

Rule 375-3-3-.01. Penalties for Violations of Uniform Rules of the Road. Amended

- (1) The Department shall impose the following penalties upon receipt of a conviction of a violation of any of the listed offenses found within the Uniform Rules of the Road:

Code Section	Offense	Penalty
40-6-2	Failure to Obey Person Directing Traffic	3 points
40-6-6	Emergency Vehicle Violation	3 points
40-6-10	No Insurance	Suspension- O.C.G.A. § 40-5-70
40-6-11	No Proof of Insurance-Motorcycle	3 points
40-6-14	Limits on Sound Volume	3 points
40-6-15	Suspended/Revoked/Cancelled Registration	HV Contributor
40-6-16(b)	"Move Over" Violation	3 points
40-6-16(c)	<u>Improper Passing of a Stationary Utility Service Vehicle</u>	<u>3 points</u>
40-6-16.1	Improper Passing of an Active Sanitation Vehicle	3 points
40-6-17	Use of Traffic-Control Device Preemption Emitter (while operating a motor vehicle)	3 points
40-6-20	Disregard of Traffic Control Device or Signal	3 points
40-6-21	Failure to Obey Traffic Signal or Light	3 points
40-6-23	Failure to Obey Flashing Signal	3 points
40-6-24	Lane Direction Violation	3 points
40-6-26(a)	Tampering with Traffic Signs or Signals (while operating vehicle)	3 points
40-6-26(b)	Operating Vehicle on Closed Roadway	3 points
40-6-27	Tampering with Pavement Markers (while operating vehicle)	
40-6-40	Improper Lane Usage	3 points
40-6-41	Failure to Yield to Oncoming Traffic	3 points
40-6-42	Improper Passing	3 points
40-6-43	Improper Passing on the Right	3 points
40-6-44	Improper Passing	3 points
40-6-45	Improper Passing on Hill or Curve	4 points
40-6-46	Passing in a No Passing Zone	3 points
40-6-47(b)	Wrong Way on One-Way Road	3 points
40-6-47(c)	Rotary Traffic Island Violation	3 points
40-6-48	Failure to Maintain Lane	3 points
40-6-49	Following Too Closely	3 points

40-6-50	Driving Within Gore or Improper Entry to Controlled Access Highway	3 points
40-6-51	Improper Use of Controlled-Access Road	3 points
40-6-51 (a)(1)	Improper Use of Controlled Access Road	3 points
40-6-51 (a)(2)	Improper Use of Controlled Access Road	3 points
40-6-52	Truck Lane Usage Violation	3 points
40-6-53	Bus or Motorcoach Lane Violation	3 points
40-6-55	Failure to Yield to Bicycle	3 points
40-6-56	Failure to Maintain Safe Distance from Bicycle	3 points
40-6-54	HOV Lane Violation	1 point for 4th +
40-6-70	Failure to Yield at Intersection	3 points
40-6-71	Failure to Yield when Turning Left	3 points
40-6-72	Stop/Yield Sign Violation	3 points
40-6-73	Failure to Yield when Crossing or Entering Road	3 points
40-6-74	Failure to Yield to Emergency Vehicle	3 points
40-6-75	Failure to Yield to Construction Vehicle	3 points
40-6-76	Failure to Yield to Funeral Procession	3 points
40-6-77	Failure to Yield Resulting in Serious Injury	Suspension- O.C.G.A. § <u>40-5-57.3</u> for 2nd+ in 5 years
40-6-91	Failure to Yield to Pedestrian	3 points
40-6-93	Failure to Exercise Due Care Near Pedestrian	3 points
40-6-94	Failure to Yield to Blind Pedestrian	3 points
40-6-98	Driving Through Safety Zone	3 points
40-6-120	Improper Turning	3 points
40-6-121	Improper U-Turn	3 points
40-6-122	Improper Starting	3 points
40-6-123	Failure to Signal Turn	3 points
40-6-124	Improper Use of Signal	3 points
40-6-125	Improper Use of Hand Signal	3 points
40-6-126	Improper Use of Turn Lane	3 points
40-6-140	Railroad Grade Crossing Violation	3 points
40-6-141	Disregard of Stop Sign at Railroad Grade Crossing	3 points
40-6-142	Failure to Stop at Railroad Grade Crossing	3 points
40-6-143	Improper Movement of Heavy Equipment at Railroad Grade Crossing	3 points
40-6-144	Improper Emerging from Alley, Driveway or Building	3 points

