

Redspeed School Zone Safety Program Questions and Answers

The Alma Police Department believes the safety of our children and students is paramount. Speeding in school zones has been a constant issue for most police agencies and Alma, GA is no exception. The City of Alma and the Alma Police Department believe in finding ways to help reduce speed and at the same time help increase safety. House Bill 978 allows local municipalities to deploy automated speed-detection cameras. These automated cameras are more cost effective to drivers that must pay a monetary fine as opposed to an officer issued citation. The speeding penalty is cheaper and doesn't get reported like a criminal traffic violation – meaning they don't go against license and insurance.

Below is a list of commonly asked questions and answers.

Question: Why did I receive a violation?

Answer: Violations are issued in accordance with Georgia Code [O.C.G.A. § 40-14-18](#), which allows for the use of automated speed detection devices in school zones from one hour prior to the start of the school day, until one hour after the end of the school day. This includes "the time in which instructional classes are taking place." The posted times regulate the strictness of the enforcement, as that is when children are actively coming and going from the school.

Question: Why were the Speed Zone Cameras installed?

Answer: Over the past ten years there has been a nationwide spike in pedestrian fatalities due to a combination of speeding and distracted driving. Communities are turning to automated enforcement as a means of encouraging to follow speed limits and pay attention. Automated Enforcement is endorsed as a safety tool by the Governor's Highway Safety Association, AAA, Advocates for Highway and Auto Safety, the Insurance Institute for Highway Safety, and the National Safety Council. Slower driving saves lives. A person is about 70% more likely to be killed if they are struck by a vehicle traveling 30mph versus 25 mph. There is a 93% chance of survival if a pedestrian is struck at 20mph. Small differences in speed make a huge difference, especially in school zones. The administration conducted a speed study before installing the cameras. Over a five-day-period, it found out of 92,837 cars that drove by, 10,714 speed violations occurred. That's about one out of every nine cars. Since being activated, there have been violations of drivers traveling more than 70mph in the 500 blk of E 16th St. - the current location of the cameras (Bacon County Elementary School / MLK Park). This is a residential area containing a school and a park but regardless, drivers were traveling at excessive speeds of 60 – 75mph during peak hours for loading and unloading students. The speed limit in that area has always been 35mph and unfortunately highly disregarded over the years by local and non-local commuters.

Question: How do the Cameras work? Are they accurate?

Answer: The enforcement program utilizes state of the art multi-dimensional radar that tracks and monitors up to 350 cars simultaneously. Radar is accurate within .1 miles per hour. A detailed maintenance and testing log is maintained at all times. No citations are issued within any possible margin of error.

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Question: What hours / days do the cameras operate? What School Zone(s) are currently photo enforcing speed in Alma?

Answer: From one hour before school until one hour after school. Please see the ‘General Calendar’ below for operation times. The school zone and speeds are clearly marked as much as the State will allow. Currently, Bacon County Elementary School is the only photo enforced zone.

GENERAL OPERATION CALENDAR

Monday – Friday

	<u>Speed Limit</u>
6:55 am – 7:09am	35 mph
7:10am – 8:09am	25 mph
8:10am – 2:29pm	35 mph
2:30pm – 3:29pm	25 mph
3:30pm – 3:45pm	35 mph

Summer School Hours:

To be determined on a yearly basis if in person instructional classes are held in Bacon County

During routine school holidays such as Spring Break, Winter Break, General Holidays, weekends etc. the cameras will not be operating. IF Summer School is in effect with active sessions, the Zone WILL BE photo enforced at the regular speed.

Question: Why did I receive a violation during the middle of the day?

Answer: Georgia law allows for the enforcement of speeding in a school zone during the active arrival and dismissal times. Violations may also be issued during the school’s instructional day when children are present at school. The City of Alma only enforces speed on vehicles traveling 10 mph over the school zone speed limit during loading and unloading hours (flashing light time). Speed will also be enforced on vehicles traveling 15 mph or over the regularly posted speed (35 mph) limit during the school day.

For instance: The speed limit is 25 during unloading and loading (flashing light time) a ticket will be issued for any vehicle traveling 36 mph or above. When the speed limit reverts to normal speed, 35 mph, outside the loading and unloading hours a citation will be issued for any vehicle traveling 50 mph or above. Please see the “General Calendar” for operation days and times

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Question: Why did I receive a ticket if the lights were not flashing?

Answer: The lights indicating a school zone ONLY FLASH AT THE REDUCED SPEED Of 25MPH. Referring to the “General Calendar”, the flashing lights come on at 7:10am and go off at 8:09am. They again come on at 2:30pm and go off at 3:29pm - all of these “flashing” times are the reduced speed zone of 25mph. When the speed resumes to 35mph, the lights will not flash. **The lights do not flash during active summer school sessions because the speed is not reduced during those times. It is the normal posted speed of 35mph.**

Question: If I get a ticket will my insurance go up or points assessed on my license?

Answer: Citations are civil offenses ONLY, not criminal infractions. No points are assessed on your driving record or reported for automated enforcement violations. However, fines do escalate for repeat offenders.

Question: Can I view my violation?

Answer: Yes. Login to <https://secure.speedviolation.com> and enter your citation number. You will be able to view photos and video of the violation.

Question: How much is the fine?

Answer: The first violation is \$75 and \$125 for subsequent violations. A \$5.00 processing fee is added to each violation. Payments are due by the “Pay By” date listed on the citation. There are no late fees associated with these violations. If payment is not made by the due date on the first notice, a second and third (final) notice will be sent prior to a registration hold being placed.

Question: What happens to ticket revenue?

Answer: According to state law, paid citation revenue must be utilized for Public Safety only such as police equipment and new school resource officers. Every cent must be returned into public safety and not for general account purposes.

Question: How do I pay my violation?

