

NOTE: 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.

CITATIONS VS. ARRESTS FOR TRAFFIC OFFENSES

In accordance with O.C.G.A. § 17-6-11, drivers stopped for violations of Title 40 can *usually* be issued a uniform traffic citation and released instead of being arrested and/or brought before a judicial officer to post bail when the driver displays his or her license. However, a driver may **not** be released upon display of his or her license when charged with:

- Another criminal offense that requires a custodial arrest (in addition to a traffic charge); or
- Any offense for which a driver’s license may or must be suspended for a first offense, including:
 - Homicide by vehicle;
 - Homicide or serious injury by interference with official traffic-control device or railroad sign or signal;
 - Feticide by vehicle in the first degree;
 - Any felony in the commission of which a motor vehicle is used;
 - Hit and run or leaving the scene of an accident;
 - Reckless Stunt Driving or Racing;
 - Using a motor vehicle in fleeing or attempting to elude a police officer;
 - Fraudulent or fictitious use of or application for a driver’s license;
 - Driving under the influence;
 - Violation of Georgia Controlled Substances Act;
 - Driving on a suspended or revoked license;
 - Serious injury by vehicle;
 - Operating a motor vehicle with a revoked, canceled, or suspended registration.
 - Any felony violation of O.C.G.A. § 16-9-1 related to an identification document as defined in O.C.G.A. § 16-9-4; or
 - For drivers under the age of 21, certain other offenses listed in O.C.G.A. § 40-5-57.1.

PROCEDURAL CONSIDERATIONS FOR ISSUANCE OF A UTC

A driver who has received a UTC and displayed his or her license in lieu of posting bail **must** sign the UTC to acknowledge receipt of the citation and his or her obligation to appear for trial in order to be released. **Prior to obtaining the driver’s signature, the citing officer must advise the driver that signing the citation is not an admission of guilt and that failure to sign will result in the driver having to post a cash bond.** If, after receiving this information, the driver refused to sign the citation, the officer may bring the driver before a judicial officer or traffic violations bureau to post a cash bond. (See O.C.G.A. § 40-13-2.1.)

A driver’s license should not be held as bail under any circumstances but may be confiscated for other reasons if authorized by law (e.g., DUI or suspended license).

TEENAGE DRIVERS

The following provisions apply to 16-, 17- and 18-year-olds who hold a Class D license.

This type of license has the following restrictions:

- During the first 6 months, a class D holder cannot have any passenger who is not an immediate family member (O.C.G.A. § 40-5-24(b)(2)(B)(ii));
- Second 6 months, a Class D holder cannot have more than 1 passenger under 21, unless they are immediate family (O.C.G.A. § 40-5-24(b)(2)(B)(iii));
- After second 6 months, no more than 3 passengers under 21 except immediate family (O.C.G.A. § 40-5-24(b)(2)(B)(i)); and
- Cannot drive between 12 midnight and 5 a.m. **NO EXCEPTIONS!** (O.C.G.A. § 40-5-24(b)(2)(A))

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. (O.C.G.A. § 40-5-24(b)(3)).

LICENSE SUSPENSIONS

Proof of actual notice of a license suspension is required for the following suspensions: ALS or Implied Consent, School Suspension, Child Support, Safety Responsibility, Insurance Cancellation, and Habitual Violator.

NON-RESIDENT VIOLATOR COMPACT

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:

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| Alaska | California | Michigan |
| Montana | Oregon | Wisconsin |

FIREARMS RECIPROCITY

Georgia recognizes the valid firearm permits of any state that grants reciprocal privileges to Georgia firearm permit holders traveling within such state. As of June 4, 2017, Georgia recognizes firearm permits of the following states:

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

CRIMES AND OFFENSES

Miscellaneous

| | |
|-----------------------|-----------|
| Affray | 16-11-32 |
| Assault, Simple | 16-5-20 |
| Assault, Aggravated | 16-5-21 |
| Arson of a LE Vehicle | 16-7-60.1 |
| Battery, Simple | 16-5-23 |
| Battery | 16-5-23.1 |
| Battery, Aggravated | 16-5-2 |

