

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 1, 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)(1)(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)(1)(B)(iii));
- After second 6 months, no more than 3 passengers under 21 except immediate family (O.C.G.A. § 40-5-24(b)(1)(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:

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
Battery, Simple	16-5-23
Battery	16-5-23.1
Battery, Aggravated	16-5-24

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

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



2023

GEORGIA

CRIMINAL & TRAFFIC CODES

Colonel Christopher C. Wright
Commissioner
Georgia Department of Public Safety

www.dps.ga.gov

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MOTOR VEHICLES AND TRAFFIC

Miscellaneous	
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

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

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

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

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

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

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

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)	40-6-395(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
Reckless Stunt Driving	40-6-390.1

Alcohol Offenses for Persons Under 21

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

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	40-8-6.1
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: