

Senate Bill 196

By: Senators Jackson of the 24th, Douglas of the 17th, Goggans of the 7th, Thomas of the 54th, Powell of the 23rd 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 a 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 provide for an effective date; to repeal  
6 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, the suspension shall terminate and the department shall return  
22 the person's driver's license to such person."

23

**SECTION 2.**

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

27 "40-6-77.

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

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

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

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

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

56

**SECTION 3.**

57 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 58 without such approval.

59

**SECTION 4.**

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