

The House Committee on Public Safety offers the following substitute to HB 182:

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 improve enforcement of Uniform Rules of the Road; to regulate use of traffic  
3 law compliance monitoring devices in enforcing certain such rules; to provide for the  
4 misdemeanor of intentionally covering, concealing, or altering a license plate to evade  
5 prosecution; to provide for related inspection of motor vehicle registration records; to provide  
6 that certain maximum speeding fine limitations shall not apply to speeding in a school speed  
7 zone; to change certain provisions relating to required observance of Uniform Rules of the  
8 Road; to change certain provisions relating to obedience to traffic-control devices  
9 requirements, presumptions, and enforcement by traffic-control signal monitoring devices;  
10 to change certain provisions relating to traffic-control signal monitoring devices; to repeal  
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
15 amended by inserting a new Code section to read as follows:

16 "40-1-1.1.

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

18 (1) 'Owner' means the registrant of a motor vehicle, except that such term shall not  
19 include a motor vehicle rental company when a motor vehicle registered by such  
20 company is being operated by another person under a rental agreement with such  
21 company.

22 (2) 'Recorded images' means images recorded by a traffic-control signal monitoring  
23 device:

24 (A) On:

25 (i) Two or more photographs;

26 (ii) Two or more microphotographs;

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1 (iii) Two or more electronic images; or

2 (iv) Videotape; and

3 (B) Showing the view from the rear only of a motor vehicle apparently operated in  
4 disregard or disobedience of a CIRCULAR RED or RED ARROW traffic-control  
5 signal at any location or a maximum speed limit in a school zone and, on at least one  
6 such image or portion of tape, clearly revealing the number or other identifying  
7 designation of the license plate displayed on the rear of such motor vehicle.

8 (3) 'Traffic law compliance monitoring device' means a device with one or more motor  
9 vehicle sensors used to produce recorded images of motor vehicles being operated in  
10 disregard or disobedience of a CIRCULAR RED or RED ARROW traffic-control signal  
11 or a maximum speed limit in a school zone.

12 (b) Provisions of this chapter governing obedience to CIRCULAR RED or RED ARROW  
13 traffic-control signals may be enforced at any location as provided in this Code section, and  
14 provisions of this chapter governing maximum speed limits may be enforced in school  
15 zones up to one hour before, during, and up to one hour after normal hours of school  
16 operation on days when school is in session as provided in this Code section, pursuant to  
17 the use of traffic law compliance monitoring devices in accordance with Article 3 of  
18 Chapter 14 of this title.

19 (c) For the purpose of enforcement pursuant to this Code section:

20 (1) The driver of a motor vehicle shall be liable for a civil monetary penalty not to  
21 exceed \$100.00 if such vehicle is found, as evidenced by recorded images produced by  
22 a traffic law compliance monitoring device, to have been operated in disregard or  
23 disobedience of a CIRCULAR RED or RED ARROW traffic-control signal in violation  
24 of Code Section 40-6-20 or of a maximum speed limit in a school zone established by or  
25 pursuant to Article 9 of this chapter and such disregard or disobedience was not otherwise  
26 authorized by law;

27 (2) The law enforcement agency for which such device is permitted shall send by  
28 first-class mail addressed to the owner of the motor vehicle postmarked not later than ten  
29 days after the date of the alleged violation:

30 (A) A citation for the violation, which shall include the date and time of the violation,  
31 the location of the violation, the amount of the civil monetary penalty imposed, and the  
32 date by which the civil monetary penalty shall be paid;

33 (B) A copy of the recorded image;

34 (C) A copy of a certificate sworn to or affirmed by a trained law enforcement officer  
35 or a technician employed by a law enforcement agency for which such device is  
36 authorized and stating that, based upon inspection of recorded images, the owner's  
37 motor vehicle was operated in disregard or disobedience of a CIRCULAR RED or RED

1 ARROW traffic-control signal in violation of Code Section 40-6-20 or of a maximum  
2 speed limit in a school zone established by or pursuant to Article 9 of this chapter and  
3 that such disregard or disobedience was not otherwise authorized by law;

4 (D) A statement of the inference provided by paragraph (4) of this subsection and of  
5 the means specified therein by which such inference may be rebutted;

