

Senator Harper of the 7th offered the following amendment:

ADOPTED

1 *Amend HB 806 (LC 39 1302S) by replacing line 1 with the following:*

2 To amend Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the
3 Department of Public Safety, so as to revise provisions for the off-duty use of motor vehicles
4 by certain law enforcement officers of the department relative to approved off-duty
5 employment; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated,
6 relating to

7 *By redesignating Sections 1 through 7 as Sections 5 through 11, respectively, and inserting*
8 *between lines 6 and 7 the following:*

9 **SECTION 1.**

10 Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department
11 of Public Safety, is amended in Article 1 by adding a new Code section to read as follows:

12 "35-2-15.

13 (a)(1) Certified law enforcement officers employed by the department may use a
14 department motor vehicle while working an off-duty job if such job requires vested police
15 powers as a condition of employment, has been approved by the commissioner, and has
16 been determined by the commissioner to be in furtherance of the department's mission
17 and service to the state. Department motor vehicles used for off-duty employment shall
18 not be used at any political function.

19 (2) Except as otherwise provided for in this subsection, department motor vehicles shall
20 be used only in discharge of official duties.

21 (3) Any other equipment shall be used only with the express written approval of the
22 commissioner. The commissioner shall adopt rules and regulations governing the use of
23 equipment subject to approval of the Board of Public Safety.

24 (b) The commissioner, in his or her sole discretion, in granting approval for such off-duty
25 job in which a departmental motor vehicle is used, prior to the use of such vehicle, shall
26 determine whether the off-duty employer provided for in subsection (a) of this Code
27 section shall reimburse the department for use of the vehicle. When reimbursement is
28 required, such off-duty employer shall enter into a written agreement with the department
29 to pay an amount determined by the commissioner to be sufficient to reimburse the
30 department for the use of the vehicle and to pay the off-duty employee sufficient
31 compensation. Pursuant to such agreement, the department shall pay the employee of the
32 department the compensation earned on off-duty employment whenever such employee

33 performs such service in a department motor vehicle; provided, however, that such
34 compensation shall not be characterized as direct employment compensation but shall be
35 paid as services under contract.

36 (c) Employees of the department operating a department motor vehicle pursuant to this
37 Code section shall be deemed to be acting within the scope of their official duties and
38 employment within the meaning of Code Section 50-21-20, et seq., and the commissioner
39 of administrative services shall provide liability coverage for claims arising out of such use.
40 The commissioner shall adopt rules and regulations governing the use of equipment subject
41 to approval of the Board of Public Safety."

42 **SECTION 2.**

43 Said chapter is further amended by deleting in its entirety Code Section 35-2-56, relating to
44 use of motor vehicles or other equipment by members of the Uniform Division, and
45 designating such Code section as reserved.

46 **SECTION 3.**

47 Said chapter is further amended in Code Section 35-2-101, relating to relating to jurisdiction,
48 duties and powers, use of dogs to detect controlled substances, and off-duty use vehicles, by
49 deleting subsection (e) in its entirety.

50 **SECTION 4.**

51 Said chapter is further amended by deleting in its entirety Code Section 35-2-123, relating
52 to use of vehicles by off-duty law enforcement officer, and designating such Code section
53 as reserved.