

House Bill 534

By: Representatives Bonner of the 72<sup>nd</sup>, Hitchens of the 161<sup>st</sup>, Momtahan of the 17<sup>th</sup>, Corbett of the 174<sup>th</sup>, and Barton of the 5<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to offenses against public order, so as to provide for the offense of promoting illegal  
3 drag racing and laying drags; to provide for punishment; to amend Title 40 of the Official  
4 Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for the  
5 offense of reckless stunt driving; to provide for report of conviction of such offenses by  
6 courts to the Department of Driver Services; to provide for conditions and limitations for  
7 suspension of driver's license upon conviction; to provide for reinstatement of license after  
8 suspension; to provide for classification as habitual violator; to provide for issuance of a  
9 limited driving permit in certain instances; to provide for fees; to provide for punishment; to  
10 provide for forfeiture of motor vehicle in certain instances; to provide for commission of  
11 such offense in relation to homicide by vehicle, feticide by vehicle, serious injury by vehicle,  
12 and aggressive driving; to provide for related matters; to provide for an effective date and  
13 applicability; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 534

15 **SECTION 1.**

16 Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to  
17 offenses against public order, is amended by adding a new Code section to read as follows:

18 "16-11-43.1.

19 Any person who knowingly promotes or organizes an exhibition of illegal drag racing, in  
20 violation of Code Section 40-6-186, or of laying drags, in violation of Code Section  
21 40-6-251, shall be guilty of a misdemeanor of a high and aggravated nature."

22 **SECTION 2.**

23 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic,  
24 is amended in Code Section 40-5-53, relating to when courts to send licenses and reports of  
25 convictions to department, destruction of license by department, and issuance of new license  
26 upon satisfaction of certain requirements, by revising paragraph (3) of subsection (b) as  
27 follows:

28 "(3) A report of any conviction for an offense covered under Code Section 40-5-54, or  
29 Code Sections ~~40-6-391~~ 40-6-390.1 through 40-6-395, or violating a federal law or  
30 regulation or the law of any state or a valid municipal or county ordinance substantially  
31 conforming to any offense covered under Code Section 40-5-54 or Code Sections  
32 ~~40-6-391~~ 40-6-390.1 through 40-6-395, regardless of the date such report of conviction  
33 is received by the department, shall be considered for purposes of revoking a driver's  
34 license in accordance with Code Section 40-5-58."

35 **SECTION 3.**

36 Said title is further amended by revising Code Section 40-5-57.2, which is reserved, as  
37 follows:

38 "40-5-57.2.

39 (a) The driver's license of any person convicted of reckless stunt driving in violation of  
40 Code Section 40-6-390.1 shall by operation of law be suspended, and such suspension shall  
41 be subject to the following terms and conditions:

42 (1) Upon the first conviction of any such offense, with no arrest and conviction of and  
43 no plea of nolo contendere accepted to such offense within the previous five years, as  
44 measured from the dates of previous arrests for which convictions were obtained to the  
45 date of the current arrest for which a conviction is obtained, the period of suspension shall  
46 be 12 months, provided that such person may apply to the department for early  
47 reinstatement of his or her driver's license at the end of 120 days. Such license shall be  
48 reinstated upon payment of a restoration fee of \$210.00, or \$200.00 when such  
49 reinstatement is processed by mail;

50 (2) Upon the second conviction of any such offense within five years, as measured from  
51 the dates of previous arrests for which convictions were obtained to the date of the  
52 current arrest for which a conviction is obtained, the period of suspension shall be for  
53 three years, provided that such person may apply to the department for early  
54 reinstatement of his or her driver's license after 18 months from the date of the  
55 conviction. Such license shall be reinstated upon payment of a restoration fee of \$310.00,  
56 or \$300.00 when such reinstatement is processed by mail; and

57 (3) Upon the third or subsequent conviction of any such offense within five years, as  
58 measured from the dates of previous arrests for which convictions were obtained to the  
59 date of the current arrest for which a conviction is obtained, such person shall be  
60 considered a habitual violator, and such person's license shall be revoked as provided for  
61 in Code Section 40-5-58. A driver's license suspension imposed under this paragraph  
62 shall run concurrently with and shall be counted toward the fulfillment of any period of  
63 revocation imposed directly under Code Sections 40-5-58 and 40-5-62, provided that  
64 such revocation arose from the same act for which the suspension was imposed.

