

Senate Bill 195

By: Senators Ray of the 48th, Haines of the 46th and Meyer von Bremen of the 12th

A BILL TO BE ENTITLED
AN ACT

1 To change provisions relating to the jurisdiction and authority of certain courts of political
2 subdivisions of the state; to amend Title 15 of the Official Code of Georgia Annotated,
3 relating to courts, so as to provide for jurisdiction of county recorder's courts; to provide that
4 such grant of jurisdiction by general law shall be supplemental to the jurisdiction granted in
5 local laws relating to such courts; to provide for practice, procedure, and punishment in such
6 courts; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor
7 vehicles and traffic, so as to provide that counties and municipalities may by ordinance adopt
8 by reference any or all provisions of said title defining moving and nonmoving offenses; to
9 provide for other matters relating to the foregoing; to provide for an effective date; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by adding
14 a new Chapter 7A to read as follows:

15 style="text-align:center">"CHAPTER 7A

16 15-7A-1.

17 As used in this chapter, the term 'county recorder's court' means any court continued as
18 such pursuant to subparagraph (5) of Article VI, Section X, Paragraph I of the Constitution
19 of the State of Georgia.

20 15-7A-2.

21 (a) Each county recorder's court shall have subject matter jurisdiction coextensive with
22 the jurisdiction granted to municipal courts under Chapter 32 of Title 36, except that a
23 county recorder's court shall have no jurisdiction over the violation of municipal

1 ordinances. Without limiting the generality of the foregoing, it is specifically provided that
2 a county recorder's court shall have jurisdiction over cases where a person is charged with:

3 (1) The possession of one ounce or less of marijuana;

4 (2) The operation of a motor vehicle without effective insurance under Code Section
5 40-6-10;

6 (3) A violation of Article 2 of Chapter 9 of Title 12, known as the 'Georgia Motor
7 Vehicle Emission Inspection and Maintenance Act';

8 (4) Shoplifting when the property which was the subject of the theft was valued at
9 \$300.00 or less;

10 (5) A first offense violation of Code Section 3-3-23, relating to furnishing of alcoholic
11 beverages to a person under 21 years of age; or

12 (6) Any violation of Code Section 16-7-21, relating to criminal trespass.

13 (b) Each county recorder's court shall also have subject matter jurisdiction:

14 (1) To receive pleas of guilty and impose sentence upon defendants violating provisions
15 of Title 27, relating to game and fish, which constitute misdemeanor offenses in the same
16 manner as provided for probate courts pursuant to Code Section 27-1-35; and

17 (2) To receive pleas of guilty and impose sentence upon defendants violating the
18 provisions of Article 2 of Chapter 6 of Title 32, relating to dimensions and weight of
19 vehicles and loads, which constitute misdemeanor offenses.

20 (c) Each county recorder's court shall also have subject matter jurisdiction over offenses
21 relating to motor vehicles when adopted by county ordinance as provided in Article 14 of
22 Chapter 6 of Title 40.

23 (d) The subject matter jurisdiction specified in this Code section shall be in addition to and
24 not in lieu of any subject matter jurisdiction specified in the local law creating a county
25 recorder's court. The territorial jurisdiction of a county recorder's court shall be as
26 provided in the local law creating the court. The subject matter jurisdiction provided to a
27 county recorder's court under this Code section shall be nonexclusive and shall be
28 concurrent with that of any other court having such jurisdiction.

29 15-7A-3.

30 Any defendant in a county recorder's court who is charged with a misdemeanor offense,
31 or with an ordinance violation specified in subsection (c) of Code Section 15-7A-2 which
32 also constitutes a misdemeanor, may request transfer of the charge to the appropriate court
33 of general misdemeanor jurisdiction in the county. If the defendant so requests, the
34 recorder or city judge, after conducting a commitment hearing in which probable cause for
35 arrest is found, or upon obtaining a waiver of commitment hearing, shall summarily fix the

1 defendant's bond and bind his case over to the appropriate court of general misdemeanor
2 jurisdiction in the county.

3 15-7A-4.

4 Each county court exercising jurisdiction over a misdemeanor offense or an ordinance
5 violation specified in subsection (c) of Code Section 15-7A-2 which also constitutes a
6 misdemeanor offense shall be authorized to impose any punishment up to the maximums
7 specified by general law for such offense and shall also have the authority to impose
8 probated and suspended sentences with respect to such offenses."