Answer: There are three ways to pay your violation:

- *By Mail:* You may mail a check or money order to the address on the envelope that was included in the violation notice.
- *Online:* You may pay by credit card securely online at <https://secure.speedviolation.com> Payment online allows same day posting and e-mail confirmation of the payment.
- *By Phone:* Phone payment is accepted 24hours a day, 7 days a week by calling 1-833-252-1211

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Question: What happens if I do not pay the fine?

Answer: If the violation remains unpaid, ultimately it will be reported to the Georgia Department of Revenue as allowed under State Law. Once received by the Department of Revenue, the vehicle's registration will not be allowed to be renewed, and the title cannot be transferred ownership until the fine is paid.

Question: What if I was not driving my vehicle when the violation occurred?

Answer: As dictated in the state law, if you were not driving the vehicle at the time of the violation, you have the following options after requesting a court hearing.

(a) Testify under oath in open court or submit a sworn notarized statement that he or she was not the operator of the vehicle at the time of the alleged violation.

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

Question: What if my car is not the car pictured in the notice, or the license plate is wrong?

Answer: Please contact the Alma Police Department at 912-632-8751.

Question: Where can I read the law on automated enforcement?

Answer: Please refer to latest version of the Official Code of Georgia for [O.C.G.A. § 40-14-18](#) [O.C.G.A. § 20-2-65](#) and [House Bill 978](#) or see below:

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2020 Georgia Code

Title 40 - Motor Vehicles and Traffic

Chapter 14 - Use of Speed Detection Devices and Red Light Cameras

Article 2 - Speed Detection Devices

§ 40-14-18. Enforcement of Speed Limit in School Zones With Recorded Images; Civil Monetary Penalty; Vehicle Registration and Transfer of Title Restrictions for Failure to Pay Penalty

Universal Citation: [GA Code § 40-14-18 \(2020\)](#)

- a.
 0. The speed limit within any school zone as provided for in Code Section 40-14-8 and marked pursuant to Code Section 40-14-6 may be enforced by using photographically recorded images for violations which occurred only on a school day during the time in which instructional classes are taking place and one hour before such classes are scheduled to begin and for one hour after such classes have concluded when such violations are in excess of ten miles per hour over the speed limit.
 1. Prior to the placement of a device within a school zone, each school within whose school zone such automated traffic enforcement safety device is to be placed shall first apply for and secure a permit from the Department of Transportation for the use of such automated traffic enforcement safety device. Such permit shall be awarded based upon need. The Department of Transportation shall promulgate rules and regulations for the implementation of this paragraph.
- b. For the purpose of enforcement pursuant to this Code section:
 0. The owner of a motor vehicle shall be liable for a civil monetary penalty to the governing body of the law enforcement agency provided for in paragraph (2) of this subsection if such vehicle is found, as evidenced by photographically recorded images, to have been operated in disregard or disobedience of the speed limit within any school zone and such disregard or disobedience was not otherwise authorized by law. The amount of such civil monetary penalty shall be \$75.00 for a first violation and \$125.00 for a second or any subsequent violation, in addition to fees associated with the electronic processing of such civil monetary penalty which shall not exceed \$25.00; provided, however, that for a period of 30 days after the first automated traffic enforcement safety device is introduced by a law enforcement agency within a school zone, the driver of a motor vehicle shall not be liable for a civil monetary penalty but shall be issued a civil warning for disregard or disobedience of the speed limit within the school zone;
 1. A law enforcement agency authorized to enforce the speed limit of a school zone, or an agent working on behalf of a law enforcement agency or governing body, shall send by first class mail addressed to the owner of the motor vehicle within 30 days after obtaining the name and address of the owner of the motor vehicle but no later than 60 days after the date of the alleged violation:
 - . A citation for the alleged violation, which shall include the date and time of the violation, the location of the infraction, the maximum speed at which such motor vehicle was traveling in photographically recorded images, the maximum speed applicable within such school zone, the civil warning or the amount of the civil monetary penalty imposed, and the date by which a civil monetary penalty shall be paid;
 - A. An image taken from the photographically recorded images showing the vehicle involved in the infraction;

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- B. A website address where photographically recorded images showing the vehicle involved in the infraction and a duplicate of the information provided for in this paragraph may be viewed;
 - C. A copy of a certificate sworn to or affirmed by a certified peace officer employed by a law enforcement agency authorized to enforce the speed limit of the school zone and stating that, based upon inspection of photographically recorded images, the owner's motor vehicle was operated in disregard or disobedience of the speed limit in the marked school zone and that such disregard or disobedience was not otherwise authorized by law;
 - D. A statement of the inference provided by paragraph (4) of this subsection and of the means specified therein by which such inference may be rebutted;
 - E. Information advising the owner of the motor vehicle of the manner in which liability as alleged in the citation may be contested through an administrative hearing; and
 - F. A warning that failure to pay the civil monetary penalty or to contest liability in a timely manner as provided for in subsection (d) of this Code section shall waive any right to contest liability;
- 2. Proof that a motor vehicle was operated in disregard or disobedience of the speed limit of the marked school zone shall be evidenced by photographically recorded images. A copy of a certificate sworn to or affirmed by a certified peace officer employed by a law enforcement agency and stating that, based upon inspection of photographically recorded images, a motor vehicle was operated in disregard or disobedience of the speed limit in the marked school zone and that such disregard or disobedience was not otherwise authorized by law shall be prima-facie evidence of the facts contained therein; and
 - 3. Liability under this Code section shall be determined based upon a preponderance of the evidence. Prima-facie evidence that the vehicle described in the citation issued pursuant to this Code section was operated in violation of the speed limit of the school zone, together with proof that the defendant was, at the time of such violation, the registered owner of the vehicle, shall permit the trier of fact in its discretion to infer that such owner of the vehicle was the driver of the vehicle at the time of the alleged violation. Such an inference may be rebutted if the owner of the vehicle:
 - . Testifies under oath in open court or submits to the court a sworn notarized statement that he or she was not the operator of the vehicle at the time of the alleged violation;
 - A. Presents to the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation.
- c. A violation for which a civil warning or a civil monetary penalty is imposed pursuant to this Code section shall not be considered a moving traffic violation for the purpose of points assessment under Code Section 40-5-57. Such violation shall be deemed noncriminal, and imposition of a civil warning or civil monetary penalty pursuant to this Code section shall not be deemed a conviction and shall not be made a part of the operating record of the person upon whom such liability is imposed, nor shall it be used for any insurance purposes in the provision of motor vehicle insurance coverage.
 - d. If a person issued and mailed a citation pursuant to subsection (b) of this Code section fails to pay the civil monetary penalty for the violation or has not filed a police report or notarized statement pursuant to paragraph (4) of subsection (b) of this Code section in no less than 30 nor more than 60 days after such mailing as determined and noticed by the law enforcement agency, the agent or law enforcement agency shall send to such person by first class mail a second notice of any unpaid civil monetary penalty, except in cases where there is an adjudication that no violation occurred or there is otherwise a lawful determination that no civil monetary penalty shall be

