

Senate Bill 415

By: Senators Robertson of the 29th and Payne of the 54th

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 recognition technology for the issuance of a
3 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 for
5 legislative intent; to provide for definitions; to provide for penalties; to provide for
6 procedures, conditions, and limitations for the issuance of such civil monetary penalties; to
7 provide for standards for retention of stored images; to provide for standards for agreements
8 relating to use of automated recognition technology; to revise provisions relating to operation
9 of an 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 revise provisions
13 relating to the offense of driving a motor vehicle on a suspended, canceled, or revoked
14 registration; to provide for conforming changes; to provide for construction; to amend
15 Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to authorize
16 prosecuting attorneys, district attorneys, and solicitors-general to enforce civil monetary
17 penalties relative to the issuance of a civil monetary penalty for the ownership of a motor
18 vehicle operated without proper insurance or with an expired, revoked, canceled, or

19 suspended registration; to provide for related matters; to provide for a short title; to provide
20 for an effective date; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

23 This Act shall be known and may be cited as the "Police Registration Oversight for Tracking
24 Enforcement and Capture Technology (PROTECT) Act."

25 **SECTION 2.**

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

29 "ARTICLE 4

30 40-1-250.

31 The General Assembly finds that automated technology is an essential tool for the civil
32 enforcement of laws relating to vehicle registration and minimum insurance coverage.
33 Such technologies are force multipliers for law enforcement, as they allow officers to focus
34 on enforcement activities that require person-to-person contact rather than violations of law
35 that could easily be detected from photographs and review of a data base. Such automated
36 technologies also reduce the number of instances in which law enforcement officers
37 interact with members of the public to enforce state laws relating to vehicle registration and
38 minimum insurance coverage. The failure of motor vehicle owners to maintain adequate
39 insurance leads to increases in insurance premiums for all drivers and also places an
40 unnecessary burden on motor vehicle accident victims. The General Assembly further

41 finds that while punishment of violations of laws on retaining mandatory motor vehicle
42 insurance and maintaining proper vehicle registration as criminal offenses remains
43 necessary, an alternate civil process utilizing automated technology is needed to increase
44 compliance. By establishing parameters for the use of technology to aid in automated
45 enforcement, the General Assembly ensures that individual privacy rights and due process
46 are respected while making the job of law enforcement safer.

47 40-1-251.

48 As used in this article, the term:

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

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

53 (B) Operates, maintains, leases, or licenses an automated recognition technology; or

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

56 (2) 'Automated recognition technology' means a system which converts images from a
57 video capture device into computer-readable data which is compared to information
58 relating to motor vehicle registrations and insurance maintained by the Department of
59 Revenue.

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

64 (4) 'Stored image' means an image of the license plate of a motor vehicle which has been
65 digitally captured and retained by a video capture device and has been processed through
66 an automated recognition technology. Such term includes any associated metadata for

67 such image, including the date, time, and global positioning satellite system coordinates
68 relative to the production of the image.

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

72 40-1-252.

73 The owner of a motor vehicle operated on the highways of this state at a time when the
74 registration of such vehicle is expired, suspended, canceled, or revoked shall be liable for
75 a civil monetary penalty when such operation is evidenced by stored images and such
76 operation was not otherwise authorized by law. The amount of such civil monetary penalty
77 shall be \$100.00 when a motor vehicle has been operated with an expired registration and
78 \$200.00 when a motor vehicle has been operated with a suspended, canceled, or revoked
79 registration.

80 40-1-253.

81 The owner of a motor vehicle operated on the highways of this state without the minimum
82 motor vehicle liability insurance coverage required under Chapter 34 of Title 33 shall be
83 liable for a civil monetary penalty when such operation is evidenced by stored images and
84 such operation was not otherwise authorized by law. The amount of such civil monetary
85 penalty shall be \$200.00.

86 40-1-254.

