

House Bill 1333

By: Representatives Evans of the 89th, Drenner of the 85th, Davis of the 87th, Roberts of the 52nd, Mitchell of the 88th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement
2 officers and agencies, so as to authorize county and municipal law enforcement agencies to
3 employ civilian personnel to investigate traffic accidents involving property damage; to
4 provide for violations and penalties; to provide for the establishment of a training program
5 for civilian traffic investigators by the Georgia Peace Officer Standards and Training
6 Council; to amend Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating
7 to the uniform rules of the road, so as to authorize civilian traffic investigators to assist in
8 directing and regulating the flow of traffic; to provide that civilian traffic investigators utilize
9 uniform motor vehicle accident reports and reporting procedures; to provide for related
10 matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
14 agencies, is amended by adding a new Code section to read as follows:

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15 "35-1-24.

16 (a) For purposes of this Code section, the term 'civilian traffic investigator' means
17 nonsworn law enforcement employees who assist in the investigation of traffic accidents
18 involving property damage to an apparent extent of \$500.00 or more.

19 (b) A county or municipal law enforcement agency of this state shall be authorized to
20 employ, designate, equip, and train civilian traffic investigators.

21 (c) No county or municipal law enforcement agency shall employ civilian traffic
22 investigators for purposes of reducing or replacing sworn law enforcement officers.

23 (d) No civilian traffic investigator shall exercise any of the powers or authority which are
24 by law vested in the office of sheriff or any other peace officer, including the power of
25 arrest, except as may be authorized by law. Nor shall such individual:

26 (1) Have the power to possess and carry firearms and other weapons for the purpose of
27 investigating motor vehicle traffic accidents; provided, however, that any individual who
28 is a lawful weapons carrier as such term is defined in Code Section 16-11-125.1 shall not
29 be in violation of this paragraph; or

30 (2) Be issued a weapon of any type by the county or municipal law enforcement agency.

31 (e) A county or municipal law enforcement agency that employs civilian traffic
32 investigators shall establish the minimum standards for employment.

33 (f) Each civilian traffic investigator shall attend and complete a uniform training program
34 established by the Georgia Peace Officer Standards and Training Council. Such program
35 shall at a minimum consist of four hours of instruction and include education on motor
36 vehicle accident investigation. Upon completion of such program, each civilian traffic
37 investigator shall spend not less than four weeks of field training with a law enforcement
38 officer who has experience conducting traffic accident investigations.

39 (g) A civilian traffic investigator shall be issued the following by a county or municipal
40 law enforcement agency:

41 (1) Credentials identifying the individual as such and which shall be produced upon
42 request by an individual involved in or a witness to a motor vehicle traffic accident; and

43 (2) A uniform that is substantially different in color and style from any law enforcement
44 officer in this state and which displays the name of the civilian traffic investigator and
45 patches that identify the individual as a civilian traffic investigator. Such uniform shall
46 remain the property of the law enforcement agency that employs the civilian traffic
47 investigator.

48 (h) No civilian traffic investigator employed pursuant to the authority of this Code section
49 shall be issued a badge as defined in Code Section 35-10-3.

50 (i) No vehicle issued to, or used by, a civil traffic investigator shall bear markings or
51 symbols that identify the vehicle as a law enforcement vehicle. Such vehicle may have
52 emergency equipment and lights installed; provided, however, that no such vehicle shall
53 be equipped with flashing, blinking, revolving, or stationary blue lights.

54 (j) A civilian traffic investigator who investigates a motor vehicle accident shall instruct
55 the driver of each motor vehicle in an accident to report the following to all other parties
56 suffering property damage as an apparent result of the accident:

57 (1) The name and address of the operator of the motor vehicle and the name and address
58 of the registered owner of the motor vehicle if the operator of the motor vehicle is not the
59 owner;

60 (2) The license number of the motor vehicle; and

61 (3) The name of the liability insurance carrier for the motor vehicle or the fact that such
62 operator has a certificate of self-insurance issued pursuant to Code Section 33-34-5.1.

63 (k) A civilian traffic investigator shall use uniform accident reports and procedures set
64 forth in Code Section 40-6-278 and shall have the same authority as a law enforcement
65 officer to direct, control, or regulate traffic for the express purpose of towing or removing
66 a vehicle that is obstructing a highway.

67 (1) It shall be unlawful for any individual to willfully obstruct, resist, impede, or interfere
68 with a civilian traffic investigator employed pursuant to this Code section in connection
69 with such individual's investigation or to retaliate or discriminate in any manner against
70 such individual as a reprisal for any act or omission of such individual. Any violation of
71 this subsection shall be punishable as a misdemeanor."

72 **SECTION 2.**

73 Said title is further amended by revising Code Section 35-8-7, relating to powers and duties
74 of the Georgia Peace Officer Standards and Training Council, as follows:

75 "35-8-7.

