

Senate Bill 75

By: Senators Burns of the 23rd, Albers of the 56th, Williams of the 25th, Jones II of the 22nd, Moore of the 53rd and others

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 provide for standards for signs
3 warning of a reduced speed limit in a school zone and signs warning of the use of automated
4 traffic enforcement safety devices; to revise exceptions for when a case may be made with
5 the use of a speed detection device; to provide for times when a school zone speed limit may
6 be enforced through the use of an automated traffic enforcement safety device; to amend
7 Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to authorize
8 district attorneys, solicitors-general, and prosecuting attorneys to enforce civil monetary
9 penalties relative to the enforcement of laws regarding speeding in a school zone using
10 recorded images; to provide for related matters; to repeal conflicting laws; and for other
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to use of speed
15 detection devices and red light cameras, is amended in Code Section 40-14-6, relating to
16 warning signs required and signage requirements, by revising subsection (c) as follows:

S. B. 75

17 "(c) In addition to the signs required under subsections (a) and (b) of this Code section,
18 each law enforcement agency using an automated traffic enforcement safety device as
19 provided for in Code Section 40-14-18 shall erect signs with the reduced speed limit for
20 the approaching school zone and signs warning of the use of a ~~stationary speed detection~~
21 an automated traffic enforcement safety device within the ~~approaching~~ school zone. Such
22 signs shall be at least 24 by 30 inches in area, shall be visible plainly from every lane of
23 traffic, shall be viewable in all traffic conditions, and shall not be placed in such a manner
24 that the view of such sign is subject to being obstructed by any other vehicle on such
25 highway. ~~Such signs shall be placed within 500 feet prior to the warning sign announcing~~
26 ~~the reduction of the speed limit for the school speed zone.~~ Signs with the reduced speed
27 limit for a school zone shall be placed one-half mile from the start of a reduced speed limit
28 for a school zone, and signs warning of the use of an automated traffic enforcement safety
29 device shall be placed one-quarter mile from the automated traffic enforcement safety
30 device. Both signs with the reduced speed limit for a school zone and signs warning of the
31 use of an automated traffic enforcement safety device shall include lights which flash
32 yellow while the reduction of the speed limit for the school zone is in effect and when the
33 automated traffic enforcement safety device is authorized to issue citations pursuant to
34 Code Section 40-14-18. There shall be a rebuttable presumption that such signs are
35 properly installed pursuant to this subsection at the time of any alleged violation under this
36 article."

37 **SECTION 2.**

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

40 "40-14-8.

41 (a) No county, city, or campus officer shall be allowed to make a case based on the use of
42 any speed detection device, unless the speed of the vehicle exceeds the posted speed limit

43 by more than ten miles per hour and no conviction shall be had thereon unless such speed
44 is more than ten miles per hour above the posted speed limit.

45 (b) The limitations contained in subsection (a) of this Code section relating to speed in
46 excess of ten miles per hour above the posted speed limit shall not apply in ~~properly~~
47 ~~marked school zones one hour before, during, and one hour after the normal hours of~~
48 ~~school operation or programs for care and supervision of students before school, after~~
49 ~~school, or during vacation periods as provided for under Code Section 20-2-65, in properly:~~

50 (1) School zones properly marked with warning signs while the reduction of the speed
51 limit for the school zone is in effect and when the speed detection device is one other than
52 an automated traffic enforcement safety device and is operated by an on-site law
53 enforcement officer;

54 (2) Properly marked historic districts, and in properly; and

55 (3) Properly marked residential zones.

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

61 SECTION 3.

62 Said chapter is further amended in Code Section 40-14-18, relating to enforcement of speed
63 limit in school zones with recorded images, civil monetary penalty, and consequences for
64 failure to pay penalty, by revising paragraph (1) of subsection (a) as follows:

65 "(a)(1) The speed limit within any school zone ~~as provided for in Code Section 40-14-8~~
66 ~~and~~ marked pursuant to Code Section 40-14-6 may be enforced by using ~~photographically~~
67 ~~recorded images for violations which occurred only on a school day during the time in~~
68 ~~which instructional classes are taking place and one hour before such classes are scheduled~~

69 ~~to begin and for one hour after such classes have concluded when such violations~~ are in
70 excess of ten miles per hour over the speed limit on a weekday on which a school has
71 instructional classes taking place; provided, however, that such enforcement shall only
72 occur during the period of time 90 minutes prior to the start of the school day through 30
73 minutes after the start of the school day and 30 minutes prior to the conclusion of the last
74 regularly scheduled class of the school day through 90 minutes after the conclusion of the
75 last regularly scheduled class of the school day."

76 **SECTION 4.**

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

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

83 **SECTION 5.**

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

86 "(6) To prosecute civil actions to enforce any civil penalty set forth in Code Section
87 40-6-163 or 40-14-18 and to prosecute or defend any other civil action in the prosecution
88 or defense of which the state is interested, unless otherwise specially provided for;"

89 **SECTION 6.**

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

