

House Bill 760

By: Representatives Houston of the 170th and Powell of the 29th

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 an effective date and
5 applicability; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

13 "15-21-140.

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

22 **SECTION 2.**

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

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

28 (1) Violation of Code Section 52-7-12;

29 (2) Violation of Code Section 40-6-390;

30 (3) Violation of subsection (a) of Code Section 40-6-315; or

31 (4) Violation of subsection (a), (a.1), or (b) of Code Section 40-6-226."

32 **SECTION 3.**

33 This Act shall become effective on January 1, 2011, only if an amendment to the
34 Constitution authorizing the General Assembly to provide for additional penalties or fees for
35 offenses related to operating any type of boat or other watercraft under the influence of
36 alcohol or drugs, reckless driving, operating a motorcycle without protective headgear, or
37 illegally parking in a space reserved for handicapped persons and to provide for the
38 allocation of such additional penalties or fees to the Brain and Spinal Injury Trust Fund is
39 ratified by the voters at the November, 2010, general election. If such an amendment is not
40 so ratified, this Act shall not become effective and shall stand repealed on January 1, 2011.

41 **SECTION 4.**

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