65 (b) Except as provided in Code Section 40-5-76, whenever a person is convicted of  
66 reckless stunt driving in violation of Code Section 40-6-390.1, the court in which such  
67 conviction is entered shall require the surrender of any driver's license then held by the  
68 person so convicted, and the court shall thereupon forward such license and a copy of its  
69 order to the department within ten days after the conviction. The method of calculating the  
70 periods of suspension provided for in this Code section shall be governed by subsection (e)  
71 of Code Section 40-5-61.

72 (c) Application for reinstatement of a driver's license under paragraph (1) or (2) of  
73 subsection (a) of this Code section shall be made on such forms as the commissioner may  
74 prescribe and shall be accompanied by the applicable restoration fee.

75 (d) Except as provided in subsection (a) of this Code section, it shall be unlawful for any  
76 person to operate any motor vehicle in this state after such person's license has been  
77 suspended pursuant to this Code section if such person has not thereafter obtained a valid  
78 license or limited permit. Any person who is convicted of operating a motor vehicle before  
79 the department has reinstated such person's license or before obtaining a limited driving  
80 permit or probationary license shall be punished by a fine of not less than \$750.00 nor more  
81 than \$5,000.00 or by imprisonment in the penitentiary for not more than 12 months, or  
82 both. Reserved."

83 **SECTION 4.**

84 Said title is further amended by revising Code Section 40-5-58, relating to habitual violators  
85 and probationary licenses, as follows:

86 "40-5-58.

87 (a) As used in this Code section, 'habitual violator' means any person who has been  
88 arrested and convicted within the United States three or more times within a five-year  
89 period of time, as measured from the dates of previous arrests for which convictions were  
90 obtained to the date of the most recent arrest for which a conviction was obtained, of:

91 (1) Committing any offense covered under Code Section 40-5-54 or Code Sections  
92 ~~40-6-391~~ 40-6-390.1 through 40-6-395 or violating a federal law or regulation or the law  
93 of any state or a valid municipal or county ordinance substantially conforming to any  
94 offense covered under Code Section 40-5-54 or Code Sections ~~40-6-391~~ 40-6-390.1  
95 through 40-6-395; or

96 (2) Singularly or in combination, any of the offenses described in paragraph (1) of this  
97 subsection.

98 (b) When the records of the department disclose that any person is a habitual violator as  
99 defined in subsection (a) of this Code section, the department shall forthwith notify such  
100 person that his or her driver's license has been revoked by operation of law and that it shall  
101 be unlawful for such habitual violator to operate a motor vehicle in this state unless  
102 otherwise provided in this Code section. Notice shall be given by certified mail or  
103 statutory overnight delivery, with return receipt requested; or, in lieu thereof, notice may  
104 be given by personal service upon such person.

105 (c)(1) Except as provided in paragraph (2) of this subsection or in subsection ~~(e)~~ (d) of  
106 this Code section, it shall be unlawful for any person to operate any motor vehicle in this  
107 state after such person has received notice that his or her driver's license has been revoked  
108 as provided in subsection (b) of this Code section, if such person has not thereafter  
109 obtained a valid driver's license. Any person declared to be a habitual violator and whose  
110 driver's license has been revoked under this Code section and who is thereafter convicted  
111 of operating a motor vehicle before the department has issued such person a driver's  
112 license or before the expiration of five years from such revocation, whichever occurs  
113 first, shall be punished by a fine of not less than \$750.00 or by imprisonment in the  
114 penitentiary for not less than one nor more than five years, or both. Any person declared  
115 to be a habitual violator and whose driver's license has been revoked and who is  
116 convicted of operating a motor vehicle after the expiration of five years from such

117 revocation but before the department has issued such person a driver's license shall be  
118 guilty of a misdemeanor.

119 (2) Any person declared to be a habitual violator as a result of three or more convictions  
120 of violations of Code Section 40-6-391 within a five-year period of time, as measured  
121 from the dates of previous arrests for which convictions were obtained to the date of the  
122 most recent arrest for which a conviction was obtained, and who is thereafter convicted  
123 of operating a motor vehicle during such period of revocation, prior to the issuance of a  
124 probationary license under subsection ~~(e)~~ (d) of this Code section or before the expiration  
125 of five years, shall be guilty of the felony of habitual impaired driving and shall be  
126 punished by a fine of not less than \$1,000.00 or by imprisonment in the penitentiary for  
127 not less than one nor more than five years, or both.

