

Senate Bill 94

By: Senators Robertson of the 29th, Dugan of the 30th, Brass of the 28th, Still of the 48th, Strickland of the 17th and others

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 plate recognition systems for the issuance of
3 a 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 standards for retention of stored images; to provide for standards for agreements
8 relating to issuance of such citations; to revise provisions relating to operation of an
9 unregistered motor vehicle or motor vehicle without a current license plate, revalidation
10 decal, or county decal; to provide for disclosure of certain records of the Department of
11 Revenue for purposes of issuance such civil monetary penalties; to revise provisions relating
12 to operation of a motor vehicle and motorcycle without proper insurance; to provide for
13 conforming changes; to provide for construction; to amend Title 15 of the Official Code of
14 Georgia Annotated, relating to courts, so as to authorize prosecuting attorneys, district
15 attorneys, and solicitors-general to enforce civil monetary penalties relative to the issuance
16 of a civil monetary penalty for the ownership of a motor vehicle operated without proper
17 insurance or with an expired, revoked, canceled, or suspended registration; to provide for
18 related matters; to repeal conflicting laws; and for other purposes.

S. B. 94

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 SECTION 1.

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

24 "ARTICLE 4

25 40-1-250.

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

28 40-1-251.

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

39 40-1-252.

40 As used in this article, the term:

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

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

45 (B) Operates, maintains, leases, or licenses an automated license plate recognition
46 system; or

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

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

53 (3) 'Owner' means the registrant of a motor vehicle, except that such term shall not
54 include a motor vehicle rental company when a motor vehicle registered by such
55 company is being operated by another person under a rental agreement with such
56 company.

57 (4) 'Stored images' means images of motor vehicle license plates digitally captured and
58 retained by a video capture device which have been processed through an automated
59 license plate system and the associated metadata for such images, including the date,
60 time, and global position satellite system coordinates.

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

64 40-1-253.

65 (a) The owner of a motor vehicle operated on the highways of this state at a time when the
66 registration of such vehicle is expired, suspended, canceled, or revoked shall be liable for

67 the civil monetary penalty as set forth in subsection (b) of this Code section when such
68 operation is evidenced by stored images and such operation was not otherwise authorized
69 by law.

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

74 40-1-254.

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

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

82 40-1-255.

83 The law enforcement agency authorized to enforce the traffic laws of this state or agent
84 thereof shall send by first-class mail addressed to the owner of the motor vehicle operated
85 in violation of Code Section 40-1-253 or Code Section 40-1-254, not later than ten days
86 after obtaining the name and address of such owner from the Department of Revenue, the
87 following:

88 (1) A citation for the alleged violation, which shall include the type of violation alleged,
89 the date and time of the alleged violation, the location of the alleged violation, the amount
90 of the civil monetary penalty imposed, and the date by which the civil monetary penalty
91 shall be paid.

92 (2) A copy of the stored image which shows the motor vehicle involved in the alleged
93 violation.

94 (3) A copy of a certificate sworn to or affirmed by a certified peace officer employed by
95 the law enforcement agency stating that, based upon inspection of stored images and the
96 data provided by an automated license plate recognition system, the owner's motor
97 vehicle was operated in violation of Code Section 40-1-253 or Code Section 40-1-254
98 and that such disregard or disobedience was not otherwise authorized by law.

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

101 (5) Information advising the owner of the motor vehicle of the manner in which liability
102 as alleged in the citation may be contested.

103 40-1-256.

104 (a) Proof that a motor vehicle was operated in violation of Code Section 40-1-253 or Code
105 Section 40-1-254 may be evidenced by stored images and data provided by an automated
106 license plate recognition system. A copy of a certificate sworn to or affirmed by a certified
107 peace officer employed by a law enforcement agency and stating that, based upon
108 inspection of stored images and data provided by an automated license plate recognition
109 system, a motor vehicle was operated in violation of Code Section 40-1-253 or Code
110 Section 40-1-254 and that such operation was not otherwise authorized by law shall be
111 prima-facie evidence of the facts contained therein.

