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# MOTOR VEHICLES AND TRAFFIC Uniform Rules of the Road: Require Exchange of Certain Information Between Parties to a Motor Vehicle Accident; Alter Provisions for Return of license Following Completion of Drug or Alcohol Program; Require Driver to Obey Signals of Police Officers

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# MOTOR VEHICLES AND TRAFFIC

***Uniform Rules of the Road: Require Exchange of Certain Information Between Parties to a Motor Vehicle Accident; Alter Provisions for Return of License Following Completion of Drug or Alcohol Program; Require Driver to Obey Signals of Police Officers***

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| CODE SECTIONS: | O.C.G.A. §§ 40-6-273.1 (new), -391.1, -395 (amended) |
| BILL NUMBER: | SB 574 |
| ACT NUMBER: | 1045 |
| SUMMARY: | The Act requires drivers to exchange the names of their liability insurance companies at the scene of an accident. It also requires defendants who plead nolo contendere to a DUI charge to complete a drug or alcohol program within 120 days to avoid suspension of their drivers' licenses. Although proof of course completion must be submitted to both the court and the Department of Public Safety within 120 days to avoid a $200 license reinstatement fee, the Act gives the Department of Public Safety power to waive the $200 fee in certain circumstances. Finally, the Act requires drivers to bring their vehicles to a stop when a police officer gives a visual or an audible signal. |
| EFFECTIVE DATE: | July 1, 1994 |

*History*

Prior to the passage of SB 574, persons in a wreck were not required to exchange the names of their liability insurance companies.[1] This situation caused a delay in the settlement of claims since the insurance companies were unable to receive pertinent information until they received a police report.[2]

Further, before the passage of SB 574, persons pleading nolo contendere to a Driving Under the Influence (DUI) charge were required within 120 days to submit proof to the court and the Department of Public Safety that they had attended an educational

1. 1990 Ga. Laws 2048, § 5, at 2298 (formerly found at O.C.G.A. § 40-6-273 (1991)).

2. Telephone Interview with Sen. James Tysinger, Sen. District No. 41 (Mar. 23, 1994) [hereinafter Tysinger Interview].



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program concerning drug or alcohol abuse.[3] Finally, before the passage of SB 574, there was some confusion as to whether both a visual and an audible signal from a police officer were required or if one signal was sufficient to require a driver to bring a vehicle to a stop.[4]

*SB 574*

The Act adds a new Code section 40-6-273.1 requiring parties to an accident in which there is property damage or personal injury to give the name and address of the owner and driver of the vehicle, the license number of the vehicle, and the name of the liability insurance carrier for the vehicle or relate that the driver has a certificate of self-insurance.[5] This Act is essentially the same as the bill as introduced, except for the added provision allowing drivers to relate that they have certificates of self-insurance in lieu of providing the names of their liability insurance carriers.[6] The bill was modeled after a Florida law.[7]

The House Committee on Motor Vehicles suggested that Code section 40-6-270 be amended to require giving the name of the liability insurance carrier for the vehicle rather than add a new section.[8] The Thomas amendment, which was introduced on the House floor, reflected the Committee on Motor Vehicles' suggested change;[9] however, the suggestion was deleted in the final version of the bill.[10]

The new Code section allows insurance companies to settle claims quickly.[11] Prior to the Act, insurance companies had to wait for a copy of the police report to obtain necessary information.[12]

The second major section of this Act was suggested as a House floor amendment which amends Code section 40-6-391.1(d).[13] This provision was requested by the Department of Public Safety.[14] The amendment deals with the plea of nolo contendere in cases of driving under the

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3. 1991 Ga. Laws 1886 (formally found at O.C.G.A. § 40-6-391.1(d) (1991)).

4. Telephone Interview with Rep. Charles Thomas, House District No. 100 (Mar. 25, 1994) [hereinafter Thomas Interview]. A 1993 Court of Appeals case created some confusion as to what constituted sufficient police officer action to require a person to stop their vehicle, thus prompting this bill. *Id.*; Reynolds v. State, 434 S.E.2d 166 (Ga. Ct. App. 1993).

5. O.C.G.A. § 40-6-273.1 (1994).

6. SB 574, as introduced, 1994 Ga. Gen. Assem.

7. Tysinger Interview, *supra* note 2; *see* FLA. STAT. ANN. § 324.051 (West Supp. 1994).

8. SB 574 (HCS), 1994 Ga. Gen. Assem.

9. SB 574 (HCSFA), 1994 Ga. Gen. Assem.

10. *See* O.C.G.A. § 40-6-273.1 (1994).

11. Tysinger Interview, *supra* note 2.

12. *Id.*

13. SB 574 (HCSFA), 1994 Ga. Gen. Assem.

14. Thomas Interview, *supra* note 4.


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influence of alcohol or drugs.[15] Prior to the passage of the Act, the Code section required defendants to attend and complete a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Human Resources.[16] In addition, defendants were required to surrender their licenses to the court.[17] Then the court would issue defendants a 120-day, temporary driver's permit which automatically expired at the end of 120 days.[18] Defendants were required to submit evidence of completion of the course within 120 days to the Department of Public Safety and the court. Failure to do so for any reason resulted in an automatic suspension of a person's driver's license until proof was properly submitted.[19]

The Act changes the requirement that defendants submit evidence of completion of the course to the Department of Public Safety and the court within 120 days to have their licenses returned.[20] Under the Act, the court can physically return defendants' driver's licenses by accepting proof of completion of a course *without* the Department of Public Safety also receiving proof within 120 days.[21] However, defendants will still be charged the $200 license reinstatement fee if they do not submit proper proof of course completion to the Department of Public Safety within 120 days.[22] The Act improves the former law by allowing the Department of Public Safety to waive this fee when defendants can prove that they have taken appropriate steps to provide the Department of Public Safety with this information, but the Department has not received the information because it was either lost in the mail or misplaced.[23]

The final section of the Act was also introduced by the House floor amendment.[24] This section of the Act amends Code section 40-6-395(a) which required the driver of a vehicle to stop when a police officer visually and audibly signaled a driver to stop by hand, voice, emergency light, or siren. Although the police officer must still be in uniform, prominently displaying a badge, and in a marked police vehicle, in the amended Code section, the officer is only required to give a visual or audible signal to require the driver of the vehicle to stop.[25]

*Karin L. Allen*

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15. *See* O.C.G.A. § 40-6-391.1 (1994).
16. 1991 Ga. Laws 1886 (formally found at O.C.G.A. § 40-6-391.1 (1991)).
17. *Id.*
18. *Id.*
19. *Id.*
20. Thomas Interview, *supra* note 4; O.C.G.A. § 40-6-391.1(d) (1994).
21. O.C.G.A. § 40-6-391.1(d) (1994).
22. Telephone Interview with Danny Phillips, Department of Public Safety (Sept. 1, 1994) [hereinafter Phillips Interview].
23. *Id.*
24. SB 574 (HCSFA), 1994 Ga. Gen. Assem.
25. O.C.G.A. § 40-6-395(a) (1994); *see supra* note 4 and accompanying text.


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