

The Senate Committee on Judiciary offered the following substitute to SB 10:

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 an offense of promoting illegal
3 drag racing, laying drags, and operating upon highways by unauthorized vehicles; to provide
4 for an offense of knowingly attending and wagering at an illegal drag race or laying drags
5 exhibition; to provide for punishment; to amend Title 40 of the Official Code of Georgia
6 Annotated, relating to motor vehicles and traffic, so as to provide for classification and
7 registration of high-performance vehicles; to provide for the issuance of special license plates
8 for high-performance vehicles; to provide for penalties; to provide for offenses which
9 disqualify certain drivers from obtaining a Class C or D driver's license; to provide for the
10 assessment of points for the offense of laying drags; to reclassify the offenses of drag racing
11 and laying drags as high and aggravated misdemeanors; to provide for the civil forfeiture of
12 certain vehicles used in drag racing and laying drags; to provide for underlying offenses for
13 homicide by vehicle offense; to prohibit the operation of off-road vehicles in certain
14 instances; to provide for penalties; to provide for related matters; to provide for a short title;
15 to provide for an effective date and applicability; to repeal conflicting laws; and for other
16 purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 This Act shall be known as and may be cited as the "Jaye Mia Sanford Law."

20 **SECTION 2.**

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

23 "16-11-43.1.

24 (a) Any person who knowingly promotes or advertises an exhibition of drag racing, in
25 violation of Code Section 40-6-186; or of laying drags, in violation of Code Section
26 40-6-251; or of the operation of five or more motor vehicles upon a public highway or
27 street, in violation of Code Section 40-2-8, or without authority shall be guilty of a
28 misdemeanor of a high and aggravated nature.

29 (b) Any person who is knowingly present and betting or wagering money or any other
30 thing of value at an exhibition of drag racing, in violation of Code Section 40-6-186, or
31 laying drags, in violation of Code Section 40-6-251, shall be guilty of a misdemeanor and
32 shall be punished by a fine of no less than \$250.00."

33 **SECTION 3.**

34 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
35 amended by adding a new Code section to read as follows:

36 "40-2-48.

37 (a) For purposes of this Code section, the term 'high-performance vehicle' means a motor
38 vehicle which is not a common carrier or commercial motor vehicle and that is:

39 (1) Manufactured to hold a rating of 650 horsepower or greater; or

40 (2) Converted to hold a horsepower rating greater than the manufacturer's specifications.

41 (b) On and after July 1, 2021, any vehicle required to be registered by Code
42 Section 40-2-20 which qualifies as a high-performance vehicle shall be registered with the

43 commissioner prior to operation and use thereof; provided, however, that any vehicle
44 registered prior to July 1, 2021, which qualifies as a high-performance vehicle based upon
45 paragraph (1) of subsection (a) of this Code section shall be registered as such at the next
46 renewal of the vehicle's registration. High-performance vehicle registrations shall be made
47 upon forms prescribed and prepared by the commissioner for such purpose and, in addition
48 to the information set forth in Code Section 40-2-26, shall contain the name and address
49 of the person who converted the vehicle to a high-performance vehicle if such vehicle has
50 been converted. Upon the filing of a properly executed application for registration and
51 payment of a license fee of \$35.00, the commissioner shall issue a license plate which shall
52 be displayed upon such vehicle in the same manner as provided for in Code
53 Section 40-2-41.

54 (c) The commissioner shall design a high-performance vehicle license plate which shall
55 be similar in appearance to license plates issued pursuant to this chapter, except it shall be
56 prominently marked in such a manner as to identify the vehicle as a high-performance
57 vehicle.

58 (d) License plates issued under this Code section shall not be transferred to any other
59 vehicle unless such vehicle is a high-performance vehicle and except as provided in Code
60 Section 40-2-42.

