

Senate Bill 438

By: Senators Mullis of the 53rd, Powell of the 23rd, Thomas of the 2nd, Thomas of the 54th,
Rogers of the 21st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-6-77 of the Official Code of Georgia Annotated, relating to
2 penalties for causing serious injury due to right of way violation resulting in a collision with
3 a motorcyclist, pedestrian, bicyclist, or farmer hauling agricultural products, so as to provide
4 a penalty for a second offense; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 40-6-77 of the Official Code of Georgia Annotated, relating to penalties for
8 causing serious injury due to right of way violation resulting in a collision with a
9 motorcyclist, pedestrian, bicyclist, or farmer hauling agricultural products, is revised as
10 follows:

11 "40-6-77.

12 (a) For purposes of this Code section, serious injury shall include, but shall not be limited
13 to, causing bodily harm to another by depriving him or her of a member of his or her body,
14 by rendering a member of his or her body useless, by seriously disfiguring his or her body
15 or a member thereof, or by causing organic brain damage which renders the body or any
16 member thereof useless.

17 (b) Any person who causes a serious injury to another person as a result of a collision with
18 a motorcyclist, bicyclist, pedestrian, or farmer operating any vehicle used to transport
19 agricultural products, livestock, farm machinery, or farm supplies by committing any right
20 of way violation under this chapter when such motorcyclist, bicyclist, pedestrian, or farmer
21 operating any vehicle used to transport agricultural products, livestock, farm machinery,
22 or farm supplies is abiding by the provisions of this title shall be guilty of a misdemeanor
23 and shall be punished;

24 (1) For a first offense, by a fine of not less than \$250.00 in addition to any other penalties
25 stipulated by law; and

1 (2) For a second or subsequent offense, by a fine of not less than \$500.00 nor more than
2 \$1,000.00 and imprisonment for not less than ten days nor more than 12 months. In
3 addition, such person's driver's license shall be suspended for not less than 30 nor more
4 than 90 days and such person shall be required to satisfactorily complete an approved
5 driver improvement program before his or her license is reinstated. Any fine imposed
6 under the provisions of this paragraph shall be mandatory and shall not be suspended or
7 waived or conditioned upon the completion of any course or sentence.

8 ~~For purposes of this Code section, serious injury shall include, but shall not be limited to,~~
9 ~~causing bodily harm to another by depriving him or her of a member of his or her body, by~~
10 ~~rendering a member of his or her body useless, by seriously disfiguring his or her body or~~
11 ~~a member thereof, or by causing organic brain damage which renders the body or any~~
12 ~~member thereof useless."~~

13 **SECTION 3.**

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