

The House Committee on Rules offers the following substitute to SB 217:

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 revise a definition; to provide for
3 times when a school zone speed limit may be enforced through the use of an automated
4 traffic enforcement safety device; to provide for admissible evidence for proof of a violation
5 of speed limit through the use of speed detection devices; to provide for investigations of
6 unauthorized use by local governing bodies or agents and penalties; to revise standards for
7 use of civil monetary penalties in the permissible ratio to an agency's budget; to provide for
8 procedures, conditions, and limitations for issuing citations for the violation of speed limit
9 through the use of automated traffic enforcement safety devices; to provide for procedures
10 for contesting such citations; to provide for nonrenewal eligibility of motor vehicle
11 registration in certain instances; to amend Title 15 of the Official Code of Georgia
12 Annotated, relating to courts, so as to authorize district attorneys, solicitors-general, and
13 prosecuting attorneys to enforce civil monetary penalties relative to the enforcement of laws
14 regarding speeding in a school zone using recorded images; to amend Code Section 40-6-163
15 of the Official Code of Georgia Annotated, relating to duty of driver of vehicle meeting or
16 overtaking school bus, reporting of violations, and civil monetary penalty for violations
17 captured by school bus camera, so as to revise penalties for failure to pay a civil monetary

18 penalty relating to illegal passing of a school bus; to revise procedures for contesting such
 19 citations; to provide for nonrenewal eligibility of motor vehicle registration in certain
 20 instances; to provide for related matters; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

23 Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to use of speed
 24 detection devices and red light cameras, is amended in Code Section 40-14-1.1, relating to
 25 definitions, by revising paragraph (5) as follows:

26 "(5) 'School zone' means the area ~~within 1,000 feet of the boundary of~~ defined in an
 27 existing master state order or local ordinance as a school zone area for any public or
 28 private elementary or secondary school."

29 **SECTION 2.**

30 Said chapter is further amended by revising Code Section 40-14-8, relating to when case may
 31 be made and conviction had, as follows:

32 "40-14-8.

33 (a) No county, city, or campus officer shall be allowed to make a case based on the use of
 34 any speed detection device, unless the speed of the vehicle exceeds the posted speed limit
 35 by more than ten miles per hour and no conviction shall be had thereon unless such speed
 36 is more than ten miles per hour above the posted speed limit.

37 (b) The limitations contained in subsection (a) of this Code section shall not apply in:
 38 ~~properly marked school zones one hour before, during, and one hour after the normal hours~~
 39 ~~of school operation or programs for care and supervision of students before school, after~~
 40 ~~school, or during vacation periods as provided for under Code Section 20-2-65,~~

41 (1) School zones properly marked with warning signs while the reduction of the speed
 42 limit for the school zone is in effect, when the speed detection device is operated by an
 43 on-site law enforcement officer;

44 (2) Properly in properly marked historic districts; and

45 (3) Properly in properly marked residential zones.

46 (c) For purposes of this chapter, thoroughfares with speed limits of 35 miles per hour or
 47 more shall not be considered residential ~~districts~~ zones. For purposes of this Code section,
 48 the term 'historic district' means a historic district as defined in ~~paragraph (5)~~ of Code
 49 Section 44-10-22 and which is listed on the Georgia Register of Historic Places or as
 50 defined by ordinance adopted pursuant to a local constitutional amendment."

51 **SECTION 3.**

52 Said chapter is further amended by revising Code Section 40-14-9, relating to certain
 53 evidence inadmissible and use of device on hill, as follows:

54 "40-14-9.

55 Evidence obtained by county or municipal law enforcement officers in using speed
 56 detection devices, other than automated traffic enforcement safety devices, within 300 feet
 57 of a reduction of a speed limit inside an incorporated municipality or within 600 feet of a
 58 reduction of a speed limit outside an incorporated municipality or consolidated city-county
 59 government shall be inadmissible in the prosecution of a violation of any municipal
 60 ordinance, county ordinance, or state law regulating speed; nor shall such evidence be
 61 admissible in the prosecution of a violation as aforesaid when such violation has occurred
 62 within 30 days following a reduction of the speed limit in the area where the violation took
 63 place, except that this 30 day limitation shall not apply to a speeding violation within a
 64 highway work zone, as defined in Code Section 40-6-188, or in an area with variable speed
 65 limits, as defined in Code Section 40-6-182. No speed detection device shall be employed

66 by county, municipal, or campus law enforcement officers on any portion of any highway
67 which has a grade in excess of 7 percent. No automated traffic enforcement safety device
68 shall be employed by any county, municipal, or campus law enforcement or any agent
69 thereof other than as provided for in this chapter."

