

House Bill 343 (COMMITTEE SUBSTITUTE)

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

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated,
2 relating to the Motor Carrier Compliance Division of the Department of Public Safety, so as
3 to provide for the position of weight inspector for the Motor Carrier Compliance Division
4 of the Department of Public Safety; to provide for related matters; to provide an effective
5 date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 5 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the
9 Motor Carrier Compliance Division of the Department of Public Safety, is amended in Code
10 Section 35-2-100, relating to the creation of members designated as law enforcement
11 officers, as follows:

12 "35-2-100.

13 There is created and established a division of the Department of Public Safety to be known
14 as the Motor Carrier Compliance Division; Except as provided in Code Section 35-2-102,
15 the members of ~~which~~ the Motor Carrier Compliance Division shall be known and
16 designated as 'law enforcement officers.'

17 **SECTION 2.**

18 Said article is further amended by adding a new Code section to read as follows:

19 "35-2-102.

20 (a) The commissioner is authorized to establish a position to be known as 'weight
21 inspector' within the Motor Carrier Compliance Division of the Department of Public
22 Safety. Weight inspectors shall be assigned to fixed scales facilities and shall not be
23 authorized to operate outside such facilities. The number of such positions shall be

24 determined by the commissioner within the limits set by available appropriations. Weight
 25 inspectors may be divided into such ranks as the commissioner deems appropriate.

26 (b) The commissioner shall ensure that a weight inspector is properly trained regarding
 27 laws governing commercial motor vehicle weight, registration, size, and load, including,
 28 but not limited to, commercial motor vehicle provisions in Article 2 of Chapter 6 of Title
 29 32 and safety standards for commercial motor vehicles and such motor vehicle
 30 components. The training required in the areas required by this subsection shall be
 31 equivalent to training provided to certified officers in the Motor Carrier Compliance
 32 Division.

33 (c) A weight inspector, at the fixed scales facility, shall be authorized to:

34 (1) Enforce noncriminal provisions relating to commercial motor vehicle weight,
 35 registration, size, and load and assess a civil penalty for a violation of such provisions;
 36 and

37 (2) Detain a commercial motor vehicle that:

38 (A) Has a safety defect which is critical to the continued safe operation of the vehicle;

39 (B) Is being operated in violation of any criminal law; or

40 (C) Is being operated in violation of an out-of-service order as reported on the federal
 41 Safety and Fitness Electronic Records data base.

42 The detention authorized by this paragraph shall be for the purpose of contacting a
 43 certified member of the Motor Carrier Compliance Division or Georgia State Patrol. A
 44 certified officer shall report to the scene of a detained vehicle and take any further action
 45 deemed appropriate including completing the inspection and investigation, making an
 46 arrest, or bringing criminal or civil charges.

47 (d) A weight inspector is not a peace officer and shall not be authorized to carry a firearm
 48 or exercise any power of arrest other than a citizen's arrest in accordance with Code
 49 Sections 17-4-60 and 17-4-61. At all times while a weight inspector is on duty, there shall
 50 be a supervisor over the weight inspector also on duty who shall be a certified peace
 51 officer."

52 **SECTION 3.**

53 This Act shall become effective upon its approval by the Governor or upon its becoming law
 54 without such approval.

55 **SECTION 4.**

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