be issued to towing service
36 provider applicants who demonstrate to the satisfaction of the commissioner that the
37 applicant has completed an operator safety course that meets or exceeds the minimum
38 safety training standards recognized and adopted by the Towing and Recovery
39 Association of Georgia in effect as of February 21, 2016. Any towing service provider
40 recognized by the Georgia Department of Transportation as a Towing and Recovery
41 Incentive Program service provider shall satisfy the safety training requirements of this
42 paragraph.

43 (3) Pursuant to this Code section, the commissioner may charge a fee for the issuance
44 of such permits and may develop and adopt an apportionment schedule for fees to be
45 established by rules and regulations promulgated by the commissioner. The fee for the
46 issuance of a towing service provider permit shall be not more than \$85.00 per towing
47 service provider operator.

48 (c) A copy of such permit and all other documentation required by the commissioner shall
49 be carried by the towing service provider operator and shall be open to inspection by any
50 law enforcement officer, employee of the department who has been given enforcement
51 authority by the commissioner, or any law enforcement officer acting within the scope of
52 his or her authority.

53 (d) The commissioner is authorized to promulgate reasonable rules and regulations which
54 are necessary or desirable in governing the issuance of permits, including the timeline for
55 compliance, provided that such rules and regulations are not in conflict with other
56 provisions of law. The commissioner is authorized to issue such orders, authorizations, and
57 modification thereof as necessary to implement this Code section. A court shall take
58 judicial notice of all rules, regulations, and orders promulgated and issued by the
59 department pursuant to this Code section.

60 (e) Any person violating this Code section shall be guilty of a misdemeanor.

61 (f)(1) For just cause, including, but not limited to, repeated and consistent past violations
62 of this Code section, the commissioner may refuse to issue or may cancel, suspend, or
63 revoke the towing service provider permit of an applicant or permittee.

- 64 (2) Within 30 days after any denial or cancellation of a towing service provider permit
65 granted pursuant to this Code section, the applicant or permit holder may appeal a denial
66 or cancellation by requesting a hearing before the commissioner in accordance with
67 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The commissioner
68 shall notify an applicant or permit holder in writing of the denial or cancellation by
69 registered or certified mail or statutory overnight delivery to the last known address of
70 the applicant or permit holder appearing in the commissioner's files or by personal service
71 upon the applicant or permit holder by an authorized agent of the commissioner.
- 72 (3) An appeal hearing provided for by this paragraph shall be conducted no more than
73 60 days from the date which the appeal was requested. Further, if the appellant towing
74 service provider's permit has not expired, the permit holder shall be allowed to continue
75 to operate under the terms of the original permit until such time that the appeal is decided
76 or the original permit expires, whichever occurs first.
- 77 (g) The commissioner is authorized to employ such persons as may be necessary, in the
78 discretion of the commissioner, for the proper enforcement of this Code section, as
79 provided for in this Code section and Chapter 2 of Title 35.
- 80 (h) This Code section shall stand repealed on January 1, 2021."

81 **SECTION 2.**

82 This Act shall become effective upon approval of this Act by the Governor or upon its
83 becoming law without such approval for purposes of promulgating rules and regulations and
84 shall become effective on January 1, 2017, for all other purposes.

85 **SECTION 3.**

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