70 **SECTION 4.**

71 Said chapter is further amended by revising Code Section 40-14-11, relating to investigations
72 by commissioner of public safety, issuance of order suspending or revoking permit, and ratio
73 of speeding fines to agency's budget, as follows:

74 "40-14-11.

75 (a) Upon a complaint being made to the commissioner of public safety that any county,
76 municipality, college, or university is employing speed detection devices for purposes other
77 than the promotion of the public health, welfare, and safety or in a manner which violates
78 this chapter or violates its speed detection device permit, the commissioner or the
79 commissioner's designee is authorized and empowered to conduct an investigation into the
80 acts and practices of such county, municipality, college, or university with respect to speed
81 detection devices. If, as a result of this investigation, the commissioner or the
82 commissioner's designee finds that there is probable cause to suspend or revoke the speed
83 detection device permit of such county, municipality, college, or university, he or she shall
84 issue an order to that effect. When the speed detection device is an automated traffic
85 enforcement safety device, the commissioner shall send a copy of such order to the
86 Department of Transportation.

87 (b) Upon the suspension or revocation of any speed detection device permit, other than one
88 issued for an automated traffic enforcement safety device, for the reasons set forth in this
89 Code section, the commissioner of public safety shall notify the executive director of the
90 Georgia Peace Officer Standards and Training Council of the action taken.

91 (e) Upon receipt from the executive director of the Georgia Peace Officer Standards and
92 Training Council that an officer's certification to operate speed detection devices has been
93 withdrawn or suspended pursuant to Code Section 35-8-12, the commissioner of public
94 safety or the commissioner's designee shall suspend the speed detection device permit for
95 the employing agency. The period of suspension or revocation shall be consistent with the
96 action taken by the Georgia Peace Officer Standards and Training Council.

97 (c) Upon the conclusion of an investigation conducted pursuant to subsection (a) of this
98 Code section, the governing body of a county or municipality found to have violated any
99 provision of this chapter relating to automated traffic enforcement safety devices,
100 including, but not limited to, the unauthorized issuance of a civil monetary penalty for a
101 violation of this title other than as provided for in this chapter, shall be subject to the
102 withholding of state funding.

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

113 **SECTION 5.**

114 Said chapter is further amended by revising Code Section 40-14-18, relating to enforcement
115 of speed limit in school zones with recorded images, civil monetary penalty, and vehicle
116 registration and transfer of title restrictions for failure to pay penalty, as follows:

117 "40-14-18.

118 (a)(1) The speed limit within any school zone ~~as provided for in Code Section 40-14-8~~
119 ~~and~~ marked pursuant to Code Section 40-14-6 may be enforced by using photographically
120 recorded images for violations which occurred only 30 minutes prior to and 30 minutes
121 after the school's official starting time and 30 minutes prior to and 30 minutes after the
122 school's official dismissal time and when such violations are in excess of ten miles per
123 hour over the speed limit; provided, however, that, when any portion of a school's
124 property is bisected by a highway, such enforcement may occur on a school day during
125 the time in which instructional classes are taking place and one hour before such classes
126 are scheduled to begin and for one hour after such classes have concluded when such
127 violations are in excess of ten miles per hour over the speed limit.

128 (2) Prior to the placement of a device within a school zone, each school within whose
129 school zone such automated traffic enforcement safety device is to be placed shall first
130 apply for and secure a permit from the Department of Transportation for the use of such
131 automated traffic enforcement safety device. Such permit shall be awarded based upon
132 need. The Department of Transportation shall promulgate rules and regulations for the
133 implementation of this paragraph.