40-6-160	School Bus Speeding Violation	15-18 mph-2 points 19-23 mph-3 points 24-33 mph-4 points 34+ mph-6 points
40-6-161	School Bus Headlight or Communication Device Violation	3 points
40-6-162	School Bus Signal Violation	3 points
40-6-163	Unlawful Passing of School Bus	6 points
40-6-164	School Bus Disembarking Violation	3 points
40-6-165	School Bus Operation Violation	3 points
40-6-181	Speeding	15-18 mph-2 points
		19-23 mph-3 points 24-33 mph-4 points 34+ mph-6 points
40-6-184	Impeding the Flow of Traffic	3 points
40-6-184(a)	Speed Less than Minimum	3 points
40-6-184(c)	Impeding the Flow of Traffic	3 points
40-6-185	Speeding on Bridge or Structure	15-18 mph-2 points 19-23 mph-3 points 24-33 mph-4 points 34+ mph-6 points
40-6-186	Racing	HV Contributor
40-6-188	Speeding in Work Zone	15-18 mph-2 points 19-23 mph-3 points 24-33 mph-4 points 34+ mph-6 points
40-6-205	Obstructing an Intersection	3 points
40-6-240	Improper Backing	3 points
40-6-241	Failure to Exercise Due Care	3 points
40-6-241.1	Violation of usage of wireless telecommunications device requirements	1 point

40-6-241.2(b)(1)	Operating a vehicle while text messaging	1 point
40-6-241.2(b)(2)(A)	Holding a wireless device for voice communication	1 point
40-6-241.2(b)(2)(B)	Using more than one button on wireless device for voice communication	1 point
40-6-241.2(b)(2)(C)	Reaching for wireless device	1 point
40-6-242	Driving with Obstructed View	3 points
40-6-244	Allowing Passenger in House Trailer	3 points
40-6-245	Improper Mountain/Canyon Driving	3 points
40-6-246	Coasting	3 points
40-6-247	Improper Following of Emergency Vehicle	3 points
40-6-248	Crossing Fire Hose	3 points
40-6-248.1	Unsecured Load Resulting in Accident	2 points
40-6-250	Wearing Device Impairing Vision or Hearing	3 points
40-6-251	Laying Drags	3 points
40-6-252	Cruising	3 points
40-6-253	Open Container	2 points
40-6-253.1	Improper Transportation of Infectious Substance	3 points
40-6-254	Unsecured Load Resulting in Accident	2 points
40-6-270	Hit and Run	HV Contributor
40-6-271	Violation of Duty Upon Striking Unattended Vehicle	3 points
40-6-272	Violation of Duty Upon Striking Fixed Object	3 points
40-6-273	Failure to Report Accident	3 points
40-6-275	Failure to Remove Vehicle From Roadway	3 points
40-6-311	Improper Operation of Motorcycle	3 points
40-6-312	Motorcycle Lane Violation	3 points
40-6-312(e)	Operation of Motorcycle Without Head/Tail Light	3 points
40-6-313	Clinging to Vehicle While on Motorcycle	3 points
40-6-314	Motorcycle Equipment Violation	3 points
40-6-315	Motorcycle Protective Gear Violation	3 points
40-6-326	Operating Personal Assistive Mobility Device While Intoxicated	3 points
40-6-352	Moped Headgear Violation	3 points
40-6-361	Low Speed Vehicle Lane Violation	3 points
40-6-362	Low Speed Vehicle Roadway Violation	3 points
40-6-390	Reckless Driving	4 points
40-6-391	Driving Under the Influence	HV Contributor
40-6-391(1)	Endangering a Child by DUI	HV Contributor

40-6-393(a)	Vehicular Homicide-1st Degree	Suspension- O.C.G.A. § <u>40-5-63(d)</u>
40-6-393(b)	Vehicular Homicide-1st Degree	HV Contributor
40-6-393(c)	Vehicular Homicide-2nd Degree	HV Contributor
40-6-393(d)	Vehicular Homicide-1st Degree	HV Contributor
40-6-393.1(b)	Feticide by Vehicle-1st Degree	HV Contributor
40-6-393.1(c)	Feticide by Vehicle-2nd Degree	3 points
40-6-394	Serious Injury by Vehicle	Suspension- O.C.G.A. § <u>40-5-63(d)</u>
40-6-395	Fleeing and Attempting to Elude	HV Contributor
40-6-397	Aggressive Driving	6 points

- (2) The assessment of points for any of the aforementioned offenses may result in the suspension of the customer's driver's license pursuant to O.C.G.A. §§ 40-5-57 and/or 40-5-57.1.
- (3) Notwithstanding the provisions of Paragraph (2), *supra*, points shall not be assessed if the Department receives notification from the trial court that the points for such offense are to be avoided pursuant to O.C.G.A. § 40-5-57(c)(1)(C) or the customer entered a plea of *nolo contendere* to the offense.
 - (a) The aforementioned points avoidance measures are only available to each customer once every five (5) years.
 - (b) The Department shall treat a plea of *nolo contendere* as a conviction for purposes of imposing a suspension pursuant to O.C.G.A. § 40-5-57.1 for customers under age twenty- one (21) at the time of the conviction.
- (4) In addition to the offenses set forth in Paragraph 1, points shall also be assessed for upon receipt of convictions for child safety restraint requirements as set forth in O.C.G.A. § 40-8-76.
- (5) Notwithstanding the provisions of Paragraph 1, *supra*, no points shall be assessed for an unsecured load that does not cause an accident. Additionally, if the unsecured load that resulted in the accident contained fresh farm produce, no points shall be assessed.
- (6) The Department shall impose the penalty set forth in Paragraph 1 upon receipt of notice of a conviction for an equivalent offense in another state as if the conviction had been entered by a court in the State of Georgia.
- (7) Notwithstanding the provisions of Paragraph 1, *supra*, no points shall be assessed for a conviction imposed by a Georgia court against a non-resident.
- (8) The penalty set forth in Paragraph 1 shall be assessed for each conviction, including multiple convictions from a single incident.
- (9) Any offense identified herein as an HV contributor shall result in a driver's license suspension pursuant to O.C.G.A. §§ 40-5-54 and 40-5-63 or a habitual violator

revocation pursuant to O.C.G.A. § 40-5-58 depending upon the customer's prior driving record within five years as calculated between or among the dates of the applicable incidents.

- (a) As provided in O.C.G.A. §§ 40-5-54, 40-5-63 and 40-5-58, offenses not included in this regulation may also contribute to a license suspension or revocation under said statutes.
 - (b) In the event that an offense which occurred after a prior offense results in a conviction or is processed before the earlier offense is resolved or processed, the Department shall impose suspensions and/or revocations based upon the order in which the convictions are processed.
- (10) Customers convicted of any of the offenses listed herein may be subject to a commercial driving disqualification in addition to the listed penalty.

Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to incorporate statutory changes resulting from the enactment of House Bill 767, Section 1, during the 2016 Session of the Georgia General Assembly.

DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES

Convictions of O.C.G.A. §40-6-16 to "move over" for emergency vehicles should be reported to the DDS as a violation of O.C.G.A. §40-6-16(b). The offense of failure to "move over" for a stationary utility service vehicle is a new violation pursuant to O.C.G.A. §40-6-16(c) effective July 1, 2016.