

MVR ACD Report Codes

Only those offenses listed below will be processed onto driver records. Any offense indicated as "Submit Only if Violation occurred in a CMV" will be processed only if "Commercial Vehicle" is "yes" on the conviction report or GECPs transmission. Any conviction submitted with an offense not on this list will be returned to the submitting court unprocessed.

Highlighted Legal Codes will result in a suspension of all driving privileges upon conviction. In addition to these offenses, legal codes with ** behind them will result in a suspension of all driving privileges for drivers under the age of 21. These indications do not reflect treatment of a plea of nolo contendere. See the Traffic Court Reference Manual sections on suspension and drivers under 21 for more information.

This list also includes the corresponding ACD Code for each Legal Code. ACD Codes are nationally recognized offense codes used to improve communication between licensing authorities in states. They are being included in this list because their use is becoming more prevalent on driving histories (MVRs) and court personnel may begin to see them more often. ACD codes should **NOT** be used by the courts to transmit information to DDS.

Georgia Legal Code	Violation Description	Submit only if violation occurred in a CMV	ACD Code	Comm'l DQ Type <small>*=only in CMV</small>
	<i>DDS will not accept the violation code 3-3-23; the specific subparagraphs listed below must be included</i>			
3-3-23A2A**	PURCHASING ALCOHOL UNDER 21		D06	
3-3-23A2B**	ATTEMPTING TO PURCHASE		A31	
3-3-23A2C**	POSSESSION OF ALCOHOL BY MINOR --- report only if the possession was while Operating a Motor Vehicle (driver only - not to include passengers)		A31	
3-3-23A3**	MISREPRESENTING AGE TO PURCHASE ALCOHOL		A31	
3-3-23A5**	USING FALSE ID TO PURCHASE ALCOHOL		D06	
	<i>The following "Theft by..." offenses should only be reported if the item taken was a vehicle engaged in commercial transportation of cargo or any appurtenance thereto, or the cargo being transported therein or thereon {see O.C.G.A. §16-8-12(8)}</i>			
16-8-2	THEFT BY TAKING		-----	Major*
16-8-3	THEFT BY DECEPTION		-----	Major*
16-8-4	THEFT BY CONVERSION		-----	Major*
16-8-5	THEFT OF SERVICES		-----	Major*
16-8-6	THEFT OF LOST OR MISPLACED PROPERTY		-----	Major*
16-8-7	THEFT BY RECEIVING STOLEN PROPERTY		-----	Major*
16-8-8	THEFT BY RECEIVING PROPERTY STOLEN IN OTHER STATE		-----	Major*
16-8-9	THEFT BY BRINGING STOLEN PROPERTY INTO STATE		-----	Major*
16-10-20	FALSE STATEMENTS	X	D78	
16-13-2	POSSESSION OF MARIJUANA, < 1 OUNCE --- misdemeanor possession of marijuana only		A33	
16-13-2B	POSSESSION OF MARIJUANA, < 1 OUNCE --- misdemeanor possession of marijuana only		A33	

