

House Bill 651 (AS PASSED HOUSE AND SENATE)

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 revise standards for signs warning of
4 the use of automated traffic enforcement safety devices in school zones; to repeal exceptions
5 to making a case based upon use of speed detection devices; to provide for investigations
6 relative to complaints and violations; to provide for penalties for misuse or unauthorized use
7 of automated traffic enforcement safety devices; to authorize revocation of speed detection
8 device permits and permits relating to such devices; to include civil monetary penalties
9 collected for violations of speed limits enforced by automated traffic enforcement safety
10 devices for consideration of the maximum percent of a law enforcement agency's budget; to
11 provide for hearing rights upon revocation of permits for operation of automated traffic
12 enforcement safety devices; to provide for appeal; to provide for the ability of a local
13 government to decrease time frames for issuing citations for the violation of posted speed
14 limit by ten miles per hour or more in a school zone through the use of automated traffic
15 enforcement safety devices; to revise application procedure for a permit to operate such
16 devices; to prohibit the assessment of late fees and taxes relating to civil monetary penalties;
17 to provide standards for notice sent for imposition of a civil monetary penalty; to provide for
18 distribution of moneys collected; to require approval by local referendum of the use of
19 automated traffic enforcement safety devices for enforcement of laws relative to speeding

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20 violations in school zones; to provide for procedures, conditions, and limitations for such
21 referendum; to provide for ballot language; to amend Title 15 of the Official Code of Georgia
22 Annotated, relating to courts, so as to authorize district attorneys, solicitors-general, and
23 prosecuting attorneys to enforce civil monetary penalties relative to the enforcement of laws
24 regarding speeding in a school zone using recorded images; to provide for related matters;
25 to provide for effective dates; to repeal conflicting laws; and for other purposes.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

27 **SECTION 1.**

28 Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to
29 speed detection devices, is amended in Code Section 40-14-5, relating to testing of radar
30 devices, removal of inaccurate radar devices from service, and maintenance of testing log
31 and independent calibration tests of automated traffic enforcement devices, by revising
32 paragraph (1) of subsection (c) as follows:

33 "(c)(1) Automated traffic enforcement safety devices shall be exempt from approval and
34 design requirements for radar or laser devices set or used by the Department of Public
35 Safety; provided, however, that any ~~The~~ law enforcement agency, or agent on behalf of
36 the law enforcement agency, operating an automated traffic enforcement safety device
37 provided for under Code Section 40-14-18 shall maintain a log for the automated traffic
38 enforcement safety device attesting to the performance of such device's self-test at least
39 once every 30 days and the results of such self-test pertaining to the accuracy of the
40 automated traffic enforcement safety device. Such log shall be admissible in any court
41 proceeding for a violation issued pursuant to Code Section 40-14-18."

42 **SECTION 2.**

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

45 "(c) In addition to the signs required under subsections (a) and (b) of this Code section,
46 each law enforcement agency using an automated traffic enforcement safety device as
47 provided for in Code Section 40-14-18 shall erect signs warning of the use of a ~~stationary~~
48 ~~speed detection~~ an automated traffic enforcement safety device within ~~the~~ an approaching
49 school zone. Such signs shall be at least 24 by 30 inches in area, shall be visible plainly
50 from every lane of traffic, shall be viewable in all traffic conditions, and shall not be placed
51 in such a manner that the view of such sign is subject to being obstructed by any other
52 vehicle on such highway. Automated traffic enforcement safety device warning Such signs
53 shall be placed within 500 feet prior to ~~the~~ any warning sign announcing the reduction of
54 the speed limit for the school ~~speed~~ zone. Such signs shall include lights which flash
55 yellow in accordance with any rule or regulation established by the Department of
56 Transportation when the automated traffic enforcement safety device is authorized to issue
57 citations pursuant to Code Section 40-14-18. There shall be a rebuttable presumption that
58 such signs are properly installed pursuant to this subsection at the time of any alleged
59 violation under this article."

60 **SECTION 3.**

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

63 "40-14-8.

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

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

78

SECTION 4.

79 Said article is further amended by revising Code Section 40-14-11, relating to investigations
80 by commissioner of public safety, issuance of order suspending or revoking permit, and ratio
81 of speeding fines to agency's budget, as follows:

82 "40-14-11.

83 (a) Upon a complaint being made to the commissioner of public safety that any county,
84 municipality, college, ~~or university,~~ or agent is employing speed detection devices for
85 purposes other than the promotion of the public health, welfare, and safety or in a manner
86 which violates this chapter or violates its speed detection device permit, the commissioner
87 or the commissioner's designee is authorized and empowered to conduct an investigation
88 into the acts and practices of such county, municipality, college, ~~or university,~~ or agent
89 with respect to speed detection devices. If, as a result of ~~this~~ such investigation, the
90 commissioner or the commissioner's designee finds that there is probable cause to suspend
91 or revoke the speed detection device permit of such county, municipality, college, or
92 university, he or she shall issue an order to that effect.

- 93 (b) Upon the suspension or revocation of any speed detection device permit for the reasons
94 set forth in this Code section, the commissioner of public safety shall notify the executive
95 director of the Georgia Peace Officer Standards and Training Council and the
96 commissioner of transportation of the action taken.
- 97 (c) Upon receipt from the executive director of the Georgia Peace Officer Standards and
98 Training Council that ~~an~~ a peace officer's certification to operate speed detection devices
99 has been withdrawn or suspended pursuant to Code Section 35-8-12, the commissioner of
100 public safety or the commissioner's designee shall suspend the speed detection device
101 permit for the employing agency. The period of suspension or revocation shall be
102 consistent with the action taken by the Georgia Peace Officer Standards and Training
103 Council.
- 104 (d) Upon the conclusion of an investigation pursuant to subsection (a) of this Code section,
105 any agent, law enforcement agency, or governing body found to have intentionally violated
106 any provision of this chapter relating to automated traffic enforcement safety devices,
107 including, but not limited to, the unauthorized issuance of a civil monetary penalty for a
108 violation of this title other than as provided for in this chapter, shall be assessed a fine
109 of \$2,500.00 for the first violation and \$5,000.00 for a second violation by the
110 commissioner of public safety. The commissioner of public safety shall be further
111 authorized to suspend a local government's speed detection device permit upon a third or
112 subsequent finding of a violation of this chapter. The commissioner of public safety shall
113 notify the Department of Transportation of any such suspension, and the Department of
114 Transportation shall suspend the automated traffic enforcement safety device permits for
115 such jurisdiction upon receipt of such notice and for a period not to exceed 12 months.
- 116 (e) There shall be a rebuttable presumption that a law enforcement agency is employing
117 speed detection devices for purposes other than the promotion of the public health, welfare,
118 and safety if the fines or civil monetary penalties levied based on the use of speed detection
119 devices for speeding offenses are equal to or greater than 35 percent of a municipal or

120 county law enforcement agency's budget. For purposes of this Code section, fines collected
121 for citations issued for violations of Code Section 40-6-180 shall be included when
122 calculating total speeding fine revenue for the agency; provided, however, that fines for
123 speeding violations exceeding 20 miles per hour over the established speed limit ~~and civil~~
124 ~~monetary penalties for speeding violations issued pursuant to Code Section 40-14-18 shall~~
125 not be considered when calculating total speeding fine revenue for the agency."

126 **SECTION 5.**

127 Said article is further amended by revising Code Section 40-14-12, relating to administrative
128 hearing upon permit suspension or revocation, as follows:

129 "40-14-12.

130 (a) Upon issuance by the commissioner of public safety of an order suspending or
131 revoking the speed detection device permit of any county, municipality, college, or
132 university, the county, municipality, college, or university affected shall be afforded a
133 hearing, to be held within ten days of the effective date of the order. The hearing shall be
134 held before the commissioner or deputy commissioner of public safety, and, following ~~the~~
135 such hearing, the county, municipality, college, or university affected shall be served with
136 a written decision announcing whether the permit shall remain revoked or whether it shall
137 be reinstated.

138 (b) Upon issuance of an order by the commissioner of transportation suspending or
139 revoking an automated traffic enforcement safety device permit, the affected governing
140 body shall be afforded a hearing, to be held within ten days of the effective date of the
141 order. The hearing shall be held before the commissioner of transportation, and, following
142 such hearing, the affected governing body shall be served with a written decision
143 announcing whether the permit shall remain revoked or whether it shall be reinstated."

