

The House Committee on Public Safety offers the following substitute to HB 188:

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 that certain signs required for the use of  
5 speed detection devices shall not be required for school zones; to provide that certain  
6 restrictions on the use of evidence from speed detection devices within a specified distance  
7 of a reduction in speed limit shall not apply in a school zone; to provide for related matters;  
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

14 "(a) A county sheriff, county or municipal governing authority, or the president of a  
15 college or university may apply to the Department of Public Safety for a permit to  
16 authorize the use of speed detection devices for ~~purposes~~ the purpose of traffic control  
17 within such counties, municipalities, colleges, or universities on streets, roads, and  
18 highways, ~~provided that such application shall name the street or road on which the device~~  
19 ~~is to be used and the speed limits on such street or road shall have been approved by the~~  
20 ~~Office of Traffic Operations of the Department of Transportation.~~ Law enforcement  
21 agencies are authorized to use speed detection devices ~~on streets and roads~~ for which an  
22 ~~application is~~ applications are pending as long as all other requirements for the use of speed  
23 detection devices are met. Nothing ~~herein~~ in this Code section shall be construed to affect  
24 the provisions of Code Section 40-14-9."  
25



1 any municipal ordinance, county ordinance, or state law regulating speed when such  
 2 violation has occurred within 30 days following a reduction of the speed limit in the area  
 3 where the violation took place, except that this 30 day limitation shall not apply to a  
 4 speeding violation within a highway work zone, as defined in Code Section 40-6-188.

5 (c) No speed detection device shall be employed by county, municipal, or campus law  
 6 enforcement officers on any portion of any highway which has a grade in excess of 7  
 7 percent.

8 (d) The provisions of subsection (a) of this Code section shall not apply in clearly marked  
 9 school zones."

#### 10 **SECTION 4.**

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

14 "40-14-10.

15 Except as provided in subsection (a) of Code Section 40-14-3, it ~~it~~ shall be unlawful for  
 16 speed detection devices to be used in any county or municipality or on any campus for  
 17 which a permit authorizing such use has not been issued or for which a permit authorizing  
 18 such use has been suspended or revoked and not reissued. It shall be unlawful for any  
 19 official of such county, municipality, college, or university to order such speed detection  
 20 devices to be used. It shall be unlawful for any law enforcement officer of any such county,  
 21 municipality, college, or university to use any such speed detection devices. Any such  
 22 official or law enforcement officer violating this Code section shall be guilty of a  
 23 misdemeanor."

#### 24 **SECTION 5.**

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