128 ~~(d) Notwithstanding any contrary provisions of Code Section 17-7-95 or 24-4-410, for the~~  
129 ~~purposes of this Code section, any plea of nolo contendere entered and accepted after~~  
130 ~~January 1, 1976, shall be considered a conviction.~~

131 ~~(e)~~(d)(1) Notwithstanding any contrary provisions of this Code section or any other Code  
132 section of this chapter, any person who has been declared a habitual violator and who has  
133 had his or her driver's license revoked under subsection (b) of this Code section for a  
134 period of five years and two years have expired since the date on which such person's  
135 license was surrendered or an affidavit was accepted as provided in subsection (e) of  
136 Code Section 40-5-61 may be issued a probationary driver's license for a period of time  
137 not to exceed three years upon compliance with the following conditions:

138 (A) Such person has not been convicted, or pleaded nolo contendere to a charge, of  
139 violating any provision of this chapter, Chapter 6 of this title, or any local ordinance  
140 relating to the movement of vehicles for a period of two years immediately preceding  
141 the application for a probationary driver's license;

- 142 (B) Such person has not been convicted, or pleaded nolo contendere to a charge, of a  
143 violation of any provision of this chapter or Chapter 6 of this title which resulted in the  
144 death or injury of any individual;
- 145 (C) Such person has successfully completed, prior to the issuance of the probationary  
146 driver's license, a defensive driving course approved by the commissioner pursuant to  
147 Code Section 40-5-83 or a DUI Alcohol or Drug Use Risk Reduction Program as  
148 designated by the department;
- 149 (D) Reserved;
- 150 (E) Such person shall submit a sworn affidavit that such person does not excessively  
151 use alcoholic beverages and does not illegally use controlled substances or marijuana  
152 when a person has been declared a habitual violator based upon a violation of a state  
153 law or local ordinance involving Code Section 40-6-391. It shall be a misdemeanor to  
154 falsely swear on such affidavit and, upon conviction, the probationary license shall be  
155 revoked. No probationary license shall be issued during the remainder of the  
156 revocation period, and no driver's license shall be issued for the remainder of the  
157 original revocation period or for a period of two years from the date of conviction under  
158 this subparagraph;
- 159 (F) Such person submits proof of financial responsibility as provided in Chapter 9 of  
160 this title; and
- 161 (G) Refusal to issue a probationary driver's license would cause extreme hardship to  
162 the applicant. For the purposes of this subsection, the term 'extreme hardship' means  
163 that the applicant cannot reasonably obtain other transportation, and, therefore, the  
164 applicant would be prohibited from:
- 165 (i) Going to his or her place of employment or performing the normal duties of his  
166 or her occupation;
- 167 (ii) Receiving scheduled medical care or obtaining prescription drugs;

- 168 (iii) Attending a college or school at which he or she is regularly enrolled as a  
169 student;
- 170 (iv) Attending regularly scheduled sessions or meetings of support organizations for  
171 persons who have addiction or abuse problems related to alcohol or other drugs,  
172 which organizations are recognized by the commissioner; or
- 173 (v) Attending under court order any driver education or improvement school or  
174 alcohol or drug treatment program or course approved by the court which entered the  
175 judgment of conviction resulting in revocation of his or her driver's license or by the  
176 commissioner.
- 177 (2) Application for a probationary driver's license shall be made upon such forms as the  
178 commissioner may prescribe. Such forms shall require such information as is necessary  
179 for the department to determine the need for such license. All applications shall be  
180 signed by the applicant before a person authorized to administer oaths.
- 181 (3) Upon compliance with the above conditions and the payment of a fee of \$210.00, or  
182 \$200.00 when processed by mail, such person may be issued a probationary driver's  
183 license by the department. Upon payment of a fee in an amount the same as that provided  
184 by Code Section 40-5-25 for issuance of a Class C driver's license, a person may be  
185 issued a replacement for a lost or destroyed probationary driver's license issued to him  
186 or her.
- 187 (4) A probationary driver's license shall be endorsed with such conditions as the  
188 commissioner deems necessary to ensure that such license will be used by the licensee  
189 only to avoid the conditions of extreme hardship. Such conditions may include the  
190 following restrictions:
- 191 (A) Specific places between which the licensee may be allowed to operate a motor  
192 vehicle;
- 193 (B) Routes to be followed by the licensee;
- 194 (C) Times of travel;

195 (D) The specific vehicles which the licensee may operate; and

196 (E) Such other restrictions as the department may require.

