

House Bill 632

By: Representatives Bazemore of the 63<sup>rd</sup>, Bruce of the 61<sup>st</sup>, Metzger of the 55<sup>th</sup>, Boddie of the 62<sup>nd</sup>, and Jackson of the 64<sup>th</sup>

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 the enforcement of  
3 operating a commercial motor vehicle upon a highway in violation of a local ordinance  
4 through the use of recorded images by an automated truck route monitoring device; to  
5 provide for procedures, conditions, and limitations upon operation of an automated truck  
6 route monitoring device; to provide for issuance of civil monetary penalties; to provide  
7 notice of penalty; to prohibit the renewal of registration or sale of a motor vehicle upon  
8 failure to pay a civil monetary penalty; to provide for definitions; to provide for related  
9 matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to use of speed  
13 detection devices and red light cameras, is amended by adding a new article to read as  
14 follows:

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15 "ARTICLE 4

16 40-14-40.

17 As used in this article, the term:

18 (1) 'Agent' means a person or entity that is authorized by a law enforcement agency or  
19 governing authority to administer the procedures of this article and:

20 (A) Provides services to such law enforcement agency or governing authority;

21 (B) Operates, maintains, leases, or licenses an automated truck route monitoring  
22 device; or

23 (C) Is authorized by such law enforcement agency or governing authority to review  
24 and assemble the recorded images captured by the automated truck route monitoring  
25 device for review by a peace officer.

26 (2) 'Automated truck route monitoring device' means a device that:

27 (A) Is capable of producing recorded images of the rear of a commercial motor vehicle,  
28 including such vehicle's rear license plate; and

29 (B) Indicates on each recorded image produced the date, time, and location of a  
30 photographically recorded vehicle traveling on a restricted local truck route.

31 (3) 'Commercial motor vehicle' means any self-propelled or towed motor vehicle used  
32 on a highway in intrastate or interstate commerce or both to transport passengers or  
33 property when the vehicle has a gross vehicle weight rating, gross combination weight  
34 rating, gross vehicle weight, or gross combination weight of 4,536 kg (10,001 lbs.) or  
35 more.

36 (4) 'Department' means the Department of Transportation.

37 (5) 'Governing authority' means any county, municipality, or consolidated government.

38 (6) 'Owner' means a person, other than a lienholder or security interest holder, having the  
39 property in or title to a vehicle.

40 (7) 'Recorded images' means still or video images recorded by an automated truck route  
41 monitoring device.

42 (8) 'Restricted local truck route' means a highway located within the jurisdiction of a  
43 governing authority upon which the operation of commercial motor vehicles is limited  
44 based upon passage of an ordinance by such governing authority.

45 40-14-41.

46 (a) Any governing authority may apply with the department for a permit to operate an  
47 automated truck route monitoring device for the enforcement of operating restrictions on  
48 a restricted local truck route.

49 (b) The department shall prescribe by appropriate rules and regulations the manner and  
50 procedure in which applications shall be made for automated truck route monitoring device  
51 permits and to prescribe the required information to be submitted by an applicant consistent  
52 with the requirements of this title. The department may deny an application or suspend or  
53 revoke a permit for failure of the governing authority to provide requested information or  
54 documentation or for any other violation of this article or violation of the rules and  
55 regulations of the department.

56 (c) An application for the operation of an automated truck route monitoring device shall  
57 name the restricted local truck route on which the device is to be used. The revenue  
58 generated by the use of an automated truck route monitoring device shall not be considered  
59 when determining whether to issue a permit for the operation of such devices.

60 (d) Permits shall be issued by the department within three months of receiving a completed  
61 permit application from a governing authority where such governing authority is otherwise  
62 in compliance with the provisions of this article. An application for amendment to an  
63 existing permit and an application for a renewal permit following a suspension or  
64 revocation of a permit shall also be processed within three months of receipt of such

65 application, provided that the application is complete and complies with the provisions of  
66 this article.

67 (e) A governing authority utilizing an automated truck route monitoring device shall at all  
68 times cooperate fully with the department. The department is authorized, at any time, to  
69 inspect an automated truck route monitoring device used by a governing authority or agent  
70 and any records pertaining to revenues collected from the use of such devices.

71 (f) A permit may be amended at any time by amended application submitted by a  
72 governing authority. The request to amend an application and to add a new restricted local  
73 truck route to the list of authorized locations for the operation of an automated truck route  
74 monitoring device shall be considered by the department in the same manner as original  
75 permit applications.

76 (g) The department is authorized to set reasonable application fees to compensate the  
77 department for necessary costs in issuing, amending, or reviewing a permit to operate an  
78 automated truck route monitoring device.

79 40-14-42.

