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Driving Under the Influence

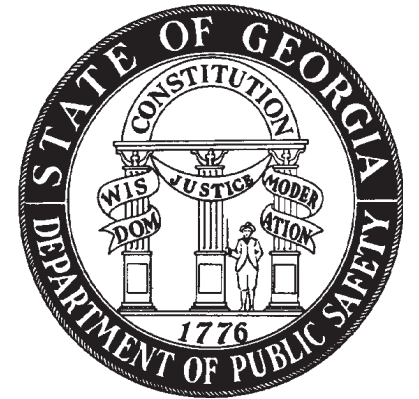
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Load Dragging on Roadway	40-8-3
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No Horn / Improper Use of Horn	40-8-70(a)
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Tag Covers (Tinted) or Obscuring Tag Frames Prohibited	40-2-41
Tag Light Required	40-8-23(d)
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GEORGIA CRIMINAL & TRAFFIC CODES

2006

Colonel Bill Hitchens
Commissioner
Georgia Department
of Public Safety

USER INFORMATION:

This pamphlet is designed to simplify your search for the proper code section, and is for quick reference only. If detailed information or the specific sub-section of a statute is needed, please refer to the Official Code of Georgia Annotated.

An appearance ticket should not be issued for those offenses for which the driver's license may be suspended. This includes the following offenses*:

1. Homicide by vehicle;
2. Homicide or serious injury by interference with official traffic-control device or railroad sign or signal;
3. Feticide by vehicle;
4. Any felony in the commission of which a motor vehicle is used;
5. Hit and run or leaving the scene of an accident;
6. Racing on highways or streets;
7. Using a motor vehicle in fleeing or attempting to elude a police officer;
8. Fraudulent or fictitious use of or application for a driver's license;
9. Driving under the influence;
10. Possession of drugs;
11. Driving on a suspended or revoked license;
12. Serious injury by vehicle;
13. Reckless driving;
14. Aggressive driving.

*For drivers under the age of 21, certain other offenses apply. See O.C.G.A. § 40-5-57.1.

Pursuant to O.C.G.A. § 17-6-11, LICENSES SHALL NO LONGER BE HELD AS BAIL for any offense. Appearance tickets may still be used if the person displays a valid driver's license to the apprehending officer and signs the citation.

CUSTODIAL ARRESTS FOR TRAFFIC OFFENSES MAY ONLY BE EFFECTED: 1) If the driver refuses to display their driver's license or sign the UTC; 2) For any charge which results in a license suspension for the first offense (offenses listed above); or, 3) When the traffic offense is charged in conjunction with a non-traffic related criminal offense.

As of publication the following states are **NOT** members of the Non-Resident Violator Compact and persons holding a driver's license from the following states should **NOT** be issued an appearance ticket for any violation:

Alaska	Michigan	Oregon	
California	Montana	Wisconsin	
Georgia recognizes the valid firearm permits of any state that grants reciprocal privileges to Georgia firearm permit holders traveling within such state. Effective July 1, 2006, Georgia recognizes firearm permits of the following states:			
Alabama	Kentucky	New Hampshire	Texas
Alaska	Louisiana	North Carolina	Utah
Colorado	Michigan	Oklahoma	Wyoming
Florida	Mississippi	Pennsylvania	
Idaho	Missouri	South Dakota	
Indiana	Montana	Tennessee	

Commercial License Classes

Class A - Any combination of vehicles with a gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds, and all vehicles included within Class B and Class C;

Class B - Any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, any such vehicle towing a

vehicle not in excess of 10,000 pounds gross vehicle weight rating, and all vehicles included within Class C;

Class C - Any single vehicle with a gross vehicle weight rating of less than 26,001 pounds or any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of 10,000 pounds. This classification shall apply to vehicles designed to transport 16 or more passengers, including the driver, and vehicles used in the transportation of hazardous materials which require the vehicles to be placarded; includes vehicles operated by farmer used to transport agricultural products, livestock, farm machinery, or farm supplies to or from a farm and are not used in operation of a common or contract carrier;

