

The House Committee on Motor Vehicles offers the following substitute to HB 348:

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 speed detection devices and red light cameras, so as to provide for standards for signs
3 warning of the use of automated traffic enforcement safety devices; to revise a definition; to
4 provide for times when a school zone speed limit may be enforced through the use of an
5 automated traffic enforcement safety device; to provide for admissible evidence for proof of
6 a violation of speed limit through the use of speed detection devices; to provide for
7 procedures, conditions, and limitations for issuing citations for the violation of speed limit
8 through the use of automated traffic enforcement safety devices; to provide for suspension
9 of motor vehicle registration in certain instances; to provide for registration restoration
10 process and prescribe a fee; to amend Title 15 of the Official Code of Georgia Annotated,
11 relating to courts, so as to authorize district attorneys, solicitors-general, and prosecuting
12 attorneys to enforce civil monetary penalties relative to the enforcement of laws regarding
13 speeding in a school zone using recorded images; to amend Code Section 40-6-163 of the
14 Official Code of Georgia Annotated, relating to duty of driver of vehicle meeting or
15 overtaking school bus, reporting of violations, and civil monetary penalty for violations
16 captured by school bus camera, so as to revise penalties for failure to pay a civil monetary
17 penalty relating to illegal passing of a school bus; to provide for related matters; to repeal
18 conflicting laws; and for other purposes.

H. B. 348 (SUB)

- 1 -

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

21 Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to use of speed
22 detection devices and red light cameras, is amended in Code Section 40-14-1.1, relating to
23 definitions, by revising paragraph (5) as follows:

24 "(5) 'School zone' means the area ~~within 1,000 feet of the boundary of~~ defined in an
25 existing master state order or local ordinance as a school zone area for any public or
26 private elementary or secondary school."

27 **SECTION 2.**

28 Said chapter is further amended in Code Section 40-14-6, relating to warning signs required
29 and signage requirements, by revising subsection (c) as follows:

30 "(c) In addition to the signs required under subsections (a) and (b) of this Code section,
31 each law enforcement agency using an automated traffic enforcement safety device as
32 provided for in Code Section 40-14-18 shall erect signs warning of the use of a stationary
33 speed detection device within the approaching school zone. Such signs shall be at least 24
34 by 30 inches in area, shall be visible plainly from every lane of traffic, shall be viewable
35 in all traffic conditions, and shall not be placed in such a manner that the view of such sign
36 is subject to being obstructed by any other vehicle on such highway. An automated traffic
37 enforcement safety device warning sign ~~Such signs~~ shall be placed within 500 feet prior
38 to the warning sign announcing the reduction of the speed limit for the school ~~speed~~ zone.
39 Both automated traffic enforcement safety device warning signs and warning signs
40 announcing the reduction of the speed limit for a school zone shall include lights which
41 flash yellow while the reduction of the speed limit for the school zone is in effect. There
42 shall be a rebuttable presumption that such signs are properly installed pursuant to this
43 subsection at the time of any alleged violation under this article."

44 **SECTION 3.**

45 Said chapter is further amended by revising Code Section 40-14-8, relating to when case may
46 be made and conviction had, as follows:

47 "40-14-8.

48 (a) No county, city, or campus officer shall be allowed to make a case based on the use of
49 any speed detection device, unless the speed of the vehicle exceeds the posted speed limit
50 by more than ten miles per hour and no conviction shall be had thereon unless such speed
51 is more than ten miles per hour above the posted speed limit.

52 (b) The limitations contained in subsection (a) of this Code section shall not apply in:
53 ~~properly marked school zones one hour before, during, and one hour after the normal hours~~
54 ~~of school operation or programs for care and supervision of students before school, after~~
55 ~~school, or during vacation periods as provided for under Code Section 20-2-65;~~

56 (1) School zones properly marked with warning signs while the reduction of the speed
57 limit for the school zone is in effect, when the speed detection device is operated by an
58 on-site law enforcement officer;

59 (2) Properly in properly marked historic districts; and

60 (3) Properly in properly marked residential zones.

