



Honorable Nathan Deal
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Department of Public Safety

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Colonel Mark W. McDonough
Commissioner

January 14, 2013

MEMORANDUM

TO: DPS Section Supervisors
GSP Post Commanders
MCCD Region Commanders
Capitol Police Supervisors

FROM: Colonel Mark W. McDonough

Enclosed are proposed rule changes concerning the Department of Public Safety.

Such rules are to be immediately placed on your bulletin board for a period of thirty (30) days. After the rules and Notice of Public Hearing have been posted, please fill out the attached form and send it by e-mail to the attention of Ms. Deborah Brownlee at dbrownlee@dps.net or by fax at (404) 624-7788. *It is not necessary to send the form by registered or certified mail.*

If you have any questions, please direct them to the Legal Services Section at (404) 624-7423.

OFFICIAL:

Colonel Mark W. McDonough
Commissioner

Enclosures

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE THAT on February 13, 2013, at 10:00 a.m. in the Media Room at the Department of Public Safety, 959 East Confederate Avenue, S.E., Atlanta, Georgia, a public hearing will be held for the presentation of proposed administrative rule changes which are attached and incorporated by reference.

The chapters affected by the proposed rule & regulation changes are listed below:

Chapter 570-9, OFF-DUTY POLICE EMPLOYMENT; Chapter 570-10, BICYCLE SAFETY; Chapter 570-22, SAFETY GLAZING/WINDOW TINT

All interested persons are hereby advised of the opportunity to submit data, views or arguments, orally or in writing. Oral comments will be limited to ten minutes per person. Anyone needing more than ten minutes should request additional time by contacting Legal Services, Post Office Box 1456, Atlanta, Georgia 30371, in writing, 24-hours prior to the hearing.*

This 14th day of January, 2013.



Colonel Mark W. McDonough
Commissioner

*Anyone with a disability needing assistance should contact Peter Adams, ADA Coordinator, at (404) 624-7850, three days prior to the hearing.

Attachment

SYNOPSIS OF PROPOSED REVISIONS TO THE GEORGIA DEPARTMENT OF PUBLIC SAFETY RULE 570-9 OFF-DUTY POLICE EMPLOYMENT.

Purpose: To revise the Rule by updating language to make the Rule compatible with changes to the Code and reflect existing departmental policy and procedures.

Main Features: The proposed Rule amendments include:

In **Rule 570-9**, paragraph .01 is amended to reference the Department of Public Safety in (2) and a reference to “coordinator” is added and the word “liaison” is deleted in (4); paragraph .02 is amended by adding reference to a “coordinator” and reference to a “liaison” is deleted to reflect current policy and procedures resulting from the addition of the Motor Carrier Compliance Division and Capitol Police; paragraph .03 is amended by deleting obsolete language and incorporating language reflecting current policy and procedures related to prohibiting off-duty employment for officers who are on administrative leave and viewed as unsatisfactory performers; paragraph .04 is amended by adding in (5) the word “Region” and “Section Supervisor,” and language in (6) is revised to mandate that officers working off-duty in plain clothes be governed by departmental policy; paragraph .05 is amended by adding “adult entertainment” establishments to the list of unacceptable employment, and a new subparagraph (b) is added which gives the Commissioner authority to deny a request at his discretion; paragraph .06 is amended by being re-designated as “Off-Duty Employer Responsibilities” and divided into two subparagraphs with a new (2) detailing that requests be in writing and what must be contained in a release from an off-duty employer; paragraph .07 is amended to allow the commissioner to determine exigent circumstances, and language related to off-duty employment is deleted; paragraph .08 is amended by adding “training” to the list of reasons for law enforcement decisions; paragraph .09 is amended by replacing “Georgia State Patrol” with “Georgia Department of Public Safety,” the word “professional” is inserted before “law enforcement officers,” and language holding off-duty officers to the “same high standard and code of conduct as while on duty” is added; paragraph .10 is amended to delete the word “issued” before equipment in (1) and “issued to DPS Officer” at the end; paragraph .12 is amended by replacing Georgia State Patrol with “Department of Public Safety” throughout and the structure of off-duty supervision is revised.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA DEPARTMENT OF PUBLIC SAFETY RULE 570-9 Off Duty Police Employment.

[Note: Underlined text is proposed to be added; lined-through text is proposed to be deleted.]

Rule 570-9 Off Duty Police Employment is hereby revised as follows:

570-9-.01 Definitions.

