

House Bill 348 (COMMITTEE SUBSTITUTE)

By: Representatives Collins of the 71st, Lumsden of the 12th, Hitchens of the 161st, Rhodes of the 124th, Powell of the 33rd, 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 the use of automated traffic enforcement safety devices; to revise a definition; to
4 provide standards for warning signs; to provide for times when a school zone speed limit
5 may be enforced through the use of an automated traffic enforcement safety device; to
6 provide for admissible evidence for proof of a violation of speed limit through the use of
7 speed detection devices; to provide for procedures, conditions, and limitations for issuing
8 citations for the violation of speed limit through the use of automated traffic enforcement
9 safety devices; to provide for procedures for contesting such citations; to provide for
10 nonrenewal eligibility of motor vehicle registration in certain instances; to provide for
11 registration restoration process and prescribe a fee; to amend Title 15 of the Official Code
12 of Georgia Annotated, relating to courts, so as to authorize district attorneys,
13 solicitors-general, and prosecuting attorneys to enforce civil monetary penalties relative to
14 the enforcement of laws regarding speeding in a school zone using recorded images; to
15 amend Code Section 40-6-163 of the Official Code of Georgia Annotated, relating to duty
16 of driver of vehicle meeting or overtaking school bus, reporting of violations, and civil
17 monetary penalty for violations captured by school bus camera, so as to revise penalties for
18 failure to pay a civil monetary penalty relating to illegal passing of a school bus; to revise

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19 procedures for contesting such citations; to provide for nonrenewal eligibility of motor
 20 vehicle registration in certain instances; to provide for related matters; to repeal conflicting
 21 laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

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

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

30 **SECTION 2.**

31 Said chapter is further amended in Code Section 40-14-6, relating to warning signs required
 32 and signage requirements, by revising subsection (c) as follows:

33 "(c) In addition to the signs required under subsections (a) and (b) of this Code section,
 34 each law enforcement agency using an automated traffic enforcement safety device as
 35 provided for in Code Section 40-14-18 shall erect signs warning of the use of a stationary
 36 speed detection device within the approaching school zone. Such signs shall be at least 24
 37 by 30 inches in area, shall be visible plainly from every lane of traffic, shall be viewable
 38 in all traffic conditions, and shall not be placed in such a manner that the view of such sign
 39 is subject to being obstructed by any other vehicle on such highway. An automated traffic
 40 enforcement safety device warning sign ~~Such signs~~ shall be placed within 500 feet prior
 41 to the warning sign announcing the reduction of the speed limit for the school ~~speed~~ zone.
 42 Both automated traffic enforcement safety device warning signs and warning signs

43 announcing the reduction of the speed limit for a school zone shall include lights which
 44 flash yellow while the reduction of the speed limit for the school zone is in effect. There
 45 shall be a rebuttable presumption that such signs are properly installed pursuant to this
 46 subsection at the time of any alleged violation under this article."

47 **SECTION 3.**

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

50 "40-14-8.

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

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

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

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

63 (3) Properly in properly marked residential zones.

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

69 **SECTION 4.**

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

72 "40-14-9.

73 Evidence obtained by county or municipal law enforcement officers in using speed
74 detection devices, other than automated traffic enforcement safety devices, within 300 feet
75 of a reduction of a speed limit inside an incorporated municipality or within 600 feet of a
76 reduction of a speed limit outside an incorporated municipality or consolidated city-county
77 government shall be inadmissible in the prosecution of a violation of any municipal
78 ordinance, county ordinance, or state law regulating speed; nor shall such evidence be
79 admissible in the prosecution of a violation as aforesaid when such violation has occurred
80 within 30 days following a reduction of the speed limit in the area where the violation took
81 place, except that this 30 day limitation shall not apply to a speeding violation within a
82 highway work zone, as defined in Code Section 40-6-188, or in an area with variable speed
83 limits, as defined in Code Section 40-6-182. No speed detection device shall be employed
84 by county, municipal, or campus law enforcement officers on any portion of any highway
85 which has a grade in excess of 7 percent."

86 **SECTION 5.**

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

90 "40-14-18.

