

House Bill 343

By: Representatives Collins of the 27<sup>th</sup>, Chambers of the 81<sup>st</sup>, Martin of the 47<sup>th</sup>, Hamilton of the 23<sup>rd</sup>, Day of the 163<sup>rd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the  
2 Department of Public Safety, so as to create civilian weight inspectors for motor carriers; to  
3 provide for powers and duties; to provide for restrictions of power; to provide for related  
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department  
8 of Public Safety, is amended by adding a new article to read as follows:

9 "ARTICLE 6

10 35-2-110.

11 There is created and established a division of the Department of Public Safety to be known  
12 as the Civilian Weight Inspector for Motor Carriers Division.

13 35-2-111.

14 (a) The Civilian Weight Inspector for Motor Carriers Division of the department shall have  
15 jurisdiction throughout this state with such duties and powers as are prescribed this article.

16 (b) The commissioner shall establish a position to be known as the 'civilian weight  
17 inspector' which shall be operated within fixed scales facilities.

18 (c) The Civilian Weight Inspector for Motor Carriers Division shall consist of such  
19 personnel as the commissioner deems necessary within the limits set by available  
20 appropriations.

21 (d) Civilian weight inspectors may be divided into such ranks or classifications as the  
22 commissioner deems appropriate. A civilian weight inspector shall not be classified as a

23 law enforcement officer pursuant to subsection (c) of Code Section 35-2-101 and shall not  
24 be authorized to carry firearms or exercise arrest powers.

25 35-2-112.

26 (a) While on duty at a fixed scales facility, a civilian weight inspector shall be authorized  
27 to assist with the enforcement of laws governing commercial motor vehicle weight,  
28 registration, size, and load. Such inspector may assess civil penalties for violations of law.

29 (b) Pursuant to Code Sections 17-4-60 and 17-4-61, a civilian weight inspector may detain  
30 a commercial motor vehicle that has a safety defect which is critical to the continued safe  
31 operation of the vehicle or that is operating in violation of an out-of-service order as  
32 reported on the federal Safety and Fitness Electronic Records data base. A detained vehicle  
33 shall be released if the safety defect is repaired prior to the arrival of a law enforcement  
34 officer.

35 (c) A civilian weight inspector may summons a law enforcement officer from the Motor  
36 Carrier Compliance Division or a member of the Georgia State Patrol to enforce the traffic  
37 laws of this state."

38 **SECTION 2.**

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