

House Bill 279 (AS PASSED HOUSE AND SENATE)

By: Representatives Lumsden of the 12th, Fleming of the 121st, Hitchens of the 161st, Welch of the 110th, and Tanner of the 9th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated,
2 relating to state administrative organization, so as to provide that law enforcement officers
3 appointed by the state revenue commissioner as special agents or enforcement officers of the
4 Department of Revenue may use department motor vehicles or equipment relative to certain
5 approved off-duty jobs; to provide for criteria; to provide for rules and regulations; to provide
6 for restrictions; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Article 1 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state
11 administrative organization, is amended by adding a new Code section to read as follows:

12 "48-2-20.

13 (a)(1) Certified law enforcement officers appointed by the commissioner as a special
14 agent or enforcement officer of the department having all the powers of a police officer
15 of this state in the enforcement of this title, including, but not limited to, such special
16 agents or enforcement officers appointed under Code Section 48-9-44 or 48-11-19, may
17 use a department motor vehicle while working an off-duty job if such job requires vested
18 police powers as a condition of employment, has been approved by the commissioner,
19 and has been determined by the commissioner to be in furtherance of the department's
20 mission and service to the state. Department motor vehicles used for off-duty
21 employment shall not be used at any political function.

22 (2) Except as otherwise provided for in this subsection, department motor vehicles shall
23 be used only in the discharge of official duties.

24 (3) Any other equipment shall be used only with the express written approval of the
25 commissioner. The commissioner shall adopt rules and regulations governing the use of
26 equipment.

27 (b) The commissioner, in his or her sole discretion, in granting approval for such off-duty
28 job in which a department motor vehicle is used, prior to the use of such vehicle, shall
29 determine whether the off-duty employer provided for in subsection (a) of this Code
30 section shall reimburse the department for use of the vehicle. When reimbursement is
31 required, such off-duty employer shall enter into a written agreement with the department
32 to pay an amount determined by the commissioner to be sufficient to reimburse the
33 department for the use of the vehicle and to pay the off-duty employee sufficient
34 compensation. Pursuant to such agreement, the department shall pay the employee of the
35 department the compensation earned on off-duty employment whenever such employee
36 performs such service in a department motor vehicle; provided, however, that such
37 compensation shall not be characterized as direct employment compensation but shall be
38 paid as services under contract.

39 (c) Employees of the department operating a department motor vehicle pursuant to this
40 Code section shall be deemed to be acting within the scope of their official duties and
41 employment within the meaning of Article 2 of Chapter 21 of Title 50, and the
42 commissioner of administrative services shall provide liability coverage for claims arising
43 out of such use."

44

SECTION 2.

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