197 (5) A probationary driver's license issued pursuant to this Code section shall become  
198 invalid upon the expiration of the period of the suspension or revocation of the driver's  
199 license of such person.

200 (6)(A)(i) Any probationary licensee violating the provisions of paragraph (4) of this  
201 subsection or operating a vehicle in violation of any conditions specified in this  
202 subsection shall be guilty of a misdemeanor.

203 (ii) Except as provided in division (iii) of this subparagraph, any probationary  
204 licensee violating any state law or local ordinance involving an offense listed in Code  
205 Section 40-5-54, 40-6-390.1, or ~~Code Section~~ 40-6-391 shall be guilty of a felony and  
206 shall be punished by a fine of not less than \$1,000.00 or by imprisonment in the  
207 penitentiary for not less than one nor more than five years, or both.

208 (iii) Any probationary licensee violating any state law or local ordinance involving  
209 a felony offense listed in Code Section 40-5-54 shall be guilty of a felony and shall  
210 be punished as is provided for conviction of such felony.

211 (B) Any probationary licensee who is convicted of violating, or who pleads nolo  
212 contendere to a charge of violating, any state law or local ordinance involving an  
213 offense listed in Code Section 40-5-54, 40-6-390.1, or ~~Code Section~~ 40-6-391 or any  
214 probationary licensee who is convicted of violating, or who pleads nolo contendere to  
215 a charge of violating, the conditions endorsed on his such license, shall have his or her  
216 license revoked by the department. Any court in which such conviction is had or in  
217 which said nolo contendere plea is accepted shall require the licensee to surrender the  
218 license to the court. The court shall forward the license to the department within ten  
219 days after the conviction or acceptance of the plea, with a copy of the conviction. Any  
220 person whose probationary license is revoked for committing an offense listed in Code  
221 Section 40-5-54, 40-6-390.1, or ~~Code Section~~ 40-6-391 shall not be eligible to apply

222 for a regular driver's license until the expiration of the original five-year revocation  
223 period during which the probationary license was originally issued or for a period of  
224 two years following the conviction, whichever is greater.

225 (C) If the commissioner has reason to believe or makes a preliminary finding that the  
226 requirements of the public safety or welfare outweigh the individual needs of a person  
227 for a probationary license, the commissioner, in his or her discretion, after affording the  
228 person notice and an opportunity to be heard, may refuse to issue the license under this  
229 subsection.

230 (D) Any person whose probationary driver's license has been revoked shall not be  
231 eligible to apply for a subsequent probationary license under this Code section for a  
232 period of five years.

233 (7) Any person whose probationary license has been revoked or who has been refused  
234 a probationary license by the department may make a request in writing for a hearing to  
235 be provided by the department. Such hearing shall be provided by the department within  
236 30 days after the receipt of such request and shall follow the procedures required by  
237 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Appeal from such  
238 hearing shall be in accordance with Chapter 13 of Title 50.

239 ~~(f)~~(e) If a person's license was revoked for a violation of Code Section 40-6-391 resulting  
240 from a motor vehicle collision in which any person lost his or her life, the person whose  
241 license was revoked shall not be entitled to a probationary license as set forth in this Code  
242 section."

243 **SECTION 5.**

244 Said title is further amended in Code Section 40-5-64, relating to limited driving permits for  
245 certain offenders, by revising subsections (a) and (e) as follows:

246 "(a) **To whom issued.**

247 (1) Notwithstanding any contrary provision of this Code section or Code Section  
248 40-5-57, 40-5-57.2, 40-5-63, 40-5-75, 40-5-121, or 42-8-111, any person who has not  
249 been previously convicted or adjudicated delinquent for a violation of Code Section  
250 40-6-391 within five years, as measured from the dates of previous arrests for which  
251 convictions were obtained or pleas of nolo contendere were accepted to the date of the  
252 current arrest, may apply for a limited driving permit when ~~that~~:

253 (A) That person's driver's license had a suspension imposed prior to July 1, 2015, under  
254 Code Section 40-5-22 or that person's driver's license has been suspended in accordance  
255 with subsection;

256 (i) Subsection (d) of Code Section 40-5-57, paragraph;

257 (ii) Paragraph (1) of subsection (a) of Code Section 40-5-57.2;

258 (iii) Paragraph (1) of subsection (a) of Code Section 40-5-63, paragraph;

259 (iv) Paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection; or

260 (v) Subsection (a) of Code Section 40-5-57.1, when the person is 18 years of age or  
261 older and his or her license was suspended for exceeding the speed limit by 24 miles  
262 per hour or more but less than 34 miles per hour, ~~and the~~; and

263 (B) The sentencing judge, in his or her discretion, decides it is reasonable to issue a  
264 limited driving permit.