112 (b) Liability under this article shall be determined based upon a preponderance of the
113 evidence. Prima-facie evidence that the motor vehicle described in the citation issued
114 pursuant to this article was operated in violation of Code Section 40-1-253 or Code
115 Section 40-1-254 , together with proof that the defendant was at the time of such violation
116 the registered owner of the motor vehicle, shall permit the trier of fact in its discretion to
117 infer that such owner of the motor vehicle was the operator or authorized the use of the

118 motor vehicle at the time of the alleged violation. Such an inference may be rebutted if the
119 owner of the motor vehicle presents to the court a certified copy of a police report showing
120 that the motor vehicle had been reported to the police as stolen prior to the time of the
121 alleged violation or proof that the motor vehicle had proper insurance or registration at the
122 time the citation was issued.

123 40-1-257.

124 (a) When a person fails to pay the civil monetary penalty for which citation and notice
125 were sent pursuant to Code Section 40-1-255 or has failed to file a police report pursuant
126 to Code Section 40-1-256 within 60 days from the date such citation and notice were
127 mailed pursuant to Code Section 40-1-255, the law enforcement agency or agent thereof
128 which sent the original citation shall send a second notice; provided, however, that such
129 second notice shall not be sent in cases in which an adjudication that no violation occurred
130 has been issued or there is an otherwise lawful determination that no civil monetary penalty
131 shall be imposed. Such second notice shall include all information required of the original
132 citation and notice in Code Section 40-1-255 and a new date of return which shall be no
133 less than 30 days after such mailing. If such person notified by second notice again fails
134 to pay the civil monetary penalty or file a police report by the new date of return, such
135 person shall have waived the right to contest the violation and shall be liable for the civil
136 monetary penalty provided for under this article, except in cases in which an adjudication
137 that no violation occurred has been issued or there is an otherwise a lawful determination
138 that no civil monetary penalty shall be imposed.

139 (b) When a citation is issued for any offense pursuant to this article and a previous citation
140 issued by the same jurisdiction pursuant to this article has not been paid for more than 90
141 days from the first mailing of such citation, the amount of the civil penalty for the
142 subsequent citation shall be double the amount of the most recently issued unpaid civil
143 monetary penalty; provided, however, that such subsequent civil monetary penalty shall

144 not exceed \$800.00. The amount owed for any previous unpaid civil penalties shall remain
145 due. The total amount collected for a single citation issued pursuant to this article,
146 including any late fees assessed, shall not exceed \$800.00.

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

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

153 40-1-258.

154 (a) Notices mailed by first-class mail shall be adequate notification of the fees and
155 penalties imposed by this article.

156 (b) Any court having jurisdiction over violations relating to violation of traffic laws shall
157 have jurisdiction over cases arising under this article and shall be authorized to impose the
158 civil monetary penalty provided by this article. Except as otherwise provided to the
159 contrary, the provisions of law governing jurisdiction, procedure, defenses, adjudication,
160 appeal, and payment and distribution of penalties otherwise applicable to traffic violations
161 within the jurisdiction in which a citation has been issued shall apply to enforcement under
162 this article; provided, however, that any appeal from a superior or state court shall be by
163 application in the same manner as that provided by Code Section 5-6-35; provided, further,
164 however, that the provisions of Chapter 11 of Title 17 to the contrary notwithstanding, the
165 costs of such prosecution shall not be taxed nor shall any additional penalty, fee, or
166 surcharge to a fine for such offense be assessed against a person for a citation issued
167 pursuant to this article.

168 40-1-259.

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

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

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

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

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

180 40-1-260.

181 The moneys collected and remitted to the governing body or law enforcement agency
182 pursuant to this article shall only be used by such governing body or law enforcement
183 agency to fund local law enforcement or public safety initiatives. This subsection shall not
184 preclude the appropriation of a greater amount than collected and remitted under this article
185 for such purposes.

186 40-1-261.