144 **SECTION 6.**

145 Said article is further amended by revising Code Section 40-14-13, relating to administrative
146 and judicial appeal of decision suspending or revoking permit, as follows:

147 "40-14-13.

148 (a) Any county, municipality, college, or university aggrieved by a decision of the
149 commissioner or deputy commissioner of public safety suspending or revoking its speed
150 detection device permit may appeal that decision within 30 days of its effective date to the
151 Board of Public Safety, which shall schedule a hearing with respect thereto to such hearing
152 before the board. Following a hearing before the board, the county, municipality, college,
153 or university affected shall be served with a written decision announcing whether the
154 permit shall remain revoked or whether it shall be reinstated. An adverse decision of the
155 board may be appealed by the county, municipality, college, or university to the superior
156 court with appropriate jurisdiction, but the municipality, county, municipality, college, or
157 university shall be denied the use of the speed detection device until after such appeal is
158 decided by the court.

159 (b) Any governing body aggrieved by a decision of the commissioner of transportation
160 suspending or revoking its automated traffic enforcement safety device permit may appeal
161 such decision within 30 days of its effective date to the superior court with appropriate
162 jurisdiction; provided, however, that the governing body shall be denied the use of an
163 automated traffic enforcement safety device until after such appeal is decided by the court."

164 **SECTION 7.**

165 Said article is further amended by revising Code Section 40-14-17, relating to laser devices
166 and reliability and admissibility of evidence, as follows:

167 "40-14-17.

168 Evidence of speed based on a speed detection device, other than an automated traffic
169 enforcement safety device, using the speed timing principle of laser which is of a model

170 that has been approved by the Department of Public Safety shall be considered
 171 scientifically acceptable and reliable as a speed detection device and shall be admissible
 172 for all purposes in any court, judicial, or administrative proceedings in this state. A
 173 certified copy of the Department of Public Safety list of approved models of such laser
 174 devices shall be self-authenticating and shall be admissible for all purposes in any court,
 175 judicial, or administrative proceedings in this state."

176 **SECTION 8.**

177 Said article is further amended by revising Code Section 40-14-18, relating to enforcement
 178 of speed limit in school zones with recorded images, civil monetary penalty, and
 179 consequences for failure to pay penalty, as follows:

180 "40-14-18.

181 (a)(1) The speed limit within any school zone ~~as provided for in Code Section 40-14-8~~
 182 ~~and~~ marked pursuant to Code Section 40-14-6 may be enforced by using ~~photographically~~
 183 recorded images for violations which occurred only on a school day during the time in
 184 which instructional classes are taking place and for one hour before such classes are
 185 scheduled to begin and for one hour after such classes have concluded ~~when such~~
 186 ~~violations are in excess of ten miles per hour over the speed limit; provided, however,~~
 187 that a governing body of a county or municipality shall be authorized to enact an
 188 ordinance or resolution which provides for further limitations upon the hours when
 189 enforcement may take place than as authorized by this paragraph. Violations enforced
 190 pursuant to this paragraph shall be based upon the ten miles per hour over the reduced
 191 speed limit when a reduction for the speed limit for a school zone is in effect and ten
 192 miles per hour over the posted speed limit for the school zone when no reduced speed
 193 limit is in effect.

194 (2) Prior to the placement of ~~a~~ an automated traffic enforcement safety device within a
 195 school zone, ~~each school within whose school zone~~ the governing body of the county or

196 municipality whose law enforcement agency is authorized to enforce the speed limit of
197 a school zone where such automated traffic enforcement safety device is to be placed and
198 which holds a valid permit for the operation of speed detection devices issued by the
199 Department of Public Safety pursuant to Code Section 40-14-2 shall first apply for and
200 secure a permit from the Department of Transportation for the use of such automated
201 traffic enforcement safety device. The Department of Transportation shall be the sole
202 agency responsible for the approval and issuance of permits for automated traffic
203 enforcement safety devices, and no approval of automated traffic enforcement safety
204 devices by the Department of Public Safety shall be required. Such permit shall be
205 awarded based upon need. The Department of Transportation shall promulgate rules and
206 regulations for the implementation of this paragraph.

