

House Bill 189

By: Representative Snow of the 2<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to  
2 prosecution of traffic offenses, so as to change certain provisions relating to traffic violations  
3 bureaus; to provide effective dates; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 PART I  
6 SECTION 1-1.

7 Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to prosecution of  
8 traffic offenses, is amended by striking Article 3 and inserting in lieu thereof the following:

9 "ARTICLE 3

10 40-13-50.

11 In every court of this state having jurisdiction over the violation of traffic laws or traffic  
12 ordinances, the judge, or the judges where there is more than one judge, may provide by  
13 written order for the establishment of a traffic violations bureau for the handling or  
14 disposition of certain traffic cases in substantial compliance with this article. The court  
15 shall promulgate and provide to the clerk of the traffic violations bureau a list of the traffic  
16 offenses which shall be handled and disposed of by the traffic violations bureau. However,  
17 nothing in this article shall authorize the judge of such court to employ any person or  
18 persons to administer this article.

19 40-13-51.

20 (a) The court may appoint a clerk or deputy clerk or deputy clerks, who shall be named in  
21 the order establishing the traffic violations bureau, for the purpose of receiving money as

1 provided in this article. Any deputy clerk so appointed shall be under the direct supervision  
2 of and attached to the office of the clerk of the court.

3 (b) Such person or persons, except where such person is the clerk of the court and is  
4 already under bond, shall be bonded in the sum of \$2,500.00.

5 40-13-52.

6 ~~The court may, in its order, provide that there shall be maintained in the office of the traffic~~  
7 ~~violations bureau cards known as 'traffic offense cards.' Upon each traffic offense card shall~~  
8 ~~appear: the name and address of the person charged with a traffic offense; the date of the~~  
9 ~~birth of such person; the sex of such person; and his driver's license number. The card shall~~  
10 ~~be numbered so that it may show any previous traffic offense, giving the date of the~~  
11 ~~offense, the trial date, the citation number, the disposition of the case, and the amount of~~  
12 ~~any fine paid Reserved.~~

13 40-13-53.

14 ~~(a) Subject to the exceptions set out in subsection (b) of this Code section, any officer who~~  
15 ~~arrests any person for the violation of a traffic law or traffic ordinance alleged to have been~~  
16 ~~committed outside the corporate limits of any municipality shall permit such person to be~~  
17 ~~released upon being served with a citation and complaint and agreeing to appear, as~~  
18 ~~provided in this article. If such officer has reasonable and probable grounds to believe that~~  
19 ~~the person will not obey such citation and agreement to appear, the officer may require~~  
20 ~~such person to surrender his driver's license in accordance with Code Section 17-6-11.~~

21 ~~(b)~~ The following offenses shall not be handled or disposed of by a traffic violations  
22 bureau:

23 (1) Any offense for which a driver's license may be suspended by the commissioner of  
24 public safety;

25 (2) Any motor vehicle registration violation;

26 (3) A violation of Code Section 40-5-20;

27 (4) Speeding in excess of 30 miles per hour over the posted speed limit; or

28 (5) Any offense which would otherwise be a traffic violations bureau offense but which  
29 arose out of the same conduct or occurred in conjunction with an offense which is  
30 excluded from the jurisdiction of the traffic violations bureau. Any such offense shall be  
31 subject to the maximum punishment set by law.

1 40-13-54.

2 The original citation and complaint shall be sent by the officer issuing it to the traffic  
3 violations bureau of the court within 24 hours of the arrest. The defendant named in the  
4 citation shall be given the second copy. The officer issuing the citation and complaint shall  
5 retain one copy for himself or herself, and the court may, by order, provide that an  
6 additional copy shall be made for the use of any municipality in the county or the  
7 Department of Public Safety.

8 40-13-55.

9 Any person cited for any traffic offense under the jurisdiction of the traffic violations  
10 bureau of the court shall be permitted to give a cash bond for his or her appearance under  
11 the terms and conditions as set forth upon the citation and complaint given to him or her  
12 at the time he or she is cited by the arresting officer for a traffic violation.

13 40-13-56.

14 No officer giving a citation and complaint to a defendant for a traffic violation shall accept  
15 a cash bond ~~himself~~.

16 40-13-57.

17 ~~In the event an officer has authority to issue citation and complaint as set forth in Code~~  
18 ~~Section 40-13-53 but declines to do so because of his belief that such person will not obey~~  
19 ~~the citation and agreement to appear, such officer may bring such person to the traffic~~  
20 ~~violations bureau and such person may be allowed to post a cash bond for his appearance~~  
21 ~~in accordance with the schedule established by the court Reserved.~~

22 40-13-58.