16-13-30	ILLEGAL POSSESSION OF CONTROLLED SUBSTANCE --- all felony controlled substance charges, including felony marijuana possession; plea of nolo not accepted, must use 16-13-2 or 16-13-2B for a nolo plea on misdemeanor possession of marijuana		A33	
16-13-30.1	POSSESSION OF NON-CONTROLLED SUBSTANCE		A33	
16-13-30.2	POSSESSION OF IMITATION CONTROLLED SUBSTANCE		A33	
16-13-30.3B1	POSSESSION OF CERTAIN AMOUNTS OF EPHEDRINE		A33	
16-13-30.3B1.1	RESTRICTIONS ON COMMERCIAL SALES OF EPHEDRINE		A33	
16-13-30.3D	ALTERING EPHEDRINE PRODUCTS		A33	
16-13-30.4	EPHEDRINE STORAGE AND LICENSING REQUIREMENTS		A33	
16-13-30.4G2	EPHEDRINE SALES FOR PURPOSES OF MANUFACTURING		A33	
16-13-30.5	POSSESSING SUBSTANCE TO MANUFACTURE CNTRL SUBSTANCE		A33	
16-13-30A	ILLEGAL POSSESSION OF CONTROLLED SUBSTANCE		A33	
16-13-30B	ILLEGAL POSSESSION OF CONTROLLED SUBSTANCE		A33	
16-13-31	TRAFFICKING IN CONTROLLED SUBSTANCE		A33	
16-13-31.1	ECSTASY TRAFFICKING		A33	
16-13-32	TRANSACTIONS OF DRUG RELATED OBJECTS TO USE		A33	
16-13-32.1	TRANSACTIONS OF DRUG RELATED OBJECTS TO GROW		A33	
16-13-32.2	POSSESSION OF DRUG RELATED OBJECT		A33	
16-13-32.3	USE OF COMMUNICATION FACILITY TO COMMIT FELONY		A33	
16-13-32.4	DRUG-FREE SCHOOL ZONE		A33	
16-13-32.5	DRUG-FREE RECREATION/HOUSING PROJECT ZONE		A33	
16-13-32.6	DRUG-FREE COMMERCIAL ZONE		A33	
16-13-33	CONSPIRACY TO POSSESS CONTROLLED SUBSTANCE		A33	
16-13-42	UNLAWFULLY DISPENSING PRESCRIPTIONS		A33	
16-13-43	UNLAWFULLY DISTRIBUTING PRESCRIPTIONS		A33	
16-13-72	ILLEGAL POSSESSION OF DANGEROUS DRUGS --- report only if a juvenile under 16 years of age		A33	
16-13-75	ILLEGAL POSSESSION OF CONTROLLED SUBSTANCE		A33	
32-1-10	COMMERCIAL MISDEMEANOR --- generic commercial violation	X	-----	
32-6-20	EXCEED/VIOLEATE SIZE, WEIGHT, PASS/CARGO LIM	X	-----	
32-6-22	EXCEED/VIOLEATE HEIGHT LIMIT OF VEHICLE/TRUCK	X	-----	
32-6-23	EXCEED/VIOLEATE WIDTH LIMIT OF VEHICLE/TRUCK	X	-----	
32-6-24	EXCEED/VIOLEATE SIZE LIMIT OF VEHICLE/TRUCK	X	-----	
32-6-28	VIOLEATE EXCESS SIZE/WEIGHT PERMIT	X	-----	
32-6-30	FAILURE TO WEIGH OR STOP AT WEIGH STATION	X	-----	Misc.
32-9-4	IMPROPER LANE USAGE		M49	
40-2-5	ACQUIRING LIC PLATE TO CONCEAL VEH IDENTITY --- improper use of a license plate	X	-----	
40-2-6	MISSING/DEFACED/OBSCURED LICENSE PLATE	X	-----	
40-2-8	EXPIRED OR NO LICENSE PLATE OR DECAL	X	-----	
40-2-20	EXPIRED OR NO LICENSE PLATES OR DECAL	X	-----	
40-2-31	LICENSE PLATE SPECIFICATIONS	X	-----	
40-2-38	EXPIRED OR NO REGISTRATION OR TITLE	X	-----	
40-2-41	OBSCURD OR MISSING LICENSE PLATE	X	-----	
40-2-44	EXPIRED OR NO LICENSE PLATE OR DECAL	X	-----	

