

The House Committee on Motor Vehicles offers the following substitute to HB 895:

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 fine for the offense of failure  
3 to obey a traffic control device in certain instances; to provide for related matters; to repeal  
4 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 a fine between \$25.00 and \$50.00 may be imposed  
52 with no additional fines, surcharges, or costs otherwise authorized by law to be assessed  
53 upon such amount, for a violation of this Code section unless it can be demonstrated that  
54 at the time of the violation such vehicle was traveling at a speed greater than five miles per  
55 hour or the violation resulted in a direct threat of harm to persons or property at the time  
56 of the occurrence."

57

**SECTION 3.**

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

60 "40-14-20.

61 As used in this article, the term:

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

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

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

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**SECTION 4.**

68 All laws and parts of laws in conflict with this Act are repealed.