

House Bill 1126

By: Representatives Pirkle of the 169th, Jasperse of the 11th, Gullett of the 19th, Dickey of the 145th, Collins of the 71st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated,
2 relating to speed detection devices, so as to repeal all law relative to enforcement of speeding
3 in school zones through the use of automated traffic enforcement safety devices; to provide
4 for conforming changes; to prohibit a local governing body or law enforcement agency from
5 entering into or renewing a contract that provides for enforcement of laws relative to
6 speeding in school zones through the use of automated traffic enforcement safety devices;
7 to provide for related matters; to provide for effective dates; to repeal conflicting laws; and
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to
12 speed detection devices, is amended by repealing Code Section 40-14-1.1, relating to
13 definitions.

14 **SECTION 2.**

15 Said article is further amended by repealing Code Section 40-14-1.2, relating to agent not
16 private investigator or subject to certain laws.

17 **SECTION 3.**

18 Said article is further amended in Code Section 40-14-2, relating to permit required for use,
19 use not authorized where officers paid on fee system, and operation by registered or certified
20 peace officers, by repealing subsection (c).

21 **SECTION 4.**

22 Said article is further amended by revising Code Section 40-14-5, relating to testing of radar
23 devices, removal of inaccurate radar devices from service, and maintenance of testing log
24 and independent calibration tests of automated traffic enforcement devices, as follows:

25 "40-14-5.

26 (a) Each state, county, municipal, or campus law enforcement officer using a radar device;
27 ~~except for an automated traffic enforcement safety device as provided for under Code~~
28 ~~Section 40-14-18~~, shall test the device for accuracy and record and maintain the results of
29 the test at the beginning and end of each duty tour. Each such test shall be made in
30 accordance with the manufacturer's recommended procedure. Any radar unit not meeting
31 the manufacturer's minimum accuracy requirements shall be removed from service and
32 thereafter shall not be used by the state, county, municipal, or campus law enforcement
33 agency until it has been serviced, calibrated, and recertified by a technician with the
34 qualifications specified in Code Section 40-14-4.

35 (b) Each county, municipal, or campus law enforcement officer using a radar device;
36 ~~except for an automated traffic enforcement safety device as provided for under Code~~
37 ~~Section 40-14-18~~, shall notify each person against whom the officer intends to make a case
38 based on the use of the radar device that the person has a right to request the officer to test

39 the radar device for accuracy. The notice shall be given prior to the time a citation and
40 complaint or ticket is issued against the person and, if requested to make a test, the officer
41 shall test the radar device for accuracy. In the event the radar device does not meet the
42 minimum accuracy requirements, the citation and complaint or ticket shall not be issued
43 against the person, and the radar device shall be removed from service and thereafter shall
44 not be used by the county, municipal, or campus law enforcement agency until it has been
45 serviced, calibrated, and recertified by a technician with the qualifications specified in
46 Code Section 40-14-4.

47 ~~(c)(1) The law enforcement agency, or agent on behalf of the law enforcement agency,~~
48 ~~operating an automated traffic enforcement safety device provided for under Code~~
49 ~~Section 40-14-18 shall maintain a log for the automated traffic enforcement safety device~~
50 ~~attesting to the performance of such device's self-test at least once every 30 days and the~~
51 ~~results of such self-test pertaining to the accuracy of the automated traffic enforcement~~
52 ~~safety device. Such log shall be admissible in any court proceeding for a violation issued~~
53 ~~pursuant to Code Section 40-14-18.~~

54 ~~(2) The law enforcement agency, or agent on behalf of the law enforcement agency,~~
55 ~~operating an automated traffic enforcement safety device shall perform an independent~~
56 ~~calibration test on the automated traffic enforcement safety device at least once every 12~~
57 ~~months. The results of such calibration test shall be admissible in any court proceeding~~
58 ~~for a violation issued pursuant to Code Section 40-14-18."~~

59 **SECTION 5.**

60 Said article is further amended in Code Section 40-14-6, relating to warning signs required
61 and signage requirements, by repealing subsection (c).

62 **SECTION 6.**

63 Said article is further amended by revising Code Section 40-14-7, relating to visibility of
64 vehicle from which device is operated, as follows:

65 "40-14-7.

66 ~~Except as provided for in Code Section 40-14-18, no~~ No stationary speed detection device
67 shall be employed by county, municipal, college, or university law enforcement officers
68 where the vehicle from which the device is operated is obstructed from the view of
69 approaching motorists or is otherwise not visible for a distance of at least 500 feet."

70 **SECTION 7.**

71 Said article is further amended in Code Section 40-14-11, relating to investigations by
72 commissioner of public safety, issuance of order suspending or revoking permit, and ratio
73 of speeding fines to agency's budget, by revising subsection (d) as follows:

74 "(d) There shall be a rebuttable presumption that a law enforcement agency is employing
75 speed detection devices for purposes other than the promotion of the public health, welfare,
76 and safety if the fines levied based on the use of speed detection devices for speeding
77 offenses are equal to or greater than 35 percent of a municipal or county law enforcement
78 agency's budget. For purposes of this Code section, fines collected for citations issued for
79 violations of Code Section 40-6-180 shall be included when calculating total speeding fine
80 revenue for the agency; provided, however, that fines for speeding violations exceeding 20
81 miles per hour over the established speed limit ~~and civil monetary penalties for speeding~~
82 ~~violations issued pursuant to Code Section 40-14-18~~ shall not be considered when
83 calculating total speeding fine revenue for the agency."

84 **SECTION 8.**

85 Said article is further amended by repealing Code Section 40-14-18, relating to enforcement
86 of speed limit in school zones with recorded images, civil monetary penalty, and
87 consequences for failure to pay penalty.

88 **SECTION 9.**

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

90 "40-14-19.

91 (a) No contract shall be entered into or renewed by a governing body or law enforcement
92 agency for the enforcement of speeding violations in a school zone through the use of
93 automated traffic enforcement safety device on or after the effective date of this Act.

94 (b) This Code section shall stand repealed on July 1, 2025."

95 **SECTION 10.**

96 (a) Except as otherwise provided for in subsection (b) of this Section, this Act shall become
97 effective on July 1, 2025.

98 (b) Section 9 of this Act shall become effective upon its approval by the Governor or upon
99 its becoming law without such approval.

100 **SECTION 11.**

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