

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

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and  
2 traffic, so as to revise penalties for causing serious injury due to right of way violation  
3 resulting in a collision with a motorcyclist, pedestrian, bicyclist, or farmer hauling  
4 agricultural products; to prohibit causing the death of another person due to a right of way  
5 violation; to provide a penalty for a second offense; to provide for license suspension; to  
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
10 amended in Article 3 of Chapter 5, relating to cancellation, suspension, and revocation of  
11 licenses, by adding a new Code section to read as follows:

12 "40-5-57.3.

13 (a) The driver's license of any person who is convicted for a second or subsequent offense  
14 of violating Code Section 40-6-77 within a five-year period of time, as measured from the  
15 dates of previous arrests for which convictions were obtained or pleas of nolo contendere  
16 were accepted to the date of the current arrest for which a conviction is obtained or a plea  
17 of nolo contendere is accepted, shall be suspended for 30 days. The person shall submit  
18 his or her driver's license to the court upon conviction and the court shall forward the  
19 driver's license to the department.

20 (b) After the suspension period and the person pays a restoration fee of \$60.00 or, when  
21 processed by mail, \$50.00 and submits proof of completing a department approved driver  
22 improvement program, the suspension shall terminate and the department shall return the  
23 person's driver's license to such person."

