

House Bill 534 (COMMITTEE SUBSTITUTE)

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

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 (SUB)

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 up to 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 person whose license has been suspended pursuant to this
62 subsection may, if eligible under Code Section 40-5-58, apply for a probationary license
63 pursuant to such Code section. A driver's license suspension imposed under this
64 paragraph shall run concurrently with and shall be counted toward the fulfillment of any

65 period of revocation imposed directly under Code Sections 40-5-58 and 40-5-62,
66 provided that such revocation arose from the same act for which the suspension was
67 imposed.

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

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

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

85 **SECTION 4.**

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

88 "40-5-58.

89 (a) As used in this Code section, 'habitual violator' means any person who has been
90 arrested and convicted within the United States three or more times within a five-year

91 period of time, as measured from the dates of previous arrests for which convictions were
92 obtained to the date of the most recent arrest for which a conviction was obtained, of:

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

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

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

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

118 convicted of operating a motor vehicle after the expiration of five years from such
119 revocation but before the department has issued such person a driver's license shall be
120 guilty of a misdemeanor.

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

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

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

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

144 (B) Such person has not been convicted, or pleaded nolo contendere to a charge, of a
145 violation of any provision of this chapter or Chapter 6 of this title which resulted in the
146 death or injury of any individual;

147 (C) Such person has successfully completed, prior to the issuance of the probationary
148 driver's license, a defensive driving course approved by the commissioner pursuant to
149 Code Section 40-5-83 or a DUI Alcohol or Drug Use Risk Reduction Program as
150 designated by the department;

151 (D) Reserved;

152 (E) Such person shall submit a sworn affidavit that such person does not excessively
153 use alcoholic beverages and does not illegally use controlled substances or marijuana
154 when a person has been declared a habitual violator based upon a violation of a state
155 law or local ordinance involving Code Section 40-6-391. It shall be a misdemeanor to
156 falsely swear on such affidavit and, upon conviction, the probationary license shall be
157 revoked. No probationary license shall be issued during the remainder of the
158 revocation period, and no driver's license shall be issued for the remainder of the
159 original revocation period or for a period of two years from the date of conviction under
160 this subparagraph;

161 (F) Such person submits proof of financial responsibility as provided in Chapter 9 of
162 this title; and

163 (G) Refusal to issue a probationary driver's license would cause extreme hardship to
164 the applicant. For the purposes of this subsection, the term 'extreme hardship' means
165 that the applicant cannot reasonably obtain other transportation, and, therefore, the
166 applicant would be prohibited from:

167 (i) Going to his or her place of employment or performing the normal duties of his
168 or her occupation;

169 (ii) Receiving scheduled medical care or obtaining prescription drugs;

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

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

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

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

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

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

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

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

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

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

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

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

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

245 **SECTION 5.**

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

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

249 (1) Notwithstanding any contrary provision of this Code section or Code Section
250 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
251 been previously convicted or adjudicated delinquent for a violation of Code Section
252 40-6-391 within five years, as measured from the dates of previous arrests for which
253 convictions were obtained or pleas of nolo contendere were accepted to the date of the
254 current arrest, may apply for a limited driving permit when ~~that~~:

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

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

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

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

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

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

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

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

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

275 suspension imposed pursuant to paragraph (1) of subsection (a) of Code Section
 276 40-5-67.2 arising from the same incident."

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

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

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

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

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

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

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

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

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

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

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

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

304 (4) Upon payment of a fee in an amount the same as that provided by Code Section
305 40-5-25 for issuance of a Class C driver's license, a person may be issued a replacement
306 for a lost or destroyed limited driving permit issued to him or her."

307 **SECTION 6.**

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

309 "40-6-390.1.