Class M - A motorcycle as defined in Code Section 40-1-1;

Class P - A commercial driver's instruction permit used in conjunction with the commercial driver's instruction permit vehicle classification. Commercial driver's licenses may be issued with the following endorsements and restrictions:

- "H"- Authorizes the driver to drive a vehicle transporting hazardous materials;
- "L"- Restricts the driver to vehicles not equipped with air brakes;
- "T"- Authorizes driving double and triple trailers;
- "P"- Authorizes driving vehicles carrying 16 or more passengers including the driver;
- "N"- Authorizes driving tank vehicles;
- "X"- Represents a combination of hazardous materials and tank vehicle endorsements.

Noncommercial License Classes

Class A - Any combination of vehicles with a gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds, and all vehicles included within Class B and Class C;

Class B - Any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of 10,000 pounds, and all vehicles included within Class C;

Class C - Any single vehicle with a gross vehicle weight rating not in excess of 26,000 pounds or any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of 10,000 pounds and any self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or personal conveyance;

Class D - Provisional license applicable to noncommercial Class C vehicles for which an applicant desires a driver's license but is not presently licensed to drive;

Class M - Motorcycles, motor driven cycles, and three-wheeled motorcycles;

Class P - Instructional permit applicable to all types of vehicles for which an applicant desires a driver's license but is not presently licensed to drive.

TEENAGE DRIVERS

The teen driving law went into effect on January 1, 2002, and in particular affected 16 - 17 year olds. 16 and 17 year olds hold a Class D license. This type of license has the following restrictions:

1. During the first 6 months, a class D holder cannot have any passenger who is not an immediate family member;
2. After 6 months, a Class D holder cannot have more than 3 passengers under 21, unless they are immediate family;

3. Class D holders cannot drive between 12 midnight and 6 a.m. NO EXCEPTIONS!

Once reaching age 18, a Class D holder can apply for a Class C license only if they have a valid D license for 12 months prior to such application.

CRIMES AND OFFENSES

Assault (Simple)	16-11-32
Assault (Aggravated)	16-5-20
Battery (Simple)	16-5-21
Battery (Aggravated)	16-5-23.1
Bribery	16-5-24
Conspiracy to Commit a Crime	16-10-2
Disorderly Conduct	16-4-8
Entering Auto with Intent to Commit Theft or Felony	16-11-39
False or Secret Compartment	16-8-18
False Report of a Crime	16-11-112
False Report of Theft or Conversion of Vehicle	16-10-26
False Statements and Writings/Concealment of Facts	40-3-92
Giving False Name, Address, or Birthdate to Officer	16-10-20
Hijacking a Motor Vehicle	16-10-25
Impersonating a Police/Public Officer or Employee	16-5-44.1
Interference with Government Property	16-10-23
Kidnapping	16-7-24
Mailboxes: Injuring, Tearing Down, or Destroying	16-5-40
Obstructing Highways, Streets, Sidewalks, or Other	16-7-27
Obstructing or Hindering Law Enforcement Officers	16-11-43
Obstructing or Hindering Firefighters	16-10-24
Obstructing or Hindering EMT'S	16-10-24.1
Possession of Tools for the Commission of Crime	16-10-24.2
Public Drunkenness	16-7-20
Public Indecency	16-11-41
Reckless Conduct	16-6-8
Refusal to Disperse (Emergency Conditions)	16-5-60
Stalking	16-10-30
Stalking (Aggravated)	16-5-90
Terroristic Threats and Acts	16-5-91
Theft by Taking	16-11-37
Theft by Shoplifting	16-8-2
Unlawful Assembly	16-8-14
	16-11-33

