

House Bill 454

By: Representatives Scheid of the 17th, Wix of the 33rd and Day of the 153rd

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 change the provisions relating to the enforcement of the uniform rules of the
3 road on roads and streets of certain privately owned residential property; to provide that
4 under certain conditions a law enforcement agency may use speed detection devices on roads
5 and streets of privately owned residential property; to change certain requirements relating
6 to visibility of vehicle from which speed detection devices are operated when such devices
7 are operated on certain privately owned residential property; to repeal conflicting laws; and
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
12 amended by striking in its entirety paragraph (6) of subsection (a) of Code Section 40-6-3,
13 relating to the applicability of the uniform rules of the road to vehicles on highways, and
14 inserting in lieu thereof a new paragraph (6) to read as follows:

15 "(6)(A) Subject to the approval of the governing authority of the county or
16 municipality, the provisions of this chapter shall apply to a vehicle operated within a
17 privately owned residential area located within the corporate boundaries of a
18 municipality or located within the boundaries of a county, provided the owner of the
19 privately owned residential area files with the governing authority of such county or
20 municipality:

21 (i) A petition signed by 50 percent or more of the property owners located in said
22 subdivision requesting the law enforcement agency of the county or municipality to
23 enforce the uniform rules of the road within such privately owned residential area;
24 and

25 (ii) A plat delineating the location of roads, streets, and common areas within the
26 privately owned residential area.

27 (B) Upon approval by the governing authority of the county or municipality, the law
28 enforcement agency of such county or municipality shall enforce the uniform rules of
29 the road within said privately owned residential area. The law enforcement agency of
30 such county or municipality may use speed detection devices on roads and streets of
31 such privately owned residential property if the petition signed by 50 percent or more
32 of the property owners located in said subdivision includes a request for the use of such
33 devices by the agency.

1 (C) All persons operating vehicles on the roads, streets, and common areas of said
2 privately owned residential property shall be subject to all state and local traffic laws
3 and regulations the same as if such private roads, streets, and common areas were
4 public roads and streets.

5 (D) At least 30 days' prior notice shall be given to users of said private roads, streets,
6 and common areas by publication in a newspaper of general circulation in the area and
7 by posting signs along the private road, streets, and common areas specifying that the
8 county law enforcement agency or municipal law enforcement agency will be enforcing
9 the uniform rules of the roads on said private roads, streets, and common areas."

10 SECTION 2.

11 Said title is further amended by striking in its entirety Code Section 40-14-7, relating to
12 visibility of vehicle from which certain speed detection devices are operated, and inserting
13 in lieu thereof a new Code Section 40-14-7 to read as follows:

14 "40-14-7.

15 No stationary speed detection device shall be employed by county, municipal, college, or
16 university law enforcement officers where the vehicle from which the device is operated
17 is obstructed from the view of approaching motorists or is otherwise not visible for a
18 distance of at least 500 feet; provided, however, that the provisions of this Code section
19 shall not apply to the use of speed detection devices on roads and streets of privately owned
20 residential property where the use of such devices has been authorized under paragraph (6)
21 of subsection (a) of Code Section 40-6-3."

22 SECTION 3.

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