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imposed. The second notice shall include all information required in paragraph (2) of subsection (b) of this Code section and shall include a new date of return which shall be no less than 30 days after such mailing as determined and noticed by the law enforcement agency. If such person notified by second notice again fails to pay the civil monetary penalty or file a police report or notarized statement pursuant to paragraph (4) of subsection (b) of this Code section by the new date of return, such person shall have waived the right to contest the violation and shall be liable for the civil monetary penalty provided for under this Code section, except in cases where there is an adjudication that no violation occurred or there is otherwise a lawful determination that no civil monetary penalty shall be imposed.

- e. Notices mailed by first class mail pursuant to this Code section shall be adequate notification of the fees and penalties imposed by this Code section. No other notice shall be required for the purposes of this Code section.
- f. Any court having jurisdiction over violations of subsection (a) of this Code section shall have jurisdiction over cases arising under this subsection and shall be authorized to impose the civil monetary penalty provided by this subsection. Except as otherwise provided in this subsection, the provisions of law governing jurisdiction, procedure, defenses, adjudication, appeal, and payment and distribution of penalties otherwise applicable to violations of subsection (a) of this Code section shall apply to enforcement under this Code section except as provided in subsection (b) of this Code section; provided, however, that any appeal from superior or state court shall be by application in the same manner as that provided by Code Section 5-6-35.
- g. If a violation has not been contested and the assessed penalty has not been paid, the agent or governing body shall send to the person who is the registered owner of the motor vehicle a final notice of any unpaid civil monetary penalty authorized by this Code section, except in cases where there is an adjudication that no violation occurred or there is otherwise a lawful determination that no civil monetary penalty shall be imposed. The notice shall inform the registered owner that the agent or governing body shall send a referral to the Department of Revenue if the assessed penalty is not paid within 30 days after the final notice was mailed and such that such referral shall result in the nonrenewal of the registration of such motor vehicle and shall prohibit the title transfer of such motor vehicle within this state.
- h. The agent or governing body shall send a referral to the Department of Revenue not sooner than 30 days after the final notice required under subsection (g) was mailed if a violation of an ordinance or resolution adopted under this article has not been contested and the assessed penalty has not been paid. The referral to the Department of Revenue shall include the following:
 0. Any information known or available to the agent or governing body concerning the license plate number, year of registration, and the name of the owner of the motor vehicle;
 1. The date on which the violation occurred;
 2. The date when the notice required under this Code section was mailed; and
 3. The seal, logo, emblem, or electronic seal of the governing body.
- i. If the Department of Revenue receives a referral under subsection (h) of this Code section, such referral shall be entered into the motor vehicle database within five days of receipt and the Department of Revenue shall refuse to renew the registration of the motor vehicle and shall prohibit the title transfer of such vehicle within this state unless and until the civil monetary penalty plus any late fee is paid to the governing body. The Department of Revenue shall mail a notice to the registered owner:
 0. That the registration of the vehicle involved in the violation will not be permitted to be renewed;
 1. That the title of the vehicle involved in the violation will not be permitted to be transferred in this state;

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2. That the aforementioned penalties are being imposed due to the failure to pay the civil monetary penalty and any late fee for an ordinance violation adopted under the authority of this Code section; and
 3. Of the procedure that the person may follow to remove the penalties.
- j. The Department of Revenue shall remove the penalties on a vehicle if any person presents the Department of Revenue with adequate proof that the penalty and any late fee, if applicable, has been paid.
 - k. Recorded images made for purposes of this Code section shall not be a public record for purposes of Article 4 of Chapter 18 of Title 50.
 - l. A civil warning or civil monetary penalty under this Code section on the owner of a motor vehicle shall not be imposed if the operator of the vehicle was arrested or issued a citation and notice to appear by a certified peace officer for the same violation.
 - m. The money collected and remitted to the governing body pursuant to paragraph (1) of subsection (b) of this Code section shall only be used by such governing body to fund local law enforcement or public safety initiatives. This subsection shall not preclude the appropriation of a greater amount than collected and remitted under this subsection.

(Code 1981, §40-14-18, enacted by Ga. L. 2018, p. 1057, § 9/HB 978.)

Code Commission notes.

- Pursuant to Code Section 28-9-5, in 2018, a paragraph (1) designator was deleted in subsection (f), as there was no paragraph (2).

ARTICLE 3 RED LIGHT CAMERAS

Cross references.

- Failure to obey a traffic control device as evidenced by images from a red light camera, § 40-6-20.