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| Bribery | 16-10-2 |
| Conspiracy to Commit a Crime | 16-4-8 |
| Disorderly Conduct | 16-11-39 |
| Entering Auto with Intent to Commit Felony/Theft | 16-8-18 |
| False or Secret Compartment | 16-11-112 |
| False Report of a Crime | 16-10-26 |
| False Report of a Theft or Conversion of Vehicle | 40-3-92 |
| False Statements & Writings/Concealment of Facts | 16-10-20 |
| Giving False Name, Address, or Birthdate to LEO | 16-10-25 |
| Hijacking a Motor Vehicle | 16-5-44.1 |
| Impersonating a LEO/Officer of the Court/Pub. Ofc. | 16-10-23 |
| Interference with Government Property | 16-7-24 |
| Kidnapping | 16-5-40 |
| Mailboxes, Injuring/Tearing Down/Destroying | 16-7-27 |
| Obstruction of Highway/Street/Sidewalk/Public Passage | 16-11-43 |
| Obstructing or Hindering Law Enforcement Officer | 16-10-24 |
| Obstructing or Hindering Firefighters | 16-10-24.1 |
| Obstructing or Hindering EMTs | 16-10-24.2 |
| Obstructing or Hindering 9-1-1 Call | 16-10-24.3 |
| Tools for Commission of Crime, Possession of | 16-7-20 |
| Public Drunkenness | 16-11-41 |
| Public Indecency | 16-6-8 |
| Reckless Conduct | 16-5-60 |
| Refusal to Disperse (Emergency Conditions) | 16-10-30 |
| Stalking | 16-5-90 |
| Stalking, Aggravated | 16-5-91 |
| Terroristic Threats and Acts | 16-11-37 |
| Theft by Taking | 16-8-2 |
| Theft by Shoplifting | 16-8-14 |
| Unlawful Assembly | 16-11-33 |

Drugs

| | |
|---|----------------|
| Attempt/Conspiracy to Commit VGCSA | 16-13-33 |
| Trafficking | 16-13-31 |
| Possession/Purchase of Controlled Substance | 16-13-30(a) |
| Possessw/ Intent to Distribute (or Manufacture/Sell/ Deliver/etc.) of Controlled Substance | 16-13-30(b) |
| Possession/Purchase OR Possession w/ Intent to Distribute (or Manufacture/Sale/etc.) of Marijuana | 16-13-30(j)(1) |
| Sale/Distribution/Possession of Dangerous Drugs | 16-13-72 |

Firearms/Weapons

| | |
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| Unlawful Carrying of a Weapon | 16-11-126(h) |
| Carrying Weapon/Long Gun in Unauthorized Location | 16-11-127(b) |
| Discharge of Firearm Near Highway or Street | 16-11-103 |
| Pointing/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 a Handgun by a Person Under 18 | 16-11-132 |
| Possession of Sawed-Off Shotgun or Rifle, Machine Gun, Silencer, or Dangerous Weapon | 16-11-122 |



2024

GEORGIA

CRIMINAL & TRAFFIC CODES

Colonel W. W. Hitchens III
Commissioner
Georgia Department of Public Safety

www.dps.ga.gov

DPS-32D (07/2024)

