

The House Committee on Motor Vehicles offers the following substitute to SB 402:

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 restrict other additional fines, fees, penalties, or charges upon civil monetary
3 penalties issued for violations of improperly passing a school bus and speeding in a school
4 zone when captured by cameras; to provide for inclusion of civil monetary penalties issued
5 by automated traffic enforcement devices in the permissible ratio of speeding fines for a law
6 enforcement agency's budget; to provide for the assessment of penalty for violations of
7 provisions relating to automated traffic enforcement devices by an agent, law enforcement
8 agency, or governing body; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

S. B. 402 (SUB)

16 "(A) The owner of a motor vehicle shall be liable for a civil monetary penalty to the
17 governing body of the law enforcement agency provided for in subparagraph (B) of this
18 paragraph if such vehicle is found, as evidenced by recorded images, to have been
19 operated in disregard or disobedience of subsection (a) of this Code section and such
20 disregard or disobedience was not otherwise authorized by law. The amount of such
21 civil monetary penalty shall be \$250.00, and no other additional fines, fees, penalties,
22 or charges shall be authorized;"

23 **SECTION 2.**

24 Said title is further amended in Code Section 40-14-11, relating to investigations by
25 commissioner of public safety, issuance of order suspending or revoking permit, and ratio
26 of speeding fines to agency's budget, by revising subsection (d) as follows:

27 "(d) There shall be a rebuttable presumption that a law enforcement agency is employing
28 speed detection devices for purposes other than the promotion of the public health, welfare,
29 and safety if the fines levied based on the use of speed detection devices for speeding
30 offenses are equal to or greater than 35 percent of a municipal or county law enforcement
31 agency's budget. For purposes of this Code section, fines collected for citations issued for
32 violations of Code Section 40-6-180 and moneys collected for civil monetary penalties
33 pursuant to Code Section 40-14-18 shall be included when calculating total speeding fine
34 revenue for the agency; ~~provided, however, that fines for speeding violations exceeding 20~~
35 ~~miles per hour over the established speed limit and civil monetary penalties for speeding~~
36 ~~violations issued pursuant to Code Section 40-14-18 shall not be considered when~~
37 ~~calculating total speeding fine revenue for the agency."~~

38 **SECTION 3.**

39 Said title is further amended in Code Section 40-14-18, relating to enforcement of speed limit
40 in school zones with recorded images, civil monetary penalty, and vehicle registration and

41 transfer of title restrictions for failure to pay penalty, by revising paragraph (1) of
42 subsection (b) and adding a new subsection to read as follows:

43 "(1) The owner of a motor vehicle shall be liable for a civil monetary penalty to the
44 governing body of the law enforcement agency provided for in paragraph (2) of this
45 subsection if such vehicle is found, as evidenced by photographically recorded images,
46 to have been operated in disregard or disobedience of the speed limit within any school
47 zone and such disregard or disobedience was not otherwise authorized by law. The
48 amount of such civil monetary penalty shall be \$75.00 for a first violation and \$125.00
49 for a second or any subsequent violation, in addition to fees associated with the electronic
50 processing of such civil monetary penalty which shall not exceed a total of \$25.00, and
51 no other additional fines, fees, penalties, or charges shall be authorized; provided,
52 however, that for a period of 30 days after the first automated traffic enforcement safety
53 device is introduced by a law enforcement agency within a school zone, the driver of a
54 motor vehicle shall not be liable for a civil monetary penalty but shall be issued a civil
55 warning for disregard or disobedience of the speed limit within the school zone;"

56 "(n) Any agent, law enforcement agency, or governing body that violates any provision of
57 this article relating to automated traffic enforcement safety devices shall be assessed a fine
58 of \$1,000.00 by the commissioner of public safety."

59 **SECTION 4.**

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