80 Each governing authority using an automated truck route monitoring device shall erect  
81 signs warning of the use of an automated truck route monitoring device on a restricted local  
82 truck route. Such signs shall be at least 24 by 30 inches in area, shall be visible plainly  
83 from every lane of traffic, shall be viewable in all traffic conditions, and shall not be placed  
84 in such a manner that the view of such sign is subject to being obstructed by any other  
85 vehicle on such highway.

86 40-14-43.

87 (a) The operator of a commercial motor vehicle operating such vehicle on a restricted local  
88 truck route enforced by an automated truck route monitoring device shall be liable for a  
89 civil monetary penalty to the governing authority if such vehicle is found, as evidenced by

90 recorded images, to have been operated on a restricted local truck route. The amount of  
91 such civil monetary penalty shall be \$175.00 for a first violation and \$350.00 for a second  
92 or any subsequent violation, in addition to fees associated with the electronic processing  
93 of such civil monetary penalty which shall not exceed \$25.00; provided, however, that for  
94 a period of 30 days after an automated truck route monitoring device has been placed on  
95 a restricted local truck route, the operator of a commercial motor vehicle shall not be liable  
96 for a civil monetary penalty but shall be issued a warning.

97 (b) A law enforcement agency authorized to enforce the traffic laws within the jurisdiction  
98 of a governing authority, or an agent working on behalf of such law enforcement agency,  
99 shall send by first class mail addressed to the owner of the commercial motor vehicle  
100 within 30 days after obtaining the name and address of the owner of the motor vehicle but  
101 no later than 60 days after the date of the alleged violation:

102 (1) A citation or warning for the alleged violation, which shall include the date and time  
103 of the violation, the location of the infraction, a citation to the local truck ordinance, the  
104 civil warning or the amount of the civil monetary penalty imposed, and the date by which  
105 a civil monetary penalty shall be paid;

106 (2) An image taken from the recorded images showing the vehicle involved in the  
107 infraction;

108 (3) A website address where recorded images showing the vehicle involved in the  
109 infraction and a duplicate of the information provided for in this subsection may be  
110 viewed;

111 (4) A copy of a certificate sworn to or affirmed by a certified peace officer employed by  
112 a law enforcement agency authorized to enforce the traffic laws where the restricted local  
113 truck route is located and stating that, based upon inspection of recorded images, the  
114 owner's commercial motor vehicle was operated on a restricted local truck route and that  
115 such operation was not otherwise authorized by law;

116 (5) A statement of the inference provided by Code Section 40-14-44 and of the means  
117 specified therein by which such inference may be rebutted;

118 (6) Information advising the owner of the commercial motor vehicle of the manner in  
119 which liability as alleged in the citation may be contested through an administrative  
120 hearing; and

121 (7) A warning that failure to pay the civil monetary penalty or to contest liability in a  
122 timely manner as provided for in this article shall waive any right to contest liability.

123 40-14-44.

124 (a) Proof that a commercial motor vehicle was operated on a restricted local truck route  
125 shall be evidenced by recorded images. A copy of a certificate sworn to or affirmed by a  
126 certified peace officer employed by a law enforcement agency with jurisdiction to enforce  
127 traffic laws in the jurisdiction of the restricted local truck route and stating that, based upon  
128 inspection of recorded images, a commercial motor vehicle was operated on a restricted  
129 local truck route and that such operation was not otherwise authorized by law shall be  
130 prima-facie evidence of the facts contained therein.

131 (b) Liability under this article shall be determined based upon a preponderance of the  
132 evidence. Prima-facie evidence that the vehicle described in the citation was operated on  
133 a restricted local truck route, together with proof that the defendant was, at the time of such  
134 violation, the registered owner of the vehicle, shall permit the trier of fact in its discretion  
135 to infer that such owner of the vehicle was the driver of the vehicle at the time of the  
136 alleged violation. Such an inference may be rebutted if the owner of the vehicle:

137 (1) Testifies under oath in open court or submits to the court a sworn notarized statement  
138 that he or she was not the operator of the vehicle at the time of the alleged violation; or

139 (2) Presents to the court a certified copy of a police report showing that the vehicle had  
140 been reported to the police as stolen prior to the time of the alleged violation.

141 40-14-45.

142 A violation for which a warning or a civil monetary penalty is imposed pursuant to this  
143 article shall not be considered a moving traffic violation for the purpose of points  
144 assessment under Code Section 40-5-57. Such violation shall be deemed noncriminal, and  
145 imposition of a warning or civil monetary penalty pursuant to this article shall not be  
146 deemed a conviction and shall not be made a part of the operating record of the person  
147 upon whom such liability is imposed, nor shall it be used for any insurance purposes in the  
148 provision of motor vehicle insurance coverage.

149 40-14-46.

150 (a) An agent or law enforcement agency which sent notice of a citation pursuant to Code  
151 Section 40-14-43 shall send a second notice of the unpaid civil monetary penalty to any  
152 person who fails to pay the civil monetary penalty for the violation or has not filed a police  
153 report or notarized statement pursuant to Code Section 40-14-44 within 60 days of such  
154 mailing; provided, however, that such second notice shall not be sent in cases in which an  
155 adjudication that no violation occurred has been issued or there is an otherwise lawful  
156 determination that no civil monetary penalty shall be imposed. Such second notice shall  
157 include all information required in the original citation and a new date of return which shall  
158 be no less than 30 days after such mailing. If such person notified by second notice again  
159 fails to pay the civil monetary penalty or file a police report or notarized statement pursuant  
160 to Code Section 40-14-44 by the new date of return, such person shall have waived the  
161 right to contest the violation and shall be liable for the civil monetary penalty provided for  
162 under this article, except in cases in which an adjudication that no violation occurred has  
163 been issued or there is an otherwise lawful determination that no civil monetary penalty  
164 shall be imposed.

165 (b) Notices mailed by first class mail shall be adequate notification of the fees and  
166 penalties imposed by this article.

167 40-14-47.

168 Any court having jurisdiction over traffic violations within the jurisdiction in which an  
169 automated truck route monitoring device is located shall have jurisdiction over cases  
170 arising under this article and shall be authorized to impose the civil monetary penalty  
171 provided by this article. The provisions of law governing jurisdiction, procedure, defenses,  
172 adjudication, appeal, and payment and distribution of penalties otherwise applicable to  
173 traffic violations within the jurisdiction in which such automated truck route monitoring  
174 device is located shall apply to enforcement under this article except as otherwise provided  
175 to the contrary and provided, however, that any appeal from superior or state court shall  
176 be by application in the same manner as that provided by Code Section 5-6-35.

177 40-14-48.

178 (a) If a citation issued pursuant to this article has not been contested and the civil monetary  
179 penalty has not been paid, the agent or governing authority shall mail a final notice of any  
180 unpaid civil monetary penalty to the owner, except in cases in which an adjudication that  
181 no violation occurred has been issued or there is an otherwise lawful determination that no  
182 civil monetary penalty shall be imposed. Such notice shall inform the owner that the agent  
183 or governing authority shall send a referral to the Department of Revenue if the assessed  
184 penalty is not paid within 30 days after the final notice was mailed and that such referral  
185 shall result in the nonrenewal of the registration of such motor vehicle and shall prohibit  
186 the title transfer of such motor vehicle within this state.

187 (b) The agent or governing authority shall send a referral to the Department of Revenue  
188 not sooner than 30 days after the final notice required under subsection (a) of this Code  
189 section was mailed if a citation issued pursuant to this article has not been contested and  
190 the assessed penalty has not been paid. The referral to the Department of Revenue shall  
191 include the following:

192 (1) The name of the operator of the commercial motor vehicle issued the citation;



193 (2) Any information known or available to the agent or governing authority concerning  
194 the license plate number and year of registration;

195 (3) The date on which the violation occurred;

196 (4) The date when the notices required under this article were mailed; and

197 (5) The seal, logo, emblem, or electronic seal of the governing authority.

198 (c) The Department of Revenue shall enter the referral received pursuant to this Code  
199 section into the motor vehicle database within five days of receipt, reject any renewal  
200 application for the motor vehicle, and prohibit the title transfer of such vehicle within this  
201 state unless and until the civil monetary penalty plus any late fee is paid to the governing  
202 authority. The Department of Revenue shall mail a notice to the owner:

203 (1) That the registration of the vehicle involved in the violation will not be permitted to  
204 be renewed;

205 (2) That the title of the vehicle involved in the violation will not be permitted to be  
206 transferred in this state;

207 (3) That the aforementioned restrictions are being imposed due to the failure to pay the  
208 civil monetary penalty and any late fee owed under authority of this article; and

209 (4) Of the procedure that the owner may follow to remove the restrictions.

210 (d) The Department of Revenue shall remove the restrictions on a vehicle upon submission  
211 of adequate proof that the penalty and any late fee, if applicable, has been paid.

212 40-14-49.

213 (a) Recorded images produced by an automated truck route monitoring device shall not  
214 be a public record for purposes of Article 4 of Chapter 18 of Title 50.

215 (b) Any money collected and remitted to the governing authority pursuant to this article  
216 shall be used by such governing authority to fund local law enforcement or public safety  
217 initiatives. This subsection shall not preclude the appropriation of a greater amount than  
218 collected and remitted under this subsection."

219

**SECTION 2.**

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