87 The law enforcement agency authorized to enforce the traffic laws of this state or agent
88 thereof shall send by first-class mail addressed to the owner of the motor vehicle operated
89 in violation of Code Section 40-1-252 or 40-1-253, not later than ten days after obtaining
90 the name and address of such owner from the Department of Revenue, the following:

91 (1) A citation for the alleged violation, which shall include the type of violation alleged,
92 the date and time of the alleged violation, the location of the alleged violation, the amount
93 of the civil monetary penalty imposed, and the date by which the civil monetary penalty
94 shall be paid;

95 (2) A copy of the stored image which shows the motor vehicle involved in the alleged
96 violation and includes the identification number of the law enforcement motor vehicle
97 upon which the video capture device was located;

98 (3) A copy of a certificate sworn to or affirmed by a certified peace officer employed by
99 the law enforcement agency stating that, based upon inspection of stored images and the
100 data provided by an automated recognition technology:

101 (A) The owner's motor vehicle was operated in violation of Code Section 40-1-252 or
102 40-1-253 and that such disregard or disobedience was not otherwise authorized by law;
103 and

104 (B) The stored image was captured by a video capture device upon a law enforcement
105 vehicle marked pursuant to Code Section 40-8-91;

106 (4) A statement of the inference provided for in Code Section 40-1-255 and of the means
107 specified therein by which such inference may be rebutted; and

108 (5) Information advising the owner of the motor vehicle of the manner in which liability
109 as alleged in the citation may be contested which shall include an assigned hearing date
110 to contest liability that shall be no later than 90 days from the date of issuance of the
111 citation.

112 40-1-255.

113 (a) Proof that a motor vehicle was operated in violation of Code Section 40-1-252 or
114 40-1-253 may be evidenced by stored images and data provided by an automated
115 recognition technology. A copy of the certificate sworn to or affirmed by a certified peace
116 officer employed by a law enforcement agency containing the information set forth in

117 paragraph (3) of Code Section 40-1-254 shall be prima-facie evidence of the facts
118 contained therein.

119 (b) Liability under this article shall be determined based upon a preponderance of the
120 evidence. Prima-facie evidence that the motor vehicle described in the citation issued
121 pursuant to this article was operated in violation of Code Section 40-1-252 or 40-1-253
122 together with proof that the defendant was at the time of such violation the registered
123 owner of the motor vehicle, shall permit the trier of fact to infer that such owner of the
124 motor vehicle was the operator or authorized the use of the motor vehicle at the time of the
125 alleged violation. Such an inference may be rebutted if the owner of the motor vehicle
126 presents to the court a certified copy of a police report showing that the motor vehicle had
127 been reported to the police as stolen prior to the time of the alleged violation, proof that the
128 motor vehicle had proper insurance or registration at the time the citation was issued, or
129 proof that a citation was issued in violation of the requirements of this article.

130 40-1-256.

131 (a) When a person fails to pay the civil monetary penalty for which a citation was sent
132 pursuant to Code Section 40-1-254 or has failed to file a police report pursuant to Code
133 Section 40-1-255 within 90 days from the date such citation was mailed pursuant to Code
134 Section 40-1-254 or failed to appear on the assigned hearing date to contest liability, the
135 law enforcement agency or agent thereof which sent the original citation shall send a
136 second notification of the civil monetary penalty owed; provided, however, that such
137 second notification shall not be sent in cases in which an adjudication that no violation
138 occurred has been issued or there is an otherwise lawful determination that no civil
139 monetary penalty shall be imposed. Such second notification shall include all information
140 required of the original citation in Code Section 40-1-254, other than an assigned hearing
141 date, and a new date of return which shall be no less than 30 days after such mailing. If
142 such person notified a second time again fails to pay the civil monetary penalty or file a

143 police report by the new date of return, such person shall have waived the right to contest
144 the violation and shall be liable for the civil monetary penalty provided for under this
145 article, except in cases in which an adjudication that no violation occurred has been issued
146 or there is an otherwise lawful determination that no civil monetary penalty shall be
147 imposed.