9 **SECTION 2.**

10 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
11 amended by striking Article 14 of Chapter 6, relating to adoption of traffic ordinances by
12 cities and counties and practice and procedure in traffic cases, and inserting in its place a new
13 article to read as follows:

14 "ARTICLE 14

15 40-6-370.

16 The provisions of this ~~chapter and the definitions contained in Code Section 40-1-1~~ title
17 shall be applicable and uniform throughout this state and in all counties and municipalities
18 therein, and no local authority shall enact or enforce any ordinance on a matter covered by
19 the provisions of this ~~chapter~~ title except as expressly authorized in Code Sections
20 40-6-371 and 40-6-372.

21 40-6-371.

22 (a) This chapter shall not be deemed to prevent local authorities with respect to streets and
23 highways under their jurisdiction and within the reasonable exercise of the police power
24 from:

- 25 (1) Regulating or prohibiting stopping, standing, or parking;
26 (2) Regulating traffic by means of police officers or official traffic-control devices;
27 (3) Regulating or prohibiting processions or assemblages on the highways;
28 (4) Designating particular highways or roadways for use by traffic moving in one
29 direction as authorized in Code Section 40-6-47;
30 (5) Establishing speed limits for vehicles in public parks, notwithstanding any provisions
31 of law establishing a minimum speed limit for an area outside an urban or residential
32 district;

1 (6) Designating any highway as a through highway or designating any intersection or
2 junction of roadway as a stop or yield intersection or junction;

3 (7) Requiring the registration and inspection of bicycles, including the requirement of
4 a registration fee;

5 (8) Designating any highway intersection as a 'yield right of way' intersection and
6 requiring vehicles facing a 'yield right of way' sign to yield the right of way to other
7 vehicles;

8 (9) Regulating or prohibiting the turning of vehicles or specified types of vehicles;

9 (10) Altering or establishing speed limits as authorized by law;

10 (11) Designating no-passing zones as authorized in Code Section 40-6-46;

11 (12) Prohibiting or regulating the use of controlled-access roadways by any class or kind
12 of traffic as authorized in Code Section 40-6-51;

13 (13) Prohibiting or regulating the use of heavily traveled streets by any class or kind of
14 traffic found to be incompatible with the normal and safe movement of traffic;

15 (14) Establishing minimum speed limits as authorized by law;

16 (15) Designating hazardous railroad grade crossings as authorized in Code Section
17 40-6-141;

18 (16) Designating and regulating traffic on play streets;

19 (17) Regulating persons propelling push carts;

20 (18) Regulating persons upon skates, coasters, sleds, and other toy vehicles;

21 (19) Adopting and enforcing such temporary or experimental regulations as may be
22 necessary to cover emergencies or special conditions; or

23 (20) Adopting such other traffic regulations as are specifically authorized by this chapter.

24 (b) No local authority shall erect or maintain any official traffic-control device at any
25 location so as to require the traffic on any state highway to stop before entering or crossing
26 any intersecting highway unless approval in writing has first been obtained from the
27 Department of Transportation of the State of Georgia. If this issue is on trial in a civil or
28 criminal action, the proper authority shall be presumed.

29 (c) No ordinance or regulation enacted under paragraph (4), (5), (6), (8), (9), (10), (11),
30 (12), (13), (14), (15), (16), (17), or (18) of subsection (a) of this Code section shall be
31 effective until official traffic-control devices giving notice of such local traffic regulations
32 are erected upon or at the entrances to the highway or the part thereof affected as may be
33 most appropriate.

34 40-6-372.

35 Local authorities by ordinance may adopt by reference any or all provisions of this chapter
36 ~~or of Code Section 40-1-1~~ title defining moving and nonmoving traffic offenses, other than

1 those offenses constituting felonies, without publishing or posting in full the provisions
2 thereof.

3 40-6-373.

4 A future amendment or repeal of a provision of this ~~chapter or of Code Section 40-1-1~~ title
5 shall so amend or repeal the pertinent provision, if any, of the original ordinance adopted
6 by a local authority pursuant to the authority of Code Section 40-6-372 without any action
7 by such local authority being required.

8 40-6-374.