265 (2) No person who has been granted an exemption from the ignition interlock device  
266 requirements of Article 7 of Chapter 8 of Title 42 due to undue financial hardship under  
267 Code Section 42-8-111 shall be eligible for a limited driving permit, an ignition interlock  
268 device limited driving permit, or any other driving privilege for a period of one year.

269 (3) To the extent a person is subject to more than one suspension for which a limited  
270 driving permit may be issued, the department shall not issue such permit unless the  
271 suspensions are for a conviction for driving under the influence in violation of Code  
272 Section 40-6-391 imposed pursuant to Code Section 40-5-63 and an administrative

273 suspension imposed pursuant to paragraph (1) of subsection (a) of Code Section  
274 40-5-67.2 arising from the same incident."

275 "(e) **Fees, duration, renewal, and replacement of limited driving permit.**

276 (1) A limited driving permit issued pursuant to this Code section shall be \$25.00 and  
277 shall become invalid upon ~~the driver's eighteenth birthday in the case of a suspension~~  
278 ~~under paragraph (2) of subsection (a.1) of Code Section 40-5-22, upon the:~~

279 (A) The expiration of one year following issuance thereof in the case of a suspension  
280 for:

281 (i) For an offense listed in Code Section 40-5-54 or a suspension under;

282 (ii) Under Code Section 40-5-57 or a suspension in;

283 (iii) Under Code Section 40-5-57.2; or

284 (iv) In accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for  
285 a violation of Code Section 40-6-391, or upon the;

286 (B) The expiration of 30 days in the case of an administrative license suspension in  
287 accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2; except that  
288 such limited driving permit shall expire upon any or

289 (C) Any earlier reinstatement of the driver's license.

290 (2) A person may apply to the department for a limited driving permit immediately  
291 following such conviction if he or she has surrendered his or her driver's license to the  
292 court in which the conviction was adjudged or to the department if the department has  
293 processed the administrative driver's license suspension form or conviction. Upon the  
294 applicant's execution of an affidavit attesting to such facts and to the fact that the court  
295 had not imposed a suspension or revocation of his or her driver's license or driving  
296 privileges inconsistent with the driving privileges to be conferred by the limited driving  
297 permit applied for, the department may issue such person a limited driving permit.

298 (3) Limited driving permits issued pursuant to this Code section are renewable upon  
299 payment of a renewal fee of \$5.00. Such permits may be renewed one time after the

300 person is eligible to reinstate his or her driver's license for the violation that was the basis  
301 of the issuance of the permit.

302 (4) Upon payment of a fee in an amount the same as that provided by Code Section  
303 40-5-25 for issuance of a Class C driver's license, a person may be issued a replacement  
304 for a lost or destroyed limited driving permit issued to him or her."

305 **SECTION 6.**

306 Said title is further amended by adding a new Code section to read as follows:

307 "40-6-390.1.

308 (a) Any person who operates any vehicle while drag racing, in violation of Code Section  
309 40-6-186, or laying drags, in violation of Code Section 40-6-251, in reckless disregard for  
310 the safety of persons on a highway or upon private property without express authorization  
311 from the owner of such property commits the offense of reckless stunt driving and, upon  
312 conviction thereof, shall be guilty of:

313 (1) For the first conviction with no conviction of and no plea of nolo contendere accepted  
314 to a charge of violating this Code section within the previous ten years, a misdemeanor  
315 of a high and aggravated nature to be punished by a fine of \$1,500.00 or imprisonment  
316 for a period not to exceed 12 months, or both;

317 (2) For the second conviction in a ten-year period of time, a misdemeanor of a high and  
318 aggravated nature to be punished by a fine of \$3,000.00 or imprisonment for a period not  
319 to exceed 12 months, or both; and

320 (3) For the third or subsequent conviction in a ten-year period of time, a felony to be  
321 punished by a fine of \$5,000.00 or imprisonment for a period not less than 12 months nor  
322 more than five years, or both.