40-2-88	EXPIRED OR NO REGISTRATION OR TITLE	X	-----	
40-2-90	EXPIRED OR NO LICENSE PLATES OR DECAL	X	-----	
40-2-114	UNLAWFUL OPERATION - MOTOR TRUCK --- <i>generic motor truck violation</i>	X	-----	
40-3-90	ALTERED/COUNTERFEIT CERTIFICATE OF TITLE	X	-----	
40-4-21	FALSIFICATION OF VIN OR REGISTRATION PLATE	X	-----	
40-4-22	POSSESSION OF VEHICLE W/ALTERED VIN	X	-----	
40-5-20	EXPIRED OR NO LICENSE ON PERSON	X	B51	Serious*
40-5-20A	DRIVING WITHOUT A LICENSE - FAILURE TO OBTAIN IN 30 DAYS		B51	Serious*
40-5-20B	STEERING/ CONTROLLING TOWED VEHICLE WITHOUT A LICENSE	X	B51	Serious*
40-5-20C	POSSESSION OF MULTIPLE DRIVERS LICENSES	X	D07	
40-5-20F	FELONY DRIVING WITHOUT A LICENSE --- (4th within 5 years for violation dates 7/1/2008 and later)		B20	Major
40-5-29	FAILURE TO HAVE LICENSE ON PERSON	X	B51	Serious*
40-5-29A	FAILURE TO HAVE LICENSE ON PERSON	X	B51	Serious*
40-5-30	VIOLATING RESTRICTION OF DRIVER LICENSE --- <i>for medical or equipment requirements to operate a vehicle; DO not report violations of a Class CP or D license (see 40-5-24) under this or any other code</i>		D29	
40-5-32	EXPIRED LICENSE	X	-----	Serious*
40-5-32A	EXPIRED OR NO DRIVERS LICENSE	X	B51	Serious*
40-5-54A2	MOTOR VEHICLE USED IN FELONY		U03	Major
40-5-55	REFUSED TEST - IMPLIED CONSENT		A12	Major
40-5-56	FAILURE TO APPEAR FOR TRIAL OR COURT APPEA		D45	
40-5-58	HABITUAL VIOLATOR --- <i>driving while license revoked HV (felony)</i>		B25	Major
40-5-58C	HABITUAL VIOLATOR MISDEMEANOR --- <i>driving while license revoked HV but after 5 year period (misd.)</i>		B25	Major
40-5-58E	VIOLATE LIMITED LICENSE CONDITIONS --- <i>violating the restrictions of an HV Probationary License (HVPL)</i>		D27	
40-5-64	VIOLATE LIMITED LICENSE CONDITIONS --- <i>violating the restrictions of a Limited Permit (not an HVPL)</i>		D27	
40-5-65	OPERATING MV W/OTHER LIC WHILE SUSP/REV		B20	Major
40-5-67.1C	ADMINISTRATIVE PER SE		A98	Major
40-5-120	IMPROPER USE - DRIVER LICENSE		D16	Major
40-5-121	DRIVING WHILE LICENSE WITHDRAWN		B20	Major
40-5-121F	DRIVING WHILE LICENSE WITHDRAWN - FELONY --- (4th within 5 years for violation dates 7/1/2008 and later)		B20	Major
40-5-125	FALSE REPORT/APPLICATION FOR DRIVER LICENS		D02	Major
40-5-142.22E	VIOLATION INVOLVING FATAL ACCIDENT		U31	Serious*
40-5-143	POSSESS MULTIPLE DRIVER LICENSES	X	D07	
40-5-146.B2	VIOLATING OUT OF SERVICE ORDER	X	B27	OOSOV*
40-5-146A1	DRIVING CMV WITHOUT CDL	X	B51	Serious*
40-5-146A2	DRIVING CMV WITHOUT CDL ON PERSON	X	B51	Serious*
40-5-146B1	DRIVING WITHOUT PROPER CDL	X	B20	Serious*
40-5-149	EXPIRED OR NO DRIVERS LICENSE	X	B51	Serious*
40-5-149B	FAILURE TO REPORT NAME OR ADDRESS CHANGE	X	-----	

40-5-150D	IMPROPER CLASS/ENDORSEMENT	X	B91	Serious
40-5-150I2	ADMINISTRATIVE ACTION - SECURITY RISK		W09	
40-5-151.E	VEHICLE USED IN FELONY CONTROLLED SUBSTANCE		A50	Major
40-5-151.G3	VIOLATING OUT OF SERVICE ORDER	X	B19	OOSOV*
40-5-151F	DRIVING CMV WITHOUT OBTAINING CDL	X	B56	Serious*
40-5-151J1	IMMINENT HAZARD (FEDERAL DETERMINATION)		W70	
40-5-152	COMMERCIAL DRIVING W/MEASURABLE BAC	X	A26	
40-6-2	FAILURE TO OBEY POLICE/PEACE OFFICER		M08	
40-6-6	EMERGENCY VEHICLE VIOLATION		-----	
40-6-10	FAILURE TO MAINTAIN INSURANCE		D36	
40-6-10A	FAILURE TO MAINTAIN INSURANCE		D36	
40-6-10B	FAILURE TO MAINTAIN INSURANCE		D36	
40-6-10C	SHOW/USE IMPROPERLY-INSURANCE CERT		-----	
40-6-11	NO PROOF OF INSURANCE - MOTORCYCLE		D36	
40-6-14	EQUIPMENT USED IMPROPERLY-EXCESSIVE NOISE	X	-----	
40-6-15	OPERATING VEHICLE WITH SUSP/CANC/REV REGISTRATION		-----	Major
40-6-16	IMPROPER PASSING OF EMERGENCY/TOWING/HWY VEHICLE		M18	
40-6-17	TRAFFIC CONTROL DEVICE PREEMPTION EMITTER VIOLAT.		-----	
40-6-20	FAILURE TO OBEY SIGNS OR CONTROL DEVICES		M14	
40-6-21	FAILURE TO OBEY TRAFFIC SIGNAL OR LIGHT		M16	
40-6-23	FAILURE TO OBEY TRAFFIC SIGN		M17	
40-6-24	LANE DIRECTION VIOLATION		M62	
40-6-26A	TAMPERING WITH TRAFFIC SIGNS OR SIGNALS	X	-----	
40-6-26B	OPERATE VEHICLE WHERE PROHIBITED		-----	
40-6-40	OBSTRUCTING TRAFFIC/FTY ROW		N72	
40-6-40A	DRIVING WRONG SIDE OF UNDIVIDED STREET		N72	
40-6-40B	OBSTRUCTING FLOW OF TRAFFIC		S96	
40-6-40C	LANE VIOLATION		M62	
40-6-40D	OBSTRUCTING/IMPEDING TRAFFIC		F34	
40-6-41	WRONG SIDE OF ROAD		N70	
40-6-42	IMPROPER PASSING		M73	
40-6-43	IMPROPER PASSING ON RIGHT		M70	
40-6-43A	IMPROPER PASSING ON RIGHT		M70	
40-6-43B	IMPROPER PASSING ON RIGHT		M70	
40-6-44	PASSING WITH INSUFFICIENT CLEARANCE		M77	
40-6-45A1**	IMPROPER PASSING ON HILL/CURVE		M74	
40-6-45A2	IMPROPER PASSING IN NO PASSING ZONE --- <i>improper passing in intersection or RR Grade</i>		M71	
40-6-45A3	IMPROPER PASSING IN NO PASSING ZONE --- <i>improper passing near bridge or tunnel</i>		M76	
40-6-46	IMPROPER PASSING IN NO PASSING ZONE		M76	
40-6-46A	IMPROPER PASSING IN NO PASSING ZONE		M76	
40-6-46B	IMPROPER PASSING		M71	
40-6-47	WRONG WAY ON ONE-WAY STREET		N63	
40-6-48	IMPROPER/ERRATIC LANE CHANGE		M42	Serious
40-6-49	FOLLOWING TOO CLOSELY		M34	Serious
40-6-49A	FOLLOWING TOO CLOSELY		M34	Serious
40-6-49B	FOLLOWING TOO CLOSELY		M34	Serious
40-6-49C	FOLLOWING TOO CLOSELY IN CONVOY		M34	Serious