61 (c) For purposes of this chapter, thoroughfares with speed limits of 35 miles per hour or
62 more shall not be considered residential ~~districts~~ zones. For purposes of this Code section
63 chapter, the term 'historic district' means a historic district as defined in ~~paragraph (5) of~~
64 Code Section 44-10-22 and which is listed on the Georgia Register of Historic Places or
65 as defined by ordinance adopted pursuant to a local constitutional amendment."

66 **SECTION 4.**

67 Said chapter is further amended by revising Code Section 40-14-9, relating to certain
68 evidence inadmissible and use of device on hill, as follows:

69 "40-14-9.
 70 Evidence obtained by county or municipal law enforcement officers in using speed
 71 detection devices, other than automated traffic enforcement safety devices, within 300 feet
 72 of a reduction of a speed limit inside an incorporated municipality or within 600 feet of a
 73 reduction of a speed limit outside an incorporated municipality or consolidated city-county
 74 government shall be inadmissible in the prosecution of a violation of any municipal
 75 ordinance, county ordinance, or state law regulating speed; nor shall such evidence be
 76 admissible in the prosecution of a violation as aforesaid when such violation has occurred
 77 within 30 days following a reduction of the speed limit in the area where the violation took
 78 place, except that this 30 day limitation shall not apply to a speeding violation within a
 79 highway work zone, as defined in Code Section 40-6-188, or in an area with variable speed
 80 limits, as defined in Code Section 40-6-182. No speed detection device shall be employed
 81 by county, municipal, or campus law enforcement officers on any portion of any highway
 82 which has a grade in excess of 7 percent."

83 **SECTION 5.**

84 Said chapter is further amended by revising Code Section 40-14-18, relating to enforcement
 85 of speed limit in school zones with recorded images, civil monetary penalty, and vehicle
 86 registration and transfer of title restrictions for failure to pay penalty, as follows:

87 "40-14-18.

88 (a)(1) The speed limit within any school zone ~~as provided for in Code Section 40-14-8~~
 89 ~~and~~ marked pursuant to Code Section 40-14-6 may be enforced by using photographically
 90 recorded images for violations which occurred only 30 minutes prior to and 30 minutes
 91 after the school's official starting time and 30 minutes prior to and 30 minutes after the
 92 school's official dismissal time and when such violations are in excess of ten miles per
 93 hour over the speed limit; provided, however, that, when any portion of a school's
 94 property is bisected by a highway, such enforcement may occur on a school day during

95 the time in which instructional classes are taking place and one hour before such classes
96 are scheduled to begin and for one hour after such classes have concluded when such
97 violations are in excess of ten miles per hour over the speed limit.

98 (2) Prior to the placement of a device within a school zone, each school within whose
99 school zone such automated traffic enforcement safety device is to be placed shall first
100 apply for and secure a permit from the Department of Transportation for the use of such
101 automated traffic enforcement safety device. Such permit shall be awarded based upon
102 need. The Department of Transportation shall promulgate rules and regulations for the
103 implementation of this paragraph.

104 (b) For the purpose of enforcement pursuant to this Code section:

105 (1) The owner of a motor vehicle shall be liable for a civil monetary penalty to the
106 governing body of the law enforcement agency provided for in paragraph (2) of this
107 subsection if such vehicle is found, as evidenced by photographically recorded images,
108 to have been operated in disregard or disobedience of the speed limit within any school
109 zone and such disregard or disobedience was not otherwise authorized by law. The
110 amount of such civil monetary penalty shall be \$75.00 for a first violation and \$125.00
111 for a second or any subsequent violation, in addition to fees associated with the electronic
112 processing of such civil monetary penalty which shall not exceed \$25.00; provided,
113 however, that for a period of 30 days after the first automated traffic enforcement safety
114 device is introduced by a law enforcement agency within a school zone, the driver of a
115 motor vehicle shall not be liable for a civil monetary penalty but shall be issued a civil
116 warning for disregard or disobedience of the speed limit within the school zone;

117 (2) A law enforcement agency authorized to enforce the speed limit of a school zone, or
118 an agent working on behalf of a law enforcement agency or governing body, shall send
119 by ~~first-class~~ first-class mail addressed to the owner of the motor vehicle within 30 days
120 after obtaining the name and address of the owner of the motor vehicle from the
121 Department of Revenue but no later than 60 days after the date of the alleged violation:

- 122 (A) A citation for the alleged violation, which shall include the date and time of the
123 violation, the location of the infraction, the maximum speed at which such motor
124 vehicle was traveling in photographically recorded images, the maximum speed
125 applicable within such school zone, the civil warning or the amount of the civil
126 monetary penalty imposed, ~~and~~ the date by which a civil monetary penalty shall be
127 paid, ~~and a statement, in a format provided by the Department of Revenue, that informs~~
128 the recipient of the consequences for failure to pay the civil monetary penalty and of
129 the process for and any fees associated with renewing a suspended registration;
- 130 (B) An image taken from the photographically recorded images showing the vehicle
131 involved in the infraction;
- 132 (C) A website address where photographically recorded images showing the vehicle
133 involved in the infraction and a duplicate of the information provided for in this
134 paragraph may be viewed;
- 135 (D) A copy of a certificate sworn to or affirmed by a certified peace officer employed
136 by a law enforcement agency authorized to enforce the speed limit of the school zone
137 and stating that, based upon inspection of photographically recorded images, the
138 owner's motor vehicle was operated in disregard or disobedience of the speed limit in
139 the marked school zone and that such disregard or disobedience was not otherwise
140 authorized by law;
- 141 (E) A statement of the inference provided by paragraph (4) of this subsection and of
142 the means specified therein by which such inference may be rebutted;
- 143 (F) Information advising the owner of the motor vehicle of the manner in which
144 liability as alleged in the citation may be contested ~~through an administrative hearing;~~
145 and
- 146 (G) A warning that failure to pay the civil monetary penalty or to contest liability in
147 a timely manner as provided for in subsection (d) of this Code section shall waive any
148 right to contest liability;

149 (3) Proof that a motor vehicle was operated in disregard or disobedience of the speed
150 limit of the marked school zone shall be evidenced by photographically recorded images.
151 A copy of a certificate sworn to or affirmed by a certified peace officer employed by a
152 law enforcement agency and stating that, based upon inspection of photographically
153 recorded images, a motor vehicle was operated in disregard or disobedience of the speed
154 limit in the marked school zone and that such disregard or disobedience was not
155 otherwise authorized by law shall be prima-facie evidence of the facts contained therein;
156 and

157 (4) Liability under this Code section shall be determined based upon a preponderance of
158 the evidence. Prima-facie evidence that the vehicle described in the citation issued
159 pursuant to this Code section was operated in violation of the speed limit of the school
160 zone, together with proof that the defendant was, at the time of such violation, the
161 registered owner of the vehicle, shall permit the trier of fact in its discretion to infer that
162 such owner of the vehicle was the driver of the vehicle at the time of the alleged
163 violation. Such an inference may be rebutted if the owner of the vehicle:

164 (A) Testifies under oath in open court or submits to the court a sworn notarized
165 statement that he or she was not the operator of the vehicle at the time of the alleged
166 violation; or

167 (B) Presents to the court a certified copy of a police report showing that the vehicle had
168 been reported to the police as stolen prior to the time of the alleged violation.

169 (c) A violation for which a civil warning or a civil monetary penalty is imposed pursuant
170 to this Code section shall not be considered a moving traffic violation for the purpose of
171 points assessment under Code Section 40-5-57. Such violation shall be deemed
172 noncriminal, and imposition of a civil warning or civil monetary penalty pursuant to this
173 Code section shall not be deemed a conviction and shall not be made a part of the operating
174 record of the person upon whom such liability is imposed, nor shall it be used for any
175 insurance purposes in the provision of motor vehicle insurance coverage. A civil monetary

176 penalty imposed pursuant to this Code section shall not be taxed nor shall any additional
177 penalty, fee, or surcharge to a fine be assessed.

