

House Bill 747 (COMMITTEE SUBSTITUTE)

By: Representatives Bridges of the 9th, Everett of the 163rd, Twiggs of the 8th, Walker of the 141st and Smith of the 103rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-21-112 of the Official Code of Georgia Annotated, relating to
2 additional penalty for violation of Code Section 40-6-391, so as to increase said penalty; to
3 amend Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to victim
4 compensation, so as to change certain provisions relating to persons eligible for awards; to
5 change certain provisions relating to victim compensation awards, required findings, amounts
6 of awards, rejection of claims, reductions, exemptions from garnishment and execution,
7 exemption from treatment as ordinary income, effective date of awards, and psychological
8 counseling for relatives of deceased victims; to provide for compensation in the form of a
9 memorial sign for victims of homicide by vehicle caused by violations of Code Section
10 40-6-391; to provide legislative declarations; to repeal conflicting laws; and for other
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 The General Assembly declares that this Act is enacted pursuant to the provisions of Article
15 III, Section VI, Paragraph VI(f) of the Constitution.

16 style="text-align:center">**SECTION 2.**

17 Code Section 15-21-112 of the Official Code of Georgia Annotated, relating to additional
18 penalty for violation of Code Section 40-6-391, is amended by striking subsection (a) and
19 inserting in lieu thereof the following:

20 "(a) In every case in which any state court; probate court; juvenile court; municipal court,
21 whether known as mayor's, recorder's, or police court; or superior court in this state shall
22 impose a fine, which shall be construed to include costs, for a violation of Code Section
23 40-6-391, relating to driving under the influence of alcohol or drugs, or a violation of an
24 ordinance of a political subdivision of this state which has adopted by reference Code
25 Section 40-6-391 pursuant to Article 14 of Chapter 6 of Title 40, there shall be imposed as

1 an additional penalty a sum equal to the lesser of ~~\$25.00 or 10 percent~~ \$26.00 or 11 percent
 2 of the original fine."

3 **SECTION 3.**

4 Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to victim
 5 compensation, is amended in subsection (a) of Code Section 17-15-7, relating to persons
 6 eligible for awards, by inserting a new paragraph (2.1) to read as follows:

7 "(2.1) For purposes of an award under subsection (k) of Code Section 17-15-8, any
 8 member of the immediate family of a victim of homicide by vehicle caused by a violation
 9 of Code Section 40-6-391;"

10 **SECTION 4.**

11 Said chapter is further amended in Code Section 17-15-8, relating to victim compensation
 12 awards, required findings, amounts of awards, rejection of claims, reductions, exemptions
 13 from garnishment and execution, exemption from treatment as ordinary income, effective
 14 date of awards, and psychological counseling for relatives of deceased victims, by adding a
 15 new subsection (k) to read as follows:

16 "(k)(1) In addition to any other award authorized by this Code section, in any case where
 17 a deceased was a victim of homicide by vehicle caused by a violation of Code Section
 18 40-6-391 on any road which is part of the state highway system, upon request of the next
 19 of kin of the deceased an award of compensation in the form of a memorial sign erected
 20 by the Department of Transportation as provided by this subsection shall be paid to an
 21 eligible claimant.

22 (2) The provisions of paragraph (4) of subsection (a) of this Code section shall not apply
 23 for purposes of eligibility for awards made under this subsection, and the value of any
 24 award paid to a claimant under this subsection shall not apply toward or be subject to any
 25 limitation on award amounts paid to any claimant under other provisions of this Code
 26 section.

27 (3) The Department of Transportation, upon receiving payment for the cost of materials
 28 and labor from the board, shall upon request of the next of kin of the deceased erect a
 29 sign memorializing the deceased on the right of way of such public highway at the
 30 location of the accident or as near thereto as safely and reasonably possible and shall
 31 maintain such sign for a period of five years from the date of such person's death unless
 32 its earlier removal is requested in writing by the next of kin. Such sign shall be 24 inches
 33 wide by 36 inches high and depict a map of the State of Georgia, with a dark blue
 34 background and a black outline of the state boundaries. A border of white stars shall be

1 placed on the inside of the state boundaries, and the sign shall contain the words 'In
2 Memory of (name), DUI Victim (date of accident).'
3 (4) In the event of multiple such claims arising out of a single motor vehicle accident,
4 the names of all deceased victims for whom such claims are made and for whom a
5 request has been made by the next of kin of the deceased may be placed on one such sign
6 or, if necessary, on one such sign and a plaque beneath of the same color as the sign. In
7 the event of multiple claims relating to the same deceased victim, no more than one such
8 sign shall be paid for and erected for such victim."

9 **SECTION 5.**

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