40-6-50	FAILURE TO KEEP IN PROPER LANE		M51	
40-6-50B	FAILURE TO KEEP IN PROPER LANE		M51	
40-6-51	FAILURE TO OBEY TRAFFIC SIGN		M17	
40-6-52	FAILURE TO KEEP IN PROPER LANE --- <i>trucks using wrong lane</i>		M49	
40-6-52B	DRIVING IN LEFT LANE OF 3+ LANES (<i>big trucks</i>)		M49	
40-6-52C	DRIVING IN LEFT LANE OF 2 LANES --- (<i>big trucks</i>)		M49	
40-6-52D	FAILURE TO KEEP IN PROPER LANE		M49	
40-6-53	FAILURE TO KEEP IN PROPER LANE --- <i>bus or motorcoach</i>		M49	
40-6-54	IMPROPER LANE USAGE		M49	
40-6-70	FAILURE TO YIELD RIGHT OF WAY TO VEHICLE		N06	
40-6-71	FAILURE TO YIELD RIGHT OF WAY, TURNING		N31	
40-6-72	FAILURE TO OBEY STOP SIGN		M15	
40-6-72B	FAILURE TO OBEY STOP SIGN		M15	
40-6-72C	FAILURE TO OBEY YIELD SIGN		M19	
40-6-73	FAILURE TO YIELD RIGHT OF WAY TO VEHICLE		N06	
40-6-74	FAILURE TO YIELD RIGHT OF WAY TO EMERGENCY VEH		N04	
40-6-74A	FAILURE TO YIELD RIGHT OF WAY TO EMERGENCY VEH		N04	
40-6-74B	UNSAFE OPERATION OF EMERGENCY VEHICLE		N84	
40-6-75	FAILURE TO OBEY CONSTRUCTION MARKERS		M03	
40-6-76	FAILURE TO YIELD TO FUNERAL PROCESSION		N05	
40-6-91A	FAILURE TO YIELD RIGHT OF WAY AT CROSSWALK		N20	
40-6-91D	FAILURE TO YIELD RIGHT OF WAY TO PEDESTRIAN --- <i>passing a vehicle stopped for a pedestrian</i>		N08	
40-6-93	FAILURE TO YIELD RIGHT OF WAY TO PEDESTRIAN --- <i>failure to exercise due care with pedestrians</i>		N08	
40-6-94	FAILURE TO YIELD RIGHT OF WAY TO PEDESTRIAN --- <i>failure to yield right of way to a blind pedestrian</i>		N08	
40-6-98	FAILURE TO OBEY SAFETY ZONE		M12	
40-6-120	IMPROPER TURN		N50	
40-6-120A1	IMPROPER RIGHT TURN		N54	
40-6-120A2	IMPROPER LEFT TURN		N53	
40-6-120B	IMPROPER TURN		N50	
40-6-121	MAKING IMPROPER U TURN		N56	
40-6-122	IMPROPER STARTING	X	N83	
40-6-123	FAILURE TO SIGNAL LANE CHANGE OR TURN		N43	
40-6-123A	IMPROPER/ERRATIC LANE CHANGE		M42	
40-6-123B	GIVING WRONG SIGNAL		N44	
40-6-123C	IMPROPER STOPPING		N40	
40-6-123D	IMPROPER SIGNAL		N40	
40-6-124	FAILURE TO SIGNAL/IMPROPER SIGNAL		N40	
40-6-125	IMPROPER USE OF HAND SIGNAL		N40	
40-6-126	CENTER LANE VIOLATION		M62	
40-6-140	FAILURE TO OBEY RR CROSSING RESTRICTIONS		M10	RGCV
40-6-140A	FAILURE TO OBEY RR GRADE CROSSING RESTRICTIONS		M10	RGCV
40-6-140B	FAILURE TO OBEY RR CROSSING RESTRICTIONS --- <i>driving around or over a RR barrier</i>		M10	RGCV
40-6-140C	FAILURE TO SLOW FOR RR GRADE CROSSING		M20	RGCV
40-6-140D	DRIVING OVER RR CROSSING WHEN TRAIN APPROACHING		M21	RGCV
40-6-140E	DRIVING OVER RR CROSSING W/OUT SUFFICIENT SPACE		M23	RGCV

40-6-140F	DRIVING OVER RR XING W/OUT SUFFICIENT CLEARANCE		M24	RGCV
40-6-141	FAILURE TO OBEY RR GATES/SIGNS/SIGNALS		M10	RGCV
40-6-142	FAILURE TO STOP AT RAILROAD GRADE CROSSING		M22	RGCV
40-6-142A	DISREGARDING SIGNS OR CONTROL DEVICES/RR		M22	RGCV
40-6-143	MOVING HEAVY EQUIPMENT AT RR GRADE CROSSING		M24	RGCV
40-6-144	EMERGING FROM ALLEY, DRIVEWAY, OR BUILDING		N01	
40-6-160	SCHOOL BUS SPEEDING	X	S92	Serious*
40-6-161	OPERATING SCHOOL BUS WITHOUT USING HEADLIGHTS	X	E55	
40-6-162	FAILURE TO USE VISUAL SIGNALS, BY SCHOOL BUS	X	E50	
40-6-163**	PASSING SCHOOL BUS -LOADING/UNLOADING		M75	
40-6-164	FAILURE OF SCHOOL BUS TO YIELD RIGHT OF WAY	X	N08	
40-6-165	FAILURE OF SCHOOL BUS TO YIELD RIGHT OF WAY	X	N01	
40-6-180	TOO FAST FOR CONDITIONS/PRIMA FACIE SPEED	X	S94	
40-6-181**	SPEEDING <i>(must report actual and posted speed)</i> <i>report all offenses for non-GA license holders; do not report for GA license holders if speed is less than 15 mph above the limit UNLESS operating a commercial motor vehicle; **if 24 mph or more over speed limit --> Under 21 suspension</i>		S92	Serious
40-6-184	SPEED LESS THAN MINIMUM		S96	
40-6-186	RACING		S95	Major
40-6-188**	CONSTRUCTION SITE SPEED VIOLATION <i>(must report actual and posted speed) --- report all offenses for non-GA license holders; do not report for GA license holders if speed is less than 15 mph above the limit UNLESS operating a commercial motor vehicle; **if 24 mph or more over speed limit --> Under 21 suspension</i>		S92	Serious
40-6-201	PARKING VIOLATION	X	-----	
40-6-203	ILLEGAL STOP/STAND/PARK WHERE PROHIBITED	X	-----	
40-6-205	OBSTRUCTING INTERSECTION		F34	
40-6-226	VIOLATION OF HANDICAP PARKING	X	-----	
40-6-240	IMPROPER BACKING		N82	
40-6-241	FAILURE TO EXERCISE DUE CARE		M81	
40-6-242	DRIVER'S VIEW OBSTRUCTED		D70	
40-6-243	OPENING DOOR INTO TRAFFIC		-----	
40-6-244	UNSAFE OPERATION OF VEHICLE		N84	
40-6-245	IMPROPER DRIVING - CANYON/MOUNTAIN/HIGHWAY		M81	
40-6-246	COASTING PROHIBITED		N80	
40-6-247	FOLLOWING EMERGENCY VEHICLE		M32	
40-6-248	IMPROPER LANE/LOC ON FIRE HOSE		M56	
40-6-248.1	FAILURE TO SECURE LOAD --- <i>resulting in littering or safety hazard</i>	X	-----	
40-6-249	LITTERING FROM A MOTOR VEHICLE	X	-----	
40-6-250	USE OF EQUIPMENT PROHIBITED BY LAW		-----	
40-6-251	DRIVING IN CIRCULAR OR ZIG-ZAG COURSE "LAYING DRAGS"		N83	
40-6-252	PARKING VIOLATION		N84	
40-6-253	POSSESSION OF OPEN ALCOHOL CONTAINER --- <i>by driver only, do not report if defendant was a passenger</i>		A35	
40-6-253.1	TRANSPORTATION OF ETIOLOGIC AGENT		E04	
40-6-254	FAILURE TO SECURE LOAD		-----	
40-6-255	NOT PAYING FOR GASOLINE - <i>Suspension on 2nd+ Conviction</i>		-----	