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

208 (1) The owner of a motor vehicle shall be liable for a civil monetary penalty to the
209 governing body of the law enforcement agency ~~provided for in paragraph (2) of this~~
210 ~~subsection~~ authorized to enforce the speed limit within the school zone where an
211 automated traffic enforcement safety device is located if such motor vehicle is found, as
212 evidenced by ~~photographically~~ recorded images, to have been operated in disregard or
213 disobedience of the posted speed limit within ~~any~~ a school zone and such disregard or
214 disobedience was not otherwise authorized by law. The amount of such civil monetary
215 penalty shall be \$75.00 for a first violation and \$125.00 for a second or any subsequent
216 violation, in addition to fees associated with the electronic processing of such civil
217 monetary penalty which shall not exceed ~~\$25.00~~ \$10.00; provided, however, that, for a
218 period of 30 days after the first automated traffic enforcement safety device is introduced
219 ~~by a law enforcement agency within a school zone, the driver~~ owner of a motor vehicle
220 shall not be liable for a civil monetary penalty but shall be issued a civil warning for
221 disregard or disobedience of the posted speed limit within the school zone;

222 (2) A law enforcement agency authorized to enforce the speed limit of a school zone; or
223 an agent ~~working on behalf of a law enforcement agency or governing body~~, shall send
224 by ~~first-class~~ first-class mail in an envelope which prominently displays the name and seal
225 or logo of the governing body and addressed to the owner of the motor vehicle within 30
226 days after obtaining the name and address of the owner of the motor vehicle from the
227 Department of Revenue or other official state agency which registers motor vehicles for
228 a motor vehicle registered in another state but no later than 60 days after the date of the
229 alleged violation:

230 (A) A citation for the alleged violation, which shall include the date and time of the
231 violation, the location of the infraction, the maximum speed at which such motor
232 vehicle was traveling ~~in-photographically~~ as evidenced by recorded images, the
233 maximum speed applicable within such school zone, the civil warning or the amount
234 of the civil monetary penalty imposed, and the date by which a civil monetary penalty
235 shall be paid;

236 (B) An image taken from the ~~photographically~~ recorded images showing the motor
237 vehicle involved in the infraction;

238 (C) A website address where ~~photographically~~ recorded images showing the motor
239 vehicle involved in the infraction and a duplicate of the information provided for in this
240 paragraph may be viewed;

241 (D) A copy of a certificate sworn to or affirmed by a certified peace officer employed
242 by a law enforcement agency authorized to enforce the speed limit of the school zone
243 and stating that, based upon inspection of ~~photographically~~ recorded images, the
244 owner's motor vehicle was operated in disregard or disobedience of the speed limit in
245 the marked school zone and that such disregard or disobedience was not otherwise
246 authorized by law;

247 (E) A statement of the inference provided by paragraph (4) of this subsection and of
248 the means specified therein by which such inference may be rebutted;

249 (F) Information advising the owner of the motor vehicle of the manner in which
250 liability as alleged in the citation may be contested ~~through an administrative hearing~~
251 which shall include a statement which reads: 'YOU HAVE A RIGHT TO CONTEST
252 LIABILITY IN COURT'; and

253 (G) A warning that failure to pay the civil monetary penalty or to contest liability in
254 a timely manner as provided for in subsection (d) of this Code section shall waive any
255 right to contest liability;

256 (3) Proof that a motor vehicle was operated in disregard or disobedience of the speed
257 limit of the marked school zone ~~shall be as~~ evidenced by ~~photographically~~ recorded
258 images. ~~A~~ accompanied by a copy of a certificate sworn to or affirmed by a certified
259 peace officer employed by a law enforcement agency ~~and~~ stating that, based upon
260 inspection of ~~photographically~~ recorded images, a motor vehicle was operated in
261 disregard or disobedience of the speed limit in the marked school zone and that such
262 disregard or disobedience was not otherwise authorized by law shall be prima-facie
263 evidence of the facts contained therein; and