91 (a)(1) The speed limit within any school zone ~~as provided for in Code Section 40-14-8~~
92 ~~and~~ marked pursuant to Code Section 40-14-6 may be enforced by using photographically
93 recorded images for violations which occurred only 30 minutes prior to and 30 minutes
94 after the school's official starting time and 30 minutes prior to and 30 minutes after the

95 school's official dismissal time and when such violations are in excess of ten miles per
96 hour over the speed limit; provided, however, that, when any portion of a school's
97 property is bisected by a highway, such enforcement may occur on a school day during
98 the time in which instructional classes are taking place and one hour before such classes
99 are scheduled to begin and for one hour after such classes have concluded when such
100 violations are in excess of ten miles per hour over the speed limit.

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

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

108 (1) The owner of a motor vehicle shall be liable for a civil monetary penalty to the
109 governing body of the law enforcement agency provided for in paragraph (2) of this
110 subsection if such vehicle is found, as evidenced by photographically recorded images,
111 to have been operated in disregard or disobedience of the speed limit within any school
112 zone and such disregard or disobedience was not otherwise authorized by law. The
113 amount of such civil monetary penalty shall be \$75.00 for a first violation and \$125.00
114 for a second or any subsequent violation, in addition to fees associated with the electronic
115 processing of such civil monetary penalty which shall not exceed \$25.00; provided,
116 however, that for a period of 30 days after the first automated traffic enforcement safety
117 device is introduced by a law enforcement agency within a school zone, the driver of a
118 motor vehicle shall not be liable for a civil monetary penalty but shall be issued a civil
119 warning for disregard or disobedience of the speed limit within the school zone;

120 (2) A law enforcement agency authorized to enforce the speed limit of a school zone, or
121 an agent working on behalf of a law enforcement agency or governing body, shall send

122 by ~~first-class~~ first-class mail addressed to the owner of the motor vehicle within 30 days
123 after obtaining the name and address of the owner of the motor vehicle from the
124 Department of Revenue but no later than 60 days after the date of the alleged violation:

125 (A) A citation for the alleged violation, which shall include the date and time of the
126 violation, the location of the infraction, the maximum speed at which such motor
127 vehicle was traveling in photographically recorded images, the maximum speed
128 applicable within such school zone, the civil warning or the amount of the civil
129 monetary penalty imposed, ~~and~~ the date by which a civil monetary penalty shall be
130 paid, and a statement that informs the recipient of the consequences for failure to pay
131 the civil monetary penalty;

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

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

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

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

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

149 (G) A warning that failure to pay the civil monetary penalty or to contest liability ~~in~~
150 ~~a timely manner~~ on the hearing date as provided for in subsection (d) of this Code
151 section shall waive any right to contest liability;

152 (3) Proof that a motor vehicle was operated in disregard or disobedience of the speed
153 limit of the marked school zone shall be evidenced by photographically recorded images.
154 A copy of a certificate sworn to or affirmed by a certified peace officer employed by a
155 law enforcement agency and stating that, based upon inspection of photographically
156 recorded images, a motor vehicle was operated in disregard or disobedience of the speed
157 limit in the marked school zone and that such disregard or disobedience was not
158 otherwise authorized by law shall be prima-facie evidence of the facts contained therein;
159 and

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

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

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

172 (c) A violation for which a civil warning or a civil monetary penalty is imposed pursuant
173 to this Code section shall not be considered a moving traffic violation for the purpose of
174 points assessment under Code Section 40-5-57. Such violation shall be deemed
175 noncriminal, and imposition of a civil warning or civil monetary penalty pursuant to this

176 Code section shall not be deemed a conviction and shall not be made a part of the operating
177 record of the person upon whom such liability is imposed, nor shall it be used for any
178 insurance purposes in the provision of motor vehicle insurance coverage. A civil monetary
179 penalty imposed pursuant to this Code section shall not be taxed nor shall any additional
180 penalty, fee, or surcharge to a fine be assessed.

