

House Bill 1156 (AM)

By: Representatives Powell of the 23rd, Smith of the 13th, Post 2, and Snow of the 1st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated,
2 relating to the officers of the Department of Transportation, so as to provide that the
3 commissioner of transportation shall have the authority to appoint and employ investigators;
4 to provide for powers of such investigators; to provide an effective date; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to
9 officers of the Department of Transportation, is amended by striking subsection (b) of Code
10 Section 32-2-41, relating to powers, duties, and authority of the commissioner, and inserting
11 in its place the following:

12 "(b)(1) The commissioner shall have the authority to employ, discharge, promote,
13 supervise, and determine the compensation of such personnel as he or she may deem
14 necessary or useful to the effective operation and administration of the department except
15 that the commissioner shall not employ a person who is related within the second degree
16 of consanguinity to the commissioner or any member of the board, provided that such
17 prohibition shall not be applied so as to terminate the employment of persons employed
18 before said prohibited relationship was created by the subsequent election of a board
19 member or appointment of a commissioner. The commissioner shall also have the
20 authority to create, staff, abolish, and regulate such organizational elements as may be
21 deemed necessary or proper for the efficient operation of the department.

22 (2) Notwithstanding the provisions of subsection (b) of Code Section 32-6-29, the
23 commissioner shall have the authority to appoint and employ five nonuniformed
24 investigators who shall be certified peace officers pursuant to the provisions of Chapter
25 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.' The investigators
26 shall have full arrest powers in cases involving internal affairs of the department and in

1 cases involving obstruction of, encroaching on, or injury to public roads or rights of way.

2 In such cases, the investigators shall be authorized:

3 (A) To investigate Department of Transportation related crimes committed anywhere
4 in the state;

5 (B) To arrest any person violating the criminal laws of this state;

6 (C) To serve and execute warrants after notifying the law enforcement agency of the
7 local jurisdiction of the intent to serve such warrant or warrants;

8 (D) To enforce in general the criminal laws of this state;

9 (E) To issue citations for civil damage to any person found to be violating the laws,
10 rules, and regulations pertaining to vegetation management; and

11 (F) To carry firearms while performing their duties but only if such investigators have
12 been certified by the Georgia Peace Officer Standards and Training Council as having
13 successfully completed the course of training required by Chapter 8 of Title 35, the
14 'Georgia Peace Officer Standards and Training Act.'

15 (3) The power granted to the commissioner in paragraph (1) of this subsection shall be
16 subject to and limited by Article 1 of Chapter 20 of Title 45 establishing a merit system
17 for department employees, to the extent that the same or any amendments thereto are now
18 or may be hereafter applicable to department personnel."

19 **SECTION 2.**

20 This Act shall become effective on July 1, 2004.

21 **SECTION 3.**

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