134 (b) For the purpose of enforcement pursuant to this Code section:

135 (1) The owner of a motor vehicle shall be liable for a civil monetary penalty to the
136 governing body of the law enforcement agency provided for in paragraph (2) of this
137 subsection if such vehicle is found, as evidenced by photographically recorded images,
138 to have been operated in disregard or disobedience of the speed limit within any school
139 zone and such disregard or disobedience was not otherwise authorized by law. The

140 amount of such civil monetary penalty shall be \$75.00 for a first violation and \$125.00
141 for a second or any subsequent violation, in addition to fees associated with the electronic
142 processing of such civil monetary penalty which shall not exceed \$25.00; provided,
143 however, that for a period of 30 days after the first automated traffic enforcement safety
144 device is introduced by a law enforcement agency within a school zone, the driver of a
145 motor vehicle shall not be liable for a civil monetary penalty but shall be issued a civil
146 warning for disregard or disobedience of the speed limit within the school zone;

147 (2) A law enforcement agency authorized to enforce the speed limit of a school zone, or
148 an agent working on behalf of a law enforcement agency or governing body, shall send
149 by ~~first-class~~ first-class mail addressed to the owner of the motor vehicle within 30 days
150 after obtaining the name and address of the owner of the motor vehicle from the
151 Department of Revenue but no later than 60 days after the date of the alleged violation:

152 (A) A citation for the alleged violation, which shall include the date and time of the
153 violation, the location of the infraction, the maximum speed at which such motor
154 vehicle was traveling in photographically recorded images, the maximum speed
155 applicable within such school zone, the civil warning or the amount of the civil
156 monetary penalty imposed, ~~and~~ the date by which a civil monetary penalty shall be
157 paid, and a statement that informs the recipient of the consequences for failure to pay
158 the civil monetary penalty;

159 (B) An image taken from the photographically recorded images showing the vehicle
160 involved in the infraction;

161 (C) A website address where photographically recorded images showing the vehicle
162 involved in the infraction and a duplicate of the information provided for in this
163 paragraph may be viewed;

164 (D) A copy of a certificate sworn to or affirmed by a certified peace officer employed
165 by a law enforcement agency authorized to enforce the speed limit of the school zone

166 and stating that, based upon inspection of photographically recorded images, the
167 owner's motor vehicle was operated in disregard or disobedience of the speed limit in
168 the marked school zone and that such disregard or disobedience was not otherwise
169 authorized by law;

170 (E) A statement of the inference provided by paragraph (4) of this subsection and of
171 the means specified therein by which such inference may be rebutted;

172 (F) Information advising the owner of the motor vehicle of the manner in which
173 liability as alleged in the citation may be contested ~~through an administrative hearing~~
174 which shall include an assigned hearing date to contest liability that shall be no later
175 than 60 days from the date of issuance of the citation; and

176 (G) A warning that failure to pay the civil monetary penalty or to contest liability ~~in~~
177 ~~a timely manner~~ through the submission of a sworn notarized statement or at the
178 assigned hearing as provided for in subsection (d) of this Code section shall waive any
179 right to contest liability;

180 (3) Proof that a motor vehicle was operated in disregard or disobedience of the speed
181 limit of the marked school zone shall be evidenced by photographically recorded images.
182 A copy of a certificate sworn to or affirmed by a certified peace officer employed by a
183 law enforcement agency and stating that, based upon inspection of photographically
184 recorded images, a motor vehicle was operated in disregard or disobedience of the speed
185 limit in the marked school zone and that such disregard or disobedience was not
186 otherwise authorized by law shall be prima-facie evidence of the facts contained therein;
187 and

188 (4) Liability under this Code section shall be determined based upon a preponderance of
189 the evidence. Prima-facie evidence that the vehicle described in the citation issued
190 pursuant to this Code section was operated in violation of the speed limit of the school
191 zone, together with proof that the defendant was, at the time of such violation, the

192 registered owner of the vehicle, shall permit the trier of fact in its discretion to infer that
193 such owner of the vehicle was the driver of the vehicle at the time of the alleged
194 violation. Such an inference may be rebutted if the owner of the vehicle:

195 ~~(A) Testifies~~ testifies under oath in open court or submits to the court prior to the
196 assigned hearing date a sworn notarized statement that he or she was not the operator
197 of the vehicle at the time of the alleged violation;

198 ~~(B) Presents to the court a certified copy of a police report showing that the vehicle had~~
199 ~~been reported to the police as stolen prior to the time of the alleged violation.~~

200 (c) A violation for which a civil warning or a civil monetary penalty is imposed pursuant
201 to this Code section shall not be considered a moving traffic violation for the purpose of
202 points assessment under Code Section 40-5-57. Such violation shall be deemed
203 noncriminal, and imposition of a civil warning or civil monetary penalty pursuant to this
204 Code section shall not be deemed a conviction and shall not be made a part of the operating
205 record of the person upon whom such liability is imposed, nor shall it be used for any
206 insurance purposes in the provision of motor vehicle insurance coverage. A civil monetary
207 penalty imposed pursuant to this Code section shall not be taxed nor shall any additional
208 fine, penalty, fee, or surcharge be assessed upon such penalty except as authorized by this
209 Code section.

210 (d) If a person issued and mailed a citation pursuant to subsection (b) of this Code section
211 fails to pay the civil monetary penalty for the violation or fails to appear on the assigned
212 hearing date to contest liability or has not ~~filed a police report or submitted a~~ notarized
213 statement pursuant to paragraph (4) of subsection (b) of this Code section ~~in no less than~~
214 ~~30 nor more than 60 days after,~~ within 60 days of the date of such mailing as determined
215 and noticed by the law enforcement agency, the agent or law enforcement agency shall
216 send to such person by ~~first-class~~ first-class mail a second notice of any unpaid civil
217 monetary penalty, except in cases where there is an adjudication that no violation occurred

218 or there is otherwise a lawful determination that no civil monetary penalty shall be
219 imposed. No more than a \$5.00 late fee shall be imposed for any unpaid civil monetary
220 penalty imposed under this Code section. The second notice shall include all information
221 required in paragraph (2) of subsection (b) of this Code section except for an assigned
222 hearing date and shall include a new date of return which shall be no less than 30 days after
223 such mailing as determined and noticed by the law enforcement agency. If such person
224 notified by second notice again fails to pay the civil monetary penalty or ~~file a police report~~
225 ~~or submit a~~ notarized statement pursuant to paragraph (4) of subsection (b) of this Code
226 section by the new date of return, such person shall have waived the right to contest the
227 violation and shall be liable for the civil monetary penalty provided for under this Code
228 section, except in cases where there is an adjudication that no violation occurred or there
229 is otherwise a lawful determination that no civil monetary penalty shall be imposed.

230 (e) Notices mailed by ~~first-class~~ first-class mail pursuant to this Code section shall be
231 adequate notification of the fees and penalties imposed by this Code section. No other
232 notice shall be required for the purposes of this Code section.

233 (f) Any court having jurisdiction over traffic violations ~~of subsection (a) of this Code~~
234 ~~section or traffic ordinances~~ shall have jurisdiction over cases arising under this ~~subsection~~
235 Code section and shall be authorized to impose the civil monetary penalty provided by this
236 ~~subsection~~ Code section. Except as otherwise provided in this ~~subsection~~ Code section, the
237 provisions of law governing jurisdiction, procedure, defenses, adjudication, appeal, and
238 payment and distribution of penalties otherwise applicable to traffic violations ~~of~~
239 ~~subsection (a) of this Code section or traffic ordinances~~ shall apply to enforcement under
240 this Code section except as otherwise provided in subsection (b) of this Code section;
241 provided, however, that any appeal from superior or state court shall be by application in
242 the same manner as that provided by Code Section 5-6-35.