- (1) **DPS Officer:** Any person employed by the Department of Public Safety in a sworn law enforcement capacity.
- (2) **Off-duty police employment:** employment with an agency other than the ~~Georgia State Patrol~~ Department of Public Safety which entails actual or potential use of police authority and requires vested police powers as a condition of employment. Off-duty employment may be by either by private or public entities.
- (3) **Large off-duty police detail:** A police detail requiring more than twelve DPS officers.
- (4) **Off-duty employment ~~liaison~~ coordinator:** Individual designated by Commissioner to coordinate requests to work off-duty employment, to provide names of eligible DPS officers to prospective employers, and to maintain employer information.
- Authority O.C.G.A. Secs. 35-2-56, 40-6-392, 16-10-3. **History.** Original Rule entitled "Information" was filed on November 8, 1968; effective November 27, 1968. **Amended:** Rule repealed and a new Rule of same title adopted. Filed September 13, 1978; effective October 4, 1978. **Amended:** Rule repealed. Filed September 8, 1987; effective September 28, 1987. **Repealed:** New Rule entitled "Approval" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992. **Repealed:** New Rule entitled "Definitions" adopted. F. Feb. 2, 1995; eff. Feb. 22, 1995.

570-9-.02 Approval.

- (1) Prior to accepting off-duty police employment, a DPS officer must request permission from the Commissioner. Requests must be made on a form prescribed by the Department of Public Safety and must be sent to the off-duty employment ~~liaison~~ coordinator. If the proposed employment conflicts with the DPS officers state employment or with any department policy, rule, regulation, or rule or regulation of the State Personnel Board, the request shall be disapproved. Approval will only be granted if there is no conflict of interest, the proposed employment does not interfere with the DPS officer's primary duties, and the proposed employment is within the duties and responsibilities a DPS officer performs or is reasonably expected to perform as part of his or her job duties and responsibilities. The Commissioner or his designee has the discretion to approve or disapprove any request.
- (2) Off-duty employment for the rank of Captain and above may be authorized pursuant to the regulations contained in this chapter. Off-duty employment shall be the type of employment consistent with the status and dignity of the rank. Examples of off-duty employment acceptable for the rank of Captain and above are dignitary protection and other employment in a management capacity. Off-duty employment involving security of work sites, traffic control, and other functions typically performed by DPS officers of a lesser rank will not be approved.
- (3) Once approval is granted, a copy of the request form marked "approved" shall be maintained by the off-duty employment ~~liaison~~ coordinator, ~~and shall clearly state the date the approval expires.~~ The off-duty employment ~~liaison~~ coordinator shall provide notice in a form as prescribed by the Department to each approved employer.
- (4) In the event a request is made for emergency approval to work off-duty employment, oral authorization may be granted by the Commissioner or his designee. If oral approval is granted, a written request must be prepared and forwarded on the form prescribed by the Department, through channels, within 72 hours.

(5) Approval for off-duty employment may be suspended at any time that a conflict is found to exist, the employment interferes with the DPS officers primary duties, departmental procedures are violated or otherwise, in the discretion of the Commissioner. During the course of the employment, the ~~Troop Commander may be directed by the Commanding Officer to~~ Department may make reasonable inquiries of a DPS officer to ensure that no conflict or violation of ~~Georgia State Patrol~~ Department of Public Safety policy exists.

(6) Approval for off-duty employment may be revoked at any time at the discretion of the Commissioner, ~~with or without a stated reason.~~

Authority O.C.G.A. Secs. 35-2-56, 40-6-392, 16-10-3. **History.** Original Rule entitled "Qualifications" was filed on November 8, 1968; effective November 27, 1968.

Amended: Rule repealed and a new Rule of same title adopted. Filed September 14, 1978; effective October 4, 1978. **Amended:** Filed August 5, 1982; effective August 25, 1982. **Amended:** Filed June 7, 1984; effective June 27, 1984. **Amended:** Rule repealed. Filed September 8, 1987; effective September 28, 1987. **Repealed:** New Rule entitled "Hours" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992. **Repealed:** New Rule entitled "Approval" adopted. F. Feb. 2, 1995; eff. Feb. 22, 1995.

570-9-.03 Eligibility.

The following DPS officers shall not be approved for off-duty police employment:

- (a) DPS officers on suspension with or without pay or administrative leave.
- (b) DPS officers assigned administrative duties for the purpose of investigation.
- (c) DPS officers during the first six months of employment in a law enforcement capacity with the Department of Public Safety.
- (d) DPS officers with an overall performance management assessment of "~~does not meet Expectations.~~ 1 – Unsatisfactory Performer." or "2 – Satisfactory Performer – Minus."
- (e) DPS officers assigned administrative or light duties due to being physically or mentally incapable of performing his or her job duties.
- (f) DPS officers who do not meet any required physical fitness or physical agility standards set forth by the Department of Public Safety.
- (g) DPS officers on leave due to their own personal illness .
- (h) ~~Any other off duty police employment determined by the Commissioner, in his or her discretion, to be inconsistent, incompatible, in conflict with or that would bring discredit upon the Georgia Department of Public Safety.~~