187 A violation for which a civil monetary penalty is imposed pursuant to this article shall not
188 be considered a moving traffic violation for the purpose of points assessment under Code
189 Section 40-5-57. Such violation shall be considered noncriminal, and the imposition of a
190 civil monetary penalty pursuant to this article shall not be considered a conviction and shall
191 not be made a part of the operating record of the person upon whom such penalty is

192 imposed, nor shall it be used for any purposes in the provision of motor vehicle insurance
 193 coverage."

194 **SECTION 2.**

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

198 "40-2-8.

199 (a) Except as otherwise provided for in this Code section, no person shall own or operate
 200 a motor vehicle upon the highways of this state that is required to be registered pursuant
 201 to Code Section 40-2-20 without complying with such Code section. No person shall loan,
 202 rent, or lease a motor vehicle required to be registered pursuant to Code Section 40-2-20
 203 for use upon the highways of this state without complying with such Code section. Each
 204 day a motor vehicle is operated in violation of this subsection shall be a separate violation.
 205 ~~Any person owning or operating any vehicle described in Code Section 40-2-20 on any~~
 206 ~~public highway or street without complying with that Code section shall be guilty of a~~
 207 ~~misdemeanor, provided that a person shall register his or her motor vehicle within 30 days~~
 208 ~~after becoming a resident of this state. Any person renting, leasing, or loaning any vehicle~~
 209 ~~described in Code Section 40-2-20 which is being used on any public highway or street~~
 210 ~~without complying with that Code section shall be guilty of a misdemeanor and, upon~~
 211 ~~conviction thereof, shall be punished by a fine of \$100.00 for each violation, and each day~~
 212 ~~that such vehicle is operated in violation of Code Section 40-2-20 shall be deemed to be~~
 213 ~~a separate and distinct offense.~~

214 (b)(1) ~~Reserved.~~

215 (2)(A) ~~It shall be a misdemeanor to operate any vehicle required to be registered in the~~
 216 ~~State of Georgia without a valid numbered license plate properly validated, unless such~~
 217 ~~operation is otherwise permitted under this chapter; and provided, further, that the~~

218 (b)(1)(A) The purchaser of a new vehicle or a used vehicle from a dealer of new or
219 used motor vehicles who displays a temporary plate issued as provided by
220 subparagraph (B) of this paragraph may operate such vehicle on the public highways
221 and streets of this state without a current valid license plate during the period within
222 which the purchaser is required by Code Section 40-2-20. An owner acquiring a motor
223 vehicle from an entity that is not a new or used vehicle dealer shall register such vehicle
224 as provided for in Code Section 40-2-29 unless such vehicle is to be registered under
225 the International Registration Plan pursuant to Article 3A of this chapter.

226 (B)(i) Any dealer of new or used motor vehicles shall issue to the purchaser of a
227 vehicle at the time of sale thereof, unless such vehicle is to be registered under the
228 International Registration Plan, a temporary plate as provided for by department rules
229 or regulations which may bear the dealer's name and location and shall bear an
230 expiration date 45 days from the date of purchase. The expiration date of such a
231 temporary plate may be revised and extended by the county tag agent upon
232 application by the dealer, the purchaser, or the transferee if an extension of the
233 purchaser's initial registration period has been granted as provided by Code
234 Section 40-2-20. Such temporary plate shall not resemble a license plate issued by
235 this state and shall be issued without charge or fee. The requirements of this
236 subparagraph shall not apply to a dealer whose primary business is the sale of salvage
237 motor vehicles and other vehicles on which total loss claims have been paid by
238 insurers.

239 (ii) All temporary plates issued by dealers to purchasers of vehicles shall be of a
240 standard design prescribed by regulation promulgated by the department. The
241 department may provide by rule or regulation for the sale and distribution of such
242 temporary plates by third parties in accordance with paragraph ~~(3)~~ (2) of this
243 subsection.

244 ~~(3)(2)~~ (2) All sellers and distributors of temporary license plates shall maintain an inventory
245 record of temporary license plates by number and name of the dealer.

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

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

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

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

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

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

270 (B) By a fine of \$25.00 for the operation of a motor vehicle without a county decal
271 upon the license plate in violation of subsection (c) of this Code section; or
272 (2) Upon enforcement through the use of an automated license plate recognition system
273 in accordance with Article 4 of Chapter 1, a civil monetary penalty as set forth in such
274 article. A violation enforced pursuant to this paragraph shall not be considered a
275 conviction and shall not be made a part of the operating record of the person upon whom
276 such penalty is imposed, nor shall it be used for any purposes in the provision of motor
277 vehicle insurance coverage."

278 **SECTION 3.**

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

281 **SECTION 4.**

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

285 "(c) A person shall register his or her motor vehicle within 30 days after becoming a
286 resident of this state. Any person who fails to register a new or used motor vehicle as
287 required in subsection (a) of this Code section shall be guilty of a misdemeanor and, upon
288 conviction thereof, shall be punished by a fine not exceeding \$100.00."

289 **SECTION 5.**

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

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

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

304 **SECTION 6.**

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

308 "(c) For the purposes of mandatory suspension of a driver's license for a first ~~violation~~
309 conviction of subsection (a), (b), or (c) of Code Section 40-6-10, a forfeiture of bail or
310 collateral used to seek a defendant's appearance in court, the payment of a fine, a plea of
311 guilty, or a finding of guilty shall be considered a conviction regardless of whether the
312 sentence is suspended, probated, rebated, or revoked. A plea of nolo contendere shall not
313 be considered a conviction under this subsection, but a record of the disposition of the case
314 shall be forwarded by the court to the department for the purposes of counting the plea of
315 nolo contendere as a conviction under subsection (d) of this Code section."

316

SECTION 7.

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

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

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

332 (6) Reserved."

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

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

342 (B) Upon enforcement through the use of an automated license plate recognition
 343 system in accordance with Article 4 of Chapter 1, a civil monetary penalty as set forth
 344 in such article. A violation enforced pursuant to this subparagraph shall not be
 345 considered a conviction and shall not be made a part of the operating record of the
 346 person upon whom such penalty is imposed, nor shall it be used for any purposes in the
 347 provision of motor vehicle insurance coverage. An operator of a motor vehicle shall
 348 not be guilty of a violation of this Code section if such operator maintains a policy of
 349 motor vehicle insurance which extends coverage to any vehicle the operator may drive.
 350 (2) An owner or operator of a motor vehicle shall not be issued a uniform traffic citation
 351 by a law enforcement officer for a violation of this Code section subsection if the sole
 352 basis for issuance of such a citation is that the law enforcement officer is unable to obtain
 353 insurance coverage information from the records of the Department of Revenue or the
 354 operator of the motor vehicle maintains a policy of motor vehicle insurance which
 355 extends coverage to any vehicle the operator may drive."

356

SECTION 8.

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

359 "(b) No owner of a motorcycle or any other person, other than a self-insurer as defined in
 360 Chapter 34 of Title 33, shall operate or authorize any other person to operate the
 361 motorcycle unless the owner has liability insurance on the motorcycle equivalent to that
 362 required as evidence of security for bodily injury and property damage liability under Code
 363 Section 40-9-37. ~~Any person who violates this subsection shall be guilty of a misdemeanor~~
 364 A violation of this subsection shall be punished as follows:

365 (1) Upon enforcement through the issuance of a uniform traffic citation by a police
 366 officer at the time of the offense, a misdemeanor; or

367 (2) Upon enforcement through the use of an automated license plate recognition system
368 in accordance with Article 4 of Chapter 1, a civil monetary penalty as set forth in such
369 article. A violation enforced pursuant to this subsection shall not be considered a
370 conviction and shall not be made a part of the operating record of the person upon whom
371 such penalty is imposed, nor shall it be used for any purposes in the provision of motor
372 vehicle insurance coverage."

373 **SECTION 9.**

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

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

381 **SECTION 10.**

382 Said title is further amended in Code Section 15-18-6, relating to duties of district attorney,
383 by revising paragraph (5) as follows:

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

388 **SECTION 11.**

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

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

395 **SECTION 12.**

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

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

402 **SECTION 13.**

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