243 (g) If a violation has not been contested and the assessed penalty has not been paid, the
244 agent or governing body shall send to the person who is the registered owner of the motor
245 vehicle a final notice of any unpaid civil monetary penalty authorized by this Code section,
246 except in cases where there is an adjudication that no violation occurred or there is
247 otherwise a lawful determination that no civil monetary penalty shall be imposed. The
248 notice shall inform the registered owner that the agent or governing body shall send a
249 referral to the Department of Revenue if the assessed penalty is not paid within 30 days
250 after the final notice was mailed and ~~such that such referral shall result in the nonrenewal~~
251 ~~of the registration of such motor vehicle and shall prohibit the title transfer of such motor~~
252 ~~vehicle within this state~~ of the consequences for failure to pay such penalty and any late
253 fee.

254 (h) The agent or governing body shall send a referral to the Department of Revenue not
255 sooner than 30 days after the final notice required under subsection (g) was mailed if a
256 ~~violation of an ordinance or resolution adopted under this article~~ has not been contested and
257 the assessed penalty has not been paid, except in cases where there is an adjudication that
258 no violation occurred or there is otherwise a lawful determination that no civil monetary
259 penalty shall be imposed. The referral to the Department of Revenue shall include the
260 following:

261 (1) Any information known or available to the agent or governing body concerning the
262 license plate number, year of registration, and the name of the owner of the motor
263 vehicle;

264 (2) The date on which the violation occurred;

265 (3) The citation number issued for the violation; and

266 ~~(3)(4)~~ The date when the notice required under this Code section was mailed; ~~and~~

267 ~~(4) The seal, logo, emblem, or electronic seal of the governing body.~~

268 (i) If the Department of Revenue receives a referral under subsection (h) of this Code
269 section, such referral shall be entered into the motor vehicle ~~database~~ data base within five
270 days of receipt and the Department of Revenue shall refuse to renew the registration of the
271 motor vehicle ~~and shall prohibit the title transfer of such vehicle within this state~~ unless and
272 until the civil monetary penalty plus any late fee is paid to the agent or governing body.
273 ~~The Department of Revenue shall mail a notice to the registered owner:~~

274 ~~(1) That the registration of the vehicle involved in the violation will not be permitted to~~
275 ~~be renewed;~~

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

278 ~~(3) That the aforementioned penalties are being imposed due to the failure to pay the~~
279 ~~civil monetary penalty and any late fee for an ordinance violation adopted under the~~
280 ~~authority of this Code section; and~~

281 ~~(4) Of the procedure that the person may follow to remove the penalties.~~

282 (j) The Department of Revenue shall remove the penalties penalty on a vehicle registration
283 if any person presents the Department of Revenue with adequate proof from the agent or
284 governing body that the penalty and any late fee, if applicable, has been paid.

285 (k) Recorded images made for purposes of this Code section shall not be a public record
286 for purposes of Article 4 of Chapter 18 of Title 50.

287 (l) A civil warning or civil monetary penalty under this Code section on the owner of a
288 motor vehicle shall not be imposed if the operator of the vehicle was arrested or issued a
289 citation and notice to appear by a certified peace officer for the same violation.

290 (m) The money collected and remitted to the governing body pursuant to paragraph (1) of
291 subsection (b) of this Code section shall only be used by such governing body to fund local
292 law enforcement or public safety initiatives. This subsection shall not preclude the
293 appropriation of a greater amount than collected and remitted under this subsection."

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SECTION 6.

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

"(A) In the prosecution of any violation of the laws or ordinances of such county which is within the jurisdiction of such probate court and punishable by confinement or a fine or both or by a civil penalty authorized by Code Section 40-6-163 or 40-14-18;"

SECTION 7.

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

"(5) To prosecute civil actions to enforce any civil penalty set forth in Code Section 40-6-163 or 40-14-18 and to prosecute or defend any other civil action in the prosecution or defense of which the state is interested, unless otherwise specially provided for;"

SECTION 8.

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

"(4) To prosecute civil actions to enforce any civil penalty set forth in Code Section 40-6-163 or 40-14-18 and when authorized by law to prosecute or defend any civil action in the state court in the prosecution or defense of which the state is interested, unless otherwise specially provided for;"

SECTION 9.

