

Senate Bill 426

By: Senators Tillery of the 19th, Setzler of the 37th, Burns of the 23rd, Walker III of the 20th, Albers of the 56th and others

AS PASSED SENATE

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 revise requirements for joining of a motor carrier and motor carrier's insurer
3 to a cause of action; to provide for subrogation for unpaid final judgments relative to causes
4 of action involving motor carriers; to provide for related matters; to provide for an effective
5 date and for applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
9 amended in Code Section 40-1-112, relating to insurance of motor carriers, by revising
10 subsection (c) as follows:

11 "(c)(1) It shall be permissible under this part for any person having a cause of action
12 arising under this part to join in the same action the motor carrier and the insurance
13 carrier, whether arising in tort or contract, only when:

14 (A) One or more motor carriers related to the cause of action are insolvent or bankrupt;
15 or

16 (B) Personal service, as provided in subsection (e) of Code Section 9-11-4, cannot after
17 reasonable diligence be effected:

18 (i) Against the driver of the vehicle of the motor carrier giving rise to the cause of
19 action; or

20 (ii) Against the motor carrier.

21 (2) Pursuant to paragraph (1) of this subsection, when one or more motor carriers related
22 to the cause of action are insolvent or bankrupt, or personal service cannot after
23 reasonable diligence be effected against the driver or motor carrier, then the insurance
24 carrier may be joined in the action as a matter of right, without motion or order of the
25 court, by filing an amended complaint joining the insurance carrier. The amended
26 complaint shall be served on the insurance carrier pursuant to Code Section 9-11-4 and
27 such insurance carrier shall file an answer with the court within 30 days of service.

28 (3) For purposes of paragraph (2) of this subsection, the amended complaint shall relate
29 back to the date of filing of the original pleading."

30 **SECTION 2.**

31 Said title is further amended in Code Section 40-2-140, relating to Department of Public
32 Safety to administer provisions and registration, insurance, and fee requirements of motor
33 carriers, by revising paragraph (4) of subsection (d) as follows:

34 "(4)(A) Any person having a cause of action, whether arising in tort or contract, under
35 this Code section may join in the same cause of action the motor carrier and its
36 insurance carrier only when:

37 (i) One or more motor carriers related to the cause of action are insolvent or
38 bankrupt; or

39 (ii) Personal service, as provided in subsection (e) of Code Section 9-11-4, cannot
40 after reasonable diligence be effected:

41 (I) Against the driver of the vehicle of the motor carrier giving rise to the cause
42 of action; or

43 (II) Against the motor carrier.

44 (B) Pursuant to subparagraph (A) of this paragraph, when one or more motor carriers
45 related to the cause of action are insolvent or bankrupt, or personal service cannot
46 after reasonable diligence be effected against the driver or motor carrier, then the
47 insurance carrier may be joined in the action as a matter of right, without motion or
48 order of the court, by filing an amended complaint joining the insurance carrier. The
49 amended complaint shall be served on the insurance carrier pursuant to Code Section
50 9-11-4 and such insurance carrier shall file an answer with the court within 30 days
51 of service.

52 (C) For purposes of paragraph (2) of this subsection, the amended complaint shall
53 relate back to the date of filing of the original pleading."

54 **SECTION 3.**

55 This Act shall become effective on July 1, 2024.

56 **SECTION 4.**

57 This Act shall apply to causes of action accruing on or after July 1, 2024.

58 **SECTION 5.**

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