6 (E) Information advising the owner of the motor vehicle of the manner and time in  
7 which liability as alleged in the citation may be contested in court; and

8 (F) Warning that failure to pay the civil monetary penalty or to contest liability in a  
9 timely manner shall waive any right to contest liability and result in a civil monetary  
10 penalty;

11 provided, however, that only warning notices and not complaints for violations shall be  
12 sent during the 30 day period commencing with the installation of a traffic law  
13 compliance monitoring device at such location;

14 (3) Proof that a motor vehicle was operated in disregard or disobedience of a  
15 CIRCULAR RED or RED ARROW traffic-control signal in violation of Code Section  
16 40-6-20 or of a maximum speed limit in a school zone established by or pursuant to  
17 Article 9 of this chapter shall be evidenced by recorded images produced by a traffic law  
18 compliance monitoring device authorized pursuant to Article 3 of Chapter 14 of this title.  
19 A copy of a certificate sworn to or affirmed by a trained law enforcement officer or a  
20 technician employed by a law enforcement agency for which such device is authorized  
21 and stating that, based upon inspection of recorded images, a motor vehicle was operated  
22 in disregard or disobedience of a CIRCULAR RED or RED ARROW traffic-control  
23 signal in violation of Code Section 40-6-20 or of a maximum speed limit in a school zone  
24 established by or pursuant to Article 9 of this chapter and that such disregard or  
25 disobedience was not otherwise authorized by law shall be prima-facie evidence of the  
26 facts contained therein; and

27 (4) Liability under this Code section shall be determined based upon preponderance of  
28 the evidence. Prima-facie evidence that the vehicle described in the complaint issued  
29 pursuant to this Code section was operated in disregard or disobedience of a CIRCULAR  
30 RED or RED ARROW traffic-control signal in violation of Code Section 40-6-20 or of  
31 a maximum speed limit in a school zone established by or pursuant to Article 9 of this  
32 chapter, together with proof that the defendant was at the time of such violation the  
33 registered owner of the vehicle, shall permit the trier of fact in its discretion to infer that  
34 such owner of the vehicle was the driver of the vehicle at the time of the alleged  
35 violation. Such an inference may be rebutted if the owner of the vehicle:

36 (A) Testifies under oath in open court that he or she was not the operator of the vehicle  
37 at the time of the alleged violation;

1 (B) Presents to the court prior to the return date established on the complaint a certified  
2 copy of a police report showing that the vehicle had been reported to the police as  
3 stolen prior to the time of the alleged violation; or

4 (C) Submits to the court prior to the return date established on the complaint a sworn  
5 notarized statement identifying the name of the operator of the vehicle at the time of  
6 the alleged violation.

7 (d) A violation for which a civil penalty is imposed pursuant to this Code section shall not  
8 be considered a moving traffic violation for the purpose of points assessment under Code  
9 Section 40-5-57. Such violation shall be deemed noncriminal, and imposition of a civil  
10 penalty pursuant to this Code section shall not be deemed a conviction and shall not be  
11 made a part of the operating record of the person upon whom such liability is imposed, nor  
12 shall it be used for any insurance purposes in the provision of motor vehicle insurance  
13 coverage.

14 (e) If a person summoned by first-class mail fails to appear on the date of return set out in  
15 the citation and has not paid the penalty for the violation or filed a police report or affidavit  
16 pursuant to subparagraph (c)(4)(B) or (c)(4)(C) of this Code section, the person summoned  
17 shall have waived the right to contest the violation and shall be liable for a civil monetary  
18 penalty in an amount fixed by ordinance of the county or municipality having jurisdiction  
19 over the offense.

20 (f) Except as otherwise provided in this Code section, the provisions of law governing  
21 jurisdiction, procedure, defenses, adjudication, appeal, and payment and distribution of  
22 penalties otherwise applicable to violations of this chapter shall apply to enforcement under  
23 this Code section; provided, however, that any appeal from superior or state court shall be  
24 by application in the same manner as that provided by Code Section 5-6-35.

25 (g) Recorded images made for purposes of this Code section shall not be a public record  
26 for purposes of Article 4 of Chapter 18 of Title 50.