40-6-270	HIT AND RUN-FAILURE TO STOP AND RENDER AID		B01	Major
40-6-271	STRIKING UNATTENDED VEHICLE		B08	Major
40-6-272	FAIL TO RPT STRIKING FIXED OBJECT		B08	Major
40-6-273	FAILURE TO REPORT ACCIDENT		B05	Major
40-6-275	FAILURE TO REMOVE ACCIDENT VEHICLE	X	F34	
40-6-311	UNSAFE OPERATION OF MOTORCYCLE		F06	
40-6-312	UNSAFE OPERATION OF MOTORCYCLE --- <i>motorcycle lane violation</i>		F06	
40-6-312A	UNSAFE OPERATION OF MOTORCYCLE --- <i>another vehicle depriving a motorcycle of a full lane</i>		F06	
40-6-312B	UNSAFE OPERATION OF MOTORCYCLE --- <i>motorcycle passing another vehicle in the same lane</i>		F06	
40-6-312C	UNSAFE OPERATION OF MOTORCYCLE --- <i>motorcycle driving between lanes</i>		F06	
40-6-312D	UNSAFE OPERATION OF MOTORCYCLE --- <i>more than 2 motorcycles abreast in a lane</i>		F06	
40-6-312E	UNSAFE OPERATION OF MOTORCYCLE --- <i>motorcycle headlights/taillights not illuminated</i>		F06	
40-6-313	CLINGING TO OTHER VEHICLE		-----	
40-6-314A	UNSAFE OPERATION OF MOTORCYCLE --- <i>motorcycle footrest violation</i>		F06	
40-6-314B	UNSAFE OPERATION OF MOTORCYCLE --- <i>motorcycle handlebars violations</i>		F06	
40-6-315A	MOTORCYCLE EQUIPMENT NOT USED PROPERLY --- <i>motorcycle headgear not used properly</i>		F03	
40-6-315B	MOTORCYCLE EQUIPMENT NOT USED PROPERLY --- <i>motorcycle windshield/eye protection violation</i>		F03	
40-6-331	MOTORIZED CART VIOLATION		M11	
40-6-352	SAFETY EQUIPMENT NOT USED PROPERLY		-----	
40-6-390**	RECKLESS DRIVING		M84	Serious
40-6-390A**	RECKLESS DRIVING		M84	Serious
40-6-391	DRIVING UNDER INFLUENCE DRUGS/ALCOHOL		A20	Major
40-6-391A	DRIVING UNDER INFLUENCE DRUGS/ALCOHOL		A20	Major
40-6-391A1	DRIVING UNDER THE INFLUENCE/ALCOHOL		A21	Major
40-6-391A2	DRIVING UNDER THE INFLUENCE/DRUGS		A22	Major
40-6-391A3	DRIVING UNDER INFLUENCE - INHALANTS		A23	Major
40-6-391A4	DUI - DRUGS AND ALCOHOL COMBINED		A21	Major
40-6-391A5	DRIVING UNDER THE INFLUENCE - ALCOHOL --- <i>DUI Alcohol - per se</i>		A20	Major
40-6-391A6	DUI - MARIJUANA		A22	Major
40-6-391C4	DUI - FELONY --- (4th within 5 years for violation dates 7/1/2008 and later)		B20	Major
40-6-391I	COMMERCIAL DRIVING IMPAIRED	X	A20	Major*
40-6-391K1	DUI --- <i>under the age of 21</i> --- <i>if over 21 on date of disposition, must report as a regular DUI --</i> --- <i>see O.C.G.A. 40-5-57.1(d)</i>		A60	
40-6-391L	CHILD ENDANGERMENT		-----	Major
40-6-393.1A	VEHICULAR FETICIDE - 1ST DEGREE		U07	Major
40-6-393.1B	VEHICULAR FETICIDE - 2ND DEGREE		U08	Major