76 The council is vested with the following powers and duties:

- 77 (1) To meet at such times and places as it may deem necessary;
- 78 (2) To contract with other agencies, public or private, or persons as it deems necessary
79 for the rendering and affording of such services, facilities, studies, and reports to the
80 council as will best assist it to carry out its duties and responsibilities;
- 81 (3) To cooperate with and secure the cooperation of every department, agency, or
82 instrumentality in the state government or its political subdivisions in the furtherance of
83 the purposes of this chapter;
- 84 (4) To establish criteria to be used in certifying schools authorized to conduct training
85 required by this chapter;
- 86 (5) To certify schools as authorized to conduct training required by this chapter;
- 87 (6) To prescribe minimum qualifications for directors of schools certified to conduct
88 training required by this chapter;
- 89 (7) To certify such school directors;
- 90 (8) To establish minimum qualifications for instructors at schools certified to conduct
91 training required by this chapter;
- 92 (9) To certify instructors authorized to conduct training required by this chapter;

- 93 (10) To reevaluate certified schools annually to determine if such schools shall continue
94 to be certified;
- 95 (11) To withdraw or suspend certification of schools, school directors, and instructors
96 who fail to continue to meet or maintain, at any given time, the criteria and qualifications
97 required for school, school director, or instructor certification;
- 98 (12) To determine whether a candidate has met the requirements of this chapter and is
99 qualified to be employed as a peace officer and to issue a certificate to those so qualified;
- 100 (13) To certify to designated law enforcement units a candidate's successful completion
101 of the course;
- 102 (14) To refuse to grant a certificate to or to discipline a certified peace officer or an
103 exempt peace officer under this chapter or any antecedent law;
- 104 (15) To establish and modify the curriculum, including the methods of instruction,
105 composing the basic training courses and to set the minimum number of hours therefor;
- 106 (15.1) To establish a uniform training program for civilian traffic investigators which
107 shall be made available to civilian traffic investigators employed by a county or
108 municipality pursuant to Code Section 35-1-24;
- 109 (16) To establish and recommend curricula for such advanced, in-service, and
110 specialized training courses as the council shall deem advisable and to recognize the
111 completion of such courses by the issuance of certificates;
- 112 (17) To provide technical assistance as requested by law enforcement units;
- 113 (18) To provide for and administer the registration of all exempt peace officers;
- 114 (19) To research, plan, and establish policy relative to peace officer training and to
115 develop and coordinate the delivery of peace officer training programs through such
116 agencies and institutions as the council may deem appropriate;
- 117 (20) To establish as part of the curriculum for basic and in-service training courses for
118 all peace officers training on organized criminal activity and criminal street gangs;

- 119 (21) To develop, adopt, and issue advanced or professional peace officer certificates
120 based upon the attainment of specified education, advanced or specialized training, and
121 experience as the council may determine;
- 122 (22) To provide and administer the certification of persons qualified to operate radar
123 speed detection devices and to withdraw or suspend such certificates as provided for in
124 this chapter;
- 125 (23) To impose administrative fees, as determined by the council, for services provided
126 pursuant to the provisions of this chapter;
- 127 (24) To adopt in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
128 Procedure Act,' such rules and regulations as are necessary to carry out the purposes of
129 this chapter; and
- 130 (25) To do any and all things necessary or convenient to enable it to perform wholly and
131 adequately its duties and to exercise the power granted to it."

132 **SECTION 3.**

133 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules
134 of the road, is amended by revising Code Section 40-6-2, relating to obedience to authorized
135 persons directing traffic, as follows:

136 "40-6-2.

137 No person shall fail or refuse to comply with any lawful order or direction of any law
138 enforcement officer or firefighter, nonsworn employee or volunteer authorized under Code
139 Section 35-1-11, ~~or~~ individual designated under Code Section 20-2-1131, or civilian traffic
140 investigator employed pursuant to Code Section 35-1-24 with the authority to direct,
141 control, or regulate traffic."

142 **SECTION 4.**

143 Said chapter is further amended by revising Code Section 40-6-278, relating to uniform
144 motor vehicle accident reports and reporting procedures, as follows:

145 "40-6-278.

146 The commissioner of transportation shall prescribe, by rule, uniform motor vehicle accident
147 reports and reporting procedures which shall be used by all police officers, whether state,
148 county, or municipal and by all civilian traffic investigators, whether county or municipal.

149 The rules shall be adopted in accordance with Chapter 13 of Title 50, the 'Georgia
150 Administrative Procedure Act.' The rules may require one type of report and reporting
151 procedure for motor vehicle accidents in which property damage alone is involved and
152 another type of report and reporting procedure for motor vehicle accidents involving
153 personal injury or death. The commissioner may, by rule, require additional investigation
154 or reports in case of serious bodily injury or death."

155 **SECTION 5.**

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