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

150 (c) A court shall dismiss any subsequent citation issued for the same offense within 30
151 days in a jurisdiction other than the jurisdiction which issued the original citation upon
152 presentation of proof of payment of the civil monetary penalty owed for the original
153 citation.

154 (d) A civil monetary penalty under this article shall not be imposed on the owner of a
155 motor vehicle when the owner of the motor vehicle has been arrested or issued a uniform
156 traffic citation and notice to appear by a certified peace officer pursuant to the applicable
157 criminal statute for the same alleged violation.

158 40-1-257.

159 (a) Citations issued pursuant to this article by first-class mail shall be adequate notification
160 of the fees and penalties imposed by this article.

161 (b) Any court having jurisdiction over violations of traffic laws shall have jurisdiction over
162 cases arising under this article and shall be authorized to impose the civil monetary penalty
163 provided by this article. Except as otherwise provided to the contrary, the provisions of
164 law governing jurisdiction, procedure, defenses, adjudication, appeal, and payment and
165 distribution of penalties otherwise applicable to traffic violations within the jurisdiction in
166 which a citation has been issued shall apply to enforcement under this article; provided,
167 however, that any appeal from a superior or state court shall be by application in the same
168 manner as that provided by Code Section 5-6-35; provided, further, that, the provisions of

169 Chapter 11 of Title 17 to the contrary notwithstanding, the costs of such prosecution shall
170 not be taxed nor shall any additional penalty, fee, or surcharge to a fine for such offense
171 be assessed against a person for a citation issued pursuant to this article.

172 40-1-258.

173 The issuance of a citation from a video capture device or any camera system not installed
174 upon a law enforcement vehicle properly marked pursuant to Code Section 40-8-91 or for
175 an offense not provided for in this article shall be void.

176 40-1-259.

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

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

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

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

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

188 40-1-260.

189 The moneys collected and remitted to the law enforcement agency or governing body
190 thereof pursuant to this article shall only be used by such law enforcement agency or
191 governing body thereof to fund local law enforcement or public safety initiatives. This

192 Code section shall not preclude the appropriation of a greater amount than collected and
193 remitted under this article for such purposes.

194 40-1-261.

195 A violation for which a civil monetary penalty is imposed pursuant to this article shall not
196 be considered a moving traffic violation for the purpose of points assessment under Code
197 Section 40-5-57. Such violation shall be considered noncriminal, and the imposition of a
198 civil monetary penalty pursuant to this article shall not be considered a conviction and shall
199 not be made a part of the driving record of the person upon whom such penalty is imposed,
200 nor shall it be used for any purposes in the provision of motor vehicle insurance coverage."

201

SECTION 3.

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

206 "40-2-8.

207 (a) Except as otherwise provided for in this Code section, no person shall own or operate
208 a motor vehicle upon the highways of this state that is required to be registered pursuant
209 to Code Section 40-2-20 without complying with such Code section. No person shall loan,
210 rent, or lease a motor vehicle required to be registered pursuant to Code Section 40-2-20
211 for use upon the highways of this state without complying with such Code section. Each
212 day a motor vehicle is operated in violation of this subsection shall be a separate violation.
213 ~~Any person owning or operating any vehicle described in Code Section 40-2-20 on any~~
214 ~~public highway or street without complying with that Code section shall be guilty of a~~
215 ~~misdemeanor, provided that a person shall register his or her motor vehicle within 30 days~~
216 ~~after becoming a resident of this state. Any person renting, leasing, or loaning any vehicle~~

217 ~~described in Code Section 40-2-20 which is being used on any public highway or street~~
218 ~~without complying with that Code section shall be guilty of a misdemeanor and, upon~~
219 ~~conviction thereof, shall be punished by a fine of \$100.00 for each violation, and each day~~
220 ~~that such vehicle is operated in violation of Code Section 40-2-20 shall be deemed to be~~
221 ~~a separate and distinct offense.~~

