

Senate Bill 10

By: Senators Jones of the 10th, Butler of the 55th, James of the 35th, Seay of the 34th, Davenport of the 44th and others

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 an offense of promoting illegal
3 drag racing and laying drags; to provide for an offense of knowingly attending an illegal drag
4 race or laying drags exhibition; to provide for punishment; to amend Title 40 of the Official
5 Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for
6 classification and registration of high-performance vehicles; to provide for the issuance of
7 special license plates for high-performance vehicles; to provide for penalties; to provide for
8 the assessment of points for the offense of laying drags; to reclassify the offenses of drag
9 racing and laying drags as high and aggravated misdemeanors; to provide for minimum fines
10 for such offenses; to provide for the impoundment and storage of certain vehicles used in
11 drag racing and laying drags; to provide for related matters; to provide for a short title; to
12 provide for an effective date and applicability; to repeal conflicting laws; and for other
13 purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 This Act shall be known as and may be cited as the "Jaye Mize Law."

SECTION 2.

17
18 Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
19 offenses against public order, by adding a new Code section to read as follows:

20 "16-11-43.1.

21 (a) Any person who knowingly promotes or advertises an exhibition of drag racing, in
22 violation of Code Section 40-6-186, or laying drags, in violation of Code Section 40-6-251,
23 shall be guilty of a misdemeanor of a high and aggravated nature.

24 (b) Any person who is knowingly present only as a spectator at any place for an exhibition
25 of drag racing, in violation of Code Section 40-6-186, or laying drags, in violation of Code
26 Section 40-6-251, shall be guilty of a misdemeanor."

SECTION 3.

27
28 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
29 amended by adding a new Code section to read as follows:

30 "40-2-48.

31 (a) For purposes of this Code section, the term 'high-performance vehicle' means a motor
32 vehicle which is not a common carrier or commercial motor vehicle and that is
33 manufactured or converted to hold a rating of 650 horsepower or greater.

34 (b) Any vehicle required to be registered by Code Section 40-2-20 which is a
35 high-performance vehicle shall be registered with the commissioner prior to operation and
36 use thereof. Such registration shall be made upon forms prescribed and prepared by the
37 commissioner for such purpose and, in addition to the information set forth in Code
38 Section 40-2-26, shall contain the name and address of the person who converted the
39 vehicle to a high-performance vehicle if such vehicle has been converted. Upon the filing
40 of a properly executed application for registration and payment of a license fee of \$35.00,
41 the commissioner shall issue a license plate which shall be displayed upon such vehicle in
42 the same manner as provided for in Code Section 40-2-41.

43 (c) The commissioner shall design a high-performance vehicle license plate which shall
44 be similar in appearance to license plates issued pursuant to this chapter, except it shall be
45 prominently marked in such a manner as to identify the vehicle as a high-performance
46 vehicle.

47 (d) License plates issued under this Code section shall not be transferred to any other
48 vehicle unless such vehicle is a high-performance vehicle and except as provided in Code
49 Section 40-2-42.

50 (e) No person owning or operating a high-performance vehicle shall display upon the
51 motor vehicle any license plate provided for in this Code section unless at the time of such
52 ownership or operation such vehicle qualifies as a high-performance vehicle pursuant to
53 this Code section. Any person who violates this subsection shall be guilty of a
54 misdemeanor.

55 (f) Any person who owns or operates a high-performance vehicle who fails to display a
56 license plate issued pursuant to this Code section shall be guilty of a misdemeanor.

57 (g) The department shall be authorized to promulgate rules and regulations to implement
58 the provisions of this Code section."

59 **SECTION 4.**

60 Said title is further amended in Code Section 40-5-57, relating to suspension or revocation
61 of license of habitually negligent or dangerous driver and point system, by revising
62 subparagraph (c)(1)(A) as follows:

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

- 65 (i) Aggressive driving 6 points
- 66 (ii) Reckless driving 4 points
- 67 (iii) Unlawful passing of a school bus 6 points
- 68 (iv) Improper passing on a hill or a curve 4 points

69	(v) Exceeding the speed limit by more than 14 miles per hour	
70	but less than 19 miles per hour	2 points
71	(vi) Exceeding the speed limit by 19 miles per hour or more	
72	but less than 24 miles per hour	3 points
73	(vii) Exceeding the speed limit by 24 miles per hour or more	
74	but less than 34 miles per hour	4 points
75	(viii) Exceeding the speed limit by 34 miles per hour or more	6 points
76	(ix) Disobedience of any traffic-control device or traffic officer	3 points
77	(x) Too fast for conditions	0 points
78	(xi) Possessing an open container of an alcoholic beverage	
79	while driving	2 points
80	(xii) Failure to adequately secure a load, except fresh farm	
81	produce, resulting in loss of such load onto the roadway	
82	which results in an accident	2 points
83	(xiii) Violation of child safety restraint requirements, first offense	1 point
84	(xiv) Violation of child safety restraint requirements, second or	
85	subsequent offense	2 points
86	(xv) First violation of Code Section 40-6-241	1 point
87	(xvi) Second violation of Code Section 40-6-241	2 points
88	(xvii) Third or subsequent violation of Code Section 40-6-241	3 points
89	(xviii) <u>Laying drags in violation of Code Section 40-6-251</u>	<u>8 points</u>
90	<u>(xiv)</u> All other moving traffic violations which are not speed limit	
91	violations	3 points"

SECTION 5.

92

93 Said title is further amended by revising Code Section 40-6-186, relating to racing on
94 highways, as follows:

95 "40-6-186.

96 (a) As used in this Code section, the term:

97 (1) 'Drag race' means the operation of two or more vehicles from a point side by side at
98 accelerated speeds in a competitive attempt to outdistance each other or the operation of
99 one or more vehicles over a common selected course from the same point to the same
100 point for the purpose of comparing the relative speeds or power of acceleration of such
101 vehicle or vehicles within a certain distance or time limit.

102 (2) 'Racing' means the use of one or more vehicles in an attempt to outgain, outdistance,
103 or prevent another vehicle from passing, to arrive at a given destination ahead of another
104 vehicle or vehicles, or to test the physical stamina or endurance of drivers over
105 long-distance driving routes.

106 (b) No person shall drive any vehicle on a highway in this state in any race, speed
107 competition or contest, drag race or acceleration contest, test of physical endurance,
108 exhibition of speed or acceleration, or for the purpose of making a speed record, and no
109 person shall in any manner participate in any such race, competition of speed, contest of
110 speed, or test or exhibition of speed.

111 (c) Any person convicted of violating subsection (b) of this Code section shall be guilty
112 of a misdemeanor of a high and aggravated nature and punished by a fine of no less than
113 \$2,500.00.

114 (d) Any vehicle operated in violation of subsection (b) of this Code section which qualifies
115 as a high-performance vehicle pursuant to Code Section 40-2-48 shall be impounded and
116 stored at the operator's risk and expense until the adjudication of the offense."

117 **SECTION 6.**

118 Said title is further amended by revising Code Section 40-6-251, relating to driving in
119 circular or zigzag course and "laying drags," as follows:

120 "40-6-251.

121 (a) No driver of any motor vehicle shall operate the vehicle upon ~~the public streets,~~
122 highways, public or private driveways, airport runways, or parking lots in such a manner
123 as to create a danger to persons or property by intentionally and unnecessarily causing the
124 vehicle to move in a zigzag or circular course or to gyrate or spin around, except to avoid
125 a collision or injury or damage.

126 (b) The offenses described in this Code section shall be sufficiently identified on any
127 traffic ticket, warrant, accusation, or indictment when referred to as 'laying drags.'

128 (c) This Code section shall not apply to drivers operating vehicles in or on any raceway,
129 drag strip, or similar place customarily and lawfully used for such purposes.

130 (d) Any person violating subsection (a) of this Code section shall be guilty of a
131 misdemeanor of a high and aggravated nature and punished by a fine of no less than
132 \$2,500.00.

133 (e) Any motor vehicle operated in violation of subsection (a) of this Code section which
134 qualifies as a high-performance vehicle pursuant to Code Section 40-2-48 shall be
135 impounded and stored at the operator's risk and expense until the adjudication of the
136 offense."

137 **SECTION 7.**

138 This Act shall become effective on July 1, 2021, and shall apply to all offenses committed
139 on and after such date.

140 **SECTION 8.**

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