

House Bill 1247

By: Representatives Kidd of the 141<sup>st</sup> and Houston of the 170<sup>th</sup>

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 Code Section 15-21-140, relating  
11 to 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~~ authorizing additional penalty assessments for  
16 violations relating to driving under the influence of alcohol or drugs; operating any type  
17 of boat, 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 to read 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 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, 2013, 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, 2012, general election. If such an amendment is not  
40 so ratified, this Act shall not become effective and shall stand repealed on January 1, 2013.

41 **SECTION 4.**

42 All laws and parts of laws in conflict with this Act are repealed.