Authority O.C.G.A. Secs. 35-2-3, 35-2-56. **History.** Original Rule entitled "Application, Form of" was filed on November 8, 1968; effective November 27, 1968. **Amended:** Rule repealed and a new Rule of same title adopted. Filed September 14, 1978; effective October 4, 1978. **Amended:** Filed August 5, 1982; effective August 25, 1982. **Amended:** Rule repealed. Filed September 8, 1987; effective September 28, 1987. **Repealed:** New Rule entitled "Insurance and Workers' Compensation" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992. **Repealed:** New Rule entitled "Eligibility" adopted. F. Feb. 2, 1995; eff. Feb. 22, 1995. **Amended:** F. May 8, 2000; eff. May 28, 2000. **Amended:** F. Mar. 14, 2007; eff. Apr. 3, 2007.

570-9-.04 General Provisions.

(1) DPS officers desiring to work off-duty employment shall arrange such outside employment with the understanding that all matters related to the off-duty job shall be conducted at a time when the DPS officer is not on duty.

(2) No scheduling, arranging employment, replacements, delivering paychecks, or any other off-duty related matters shall be performed while the DPS officer is on duty with the Department of Public Safety; provided, however, that for off-duty employment for which the DPS officer receives his pay through the Department the prohibition against the delivery of paychecks shall not apply.

(3) DPS officers are prohibited from leaving their assigned duty work zone for the purpose of off-duty employment.

(4) DPS officers are prohibited from visiting off-duty work sites while on regularly assigned patrol shifts.

(5) DPS officers are prohibited from adjusting work schedules in order to accommodate off-duty employment opportunities except when personally approved by the Post Commander or immediate supervisor, in writing, with a full explanation of circumstances which shall be reported to the Troop/Region Commander or Section Supervisor.

(6) Any DPS officer working off-duty employment in plain clothes shall be governed by DPS Policy regarding outside employment.

~~(76)~~ Off-duty employment is prohibited with a private employer when the employer is involved in a labor strike. In cases where a private employer becomes involved in a labor strike subsequent to approval of the Commissioner, the approval shall be considered immediately withdrawn.

~~(87)~~ All law enforcement decisions will be made by Georgia Department of Public Safety personnel and not by the off-duty employer.

Authority O.C.G.A. Secs. 35-2-56, 16-10-3. **History.** Original Rule entitled "Permits" was filed on November 8, 1968; effective November 27, 1968. **Amended:** Rule repealed and a new Rule of same title adopted. Filed September 14, 1978; effective October 4, 1978. **Amended:** Filed August 5, 1982; effective August 25, 1982. **Amended:** Rule repealed. Filed September 8, 1987; effective September 28, 1987. **Repealed:** New Rule entitled "Unacceptable Employment" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992. **Repealed:** New Rule entitled "General Provisions" adopted. F. Feb. 2, 1995; eff. Feb. 22, 1995; **Amended:** F. Nov. 22, 1999; eff. Dec. 12, 1999.

570-9-.05 Unacceptable Employment.

Off-duty employment which is not acceptable to the Georgia Department of Public Safety includes, but is not limited to:

(a) Employment involving wrecker companies, bail bonding companies, private investigation services, paralegal services, ~~topless dancing~~ adult entertainment establishments, employment in which the primary source of revenue is the sale of alcoholic beverages, employment at fast food establishments or retail sales establishments, and any employment that would require a DPS officer to testify in court in opposition to another law enforcement agency. Approval may be granted on an individual basis when the sale and consumption of alcohol beverages is incidental to the primary function or purpose of the enterprise such as sports facilities and civic centers. During the course of the employment, the Department may make reasonable inquiries of

the member to ensure that the continued outside employment does not constitute a conflict of interest.

(b) Any other off-duty police employment determined by the Commissioner, in his or her discretion, to be inconsistent, incompatible, in conflict with or that would bring discredit upon the Georgia Department of Public Safety.

Authority O.C.G.A. Secs. 35-2-56, 40-6-392, 16-10-3. **History.** Original Rule entitled "Forms of Permit" was filed on November 8, 1968; effective November 27, 1968.

Amended: Rule repealed and a new Rule of same title adopted. Filed September 14, 1978; effective October 4, 1978. **Amended:** Filed January 8, 1982; effective January 28, 1982. **Amended:** Rule repealed. Filed September 8, 1987; effective September 28, 1987.