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

318 "(A) In the prosecution of any violation of the laws or ordinances of such municipality
319 which is within the jurisdiction of such municipal court and punishable by confinement
320 or a fine or both or by a civil penalty authorized by Code Section 40-6-163 or 40-14-18;
321 and"

322 **SECTION 10.**

323 Code Section 40-6-163 of the Official Code of Georgia Annotated, relating to duty of driver
324 of vehicle meeting or overtaking school bus, reporting of violations, and civil monetary
325 penalty for violations captured by school bus camera, is amended by revising subsection (d)
326 as follows:

327 "(d)(1) As used in this subsection, the term:

328 (A) 'Agent' means a person or entity that is authorized by a law enforcement agency
329 or governing body to administer the procedures contained herein and:

330 (i) Provides services to such law enforcement agency or governing body;

331 (ii) Operates, maintains, leases, or licenses a video recording device; or

332 (iii) Is authorized by such law enforcement agency or governing body to review and
333 assemble the recorded images.

334 (B) 'Owner' means the registrant of a motor vehicle, except that such term shall not
335 include a motor vehicle rental company when a motor vehicle registered by such
336 company is being operated by another person under a rental agreement with such
337 company.

338 (C) 'Recorded images' means images recorded by a video recording device mounted
339 on a school bus with a clear view of vehicles passing the bus on either side and showing

340 the date and time the recording was made and an electronic symbol showing the
341 activation of amber lights, flashing red lights, stop arms, and brakes.

342 (D) 'Video recording device' means a camera capable of recording digital images
343 showing the date and time of the images so recorded.

344 (2) Subsection (a) of this Code section may be enforced by using recorded images as
345 provided in this subsection.

346 (3) For the purpose of enforcement pursuant to this subsection:

347 (A) The owner of a motor vehicle shall be liable for a civil monetary penalty to the
348 governing body of the law enforcement agency provided for in subparagraph (B) of this
349 paragraph if such vehicle is found, as evidenced by recorded images, to have been
350 operated in disregard or disobedience of subsection (a) of this Code section and such
351 disregard or disobedience was not otherwise authorized by law. The amount of such
352 civil monetary penalty shall be \$250.00;

353 (B) The law enforcement agency authorized to enforce the provisions of this Code
354 section shall send by ~~first-class~~ first-class mail addressed to the owner of the motor
355 vehicle not later than ten days after obtaining the name and address of the owner of the
356 motor vehicle from the Department of Revenue:

357 (i) A citation for the alleged violation, which shall include the date and time of the
358 violation, the location of the infraction, the amount of the civil monetary penalty
359 imposed, ~~and~~ the date by which the civil monetary penalty shall be paid, and a
360 statement that informs the recipient of the consequences for failure to pay the civil
361 monetary penalty;

362 (ii) An image taken from the recorded image showing the vehicle involved in the
363 infraction;

364 (iii) A copy of a certificate sworn to or affirmed by a certified peace officer employed
365 by a law enforcement agency authorized to enforce this Code section and stating that,

366 based upon inspection of recorded images, the owner's motor vehicle was operated
367 in disregard or disobedience of subsection (a) of this Code section and that such
368 disregard or disobedience was not otherwise authorized by law;

369 (iv) A statement of the inference provided by subparagraph (D) of this paragraph and
370 of the means specified therein by which such inference may be rebutted;

371 (v) Information advising the owner of the motor vehicle of the manner ~~and time~~ in
372 which liability as alleged in the citation may be contested in court which shall include
373 an assigned hearing date no later than 60 days from the date of issuance of the
374 citation; and

375 (vi) A warning that failure to pay the civil monetary penalty or to contest liability ~~in~~
376 ~~a timely manner~~ through the submission of a sworn notarized statement or at the
377 assigned hearing shall waive any right to contest liability and result in a civil
378 monetary penalty;

379 (C) Proof that a motor vehicle was operated in disregard or disobedience of
380 subsection (a) of this Code section shall be evidenced by recorded images. A copy of
381 a certificate sworn to or affirmed by a certified peace officer employed by a law
382 enforcement agency and stating that, based upon inspection of recorded images, a
383 motor vehicle was operated in disregard or disobedience of subsection (a) of this Code
384 section and that such disregard or disobedience was not otherwise authorized by law
385 shall be prima-facie evidence of the facts contained therein; and

