

House Bill 1155

By: Representatives Powell of the 23rd, Cummings of the 19th, Parham of the 94th, Hembree of the 46th, Reece of the 21st, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to serious traffic offenses, so as to provide for certain penalties for drivers who commit right of way violations resulting in collisions with motorcyclists, pedestrians, or bicyclists; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to serious traffic offenses, is amended in Code Section 40-6-393, relating to homicide by vehicle, by striking subsection (b) of said Code section and inserting in its place the following:

"(b) Any person who causes the death of another person, without an intention to do so, by violating any provision of this title other than subsection (a) of Code Section 40-6-163 or subsection (b) of Code Section 40-6-270 or Code Section 40-6-390 or 40-6-391 or subsection (a) of Code Section 40-6-395 or Code Section 40-6-398 commits the offense of homicide by vehicle in the second degree when such violation is the cause of said death and, upon conviction thereof, shall be punished as provided in Code Section 17-10-3."

SECTION 2.

Said article is further amended by inserting a new Code Section 40-6-398 to read as follows:
"40-6-398.

(a) Any person who causes a collision with a motorcyclist, bicyclist, or pedestrian by violating Code Section 40-6-20, 40-6-70, 40-6-71, 40-6-72, 40-6-73, or 40-6-91 when such motorcyclist, bicyclist, or pedestrian is not killed or seriously injured pursuant to subsections (b) and (c) of this Code section shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$250.00, in addition to any period of imprisonment that may also be imposed.

(b) Any person who causes the death of a motorcyclist, bicyclist, or pedestrian by violating Code Section 40-6-20, 40-6-70, 40-6-71, 40-6-72, 40-6-73, or 40-6-91 shall be guilty of a high and aggravated misdemeanor and shall be punished as provided in Code Section 17-10-4.

(c) Any person who causes bodily harm to a motorcyclist, bicyclist, or pedestrian by violating Code Section 40-6-20, 40-6-70, 40-6-71, 40-6-72, 40-6-73, or 40-6-91 shall be guilty of a high and aggravated misdemeanor and shall be punished as provided in Code Section 17-10-4. For the purposes of this subsection, 'bodily harm' means depriving such motorcyclist, bicyclist, or pedestrian of a member of his or her body, rendering a member of his or her body useless, seriously disfiguring his or her body or a member thereof, or causing organic brain damage which renders the body or any member thereof useless."

SECTION 3.

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