Repealed: New Rule entitled "General Provisions" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992. **Repealed:** New Rule entitled "Unacceptable Employment" adopted. F. Feb. 2, 1995; eff. Feb. 22, 1995.

570-9-.06 Off-Duty Employer Responsibilities Insurance and Workers Compensation.

(1) Any member working off-duty police employment will be responsible for all insurance and workers compensation relative to such outside employment. The Department will not be responsible for a DPS officers actions if the DPS officer is acting in the scope of employment for the outside employer. State benefits and protection, including liability

insurance coverage and workers compensation benefits for related injuries and disability, will not apply while the DPS officer is performing off-duty police employment. If such employment is by another state department, that agency, rather than the Department of Public Safety, will be responsible for such coverage.

(2) Requests for employment by another state agency shall be in writing and shall conform to the requirements for Secondary Employment or Off-Duty Police Employment. In addition to the requirement stated in this policy, a release shall be provided by the employee which states:

a. In the event that the hours worked for the Department and another state agency result in the employee being eligible for overtime, the overtime shall be the responsibility of the other agency up to the maximum hours worked by the other agency, and

b. In the event the employee requests or becomes entitled to overtime pay as a result of working outside the Department for another agency, the outside employer or other state agency shall bear the expense or liability and must agree to such in writing.

Authority O.C.G.A. Secs. 35-2-56, 16-10-3. **History.** Original Rule entitled "Techniques and Methods" was filed on November 8, 1968; effective November 27, 1968. **Amended:** Rule repealed and a new Rule of same title adopted. Filed September 14, 1978; effective October 4, 1978. **Amended:** Filed October 11, 1979; effective October 31, 1979. **Amended:** Filed August 6, 1981; effective August 26, 1981. **Amended:** Filed August 5, 1982; effective August 25, 1992. **Amended:** Filed June 6, 1983; effective June 26, 1983. **Amended:** Emergency Rule 570-9-0.12-.06 was filed on October 11, 1983; effective October 5, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Said Rule repealed paragraphs (1), (2), (6) and (11) and adopted new

paragraphs of the same numbers.) (Said Emergency Rule expired February 2, 1984.) **Amended:** Filed February 1, 1984; effective February 21, 1984. **Amended:** Rule repealed. Filed September 8, 1987; effective September 28, 1987. **Repealed:** New Rule entitled "Off-Duty Police Details" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992. **Repealed:** New Rule entitled "Insurance and Workers Compensation" adopted. F. Feb. 2, 1995; eff. Feb. 22, 1995; **Amended:** F. Nov. 22, 1999; eff. Dec. 12, 1999.

570-9-.07 Hours.

A DPS officer may work a maximum of 64 hours of off-duty police employment in combination with regular duty hours in each work week, except in the event of a riot, natural disaster, emergency situation or other exigent circumstances as determined by the Commissioner. Any DPS officer working off-duty police employment shall provide a minimum of six hours for rest between off-duty employment and regular on-duty assignments. ~~Any DPS officer working off-duty employment in plain clothes shall be governed by DPS Policy regarding outside employment.~~

Authority O.C.G.A. Secs. 35-2-56, 40-6-392, 16-10-3. **History.** Original Rule entitled "Fees and Billing" was filed on November 8, 1968; effective November 27, 1968.

Amended: Rule repealed and a new Rule of same title adopted. Filed September 14, 1978; effective October 4, 1978. **Amended:** Rule repealed. Filed September 8, 1987; effective September 28, 1987. **Repealed:** New Rule entitled "Use of State Equipment in Off-Duty Police Details" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992. **Repealed:** New Rule entitled "Hours" adopted. F. Feb. 2, 1995; eff. Feb. 22, 1995. **Amended:** F. May 8, 2000; eff. May 28, 2000.

570-9-.08 Law Enforcement Action in Off-Duty Police Employment.

A DPS officer engaged in off-duty police employment is expected to take appropriate law enforcement action when a serious violation or life threatening situation occurs (such as the commission of a felony). A DPS officer responding under these conditions is considered "on-duty" and shall be afforded all protection consistent with the position of a DPS officer. Law Enforcement decisions must be made in accordance with Georgia Department of Public Safety policies, procedures, training, rules and regulations.

Authority O.C.G.A. Sec. 40-6-392. **History.** Original Rule entitled "Revocation of Permit" was filed on September 30, 1969; effective October 19, 1969. **Amended:** Rule repealed and a new Rule of same title adopted. Filed September 14, 1978; effective October 4, 1978. **Amended:** Rule repealed. Filed September 8 1987; effective September 28, 1987. **Repealed:** New Rule entitled "Law Enforcement Action in Off-Duty Police Employment" adopted F. Aug. 6, 1992; eff. Aug. 26, 1992. **Repealed:** New Rule entitled "Law Enforcement Action in Off-Duty Policy Employment" adopted, F. Feb. 2, 1995; eff. Feb. 22, 1995.