178 (d) If a person issued and mailed a citation pursuant to subsection (b) of this Code section
179 fails to pay the civil monetary penalty for the violation or has not filed a police report or
180 notarized statement pursuant to paragraph (4) of subsection (b) of this Code section in no
181 less than 30 nor more than 60 days after such mailing as determined and noticed by the law
182 enforcement agency, the agent or law enforcement agency shall send to such person by ~~first~~
183 ~~class~~ first-class mail a second notice of any unpaid civil monetary penalty, except in cases
184 where there is an adjudication that no violation occurred or there is otherwise a lawful
185 determination that no civil monetary penalty shall be imposed. No more than a \$5.00 late
186 fee shall be imposed for any unpaid civil monetary penalty imposed under this Code
187 section. The second notice shall include all information required in paragraph (2) of
188 subsection (b) of this Code section and shall include a new date of return which shall be
189 no less than 30 days after such mailing as determined and noticed by the law enforcement
190 agency. If such person notified by second notice again fails to pay the civil monetary
191 penalty or file a police report or notarized statement pursuant to paragraph (4) of subsection
192 (b) of this Code section by the new date of return, such person shall have waived the right
193 to contest the violation and shall be liable for the civil monetary penalty provided for under
194 this Code section, except in cases where there is an adjudication that no violation occurred
195 or there is otherwise a lawful determination that no civil monetary penalty shall be
196 imposed.

197 (e) Notices mailed by ~~first-class~~ first-class mail pursuant to this Code section shall be
198 adequate notification of the fees and penalties imposed by this Code section. No other
199 notice shall be required for the purposes of this Code section.

200 (f) Any court having jurisdiction over violations of subsection (a) of this Code section
201 shall have jurisdiction over cases arising under this subsection and shall be authorized to
202 impose the civil monetary penalty provided by this subsection. Except as otherwise

203 provided in this subsection, the provisions of law governing jurisdiction, procedure,
204 defenses, adjudication, appeal, and payment and distribution of penalties otherwise
205 applicable to violations of subsection (a) of this Code section shall apply to enforcement
206 under this Code section except as provided in subsection (b) of this Code section; provided,
207 however, that any appeal from superior or state court shall be by application in the same
208 manner as that provided by Code Section 5-6-35.

209 (g) If a violation has not been contested and the assessed penalty has not been paid, the
210 agent or governing body shall ~~send to the person who is the registered owner of the motor~~
211 ~~vehicle a final notice of any unpaid civil monetary penalty authorized by this Code section,~~
212 ~~except in cases where there is an adjudication that no violation occurred or there is~~
213 ~~otherwise a lawful determination that no civil monetary penalty shall be imposed. The~~
214 ~~notice shall inform the registered owner that the agent or governing body shall send a~~
215 ~~referral to the Department of Revenue if the assessed penalty is not paid within 30 days~~
216 ~~after the final notice was mailed and such that such referral shall result in the nonrenewal~~
217 ~~of the registration of such motor vehicle and shall prohibit the title transfer of such motor~~
218 ~~vehicle within this state~~ inform the Department of Revenue of such and the registration of
219 such motor vehicle shall be suspended immediately by operation of law by the Department
220 of Revenue. Such suspension shall terminate upon submission by the agent or governing
221 body to the department of proof of payment of the civil monetary penalties and fees owed,
222 which proof shall be submitted within 24 hours of such payment in an electronic method
223 provided for by the department, and payment by the owner of a \$50.00 restoration fee. If
224 the restoration fee provided for in this Code section is paid to a county tag agent, the
225 county shall retain \$10.00 thereof as a collection fee.

226 (h) ~~The agent or governing body shall send a referral to the Department of Revenue not~~
227 ~~sooner than 30 days after the final notice required under subsection (g) was mailed if a~~
228 ~~violation of an ordinance or resolution adopted under this article has not been contested and~~

229 ~~the assessed penalty has not been paid. The referral to the Department of Revenue shall~~
230 ~~include the following:~~

231 ~~(1) Any information known or available to the agent or governing body concerning the~~
232 ~~license plate number, year of registration, and the name of the owner of the motor~~
233 ~~vehicle;~~

234 ~~(2) The date on which the violation occurred;~~

235 ~~(3) The date when the notice required under this Code section was mailed; and~~

