

The Senate Committee on Public Safety offered the following substitute to SB 75:

MOOT

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 require the use of a
4 sign or device which depicts an accurate representation of a vehicle's speed upon the
5 approach of an automated traffic enforcement safety device; to revise exceptions for when
6 a case may be made with the use of a speed detection device; to provide for times when a
7 school zone speed limit may be enforced through the use of an automated traffic enforcement
8 safety device; to provide for definitions; to amend Title 15 of the Official Code of Georgia
9 Annotated, relating to courts, so as to authorize district attorneys, solicitors-general, and
10 prosecuting attorneys to enforce civil monetary penalties relative to the enforcement of laws
11 regarding speeding in a school zone using recorded images; to provide for related matters;
12 to provide for effective dates and applicability; to repeal conflicting laws; and for other
13 purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15

SECTION 1.

16 Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to use of speed
 17 detection devices and red light cameras, is amended in Code Section 40-14-1.1, relating to
 18 definitions, by revising paragraph (5) and adding a new paragraph to read as follows:

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

23 (6) 'School zone speed limit' means the speed limit set for a school zone in the approved
 24 list of roads and master state order of the Department of Transportation and the
 25 Department of Public Safety; provided, however, that such speed limit shall not vary for
 26 a period that exceeds one hour more than twice a day."

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 which display the school zone
 33 speed limit and signs warning of the use of a ~~stationary speed detection~~ an automated
 34 traffic enforcement safety device ~~within the approaching such~~ school zone. Such signs
 35 shall be at least 24 by 30 inches in area, shall be visible plainly from every lane of traffic,
 36 shall be viewable in all traffic conditions, and shall not be placed in such a manner that the
 37 view of such sign is subject to being obstructed by any other vehicle on such highway.
 38 ~~Such signs shall be placed within 500 feet prior to the warning sign announcing the~~
 39 ~~reduction of the speed limit for the school speed zone.~~ Such signs which display the school
 40 zone speed limit and warning of the use of an automated traffic enforcement safety device

41 shall be placed upon every highway which leads to a school zone at a location one-half
42 mile from the start of the school zone and at any junction which intersects upon a highway
43 leading to a school between the school and such one-half mile location; provided, however,
44 that, when such one-half mile location is outside of the jurisdictional boundaries of a law
45 enforcement agency or such highway has a length of less than one-half mile from the
46 school zone, such signs shall be placed at the jurisdictional boundary of the law
47 enforcement agency or at a location as close to such one-half mile location as practicable.
48 A sign or device which provides an accurate depiction of the speed of an approaching
49 motor vehicle shall be placed upon a sign warning of the use of an automated traffic
50 enforcement safety device or as a stand-alone sign between such warning signs and the
51 outermost boundary of a school zone. Additional signs which display the school zone
52 speed limit and which include lights which flash yellow in accordance with rules and
53 regulations of the Department of Transportation while the school zone speed limit is in
54 effect and when the automated traffic enforcement safety device is authorized to issue
55 citations pursuant to Code Section 40-14-18 shall be placed at the outermost boundary of
56 a school zone. There shall be a rebuttable presumption that such signs are properly
57 installed pursuant to this subsection at the time of any alleged violation under this article."

58

SECTION 3.

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

61 "40-14-8.

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

66 (b) The limitations contained in subsection (a) of this Code section relating to speed in
 67 excess of ten miles per hour above the posted speed limit shall not apply in ~~properly~~
 68 ~~marked school zones one hour before, during, and one hour after the normal hours of~~
 69 ~~school operation or programs for care and supervision of students before school, after~~
 70 ~~school, or during vacation periods as provided for under Code Section 20-2-65, in properly:~~
 71 (1) School zones properly marked with signs which display the school zone speed limit,
 72 when the school zone speed limit is in effect, and when a speed detection device used was
 73 one other than an automated traffic enforcement safety device and was operated by an
 74 on-site law enforcement officer;
 75 (2) Properly marked historic districts, and in properly; and
 76 (3) Properly marked residential zones.
 77 (c) For purposes of this chapter, thoroughfares with speed limits of 35 miles per hour or
 78 more shall not be considered residential ~~districts~~ zones. As used in ~~For purposes of this~~
 79 Code section, the term 'historic district' means a historic district as defined in ~~paragraph (5)~~
 80 ~~of Code Section 44-10-22 and which is listed on the Georgia Register of Historic Places~~
 81 ~~or as defined by ordinance adopted pursuant to a local constitutional amendment."~~

82

SECTION 4.

83 Said chapter is further amended in Code Section 40-14-18, relating to enforcement of speed
 84 limit in school zones with recorded images, civil monetary penalty, and consequences for
 85 failure to pay penalty, by revising paragraph (1) of subsection (a) as follows:

86 "(a)(1) The speed limit within any school zone ~~as provided for in Code Section 40-14-8~~
 87 ~~and~~ marked pursuant to Code Section 40-14-6 may be enforced by using ~~photographically~~
 88 recorded images for violations which are in excess of ten miles per hour above the posted
 89 school zone speed limit at the time of the offense and which occur when the school zone
 90 speed limit is in effect ~~occurred only on a school day during the time in which~~
 91 ~~instructional classes are taking place and one hour before such classes are scheduled to~~

92 ~~begin and for one hour after such classes have concluded when such violations are in~~
93 ~~excess of ten miles per hour over the speed limit."~~

94 **SECTION 5.**

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

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

101 **SECTION 6.**

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

104 "(6) To prosecute civil actions to enforce any civil penalty set forth in Code Section
105 40-6-163 or 40-14-18 and to prosecute or defend any other civil action in the prosecution
106 or defense of which the state is interested, unless otherwise specially provided for;"

107 **SECTION 7.**

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

110 "(4) To prosecute civil actions to enforce any civil penalty set forth in Code Section
111 40-6-163 or 40-14-18 and when authorized by law to prosecute or defend any civil action
112 in the state court in the prosecution or defense of which the state is interested, unless
113 otherwise specially provided for;"

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SECTION 8.

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

117 “(A) In the prosecution of any violation of the laws or ordinances of such municipality
118 which is within the jurisdiction of such municipal court and punishable by confinement
119 or a fine or both or by a civil penalty authorized by Code Section 40-6-163 or 40-14-18;
120 and”

121

SECTION 9.

122 (a) This Act shall become effective on July 1, 2025, and except as otherwise provided for
123 in subsection (b) of this section, Section 2 of this Act shall apply to any permit obtained for
124 the operation of an automated traffic enforcement safety device on and after such date.

125 (b) For any permit issued for the operation of an automated traffic enforcement safety device
126 prior to July 1, 2025, Section 2 of this Act shall apply on and after January 1, 2026.

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SECTION 10.

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