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House Bill 978

By: Representatives Nimmer of the 178th, Coomer of the 14th, Carpenter of the 4th, Corbett of the 174th, Rhodes of the 120th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 8 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to school buses, so as to revise the enforcement of civil monetary penalties regarding
3 violations of the duties of a driver when meeting or overtaking a school bus; to revise penalty
4 fees; to revise definitions; to provide for procedures and enforcement; to provide for
5 enforcement penalties through the Department of Revenue; to provide for dedication of fees
6 collected from local civil monetary penalties; to amend Article 2 of Chapter 14 of Title 40
7 of the Official Code of Georgia Annotated, relating to speed detection devices, so as to
8 provide for automated traffic enforcement safety devices in school zones; to provide for
9 definitions; to provide for the operation of automated traffic enforcement safety devices by
10 agents or registered or certified peace officers; to provide for automated traffic enforcement
11 safety device testing exceptions and procedures; to provide for automated traffic enforcement
12 safety device use warning signs; to provide for further exceptions for when case may be
13 made and conviction had for exceeding posted speed limit by less than ten miles per hour;
14 to provide for an exception for the ratio of speeding fines to an agency budget; to provide for
15 civil enforcement of violations recorded by automated traffic enforcement safety devices; to
16 provide for enforcement penalties through the Department of Revenue; to provide for rules,
17 regulations, and terms of use for automated traffic enforcement safety devices; to provide for
18 related matters; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

21 Article 8 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
22 school buses, is amended by revising Code Section 40-6-163, relating to duty of driver of
23 vehicle meeting or overtaking school bus, reporting of violations, and enforcement, as
24 follows:

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25 "40-6-163.

26 (a) Except as provided in subsection (b) of this Code section, the driver of a vehicle
27 meeting or overtaking from either direction any school bus stopped on the highway shall
28 stop before reaching such school bus when there are in operation on the school bus the
29 visual signals as specified in Code Sections 40-8-111 and 40-8-115, and such driver shall
30 not proceed until the school bus resumes motion or the visual signals are no longer
31 actuated.

32 (b) The driver of a vehicle upon a highway with separate roadways or a divided highway
33 need not stop upon meeting or passing a school bus which is on a different roadway or on
34 another half of a divided highway, or upon a controlled-access highway when the school
35 bus is stopped in a loading zone which is a part of or adjacent to such highway and where

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36 pedestrians are not permitted to cross the roadway.

37 (c) Every school bus driver who observes a violation of subsection (a) of this Code section
38 is authorized and directed to record specifically the vehicle description, license number of
39 the offending vehicle, and time and place of occurrence on forms furnished by the
40 Department of Public Safety. Such report shall be submitted within 15 days of the
41 occurrence of the violation to the local law enforcement agency which has law enforcement
42 jurisdiction where the alleged offense occurred.

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

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

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

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

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

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

54 (B)(C) 'Recorded images' means images recorded by a video recording device mounted
55 on a school bus with a clear view of vehicles passing the bus on either side and showing
56 the date and time the recording was made and an electronic symbol showing the
57 activation of amber lights, flashing red lights, stop arms, and brakes.

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

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

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

63 (A) The driver of a motor vehicle shall be liable for a civil monetary penalty to the
64 governing body of the law enforcement agency provided for in subparagraph (d)(3)(B)
65 of this Code Section if such vehicle is found, as evidenced by recorded images, to have
66 been operated in disregard or disobedience of subsection (a) of this Code section and
67 such disregard or disobedience was not otherwise authorized by law. The amount of
68 such fine shall be \$300.00 for a first offense, \$750.00 for a second offense, and
69 \$1,000.00 for each subsequent offense in a five-year period \$250.00;

70 (B) The law enforcement agency authorized to enforce the provisions of this Code
71 section shall send by regular first class mail addressed to the owner of the motor vehicle
72 postmarked not later than ten days after the date of the alleged violation obtaining the
73 name and address of the owner of the motor vehicle:

74 (i) A citation for the alleged violation, which shall include the date and time of the
75 violation, the location of the infraction, the amount of the civil monetary penalty
76 imposed, and the date by which the civil monetary penalty shall be paid;

77 (ii) An image taken from the recorded image showing the vehicle involved in the
78 infraction;

79 (iii) A copy of a certificate sworn to or affirmed by a certified peace officer employed
80 by a law enforcement agency authorized to enforce this Code section and stating that,
81 based upon inspection of recorded images, the owner's motor vehicle was operated
82 in disregard or disobedience of subsection (a) of this Code section and that such

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83 disregard or disobedience was not otherwise authorized by law;
84 (iv) A statement of the inference provided by subparagraph (D) of this paragraph and
85 of the means specified therein by which such inference may be rebutted;
86 (v) Information advising the owner of the motor vehicle of the manner and time in
87 which liability as alleged in the citation may be contested in court; and
88 (vi) A warning that failure to pay the civil monetary penalty or to contest liability in
89 a timely manner shall waive any right to contest liability and result in a civil monetary
90 penalty;
91 (C) Proof that a motor vehicle was operated in disregard or disobedience of subsection
92 (a) of this Code section shall be evidenced by recorded images. A copy of a certificate
93 sworn to or affirmed by a certified peace officer employed by a law enforcement
94 agency and stating that, based upon inspection of recorded images, a motor vehicle was
95 operated in disregard or disobedience of subsection (a) of this Code section and that
96 such disregard or disobedience was not otherwise authorized by law shall be
97 prima-facie evidence of the facts contained therein; and
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98 (D) Liability under this subsection shall be determined based upon preponderance of
99 the evidence. Prima-facie evidence that the vehicle described in the citation issued
100 pursuant to this subsection was operated in violation of subsection (a) of this Code
101 section, together with proof that the defendant was at the time of such violation the
102 registered owner of the vehicle, shall permit the trier of fact in its discretion to infer that
103 such owner of the vehicle was the driver of the vehicle at the time of the alleged
104 violation. Such an inference may be rebutted if the owner of the vehicle:

105 (i) Testifies under oath in open court or submits to the court a sworn notarized
106 statement that he or she was not the operator of the vehicle at the time of the alleged
107 violation and identifies the name of the operator of the vehicle at the time of the
108 alleged violation; or

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

111 (4) A violation for which a civil penalty is imposed pursuant to this subsection shall not
112 be considered a moving traffic violation for the purpose of points assessment under Code
113 Section 40-5-57. Such violation shall be deemed noncriminal, and imposition of a civil
114 penalty pursuant to this subsection shall not be deemed a conviction and shall not be
115 made a part of the operating record of the person upon whom such liability is imposed,
116 nor shall it be used for any insurance purposes in the provision of motor vehicle insurance
117 coverage.