386 (D) Liability under this subsection shall be determined based upon preponderance of
387 the evidence. Prima-facie evidence that the vehicle described in the citation issued
388 pursuant to this subsection was operated in violation of subsection (a) of this Code
389 section, together with proof that the defendant was at the time of such violation the
390 registered owner of the vehicle, shall permit the trier of fact in its discretion to infer that

391 such owner of the vehicle was the driver of the vehicle at the time of the alleged
392 violation. Such an inference may be rebutted if the owner of the vehicle:

393 (i) ~~Testifies~~ testifies under oath in open court or submits to the court prior to the
394 assigned hearing date a sworn notarized statement that he or she was not the operator
395 of the vehicle at the time of the alleged violation ~~and identifies the name of the~~
396 ~~operator of the vehicle at the time of the alleged violation, or~~

397 (ii) ~~Presents to the court a certified copy of a police report showing that the vehicle~~
398 ~~had been reported to the police as stolen prior to the time of the alleged violation.~~

399 (4) A violation for which a civil penalty is imposed pursuant to this subsection shall not
400 be considered a moving traffic violation for the purpose of points assessment under Code
401 Section 40-5-57. Such violation shall be deemed noncriminal, and imposition of a civil
402 penalty pursuant to this subsection shall not be deemed a conviction and shall not be
403 made a part of the operating record of the person upon whom such liability is imposed,
404 nor shall it be used for any insurance purposes in the provision of motor vehicle insurance
405 coverage. A civil monetary penalty imposed pursuant to this subsection shall not be
406 taxed nor shall any additional fine, penalty, fee, or surcharge be assessed upon such
407 penalty except as authorized by this subsection.

408 (5) If a person is mailed a citation by ~~first-class~~ first-class mail pursuant to
409 subparagraph (B) of paragraph (3) of this subsection, such person may pay the penalty
410 or ~~request a court date~~ contest the citation on the assigned hearing date or submit a
411 notarized statement for rebuttal. Any citation executed pursuant to this paragraph shall
412 provide to the person issued the citation at least ~~30~~ 60 business days from the mailing of
413 the citation to inspect information collected by the video recording device in connection
414 with the violation. If the person ~~requesting a court date~~ issued a citation fails to appear
415 on the date and time of ~~such~~ the assigned hearing or ~~if a person~~ has not paid the penalty
416 for the violation or ~~filed a police report or~~ submitted a notarized statement pursuant to

417 subparagraph (D) of paragraph (3) of this subsection, such person shall then be sent a
418 second citation by ~~first class~~ first-class mail. No more than a \$5.00 late fee shall be
419 imposed for any unpaid civil monetary penalty imposed under this subsection. The
420 second citation shall include all information required in subparagraph (B) of paragraph
421 (3) of this subsection for the initial citation ~~and shall include a~~ except for an assigned
422 hearing date and time. If ~~a person fails to appear on the date and time of such hearing set~~
423 ~~out in the second citation or if~~ the person has failed to pay the penalty or ~~file~~ submit an
424 appropriate document for rebuttal, the person issued the second citation shall have waived
425 the right to contest the violation and shall be liable for the civil monetary penalty
426 provided in paragraph (3) of this subsection.

427 (6) Any court having jurisdiction over violations of subsection (a) of this Code section
428 shall have jurisdiction over cases arising under this subsection. Any person receiving a
429 notice pursuant to subparagraph (B) of paragraph (3) of this subsection shall have the
430 right to contest such liability for the civil monetary penalty in the magistrate court or
431 other court of competent jurisdiction for a traffic violation. Except as otherwise provided
432 in this subsection, the provisions of law governing jurisdiction, procedure, defenses,
433 adjudication, appeal, and payment and distribution of penalties otherwise applicable to
434 violations of subsection (a) of this Code section shall apply to enforcement under this
435 subsection except as provided in subparagraph (A) of paragraph (3) of this subsection;
436 provided, however, that any appeal from superior or state court shall be by application
437 in the same manner as that provided by Code Section 5-6-35.

