

House Bill 651

By: Representatives Powell of the 33rd, Corbett of the 174th, Erwin of the 32nd, Burchett of the 176th, Williamson of the 112th, 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 revise provisions relative to the use of automated
3 traffic enforcement safety devices in school zones; to provide for standards for signs warning
4 of the use of automated traffic enforcement safety devices in school zones; to repeal
5 exceptions to making a case based upon use of speed detection devices; to provide for time
6 frames for issuing citations for the violation of speed limit by ten miles per hour or more in
7 a school zone through the use of automated traffic enforcement safety devices; to remove
8 authorization to impose processing fees relating to civil monetary penalties; to provide for
9 distribution of moneys collected; to require quarterly reporting on use of collected moneys;
10 to provide for definitions; 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 provide for related matters; to repeal
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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16 **SECTION 1.**

17 Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to
 18 speed detection devices, is amended in Code Section 40-14-1.1, relating to definitions, by
 19 revising paragraph (5) as follows:

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

23 **SECTION 2.**

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

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

42 **SECTION 3.**

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

45 "40-14-8.

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

50 ~~(b) The limitations contained in subsection (a) of this Code section shall not apply in~~
51 ~~properly marked school zones one hour before, during, and one hour after the normal hours~~
52 ~~of school operation or programs for care and supervision of students before school, after~~
53 ~~school, or during vacation periods as provided for under Code Section 20-2-65, in properly~~
54 ~~marked historic districts, and in properly marked residential zones. For purposes of this~~
55 ~~chapter, thoroughfares with speed limits of 35 miles per hour or more shall not be~~
56 ~~considered residential districts. For purposes of this Code section, the term 'historic~~
57 ~~district' means a historic district as defined in paragraph (5) of Code Section 44-10-22 and~~
58 ~~which is listed on the Georgia Register of Historic Places or as defined by ordinance~~
59 ~~adopted pursuant to a local constitutional amendment."~~

60 **SECTION 4.**

61 Said article is further amended in Code Section 40-14-18, relating to enforcement of speed
62 limit in school zones with recorded images, civil monetary penalty, and vehicle registration
63 and transfer of title restrictions for failure to pay penalty, by revising paragraph (1) of
64 subsections (a) and (b) and subsection (m) as follows:

65 "(a)(1) The speed limit within any school zone ~~as provided for in Code Section 40-14-8~~
66 ~~and~~ marked pursuant to Code Section 40-14-6 may be enforced by using photographically
67 recorded images for violations that are in excess of ten miles per hour over the speed limit

68 and which occurred only on a school day ~~during the time~~ in which instructional classes
69 are taking place ~~and one hour before such classes are scheduled to begin and for one hour~~
70 ~~after such classes have concluded when such violations are in excess of ten miles per~~
71 ~~hour over the speed limit~~ and only:

72 (A) One hour prior to and one hour after the school's official starting time; and

73 (B) One hour prior to and one hour after the school's official dismissal time."

74 "(1) The owner of a motor vehicle shall be liable for a civil monetary penalty to the
75 governing body of the law enforcement agency provided for in paragraph (2) of this
76 subsection if such vehicle is found, as evidenced by photographically recorded images,
77 to have been operated in disregard or disobedience of the speed limit within any school
78 zone and such disregard or disobedience was not otherwise authorized by law. The
79 amount of such civil monetary penalty shall be \$75.00 for a first violation and \$125.00
80 for a second or any subsequent violation, ~~in addition to fees associated with the electronic~~
81 ~~processing of such civil monetary penalty which shall not exceed \$25.00;~~ provided,
82 however, that for a period of 30 days after the first automated traffic enforcement safety
83 device is introduced by a law enforcement agency within a school zone, the driver of a
84 motor vehicle shall not be liable for a civil monetary penalty but shall be issued a civil
85 warning for disregard or disobedience of the speed limit within the school zone;"

86 "(m)(1) As used in this subsection, the term 'school safety purposes' means activities
87 incident to the establishment, procurement, or maintenance of safety measures within
88 public or private elementary or secondary schools that enhance and ensure the protection
89 of students, staff, and visitors to such a school, including, but not limited to, access
90 control systems, communication systems, cyber security measures, perimeter security
91 systems, surveillance systems, visitor management systems, employment of crossing
92 guards, and safety protocol training. Such purposes may further include mental health
93 support services in collaboration with law enforcement to address safety concerns
94 proactively.

95 (2) The ~~money~~ moneys collected and remitted to the governing body pursuant to
 96 paragraph (1) of subsection (b) of this Code section shall only be used by such governing
 97 body ~~to~~ as follows:

98 (A) Fifty percent shall be allocated to fund local law enforcement or public safety
 99 initiatives; and

100 (B) Fifty percent shall be allocated equally among all schools within the jurisdiction
 101 of the governing body for school safety purposes.

102 (3) This subsection shall not preclude the appropriation of a greater amount than
 103 collected and remitted under this subsection.

104 (4) At least quarterly, the local governing body shall post upon its public website a report
 105 on the moneys disbursed pursuant to this subsection, which shall include the amount
 106 allocated to each school within the jurisdiction of such governing body."

107 **SECTION 5.**

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

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

114 **SECTION 6.**

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

117 "(6) To prosecute civil actions to enforce any civil penalty set forth in Code
 118 Section 40-6-163 or 40-14-18 and to prosecute or defend any other civil action in the

119 prosecution or defense of which the state is interested, unless otherwise specially
120 provided for;"

121 **SECTION 7.**

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

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

128 **SECTION 8.**

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

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

135 **SECTION 9.**

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