118 (5) If a person summoned by regular mail fails to appear on the date of return set out in
119 the citation and has not paid the penalty for the violation or filed a police report or
120 notarized statement pursuant to subparagraph (D) of paragraph (3) of this subsection, the
121 person shall then be summoned a second time by certified mail with a return receipt
122 requested. The second summons shall include all information required in subparagraph
123 (B) of paragraph (3) of this subsection for the initial summons and shall include a new
124 date of return. If a person summoned by certified mail again fails to appear on the date
125 of return set out in the second citation and has failed to pay the penalty or file an
126 appropriate document for rebuttal, the person summoned shall have waived the right to
127 contest the violation and shall be liable for the civil monetary penalty provided in
128 paragraph (3) of this subsection. If a person is mailed a citation by first class mail
129 pursuant to subparagraph (B) of paragraph (3) of this subsection, such person may pay

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130 the penalty or request a court date. Any citation executed pursuant to this paragraph shall
131 provide to the person issued the citation at least 30 business days from the mailing of the
132 citation to inspect information collected by the video recording device in connection with
133 the violation. If the person requesting a court date fails to appear on the date and time of
134 such hearing or if a person has not paid the penalty for the violation or filed a police

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135 report or notarized statement pursuant to subparagraph (D) of paragraph (3) of this
136 subsection, such person shall then be sent a second citation by first class mail. The
137 second citation shall include all information required in subparagraph (B) of paragraph
138 (3) of this subsection for the initial citation and shall include a hearing date and time. If
139 a person fails to appear on the date and time of such hearing set out in the second citation
140 or if the person has failed to pay the penalty or file an appropriate document for rebuttal,
141 the person issued the second citation shall have waived the right to contest the violation
142 and shall be liable for the civil monetary penalty provided in paragraph (3) of this
143 subsection.

144 (6) Any court having jurisdiction over violations of subsection (a) of this Code section
145 shall have jurisdiction over cases arising under this subsection and shall be authorized to
146 impose the civil monetary penalty provided by this subsection. Any person receiving a
147 notice pursuant to subparagraph (B) of this paragraph shall have the right to contest such
148 liability for the civil monetary penalty in the magistrate court or other court of competent
149 jurisdiction for a traffic violation. Except as otherwise provided in this subsection, the
150 provisions of law governing jurisdiction, procedure, defenses, adjudication, appeal, and
151 payment and distribution of penalties otherwise applicable to violations of subsection (a)
152 of this Code section shall apply to enforcement under this subsection except as provided
153 in subparagraph (A) of paragraph (3) of this subsection; provided, however, that any
154 appeal from superior or state court shall be by application in the same manner as that
155 provided by Code Section 5-6-35.

156 (7) If a violation has not been contested and the assessed penalty has not been paid, the
157 agent or governing body shall send to the person who is the registered owner of the motor
158 vehicle a final notice of any unpaid civil monetary penalty authorized by this Code
159 section, except in cases where there is an adjudication that no violation occurred or there
160 is otherwise a lawful determination that no civil monetary penalty shall be imposed. The
161 notice shall inform the registered owner that the agent or governing body shall send a
162 referral to the Department of Revenue if the assessed penalty and any late fee is not paid
163 within 30 days after the final notice was mailed and that such referral shall result in the
164 nonrenewal of the registration of such motor vehicle and shall prohibit the title transfer
165 of such motor vehicle within this state.

166 (8) The agent or governing body shall send a referral to the Department of Revenue not
167 sooner than 30 days after the final notice required under paragraph (7) of this subsection
168 was mailed if a violation of an ordinance or resolution adopted under this article has not
169 been contested and the assessed penalty has not been paid. The referral to the
170 Department of Revenue shall include the following:

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

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

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

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

177 (9) If the Department of Revenue receives a referral under paragraph (8) of this

178 subsection, such referral shall be entered into the motor vehicle database within five days

179 of receipt and the Department of Revenue shall refuse to renew the registration of such

180 motor vehicle and shall prohibit the title transfer of such vehicle within this state unless

181 and until the civil monetary penalty plus any late fee is paid to the governing body. The

182 Department of Revenue shall mail a notice to the registered owner of such motor vehicle

183 that informs such owner:

184 (A) That the registration of the vehicle involved in the violation will not be permitted

185 to be renewed;

186 (B) That the title of the vehicle involved in the violation will not be permitted to be

187 transferred in this state;

188 (C) That the aforementioned penalties are being imposed due to the failure to pay the

189 civil monetary penalty plus any late fee for an ordinance violation adopted under the

190 authority of this Code section; and

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

192 (10) The Department of Revenue shall remove the penalties on a vehicle if any person

193 presents the Department of Revenue with adequate proof that the penalty and any late fee,

194 if applicable, has been paid.

195 (7)(11) Recorded images made for purposes of this subsection shall not be a public

196 record for purposes of Article 4 of Chapter 18 of Title 50.

197 (8)(12) A governing authority shall not impose a civil penalty under this subsection on

198 the owner of a motor vehicle if the operator of the vehicle was arrested or issued a

199 citation and notice to appear by a certified peace officer for the same violation.

200 (9)(13) A local school system may enter into an intergovernmental agreement with a

201 local governing authority to offset expenses regarding the implementation and ongoing

202 operation of video recording devices serving the purpose of capturing recorded images

203 of motor vehicles unlawfully passing a school bus.

204 (10)(14) Any school bus driver operating a vehicle equipped with an activated video

205 recording device shall be exempt from the recording provisions of subsection (c) of Code

206 Section 40-6-163.

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207 (15) The money collected and remitted to the governing body pursuant to subparagraph

208 (d)(3)(B) of this Code section shall only be used by such governing body to fund local

209 law enforcement or public safety initiatives. This paragraph shall not preclude the

210 appropriation of a greater amount than collected and remitted under this subsection."