40-6-393A	VEHICULAR HOMICIDE - 1ST DEGREE		U07	Major
40-6-393B	VEHICULAR HOMICIDE - 2ND DEGREE		U08	Major
40-6-393C	VEHICULAR HOMICIDE - 1ST DEGREE		U07	Major
40-6-394	SERIOUS INJURY BY VEHICLE		U03	Major
40-6-395	FLEEING OR ATTEMPTING TO ELUDE POLICE		U01	Major
40-6-395A	FLEEING OR ATTEMPTING TO ELUDE POLICE		U01	Major
40-6-395B5A	FELONY FLEEING POLICE OR ROADBLOCK		U01	Major
40-6-397**	AGGRESSIVE DRIVING		-----	
40-8-1	DRIVING WITH NO OR WITHOUT LIGHTS	X	E05	
40-8-2	ALL PARTS MUST BE SAFELY MAINTAINED --- <i>vehicle equipment violation</i>	X	E01	
40-8-3	LOAD DRAGGING ON HIGHWAY	X	-----	
40-8-4	REQUIRED EMBLEM NOT USED	X	E01	
40-8-5	TAMPERING WITH ODOMETER	X	E01	
40-8-6	ALTERED SUSPENSION	X	-----	
40-8-6.1	TAMPERING WITH ODOMETER	X	-----	
40-8-7	UNSAFE VEHICLE OR EQUIPMENT	X	-----	
40-8-8	DEFECTIVE OR MISSING SPEEDOMETER	X	E01	
40-8-9	NAME REQUIREMENTS NOT PROPERLY DISPLAYED	X	E01	
40-8-10	USE OF NITROUS OXIDE IN PASSENGER CAR	X	-----	
40-8-20	OPERATING W/OUT LIGHTS REQUIRED BY LAW	X	E05	
40-8-21	DEFECTIVE OR NO LIGHTS	X	E34	
40-8-22	DEFECTIVE OR NO HEADLIGHTS	X	E34	
40-8-22B	DEFECTIVE OR NO HEADLIGHTS	X	E34	
40-8-23	DEFECTIVE OR NO TAILLIGHTS	X	E34	
40-8-24	DEFECTIVE OR NO REFLECTORS	X	-----	
40-8-25	BRAKE LIGHT/TURN SIGNAL VIOLATION	X	E34	
40-8-26	BRAKE LIGHT/TURN SIGNAL VIOLATION	X	E05	
40-8-27	NO WARNING FOR PROJECTING LOAD	X	-----	
40-8-28	FAILURE TO DIM LIGHTS WHEN PARKED	X	E54	
40-8-28D	FAILURE TO DIM LIGHTS WHEN PARKED	X	E54	
40-8-29	AUXILLIARY LIGHT VIOLATION	X	E55	
40-8-30	LIGHT VIOLATION	X	E05	
40-8-31	FAILURE TO DIM LIGHTS	X	E54	
40-8-32	AMBER LIGHT VIOLATION	X	-----	
40-8-33	AGRICULTURAL VEHICLE LIGHT VIOLATION	X	E05	
40-8-34	LIGHT VIOLATION	X	E05	
40-8-35	LOW SPEED VEHICLE LIGHT VIOLATION	X	E05	
40-8-50	DEFECTIVE OR INSUFFICIENT BRAKES	X	E31	
40-8-51	DEFECTIVE BRAKES	X	E31	
40-8-52	PARKING BRAKE VIOLATION	X	E02	
40-8-53	BRAKE VIOLATION	X	E02	
40-8-54	DEFECTIVE BRAKES	X	E31	
40-8-70	WARNING DEVICE VIOLATION	X	E01	
40-8-71	EXHAUST SYSTEM VIOLATION	X	-----	
40-8-72	REAR VIEW OBSTRUCTION	X	E01	
40-8-73	WINDOW, WINDSHIELD, OR WIPER VIOLATION	X	E01	
40-8-73.1	WINDOW TINT VIOLATION	X	D70	

