

House Bill 188

By: Representatives Forster of the 3rd, Post 1, Bridges of the 7th, Day of the 126th, Hill of the 81st, Powell of the 23rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to use
2 of radar speed detection devices, so as to remove the requirement that the streets, roads, and
3 highways upon which such devices may be used must be approved; to permit use of such
4 devices while application is pending; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to use of radar
9 speed detection devices, is amended by striking subsection (a) of Code Section 40-14-3,
10 relating to application for permit and use of device while application pending, in its entirety
11 and inserting in lieu thereof a new subsection (a) to read as follows:

12 "(a) A county sheriff, county or municipal governing authority, or the president of a
13 college or university may apply to the Department of Public Safety for a permit to
14 authorize the use of speed detection devices for ~~purposes~~ the purpose of traffic control
15 within such counties, municipalities, colleges, or universities on streets, roads, and
16 highways, ~~provided that such application shall name the street or road on which the device~~
17 ~~is to be used and the speed limits on such street or road shall have been approved by the~~
18 ~~Office of Traffic Operations of the Department of Transportation.~~ Law enforcement
19 agencies are authorized to use speed detection devices ~~on streets and roads~~ for which an
20 ~~application is~~ applications are pending as long as all other requirements for the use of speed
21 detection devices are met. Nothing ~~herein~~ in this Code section shall be construed to affect
22 the provisions of Code Section 40-14-9."

SECTION 2.

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2 Said chapter is further amended by striking Code Section 40-14-10, relating to unlawful use
3 of devices generally, in its entirety and inserting in lieu thereof a new Code Section 40-14-10
4 to read as follows:

5 "40-14-10.

6 Except as provided in subsection (a) of Code Section 40-14-3, it It shall be unlawful for
7 speed detection devices to be used in any county or municipality or on any campus for
8 which a permit authorizing such use has not been issued or for which a permit authorizing
9 such use has been suspended or revoked and not reissued. It shall be unlawful for any
10 official of such county, municipality, college, or university to order such speed detection
11 devices to be used. It shall be unlawful for any law enforcement officer of any such county,
12 municipality, college, or university to use any such speed detection devices. Any such
13 official or law enforcement officer violating this Code section shall be guilty of a
14 misdemeanor."

SECTION 3.

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