264 (4) Liability under this Code section shall be determined based upon a preponderance of
265 the evidence. Prima-facie evidence that the motor vehicle described in the citation issued
266 pursuant to this Code section was operated in violation of the speed limit of the school
267 zone, together with proof that the defendant was, at the time of such violation, the
268 registered owner of the motor vehicle, shall permit the trier of fact in its discretion to
269 infer that such owner of the motor vehicle was the ~~driver~~ operator of the motor vehicle
270 at the time of the alleged violation. Such an inference may be rebutted if the owner of
271 the motor vehicle:

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

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

278 (c) A violation for which a civil warning or a civil monetary penalty is imposed pursuant
279 to this Code section shall not be considered a moving traffic violation for the purpose of
280 points assessment under Code Section 40-5-57. Such violation shall be deemed
281 noncriminal, and imposition of a civil warning or civil monetary penalty pursuant to this
282 Code section shall not be deemed a conviction and shall not be made a part of the operating
283 record of the person upon whom such liability is imposed, nor shall it be used for any
284 insurance purposes in the provision of motor vehicle insurance coverage. A civil monetary
285 penalty imposed pursuant to this Code section shall not be taxed nor shall any additional
286 penalty, fee, or surcharge to such penalty be assessed other than as authorized by this Code
287 section.

288 (d) If a person issued and mailed a citation pursuant to subsection (b) of this Code section
289 fails to pay the civil monetary penalty for the violation or has not filed a police report or
290 notarized statement pursuant to paragraph (4) of subsection (b) of this Code section in no
291 less than 30 nor more than 60 days after such mailing as determined and noticed by the law
292 enforcement agency, the agent or law enforcement agency shall send to such person by ~~first~~
293 class first-class mail a second notice of any unpaid civil monetary penalty, except in cases
294 where there is an adjudication that no violation occurred or there is otherwise a lawful
295 determination that no civil monetary penalty shall be imposed. No late fee shall be
296 imposed for any unpaid civil monetary penalty imposed under this Code section. The
297 second notice shall include all information required in paragraph (2) of subsection (b) of
298 this Code section and shall include a new date ~~of return~~ by which the civil monetary
299 penalty shall be paid which shall be no less than 30 days after such mailing as determined
300 and noticed by the law enforcement agency. If such person notified by second notice again
301 fails to pay the civil monetary penalty or file a police report or notarized statement pursuant

302 to paragraph (4) of subsection (b) of this Code section by the new date ~~of return~~ included
303 in the notice, such person shall have waived the right to contest the violation and shall be
304 liable for the civil monetary penalty provided for under this Code section, except in cases
305 where there is an adjudication that no violation occurred or there is otherwise a lawful
306 determination that no civil monetary penalty shall be imposed.

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

310 (f) Any court having jurisdiction over violations of ~~subsection (a) of this Code section~~
311 traffic laws within a jurisdiction where recorded images were produced shall have
312 jurisdiction over cases arising under this ~~subsection~~ Code section and shall be authorized
313 to impose the civil monetary penalty provided by this ~~subsection~~ Code section. Except as
314 otherwise provided in this ~~subsection~~ Code section, the provisions of law governing
315 jurisdiction, procedure, defenses, adjudication, appeal, and payment and distribution of
316 penalties otherwise applicable to violations of ~~subsection (a) of this Code section~~ traffic
317 laws within a jurisdiction where recorded images were produced shall apply to enforcement
318 under this Code section ~~except as provided in subsection (b) of this Code section~~; provided,
319 however, that any appeal from superior or state court shall be by application in the same
320 manner as that provided by Code Section 5-6-35.

321 (g) If a ~~violation~~ citation issued pursuant to this Code section has not been contested and
322 the assessed penalty has not been paid, the agent or governing body shall send to the person
323 who is the registered owner of the motor vehicle a final notice of any unpaid civil monetary
324 penalty authorized by this Code section, except in cases where there is an adjudication that
325 no violation occurred or there is otherwise a lawful determination that no civil monetary
326 penalty shall be imposed. The notice shall inform the registered owner that the agent or
327 governing body shall send a referral to the Department of Revenue if the assessed penalty

328 is not paid within 30 days after the final notice was mailed and of the consequences for
329 failure to pay such penalty ~~and any late fee~~.