570-9-.09 Standards of Conduct and Supervision.

The off-duty employer may make general assignment of duties but has no command authority over DPS officers. DPS officers engaged in off-duty police employment will be subject to the same rules and regulations as on-duty officers. While wearing the uniform of the ~~Georgia State Patrol~~ Georgia Department of Public Safety, DPS officers shall

conduct themselves as professional law enforcement officers and are held to the same high standard and code of conduct as while on duty.

Authority O.C.G.A. Sec. 35-2-56. **History.** Original Rule entitled "Compensation for Off-Duty Police Employment" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992. **Repealed:** New Rule entitled "Standards of Conduct and Supervision" adopted, F. Feb. 2, 1995; eff. Feb. 22, 1995.

570-9-.10 Use of State Equipment in Off-Duty Police Employment.

(1) When off-duty police employment is approved, the DPS officer shall wear the Georgia Department of Public Safety uniform of the day, and may use his Georgia Department of Public Safety issued equipment issued to the DPS Officer.

(2) DPS officers are prohibited from using the departmental owned vehicle except as specifically authorized in O.C.G.A. § 35-2-56 (b). When the off-duty employment and the use of a department motor vehicle has been approved in writing by the Commissioner, a DPS officer may use a department motor vehicle in the following circumstances:

(A) Pursuant to a contract between the Department of Public Safety and a private entity, DPS officers may escort the private entity's vehicles that are used to transport persons or materials for which a police escort is required by federal or state statute or regulation.

(B) With respect to any off-duty employment for which the use of a departmental motor vehicle is approved by the Commissioner, the Commissioner shall set a fixed sum as compensation to the Department of Public Safety by the off-duty employer. The

Commissioner shall further set a fixed sum of compensation to the DPS officer for his services, which sum shall be remitted by check made payable to the DPS officer and transmitted to the Department for delivery to the DPS officer. The off-duty employer shall be responsible for furnishing lodging and meals to the DPS officer if the assignment requires an overnight stay.

(3) DPS officers shall be off-duty while traveling to and from off-duty police employment. However, when traveling to off-duty employment for which the use of a departmental motor vehicle is approved by the Commissioner, the provisions of Ga. Admin. Comp. Ch. 570-9-.08 shall be applicable and shall govern the conduct of the DPS officer during that travel.

Authority O.C.G.A. Sec. 35-2-56. **History.** Original Rule entitled "Standards of Conduct and Supervision" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992. **Repealed:** New Rule entitled "Use of State Equipment in Off-Duty Policy Employment" adopted. F. Feb. 2, 1995; eff. Feb. 22, 1995; **Amended:** F. Nov. 22, 1999; eff. Dec. 12, 1999. **Amended:** May 8, 2000; eff. May 28, 2000.

570-9-.11 Recall to Duty.

A DPS officer engaged in an off-duty assignment must be available to be recalled to on-duty status. Notice of this requirement shall be given to the employer in accordance with departmental policy.

Authority O.C.G.A. Sec. 35-2-56. **History.** Original Rule entitled "Recall to Duty" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992. **Repealed:** New Rule entitled "Recall to Duty" adopted. F. Feb. 2, 1995; eff. Feb. 22, 1995.

570-9-.12 Large Off-Duty Police Details.

Large off-duty police details shall ~~require~~ require sufficient off-duty ~~Georgia State Patrol Department of Public Safety~~ supervisors to supervise the detail. The ~~Georgia State Patrol Department of Public Safety~~ standard for supervisors requires the following:

~~(a) A DPS officer with the rank of Sergeant in the Georgia State Patrol or higher is required for supervision of DPS officers based on the number of DPS officers assigned to the off-duty police detail. A Sergeant or Sergeant First Class will supervise no more than 12 DPS Officers. One (1) NCO is required for every 12 officers assigned to an off-duty detail.~~

~~(b) A DPS officer with the rank of Lieutenant in the Georgia State Patrol or higher is required for supervision of Sergeants or Sergeants First Class assigned to an off-duty police detail. A Lieutenant will supervise no more than a combination of two Sergeants or Sergeants First Class. When there are either two Sergeants or Sergeants First Class working an off-duty police detail, a Lieutenant must also work the detail. One (1) Lieutenant or Captain is required for every two (2) NCO's assigned to supervise an off-duty detail.~~

~~(c) Captains are required for supervision of Lieutenants based upon the number of Lieutenants assigned to the off-duty police detail. One Captain will supervise no more than two Lieutenants working an off-duty police detail. When there are two Lieutenants working an off-duty police detail, a Captain must also work the detail. One (1) Captain is required for every two (2) Lieutenants or Captain assigned to an off-duty detail.~~

Authority O.C.G.A. Sec. 35-2-56, 16-10-3. **History.** Original Rule entitled "Suspension of Approval for Off-Duty Employment" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992. **Repealed:** New Rule entitled "Large Off-Duty Police Details" adopted. F. Feb. 2, 1995; eff. Feb. 22, 1995.

570-9-.13 Rental Agreements.

(1) DPS officers who have an agreement with a property owner or manager to pay a reduced amount of rent or no rent for merely residing at an apartment complex, house, or mobile home park are not considered to be engaged in off-duty police employment.

(2) If any type of regularly scheduled service such as security checks are part of the agreement, DPS officers are considered to be engaged in off-duty police employment. Each member with such an agreement, either written or oral, shall request approval as stated in this chapter.

(3) The request for off-duty police employment in a rental agreement situation must clearly state the conditions of the agreement.

Authority O.C.G.A. Sec. 35-2-56, 16-10-3. **History.** Original Rule entitled "Off-Duty Police Employment: Captain and Above" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992.

SYNOPSIS OF PROPOSED REVISIONS TO THE GEORGIA DEPARTMENT OF PUBLIC SAFETY RULE 570-10 BICYCLE SAFETY.

Purpose: To revise and update the language to make the Rule compatible with the Code.

Main Features: The proposed Rule amendments include:

In **Rule 570-10**, the language in paragraphs .01 is deleted and replaced by “Rear Bicycle Reflectors” and language that references the federal requirements set forth in C.F.R. 1512.16; paragraphs .02 and .03 are deleted in their entirety.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA DEPARTMENT OF PUBLIC SAFETY RULE 570-10 Bicycle Safety.

[Note: Underlined text is proposed to be added; lined-through text is proposed to be deleted.]

Rule 570-10 Bicycle Safety is hereby revised as follows:

570-10-.01 Scope of Regulation. Amended. Rear Bicycle Reflectors

~~To provide for rules regulating the operation of and establish requirements for equipment on bicycles operated on a roadway or highway. Bicycles in use at nighttime which are not equipped with a red light on the rear shall be equipped with a red reflector which complies with the requirements set forth in 16 CFR 1512.16.~~

~~Authority Ga. L. 1973 Sess. p. 471, Act 227. Administrative History. Original Rule entitled "Scope of Regulation" was filed on September 14, 1972; effective January 1, 1973 as specified by the Agency. Amended: Filed November 29, 1973; effective December 19, 1973.. Authority: OCGA 40-6-296 (a); OCGA 35-2-4.~~

570-10-.02 Bicycle Pedal Reflector. Amended. Repealed.

~~(1) Definition. A reflex reflector is a device designed to reflect light in a direction close to that at which it is incident, whatever the angle of incidence.~~

~~(2) Marks of Identification. Reflex reflectors shall be permanently marked and legibly marked with the manufacturer's or vendor's name, lettered trademark or initials, and or other identification markings.~~

~~(3) Bicycle Pedal Reflectors required on bicycles and on separate replacement pedals sold on or after January 1, 1972, shall meet the following requirements:~~

~~(a) Color The Color of pedal reflectors shall be amber.~~

~~(b) Location Reflectors shall be located on both front and rear surfaces of pedal.~~

~~(c) Sealing Reflective elements shall be hermetically sealed either by a backing that does not depend upon the pedal for protection against entrance of dust and moisture or by sealing directly to the pedal material. Such sealing shall be accompanied nay means that do not require gaskets or continuous mechanical pressure by the lens against the pedal or housing to maintain the seal.~~

~~(d) Damage Protection. Reflectors shall be sufficiently recessed from the edges of the pedal or of the reflector housing to prevent contact of the lens with a straight edge at all locations along the lens with the straight edge in a plane perpendicular to the pedal shaft.~~

~~(4) Mechanical Test Requirements. Pedal reflectors shall comply with the following mechanical tests:~~

~~(a) Corrosion Test. The device shall show no evidence of excessive corrosion which would effect the proper functioning of the device when tested in accordance with Section H of SAE J575d, November 1966.~~

~~(b) Dust Test. The maximum candlepower when the device is tested in accordance with~~

Section G of SAE J575d, November 1966, and its outer surface is cleaned shall be within 10% of the maximum candlepower of the unit after the inside is cleaned.

(c) Moisture Test:

1. Bicycle pedal reflectors shall be tested both with the lens facing up and with the plane of the pedal horizontal and shall show no evidence of entrance of moisture within the reflector unit.
2. The device shall not accumulate more than 2 cc of moisture when tested in accordance with Section F of SAE J575d, November 1966.

