

House Bill 390

By: Representatives Setzler of the 35<sup>th</sup>, Powell of the 32<sup>nd</sup>, and Glanton of the 75<sup>th</sup>

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 provide for the assessment of no points and a maximum fine for the offense  
3 of failure to obey a traffic control device in certain instances; to provide for related matters;  
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
8 amended in Code Section 40-5-57, relating to suspension or revocation of license of  
9 habitually negligent or dangerous driver and point system, by revising  
10 subparagraph (c)(1)(A) as follows:

11 "(c)(1)(A) Except as provided in subparagraph (C) of this paragraph, the points to be  
12 assessed for each offense shall be as provided in the following schedule:

13	Aggressive driving .....	6 points
14	Reckless driving .....	4 points
15	Unlawful passing of a school bus .....	6 points
16	Improper passing on a hill or a curve .....	4 points
17	Exceeding the speed limit by more than 14 miles per hour	
18	but less than 19 miles per hour .....	2 points
19	Exceeding the speed limit by 19 miles per hour or more	
20	but less than 24 miles per hour .....	3 points
21	Exceeding the speed limit by 24 miles per hour or more	
22	but less than 34 miles per hour .....	4 points
23	Exceeding the speed limit by 34 miles per hour or more .....	6 points

24 Disobedience of any traffic-control device or traffic officer,  
 25 except in instances specifically exempted from the issuance of  
 26 points in subsection (f) of Code Section 40-6-20 . . . . . 3 points  
 27 Too fast for conditions . . . . . 0 points  
 28 Possessing an open container of an alcoholic beverage while driving . . . 2 points  
 29 Failure to adequately secure a load, except fresh farm produce, resulting  
 30 in loss of such load onto the roadway which results in an accident . . . . . 2 points  
 31 Violation of child safety restraint requirements, first offense . . . . . 1 point  
 32 Violation of child safety restraint requirements, second or  
 33 subsequent offense . . . . . 2 points  
 34 Violation of usage of wireless telecommunications device  
 35 requirements . . . . . 1 point  
 36 Operating a vehicle while text messaging . . . . . 1 point  
 37 All other moving traffic violations which are not speed limit violations 3 points"

38 **SECTION 2.**

39 Said title is further amended in Code Section 40-6-20, relating to obedience to traffic-control  
 40 devices required, presumptions, and enforcement by traffic-control signal monitoring  
 41 devices, by revising subsection (a), redesignating subsection (f) as subsection (g), and adding  
 42 a new subsection to read as follows:

43 "(a) The driver of any vehicle shall obey the instructions of an official traffic-control  
 44 device applicable thereto, placed in accordance with this chapter, unless otherwise directed  
 45 by a police officer, subject to the exceptions granted the driver of an authorized emergency  
 46 vehicle in this chapter. A violation of this subsection shall be a misdemeanor, except as  
 47 otherwise provided by ~~subsection~~ subsections (f) and (g) of this Code section."

48 "(f) No points shall be assessed and no more than a \$100.00 fine may be imposed for a  
 49 violation of this Code section unless it can be demonstrated that at the time of the violation  
 50 such vehicle was traveling at a speed greater than five miles per hour or the violation  
 51 resulted in a direct threat of harm to persons or property at the time of the occurrence."

52 **SECTION 3.**

53 Said title is further amended by revising Code Section 40-14-20, relating to definitions  
 54 relative to traffic-control signal monitoring devices, as follows:

55 "40-14-20.

56 As used in this article, the term:

- 57 (1) 'Governing authority' means any county, municipality, or consolidated government.

- 58 (2) 'Recorded images' has the meaning provided in subparagraph ~~(f)(1)(B)~~ (g)(1)(B) of  
59 Code Section 40-6-20.
- 60 (3) 'Traffic-control signal monitoring device' has the meaning provided in subparagraph  
61 ~~(f)(1)(C)~~ (g)(1)(C) of Code Section 40-6-20."

62

**SECTION 4.**

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