MOTOR VEHICLES AND TRAFFIC

Miscellaneous

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| Arson of a LE Vehicle | 16-7-60.1 |
| Coasting | 40-6-246 |
| Crossing a Fire Hose | 40-6-248 |
| Driver to Exercise Due Care / Distracted Driving | 40-6-241(b) |
| Driving on Closed Roadway | 40-6-26(b) |
| Driving Through Safety Zone | 40-6-98 |
| Obstructed View/Control, Driving with | 40-6-242(a) |
| Volume from Radio Audible from 100+ feet | 40-6-14 |
| Headlights, Failure to Dim | 40-8-31 |
| Failure to Obey Authorized Person Directing Traffic | 40-6-2 |
| Toll, Failure to Pay on Toll Road | 32-10-64 |
| Insurance, False Proof of | 16-9-5 |
| Cell Phone / Wireless Telecomm. Device Use | |
| Physically Holding / Supporting with Body | 40-6-241(c)(1) |
| Writing/Sending/Reading Text Comm. | 40-6-241(c)(2) |
| Watching Video | 40-6-241(c)(3) |
| Recording/Broadcasting Video | 40-6-241(c)(4) |
| Headlights, Required 30 mins. after sunset – 30 minutes before sunrise & when raining | 40-8-20 |
| Backing, Improper | 40-6-240 |
| Laying Drags | 40-6-251 |
| Littering on Highway | 40-6-249 |
| Move Over / “Spencer Pass” Law | 40-6-16 |
| Obstructing an Intersection | 40-6-205 |
| Open Container Violation | 40-6-253 |
| Doors, Opening to Moving Traffic | 40-6-243 |
| Off-Road Vehicle, Operating Restrictions | 40-7-4 |
| Pickup Truck, Operating with passenger Under 18 in Uncovered Bed on Interstate | 40-8-79 |
| Parking in Space for Persons with Disability | 40-6-226 |
| Private Area, Parking/Standing Driving in After Request Not to | 40-6-252 |
| Passenger, interfering with driver’s view/control | 40-6-242(b) |
| Insurance, no proof of | 40-6-10 |
| Reckless driving | 40-6-390 |
| Unlawful operation of vehicle, requiring or permitting | 40-1-3 |
| Unsecured load | 40-6-254 |
| Debris escaping from load | 40-6-248.1 |
| Headphones, use while operating MV | 40-6-250 |
| Bicyclists, Due Caution When Passing | 40-6-56 |

Traffic Signs, Signals, and Markings

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|--|---------|
| Display of Unauthorized signs, signals, etc. | 40-6-25 |
| Traffic-Control Device, Interference with | 40-6-26 |
| Traffic-Control Device, Obedience To | 40-6-20 |

Driving on Right Side, Passing, Following Too Close

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|---|---------|
| Gore or Median of Divided Hwy, Driving in | 40-6-50 |
| Emergency Lane, Driving in | 40-6-50 |
| Right Side of Roadway, Driving on | 40-6-40 |
| Increasing Speed While Being Passed | 40-6-42 |
| Lane, Failure to Maintain | 40-6-48 |

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|---|---------------|
| Emergency Vehicle, Following within 200 ft | 40-6-247 |
| Following too Closely | 40-6-49 |
| Passing in No Passing Zone | 40-6-46 |
| Passing on Shoulder of Roadway | 40-6-43(b) |
| Passing within 200 ft of Oncoming Traffic | 40-6-44 |
| Passing on Hillcrest or within a Curve | 40-6-45(a)(1) |
| Passing in Intersection of R/R Crossing | 40-6-45(a)(2) |
| Passing w/in 100 ft of bridge/viaduct/tunnel | 40-6-45(a)(3) |
| Passing Vehicle Stopped to Yield for Pedestrian | 40-6-91(d) |
| Controlled Access Roadway, Restrictions on | 40-6-51 |
| Slower Traffic, Duty to Keep to Right | 40-6-40(b) |
| Restricted Lane, Travelling in | 40-6-54 |
| Truck w/ over 6 wheels in left lane(s) | 40-6-52(b) |