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

315 (1) For the first conviction with no conviction of and no plea of nolo contendere accepted
316 to a charge of violating this Code section within the previous ten years, a misdemeanor
317 of a high and aggravated nature to be punished by:

318 (A) A fine of not less than \$300.00 but no more than \$750.00; and

319 (B) A period of imprisonment of not fewer than ten days nor more than six months;

320 (2) For the second conviction in a ten-year period of time, a misdemeanor of a high and
321 aggravated nature to be punished by:

322 (A) A fine of not less than \$600.00 and not more than \$1,000.00; and

323 (B) A period of imprisonment of not fewer than 90 days and not more than 12 months;

324 (3) For the third conviction in a ten-year period of time, a misdemeanor of a high and
325 aggravated nature to be punished by:

326 (A) A fine of not less than \$1,000.00 and not more than \$5,000.00; and

327 (B) A period of imprisonment of not fewer than 120 days and not more than 12
328 months; and

329 (4) For a fourth or subsequent conviction in a ten-year period of time, a felony to be
330 punished by:

331 (A) A fine of not less than \$1,000.00 and not more than \$5,000.00; and

332 (B) A period of imprisonment of not fewer than one year and not more than five years.

333 (b)(1) Notwithstanding the limits set forth in any municipal charter, any municipal court
334 of any municipality shall be authorized to impose the misdemeanor or high and
335 aggravated misdemeanor punishments provided for in this Code section upon a
336 conviction of violating this Code section or upon a conviction of violating any ordinance
337 adopting the provisions of this Code section.

338 (2) Notwithstanding any provision of this Code section to the contrary, any court
339 authorized to hear misdemeanor or high and aggravated misdemeanor cases involving
340 violations of this Code section shall be authorized to exercise the power to probate,
341 suspend, or stay any sentence imposed.

342 (c)(1) Any motor vehicle operated by a person who has been declared a habitual violator
343 for three violations of this Code section, whose license has been revoked, and who is
344 arrested and charged with a violation of this Code section is declared to be contraband
345 and subject to forfeiture in accordance with the procedures set forth in Chapter 16 of
346 Title 9.

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

354 (d) For purposes of this Code section, the occurrence of a previous conviction shall be
355 measured from the dates of previous arrests for which convictions were obtained or pleas
356 of nolo contendere were accepted to the date of the current arrest for which a conviction
357 is obtained or a plea of nolo contendere is accepted."

358 **SECTION 7.**

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

361 "(a) Any person who, without malice aforethought, causes the death of another person
362 through the violation of subsection (a) of Code Section 40-6-163, Code ~~Section~~ Sections
363 40-6-390 ~~or through~~ 40-6-391, or subsection (a) of Code Section 40-6-395 commits the
364 offense of homicide by vehicle in the first degree and, upon conviction thereof, shall be
365 punished by imprisonment for not less than three years nor more than 15 years."

366 "(c) Any person who causes the death of another person, without an intention to do so, by
367 violating any provision of this title other than subsection (a) of Code Section 40-6-163,
368 subsection (b) of Code Section 40-6-270, Code ~~Section~~ Sections 40-6-390 ~~or through~~
369 40-6-391, or subsection (a) of Code Section 40-6-395 commits the offense of homicide by
370 vehicle in the second degree when such violation is the cause of said death and, upon
371 conviction thereof, shall be punished as provided in Code Section 17-10-3."

372 **SECTION 8.**

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

375 "(c)(1) A person commits the offense of feticide by vehicle in the second degree if he or
376 she causes the death of an unborn child by any injury to the mother of such child by
377 violating any provision of this title other than Code ~~Section~~ Sections 40-6-390 ~~or through~~

378 40-6-391, which would be homicide by vehicle in the second degree as provided in
379 subsection (c) of Code Section 40-6-393 if it resulted in the death of such mother.

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

382 **SECTION 9.**

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

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

390 **SECTION 10.**

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

393 "40-6-397.

394 (a) A person commits the offense of aggressive driving when he or she operates any motor
395 vehicle with the intent to annoy, harass, molest, intimidate, injure, or obstruct another
396 person, including without limitation violating Code Section 40-6-42, 40-6-48, 40-6-49,
397 40-6-123, 40-6-184, 40-6-312, ~~or~~ 40-6-390, or 40-6-390.1 with such intent.

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

400

SECTION 11.

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

403

SECTION 12.

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