236 ~~(4) The seal, logo, emblem, or electronic seal of the governing body.~~

237 ~~(i) If the Department of Revenue receives a referral under subsection (h) of this Code~~
238 ~~section, such referral shall be entered into the motor vehicle database within five days of~~
239 ~~receipt and the Department of Revenue shall refuse to renew the registration of the motor~~
240 ~~vehicle and shall prohibit the title transfer of such vehicle within this state unless and until~~
241 ~~the civil monetary penalty plus any late fee is paid to the governing body. The Department~~
242 ~~of Revenue shall mail a notice to the registered owner:~~

243 ~~(1) That the registration of the vehicle involved in the violation will not be permitted to~~
244 ~~be renewed;~~

245 ~~(2) That the title of the vehicle involved in the violation will not be permitted to be~~
246 ~~transferred in this state;~~

247 ~~(3) That the aforementioned penalties are being imposed due to the failure to pay the~~
248 ~~civil monetary penalty and any late fee for an ordinance violation adopted under the~~
249 ~~authority of this Code section; and~~

250 ~~(4) Of the procedure that the person may follow to remove the penalties.~~

251 ~~(j) The Department of Revenue shall remove the penalties on a vehicle if any person~~
252 ~~presents the Department of Revenue with adequate proof that the penalty and any late fee,~~
253 ~~if applicable, has been paid.~~

254 ~~(k)(h)~~ Recorded images made for purposes of this Code section shall not be a public record
255 for purposes of Article 4 of Chapter 18 of Title 50.

256 ~~(h)~~(i) A civil warning or civil monetary penalty under this Code section on the owner of
257 a motor vehicle shall not be imposed if the operator of the vehicle was arrested or issued
258 a citation and notice to appear by a certified peace officer for the same violation.

259 ~~(m)~~(j) The money collected and remitted to the governing body pursuant to paragraph (1)
260 of subsection (b) of this Code section shall only be used by such governing body to fund
261 local law enforcement or public safety initiatives. This subsection shall not preclude the
262 appropriation of a greater amount than collected and remitted under this subsection."

263 **SECTION 6.**

264 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in Code
265 Section 15-9-155, relating to prosecuting attorney's duties and authority in probate courts in
266 counties in which there are no state courts, by revising subparagraph (a)(1)(A) as follows:

267 "(A) In the prosecution of any violation of the laws or ordinances of such county which
268 is within the jurisdiction of such probate court and punishable by confinement or a fine
269 or both or by a civil penalty authorized by Code Section 40-6-163 or 40-14-18;"

270 **SECTION 7.**

271 Said title is further amended in Code Section 15-18-6, relating to duties of district attorney,
272 by revising paragraph (5) as follows:

273 "(5) To prosecute civil actions to enforce any civil penalty set forth in Code
274 Section 40-6-163 or 40-14-18 and to prosecute or defend any other civil action in the
275 prosecution or defense of which the state is interested, unless otherwise specially
276 provided for;"

277 **SECTION 8.**

278 Said title is further amended in Code Section 15-18-66, relating to duties and authority of
279 solicitors-general of state courts, by revising paragraph (4) of subsection (b) as follows:

280 "(4) To prosecute civil actions to enforce any civil penalty set forth in Code
 281 Section 40-6-163 or 40-14-18 and when authorized by law to prosecute or defend any
 282 civil action in the state court in the prosecution or defense of which the state is interested,
 283 unless otherwise specially provided for;"

284 **SECTION 9.**

285 Said title is further amended in Code Section 15-18-96, relating to authority of prosecuting
 286 attorney of municipal courts, by revising subparagraph (a)(1)(A) as follows:

287 "(A) In the prosecution of any violation of the laws or ordinances of such municipality
 288 which is within the jurisdiction of such municipal court and punishable by confinement
 289 or a fine or both or by a civil penalty authorized by Code Section 40-6-163 or 40-14-18;
 290 and"

291 **SECTION 10.**

292 Code Section 40-6-163 of the Official Code of Georgia Annotated, relating to duty of driver
 293 of vehicle meeting or overtaking school bus, reporting of violations, and civil monetary
 294 penalty for violations captured by school bus camera, is amended by revising
 295 subparagraph (d)(3)(B) and paragraphs (4), (5), and (7) through (15) of subsection (d) as
 296 follows:

297 "(B) The law enforcement agency authorized to enforce the provisions of this Code
 298 section shall send by ~~first-class~~ first-class mail addressed to the owner of the motor
 299 vehicle not later than ten days after obtaining the name and address of the owner of the
 300 motor vehicle from the Department of Revenue:

301 (i) A citation for the alleged violation, which shall include the date and time of the
 302 violation, the location of the infraction, the amount of the civil monetary penalty
 303 imposed, ~~and~~ the date by which the civil monetary penalty shall be paid, and a
 304 statement, in a format provided by the Department of Revenue, that informs the

305 recipient of the consequences for failure to pay the civil monetary penalty and of the
306 process for and any fees associated with renewing a suspended registration;

307 (ii) An image taken from the recorded image showing the vehicle involved in the
308 infraction;

309 (iii) A copy of a certificate sworn to or affirmed by a certified peace officer employed
310 by a law enforcement agency authorized to enforce this Code section and stating that,
311 based upon inspection of recorded images, the owner's motor vehicle was operated
312 in disregard or disobedience of subsection (a) of this Code section and that such
313 disregard or disobedience was not otherwise authorized by law;

314 (iv) A statement of the inference provided by subparagraph (D) of this paragraph and
315 of the means specified therein by which such inference may be rebutted;

316 (v) Information advising the owner of the motor vehicle of the manner and time in
317 which liability as alleged in the citation may be contested in court; and

318 (vi) A warning that failure to pay the civil monetary penalty or to contest liability in
319 a timely manner shall waive any right to contest liability and result in a civil monetary
320 penalty;"

321 "(4) A violation for which a civil penalty is imposed pursuant to this subsection shall not
322 be considered a moving traffic violation for the purpose of points assessment under Code
323 Section 40-5-57. Such violation shall be deemed noncriminal, and imposition of a civil
324 penalty pursuant to this subsection shall not be deemed a conviction and shall not be
325 made a part of the operating record of the person upon whom such liability is imposed,
326 nor shall it be used for any insurance purposes in the provision of motor vehicle insurance
327 coverage. A civil monetary penalty imposed pursuant to this subsection shall not be
328 taxed nor shall any additional penalty, fee, or surcharge to a fine be assessed.

329 (5) If a person is mailed a citation by ~~first-class~~ first-class mail pursuant to subparagraph
330 (B) of paragraph (3) of this subsection, such person may pay the penalty or request a
331 court date. Any citation executed pursuant to this paragraph shall provide to the person

332 issued the citation at least 30 business days from the mailing of the citation to inspect
333 information collected by the video recording device in connection with the violation. If
334 the person requesting a court date fails to appear on the date and time of such hearing or
335 if a person has not paid the penalty for the violation or filed a police report or notarized
336 statement pursuant to subparagraph (D) of paragraph (3) of this subsection, such person
337 shall then be sent a second citation by ~~first-class~~ first-class mail. No more than a \$5.00
338 late fee shall be imposed for any unpaid civil monetary penalty imposed under this
339 subsection. The second citation shall include all information required in subparagraph
340 (B) of paragraph (3) of this subsection for the initial citation and shall include a hearing
341 date and time. If a person fails to appear on the date and time of such hearing set out in
342 the second citation or if the person has failed to pay the penalty or file an appropriate
343 document for rebuttal, the person issued the second citation shall have waived the right
344 to contest the violation and shall be liable for the civil monetary penalty provided in
345 paragraph (3) of this subsection."

346 "(7) If a violation has not been contested and the assessed penalty has not been paid, the
347 agent or governing body shall ~~send to the person who is the registered owner of the motor~~
348 ~~vehicle a final notice of any unpaid civil monetary penalty authorized by this Code~~
349 ~~section, except in cases where there is an adjudication that no violation occurred or there~~
350 ~~is otherwise a lawful determination that no civil monetary penalty shall be imposed. The~~
351 ~~notice shall inform the registered owner that the agent or governing body shall send a~~
352 ~~referral to the Department of Revenue if the assessed penalty and any late fee is not paid~~
353 ~~within 30 days after the final notice was mailed and that such referral shall result in the~~
354 ~~nonrenewal of the registration of such motor vehicle and shall prohibit the title transfer~~
355 ~~of such motor vehicle within this state~~ inform the Department of Revenue of such and the
356 registration of such motor vehicle shall be suspended immediately by operation of law
357 by the Department of Revenue. Such suspension shall terminate upon submission by the
358 agent or governing body to the department of proof of payment of the civil monetary

359 penalties and fees owed, which proof shall be submitted within 24 hours of such payment
360 in an electronic method provided for by the department, and payment by the owner of a
361 \$50.00 restoration fee. If the restoration fee provided for in this Code section is paid to
362 a county tag agent, the county shall retain \$10.00 thereof as a collection fee.

363 ~~(8) The agent or governing body shall send a referral to the Department of Revenue not~~
364 ~~sooner than 30 days after the final notice required under paragraph (7) of this subsection~~
365 ~~was mailed if a violation of an ordinance or resolution adopted under this article has not~~
366 ~~been contested and the assessed penalty has not been paid. The referral to the~~
367 ~~Department of Revenue shall include the following:~~

368 ~~(A) Any information known or available to the agent or governing body concerning the~~
369 ~~license plate number, year of registration, and the name of the owner of the motor~~
370 ~~vehicle;~~

371 ~~(B) The date on which the violation occurred;~~

372 ~~(C) The date when the notice required under this Code section was mailed; and~~

373 ~~(D) The seal, logo, emblem, or electronic seal of the governing body.~~

374 ~~(9) If the Department of Revenue receives a referral under paragraph (8) of this~~
375 ~~subsection, such referral shall be entered into the motor vehicle data base within five days~~
376 ~~of receipt and the Department of Revenue shall refuse to renew the registration of such~~
377 ~~motor vehicle and shall prohibit the title transfer of such vehicle within this state unless~~
378 ~~and until the civil monetary penalty plus any late fee is paid to the governing body. The~~
379 ~~Department of Revenue shall mail a notice to the registered owner of such motor vehicle~~
380 ~~that informs such owner:~~

381 ~~(A) That the registration of the vehicle involved in the violation will not be permitted~~
382 ~~to be renewed;~~

383 ~~(B) That the title of the vehicle involved in the violation will not be permitted to be~~
384 ~~transferred in this state;~~

385 ~~(C) That the aforementioned penalties are being imposed due to the failure to pay the~~
386 ~~civil monetary penalty plus any late fee for an ordinance violation adopted under the~~
387 ~~authority of this Code section; and~~

388 ~~(D) Of the procedure that the person may follow to remove the penalties.~~

389 ~~(10) The Department of Revenue shall remove the penalties on a vehicle if any person~~
390 ~~presents the Department of Revenue with adequate proof that the penalty and any late fee,~~
391 ~~if applicable, has been paid.~~

392 ~~(11)~~(8) Recorded images made for purposes of this subsection shall not be a public
393 record for purposes of Article 4 of Chapter 18 of Title 50.

394 ~~(12)~~(9) A governing authority shall not impose a civil penalty under this subsection on
395 the owner of a motor vehicle if the operator of the vehicle was arrested or issued a
396 citation and notice to appear by a certified peace officer for the same violation.

397 ~~(13)~~(10) A local school system may enter into an intergovernmental agreement with a
398 local governing authority to offset expenses regarding the implementation and ongoing
399 operation of video recording devices serving the purpose of capturing recorded images
400 of motor vehicles unlawfully passing a school bus.

401 ~~(14)~~(11) Any school bus driver operating a vehicle equipped with an activated video
402 recording device shall be exempt from the recording provisions of subsection (c) of this
403 Code section.

404 ~~(15)~~(12) The money collected and remitted to the governing body pursuant to
405 subparagraph (B) of paragraph (3) of this subsection shall only be used by such governing
406 body to fund local law enforcement or public safety initiatives. This paragraph shall not
407 preclude the appropriation of a greater amount than collected and remitted under this
408 subsection."

409 **SECTION 11.**

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