438 (7) If a violation has not been contested and the assessed penalty has not been paid, the
439 agent or governing body shall send to the person who is the registered owner of the motor
440 vehicle a final notice of any unpaid civil monetary penalty authorized by this Code
441 section, except in cases where there is an adjudication that no violation occurred or there
442 is otherwise a lawful determination that no civil monetary penalty shall be imposed. The

443 notice shall inform the registered owner that the agent or governing body shall send a
 444 referral to the Department of Revenue if the assessed penalty and any late fee is not paid
 445 within 30 days after the final notice was mailed and ~~that such referral shall result in the~~
 446 ~~nonrenewal of the registration of such motor vehicle and shall prohibit the title transfer~~
 447 ~~of such motor vehicle within this state~~ of the consequences for failure to pay such penalty
 448 and any late fee.

449 (8) The agent or governing body shall send a referral to the Department of Revenue not
 450 sooner than 30 days after the final notice required under paragraph (7) of this subsection
 451 was mailed if a violation ~~of an ordinance or resolution adopted under this article~~ has not
 452 been contested and the assessed penalty has not been paid, except in cases where there
 453 is an adjudication that no violation occurred or there is otherwise a lawful determination
 454 that no civil monetary penalty shall be imposed. The referral to the Department of
 455 Revenue shall include the following:

456 (A) Any information known or available to the agent or governing body concerning the
 457 license plate number, year of registration, and the name of the owner of the motor
 458 vehicle;

459 (B) The date on which the violation occurred;

460 (C) The citation number issued for the violation; and

461 ~~(C)~~(D) The date when the notice required under this Code section was mailed; ~~and~~

462 ~~(D)~~ The seal, logo, emblem, or electronic seal of the governing body.

463 (9) If the Department of Revenue receives a referral under paragraph (8) of this
 464 subsection, such referral shall be entered into the motor vehicle data base within five days
 465 of receipt and the Department of Revenue shall refuse to renew the registration of such
 466 motor vehicle ~~and shall prohibit the title transfer of such vehicle within this state unless~~
 467 ~~and until the civil monetary penalty plus any late fee is paid to the~~ agent or governing

468 body. ~~The Department of Revenue shall mail a notice to the registered owner of such~~
469 ~~motor vehicle that informs such owner:~~

470 ~~(A) That the registration of the vehicle involved in the violation will not be permitted~~
471 ~~to be renewed;~~

472 ~~(B) That the title of the vehicle involved in the violation will not be permitted to be~~
473 ~~transferred in this state;~~

474 ~~(C) That the aforementioned penalties are being imposed due to the failure to pay the~~
475 ~~civil monetary penalty plus any late fee for an ordinance violation adopted under the~~
476 ~~authority of this Code section; and~~

477 ~~(D) Of the procedure that the person may follow to remove the penalties.~~

478 (10) The Department of Revenue shall remove the ~~penalties~~ penalty on a vehicle
479 registration if any person presents the Department of Revenue with adequate proof from
480 the agent or governing body that the penalty and any late fee, if applicable, has been paid.

481 (11) Recorded images made for purposes of this subsection shall not be a public record
482 for purposes of Article 4 of Chapter 18 of Title 50.

483 (12) A governing authority shall not impose a civil penalty under this subsection on the
484 owner of a motor vehicle if the operator of the vehicle was arrested or issued a citation
485 and notice to appear by a certified peace officer for the same violation.

486 (13) A local school system may enter into an intergovernmental agreement with a local
487 governing authority to offset expenses regarding the implementation and ongoing
488 operation of video recording devices serving the purpose of capturing recorded images
489 of motor vehicles unlawfully passing a school bus.

490 (14) Any school bus driver operating a vehicle equipped with an activated video
491 recording device shall be exempt from the recording provisions of subsection (c) of this
492 Code section.

493 (15) The money collected and remitted to the governing body pursuant to
494 subparagraph (B) of paragraph (3) of this subsection shall only be used by such governing
495 body to fund local law enforcement or public safety initiatives. This paragraph shall not
496 preclude the appropriation of a greater amount than collected and remitted under this
497 subsection."

498 **SECTION 11.**

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