330 (h) The agent or governing body shall send a the referral authorized by subsection (g) of
331 this Code section to the Department of Revenue not sooner than 30 days after the final
332 notice required under such subsection ~~(g) of this Code section~~ was mailed if a violation has
333 not been contested and the assessed penalty has not been paid, except in cases where there
334 is an adjudication that no violation occurred or there is otherwise a lawful determination
335 that no civil monetary penalty shall be imposed. The referral to the Department of
336 Revenue shall include the following:

337 (1) Any information known or available to the agent or governing body concerning the
338 license plate number, year of registration, and the name of the owner of the motor
339 vehicle;

340 (2) The date on which the violation occurred;

341 (3) The citation number issued for the violation; and

342 (4) The date when the notice required under this Code section was mailed.

343 (i) If the Department of Revenue receives a referral under subsection (h) of this Code
344 section, such referral shall be entered into the motor vehicle ~~data base~~ database within five
345 days of receipt and the Department of Revenue shall refuse to renew the registration of the
346 motor vehicle unless and until the civil monetary penalty ~~plus any late fee~~ is paid to the
347 agent or governing body.

348 (j) The Department of Revenue shall remove the penalty on a vehicle registration if any
349 person presents the Department of Revenue with adequate proof from the agent or
350 governing body that the penalty ~~and any late fee, if applicable,~~ has been paid.

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

353 (l) A civil warning or civil monetary penalty under this Code section on the owner of a
354 motor vehicle shall not be imposed if the operator of the motor vehicle was arrested or
355 issued a citation and notice to appear by a certified peace officer for the same violation.
356 (m) The money collected and remitted to the governing body pursuant to paragraph (1) of
357 subsection (b) of this Code section shall only be used by such governing body to fund local
358 law enforcement or public safety initiatives. This subsection shall not authorize the use of
359 such funds for salaries of law enforcement officers or personnel and shall not preclude the
360 appropriation of a greater amount than collected and remitted under this subsection."

361 **SECTION 9.**

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

363 "40-14-19.

364 (a) Notwithstanding any provision of this chapter to the contrary, no contract shall be
365 entered into or renewed by the governing body of a county or municipality or any law
366 enforcement agency thereof for the enforcement of speeding violations in a school zone
367 through the use of an automated traffic enforcement safety device unless the question of
368 such enforcement method is submitted to the qualified voters of the county or municipality
369 for approval or rejection in a referendum called for such purpose.

370 (b) The ballot in the referendum required by subsection (a) of this Code section shall have
371 written or printed thereon the words:

372 '() YES Shall (name of county or municipality) be authorized to use automated
373 () NO cameras to enforce speeding in school zones for the next six years?'

374 (c) All persons desiring to vote in favor of the question shall vote 'Yes,' and all persons
375 desiring to vote against the question shall vote 'No.' If more than one-half of the votes cast
376 are in favor of the question, then the governing body of such jurisdiction shall be
377 authorized to enforce speeding violations in a school zone through the use of automated
378 traffic enforcement safety devices; otherwise the use of automated traffic enforcement

379 safety devices for the enforcement of speeding in school zones shall be prohibited. It shall
380 be the duty of the election superintendent to hold and conduct such elections under the
381 same rules and regulations as govern general elections. It shall be the superintendent's
382 further duty to canvass the returns, declare the result of the election, and certify the result
383 to the Secretary of State. The expense of the election shall be borne by the county or
384 municipality holding the election.

385 (d) If a majority of those voting in an election provided for by this Code section vote
386 against the question submitted, the governing body of the county or municipality which
387 called the question shall not be authorized to resubmit the question to the voters until the
388 passage of three years since such rejection.

389 (e) Nothing in this Code section shall apply to any contract arising out of the proprietary
390 functions of a governing body."

391 **SECTION 10.**

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

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

398 **SECTION 11.**

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

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

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

405 **SECTION 12.**

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

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

412 **SECTION 13.**

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

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

419 **SECTION 14.**

420 (a) Except as provided for in subsection (b) of this section, this Act shall become effective
421 on July 1, 2026.

422 (b) Sections 2 and 9 of this Act shall become effective on July 1, 2027.

423 **SECTION 15.**

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