

Senate Bill 125

By: Senators Chance of the 16th, Staton of the 18th, Whitehead, Sr. of the 24th, Reed of the 35th, Heath of the 31st and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

To amend Article 9 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to speed restrictions, so as to specify that instruments charging violations of speed regulations shall state whether the violation occurred on a two-lane road or highway; to provide for additional penalties to be administered by the Department of Driver Services for certain traffic offenses; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 9 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to speed restrictions, is amended by revising subsection (a) of Code Section 40-6-187 to read as follows:

"(a) In every charge of violation of any speed regulation in this chapter, the summons, uniform traffic citation, official charging instrument, or notice to appear shall specify the speed at which the defendant is alleged to have driven, ~~and also~~ the maximum speed applicable within the district or at the location, and also whether the violation occurred on a two-lane road or highway. For purposes of this Code section, the term 'two-lane road or highway' means roads or highways with two lanes for through-traffic movement exclusive of any portion of the road or highway adjoining the traveled way for parking, speed change, turning, weaving, truck climbing, or other purposes supplementary to through-traffic movement."

SECTION 2.

Said article is further amended by adding a new Code section to read as follows:

"40-6-189.

(a) As used in this Code section, the term 'department' means the Department of Driver Services.

(b) In addition to any other fines or penalties imposed by any local jurisdiction or the department, the department shall administer and collect fees for the following traffic offenses:

(1) Any driver who is convicted of driving at a speed of 85 miles per hour or more on any road or highway in Georgia or 75 miles per hour or more on any two-lane road or highway in Georgia, as defined in Code Section 40-6-187, shall be classified as a 'super speeder,' and a fee of \$200.00 shall be imposed;

(2) Any driver who has his or her driver's license or driving privileges suspended pursuant to the provisions of subparagraph (c)(1)(B) of Code Section 40-5-57 or suspended for points pursuant to the provisions of Code Section 40-5-57.1 shall, upon application for reinstatement, be subject to a fee of \$100.00.

(3) Any driver who has his or her driver's license or driving privileges suspended in whole or in part for a conviction for any of the traffic violations listed in this paragraph shall, upon application for reinstatement, be subject to a fee of \$200.00. For purposes of this paragraph, 'traffic violations' means a conviction for any of the following offenses:

(A) Racing under Code Section 40-6-186;

(B) Leaving the scene of an accident under Code Section 40-6-270; or

(C) Fleeing from or attempting to elude a police officer under Code Section 40-6-395.

(4) Any driver who has his or her driver's license or driving privileges suspended and the suspension is partially based on a conviction for any of the traffic violations listed in this paragraph shall, upon application for reinstatement, be subject to a fee of \$300.00. For purposes of this paragraph, 'traffic violations' means a conviction for any of the following offenses:

(A) Driving a commercial vehicle with a blood alcohol concentration of 0.04 percent or greater under Code Section 40-5-151;

(B) Driving under the influence under Code Section 40-6-391;

(C) Feticide by vehicle under Code Section 40-6-393.1;

(D) Homicide by vehicle under Code Section 40-6-393; or

(E) Serious injury by vehicle under Code Section 40-6-394.

(5) Any driver who has been declared a 'habitual violator' pursuant to Code Section 40-5-58 shall be subject to a fee of \$300.00, payable upon application for a regular driver's license. This paragraph shall not alter the fines and penalties due upon application for a probationary license as provided for in Code Section 40-5-58.

(6) Any driver who accumulates:

(A) Seven to nine points under Code Section 40-5-57 shall be subject to a \$100.00 fee;

(B) Ten to twelve points under Code Section 40-5-57 shall be subject to a \$125.00 fee;

or

(C) Thirteen to fourteen points under Code Section 40-5-57 shall be subject to a \$200.00 fee.

The fee prescribed in this paragraph shall be assessed upon reaching the enumerated point level range. No additional fee shall be assessed until the next higher point level range is attained. If a driver's points are reduced by operation of law, but the driver then reaches the enumerated point level range again, the fee prescribed in this paragraph shall be reassessed.

(c) The department shall notify offenders of the imposition of a fee under this Code section within 30 days after receipt of a qualifying ticket, notice of conviction, or issuance of a license or driving privileges suspension.

(1) Failure to pay the fees imposed by this Code section within 90 days after receipt of the notice shall result in the suspension of the driver's license or driving privileges of the offender, and, in addition to the existing fees and penalties, a fee of \$50.00 shall be assessed, payable upon the application for reinstatement of the driver's license or driving privileges.

(2) Notice shall be provided by the department to the offender by first-class mail to the address shown on the records of the department. Such mailed notice shall be adequate notification of license or driving privileges suspension, any fee imposed by this Code section, and of the offender's ability to avoid suspension by paying the fee prior to the effective date of the suspension. No other notice shall be required to make the suspension effective.

(d) No prosecuting officer or court having jurisdiction over cases arising out of the traffic laws of this state or the traffic laws of any county or municipal government shall change, lessen, or modify a traffic law charge in order to avoid the payment of fees set out in this Code section.

(e) The department shall be authorized to promulgate rules and regulations to implement the provisions of this Code section.

(f) All fees collected under the provisions of this Code section shall be deposited in the general fund of this state with the intent that these moneys be used to fund a trauma care system in Georgia and the direct and indirect costs associated with the administration of this Code section. The Office of Treasury and Fiscal Services shall separately account for all of the moneys received under the provisions of this Code section."

SECTION 3.

This Act shall become effective on January 1, 2008.

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- SECTION 4.
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- All laws and parts of laws in conflict with this Act are repealed.