Drugs

Attempt or Conspiracy to Commit Offense Related to Controlled Substance or Marijuana	16-13-33
Trafficking	16-13-31
Unlawful to Purchase, Possess, or Have Control of any Controlled Substance	16-13-30 (a)
Unlawful to Manufacture, Deliver, Distribute, Dispense, Administer, Sell or Possess with Intent to Distribute any Controlled Substance	16-13-30 (b)
Unlawful to Possess, Control, Manufacture, Deliver, Distribute, Dispense, Administer, Purchase, Sell, or Possess with Intent to Distribute Marijuana	16-13-30 (j) (1)
Sale, Distribution, or Possession of Dangerous Drugs	16-13-72

Firearms

Carrying a Concealed Weapon	16-11-126
Carrying a Pistol Without a License	16-11-128
Discharge of Gun or Pistol Near Highway or Street	16-11-103
Pointing or Aiming Gun or Pistol at Another	16-11-102
Possession of Firearm or Knife During Certain Crimes	16-11-106
Possession of Firearm by Convicted Felon	16-11-131
Possession of Pistol or Revolver by a Minor	16-11-132
Possession of Sawed-Off Shotgun or Rifle, Machine Gun, Silencer, or Dangerous Weapon	16-11-123

MOTOR VEHICLES AND TRAFFIC Registration and Licensing of Motor Vehicles

Manufacture of Plates and Decals Prohibited	40-2-4
Use of License Plate for Purpose of Concealing or Misrepresenting Identity of Vehicle	40-2-5
Alteration of License Plates / Operation of Vehicle With Altered or Improperly Transferred Plate	40-2-6
Obscuring License Plate to Impede Surveillance Equipment	40-2-6.1
Removing or Affixing License Plate With Intent to Conceal or Misrepresent	40-2-7
Operation of Unregistered Vehicle or Vehicle Without Current License Plate, Revalidation Decal, or County Decal	40-2-8
New Resident Must Register in Georgia Within 30 Days	40-2-8
Operation of Vehicle Without Revalidation Decal on License Plate	40-2-8.1
Registration and License Requirements	40-2-20

Drivers' Licenses

Driving While Unlicensed or Expired License	40-5-20
Driving While Declared as a Habitual Violator	40-5-58
Driving While License Suspended or Revoked	40-5-121
Driving Without a License on Person	40-5-29
Driving in Violation of Conditions of Limited Permit	40-5-64
Driving in Violation of License Restrictions	40-5-30(c)
Driver Must Apply for a New License within 60 Days of a Change of Name or a Change of Address	40-5-33
Fraudulent Driver's License or Identification Card by Lending or Displaying	40-5-125
License To Be Carried and Displayed on Demand	40-5-24
Moped Operators Must Be Licensed	40-6-351
New Resident Shall Obtain a GA License Within 30 Days	40-5-20
Permitting Unauthorized Minor to Drive	40-5-123
Permitting Unlicensed Person to Drive	40-5-122
Unlawful Use of License or Identification Card	40-5-120

Commercial Drivers' Licenses

Driving a Commercial Vehicle Without a Valid Commercial License	40-5-146
Driving a Commercial Vehicle With More Than One License (Felony)	40-5-143
Employer Allowing Driver with Suspended/Revoked License or More Than One License to Drive a Commercial Vehicle (Felony)	40-5-145

UNIFORM RULES OF THE ROAD

Coasting Prohibited	40-6-246
Driver to Exercise Due Care	40-6-241
Driving on Closed Roadway	40-6-26(b)
Driving Over a Fire Hose	40-6-248
Driving Through a Safety Zone	40-6-98
Driving While View/Control Obstructed	40-6-242(a)
Excessive Volume from Radio Within Motor Vehicle	40-6-14
Failure to Dim Headlights	40-8-31
Failure to Obey Authorized Person Directing Traffic	40-6-2
Failure to Properly Pay Toll on Toll Road	32-10-64
False Proof of Insurance	16-9-5
Fleeing or Attempting to Elude Police Officer	40-6-395
Gasoline Drive-Off	40-6-255
Headlights On ½ Hour After Sunset to ½ Hour Before Sunrise	40-8-20
Impersonating Officer By Equipping/Marking Vehicle	40-6-395(c)(1)