27 (h) The provisions of this Code section shall not limit law enforcement agencies to the use  
28 of traffic law compliance monitoring devices in enforcing any provision of Code Section  
29 40-6-20 or Article 9 of this chapter; and, when there is evidence obtained from another  
30 source or sources which constitutes a prima-facie case of a violation of Code Section  
31 40-6-20 or Article 9 of this chapter, such violation may be prosecuted as otherwise  
32 provided by law in lieu of, but not in addition to, enforcement under this Code section.

33 (i) It shall be a misdemeanor for a driver of a motor vehicle to intentionally cover, conceal,  
34 or alter his or her license plate for purposes of evading prosecution under this Code  
35 section."



1 been so placed by the official act or direction of lawful authority, unless the contrary shall  
2 be established by competent evidence.

3 (d) Any official traffic-control device placed pursuant to this chapter and purporting to  
4 conform to the lawful requirements pertaining to such devices shall be presumed to comply  
5 with the requirements of this chapter, unless the contrary shall be established by competent  
6 evidence.

7 (e) The disregard or disobedience of the instructions of any official traffic-control device  
8 or signal placed in accordance with the provisions of this chapter by the driver of a vehicle  
9 shall be deemed prima-facie evidence of a violation of law, without requiring proof of who  
10 and by what authority such sign or device has been erected.

11 ~~(f)(1) As used in this subsection, the term:~~

12 ~~(A) 'Owner' means the registrant of a motor vehicle, except that such term shall not~~  
13 ~~include a motor vehicle rental company when a motor vehicle registered by such~~  
14 ~~company is being operated by another person under a rental agreement with such~~  
15 ~~company.~~

16 ~~(B) 'Recorded images' means images recorded by a traffic-control signal monitoring~~  
17 ~~device:~~

18 ~~(i) On:~~

19 ~~(I) Two or more photographs;~~

20 ~~(II) Two or more microphotographs;~~

21 ~~(III) Two or more electronic images; or~~

22 ~~(IV) Videotape; and~~

23 ~~(ii) Showing a traffic-control signal displaying a CIRCULAR RED or RED ARROW~~  
24 ~~signal along with the rear of a motor vehicle apparently operated in disregard or~~  
25 ~~disobedience of such signal and, on at least one image or portion of tape, clearly~~  
26 ~~revealing the number or other identifying designation of the license plate displayed~~  
27 ~~on the motor vehicle.~~

28 ~~(C) 'Traffic-control signal monitoring device' means a device with one or more motor~~  
29 ~~vehicle sensors working in conjunction with a traffic-control signal to produce recorded~~  
30 ~~images of motor vehicles being operated in disregard or disobedience of a CIRCULAR~~  
31 ~~RED or RED ARROW signal.~~

32 ~~(2) Subsection (a) of this Code section may be enforced as provided in this subsection~~  
33 ~~pursuant to the use of traffic-control signal monitoring devices in accordance with Article~~  
34 ~~3 of Chapter 14 of this title.~~

35 ~~(3) For the purpose of enforcement pursuant to this subsection:~~

36 ~~(A) The driver of a motor vehicle shall be liable for a civil monetary penalty of not~~  
37 ~~more than \$70.00 if such vehicle is found, as evidenced by recorded images produced~~

1 ~~by a traffic-control signal monitoring device, to have been operated in disregard or~~  
 2 ~~disobedience of a CIRCULAR RED or RED ARROW signal in violation of subsection~~  
 3 ~~(a) of this Code section and such disregard or disobedience was not otherwise~~  
 4 ~~authorized by law;~~

5 ~~(B) The law enforcement agency for which such device is permitted shall send by~~  
 6 ~~first-class mail addressed to the owner of the motor vehicle postmarked not later than~~  
 7 ~~ten days after the date of the alleged violation:~~

8 ~~(i) A uniform traffic citation for the violation, which shall include the date and time~~  
 9 ~~of the violation, the location of the intersection, the amount of the civil monetary~~  
 10 ~~penalty imposed, and the date by which the civil monetary penalty shall be paid;~~

11 ~~(ii) A copy of the recorded image;~~

12 ~~(iii) A copy of a certificate sworn to or affirmed by a trained law enforcement officer~~  
 13 ~~or a technician employed by a law enforcement agency for which such device is~~  
 14 ~~authorized and stating that, based upon inspection of recorded images, the owner's~~  
 15 ~~motor vehicle was operated in disregard or disobedience of a CIRCULAR RED or~~  
 16 ~~RED ARROW signal in violation of subsection (a) of this Code section and that such~~  
 17 ~~disregard or disobedience was not otherwise authorized by law;~~

18 ~~(iv) A statement of the inference provided by subparagraph (D) of this paragraph and~~  
 19 ~~of the means specified therein by which such inference may be rebutted;~~

20 ~~(v) Information advising the owner of the motor vehicle of the manner and time in~~  
 21 ~~which liability as alleged in the citation may be contested in court; and~~

22 ~~(vi) Warning that failure to pay the civil monetary penalty or to contest liability in a~~  
 23 ~~timely manner shall waive any right to contest liability and result in a civil monetary~~  
 24 ~~penalty;~~

25 ~~provided, however, that only warning notices and not citations for violations shall be~~  
 26 ~~sent during the 30 day period commencing with the installation of a traffic-control~~  
 27 ~~signal monitoring device at such location;~~

28 ~~(C) Proof that a motor vehicle was operated in disregard or disobedience of a~~  
 29 ~~CIRCULAR RED or RED ARROW signal in violation of subsection (a) of this Code~~  
 30 ~~section shall be evidenced by recorded images produced by a traffic-control signal~~  
 31 ~~monitoring device authorized pursuant to Article 3 of Chapter 14 of this title. A copy~~  
 32 ~~of a certificate sworn to or affirmed by a trained law enforcement officer or a technician~~  
 33 ~~employed by a law enforcement agency for which such device is authorized and stating~~  
 34 ~~that, based upon inspection of recorded images, a motor vehicle was operated in~~  
 35 ~~disregard or disobedience of a CIRCULAR RED or RED ARROW signal in violation~~  
 36 ~~of subsection (a) of this Code section and that such disregard or disobedience was not~~

~~otherwise authorized by law shall be prima-facie evidence of the facts contained therein; and~~

~~(D) Liability under this subsection shall be determined based upon preponderance of the evidence. Prima-facie evidence that the vehicle described in the citation issued pursuant to this subsection was operated in violation of subsection (a) of this Code section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, shall permit the trier of fact in its discretion to infer that such owner of the vehicle was the driver of the vehicle at the time of the alleged violation. Such an inference may be rebutted if the owner of the vehicle:~~

~~(i) Testifies under oath in open court that he or she was not the operator of the vehicle at the time of the alleged violation;~~

~~(ii) Presents to the court prior to the return date established on the citation a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation; or~~

~~(iii) Submits to the court prior to the return date established on the citation a sworn notarized statement identifying the name of the operator of the vehicle at the time of the alleged violation.~~

~~(4) A violation for which a civil penalty is imposed pursuant to this subsection shall not be considered a moving traffic violation, for the purpose of points assessment under Code Section 40-5-57. Such violation shall be deemed noncriminal, and imposition of a civil penalty pursuant to this subsection shall not be deemed a conviction and shall not be made a part of the operating record of the person upon whom such liability is imposed, nor shall it be used for any insurance purposes in the provision of motor vehicle insurance coverage.~~

~~(5) If a person summoned by first-class mail fails to appear on the date of return set out in the summons and has not paid the penalty for the violation or filed a police report or affidavit pursuant to division (3)(D)(ii) or (3)(D)(iii) of this subsection, the person summoned shall have waived the right to contest the violation and shall be liable for a civil monetary penalty of not more than \$70.00.~~

~~(6) Except as otherwise provided in this subsection, the provisions of law governing jurisdiction, procedure, defenses, adjudication, appeal, and payment and distribution of penalties otherwise applicable to violations of subsection (a) of this Code section shall apply to enforcement under this subsection; provided, however, that any appeal from superior or state court shall be by application in the same manner as that provided by Code Section 5-6-35.~~

~~(7) Recorded images made for purposes of this subsection shall not be a public record for purposes of Article 4 of Chapter 18 of Title 50.~~



1 (c) If a county or municipality elects to use ~~traffic-control signal~~ traffic law compliance  
 2 monitoring devices, no portion of any ~~fine~~ civil penalty collected through the use of such  
 3 devices may be paid to the manufacturer or vendor of the ~~traffic-control signal~~ traffic law  
 4 compliance monitoring devices. The compensation paid by the county or municipality for  
 5 such devices shall be based on the value of such equipment and shall not be based on the  
 6 number of traffic citations issued or the revenue generated by such devices.

7 (d)(1) A ~~traffic-control signal~~ traffic law compliance monitoring device shall not be used  
 8 by a law enforcement agency unless the law enforcement agency employs at least one  
 9 full-time certified peace officer and unless the fines levied based on the use of such  
 10 devices amount to less than 40 percent of the law enforcement agency's budget; provided,  
 11 however, that fines for speeding violations in school zones exceeding 17 miles per hour  
 12 over the established limit shall not be considered when calculating total speeding fine  
 13 revenue for the agency.

14 (2) Failure of a law enforcement agency to continue to meet the standards provided by  
 15 this subsection shall cause such agency to be ineligible to use ~~traffic-control signal~~ traffic  
 16 law compliance monitoring devices.

17 40-14-22.

18 The timing of any traffic-control signal which is being monitored by a ~~traffic-control signal~~  
 19 traffic law compliance monitoring device shall conform to regulations promulgated by the  
 20 Department of Transportation pursuant to Code Section 32-6-50. Traffic law compliance  
 21 monitoring devices used to enforce maximum speed limits in school zones shall conform  
 22 to regulations promulgated by the Department of Public Safety. Each county or municipal  
 23 law enforcement agency using a ~~traffic-control signal~~ traffic law compliance monitoring  
 24 device shall at its own expense test the device for accuracy at regular intervals and record  
 25 and maintain the results of each test. Such test results shall be public records subject to  
 26 inspection as provided by Article 4 of Chapter 18 of Title 50. Each such test shall be made  
 27 in accordance with the manufacturer's recommended procedure. Any such device not  
 28 meeting the manufacturer's minimum accuracy requirements shall be removed from  
 29 service and thereafter shall not be used by the county or municipal law enforcement agency  
 30 until it has been serviced and calibrated at the expense of the law enforcement agency by  
 31 a qualified technician.

32 40-14-23.

33 Each county or municipality using ~~traffic-control signal~~ traffic law compliance  
 34 monitoring devices shall erect signs on every highway which comprises a part of the state  
 35 highway system at that point on the highway which intersects the jurisdictional limits of

1 the county or municipality. A sign shall be erected also by such entity on each public  
 2 road on the approach to the next traffic-control signal or school speed zone for such road  
 3 when a ~~traffic-control signal~~ traffic law compliance monitoring device is monitoring such  
 4 next signal or school speed zone for such road. No traffic law compliance monitoring  
 5 device shall be used for enforcement of any maximum speed limit in any school speed  
 6 zone at any location which is less than 500 feet from such a warning sign. Such signs  
 7 shall be at least 30 inches by 30 inches in measurement and shall warn approaching  
 8 motorists that ~~traffic-control signal~~ traffic law compliance monitoring devices are being  
 9 employed and, in the case of school speed zones, shall give notice of the hours when such  
 10 devices are in use.

11 40-14-24.

12 Each county or municipality using any ~~traffic-control signal~~ traffic law compliance  
 13 monitoring device shall submit not later than February 1 of each year a report on such use  
 14 during the preceding calendar year to the Governor, the Lieutenant Governor, and the  
 15 Speaker of the House of Representatives. Such report shall include, without limitation:

- 16 (1) A description of the locations where ~~traffic-control signal~~ traffic law compliance
- 17 monitoring devices were used;
- 18 (2) The number of violations recorded at each location and in the aggregate on a
- 19 monthly basis;
- 20 (3) The total number of citations issued;
- 21 (4) The number of fines and total amount of fines paid after citation without contest;
- 22 (5) The number of violations adjudicated and results of such adjudications, including
- 23 a breakdown of dispositions made;
- 24 (6) The total amount of fines paid; and
- 25 (7) The quality of the adjudication process and its results."

## 26 SECTION 6.

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