211 **SECTION 2.**

212 Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to

213 speed detection devices, is amended by adding two new Code sections to read as follows:

214 "40-14-1.1.

215 As used in this article, the term:

216 (1) 'Agent' means a person or entity who is authorized by a law enforcement agency or

217 governing body to administer the procedures contained herein and:

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

219 (B) Operates, maintains, leases, or licenses an automated traffic enforcement safety

220 device; or

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221 (C) Is authorized by such law enforcement agency or governing body to review and
222 assemble the recorded images captured by the automated traffic enforcement safety
223 device for review by a peace officer.

224 (2) 'Automated traffic enforcement safety device' means a speed detection device that:

225 (A) Is capable of producing photographically recorded still or video images, or both,
226 of the rear of a motor vehicle or of the rear of a motor vehicle being towed by another
227 vehicle, including an image of such vehicle's rear license plate;

228 (B) Is capable of monitoring the speed of a vehicle as photographically recorded
229 pursuant to subparagraph (A) of this paragraph; and

230 (C) Indicates on each photographically recorded still or video image produced the date,
231 time, location, and speed of a photographically recorded vehicle traveling at a speed
232 above the posted speed limit within a marked school zone.

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

237 (4) 'Recorded images' means still or video images recorded by an automated traffic
238 enforcement safety device.

239 (5) 'School zone' means the area within 1,000 feet of the boundary of any public or
240 private elementary or secondary school.

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241 40-14-1.2.

242 Nothing in this article shall be construed to mean that an agent is providing or participating
243 in private investigative services or acting in such manner as would render such agent
244 subject to the provisions of Article 4 of Chapter 18 of Title 50."

245 **SECTION 3.**

246 Said article is further amended by revising subsection (c) of Code Section 40-14-2, relating
247 to permit required for use of speed detection devices, use not authorized where officers paid
248 on fee system, and operation by registered or certified peace officers, as follows:

249 "(c) A permit shall not be issued by the Department of Public Safety to an applicant under
250 this Code section unless the applicant provides law enforcement services by certified peace
251 officers 24 hours a day, seven days a week on call or on duty or allows only peace officers
252 employed full time by the applicant to operate speed detection devices. Speed detection
253 devices can only be operated by registered or certified peace officers of the county sheriff,
254 county, municipality, college, or university to which the permit is applicable; provided,
255 however, that an automated traffic enforcement safety device may be operated by an agent
256 or registered or certified peace officers of the county sheriff, county, or municipality to
257 which the permit is applicable. Persons operating the speed detection devices must be
258 registered or certified by the Georgia Peace Officer Standards and Training Council as
259 peace officers and certified by the Georgia Peace Officer Standards and Training Council
260 as operators of speed detection devices; provided, however, that agents may operate
261 automated traffic enforcement safety devices without such registrations or certifications."

262 **SECTION 4.**

263 Said article is further amended by revising Code Section 40-14-5, relating to testing and
264 removal of inaccurate radar devices from service, as follows:

265 "40-14-5.

266 (a) Each state, county, municipal, or campus law enforcement officer using a radar device,
267 except for an automated traffic enforcement safety device as provided for under Code

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268 Section 40-14-18, shall test the device for accuracy and record and maintain the results of
269 the test at the beginning and end of each duty tour. Each such test shall be made in
270 accordance with the manufacturer's recommended procedure. Any radar unit not meeting
271 the manufacturer's minimum accuracy requirements shall be removed from service and
272 thereafter shall not be used by the state, county, municipal, or campus law enforcement
273 agency until it has been serviced, calibrated, and recertified by a technician with the
274 qualifications specified in Code Section 40-14-4.

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275 (b) Each county, municipal, or campus law enforcement officer using a radar device,
276 except for an automated traffic enforcement safety device as provided for under Code
277 Section 40-14-18, shall notify each person against whom the officer intends to make a case
278 based on the use of the radar device that the person has a right to request the officer to test
279 the radar device for accuracy. The notice shall be given prior to the time a citation and
280 complaint or ticket is issued against the person and, if requested to make a test, the officer
281 shall test the radar device for accuracy. In the event the radar device does not meet the
282 minimum accuracy requirements, the citation and complaint or ticket shall not be issued
283 against the person, and the radar device shall be removed from service and thereafter shall
284 not be used by the county, municipal, or campus law enforcement agency until it has been
285 serviced, calibrated, and recertified by a technician with the qualifications specified in
286 Code Section 40-14-4.

287 (c)(1) The law enforcement agency, or agent on behalf of the law enforcement agency,
288 operating an automated traffic enforcement safety device provided for under Code
289 Section 40-14-18 shall maintain a log for the automated traffic enforcement safety device
290 attesting to the performance of such device's self-test at least once every 30 days and the
291 results of such self-test pertaining to the accuracy of the automated traffic enforcement
292 safety device. Such log shall be admissible in any court proceeding for a violation issued
293 pursuant to Code Section 40-14-18.

294 (2) The law enforcement agency, or agent on behalf of the law enforcement agency,
295 operating an automated traffic enforcement safety device shall perform an independent
296 calibration test on the automated traffic enforcement safety device at least once every 12
297 months. The results of such calibration test shall be admissible in any court proceeding
298 for a violation issued pursuant to Code Section 40-14-18."

299 **SECTION 5.**

300 Said article is further amended by adding a new subsection to Code Section 40-14-6, relating
301 to the requirement for warning signs, to read as follows:

302 "(c) In addition to the signs required under subsections (a) and (b) of this Code section,
303 each law enforcement agency using an automated traffic enforcement safety device as
304 provided for in Code Section 40-14-18 shall erect signs warning of the use of a stationary
305 speed detection device within the approaching school zone. Such signs shall be at least 24
306 by 30 inches in area, shall be visible plainly from every lane of traffic, shall be viewable
307 in all traffic conditions, and shall not be placed in such a manner that the view of such sign
308 is subject to being obstructed by any other vehicle on such highway. Such signs shall be
309 placed within 500 feet prior to the warning sign announcing the reduction of the speed limit
310 for the school speed zone. There shall be a rebuttable presumption that such signs are

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311 properly installed pursuant to this subsection at the time of any alleged violation under this

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312 article."

313 **SECTION 6.**

314 Said article is further amended by revising Code Section 40-14-7, relating to the visibility
315 of a vehicle from which a speed detection device is operated, as follows:

316 "40-14-7.

317 No Except as provided for in Code Section 40-14-18, no stationary speed detection device
318 shall be employed by county, municipal, college, or university law enforcement officers
319 where the vehicle from which the device is operated is obstructed from the view of
320 approaching motorists or is otherwise not visible for a distance of at least 500 feet."

321 **SECTION 7.**

322 Said article is further amended by revising subsection (b) of Code Section 40-14-8, relating
323 to when case may be made and conviction had, as follows:

324 "(b) The limitations contained in subsection (a) of this Code section shall not apply in
325 properly marked school zones one hour before, during, and one hour after the normal hours
326 of school operation or programs for care and supervision of students before school, after
327 school, or during vacation periods as provided for under Code Section 20-2-65, in properly
328 marked historic districts, and in properly marked residential zones. For purposes of this
329 chapter, thoroughfares with speed limits of 35 miles per hour or more shall not be
330 considered residential districts. For purposes of this Code section, the term 'historic
331 district' means a historic district as defined in paragraph (5) of Code Section 44-10-22 and
332 which is listed on the Georgia Register of Historic Places or as defined by ordinance
333 adopted pursuant to a local constitutional amendment."

334 **SECTION 8.**

335 Said article is further amended by revising subsection (d) of Code Section 40-14-11, relating
336 to investigations by the commissioner of public safety, issuance of order suspending or
337 revoking a permit, and ratio of speeding fines to agency's budget, as follows:

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

348 **SECTION 9.**

349 Said article is further amended by adding a new Code section to read as follows:

350 "40-14-18.

351 (a) The speed limit within any school zone as provided for in Code Section 40-14-8 and
352 marked pursuant to Code Section 40-14-6 may be enforced by using photographically
353 recorded images for violations which occurred during the time periods relative to normal
354 hours of school operation and programs for care and supervision of students as provided
355 for in Code Section 40-14-8 when such violations are in excess of ten miles per hour over
356 the speed limit.

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

358 (1) The driver of a motor vehicle shall be liable for a civil monetary penalty to the

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359 governing body of the law enforcement agency provided for in paragraph (2) of this
360 subsection if such vehicle is found, as evidenced by photographically recorded images,
361 to have been operated in disregard or disobedience of the speed limit within any school
362 zone and such disregard or disobedience was not otherwise authorized by law. The
363 amount of such civil monetary penalty shall be \$125.00, in addition to fees associated
364 with the electronic processing of such civil monetary penalty which shall not exceed
365 \$25.00; provided, however, that for a period of 30 days after the first automated traffic
366 enforcement safety device is introduced by a law enforcement agency within a school
367 zone, the driver of a motor vehicle shall not be liable for a civil monetary penalty but
368 shall be issued a civil warning for disregard or disobedience of the speed limit within the
369 school zone;

370 (2) A law enforcement agency authorized to enforce the speed limit of a school zone, or
371 an agent working on behalf of a law enforcement agency or governing body, shall send
372 by first class mail addressed to the owner of the motor vehicle within 30 days after
373 obtaining the name and address of the owner of the motor vehicle but no later than 60
374 days after the date of the alleged violation:

375 (A) A citation for the alleged violation, which shall include the date and time of the
376 violation, the location of the infraction, the maximum speed at which such motor
377 vehicle was traveling in photographically recorded images, the maximum speed
378 applicable within such school zone, the civil warning or the amount of the civil
379 monetary penalty imposed, and the date by which a civil monetary penalty shall be
380 paid;

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

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

386 (D) A copy of a certificate sworn to or affirmed by a certified peace officer employed
387 by a law enforcement agency authorized to enforce the speed limit of the school zone
388 and stating that, based upon inspection of photographically recorded images, the
389 owner's motor vehicle was operated in disregard or disobedience of the speed limit in
390 the marked school zone and that such disregard or disobedience was not otherwise
391 authorized by law;

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

394 (F) Information advising the owner of the motor vehicle of the manner in which
395 liability as alleged in the citation may be contested through an administrative hearing;
396 and

397 (G) A warning that failure to pay the civil monetary penalty or to contest liability in
398 a timely manner as provided for in subsection (d) of this Code section shall waive any
399 right to contest liability;

400 (3) Proof that a motor vehicle was operated in disregard or disobedience of the speed
401 limit of the marked school zone shall be evidenced by photographically recorded images.

402 A copy of a certificate sworn to or affirmed by a certified peace officer employed by a
403 law enforcement agency and stating that, based upon inspection of photographically
404 recorded images, a motor vehicle was operated in disregard or disobedience of the speed
405 limit in the marked school zone and that such disregard or disobedience was not

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406 otherwise authorized by law shall be prima-facie evidence of the facts contained therein;
407 and

408 (4) Liability under this Code section shall be determined based upon a preponderance of
409 the evidence. Prima-facie evidence that the vehicle described in the citation issued
410 pursuant to this Code section was operated in violation of the speed limit of the school
411 zone, together with proof that the defendant was, at the time of such violation, the
412 registered owner of the vehicle, shall permit the trier of fact in its discretion to infer that
413 such owner of the vehicle was the driver of the vehicle at the time of the alleged
414 violation. Such an inference may be rebutted if the owner of the vehicle:

415 (A) Testifies under oath in open court or submits to the court a sworn notarized
416 statement that he or she was not the operator of the vehicle at the time of the alleged

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417 violation and identifies the name of the operator of the vehicle at the time of the alleged
418 violation; or

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

421 (c) A violation for which a civil warning or a civil monetary penalty is imposed pursuant
422 to this Code section shall not be considered a moving traffic violation for the purpose of
423 points assessment under Code Section 40-5-57. Such violation shall be deemed
424 noncriminal, and imposition of a civil warning or civil monetary penalty pursuant to this
425 Code section shall not be deemed a conviction and shall not be made a part of the operating
426 record of the person upon whom such liability is imposed, nor shall it be used for any
427 insurance purposes in the provision of motor vehicle insurance coverage.