323 (b)(1) Any motor vehicle operated by an individual who has been previously convicted  
324 of two or more violations of this Code section within ten years that was used in a

325 subsequent violation of this Code section is declared to be contraband and subject to  
326 forfeiture in accordance with the procedures set forth in Chapter 16 of Title 9.

327 (2) In any case where a vehicle which is the only family vehicle is determined to be  
328 subject to forfeiture, the court may, if it determines that the financial hardship to the  
329 family as a result of the forfeiture and sale outweighs the benefit to the state from such  
330 forfeiture, order the title to the vehicle transferred to such other family member who is  
331 a duly licensed operator and who requires the use of such vehicle for employment or  
332 family transportation purposes. Such transfer shall be subject to any valid liens and shall  
333 be granted only once.

334 (c) For purposes of this Code section, the occurrence of a previous conviction shall be  
335 measured from the dates of previous arrests for which convictions were obtained or pleas  
336 of nolo contendere were accepted to the date of the current arrest for which a conviction  
337 is obtained or a plea of nolo contendere is accepted."

338 **SECTION 7.**

339 Said title is further amended in Code Section 40-6-393, relating to homicide by vehicle, by  
340 revising subsections (a) and (c) as follows:

341 "(a) Any person who, without malice aforethought, causes the death of another person  
342 through the violation of subsection (a) of Code Section 40-6-163, Code ~~Section~~ Sections  
343 40-6-390 or through 40-6-391, or subsection (a) of Code Section 40-6-395 commits the  
344 offense of homicide by vehicle in the first degree and, upon conviction thereof, shall be  
345 punished by imprisonment for not less than three years nor more than 15 years."

346 "(c) Any person who causes the death of another person, without an intention to do so, by  
347 violating any provision of this title other than subsection (a) of Code Section 40-6-163,  
348 subsection (b) of Code Section 40-6-270, Code ~~Section~~ Sections 40-6-390 ~~or through~~  
349 40-6-391, or subsection (a) of Code Section 40-6-395 commits the offense of homicide by

350 vehicle in the second degree when such violation is the cause of said death and, upon  
351 conviction thereof, shall be punished as provided in Code Section 17-10-3."

352 **SECTION 8.**

353 Said title is further amended in Code Section 40-6-393.1, relating to feticide by vehicle and  
354 penalties, by revising subsection (c) as follows:

355 "(c)(1) A person commits the offense of feticide by vehicle in the second degree if he or  
356 she causes the death of an unborn child by any injury to the mother of such child by  
357 violating any provision of this title other than Code ~~Section~~ Sections 40-6-390 or through  
358 40-6-391, which would be homicide by vehicle in the second degree as provided in  
359 subsection (c) of Code Section 40-6-393 if it resulted in the death of such mother.

360 (2) A person convicted of the offense of feticide by vehicle in the second degree shall  
361 be punished as provided in Code Section 17-10-3."

362 **SECTION 9.**

363 Said title is further amended in Code Section 40-6-394, relating to serious injury by vehicle  
364 and penalty, by revising subsection (b) as follows:

365 "(b) Any person who, without malice aforethought, causes an accident that results in bodily  
366 harm while violating Code ~~Section~~ Sections 40-6-390 or through 40-6-391 commits the  
367 crime of serious injury by vehicle. A person convicted of violating this subsection shall  
368 be guilty of a felony and shall be punished by imprisonment for not less than one year nor  
369 more than 15 years."

370 **SECTION 10.**

371 Said title is further amended by revising Code Section 40-6-397, relating to aggressive  
372 driving and penalty, as follows:

373 "40-6-397.

374 (a) A person commits the offense of aggressive driving when he or she operates any motor  
375 vehicle with the intent to annoy, harass, molest, intimidate, injure, or obstruct another  
376 person, including without limitation violating Code Section 40-6-42, 40-6-48, 40-6-49,  
377 40-6-123, 40-6-184, 40-6-312, ~~or~~ 40-6-390, or 40-6-390.1 with such intent.

378 (b) Any person convicted of aggressive driving shall be guilty of a misdemeanor of a high  
379 and aggravated nature."

380 **SECTION 11.**

381 This Act shall become effective upon its approval by the Governor or upon its becoming law  
382 without such approval and shall apply to all offenses committed on and after such date.

383 **SECTION 12.**

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