

The House Committee on Judiciary Non-civil offers the following substitute to SB 438:

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

11 "40-5-57.3.

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

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

22 **SECTION 2.**

23 Said title is further amended by revising Code Section 40-6-77, relating to penalties for
24 causing serious injury due to right of way violation resulting in a collision with a
25 motorcyclist, pedestrian, bicyclist, or farmer hauling agricultural products, as follows:

S. B. 438 (SUB)

1 "40-6-77.

2 (a) For purposes of this Code section, 'serious injury' shall include, but shall not be limited
 3 to, causing bodily harm to another by depriving him or her of a member of his or her body,
 4 by rendering a member of his or her body useless, by seriously disfiguring his or her head
 5 or body or a member thereof, or by causing organic brain damage which renders the body
 6 or any member thereof useless.

7 (b) Any person who causes a serious injury to another person as a result of a collision with
 8 a motorcyclist, bicyclist, pedestrian, or farmer operating any vehicle used to transport
 9 agricultural products, livestock, farm machinery, or farm supplies by committing any right
 10 of way violation under this chapter when such motorcyclist, bicyclist, pedestrian, or farmer
 11 operating any vehicle used to transport agricultural products, livestock, farm machinery,
 12 or farm supplies is abiding by the provisions of this title shall be guilty of a misdemeanor
 13 and shall be punished:

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

16 (2) For a second or subsequent offense within a five-year period of time, as measured
 17 from the dates of previous arrests for which convictions were obtained or pleas of nolo
 18 contendere were accepted to the date of the current arrest for which a conviction is
 19 obtained or a plea of nolo contendere is accepted, by a fine of not less than \$500.00 nor
 20 more than \$1,000.00 and imprisonment for not less than ten days nor more than 12
 21 months. Any fine imposed under this paragraph shall be mandatory and shall not be
 22 suspended or waived or conditioned upon the completion of any course or sentence. The
 23 court imposing punishment under this paragraph shall forward a record of the disposition
 24 of the case to the Department of Driver Services.

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

30 SECTION 3.

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