23 Where a defendant cited for a traffic violation posts a cash bond according to the schedule  
24 set up by court order and fails to appear in court at the term of court and on the day set in  
25 the original citation and complaint, then and in that event, such failure shall be construed  
26 as an admission of guilt and the cash bond may be forfeited without the necessity for the  
27 statutory procedure provided for the forfeiture of statutory bail bonds. A judgment of guilty  
28 may be entered accordingly, ordering the case disposed of and settled. The proceeds of the  
29 cash bond shall be applied and distributed as any fine imposed by said court would be.  
30 Nothing in this Code section shall be construed as preventing the judge from ordering the  
31 defendant to appear and stand trial.

32 40-13-59.

1 ~~(a) The traffic violations bureau of the court shall record on the prescribed form, as set out~~  
2 ~~in Code Section 40-13-52, the driving record of the defendant. If there is no previous~~  
3 ~~record of the driver's history, the citation appearing on the original citation and complaint~~  
4 ~~shall be entered on the driver's traffic offense card; and each traffic offense thereafter shall~~  
5 ~~be entered thereon, with the disposition thereof, up to a period of four years.~~

6 ~~(b) All the pending cases which appear on the citation and complaint issued by the~~  
7 ~~arresting officer, as provided for in this article, shall be filed at the cashier's desk in the~~  
8 ~~traffic violations bureau of the court and shall be retained there up until 72 hours, or such~~  
9 ~~other period of time as the judge shall fix by order, prior to the time the case is set for trial~~  
10 ~~in the court. If cash bond is posted according to the schedules prescribed by order of the~~  
11 ~~judge at any time up to 72 hours, or such other period of time as the judge shall fix by~~  
12 ~~order, prior to the date of the court appearance, as specified in the citation and complaint,~~  
13 ~~the same shall be entered on the driver's traffic offense card and an entry shall be made~~  
14 ~~thereon that the driver has posted a cash bond.~~

15 ~~(c) Within 72 hours after the date set for a hearing in the court on the citation and~~  
16 ~~complaint given, where the defendant has posted a cash bond and has failed to appear for~~  
17 ~~the hearing, the court shall enter an order that the cash bond has been forfeited in~~  
18 ~~accordance with this article. Such order shall be recorded on the back of the citation and~~  
19 ~~complaint which is maintained in the traffic violations bureau of the court and shall also~~  
20 ~~be recorded on the defendant's traffic offense card Reserved.~~

21 40-13-60.

22 Any state law traffic violation under the jurisdiction of the traffic violations bureau shall  
23 be characterized and classified as a traffic violation and shall not be considered as a  
24 misdemeanor. Unless a lesser punishment for an offense is otherwise provided by law, the  
25 maximum punishment for any such misdemeanor shall be confinement in jail for a period  
26 not to exceed 180 days, a fine not to exceed \$1000.00, or both. Whenever any traffic  
27 violation is transferred from another court to a court which has a traffic violations bureau,  
28 if such offense is classified as a traffic violation on the traffic violations bureau schedule  
29 of the receiving court, such violation shall be handled and disposed of by such traffic  
30 violations bureau. Where a defendant demands a trial on a traffic violation, it shall be tried  
31 before a judge of the court which established the traffic violations bureau. The request for  
32 a trial shall not result in a loss of jurisdiction by the traffic violations bureau.

1 40-13-61.

2 ~~All records other than those excepted in this article shall be maintained at the traffic~~  
3 ~~violations bureau of the court. No accusation of an offense for which citation and complaint~~  
4 ~~may be issued shall be entered on the misdemeanor docket maintained by the clerk of the~~  
5 ~~court. No accusation for any offense coming under the jurisdiction of the traffic violations~~  
6 ~~bureau of the court shall be taken by the prosecuting attorney of the court or maintained in~~  
7 ~~his office unless said person to whom the said summons was issued fails to post a cash~~  
8 ~~bond as defined in this article or fails to appear on the date specified in the summons to~~  
9 ~~answer said complaint Reserved.~~

10 40-13-62.