222 (b)(1)(A) ~~The~~ It shall be a misdemeanor to operate any vehicle required to be
223 registered in this state without a valid numbered license plate properly validated, unless
224 such operation is otherwise permitted under this chapter; and provided, further, that the
225 purchaser of a new vehicle or a used vehicle from a dealer of new or used motor
226 vehicles who displays a temporary operating permit issued as provided by
227 subparagraph (B) of this paragraph (2) of this subsection may operate such vehicle on
228 the public highways and streets of this state without a current valid license plate during
229 the period ~~within which the purchaser is required~~ authorized by this subsection and by
230 Code Section 40-2-20. An owner acquiring a motor vehicle from an entity that is not
231 a new or used vehicle dealer shall register such vehicle as provided for in Code Section
232 40-2-29 unless such vehicle is to be registered under the International Registration Plan
233 pursuant to Article 3A of this chapter.

234 ~~(2)(A)(B)(i)~~ Any dealer of new or used motor vehicles shall issue to the purchaser
235 of a vehicle at the time of sale thereof, unless such vehicle is to be registered under
236 the International Registration Plan, a temporary operating permit as provided for by
237 department rules or regulations which may bear the dealer's name and location and
238 shall bear an expiration date 45 days from the date of purchase. The expiration date
239 of such a temporary operating permit may be revised and extended by the county tag
240 agent upon application by the dealer, the purchaser, or the transferee if an extension
241 of the purchaser's initial registration period has been granted as provided by Code
242 Section 40-2-20. Such temporary operating permit shall not resemble a license plate
243 issued by this state and shall be issued without charge or fee. The requirements of

244 this ~~paragraph~~ subparagraph shall not apply to a dealer whose primary business is the
245 sale of salvage motor vehicles and other vehicles on which total loss claims have been
246 paid by insurers.

247 ~~(B)~~(ii) All temporary operating permits issued by dealers to purchasers of vehicles
248 shall be of a standard design prescribed by regulation promulgated by the department.
249 The department may provide by rule or regulation for the sale and distribution of such
250 temporary operating permits by third parties in accordance with paragraph ~~(3)~~ (2) of
251 this subsection.

252 ~~(3)~~(2) All sellers and distributors of temporary operating permits shall maintain an
253 inventory record of temporary operating permits by number and name of the dealer.

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

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

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

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

270 (1) Upon enforcement through the issuance of a uniform traffic citation by a police
 271 officer at the time of the offense, as a misdemeanor, and upon conviction thereof:
 272 (A) By a fine not to exceed \$100.00 for the operation of an unregistered motor vehicle
 273 in violation of subsection (a) of this Code section; provided, however, that, upon
 274 presentation of evidence that the owner had properly applied for the registration of such
 275 vehicle, but that the license plate or revalidation decal had not been delivered to such
 276 owner at the time the uniform traffic citation was issued, such fine shall be reduced to
 277 an amount not to exceed \$25.00; and
 278 (B) By a fine of \$25.00 for the operation of a motor vehicle without a county decal
 279 upon the license plate in violation of subsection (c) of this Code section; or
 280 (2) Upon enforcement through the use of an automated recognition technology in
 281 accordance with Article 4 of Chapter 1 of this title, by a civil monetary penalty as set
 282 forth in such article. A violation enforced pursuant to this paragraph shall not be
 283 considered a conviction and shall not be made a part of the driving record of the person
 284 upon whom such penalty is imposed, nor shall it be used for any purposes in the
 285 provision of motor vehicle insurance coverage."

286 **SECTION 4.**

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

289 **SECTION 5.**

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

293 "(c) A person shall register his or her motor vehicle within 30 days after becoming a
 294 resident of this state. ~~Any person who fails to register a new or used motor vehicle as~~

295 ~~required in subsection (a) of this Code section shall be guilty of a misdemeanor and, upon~~
296 ~~conviction thereof, shall be punished by a fine not exceeding \$100.00."~~

297 **SECTION 6.**

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

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

- 307 (1) Any licensed dealer of new or used motor vehicles;
308 (2) Any tax collector, tax receiver, or tax commissioner; ~~and~~
309 (3) A person or entity authorized by the commissioner for use in providing notice to the
310 owners of towed or impounded vehicles; and
311 (4) An agent as such term is defined in Code Section 40-1-251."

