

House Bill 671

By: Representative Holland of the 157th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so
2 as to prescribe a penalty for aggressive driving; to define certain terms; to define the offense
3 of aggressive driving; to provide for penalties; to provide for the use of electronic devices
4 to enforce such provisions; to provide for an information campaign; to provide an effective
5 date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
9 by striking subparagraph (c)(1)(A) of Code Section 40-5-57, relating to suspension or
10 revocation of license of habitually negligent or dangerous driver and the point system and
11 inserting in lieu thereof the following:

12 "(c)(1)(A) Except as provided in subparagraph (C) of this paragraph, the points to be
13 assessed for each offense shall be as provided in the following schedule:

14	<u>Aggressive driving</u>	<u>6 points</u>
15	Reckless driving	4 points
16	Unlawful passing of a school bus	6 points
17	Improper passing on a hill or a curve	4 points
18	Exceeding the speed limit by more than 14 miles per hour but less than 19	
19	miles per hour	2 points
20	Exceeding the speed limit by 19 miles per hour or more but less than 24	
21	miles per hour	3 points
22	Exceeding the speed limit by 24 miles per hour or more but less than 34	
23	miles per hour	4 points
24	Exceeding the speed limit by 34 miles per hour or more	6 points
25	<u>Disobedience of any traffic-control device or traffic officer</u>	<u>3 points</u>

1 Too fast for conditions 0 points

2 Possessing an open container of an alcoholic beverage while driving 2 points

3 Failure to adequately secure a load, except fresh farm produce, resulting in

4 loss of such load onto the roadway which results in an accident 2 points

5 Violation of child safety restraint requirements, first offense 1 point

6 Violation of child safety restraint requirements, second or subsequent

7 offense 2 points

8 All other moving traffic violations which are not speed limit violations . . 3 points"

9 **SECTION 2.**

10 Said title is further amended by striking in its entirety paragraph (22) of Code Section
11 40-5-142, relating to definitions relative to commercial drivers' licenses, and inserting in lieu
12 thereof the following:

13 "(22) 'Serious traffic violation' means:

- 14 (A) Speeding 15 or more miles per hour above the posted speed limit;
- 15 (B) Reckless driving, as defined under state or local law;
- 16 (C) Following another vehicle too closely, as defined under state or local law;
- 17 (D) Improper or erratic lane change which presents a risk to any other vehicle, but not
- 18 including failure to signal a lane change; ~~or~~
- 19 (E) A violation, arising in connection with a fatal accident, of state law or a local
- 20 ordinance, relating to motor vehicle traffic control, excluding parking, weight, length,
- 21 height, and vehicle defect violations; or
- 22 (F) Aggressive driving."

23 **SECTION 3.**

24 Said title is further amended by inserting at the end of Article 15 of Chapter 6 a new Code
25 section to read as follows:

26 "40-6-397.

27 (a) As used in this Code section, the term:

- 28 (1) 'Commercial vehicle' means a commercial motor vehicle, as such term is defined in
- 29 paragraph (7) of Code Section 40-5-142.
- 30 (2) 'Course of conduct' means a series of acts committed during a single, continuous
- 31 period of driving.

32 (b) A person commits aggressive driving if he or she:

- 33 (1) Operates a commercial vehicle at a speed in excess of 75 miles per hour;

- 1 (2) Operates any motor vehicle other than a commercial vehicle at a speed in excess of
2 85 miles per hour; or
- 3 (3) During a course of conduct, the person, while exceeding the legal speed limit by
4 more than five miles per hour while operating a commercial motor vehicle, as such term
5 is defined in paragraph (7) of Code Section 40-5-142, or more than ten miles per hour
6 while operating any other motor vehicle, commits one or more of the following
7 violations:
- 8 (A) Failure to obey traffic control devices as provided in Article 2 of Chapter 6 of Title
9 40;
- 10 (B) Overtaking and passing another vehicle on the right by driving off the pavement
11 or main traveled portion of the roadway as provided in section Article 3 of this chapter;
- 12 (C) Unsafe lane change as provided in Code Section 40-6-123.
- 13 (D) Following a vehicle too closely as provided in section Code Section 40-6-49; or
- 14 (E) Failure to yield the right-of-way as provided in Article 4 of this chapter; and
- 15 (2) The person's driving is an immediate hazard to another person or vehicle.
- 16 (c) A person convicted of aggressive driving is guilty of a misdemeanor of a high and
17 aggravated nature.
- 18 (d) In addition to any other penalty prescribed by law:
- 19 (1) A person convicted of a violation of this section shall attend and successfully
20 complete a driver improvement clinic to improve the safety and habits of drivers and that
21 is approved by the department; and
- 22 (2) The court shall forward the abstract of conviction to the department and may order
23 the department to suspend the person's driving privilege for 30 days.
- 24 (e) If a person who is convicted of a violation of this Code section has been previously
25 convicted of a violation of this Code section within a period of 24 months:
- 26 (1) The person is guilty of a misdemeanor of a high and aggravated nature; and
- 27 (2) In addition to any other penalty prescribed by law, the court shall forward the abstract
28 of conviction to the department. On receipt of the abstract of conviction, the department
29 shall revoke the driving privilege of the person for one year.
- 30 (f) The dates of the commission of the offense determine whether subsection (e) of this
31 Code section applies. A second or subsequent violation for which a conviction occurs as
32 provided in this section does not include a conviction for an offense arising out of the same
33 series of acts.
- 34 (g) Any other provision of law to the contrary notwithstanding, any law enforcement
35 agency in this state is authorized to use electronic devices to enforce any provision of this
36 Code section. Such electronic devices shall include, but not be limited to, radar and laser
37 speed detection devices as well as cameras and unmanned stationary devices designed to

1 record speed and activity and evidence from such devices shall be admissible in court. The
2 person to whom the vehicle is registered shall be responsible for any penalties related to
3 the charge of aggressive driving unless another person voluntarily identifies himself or
4 herself as the driver during the incident.

5 (h) Any certified peace officer employed by any agency of the state and any political
6 subdivision who witnesses act of aggressive driving may forward a sworn statement to the
7 department giving the vehicle license plate number and describing in detail the
8 circumstances of the incident to the appropriate court. The affidavit shall be admissible in
9 court. The appropriate prosecuting attorney shall make the decision whether to prosecute
10 for the offense. The person to whom the vehicle is registered shall be responsible for any
11 penalties related to the charge of aggressive driving unless another person voluntarily
12 identifies himself or herself as the driver during the incident.

13 (i) The department is authorized and directed to initiate a media campaign using print and
14 electronic media and any other means of mass communication to inform persons driving
15 in this state that the citizens of this state fully intend to stop aggressive driving."

16 **SECTION 4.**

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

19 **SECTION 5.**

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