

Senate Bill 160

By: Senators Kirkpatrick of the 32nd, Albers of the 56th, Jones of the 10th, Robertson of the 29th, Halpern of the 39th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

1 To amend Code Section 40-6-390.1 of the Official Code of Georgia Annotated, relating to  
2 reckless stunt driving, so as to replace the forfeiture penalty of a motor vehicle involved in  
3 a second offense of reckless stunt driving with authority to order the installation of a device  
4 which limits the speed of such vehicle; to provide for a definition; to provide for procedures  
5 and conditions upon issuance of such orders; to provide for notification to the Department  
6 of Revenue; to provide for a penalty; to provide for related matters; to repeal conflicting  
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 40-6-390.1 of the Official Code of Georgia Annotated, relating to reckless  
11 stunt driving, is amended by revising subsection (c) as follows:

12 ~~“(c)(1) Any motor vehicle operated by a person who has been previously convicted of~~  
13 ~~a violation of this Code section and who is arrested and charged with a violation of this~~  
14 ~~Code section is declared to be contraband and subject to forfeiture in accordance with the~~  
15 ~~procedures set forth in Chapter 16 of Title 9~~ As used in this subsection, the term  
16 'intelligent speed assistance device' means a device designed to be installed within a  
17 motor vehicle to actively monitor and prevent the operator from exceeding a preset speed.

18 Such term shall not include any technology provided by the motor vehicle manufacturer  
19 as a component of a motor vehicle that controls or affects the speed of a motor vehicle.  
20 ~~(2) In any case where a vehicle which is the only family vehicle is determined to be~~  
21 ~~subject to forfeiture, the court may, if it determines that the financial hardship to the~~  
22 ~~family as a result of the forfeiture and sale outweighs the benefit to the state from such~~  
23 ~~forfeiture, order the title to the vehicle transferred to such other family member who is~~  
24 ~~a duly licensed operator and who requires the use of such vehicle for employment or~~  
25 ~~family transportation purposes. Such transfer shall be subject to any valid liens and shall~~  
26 ~~be granted only once~~ Upon a second or subsequent conviction of a violation of this Code  
27 section, a court shall be authorized to order the installation of an intelligent speed  
28 assistance device upon the motor vehicle operated by the offender during such violation  
29 when the offender is the registered owner of such motor vehicle as shown in the records  
30 of the Department of Revenue. Such order shall set the maximum speed limit for an  
31 intelligent speed assistance device installed upon a motor vehicle at a speed limit of no  
32 greater than 70 miles per hour. An intelligent speed assistance device shall be installed  
33 within ten days of the issuance of such order and remain on the vehicle for a period of  
34 time ordered by the court which shall be no less than three months. The costs relating to  
35 the installation of an intelligent speed assistance device upon a motor vehicle and any  
36 monitoring thereof shall be borne by the offender. Any court which orders an intelligent  
37 speed assistance device to be placed upon a motor vehicle pursuant to this subsection  
38 shall provide the Department of Revenue with a copy of such order. The records of the  
39 Department of Revenue shall contain a record reflecting that the motor vehicle shall only  
40 be operated when equipped with a functioning intelligent speed assistance device. The  
41 operation of a motor vehicle without an intelligent speed assistance device for which an  
42 order for installation of an intelligent speed assistance device has been issued pursuant  
43 to this subsection by the offender issued such order shall be punished as for a  
44 misdemeanor."

45

**SECTION 2.**

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