312 **SECTION 7.**

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

316 "(c) For the purposes of mandatory suspension of a driver's license for a first ~~violation~~
317 conviction of subsection (a), (b), or (c) of Code Section 40-6-10, a forfeiture of bail or
318 collateral used to seek a defendant's appearance in court, the payment of a fine, a plea of
319 guilty, or a finding of guilty shall be considered a conviction regardless of whether the

320 sentence is suspended, probated, rebated, or revoked. A plea of nolo contendere shall not
 321 be considered a conviction under this subsection, but a record of the disposition of the case
 322 shall be forwarded by the court to the department for the purposes of counting the plea of
 323 nolo contendere as a conviction under subsection (d) of this Code section."

324

SECTION 8.

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

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

332 (6)(B) When a determination is made ~~If a law enforcement officer of this state~~
 333 ~~determines~~ that the owner or operator of a motor vehicle subject to the provisions of
 334 this Code section subsection does not have proof or evidence of required minimum
 335 insurance coverage, the arresting officer shall issue a uniform traffic citation for
 336 operating a motor vehicle without proof of insurance. If the court or arresting officer
 337 determines that the operator is not the owner, then a uniform traffic citation may be
 338 issued to the owner for authorizing the operation of a motor vehicle without proof of
 339 insurance.

340 (6) Reserved."

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

346 (A) Upon enforcement through the issuance of a uniform traffic citation by a police
 347 officer at the time of the offense, as a misdemeanor, and; upon conviction thereof, shall
 348 be subject to by a fine of not less than \$200.00 nor more than \$1,000.00 or
 349 imprisonment for not more than 12 months, or both; or
 350 (B) Upon enforcement through the use of an automated recognition technology in
 351 accordance with Article 4 of Chapter 1 of this title, by a civil monetary penalty as set
 352 forth in such article. A violation enforced pursuant to this subparagraph shall not be
 353 considered a conviction and shall not be made a part of the driving record of the person
 354 upon whom such penalty is imposed, nor shall it be used for any purposes in the
 355 provision of motor vehicle insurance coverage. An operator of a motor vehicle shall
 356 not be guilty of a violation of this Code section if such operator maintains a policy of
 357 motor vehicle insurance which extends coverage to any vehicle the operator may drive.
 358 (2) An owner or operator of a motor vehicle shall not be issued a uniform traffic citation
 359 by a law enforcement officer for a violation of this Code section subsection if the sole
 360 basis for issuance of such a citation is that the law enforcement officer is unable to obtain
 361 insurance coverage information from the records of the Department of Revenue or the
 362 operator of the motor vehicle maintains a policy of motor vehicle insurance which
 363 extends coverage to any vehicle the operator may drive."

364

SECTION 9.

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

367 "(b) No owner of a motorcycle or any other person, other than a self-insurer as defined in
 368 Chapter 34 of Title 33, shall operate or authorize any other person to operate the
 369 motorcycle unless the owner has liability insurance on the motorcycle equivalent to that
 370 required as evidence of security for bodily injury and property damage liability under Code

371 Section 40-9-37. ~~Any person who violates this subsection shall be guilty of a misdemeanor~~
 372 A violation of this subsection shall be punished as follows:
 373 (1) Upon enforcement through the issuance of a uniform traffic citation by a police
 374 officer at the time of the offense, as a misdemeanor; or
 375 (2) Upon enforcement through the use of an automated recognition technology in
 376 accordance with Article 4 of Chapter 1 of this title, by a civil monetary penalty as set
 377 forth in such article. A violation enforced pursuant to this subsection shall not be
 378 considered a conviction and shall not be made a part of the driving record of the person
 379 upon whom such penalty is imposed, nor shall it be used for any purposes in the
 380 provision of motor vehicle insurance coverage."