61 (e) No person owning or operating a high-performance vehicle shall display upon the
62 motor vehicle any license plate provided for in this Code section unless at the time of such
63 ownership or operation such vehicle qualifies as a high-performance vehicle pursuant to
64 this Code section. Any person who violates this subsection shall be guilty of a
65 misdemeanor.

66 (f) Any person who owns or operates a high-performance vehicle who fails to display a
67 license plate issued pursuant to this Code section shall be guilty of a misdemeanor.

68 (g) The department shall be authorized to promulgate rules and regulations to implement
69 the provisions of this Code section."

70

SECTION 4.

71 Said title is further amended in Code Section 40-5-24, relating to instruction permits,
72 graduated licensing and related restrictions, and temporary licenses, by revising paragraph
73 (2) of subsection (a) and paragraph (3) of subsection (b) as follows:

74 "(2) A person who has been issued an instruction permit under this subsection and has
75 never been issued a Class D driver's license under subsection (b) of this Code section will
76 become eligible for a Class D driver's license under subsection (b) of this Code section
77 only if such person is at least 17 years of age, has a valid instruction permit which is not
78 under suspension, and, for a period of not less than 12 consecutive months prior to
79 making application for a Class D driver's license, has not been convicted of a violation
80 of Code Section 40-6-391, hit and run or leaving the scene of an accident in violation of
81 Code Section 40-6-270, racing on highways or streets in violation of Code Section
82 40-6-186, laying drags in violation of Code Section 40-6-251, using a motor vehicle in
83 fleeing or attempting to elude an officer in violation of Code Section 40-6-395, reckless
84 driving in violation of Code Section 40-6-390, or convicted of any offense for which four
85 or more points are assessable under subsection (c) of Code Section 40-5-57; provided,
86 however, that a person who is at least 16 years of age and meets all of the other
87 qualifications of this paragraph except for age who has completed an approved driver
88 education training course as provided in subsection (a.2) of Code Section 40-5-22 will
89 be eligible for a Class D driver's license."

90 "(3) A person who has been issued a Class D driver's license under this subsection and
91 has never been issued a Class C driver's license under this chapter will become eligible
92 for a Class C driver's license under this chapter only if such person has a valid Class D
93 driver's license which is not under suspension and, for a period of not less than 12
94 consecutive months prior to making application for a Class C driver's license, has not
95 been convicted of a violation of Code Section 40-6-391, hit and run or leaving the scene
96 of an accident in violation of Code Section 40-6-270, racing on highways or streets in

97 violation of Code Section 40-6-186, laying drags in violation of Code Section 40-6-251,
98 using a motor vehicle in fleeing or attempting to elude an officer in violation of Code
99 Section 40-6-395, reckless driving in violation of Code Section 40-6-390, or convicted
100 of any offense for which four or more points are assessable under subsection (c) of Code
101 Section 40-5-57 and is at least 18 years of age."

102 **SECTION 5.**

103 Said title is further amended in Code Section 40-5-54, relating to mandatory suspension of
104 license and notice of suspension, by revising subsection (a) as follows:

105 "(a) The department shall forthwith suspend, as provided in Code Section 40-5-63, the
106 license of any driver upon receiving a record of such driver's conviction of the following
107 offenses, whether charged as a violation of state law or of a local ordinance adopted
108 pursuant to Article 14 of Chapter 6 of this title:

- 109 (1) Homicide by vehicle, as defined by Code Section 40-6-393;
110 (2) Any felony in the commission of which a motor vehicle is used;
111 (3) Hit and run or leaving the scene of an accident in violation of Code Section 40-6-270;
112 (4) Racing on highways and streets in violation of Code Section 40-6-186;
113 (5) Using a motor vehicle in fleeing or attempting to elude an officer in violation of Code
114 Section 40-6-395; or
115 (6) Operating a motor vehicle with a revoked, canceled, or suspended registration in
116 violation of Code Section 40-6-15."

117 **SECTION 6.**

118 Said title is further amended in Code Section 40-5-57, relating to suspension or revocation
119 of license of habitually negligent or dangerous driver and point system, by revising
120 subparagraph (c)(1)(A) as follows:

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

123	(i) Aggressive driving	6 points
124	(ii) Reckless driving	4 points
125	(iii) Unlawful passing of a school bus	6 points
126	(iv) Improper passing on a hill or a curve	4 points
127	(v) Exceeding the speed limit by more than 14 miles per hour but less than	
128	19 miles per hour	2 points
129	(vi) Exceeding the speed limit by 19 miles per hour or more but less than	
130	24 miles per hour	3 points
131	(vii) Exceeding the speed limit by 24 miles per hour or more but less than	
132	34 miles per hour	4 points
133	(viii) Exceeding the speed limit by 34 miles per hour or more	6 points
134	(ix) Disobedience of any traffic-control device or traffic officer	3 points
135	(x) Too fast for conditions	0 points
136	(xi) Possessing an open container of an alcoholic beverage while driving	2 points
137	(xii) Failure to adequately secure a load, except fresh farm produce,	
138	resulting in loss of such load onto the roadway which results in an accident	2 points
139	(xiii) Violation of child safety restraint requirements, first offense	1 point
140	(xiv) Violation of child safety restraint requirements, second or subsequent	
141	offense	2 points
142	(xv) First violation of Code Section 40-6-241	1 point
143	(xvi) Second violation of Code Section 40-6-241	2 points
144	(xvii) Third or subsequent violation of Code Section 40-6-241	3 points
145	<u>(xviii) First violation of laying drags in violation of Code</u>	
146	<u>Section 40-6-251</u>	<u>4 points</u>

147 (xix) Second violation of laying drags in violation of Code
148 Section 40-6-251 6 points
149 (xx) Third violation of laying drags in violation of Code Section 40-6-251 8 points
150 ~~(xviii)~~(xxi) All other moving traffic violations which are not speed limit
151 violations 3 points"

SECTION 7.

152
153 Said title is further amended by revising Code Section 40-6-186, relating to racing on
154 highways, as follows:

155 "40-6-186.

156 (a) As used in this Code section, the term:

157 (1) 'Drag race' means the operation of two or more vehicles from a point side by side at
158 accelerated speeds in a competitive attempt to outdistance each other or the operation of
159 one or more vehicles over a common selected course from the same point to the same
160 point for the purpose of comparing the relative speeds or power of acceleration of such
161 vehicle or vehicles within a certain distance or time limit.

162 (2) 'Racing' means the use of one or more vehicles in an attempt to outgain, outdistance,
163 or prevent another vehicle from passing, to arrive at a given destination ahead of another
164 vehicle or vehicles, or to test the physical stamina or endurance of drivers over
165 long-distance driving routes.

166 (b) No person shall drive any vehicle on a highway in this state in any race, speed
167 competition or contest, drag race or acceleration contest, test of physical endurance,
168 exhibition of speed or acceleration, or for the purpose of making a speed record, and no
169 person shall in any manner participate in any such race, competition of speed, contest of
170 speed, or test or exhibition of speed.

171 (c) Any person convicted of violating subsection (b) of this Code section shall be guilty
172 of a misdemeanor of a high and aggravated nature and shall be punished as follows:

- 173 (1) For a first conviction, a fine of up to \$1,000.00;
174 (2) For a second conviction, a fine of up to \$2,000.00; or
175 (3) For a third or subsequent conviction, a fine of up to \$5,000.00.
176 (d)(1) Any motor vehicle which qualifies as a high-performance vehicle pursuant to
177 Code Section 40-2-48 operated by a person who has been convicted of a second or
178 subsequent violation of this Code section is declared to be contraband and subject to
179 forfeiture in accordance with the procedures set forth in Chapter 16 of Title 9.
180 (2) In any case where a vehicle which is the only family vehicle is determined to be
181 subject to forfeiture, the court may, if it determines that the financial hardship to the
182 family as a result of the forfeiture and sale outweighs the benefit to the state from such
183 forfeiture, order the title to the vehicle transferred to such other family member who is
184 a duly licensed operator and who requires the use of such vehicle for employment or
185 family transportation purposes. Such transfer shall be subject to any valid liens and shall
186 be granted only once."