Right of Way

| | |
|--|-------------|
| Blind Pedestrians, Yield to | 40-6-94 |
| Construction Vehicles & Personnel, Yield to | 40-6-75 |
| Emergency Vehicle, Yield to | 40-6-74 |
| Entering or Crossing Roadway, Duty to Yield | 40-6-73 |
| Funeral Procession, Yield to | 40-6-76 |
| Intersection, Right of Way when Approaching | 40-6-70 |
| Left Turn, Duty to Yield | 40-6-71 |
| Railroad Crossing Upon Approach of Train | 40-6-140 |
| Railroad Crossing, Bus / Haz. Mat. Must Stop | 40-6-142 |
| School Bus, Overtaking & Passing | 40-6-163(a) |
| Serious Injury to Motor/Bicyclist/Pedestrian | 40-6-77(b) |
| Stop Sign Violation | 40-6-72(b) |
| Yield Sign Violation | 40-6-72(c) |

Speed Restrictions

| | |
|---------------------------------------|----------|
| Minimum Speed / Impeding Traffic Flow | 40-6-184 |
| Racing on Highways or Streets | 40-6-186 |
| Speeding in Highway Work Zone | 40-6-188 |
| Speeding in Excess of Maximum Limits | 40-6-181 |
| Too Fast for Conditions | 40-6-180 |

Turning, Starting, Signaling

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|--------------------------------------|-------------|
| Center Turn Lane, Improper Use | 40-6-126 |
| Improper Left or Right Turn | 40-6-120 |
| Starting Parked Vehicle | 40-6-122 |
| Stopping on Roadway | 40-6-123(c) |
| Turning Movements / Required Signals | 40-6-123 |
| U-Turns | 40-6-121 |

Pedestrians

| | |
|---|------------|
| Crossing Roadway While Not in Crosswalk | 40-6-92 |
| Crosswalks, Right of Way In | 40-6-91 |
| Emergency Vehicle, Failure to Yield to | 40-6-99(a) |
| Highways / Roadways, Rules for Walking Upon | 40-6-96 |
| Pedestrian Under the Influence of Alcohol/Drugs | 40-6-95 |
| Solicitation of rides/business on highway | 40-6-97 |
| Traffic Control Devices/Officers, Obedience To | 40-6-90 |
| Walking/running into path of vehicle | 40-6-91(b) |

Motorcycles

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|---|-------------|
| Clinging to Vehicles Prohibited | 40-6-313 |
| Footrests and Handlebars Required | 40-6-314(a) |
| Handlebar >25” Tall / Pointed Backrest | 40-6-314(b) |
| Headgear / Helmet Required | 40-6-315(a) |
| Headlight Required | 40-8-22 |
| Headlight/Taillight on While Operating | 40-6-312(e) |
| Insurance, Proof of (motorcycles only) | 40-6-11 |
| Lanes, More than Two Abreast in Single Lane | 40-6-312(d) |
| Lanes, Operating Between | 40-6-312(c) |
| Lanes, Passing in Same Lane as Vehicle | 40-6-312(b) |
| Seating Requirements for Riders | 40-6-311 |
| Shoes Required | 40-6-311(e) |
| Windshield/Eye Protective Device Required | 40-6-315(b) |

Accidents

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|---|------------|
| Drivers Must Exchange Information | 40-6-273.1 |
| Duty to Remove Vehicles from Highway | 40-6-275 |
| Duty to Report Accident with Injury/Damage/Death | 40-6-273 |
| Duty to Stop at Accident with Injury/Damage/Death | 40-6-270 |
| Duty Upon Striking Fixture | 40-6-272 |
| Duty Upon Striking Unattended Vehicle | 40-6-271 |