181 (d) If a person issued and mailed a citation pursuant to subsection (b) of this Code section
182 fails to pay the civil monetary penalty for the violation, ~~or~~ has not filed a police report or
183 notarized statement pursuant to paragraph (4) of subsection (b) of this Code section in no
184 less than ~~30~~ 60 nor more than ~~60~~ 90 days after such mailing as determined and noticed by
185 the law enforcement agency, or failed to appear on the assigned hearing date to contest
186 liability, the agent or law enforcement agency shall send to such person by ~~first-class~~
187 first-class mail a second notice of any unpaid civil monetary penalty, except in cases where
188 there is an adjudication that no violation occurred or there is otherwise a lawful
189 determination that no civil monetary penalty shall be imposed. No more than a \$5.00 late
190 fee shall be imposed for any unpaid civil monetary penalty imposed under this Code
191 section. The second notice shall include all information required in paragraph (2) of
192 subsection (b) of this Code section other than an assigned hearing date and shall include
193 a new date ~~of return~~ by which the civil monetary penalty shall be paid which shall be no
194 less than 30 days after such mailing as determined and noticed by the law enforcement
195 agency. If such person notified by second notice again fails to pay the civil monetary
196 penalty or file a police report or notarized statement pursuant to paragraph (4) of subsection
197 (b) of this Code section by the new date of return, such person shall have waived the right
198 to contest the violation and shall be liable for the civil monetary penalty provided for under
199 this Code section, except in cases where there is an adjudication that no violation occurred
200 or there is otherwise a lawful determination that no civil monetary penalty shall be
201 imposed.

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

205 (f) Any court having jurisdiction over violations of subsection (a) of this Code section
206 shall have jurisdiction over cases arising under this subsection and shall be authorized to
207 impose the civil monetary penalty provided by this subsection. Except as otherwise
208 provided in this subsection, the provisions of law governing jurisdiction, procedure,
209 defenses, adjudication, appeal, and payment and distribution of penalties otherwise
210 applicable to violations of subsection (a) of this Code section shall apply to enforcement
211 under this Code section except as provided in subsection (b) of this Code section; provided,
212 however, that any appeal from superior or state court shall be by application in the same
213 manner as that provided by Code Section 5-6-35.

214 (g) If a violation has not been contested and the assessed penalty has not been paid, the
215 agent or governing body shall send to the person who is the registered owner of the motor
216 vehicle a final notice of any unpaid civil monetary penalty authorized by this Code section,
217 except in cases where there is an adjudication that no violation occurred or there is
218 otherwise a lawful determination that no civil monetary penalty shall be imposed. The
219 notice shall inform the registered owner that the agent or governing body shall send a
220 referral to the Department of Revenue if the assessed penalty is not paid within 30 days
221 after the final notice was mailed and ~~such that such referral shall result in the nonrenewal~~
222 ~~of the registration of such motor vehicle and shall prohibit the title transfer of such motor~~
223 ~~vehicle within this state~~ of the consequences for failure to pay such penalty and any late
224 fee.

225 (h) The agent or governing body shall send a referral to the Department of Revenue not
226 sooner than 30 days after the final notice required under subsection (g) was mailed if a
227 violation of an ordinance or resolution adopted under this ~~article~~ Code section has not been
228 contested and the assessed penalty has not been paid, except in cases where there is an

229 adjudication that no violation occurred or there is otherwise a lawful determination that no
 230 civil monetary penalty shall be imposed. The referral to the Department of Revenue shall
 231 include the following:

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

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

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

237 ~~(3)(4) The date when the notice required under this Code section was mailed; and~~

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

239 (i) If the Department of Revenue receives a referral under subsection (h) of this Code
 240 section, such referral shall be entered into the motor vehicle ~~database~~ data base within five
 241 days of receipt and the Department of Revenue shall refuse to renew the registration of the
 242 motor vehicle ~~and shall prohibit the title transfer of such vehicle within this state~~ unless and
 243 until the civil monetary penalty plus any late fee is paid to the agent or governing body.

244 ~~The Department of Revenue shall mail a notice to the registered owner:~~

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

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

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

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

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

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

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

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

265 **SECTION 6.**

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

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

272 **SECTION 7.**

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

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

279 **SECTION 8.**

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

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

286 **SECTION 9.**

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

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

293 **SECTION 10.**

294 Code Section 40-6-163 of the Official Code of Georgia Annotated, relating to duty of driver
295 of vehicle meeting or overtaking school bus, reporting of violations, and civil monetary
296 penalty for violations captured by school bus camera, is amended by revising
297 subparagraph (d)(3)(B) and paragraphs (4), (5), and (7) through (10) of subsection (d) as
298 follows:

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

- 303 (i) A citation for the alleged violation, which shall include the date and time of the
304 violation, the location of the infraction, the amount of the civil monetary penalty
305 imposed, ~~and~~ the date by which the civil monetary penalty shall be paid, and a
306 statement that informs the recipient of the consequences for failure to pay the civil
307 monetary penalty;
- 308 (ii) An image taken from the recorded image showing the vehicle involved in the
309 infraction;
- 310 (iii) A copy of a certificate sworn to or affirmed by a certified peace officer employed
311 by a law enforcement agency authorized to enforce this Code section and stating that,
312 based upon inspection of recorded images, the owner's motor vehicle was operated
313 in disregard or disobedience of subsection (a) of this Code section and that such
314 disregard or disobedience was not otherwise authorized by law;
- 315 (iv) A statement of the inference provided by subparagraph (D) of this paragraph and
316 of the means specified therein by which such inference may be rebutted;
- 317 (v) Information advising the owner of the motor vehicle of the manner ~~and time~~ in
318 which liability as alleged in the citation may be contested in court which shall include
319 an assigned hearing date no later than 60 days from the date of issuance of the
320 citation; and
- 321 (vi) A warning that failure to pay the civil monetary penalty or to contest liability ~~in~~
322 ~~a timely manner~~ on the assigned hearing date shall waive any right to contest liability
323 and result in a civil monetary penalty;”
- 324 “(4) A violation for which a civil penalty is imposed pursuant to this subsection shall not
325 be considered a moving traffic violation for the purpose of points assessment under Code
326 Section 40-5-57. Such violation shall be deemed noncriminal, and imposition of a civil
327 penalty pursuant to this subsection shall not be deemed a conviction and shall not be
328 made a part of the operating record of the person upon whom such liability is imposed,
329 nor shall it be used for any insurance purposes in the provision of motor vehicle insurance

330 coverage. A civil monetary penalty imposed pursuant to this subsection shall not be
331 taxed nor shall any additional penalty, fee, or surcharge to a fine be assessed.

332 (5) If a person is mailed a citation by ~~first-class~~ first-class mail pursuant to
333 subparagraph (B) of paragraph (3) of this subsection, such person may pay the penalty
334 or ~~request a court~~ contest the citation on the assigned hearing date. Any citation executed
335 pursuant to this paragraph shall provide to the person issued the citation at least ~~30~~ 60
336 business days from the mailing of the citation to inspect information collected by the
337 video recording device in connection with the violation. If the person ~~requesting a court~~
338 ~~date~~ issued a citation fails to appear on the date and time of ~~such~~ the assigned hearing or
339 if a person has not paid the penalty for the violation or filed a police report or notarized
340 statement pursuant to subparagraph (D) of paragraph (3) of this subsection, such person
341 shall then be sent a second citation by ~~first-class~~ first-class mail. No more than a \$5.00
342 late fee shall be imposed for any unpaid civil monetary penalty imposed under this
343 subsection. The second citation shall include all information required in
344 subparagraph (B) of paragraph (3) of this subsection for the initial citation ~~and shall~~
345 ~~include a~~ except for the assigned hearing date and time. If a ~~person fails to appear on the~~
346 ~~date and time of such hearing set out in the second citation~~ or if the person has failed to
347 pay the penalty or file an appropriate document for rebuttal, the person issued the second
348 citation shall have waived the right to contest the violation and shall be liable for the civil
349 monetary penalty provided in paragraph (3) of this subsection."

350 "(7) If a violation has not been contested and the assessed penalty has not been paid, the
351 agent or governing body shall send to the person who is the registered owner of the motor
352 vehicle a final notice of any unpaid civil monetary penalty authorized by this Code
353 section, except in cases where there is an adjudication that no violation occurred or there
354 is otherwise a lawful determination that no civil monetary penalty shall be imposed. The
355 notice shall inform the registered owner that the agent or governing body shall send a
356 referral to the Department of Revenue if the assessed penalty and any late fee is not paid

357 within 30 days after the final notice was mailed and ~~that such referral shall result in the~~
 358 ~~nonrenewal of the registration of such motor vehicle and shall prohibit the title transfer~~
 359 ~~of such motor vehicle within this state~~ of the consequences for failure to pay such penalty
 360 and any late fee.

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

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

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

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

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

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

375 (9) If the Department of Revenue receives a referral under paragraph (8) of this
 376 subsection, such referral shall be entered into the motor vehicle data base within five days
 377 of receipt and the Department of Revenue shall refuse to renew the registration of such
 378 motor vehicle ~~and shall prohibit the title transfer of such vehicle within this state~~ unless
 379 and until the civil monetary penalty plus any late fee is paid to the agent or governing
 380 body. ~~The Department of Revenue shall mail a notice to the registered owner of such~~
 381 ~~motor vehicle that informs such owner:~~

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

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

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

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

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

393 **SECTION 11.**

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