381 **SECTION 10.**

382 Said title is further amended by revising Code Section 40-6-15, relating to knowingly driving
 383 motor vehicle on suspended, canceled, or revoked registration, as follows:

384 "40-6-15.

385 (a) Any person who knowingly drives a motor vehicle on any public road or highway of
 386 this state at a time when the vehicle registration of such vehicle is suspended, canceled, or
 387 revoked shall be ~~guilty of a misdemeanor~~; punished as follows:

388 (1) Upon enforcement through the issuance of a uniform traffic citation by a police
 389 officer at the time of the offense, and:

390 ~~(b)(A)~~ For ~~Upon~~ a first conviction thereof or a plea of nolo contendere, such person
 391 shall be guilty of a misdemeanor and shall be punished by imprisonment for not more
 392 than 12 months and there may be imposed in addition thereto a fine of not less than
 393 \$500.00 nor more than \$1,000.00, at the discretion of the court; or

394 ~~(c)(B)~~ For a second or subsequent conviction within five years as measured from the
 395 dates of previous arrests for which convictions were obtained or pleas of nolo
 396 contendere were accepted to the date of the current arrest for which a conviction is

397 obtained or a plea of nolo contendere accepted, such person shall be guilty of a high and
398 aggravated misdemeanor and shall be punished by imprisonment for not less than ten
399 days nor more than 12 months and there may be imposed in addition thereto a fine of
400 not less than \$1,000.00 nor more than \$2,500.00; and

401 (2) Upon enforcement through the use of an automated recognition technology in
402 accordance with Article 4 of Chapter 1 of this title, by a civil monetary penalty as set
403 forth in such article. A violation enforced pursuant to this paragraph shall not be
404 considered a conviction and shall not be made a part of the driving record of the person
405 upon whom such penalty is imposed, nor shall it be used for any purposes in the
406 provision of motor vehicle insurance coverage.

407 ~~(d)~~(b) The Department of Revenue, upon receiving a record of the conviction of any
408 person under paragraph (1) of subsection (a) of this Code section upon a charge of driving
409 a vehicle while the registration of such vehicle was suspended or revoked, shall extend the
410 period of suspension or revocation for six months. The Department of Revenue may
411 reinstate the suspended or revoked vehicle registration following the expiration of the
412 original suspension or revocation period, the additional six-month suspension imposed
413 pursuant to this subsection, and upon payment of a restoration fee of \$210.00, or \$200.00
414 when such reinstatement is processed by mail.

415 ~~(e)~~(c) For purposes of pleading nolo contendere, only one nolo contendere plea shall be
416 accepted to a charge of driving a motor vehicle with a suspended, canceled, or revoked
417 vehicle registration within a five-year period of time as measured from the date of the
418 previous arrest for which a conviction was obtained or plea of nolo contendere was
419 accepted to the date of the current arrest. All other nolo contendere pleas within such
420 period of time shall be considered convictions.

421 ~~(f)~~(d) Notwithstanding the limits set forth in Article 14 of this chapter and in any
422 municipal charter, any municipal court of any municipality in this state shall be authorized
423 to impose the punishment provided for in paragraph (1) of subsection (a) of this Code

424 section upon a conviction of violating this Code section or upon conviction of violating any
425 ordinance adopting the provisions of this Code section."

426 **SECTION 11.**

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

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

434 **SECTION 12.**

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

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

441 **SECTION 13.**

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

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

448

SECTION 14.

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

451 “(A) In the prosecution of any violation of the laws or ordinances of such municipality
452 which is within the jurisdiction of such municipal court and punishable by confinement
453 or a fine or both or by a civil penalty authorized by Code Section 40-6-163 or Article 4
454 of Chapter 1 of Title 40; and”

455

SECTION 15.

456 This Act shall become effective on January 1, 2025.

457

SECTION 16.

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