

House Bill 1219

By: Representatives Silcox of the 53rd, Stephens of the 164th, and Holland of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 4 of Title 32 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to state, county, and municipal road systems, so as to
3 provide for a pilot program to determine the efficacy of enforcement of traffic laws relating
4 to excessive noise levels emitted from a motor vehicle by noise detection technology that
5 produces recorded images; to provide for definitions; to provide for procedures, conditions,
6 and limitations upon such pilot program; to provide for a civil monetary penalty; to provide
7 for the method for submission of complaints; to provide for recommendations; to provide for
8 reporting to the General Assembly; to provide for related matters; to repeal conflicting laws;
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 1 of Chapter 4 of Title 32 of the Official Code of Georgia Annotated, relating to
13 general provisions relative to state, county, and municipal road systems, is amended by
14 adding a new Code section to read as follows:

15 "32-4-5.

16 (a) As used in this Code section, the term:

17 (1) 'Automated noise level detection system' means a system of microphones and
18 cameras capable of detecting decibel levels of sound emitted from a passing motor
19 vehicle and producing recorded images of such vehicle.

20 (2) 'Owner' means the registrant of a motor vehicle.

21 (3) 'Recorded images' means images of a motor vehicle license plate produced by an
22 automated noise level detection system upon detection of a violation of traffic laws
23 relating to excessive noise levels emitted from a motor vehicle. Such images shall
24 include the date and time the images were taken.

25 (4) 'Third-party agent' means a person or entity that is authorized through a contract with
26 a local governing body and the department to administer the pilot program authorized by
27 this Code section through the provision of services, the operation and maintenance of an
28 automated noise level detection system, the review and assembly of recorded images, the
29 issuance of citations for civil monetary penalties, and the collection and disbursement of
30 moneys pursuant to citations issued.

31 (b) Notwithstanding any provision of Code Section 40-8-71 to the contrary, the department
32 shall establish a pilot program to assess the effectiveness and accuracy of using recorded
33 images and emerging technology to determine decibel levels of sound emitted from a motor
34 vehicle that are in excess of that allowed by state traffic laws. The department shall
35 implement the pilot program for a minimum period of three months up to a period not to
36 exceed a total of six months. The pilot program shall be limited to participation by one
37 local governing body and shall provide for one area or roadway within the jurisdiction of
38 such participating local governing body where instances of excessive noise levels emitted
39 from a motor vehicle greater than 70 decibels for a passenger car and 95 decibels for a
40 motorcycle may be enforced by a third-party agent through the use of recorded images.
41 The maximum portion of roadway which may be included in the pilot program area shall
42 not exceed one-quarter mile.

43 (c) For purposes of the pilot program established pursuant to this Code section, the
44 department shall work with the local governing body selected to participate in the selection
45 of a third-party agent to use automated noise level detection systems within the pilot
46 program area. Such third-party agent shall be authorized pursuant to the terms of the pilot
47 program to issue civil monetary penalties to owners of motor vehicles for which an
48 automated noise level detection system has detected noise levels greater than those
49 authorized for such vehicle as set forth in subsection (b) of this Code section. The
50 department shall develop procedures for required notices to an owner of a motor vehicle
51 evidenced by recorded images to have operated such motor vehicle that produced noise
52 levels in excess of those set forth in subsection (b) of this Code section within the pilot
53 program area.

54 (d) Any agreement entered into between the department, a local governing body, and a
55 third-party agent pursuant to this Code section shall provide that any civil monetary penalty
56 issued shall be no greater than \$25.00. Issuance of a civil monetary penalty by a
57 third-party agent pursuant to the provisions of the pilot program shall be considered
58 noncriminal, and imposition of a civil monetary penalty shall not be considered a
59 conviction and shall not be made a part of the operating record of the person upon whom
60 such penalty is imposed, nor shall it be used for any purposes in the provision of motor
61 vehicle insurance coverage.

62 (e) The department shall make available upon its public website the terms and rules
63 adopted relating to the pilot program authorized by this Code section. The department shall
64 provide for a method by which any owner issued a civil monetary penalty citation by a
65 third-party agent may submit a complaint when such owner believes a citation was issued
66 in violation of the terms or rules of the pilot program.

67 (f) Upon completion of the term of the pilot program authorized by this Code section, the
68 commissioner shall provide a report to the General Assembly. Such report shall include
69 an evaluation of such pilot program, the number of civil monetary penalty citations issued

70 during the pilot program term, the data relating to compliance by owners issued such
71 citations, a summary of any complaints relating to the pilot program submitted by owners
72 issued citations claimed to be in violation of the terms or rules of the pilot program,
73 recommendations as to whether the provisions of the pilot program should be implemented
74 state wide, and proposals for legislative action needed if such recommendations are
75 implemented."

76 **SECTION 2.**

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