Serious Traffic Offenses

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|---|------------------|
| Aggressive Driving | 40-6-397 |
| DUI – Alcohol Less Safe | 40-6-391(a)(1) |
| DUI – Alcohol Per Se 21 or Older (0.08 g or more) | 40-6-391(a)(5) |
| DUI – Alcohol Per Se CMV (0.04 g or more) | 40-6-391(i) |
| DUI – Alcohol Per Se Under 21 (0.02 or more) | 40-6-391(k)(1) |
| DUI – Combination Less Safe | 40-6-391(a)(4) |
| DUI – Drugs Less Safe | 40-6-391(a)(2) |
| DUI – Endangering Child Under 14 While DUI | 40-6-391(l) |
| DUI – Glue/Aerosol/Toxic Vapor Less Safe | 40-6-391(a)(3) |
| DUI – Marijuana/Controlled Substance Per Se | 40-6-391(a)(6) |
| Feticide by Vehicle, 1 st Degree | 40-6-393.1(b)(1) |
| Feticide by Vehicle, 2 nd Degree | 40-6-393.1(c)(1) |
| Fleeing/Attempting to Elude/Impersonating LEO | 40-6-395 |
| Homicide by Vehicle, 1 st Degree (Hit and Run) | 40-6-393(b) |
| Homicide by Vehicle, 1 st Degree (HV) | 40-6-393(d) |
| Homicide by Vehicle, 1 st Degree (Non-HV or H&R) | 40-6-393(a) |
| Homicide by Vehicle, 2 nd Degree | 40-6-393(c) |
| Reckless Driving | 40-6-390 |
| Serious Injury by Vehicle | 40-6-394 |
| Traffic Control Device, Homicide or Serious Injury by Interference With | 40-6-396 |
| Illegal Drag Racing, Org. or Promotion of | 16-11-43.1(a) |
| Illegal Drag Racing, Active Facilitation of | 16-11-43.1(b) |
| Reckless Stunt Driving | 40-6-390.1 |

Alcohol Offenses for Persons Under 21

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| Misrep. Identity/False ID to Obtain Alco. Bev. | 3-3-23(a)(5) |
| Misrepresenting Age to Obtain Alco. Bev. | 3-3-23(a)(3) |
| Purchase/Attempt/Possession of Alco. Bev. | 3-3-23(a)(2) |
| Purchasing/Acquiring Alcohol FOR Person Under 21 | 3-3-23(a)(4) |

Bicycles

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|---|-------------|
| Right Side of Road, Bicycles to Ride on | 40-6-294(b) |
| Clinging to Vehicles Prohibited | 40-6-293 |
| Equipment Requirements | 40-6-296 |
| More Than Two Bicycles Abreast on Roadway | 40-6-294(c) |
| Seating Requirements for Riders | 40-6-292 |

Equipment Violations

| | |
|--|----------------|
| Blue Lights, LEO or Permit Required | 40-8-90 |
| Brake Light(s) Required | 40-8-25(a)/(b) |
| Brake Requirements | 40-8-50 |
| Child Passenger Restraint Requirements | 40-8-76 |
| Dragging Load on Roadway | 40-8-3 |
| Emergency Lights (non-blue), Permit Req’d | 40-8-92 |
| Emissions Certificate Violations | 12-9-55 |
| Exhaust System Violation | 40-8-71 |
| Headlights / Headlight Covers | 40-8-22 |
| Horn Requirements and Limitations | 40-8-70(a) |
| Ignition Interlock Violation | 42-8-118 |
| License Plate Requirements | 40-2-41 |
| Mirror Required | 40-8-72 |
| Nitrous Oxide Prohibited Unless Inoperative | 40-8-10 |
| Parked Vehicles on Highway, Lights Required at Night | 40-8-28 |
| Projecting Load, Light or Flag Required | 40-8-27 |
| Seatbelt Requirements | 40-8-76.1 |
| Siren/Whistle/Bell, Unlawful Use of | 40-8-70(b) |
| Slow Moving Vehicle Requirements | 40-8-4 |
| Spotlights and Auxiliary Lights | 40-8-29 |
| Suspension, Limitations on Alterations | |
| For Trucks | 40-8-6 |
| For Other Passenger Vehicles | 40-8-6 |
| Taillights / Tag Light | 40-8-23 |
| Tire / Tread Requirements | 40-8-74 |
| Tire Covers | 40-8-75 |
| Turn Signals Required | 40-8-25(c) |
| Unsafe Vehicle, Operating | 40-8-7 |
| Window Tint/Glazing Req’ts/Limitations | 40-8-73.1 |
| Windshield/Window/Wiper Requirements | 40-8-73 |

NOTES: