

The House Committee on Motor Vehicles offers the following substitute to HB 447:

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to authorize the use of automated recognition technology for the issuance of a
3 civil monetary penalty for the ownership of a motor vehicle operated without proper
4 insurance or with an expired, revoked, canceled, or suspended registration; to provide a short
5 title; to provide for legislative intent; to provide for definitions; to provide for penalties; to
6 provide for procedures, conditions, and limitations for the issuance of such citations; to
7 provide for procedures for contesting such citations; to provide for standards for retention
8 of stored images; to provide for standards for agreements relating to issuance of such
9 citations; to provide for the use of such collected civil monetary penalties; to revise
10 provisions relating to operation of an unregistered motor vehicle or a motor vehicle without
11 a current license plate, revalidation decal, or county decal; to provide for disclosure of certain
12 records of the Department of Revenue for purposes of issuance of such civil monetary
13 penalties; to revise provisions relating to operation of a motor vehicle and motorcycle
14 without proper insurance; to revise provisions relating to the offense of driving a motor
15 vehicle on a suspended, canceled, or revoked registration; to provide for conforming
16 changes; to provide for construction; to amend Title 15 of the Official Code of Georgia
17 Annotated, relating to courts, so as to authorize prosecuting attorneys, district attorneys, and
18 solicitors-general to enforce civil monetary penalties relative to the issuance of a civil

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19 monetary penalty for the ownership of a motor vehicle operated without proper insurance or
20 with an expired, revoked, canceled, or suspended registration; to provide for related matters;
21 to provide for an effective date; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

24 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
25 amended in Chapter 1, relating to identification and regulation, by adding a new article to
26 read as follows:

27 "ARTICLE 4

28 40-1-250.

29 This article shall be known and may be cited as the 'Georgia Secure Automated Vehicle
30 Enforcement (SAVE) Act.'

31 40-1-251.

32 The General Assembly finds that uninsured and unregistered motor vehicles on the roads
33 in this state place the safety of Georgians at risk. The failure of motor vehicle owners to
34 maintain adequate insurance leads to increases in insurance premiums for all drivers and
35 also places an unnecessary burden on motor vehicle accident victims. The legislature
36 further finds that while punishment of violations of mandatory motor vehicle insurance and
37 registration laws as criminal offenses remains necessary, an alternate civil process utilizing
38 technology is needed to increase compliance. By establishing parameters for use of
39 technology to aid in automated enforcement, the General Assembly ensures that individual

40 privacy rights and due process are respected while making the job of law enforcement
41 safer.

42 40-1-252.

43 As used in this article, the term:

44 (1) 'Agent' means a person or entity that is authorized through a contract with a law
45 enforcement agency or governing body thereof to administer the procedures contained
46 in this article and that:

47 (A) Provides services to such law enforcement agency or governing body thereof;

48 (B) Operates, maintains, leases, or licenses automated recognition technology; or

49 (C) Is authorized by such law enforcement agency or governing body thereof to review
50 and assemble stored images.

51 (2) 'Automated recognition technology' means a system which converts images from a
52 video capture device into computer-readable data which is compared to information
53 relating to motor vehicle registrations and insurance maintained by the Department of
54 Revenue.

55 (3) 'Owner' means the registrant of a motor vehicle, except that such term shall not
56 include:

57 (A) A motor vehicle rental company when a motor vehicle registered by such company
58 is being operated by another person under a rental agreement with such company; or

59 (B) A lessor when the motor vehicle is being operated by a lessee or another person
60 under a lease agreement with the lessor.

61 (4) 'Stored images' means images of motor vehicle license plates digitally captured and
62 retained by a video capture device which have been processed through automated
63 recognition technology and the associated metadata for such images, including the date,
64 time, and global positioning satellite system coordinates.

65 (5) 'Video capture device' means a camera or group of cameras installed upon a motor
66 vehicle marked in accordance with Code Section 40-8-91 capable of capturing and
67 retaining stored images.

68 40-1-253.

69 (a) The owner of a motor vehicle operated on the highways of this state at a time when the
70 registration of such vehicle is expired, suspended, canceled, or revoked shall be liable for
71 the civil monetary penalty as set forth in subsection (b) of this Code section when such
72 operation is evidenced by stored images and such operation was not otherwise authorized
73 by law.

74 (b) A citation issued in accordance with this article for a violation of subsection (a) of this
75 Code section shall include a civil monetary penalty of \$100.00 for a motor vehicle operated
76 with an expired registration and \$200.00 for a motor vehicle operated with a suspended,
77 canceled, or revoked registration.

78 40-1-254.

79 (a) The owner of a motor vehicle operated on the highways of this state without the
80 minimum motor vehicle liability insurance coverage required under Chapter 34 of Title 33
81 shall be liable for the civil monetary penalty as set forth in subsection (b) of this Code
82 section when such operation is evidenced by stored images and such operation was not
83 otherwise authorized by law.

84 (b) A citation issued in accordance with this article for a violation of subsection (a) of this
85 Code section shall include a civil monetary penalty of \$200.00.

86 40-1-255.

87 The law enforcement agency authorized to enforce the traffic laws of this state or agent
88 thereof shall send by first-class mail addressed to the owner of the motor vehicle operated

89 in violation of Code Section 40-1-253 or 40-1-254, not later than ten days after obtaining
90 the name and address of such owner from the Department of Revenue, the following:

91 (1) A citation for the alleged violation, which shall include the type of violation alleged,
92 the date and time of the alleged violation, the location of the alleged violation, the amount
93 of the civil monetary penalty imposed, and the date by which the civil monetary penalty
94 shall be paid;

95 (2) A copy of the stored image which shows the motor vehicle involved in the alleged
96 violation and includes the identification number of the law enforcement motor vehicle
97 upon which the video capture device was located;

98 (3) A copy of a certificate sworn to or affirmed by a certified peace officer employed by
99 the law enforcement agency stating that, based upon inspection of stored images and the
100 data provided by automated recognition technology:

101 (A) The owner's motor vehicle was operated in violation of Code Section 40-1-253
102 or 40-1-254 and that such disregard or disobedience was not otherwise authorized by
103 law; and

104 (B) The stored images were captured by a video capture device upon a law
105 enforcement vehicle marked pursuant to Code Section 40-8-91;

106 (4) A statement of the inference provided for in Code Section 40-1-256 and of the means
107 specified therein by which such inference may be rebutted; and

108 (5) Information advising the owner of the motor vehicle of the manner in which liability
109 as alleged in the citation may be contested which shall include an assigned hearing date
110 to contest liability that shall be no later than 90 days from the date of issuance of the
111 citation.

112 40-1-256.

113 (a) Proof that a motor vehicle was operated in violation of Code Section 40-1-253
114 or 40-1-254 may be evidenced by stored images and data provided by automated

115 recognition technology. A copy of the certificate sworn to or affirmed by a certified peace
116 officer employed by a law enforcement agency containing the information set forth in
117 paragraph (3) of Code Section 40-1-255 shall be prima-facie evidence of the facts
118 contained therein.

119 (b) Liability under this article shall be determined based upon a preponderance of the
120 evidence. Prima-facie evidence that the motor vehicle described in the citation issued
121 pursuant to this article was operated in violation of Code Section 40-1-253 or 40-1-254,
122 together with proof that the defendant was at the time of such violation the registered
123 owner of the motor vehicle, shall permit the trier of fact in its discretion to infer that such
124 owner of the motor vehicle was the operator or authorized the use of the motor vehicle at
125 the time of the alleged violation. Such an inference may be rebutted if the owner of the
126 motor vehicle presents to the court a certified copy of a police report showing that the
127 motor vehicle had been reported to the police as stolen prior to the time of the alleged
128 violation, proof that the motor vehicle had proper insurance or registration at the time the
129 citation was issued, or proof that a citation was issued in violation of the requirements of
130 this article.

131 40-1-257.

132 (a) When a person fails to pay the civil monetary penalty or has failed to file a police
133 report pursuant to Code Section 40-1-256 within 90 days from the date such citation and
134 notice were mailed pursuant to Code Section 40-1-255 or failed to appear on the assigned
135 hearing date to contest liability, the law enforcement agency or agent thereof which sent
136 the original citation shall send a second notice; provided, however, that such second notice
137 shall not be sent in cases in which an adjudication that no violation occurred has been
138 issued or there is an otherwise lawful determination that no civil monetary penalty shall be
139 imposed. Such second notice shall include all information required of the original citation
140 and notice in Code Section 40-1-255, other than an assigned hearing date, and a new date

141 of return which shall be no less than 30 days after such mailing. If such person notified by
142 second notice again fails to pay the civil monetary penalty or file a police report by the new
143 date of return, such person shall have waived the right to contest the violation and shall be
144 liable for the civil monetary penalty provided for under this article, except in cases in
145 which an adjudication that no violation occurred has been issued or there is an otherwise
146 lawful determination that no civil monetary penalty shall be imposed.

147 (b) A subsequent citation shall not be issued pursuant to this article for the same offense
148 in the same jurisdiction as a previous citation until after 30 days from the date the previous
149 citation was mailed.

150 (c) A court shall dismiss any subsequent citation issued pursuant to this article for the
151 same offense within 30 days in a jurisdiction other than the jurisdiction which issued the
152 original citation upon presentation of proof of payment of the civil monetary penalty owed
153 for the original citation.

154 (d) A civil monetary penalty authorized under this article shall not be imposed on the
155 owner of a motor vehicle during a traffic stop when the owner of the motor vehicle has
156 been arrested during such stop or issued a uniform traffic citation and notice to appear by
157 a certified peace officer pursuant to the applicable criminal statute.

158 40-1-258.

159 (a) Notices mailed by first-class mail shall be adequate notification of the penalties
160 imposed by this article.

161 (b) Any court having jurisdiction over violations relating to violation of traffic laws shall
162 have jurisdiction over cases arising under this article and shall be authorized to impose the
163 civil monetary penalty provided by this article. Except as otherwise provided to the
164 contrary, the provisions of law governing jurisdiction, procedure, defenses, adjudication,
165 appeal, and payment and distribution of penalties otherwise applicable to traffic violations
166 within the jurisdiction in which a citation has been issued shall apply to enforcement under

167 this article; provided, however, that any appeal from a superior or state court shall be by
168 application in the same manner as that provided by Code Section 5-6-35; provided, further,
169 however, that the provisions of Chapter 11 of Title 17 to the contrary notwithstanding, the
170 costs of such prosecution shall not be taxed nor shall any additional penalty, fee, or
171 surcharge to a fine for such offense be assessed against a person for a citation issued
172 pursuant to this article.

173 40-1-259.

174 The issuance of a citation from a video capture device or any camera system not installed
175 upon a law enforcement vehicle properly marked pursuant to Code Section 40-8-91 or for
176 an offense not provided for in this article shall be void.

177 40-1-260.

178 (a) Any agreement entered into between an agent and governing body of a law
179 enforcement agency for the administration of this article shall provide that stored images
180 shall be maintained in a system compliant with security and privacy standards set forth by
181 the Georgia Crime Information Center Council for criminal justice information systems.

182 (b) Notwithstanding Code Sections 35-1-22 and 50-18-96, stored images collected for
183 purposes of this article shall:

184 (1) Not be a public record for purposes of Article 4 of Chapter 18 of Title 50;

185 (2) Be destroyed no later than 60 calendar days of adjudication that a penalty is not owed
186 or no later than 60 calendar days of payment of any and all civil penalties; and

187 (3) Be destroyed no later than 60 calendar days after such image is captured when not
188 associated with the issuance of a citation.

189 40-1-261.

190 The moneys collected and remitted to the governing body of a law enforcement agency
191 pursuant to this article shall only be used by such governing body to fund local law
192 enforcement purposes. This Code section shall not preclude the appropriation of a greater
193 amount than collected and remitted under this article for such purposes.

194 40-1-262.

195 A violation for which a civil monetary penalty is imposed pursuant to this article shall not
196 be considered a moving traffic violation for the purpose of points assessment under Code
197 Section 40-5-57. Such violation shall be considered noncriminal, and the imposition of a
198 civil monetary penalty pursuant to this article shall not be considered a conviction and shall
199 not be made a part of the driving record of the person upon whom such penalty is imposed,
200 nor shall it be used for any purposes in the provision of motor vehicle insurance coverage."

201 **SECTION 2.**

202 Said title is further amended by revising Code Section 40-2-8, relating to operation of
203 unregistered vehicle or vehicle without current license plate, revalidation decal, or county
204 decal, and temporary plate issued by dealers of new or used motor vehicles, as follows:

205 "40-2-8.

206 (a) Except as otherwise provided for in this Code section, no person shall own or operate
207 a motor vehicle upon the highways of this state that is required to be registered pursuant
208 to Code Section 40-2-20 without complying with such Code section. No person shall loan,
209 rent, or lease a motor vehicle required to be registered pursuant to Code Section 40-2-20
210 for use upon the highways of this state without complying with such Code section. Each
211 day a motor vehicle is operated in violation of this subsection shall be a separate violation.
212 ~~Any person owning or operating any vehicle described in Code Section 40-2-20 on any~~
213 ~~public highway or street without complying with that Code section shall be guilty of a~~

214 ~~misdemeanor, provided that a person shall register his or her motor vehicle within 30 days~~
215 ~~after becoming a resident of this state. Any person renting, leasing, or loaning any vehicle~~
216 ~~described in Code Section 40-2-20 which is being used on any public highway or street~~
217 ~~without complying with that Code section shall be guilty of a misdemeanor and, upon~~
218 ~~conviction thereof, shall be punished by a fine of \$100.00 for each violation, and each day~~
219 ~~that such vehicle is operated in violation of Code Section 40-2-20 shall be deemed to be~~
220 ~~a separate and distinct offense.~~

221 (b)(1) ~~It shall be a misdemeanor to operate any vehicle required to be registered in the~~
222 ~~State of Georgia without a valid numbered license plate properly validated, unless such~~
223 ~~operation is otherwise permitted under this chapter, and provided, further, that the The~~
224 ~~purchaser of a new vehicle or a used vehicle from a dealer of new or used motor vehicles~~
225 ~~who displays a temporary operating permit issued as provided by paragraph (2) of this~~
226 ~~subsection may operate such vehicle on the public highways and streets of this state~~
227 ~~without a current valid license plate during the period within which the purchaser is~~
228 ~~required by Code Section 40-2-20. An owner acquiring a motor vehicle from an entity~~
229 ~~that is not a new or used vehicle dealer shall register such vehicle as provided for in Code~~
230 ~~Section 40-2-29 unless such vehicle is to be registered under the International~~
231 ~~Registration Plan pursuant to Article 3A of this chapter.~~

232 (2)(A) Any dealer of new or used motor vehicles shall issue to the purchaser of a
233 vehicle at the time of sale thereof, unless such vehicle is to be registered under the
234 International Registration Plan, a temporary operating permit as provided for by
235 department rules or regulations which may bear the dealer's name and location and shall
236 bear an expiration date 45 days from the date of purchase. The expiration date of such
237 a temporary operating permit may be revised and extended by the county tag agent
238 upon application by the dealer, the purchaser, or the transferee if an extension of the
239 purchaser's initial registration period has been granted as provided by Code
240 Section 40-2-20. Such temporary operating permit shall not resemble a license plate

241 issued by this state and shall be issued without charge or fee. The requirements of this
 242 paragraph shall not apply to a dealer whose primary business is the sale of salvage
 243 motor vehicles and other vehicles on which total loss claims have been paid by insurers.

244 (B) All temporary operating permits issued by dealers to purchasers of vehicles shall
 245 be of a standard design prescribed by regulation promulgated by the department. The
 246 department may provide by rule or regulation for the sale and distribution of such
 247 temporary operating permits by third parties in accordance with paragraph (3) of this
 248 subsection.

249 (3) All sellers and distributors of temporary operating permits shall maintain an
 250 inventory record of temporary operating permits by number and name of the dealer.

251 ~~(4) The purchaser and operator of a vehicle shall not be subject to the penalties set forth~~
 252 ~~in this Code section during the period allowed for the registration of such vehicle. If the~~
 253 ~~owner of such vehicle presents evidence that such owner has properly applied for the~~
 254 ~~registration of such vehicle, but that the license plate or revalidation decal has not been~~
 255 ~~delivered to such owner, then the owner shall not be subject to the penalties enumerated~~
 256 ~~in this subsection.~~

257 (c) No person shall ~~It shall be unlawful and punishable as for a misdemeanor to operate~~
 258 ~~any motor vehicle required to be registered in the State of Georgia this state~~ without a valid
 259 county decal designating the county where the vehicle was last registered, unless such
 260 operation is otherwise permitted under this chapter. ~~Any person convicted of such offense~~
 261 ~~shall be punished by a fine of \$25.00 for a first offense and \$100.00 for a second or~~
 262 ~~subsequent such offense. However, a county name decal shall not be required if there is~~
 263 ~~or no space is provided for a county name decal on the current license plate.~~

264 (d) No person shall operate any motor vehicle required to be registered in this state without
 265 a valid revalidation decal affixed upon the license plate.

266 (e) A violation of this Code section shall be punished as follows:

267 (1) Upon enforcement through the issuance of a uniform traffic citation by a police
 268 officer at the time of the offense, a misdemeanor, and upon conviction thereof:

269 (A) By a fine not to exceed \$100.00 for the operation of an unregistered motor vehicle
 270 in violation of subsection (a) of this Code section; provided, however, that upon
 271 presentation of evidence that the owner had properly applied for the registration of such
 272 vehicle, but that the license plate or revalidation decal had not been delivered to such
 273 owner at the time the uniform traffic citation was issued, such fine shall be reduced to
 274 an amount not to exceed \$25.00; and

275 (B) By a fine of \$25.00 for the operation of a motor vehicle without a county decal
 276 upon the license plate in violation of subsection (c) of this Code section; or

277 (2) Upon enforcement through the use of automated recognition technology in
 278 accordance with Article 4 of Chapter 1 of this title, a civil monetary penalty as set forth
 279 in such article. A violation enforced pursuant to this paragraph shall not be considered
 280 a conviction and shall not be made a part of the driving record of the person upon whom
 281 such penalty is imposed, nor shall it be used for any purposes in the provision of motor
 282 vehicle insurance coverage."

283 **SECTION 3.**

284 Said title is further amended by repealing Code Section 40-2-8.1, relating to operation of
 285 vehicle without revalidation decal on license plate, in its entirety.

286 **SECTION 4.**

287 Said title is further amended in Code Section 40-2-20, relating to registration and license
 288 requirements, certificate of registration and temporary operating permit, and two-year
 289 registration option for new motor vehicles, by revising subsection (c) as follows:

290 "(c) A person shall register his or her motor vehicle within 30 days after becoming a
 291 resident of this state. ~~Any person who fails to register a new or used motor vehicle as~~

292 ~~required in subsection (a) of this Code section shall be guilty of a misdemeanor and, upon~~
293 ~~conviction thereof, shall be punished by a fine not exceeding \$100.00."~~

294 **SECTION 5.**

295 Said title is further amended in Code Section 40-3-23, relating to issuance of certificate of
296 title, maintenance of record of certificates issued, public inspection, and furnishing records
297 for fee, by revising subsection (d) as follows:

298 "(d) The motor vehicle records which the commissioner or the commissioner's duly
299 authorized county tag agent is required to maintain under this Code section or any other
300 provision are exempt from the provisions of any law of this state requiring that such
301 records be open for public inspection; provided, however, that, subject to subsection (f) of
302 this Code section, the records may be disclosed for use as provided in the federal Driver's
303 Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, and by the following:

- 304 (1) Any licensed dealer of new or used motor vehicles;
305 (2) Any tax collector, tax receiver, or tax commissioner; ~~and~~
306 (3) A person or entity authorized by the commissioner for use in providing notice to the
307 owners of towed or impounded vehicles; and
308 (4) An agent as such term is defined in Code Section 40-1-252."

309 **SECTION 6.**

310 Said title is further amended in Code Section 40-5-70, relating to suspension of drivers'
311 licenses for failure to show proof of required minimum insurance, hearings, and mandatory
312 suspension, by revising subsection (c) as follows:

313 "(c) For the purposes of mandatory suspension of a driver's license for a first ~~violation~~
314 conviction of subsection (a), (b), or (c) of Code Section 40-6-10, a forfeiture of bail or
315 collateral used to seek a defendant's appearance in court, the payment of a fine, a plea of
316 guilty, or a finding of guilty shall be considered a conviction regardless of whether the

317 sentence is suspended, probated, rebated, or revoked. A plea of nolo contendere shall not
 318 be considered a conviction under this subsection, but a record of the disposition of the case
 319 shall be forwarded by the court to the department for the purposes of counting the plea of
 320 nolo contendere as a conviction under subsection (d) of this Code section."

321 SECTION 7.

322 Said title is further amended in Code Section 40-6-10, relating to insurance requirements for
 323 operation of motor vehicles generally, by revising paragraphs (5) and (6) of subsection (a)
 324 and subsection (b) as follows:

325 "(5)(A) Every law enforcement officer in this state shall determine if the operator of
 326 a motor vehicle subject to the provisions of this Code section has the required minimum
 327 insurance coverage every time the law enforcement officer stops the vehicle or requests
 328 the presentation of the driver's license of the operator of the vehicle.

329 ~~(6)(B) When a determination is made that~~ If a law enforcement officer of this state
 330 ~~determines that~~ the owner or operator of a motor vehicle subject to the provisions of
 331 this ~~Code section~~ subsection does not have proof or evidence of required minimum
 332 insurance coverage, the arresting officer shall issue a uniform traffic citation for
 333 operating a motor vehicle without proof of insurance. If the court or arresting officer
 334 determines that the operator is not the owner, then a uniform traffic citation may be
 335 issued to the owner for authorizing the operation of a motor vehicle without proof of
 336 insurance.

337 (6) Reserved."

338 "(b)(1) No person shall own, operate, or authorize another to operate a motor vehicle
 339 upon the highways of this state ~~An owner or any other person who knowingly operates~~
 340 ~~or knowingly authorizes another to operate a motor vehicle~~ without effective insurance
 341 on such vehicle or without an approved plan of self-insurance ~~shall be guilty of.~~ A
 342 violation of this subsection shall be punished as follows:

343 (A) Upon enforcement through the issuance of a uniform traffic citation by a police
 344 officer at the time of the offense, a misdemeanor, and upon conviction thereof, shall be
 345 subject to by a fine of not less than \$200.00 nor more than \$1,000.00 or imprisonment
 346 for not more than 12 months, or both; or

347 (B) Upon enforcement through the use of automated recognition technology in
 348 accordance with Article 4 of Chapter 1 of this title, a civil monetary penalty as set forth
 349 in such article. A violation enforced pursuant to this subparagraph shall not be
 350 considered a conviction and shall not be made a part of the driving record of the person
 351 upon whom such penalty is imposed, nor shall it be used for any purposes in the
 352 provision of motor vehicle insurance coverage. An operator of a motor vehicle shall
 353 not be guilty of a violation of this Code section if such operator maintains a policy of
 354 motor vehicle insurance which extends coverage to any vehicle the operator may drive.

355 (2) An owner or operator of a motor vehicle shall not be issued a uniform traffic citation
 356 by a law enforcement officer for a violation of this Code section subsection if the sole
 357 basis for issuance of such a citation is that the law enforcement officer is unable to obtain
 358 insurance coverage information from the records of the Department of Revenue or the
 359 operator of the motor vehicle maintains a policy of motor vehicle insurance which
 360 extends coverage to any vehicle the operator may drive."

361

SECTION 8.

362 Said title is further amended in Code Section 40-6-11, relating to insurance requirements for
 363 operation of motorcycles, by revising subsection (b) as follows:

364 "(b) No owner of a motorcycle or any other person, other than a self-insurer as defined in
 365 Chapter 34 of Title 33, shall operate or authorize any other person to operate the
 366 motorcycle unless the owner has liability insurance on the motorcycle equivalent to that
 367 required as evidence of security for bodily injury and property damage liability under Code

368 Section 40-9-37. ~~Any person who violates this subsection shall be guilty of a misdemeanor~~
 369 A violation of this subsection shall be punished as follows:
 370 (1) Upon enforcement through the issuance of a uniform traffic citation by a police
 371 officer at the time of the offense, a misdemeanor; or
 372 (2) Upon enforcement through the use of automated recognition technology in
 373 accordance with Article 4 of Chapter 1 of this title, a civil monetary penalty as set forth
 374 in such article. A violation enforced pursuant to this subsection shall not be considered
 375 a conviction and shall not be made a part of the driving record of the person upon whom
 376 such penalty is imposed, nor shall it be used for any purposes in the provision of motor
 377 vehicle insurance coverage."

378 SECTION 9.

379 Said title is further amended by revising Code Section 40-6-15, relating to knowingly driving
 380 motor vehicle on suspended, canceled, or revoked registration, as follows:

381 "40-6-15.

382 (a) Any person who knowingly drives a motor vehicle on any public road or highway of
 383 this state at a time when the vehicle registration of such vehicle is suspended, canceled, or
 384 revoked shall be ~~guilty of a misdemeanor.~~ punished as follows:

385 (1) Upon enforcement through the issuance of a uniform traffic citation by a police
 386 officer at the time of the offense, and:

387 ~~(b)(A)~~ For ~~Upon~~ a first conviction thereof or a plea of nolo contendere, such person
 388 shall be guilty of a misdemeanor and shall be punished by imprisonment for not more
 389 than 12 months and there may be imposed in addition thereto a fine of not less than
 390 \$500.00 nor more than \$1,000.00, at the discretion of the court; or

391 ~~(c)(B)~~ For a second or subsequent conviction within five years as measured from the
 392 dates of previous arrests for which convictions were obtained or pleas of nolo
 393 contendere were accepted to the date of the current arrest for which a conviction is

394 obtained or a plea of nolo contendere accepted, such person shall be guilty of a high and
395 aggravated misdemeanor and shall be punished by imprisonment for not less than ten
396 days nor more than 12 months and there may be imposed in addition thereto a fine of
397 not less than \$1,000.00 nor more than \$2,500.00; and

398 (2) Upon enforcement through the use of an automated recognition system in accordance
399 with Article 4 of Chapter 1 of this title, by a civil monetary penalty as set forth in such
400 article. A violation enforced pursuant to this paragraph shall not be considered a
401 conviction and shall not be made a part of the driving record of the person upon whom
402 such penalty is imposed, nor shall it be used for any purposes in the provision of motor
403 vehicle insurance coverage.

404 ~~(d)~~(b) The Department of Revenue, upon receiving a record of the conviction of any
405 person under paragraph (1) of subsection (a) of this Code section upon a charge of driving
406 a vehicle while the registration of such vehicle was suspended or revoked, shall extend the
407 period of suspension or revocation for six months. The Department of Revenue may
408 reinstate the suspended or revoked vehicle registration following the expiration of the
409 original suspension or revocation period, the additional six-month suspension imposed
410 pursuant to this subsection, and upon payment of a restoration fee of \$210.00, or \$200.00
411 when such reinstatement is processed by mail.

412 ~~(e)~~(c) For purposes of pleading nolo contendere, only one nolo contendere plea shall be
413 accepted to a charge of driving a motor vehicle with a suspended, canceled, or revoked
414 vehicle registration within a five-year period of time as measured from the date of the
415 previous arrest for which a conviction was obtained or plea of nolo contendere was
416 accepted to the date of the current arrest. All other nolo contendere pleas within such
417 period of time shall be considered convictions.

418 ~~(f)~~(d) Notwithstanding the limits set forth in Article 14 of this chapter and in any
419 municipal charter, any municipal court of any municipality in this state shall be authorized
420 to impose the punishment provided for in paragraph (1) of subsection (a) of this Code

421 section upon a conviction of violating this Code section or upon conviction of violating any
422 ordinance adopting the provisions of this Code section."

423 **SECTION 10.**

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

427 "(A) In the prosecution of any violation of the laws or ordinances of such county which
428 is within the jurisdiction of such probate court and punishable by confinement or a fine
429 or both or by a civil penalty authorized by Code Section 40-6-163 or Article 4 of
430 Chapter 1 of Title 40;"

431 **SECTION 11.**

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

434 "(6) To prosecute civil actions to enforce any civil penalty set forth in Code
435 Section 40-6-163 or Article 4 of Chapter 1 of Title 40 and to prosecute or defend any
436 other civil action in the prosecution or defense of which the state is interested, unless
437 otherwise specially provided for;"

438 **SECTION 12.**

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

441 "(4) To prosecute civil actions to enforce any civil penalty set forth in Code
442 Section 40-6-163 or Article 4 of Chapter 1 of Title 40 and when authorized by law to
443 prosecute or defend any civil action in the state court in the prosecution or defense of
444 which the state is interested, unless otherwise specially provided for;"

445 **SECTION 13.**

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

448 "(A) In the prosecution of any violation of the laws or ordinances of such municipality
449 which is within the jurisdiction of such municipal court and punishable by confinement
450 or a fine or both or by a civil penalty authorized by Code Section 40-6-163 or Article 4
451 of Chapter 1 of Title 40; and"

452 **SECTION 14.**

453 This Act shall become effective on January 1, 2025.

454 **SECTION 15.**

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