

The House Committee on Transportation offers the following substitute to SB 307:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 32-6-51 of the Official Code of Georgia Annotated, relating to
2 erection, placement, or maintenance of unauthorized structures within rights of way of public
3 roads and authorization of commercial advertisements by a transit agency, so as to provide
4 for definitions relative to advertising; to provide for applicability in relation to other
5 requirements of the article; to amend Chapter 1 of Title 40 and Article 2 of Chapter 6 of
6 Title 32 of the Official Code of Georgia Annotated, relating to identification and regulation
7 of motor vehicles and dimensions and weight of vehicles and loads, respectively, so as to
8 provide for the regulation of vehicles towing other vehicles in certain instances; to provide
9 for regulation by the Department of Public Safety of towing service providers operating on
10 interstate highways subject to appropriation by the General Assembly; to provide for
11 legislative intent; to provide for definitions; to require annual permits for the operation of
12 towing service providers; to provide for power of the department to establish procedures for
13 the issuance of such permits; to provide for a maximum fee to be charged for such permits;
14 to provide for authority to promulgate rules and regulations; to provide for a civil monetary
15 penalty; to provide for a right to a hearing upon denial of such permit; to provide for
16 effective dates; to provide for an automatic repeal of certain provisions on January 1, 2021;
17 to provide for related matters; to repeal conflicting laws; and for other purposes.

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

19 **SECTION 1.**
20 Code Section 32-6-51 of the Official Code of Georgia Annotated, relating to erection,
21 placement, or maintenance of unauthorized structures within rights of way of public roads
22 and authorization of commercial advertisements by a transit agency, is amended by revising
23 paragraph (1) of subsections (d) and (g) and adding a new subsection to read as follows:
24 "(d)(1) As used in this subsection, the term:
25 (A) 'Bus shelter' means a shelter or bench located at bus stops for the convenience of
26 passengers of public transportation systems owned and operated by governmental units

27 or public authorities or located on county or municipality rights of way for the
28 convenience of residents.

29 (B) 'Commercial advertisements' means any printed or painted signs or multiple media
30 displays on a bus shelter for which space has been rented or leased from the owner of
31 such shelter.

32 (C) 'Multiple media display' means a device by which the message, image, or text is
33 capable of electronic alteration by movement or rotation of panels or slats."

34 "(g)(1) As used in this subsection, the term:

35 (A) 'Commercial advertisements' means any printed or painted signs or multiple
36 ~~message signs~~ media displays on or in transit vehicles or facilities for which space has
37 been rented or leased from the owner of such transit vehicles or facilities.

38 (B) 'Multiple media display' means a device by which the message, image, or text is
39 capable of electronic alteration by movement or rotation of panels or slats.

40 (C) 'Transit agency' means any public agency, public corporation, or public authority
41 existing under the laws of this state that is authorized by any general, special, or local
42 law to provide any type of transit services within any area of this state including, but
43 not limited to, the Department of Transportation, the Georgia Regional Transportation
44 Authority, and the Georgia Rail Passenger Authority.

45 ~~(D)~~ (D) 'Transit vehicles or facilities' means everything necessary and appropriate for
46 the conveyance and convenience of passengers who utilize transit services."

47 "(h) Multiple media displays authorized pursuant to this Code section shall comply with
48 the operational standards for multiple message signs provided for in Part 2 of this article
49 but shall not be required to comply with any spacing requirements provided for in such part
50 and multiple media displays shall not be considered in regard to the spacing requirements
51 provided for in Code Section 32-6-75 as to the placement of any multiple message sign."

52 SECTION 2.

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

55 "40-1-9.

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

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

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

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

- 62 (4) 'Towing service provider' means any person utilizing a vehicle to tow disabled,
63 damaged, abandoned, or wrecked vehicles in exchange for a fee.
- 64 (b)(1) Subject to appropriation by the General Assembly, in order to promote safe towing
65 practices by towing service providers in Georgia, the commissioner shall issue permits
66 which allow towing service providers to operate on any portion of the Dwight D.
67 Eisenhower System of Interstate and Defense Highways within this state for the duration
68 of such permit; provided, however, that any such permit shall be in addition to and not
69 in lieu of the ability of counties, municipalities, or consolidated governments to regulate
70 towing service providers operating on any portion of state or local roads within such
71 jurisdiction.
- 72 (2) Pursuant to this Code section, annual permits shall be issued to towing service
73 provider applicants who demonstrate to the satisfaction of the commissioner that the
74 applicant has completed an operator safety course that meets or exceeds the minimum
75 safety training standards recognized and adopted by the Towing and Recovery
76 Association of Georgia in effect as of February 21, 2016. Any towing service provider
77 recognized by the Georgia Department of Transportation as a Towing and Recovery
78 Incentive Program service provider shall satisfy the safety training requirements of this
79 paragraph.
- 80 (3) Pursuant to this Code section, the commissioner may charge a fee for the issuance
81 of such permits and may develop and adopt an apportionment schedule for fees to be
82 established by rules and regulations promulgated by the commissioner. The fee for the
83 issuance of a towing service provider permit shall be not more than \$85.00 per towing
84 service provider operator.
- 85 (c) A copy of such permit and all other documentation required by the commissioner shall
86 be carried by the towing service provider operator and shall be open to inspection by any
87 law enforcement officer, employee of the department who has been given enforcement
88 authority by the commissioner, or any law enforcement officer acting within the scope of
89 his or her authority.
- 90 (d) The commissioner is authorized to promulgate reasonable rules and regulations which
91 are necessary or desirable in governing the issuance of permits, including the timeline for
92 compliance, provided that such rules and regulations are not in conflict with other
93 provisions of law. The commissioner is authorized to issue such orders, authorizations, and
94 modification thereof as necessary to implement this Code section. A court shall take
95 judicial notice of all rules, regulations, and orders promulgated and issued by the
96 department pursuant to this Code section.
- 97 (e) Any person violating this Code section shall be guilty of a misdemeanor.

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

101 (2) Within 30 days after any denial or cancellation of a towing service provider permit
 102 granted pursuant to this Code section, the applicant or permit holder may appeal a denial
 103 or cancellation by requesting a hearing before the commissioner in accordance with
 104 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The commissioner
 105 shall notify an applicant or permit holder in writing of the denial or cancellation by
 106 registered or certified mail or statutory overnight delivery to the last known address of
 107 the applicant or permit holder appearing in the commissioner's files or by personal service
 108 upon the applicant or permit holder by an authorized agent of the commissioner.

109 (3) An appeal hearing provided for by this paragraph shall be conducted no more than
 110 60 days from the date which the appeal was requested. Further, if the appellant towing
 111 service provider's permit has not expired, the permit holder shall be allowed to continue
 112 to operate under the terms of the original permit until such time that the appeal is decided
 113 or the original permit expires, whichever occurs first.

114 (g) The commissioner is authorized to employ such persons as may be necessary, in the
 115 discretion of the commissioner, for the proper enforcement of this Code section, as
 116 provided for in this Code section and Chapter 2 of Title 35.

117 (h) This Code section shall stand repealed on January 1, 2021."

118 **SECTION 3.**

119 (a) Section 1 of this Act shall become effective on July 1, 2016.

120 (b) Section 2 of this Act shall become effective upon approval of this Act by the Governor
 121 or upon its becoming law without such approval for purposes of promulgating rules and
 122 regulations and shall become effective on January 1, 2017, for all other purposes.

123 **SECTION 4.**

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