(d) Vibration Test. The device when tested in accordance with Section E of SAE K 575d, November 1966, shall show no evidence of material physical weakness, displacement, or rupture of parts other than reflector rotation, except that such rotation shall not be considered a failure when test shows a compliance with all other requirements when so rotated.

(5) Color and Photometric Test Requirements:

(a) Reflex reflectors shall meet the following color and photometric test requirements:

1. Color Test. Reflex reflectors shall be within the color limits for amber.
2. Photometric Test. The specific intensity of the reflector placed in a uniform beam from a single 2 inch (5.2cm) diameter light source at a distance of 100 feet (30M) shall be measured by means of a photoelectric photometer which is corrected to approximate the visual response function and has a receiver dimension of not more than 1/2 inch (12.4mm) wide in the direction of the observation angle nor more than 1 inch (2.5cm) long.
3. Photometric Test Setup. The reflex reflector shall be mounted on a goniometer with the center of the reflex area at the center of rotation and at the same horizontal level as the source of illumination. The axis of reflex reflectors shall be taken as parallel to the longitudinal axis of the vehicle for rear reflectors and perpendicular to the vertical plane passing through the longitudinal axis of the vehicle for side reflectors.

(b) Rotational Position. Reflex reflectors rotational position shall be as follows:

1. Reflex reflectors without a fixed rotational position on the vehicle shall be rotated about the axis through 360 degrees to find the minimum candlepower per foot candle at each test point. If the output falls below the minimum requirement at any test point, the reflector shall be rotated ± 5 degrees about its axis from the angle where the minimum output occurred, and the maximum candlepower per foot candle within this angle shall be reported as tolerance value.
2. Reflex reflectors constructed to be mounted on the vehicle in fixed rotational position shall be tested in this position. A visual locator, such as the word "top", shall not be considered adequate to establish a fixed rotational position on the vehicle.
3. Bicycle pedal reflectors shall be oriented for the photometric test with the photometer axis perpendicular to the pedal shaft, and the plane of the pedal horizontal at the HV entrance angle. The reflector units shall be tested with the pedal both in its initial position and rotated 190 degrees about its shaft.
4. Photometric requirements. Reflex reflectors shall comply with the following photometric requirements in Table 1.

TABLE 1

Test Points

degrees

Minimum specific intensity

~~candles per foot candle~~

~~Observation~~

~~angle~~

~~Entrance~~

~~angle~~

~~Bicycle Pedal~~

~~Reflectors (Amber)~~

~~0.2~~

~~10 UV~~

~~20 L~~

~~H V~~

~~20 R~~

~~10 DV~~

~~0.3~~

~~10 UV~~

~~20 L~~

~~H V~~

~~10 DV~~

~~20 R~~

~~1.00~~

~~0.50~~

~~1.25~~

~~1.00~~

~~0.50~~

~~0.3~~

~~10 UV~~

~~20 L~~

~~0.13~~

~~0.08~~

~~H V~~

~~20 R~~

~~10 DV~~

~~0.18~~

~~0.08~~

~~0.13~~

~~Authority Ga. L. 1973 Sess., p. 471. Effective December 19, 1973. **Administrative**~~

~~**History.** Original Rule~~

~~was filed on September 14, 1972; effective January 1, 1973 as specified by the Agency.~~

~~**Amended:**~~

~~Original Rule entitled "Definition" repealed and a new Rule entitled "Bicycle Pedal Reflector" adopted.~~

~~Filed November 29, 1973; effective December 19, 1973.~~

570-10-.03 Required Equipment. Amended. Repealed.

Every bicycle manufactured on or after January 1, 1974, and every bicycle operated after darkness on highways or roadways must be equipped as follows:

~~(a) A red reflector located facing the rear in a position which will not be obstructed at any time from view of a vehicle approaching from the rear and visible from 200 feet from the rear. Such red reflector shall comply with SAE Lighting Equipment Standard—"Reflex Reflectors SAE J5394d, February, 1970".~~

~~(b) All bicycles covered by these specifications shall be equipped with a red or clear reflector located on each side of the center of the rear, visible from 200 feet from the side.~~

~~(c) All bicycles covered by these specifications shall be equipped with a clear reflector located on the front of the bicycle, visible for 200 feet from the front, in a position which will not be obstructed at any time from the view of a vehicle approaching from the front.~~

~~(d) All bicycles covered by these specifications shall be equipped with an amber or clear reflector located on each side of the center of the front, visible from 200 feet from the side.~~

~~(e) A lamp emitting a white light visible from a distance of 300 feet in front of the bicycle.~~

Authority Ga. L. 1973, Sess., p. 471. **Administrative History.** Original Rule entitled "Marks of Identification" was filed on September 14, 1972; effective January 1, 1973, as specified by the Agency.

~~**Amended:** Rule repealed and a new Rule entitled "Required Equipment" adopted. Filed November 29, 1973; effective December 19, 1973.~~

SYNOPSIS OF PROPOSED REVISIONS TO THE GEORGIA DEPARTMENT OF PUBLIC SAFETY RULE 570-22 SAFETY GLAZING MATERIAL AND WINDOW TINTING MANUFACTURER AND INSTALLER REQUIREMENTS.

Purpose: To update and amend the Rule and to repeal outdated language. The proposed changes will make the Rule compatible with the existing Code.

Main Features: The proposed Rule amendments include:

Rule 570-22.01, is revised to reflect an amendment to O.C.G.A. Section 40-8-78 related to safety glazing. This Code section requires the commissioner to create and publish a list of *types* of glazing materials by name which he approves. The current Rule defines the approved list as one published by American Association of Motor Vehicle Administrators (AAMVA). That organization no longer compiles a list of "approved" types of safety glazing.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA DEPARTMENT OF PUBLIC SAFETY RULE 570-22 Safety Glazing Material and Window Tinting Manufacturer and Installer Requirements.

[Note: Underlined text is proposed to be added; lined-through text is proposed to be deleted.]

Rule 570-22 is Safety Glazing Material and Window Tinting Manufacturer and Installer Requirements is hereby revised as follows:

~~570-22-.01 Administration. Safety Glazing for Motor Vehicles.~~

~~Safety glazing installed in motor vehicles shall be of a type manufactured, certified, marked and installed according to the requirements of 49 C.F.R. §571.205 (Federal Motor Vehicle Standard 205) and as it may be amended.~~

~~The Commissioner of the Department of Public Safety shall maintain a current listing of approved Safety Glazing Material for use in or replacement of glass in doors, windows and windshields. These Rules shall not apply to side or rear windows of vehicles which were installed or replaced prior to January 1, 1954.~~

~~Authority: O.C.G.A. 40-8-78. Authority Ga. Code Ann. Sec. 68E-409. History. Original Rule entitled "Administration" adopted. F. Aug. 5, 1982; eff. Aug. 25, 1982.~~

~~570-22-.02 Identification. Repealed.~~

~~All Safety Glazing glass shall reflect a "DOT" symbol and manufacture code number, an "AS" symbol and number, and an "M" symbol for model to depict class of glass.~~

~~Authority Ga. Code Ann. Sec. 68E-409. History. Original Rule entitled "Identification" adopted. F. Aug. 5, 1982; eff. Aug. 25, 1982.~~

~~570-22-.03 Testing and Approval. Repealed.~~

~~The Department shall approve use of Safety Glazing Material in accordance with testing procedures as identified and approved by the American Association of Motor Vehicle Administrators. The AAMVA requires that all glazing materials be tested to the requirements specified in the United States and Canadian Federal Motor Vehicle Safety Standards No. 205.~~

~~Authority Ga. Code Ann. Sec. 68E-409. History. Original Rule entitled "Testing and Approval" adopted. F. Aug. 5, 1982; eff. Aug. 25, 1982.~~

~~570-22-.04 Approved Listing. Repealed.~~

~~The AAMVA will furnish, on a regular basis, a valid listing of approved glazing material, which shall be grouped by DOT number and in numeric sequence within DOT Assigned Code Number to the manufacturer. The afore referenced shall serve as the Commissioner's approved listing. The approved listing shall be made available to interested parties upon request.~~

~~Authority Ga. Code Ann. Sec. 68E-409. History. Original Rule entitled "Approved Listing" adopted. F. Aug. 5, 1982; eff. Aug. 25, 1982.~~



Colonel Mark W. McDonough
Commissioner

Department of Public Safety

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Melissa Rodgers
Director of Legal Services

January 14, 2013

MEMORANDUM

TO: DPS Section Supervisors
GSP Post Commanders
MCCD Region Commanders
Capitol Police Supervisors

FROM: Jacqueline Bunn 
Deputy Director of Legal Services

The enclosed rules **570-9, 570-10, 570-22** and Notice of Public Hearing were posted on:

DATED POSTED	POST # / SECTION	LOCATION

The enclosed rule(s) shall remain posted for thirty (30) days.

Date Mailed to Legal Services

Signed: _____
Post Commander, Region Commander or Supervisor

Please return only this form to the Legal Services Section immediately upon posting the proposed rule change. It is not necessary to send by certified or registered mail.