428 (d) If a person issued and mailed a citation pursuant to subsection (b) of this Code section
429 fails to pay the civil monetary penalty for the violation or has not filed a police report or
430 notarized statement pursuant to paragraph (4) of subsection (b) of this Code section in no
431 less than 30 nor more than 60 days after such mailing as determined and noticed by the law
432 enforcement agency, the agent or law enforcement agency shall send to such person by first
433 class mail a second notice of any unpaid civil monetary penalty, except in cases where
434 there is an adjudication that no violation occurred or there is otherwise a lawful
435 determination that no civil monetary penalty shall be imposed. The second notice shall
436 include all information required in paragraph (2) of subsection (b) of this Code section and
437 shall include a new date of return which shall be no less than 30 days after such mailing as
438 determined and noticed by the law enforcement agency. If such person notified by second
439 notice again fails to pay the civil monetary penalty or file a police report or notarized
440 statement pursuant to paragraph (4) of subsection (b) of this Code section by the new date
441 of return, such person shall have waived the right to contest the violation and shall be liable
442 for the civil monetary penalty provided for under this Code section, except in cases where
443 there is an adjudication that no violation occurred or there is otherwise a lawful
444 determination that no civil monetary penalty shall be imposed.

445 (e) Notices mailed by first class mail pursuant to this Code section shall be adequate
446 notification of the fees and penalties imposed by this Code section. No other notice shall
447 be required for the purposes of this Code section.

448 (f)(1) Any court having jurisdiction over violations of subsection (a) of this Code section
449 shall have jurisdiction over cases arising under this subsection and shall be authorized to
450 impose the civil monetary penalty provided by this subsection. Except as otherwise
451 provided in this subsection, the provisions of law governing jurisdiction, procedure,
452 defenses, adjudication, appeal, and payment and distribution of penalties otherwise

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453 applicable to violations of subsection (a) of this Code section shall apply to enforcement
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454 under this Code section except as provided in subsection (b) of this Code section;

455 provided, however, that any appeal from superior or state court shall be by application

456 in the same manner as that provided by Code Section 5-6-35.

457 (g) If a violation has not been contested and the assessed penalty has not been paid, the
458 agent or governing body shall send to the person who is the registered owner of the motor
459 vehicle a final notice of any unpaid civil monetary penalty authorized by this Code section,
460 except in cases where there is an adjudication that no violation occurred or there is
461 otherwise a lawful determination that no civil monetary penalty shall be imposed. The
462 notice shall inform the registered owner that the agent or governing body shall send a
463 referral to the Department of Revenue if the assessed penalty is not paid within 30 days
464 after the final notice was mailed and such that such referral shall result in the nonrenewal
465 of the registration of such motor vehicle and shall prohibit the title transfer of such motor
466 vehicle within this state.

467 (h) The agent or governing body shall send a referral to the Department of Revenue not
468 sooner than 30 days after the final notice required under subsection (g) was mailed if a
469 violation of an ordinance or resolution adopted under this article has not been contested and
470 the assessed penalty has not been paid. The referral to the Department of Revenue shall
471 include the following:

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

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

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

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

478 (i) If the Department of Revenue receives a referral under subsection (h) of this Code
479 section, such referral shall be entered into the motor vehicle database within five days of
480 receipt and the Department of Revenue shall refuse to renew the registration of the motor
481 vehicle and shall prohibit the title transfer of such vehicle within this state unless and until
482 the civil monetary penalty plus any late fee is paid to the governing body. The Department
483 of Revenue shall mail a notice to the registered owner:

484 (1) That the registration of the vehicle involved in the violation will not be permitted to
485 be renewed;

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

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

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

492 (j) The Department of Revenue shall remove the penalties on a vehicle if any person
493 presents the Department of Revenue with adequate proof that the penalty and any late fee,
494 if applicable, has been paid.

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

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

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

504 **SECTION 10.**

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

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2010 Georgia Code

TITLE 20 - EDUCATION

CHAPTER 2 - ELEMENTARY AND SECONDARY EDUCATION

ARTICLE 3 - LOCAL BOARDS OF EDUCATION

§ 20-2-65 - Programs for care and supervision of students before school, after school, or during vacation periods

O.C.G.A. 20-2-65 (2010)

20-2-65. Programs for care and supervision of students before school, after school, or during vacation periods

(a) The General Assembly of Georgia, recognizing the need for providing school age children with programs outside the normal school curriculum that enable them to reach their full potential as students within that curriculum, hereby declares that programs which provide for the care and supervision of such students outside of normal school hours and during vacation periods serve an educational purpose, in that they are necessary or incidental to public education and can be an integral part of the total school program offered by public schools in this state.

(b) The board of education of any county, area, or independent school system is authorized to establish and operate, contract for, or otherwise make provisions for programs that provide care and supervision before school, after school, or during vacation periods, or during any combination of these time periods, for school age children who are temporary or permanent residents of the geographical area served by such system.

(c) Consistent with existing local rules, regulations, policies, or procedures, a local board of education shall conduct a needs assessment, the scope and methodology of which shall be determined solely by the board, before establishing, operating, contracting for, or otherwise making provisions for programs defined in subsection (b) of this Code section.

(d) In accordance with the requirements of Code Section 50-14-1, the local board of education shall notify the public of the board's intention to vote whether to provide programs as defined in subsection (b) of this Code section. A local board of education shall provide such additional notice or proceedings as deemed appropriate to solicit public comment and review of the board's actions regarding any programs defined in subsection (b) of this Code section.