

Senate Bill 547

By: Senator Chance of the 16th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 9 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated,
2 relating to the Brain and Spinal Injury Trust Fund, so as to expand the Brain and Spinal
3 Injury Trust Fund provisions under the Constitution of Georgia to authorize additional
4 penalty assessments for additional violations; to provide for effective date and applicability;
5 to provide for related matters, to repeal conflicting laws, and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 9 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to the
9 Brain and Spinal Injury Trust Fund, is amended by revising 15-21-140, relating to
10 authorization of additional penalty assessments for violations involving driving under the
11 influence, as follows:

12 "15-21-140.

13 This article is enacted pursuant to Article III, Section IX, Paragraph VI(k) of the
14 Constitution, which provision authorizes additional penalty assessments for violations
15 relating to driving under the influence of alcohol or drugs, parking places reserved for
16 persons with disabilities, headgear devices for riders of motorcycles, operating a vessel or
17 other watercraft under the influence of alcohol or drugs, the use of safety belts in passenger
18 vehicles, and reckless driving, and provides that the proceeds derived therefrom may be
19 used for the purpose of meeting the costs of care and rehabilitative services for certain
20 citizens of this state with brain or spinal cord injuries."

21 **SECTION 2.**

22 Said article is further amended by revising Code Section 15-21-149, relating to fines and
23 penalties, by adding a new subsection as follows:

24 "(a.1) In every case in which any court in this state shall impose a fine, which shall be
25 construed to include costs, for any violation of the following Code sections, there shall be
26 imposed an additional penalty a sum equal to 10 percent of the original fine:

- 1 (1) Violations relating to parking places reserved for persons with disabilities under
2 Code Section 40-6-226;
- 3 (2) Violations related to headgear devices for riders of motorcycles under Code Section
4 40-6-315;
- 5 (3) Violations related to operating a vessel under the influence of alcohol or drugs under
6 Code Section 52-7-12;
- 7 (4) Violations related to use of safety belts in passenger vehicles under Code Section
8 40-8-76.1; and
- 9 (5) Violations related to reckless driving under Code Section 40-6-390."

10

SECTION 3.

11 This Act shall become effective on January 1, 2009, only if an amendment to the
12 Constitution authorizing the General Assembly to provide for additional penalties or fees for
13 offenses related to illegal parking in parking spaces reserved for persons with disabilities,
14 occupying a passenger vehicle without using a safety belt, operating a motorcycle without
15 protective headgear, operating a boat or other watercraft while under the influence of alcohol
16 or drugs, and reckless driving and to provide for the allocation of such additional penalties
17 or fees to the Brain and Spinal Injury Trust Fund is ratified by the voters at the November,
18 2008, general election. If such an amendment is not so ratified, this Act shall not become
19 effective and shall stand repealed on January 1, 2009.

20

SECTION 4.

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