187 **SECTION 8.**

188 Said title is further amended by revising Code Section 40-6-251, relating to driving in
189 circular or zigzag course and "laying drags," as follows:

190 "40-6-251.

191 (a) No driver of any motor vehicle shall operate the vehicle upon ~~the public streets,~~
192 highways, public or private driveways, airport runways, or parking lots in such a manner
193 as to create a danger to persons or property by intentionally and unnecessarily causing the
194 vehicle to move in a zigzag or circular course or to gyrate or spin around, except to avoid
195 a collision or injury or damage.

196 (b) The offenses described in this Code section shall be sufficiently identified on any
197 traffic ticket, warrant, accusation, or indictment when referred to as 'laying drags.'

198 (c) This Code section shall not apply to drivers operating vehicles in or on any raceway,
199 drag strip, or similar place customarily and lawfully used for such purposes.

200 (d) Any person violating subsection (a) of this Code section shall be guilty of a
201 misdemeanor of a high and aggravated nature and shall be punished as follows:

202 (1) For a first conviction, a fine of up to \$1,000.00;

203 (2) For a second conviction, a fine of up to \$2,000.00; or

204 (3) For a third or subsequent conviction, a fine of up to \$5,000.00.

205 (e)(1) Any motor vehicle which qualifies as a high-performance vehicle pursuant to
206 Code Section 40-2-48 operated by a person who has been convicted of a second or
207 subsequent violation of this Code section is declared to be contraband and subject to
208 forfeiture in accordance with the procedures set forth in Chapter 16 of Title 9.

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

216 **SECTION 9.**

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

219 "(a) Any person who, without malice aforethought, causes the death of another person
220 through the violation of subsection (a) of Code Section 40-6-163, Code Section 40-6-186,
221 Code Section 40-6-251, Code Section 40-6-390 or 40-6-391, or subsection (a) of Code
222 Section 40-6-395 commits the offense of homicide by vehicle in the first degree and, upon

223 conviction thereof, shall be punished by imprisonment for not less than three years nor
224 more than 15 years."

225 "(c) Any person who causes the death of another person, without an intention to do so, by
226 violating any provision of this title other than subsection (a) of Code Section 40-6-163,
227 Code Section 40-6-186, Code Section 40-6-251, subsection (b) of Code Section 40-6-270,
228 Code Section 40-6-390 or 40-6-391, or subsection (a) of Code Section 40-6-395 commits
229 the offense of homicide by vehicle in the second degree when such violation is the cause
230 of said death and, upon conviction thereof, shall be punished as provided in Code
231 Section 17-10-3."

232 **SECTION 10.**

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

234 "40-7-4.1.

235 Except as otherwise provided for in Code Section 40-7-5, any person who operates an
236 off-road vehicle on a highway or upon private property without express authorization from
237 the owner of such property shall be guilty of a misdemeanor."

238 **SECTION 11.**

239 Said title is further amended by revising Code Section 40-7-6, relating to enforcement and
240 penalties for off-road vehicle operation, as follows:

241 "40-7-6.

242 All peace officers shall enforce the provisions of this chapter. Except as otherwise
243 provided in Code Section 40-7-4.1, any Any person who violates any provision of this
244 chapter shall not thereby be guilty of a criminal act but shall be subject to a civil penalty
245 of not less than \$25.00."

246

SECTION 12.

247 This Act shall become effective upon its approval by the Governor or upon its becoming law
248 without such approval and shall apply to all offenses committed on and after July 1, 2021.

249

SECTION 13.

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