

House Bill 895

By: Representative Setzler of the 35th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to provide for the assessment of no points and a maximum fine for the offense
3 of failure to obey a traffic control device in certain instances; to provide for related matters;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
8 amended in Code Section 40-5-57, relating to suspension or revocation of license of
9 habitually negligent or dangerous driver and point system, by revising
10 subparagraph (c)(1)(A) as follows:

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

- 13 (i) Aggressive driving 6 points
- 14 (ii) Reckless driving 4 points
- 15 (iii) Unlawful passing of a school bus 6 points
- 16 (iv) Improper passing on a hill or a curve 4 points
- 17 (v) Exceeding the speed limit by more than 14 miles per hour
18 but less than 19 miles per hour 2 points
- 19 (vi) Exceeding the speed limit by 19 miles per hour or more
20 but less than 24 miles per hour 3 points
- 21 (vii) Exceeding the speed limit by 24 miles per hour or more
22 but less than 34 miles per hour 4 points
- 23 (viii) Exceeding the speed limit by 34 miles per hour or more 6 points

- 24 (ix) Disobedience of any traffic-control device or traffic officer, except in
- 25 instances specifically exempted from the issuance of points in subsection
- 26 (f) of Code Section 40-6-20 3 points
- 27 (x) Too fast for conditions 0 points
- 28 (xi) Possessing an open container of an alcoholic beverage
- 29 while driving 2 points
- 30 (xii) Failure to adequately secure a load, except fresh farm
- 31 produce, resulting in loss of such load onto the roadway
- 32 which results in an accident 2 points
- 33 (xiii) Violation of child safety restraint requirements, first offense 1 point
- 34 (xiv) Violation of child safety restraint requirements, second or
- 35 subsequent offense 2 points
- 36 (xv) First violation of Code Section 40-6-241 1 point
- 37 (xvi) Second violation of Code Section 40-6-241 2 points
- 38 (xvii) Third or subsequent violation of Code Section 40-6-241 3 points
- 39 (xviii) All other moving traffic violations which are not speed limit
- 40 violations 3 points"

SECTION 2.

42 Said title is further amended in Code Section 40-6-20, relating to obedience to traffic-control
43 devices required, presumptions, and red light cameras, by revising subsection (a), by
44 redesignating subsection (f) as subsection (g), and by adding a new subsection to read as
45 follows:

46 "(a) The driver of any vehicle shall obey the instructions of an official traffic-control
47 device applicable thereto, placed in accordance with this chapter, unless otherwise directed
48 by a police officer, subject to the exceptions granted the driver of an authorized emergency
49 vehicle in this chapter. A violation of this subsection shall be a misdemeanor, except as
50 otherwise provided by ~~subsection~~ subsections (f) and (g) of this Code section."

51 "(f) No points shall be assessed, and no more than a \$100.00 fine may be imposed, for a
52 violation of this Code section unless it can be demonstrated that at the time of the violation
53 such vehicle was traveling at a speed greater than five miles per hour or the violation
54 resulted in a direct threat of harm to persons or property at the time of the occurrence."

SECTION 3.

56 Said title is further amended by revising Code Section 40-14-20, relating to definitions
57 relative to red light cameras, as follows:

58 "40-14-20.

59 As used in this article, the term:

60 (1) 'Governing authority' means any county, municipality, or consolidated government.

61 (2) 'Recorded images' has the meaning provided in subparagraph ~~(f)(1)(B)~~ (g)(1)(B) of
62 Code Section 40-6-20.

63 (3) 'Traffic-control signal monitoring device' has the meaning provided in subparagraph
64 ~~(f)(1)(C)~~ (g)(1)(C) of Code Section 40-6-20."

65 **SECTION 4.**

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