9 Local authorities shall use the following wording or similar wording in adopting by
10 reference the provisions of this ~~chapter or the definitions contained in Code Section 40-1-1~~
11 title defining moving and nonmoving traffic offenses, other than those offenses constituting
12 felonies:

13 (Municipality or County) of _____

14 Ordinance number _____

15 An ordinance adopting ~~the Georgia Uniform Rules of the Road, Code Sections~~
16 ~~(_____ to _____ (except for Code Sections _____))~~
17 ~~of Chapter 6~~ provisions of Title 40 of the Official Code of Georgia Annotated, to regulate
18 traffic upon the public streets of the (Municipality or County) of _____ and
19 repealing ordinance number _____ and all other ordinances and sections of
20 ordinances in conflict herewith.

21 It is ordained by _____ as follows:

22 Section 1. Adoption by reference. Pursuant to ~~Chapter 6~~ of Title 40 of the Official
23 Code of Georgia Annotated, ~~Code Sections 40-6-372 through 40-6-376, Code Sections~~
24 ~~(_____ to _____ (except for Code Sections _____))~~
25 ~~of that chapter known as the Uniform Rules of the Road and the definitions contained~~
26 ~~in Code Section 40-1-1~~ the provisions of said Code title defining moving and
27 nonmoving traffic offenses, other than those offenses constituting felonies, are hereby
28 adopted as and for the traffic regulations of this (Municipality or County) with like
29 effect as if recited herein.

30 Section 2. Penalties. Unless another penalty is expressly provided by law, every
31 person convicted of a violation of any provision of this ordinance shall be punished by
32 a fine of not more than _____ dollars or by imprisonment for not more than _____
33 days or by both such fine and imprisonment.

1 Section 3. Repeal. The (existing ordinances covering the same matters as embraced
 2 in this ordinance) are hereby repealed and all ordinances or parts of ordinances
 3 inconsistent with the provisions of this ordinance are hereby repealed.

4 Section 4. Effective date. This ordinance shall take effect from and after the _____
 5 day of _____, ____.

6 40-6-375.

7 It shall be sufficient in citing a violation of a provision of this ~~chapter~~ title to refer to the
 8 ordinance number of the enacting ordinance, provided that the citation form used is the one
 9 developed by the commissioner of public safety under the authority of Code Section
 10 40-13-1.

11 40-6-376.

12 (a) Any nonfelony traffic offense, ~~except a violation of subsection (b) of Code Section~~
 13 ~~40-6-270 or a violation of Code Section 40-6-393~~, which is a violation of a provision of
 14 this ~~chapter~~ title and of a local ordinance may, at the discretion of the local law
 15 enforcement officer or prosecutor, be charged as a violation of the state statute or of the
 16 local ordinance. ~~A violation of subsection (b) of Code Section 40-6-270 or a violation of~~
 17 ~~Code Section 40-6-393 shall be charged as a state violation.~~

18 (b) If the offense charged under an ordinance constitutes a violation of any provision of
 19 this ~~chapter~~ title, the defendant may request transfer of the charge to the appropriate state
 20 tribunal. If the defendant so requests, the recorder or city judge, after conducting a
 21 commitment hearing in which probable cause for arrest is found, or upon obtaining a
 22 waiver of commitment hearing, shall summarily fix the defendant's bond and bind his or
 23 her case over to the appropriate state tribunal.

24 (c) No person tried in any court for a violation of this ~~chapter~~ title or any ordinance
 25 adopted pursuant thereto shall thereafter be tried in any court for the same offense. A
 26 conviction for the violation of an ordinance adopted pursuant to this chapter shall be
 27 considered a prior conviction for all purposes under this chapter and under Chapter 13 of
 28 this title.

29 (d) No court, other than a court having jurisdiction to try a person charged with a ~~violation~~
 30 ~~of Code Section 40-6-393~~ felony, shall have jurisdiction over any offense arising under the
 31 laws of this state or the ordinances of any political subdivision thereof, which offense arose
 32 out of the same conduct which led to said person's being charged with a violation of ~~Code~~
 33 ~~Section 40-6-393 and any judgment rendered by such court shall be null and void~~ a felony
 34 offense under this title."

1 **SECTION 3.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law
3 without such approval.

4 **SECTION 4.**

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