11 ~~When any person cited for a traffic violation pursuant to this article fails to appear in court~~  
12 ~~on the date specified in the citation and in accordance with his written promise to appear,~~  
13 ~~unless such person has posted a cash bond as provided in this article, the traffic violations~~  
14 ~~bureau thereupon loses jurisdiction and the citation shall be forwarded to the prosecuting~~  
15 ~~attorney of the court who shall have an accusation issued against such person. Upon motion~~  
16 ~~of the prosecuting attorney, a bench warrant shall issue based on the accusation for the~~  
17 ~~arrest of the defendant. The defendant's case shall be docketed by the clerk of the court~~  
18 ~~and handled as all other misdemeanors Reserved.~~

19 40-13-63.

20 The willful failure of any person to appear in accordance with the written promise  
21 contained on the citation and complaint and served upon such person shall constitute an  
22 offense which shall be punishable by fine in an amount not to exceed \$200.00 or by  
23 confinement in jail for a period not to exceed three days.

24 40-13-64.

25 The court may provide that its traffic violations bureau, in addition to the duties set out in  
26 this article, shall have charge of what shall be called and designated in the court as the  
27 'Suspended Sentence Division of the \_\_\_\_\_ Court.' This division of the court  
28 shall be responsible for collecting fines imposed upon persons convicted in the court,  
29 where the sentence is suspended upon the payment of a fine. The person or persons in the  
30 division shall be authorized, where the judge imposing the sentence stipulates the same  
31 therein, to permit such persons receiving suspended sentences, in addition to the other  
32 conditions imposed in the suspended sentence, to pay the suspended sentence fine in  
33 installments. The person or persons responsible for the administration of the suspended  
34 sentence division shall be responsible for collecting the suspended sentence fine by

1 installments and shall also be responsible for the arrest of persons who fail in this respect  
2 to comply with the conditions of the suspended sentence."

3 PART II

4 SECTION 2-1.

5 Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to prosecution of  
6 traffic offenses, is amended in Article 3 by striking Code Section 40-13-53, relating to  
7 release of arrested person upon service of citation and complaint and handling and  
8 disposition of offenses by traffic citations bureaus, and Code Section 40-13-54, relating to  
9 sending original of citation and complaint to traffic violations bureau and disposition of  
10 copies, and inserting in lieu thereof the following:

11 "40-13-53.

12 ~~(a) Subject to the exceptions set out in subsection (b) of this Code section, any officer who~~  
13 ~~arrests any person for the violation of a traffic law or traffic ordinance alleged to have been~~  
14 ~~committed outside the corporate limits of any municipality shall permit such person to be~~  
15 ~~released upon being served with a citation and complaint and agreeing to appear, as~~  
16 ~~provided in this article. If such officer has reasonable and probable grounds to believe that~~  
17 ~~the person will not obey such citation and agreement to appear, the officer may require~~  
18 ~~such person to surrender his driver's license in accordance with Code Section 17-6-11.~~

19 ~~(b) The following offenses shall not be handled or disposed of by a traffic violations~~  
20 ~~bureau:~~

- 21 (1) Any offense for which a driver's license may be suspended by the commissioner of  
22 motor vehicle safety;
- 23 (2) Any motor vehicle registration violation;
- 24 (3) A violation of Code Section 40-5-20;
- 25 (4) Speeding in excess of 30 miles per hour over the posted speed limit; or
- 26 (5) Any offense which would otherwise be a traffic violations bureau offense but which  
27 arose out of the same conduct or occurred in conjunction with an offense which is  
28 excluded from the jurisdiction of the traffic violations bureau. Any such offense shall be  
29 subject to the maximum punishment set by law.

30 40-13-54.

31 The original citation and complaint shall be sent by the officer issuing it to the traffic  
32 violations bureau of the court within 24 hours of the arrest. The defendant named in the  
33 citation shall be given the second copy. The officer issuing the citation and complaint shall  
34 retain one copy for himself or herself, and the court may, by order, provide that an

1 additional copy shall be made for the use of any municipality in the county or the  
2 Department of Motor Vehicle Safety."

3 **PART III**

4 **SECTION 3-1.**

5 (a) This Act shall become effective on July 1, 2001, except as otherwise provided by  
6 subsection (b) of this section.

7 (b) Each provision amended in Part II of this Act shall become effective and supercede  
8 that respective provision amended in Part I of this Act on July 1, 2001, or on such date  
9 thereafter as that same provision, as amended by an Act approved April 28, 2000 (Ga. L.  
10 2000, p. 951), becomes fully effective pursuant to Section 13-1 of that 2000 Act, whichever  
11 is later.

12 **SECTION 3-2.**

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