

Senate Bill 296

By: Senators Anavitarte of the 31st and Strickland of the 42nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
2 uniform rules of the road, so as to establish the offense of operation of a school bus while
3 under the influence of alcohol or drugs; to establish the offense of endangering school bus
4 occupants while under the influence of alcohol or drugs; to provide for penalties; to provide
5 for conforming changes; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules
10 of the road, is amended in Code Section 40-6-291, relating to traffic laws applicable to
11 bicycles, operation upon paved shoulder, and signaling of right hand turns, by revising
12 subsection (a) as follows:

13 "(a) The provisions of this chapter that apply to vehicles, but not exclusively to motor
14 vehicles, shall apply to bicycles, except as provided in this Code section and except that
15 the penalties prescribed in subsection (b) of Code Section 40-6-390, ~~subsection(c)~~ of Code

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16 Section 40-6-391, and subsection (a) of Code Section 40-6-393 shall not apply to persons
17 riding bicycles."

18 **SECTION 2.**

19 Said chapter is further amended in Code Section 40-6-391, relating to driving under the
20 influence of alcohol, drugs, or other intoxicating substances, penalties, publication of notice
21 of conviction for persons convicted for second time, and endangering a child, by adding new
22 subsections to read as follows:

23 "(m) A school bus driver licensed pursuant to Article 7 of Chapter 5 of this title who
24 violates subsection (a) of this Code section while driving a school bus is guilty of the
25 offense of operation of a school bus while under the influence of alcohol or drugs and shall
26 upon conviction thereof be punished by imprisonment for a period of not less than one year
27 nor more than five years or by a fine of not less than \$1,000.00 nor more than \$5,000.00,
28 or both. For the purposes of prosecution and sentencing an offense of this subsection shall
29 not be merged with an offense of subsection (a) of this Code section.

30 (n) A person who violates subsection (a) of this Code section while causing an accident
31 that results in damage to an occupied school bus is guilty of the offense of endangering
32 school bus occupants while under the influence of alcohol or drugs and shall upon
33 conviction thereof be punished by imprisonment for a period of not less than one year nor
34 more than five years or by a fine of not less than \$1,000.00 nor more than \$5,000.00, or
35 both; provided, however, that the first 90 days of any term of imprisonment shall not be
36 suspended, probated, deferred, or withheld by a sentencing court. For the purposes of
37 prosecution and sentencing an offense of this subsection shall not be merged with an
38 offense of subsection (a) of this Code section."

39

SECTION 3.

40 Said chapter is further amended by repealing Code Section 40-6-391.3, relating to penalty
41 for conviction for driving under influence of alcohol or drugs while driving school bus, in
42 its entirety.

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SECTION 4.

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