

Senate Bill 547

By: Senator Chance of the 16th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

To amend Article 9 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to the Brain and Spinal Injury Trust Fund, so as to expand the Brain and Spinal Injury Trust Fund provisions under the Constitution of Georgia to authorize additional penalty assessments for additional violations; to provide for effective date and applicability; 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 9 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to the Brain and Spinal Injury Trust Fund, is amended by revising 15-21-140, relating to authorization of additional penalty assessments for violations involving driving under the influence, as follows:

"15-21-140.

This article is enacted pursuant to Article III, Section IX, Paragraph VI(k) of the Constitution, which provision authorizes additional penalty assessments for violations relating to driving under the influence of alcohol or drugs; operating any type of boat, vessel, or other watercraft under the influence of alcohol or drugs; reckless driving; operating a motorcycle without protective headgear; or illegally parking in a space reserved for persons with disabilities, and provides that the proceeds derived therefrom may be used for the purpose of meeting the costs of care and rehabilitative services for certain citizens of this state with brain or spinal cord injuries."

SECTION 2.

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

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

4 (1) Violations related to operating a vessel under the influence of alcohol or drugs under
5 Code Section 52-7-12;

6 (2) Violations related to reckless driving under Code Section 40-6-390;

7 (3) Violations related to headgear devices for riders of motorcycles under Code Section
8 40-6-315; and

9 (4) Violations relating to parking places reserved for persons with disabilities under
10 Code Section 40-6-226."

11 **SECTION 3.**

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