

House Bill 879

By: Representatives Parsons of the 44th, Barton of the 5th, McCollum of the 30th, Powell of the 33rd, Scoggins of the 14th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-6-163 of the Official Code of Georgia Annotated, relating to duty
2 of driver of vehicle meeting or overtaking school bus, reporting of violations, and civil
3 monetary penalty for violations captured by school bus camera, so as to revise penalties; to
4 authorize alteration or suspension of such penalty; to provide for obtaining motor vehicle
5 owner information from the Department of Revenue; to provide for a conspicuous statement
6 of the right to contest such penalty in court in the mailing sent to a motor vehicle owner; to
7 provide for the allocation of money collected; to provide for related matters; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Code Section 40-6-163 of the Official Code of Georgia Annotated, relating to duty of driver
12 of vehicle meeting or overtaking school bus, reporting of violations, and civil monetary
13 penalty for violations captured by school bus camera, is amended by revising subsection (a),
14 subparagraphs (d)(3)(A) and (d)(3)(B), and paragraph (15) of subsection (d) as follows:

15 "(a) Except as provided in subsection (b) of this Code section, the driver of a vehicle
16 meeting or overtaking from either direction any school bus stopped on the highway shall

17 stop before reaching such school bus when there are in operation on the school bus the
 18 visual signals as specified in Code Sections 40-8-111 and 40-8-115, and such driver shall
 19 not proceed until the school bus resumes motion or the visual signals are no longer
 20 actuated. A violation of this subsection for which a driver has been issued a uniform traffic
 21 citation shall be punished as for a ~~high and aggravated~~ misdemeanor and upon conviction
 22 thereof shall be punished by a fine of not less than \$500.00 but not more than \$1,000.00
 23 or by confinement for not more than 12 months, or both."

24 "(A) The owner of a motor vehicle shall be liable for a civil monetary penalty to the
 25 governing body of the law enforcement agency provided for in subparagraph (B) of this
 26 paragraph if such vehicle is found, as evidenced by recorded images, to have been
 27 operated in disregard or disobedience of subsection (a) of this Code section and such
 28 disregard or disobedience was not otherwise authorized by law. The amount of such
 29 civil monetary penalty shall be not less than \$500.00 but not more than \$1,000.00;
 30 provided, however, that any court determining liability under this subsection shall be
 31 authorized to amend, modify, alter, suspend, or probate such civil monetary penalty;

32 (B) The law enforcement agency authorized to enforce the provisions of this Code
 33 section shall send by first class mail addressed to the owner of the motor vehicle not
 34 later than ten days after obtaining the name and address of the owner of the motor
 35 vehicle from the records of the Department of Revenue:

36 (i) A citation for the alleged violation, which shall include the date and time of the
 37 violation, the location of the infraction, the amount of the civil monetary penalty
 38 imposed, and the date by which the civil monetary penalty shall be paid;

39 (ii) An image taken from the recorded image showing the vehicle involved in the
 40 infraction;

41 (iii) A copy of a certificate sworn to or affirmed by a certified peace officer employed
 42 by a law enforcement agency authorized to enforce this Code section and stating that,
 43 based upon inspection of recorded images, the owner's motor vehicle was operated

44 in disregard or disobedience of subsection (a) of this Code section and that such
45 disregard or disobedience was not otherwise authorized by law;

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

48 (v) Information advising the owner of the motor vehicle of the manner and time in
49 which liability as alleged in the citation may be contested in court, including the
50 following statement in at least 12 point font in a conspicuous location on the front of
51 the first page of such mailing: 'YOU HAVE A RIGHT TO CONTEST THIS
52 PENALTY IN COURT'; and

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

56 "(15)(A) As used in this paragraph, the term 'school safety purposes' means activities
57 incident to the establishment, procurement, or maintenance of safety measures within
58 public or private elementary or secondary schools that enhance and ensure the
59 protection of students, staff, and visitors to such a school, including, but not limited to,
60 access control systems, communication systems, cyber security measures, perimeter
61 security systems, surveillance systems, visitor management systems, employment of
62 crossing guards, and safety protocol training. Such purposes may further include
63 mental health support services in collaboration with law enforcement to address safety
64 concerns proactively.

65 (B) The money collected and remitted to the governing body pursuant to
66 subparagraph (B) of paragraph (3) of this subsection shall ~~only be used by such~~
67 ~~governing body to fund local law enforcement or public safety initiatives~~ be allocated
68 by such governing body equally among all schools within the jurisdiction of the
69 governing body for school safety purposes. This paragraph shall not preclude the
70 appropriation of a greater amount than collected and remitted under this subsection."

71

SECTION 2.

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