

Senate Bill 10

By: Senators Jones of the 10th, Butler of the 55th, James of the 35th, Seay of the 34th, Davenport of the 44th and others

AS PASSED SENATE

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:

S. B. 10

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

37 "(2) A person who has been issued an instruction permit under this subsection and has
38 never been issued a Class D driver's license under subsection (b) of this Code section will
39 become eligible for a Class D driver's license under subsection (b) of this Code section
40 only if such person is at least 17 years of age, has a valid instruction permit which is not
41 under suspension, and, for a period of not less than 12 consecutive months prior to
42 making application for a Class D driver's license, has not been convicted of a violation

43 of Code Section 40-6-391, hit and run or leaving the scene of an accident in violation of
44 Code Section 40-6-270, racing on highways or streets in violation of Code Section
45 40-6-186, laying drags in violation of Code Section 40-6-251, using a motor vehicle in
46 fleeing or attempting to elude an officer in violation of Code Section 40-6-395, reckless
47 driving in violation of Code Section 40-6-390, or convicted of any offense for which four
48 or more points are assessable under subsection (c) of Code Section 40-5-57; provided,
49 however, that a person who is at least 16 years of age and meets all of the other
50 qualifications of this paragraph except for age who has completed an approved driver
51 education training course as provided in subsection (a.2) of Code Section 40-5-22 will
52 be eligible for a Class D driver's license."

53 "(3) A person who has been issued a Class D driver's license under this subsection and
54 has never been issued a Class C driver's license under this chapter will become eligible
55 for a Class C driver's license under this chapter only if such person has a valid Class D
56 driver's license which is not under suspension and, for a period of not less than 12
57 consecutive months prior to making application for a Class C driver's license, has not
58 been convicted of a violation of Code Section 40-6-391, hit and run or leaving the scene
59 of an accident in violation of Code Section 40-6-270, racing on highways or streets in
60 violation of Code Section 40-6-186, laying drags in violation of Code Section 40-6-251,
61 using a motor vehicle in fleeing or attempting to elude an officer in violation of Code
62 Section 40-6-395, reckless driving in violation of Code Section 40-6-390, or convicted
63 of any offense for which four or more points are assessable under subsection (c) of Code
64 Section 40-5-57 and is at least 18 years of age."

65 **SECTION 4.**

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

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

- 72 (1) Homicide by vehicle, as defined by Code Section 40-6-393;
- 73 (2) Any felony in the commission of which a motor vehicle is used;
- 74 (3) Hit and run or leaving the scene of an accident in violation of Code Section 40-6-270;
- 75 (4) Racing on highways and streets in violation of Code Section 40-6-186;
- 76 (5) Using a motor vehicle in fleeing or attempting to elude an officer in violation of Code
77 Section 40-6-395; or
- 78 (6) Operating a motor vehicle with a revoked, canceled, or suspended registration in
79 violation of Code Section 40-6-15."

80 **SECTION 5.**

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

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

- 86 (i) Aggressive driving 6 points
- 87 (ii) Reckless driving 4 points
- 88 (iii) Unlawful passing of a school bus 6 points
- 89 (iv) Improper passing on a hill or a curve 4 points
- 90 (v) Exceeding the speed limit by more than 14 miles per hour but less than
91 19 miles per hour 2 points
- 92 (vi) Exceeding the speed limit by 19 miles per hour or more but less than
93 24 miles per hour 3 points

94 (vii) Exceeding the speed limit by 24 miles per hour or more but less than
 95 34 miles per hour 4 points
 96 (viii) Exceeding the speed limit by 34 miles per hour or more 6 points
 97 (ix) Disobedience of any traffic-control device or traffic officer 3 points
 98 (x) Too fast for conditions 0 points
 99 (xi) Possessing an open container of an alcoholic beverage while driving 2 points
 100 (xii) Failure to adequately secure a load, except fresh farm produce,
 101 resulting in loss of such load onto the roadway which results in an accident 2 points
 102 (xiii) Violation of child safety restraint requirements, first offense 1 point
 103 (xiv) Violation of child safety restraint requirements, second or subsequent
 104 offense 2 points
 105 (xv) First violation of Code Section 40-6-241 1 point
 106 (xvi) Second violation of Code Section 40-6-241 2 points
 107 (xvii) Third or subsequent violation of Code Section 40-6-241 3 points
 108 (xviii) First violation of laying drags in violation of Code
 109 Section 40-6-251 4 points
 110 (xix) Second violation of laying drags in violation of Code
 111 Section 40-6-251 6 points
 112 (xx) Third violation of laying drags in violation of Code Section 40-6-251 8 points
 113 ~~(xviii)~~(xxi) All other moving traffic violations which are not speed limit
 114 violations 3 points”

115 **SECTION 6.**

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

118 "40-6-186.

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

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

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

129 (b) No person shall drive any vehicle on a highway in this state in any race, speed
130 competition or contest, drag race or acceleration contest, test of physical endurance,
131 exhibition of speed or acceleration, or for the purpose of making a speed record, and no
132 person shall in any manner participate in any such race, competition of speed, contest of
133 speed, or test or exhibition of speed.

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

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

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

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

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

143 (2) In any case where a vehicle which is the only family vehicle is determined to be
144 subject to forfeiture, the court may, if it determines that the financial hardship to the
145 family as a result of the forfeiture and sale outweighs the benefit to the state from such

146 forfeiture, order the title to the vehicle transferred to such other family member who is
147 a duly licensed operator and who requires the use of such vehicle for employment or
148 family transportation purposes. Such transfer shall be subject to any valid liens and shall
149 be granted only once."

150

SECTION 7.

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

153 "40-6-251.

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

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

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

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

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

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

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

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

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

179

SECTION 8.

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

182 "(a) Any person who, without malice aforethought, causes the death of another person
183 through the violation of subsection (a) of Code Section 40-6-163, Code Section 40-6-186,
184 Code Section 40-6-251, Code Section 40-6-390 or 40-6-391, or subsection (a) of Code
185 Section 40-6-395 commits the offense of homicide by vehicle in the first degree and, upon
186 conviction thereof, shall be punished by imprisonment for not less than three years nor
187 more than 15 years."

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

195 **SECTION 9.**

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

198 "40-7-6.

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

203 **SECTION 10.**

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

206 **SECTION 11.**

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