40-8-74	DEFECTIVE TIRES	X	E37	
40-8-75	MUD FLAP VIOLATION	X	-----	
40-8-76	CHILD OR YOUTH RESTRAINT NOT USED PROPERLY		F02	
40-8-76.1	SEAT BELT VIOLATION		F04	
40-8-79	UNSECURED PASSENGERS IN OPEN AREA/VEHICLE	X	F05	
40-8-90	USE OF LIGHTS/SIREN PROHIBITED	X	-----	
40-8-92	USE OF LIGHTS/SIREN PROHIBITED	X	-----	
40-8-96	EMERGENCY VEHICLE VIOLATION	X	-----	
40-8-110	SCHOOL BUS MARKING VIOLATION	X	E06	
40-8-111	SCHOOL BUS EQUIPMENT VIOLATION	X	E06	
40-8-112	SCHOOL BUS SPECIFICATION VIOLATION	X	E06	
40-8-115	SCHOOL BUS MARKING VIOLATION	X	E06	
40-8-116	SCHOOL BUS MARKING VIOLATION	X	E06	
40-8-130	EMISSION VIOLATION	X	-----	
40-8-181	EXHAUST SYSTEM USED IMPROPERLY/OBSTRUCTED	X	-----	
40-8-182	EMISSION VIOLATION	X	-----	
40-8-183	EMISSION VIOLATION	X	-----	
42-8-117	INTERLOCK PROBATION VIOLATION		-----	
46-7-3	FAILURE TO OBEY MOTOR CARRIER RULES/REGS --- <i>operating a motor carrier without a valid certificate</i>	X	-----	
46-7-15	FAILURE TO OBEY MOTOR CARRIER RULES/REGS --- <i>failure to register a motor carrier</i>	X	-----	
46-7-16	FAILURE TO OBEY MOTOR CARRIER RULES/REGS --- <i>failure to register an interstate commerce carrier</i>	X	-----	
46-7-27	FAILURE TO OBEY MOTOR CARRIER RULES/REGS --- <i>failure to obey motor carrier rules and regulations (generic)</i>	X	-----	
46-7-38	FAILURE TO OBEY MOTOR CARRIER RULES/REGS --- <i>failure to obey rates regulations</i>	X	-----	
46-7-39	FAILURE TO OBEY MOTOR CARRIER RULES/REGS --- <i>failure to obey motor carrier rules and regulations (generic)</i>	X	-----	
46-11-4	HAZARDOUS MATERIALS VIOLATION	X	-----	
48-2-31	EXPIRED OR NO REGISTRATION OR TITLE	X	-----	
48-8-9	EXPIRED OR NO REGISTRATION OR TITLE	X	-----	
48-9-38	EXPIRED OR NO REGISTRATION OR TITLE	X	-----	
48-9-39	EXPIRED OR NO REGISTRATION OR TITLE	X	-----	

Suspensions and Disqualifications Taken by DDS

Convictions

The following is a list of offenses for which DDS will suspend the license or driving privileges, upon being informed of a conviction by a court (suspension authority indicated in parentheses):

§40-6-393	Homicide by Vehicle (1st and 2nd Degree) (§§40-5-54, 40-5-63)
§40-6-270	Hit and Run or Leaving the Scene of an Accident (§§40-5-54, 40-5-63)
§40-6-394	Serious Injury by Vehicle (§§40-5-54, 40-5-63)
§40-6-393.1	Feticide by Vehicle (1st Degree) (§§40-5-54, 40-5-63)
§40-5-120	Fraudulent or Fictitious Use of or application for a license or ID card (§§40-5-54, 40-5-63)
§40-5-125	Fraudulent or Fictitious Use of or application for a license or ID card (§§40-5-54, 40-5-63)
§40-6-15	Operating a motor vehicle with a revoked, cancelled, or suspended registration (§§40-5-54, 40-5-63)
§40-6-186	Racing on Highways or Streets (§§40-5-54, 40-5-63)
§40-6-395	Using a motor vehicle in fleeing or attempting to elude an officer (§§40-5-54, 40-5-63)
§40-6-391	Driving under the Influence (§40-5-63)
§40-6-255	Failure to Pay for Gasoline (§40-5-57.2)
§40-6-10	Failure to Show Proof of Insurance (§40-5-70)
§40-5-121	Driving While License Suspended or Revoked (§40-5-121)
§32-6-30	Refusal to Weigh (§32-6-30)
§40-5-30	Violation of License Restriction (§40-5-30)

- Any violation of the Georgia Controlled Substance Act (Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated) (§40-5-75)
- Any felony in the commission of which a motor vehicle is used (§§40-5-54, 40-5-63)
- Any moving violation conviction while driving with limited permit (§40-5-64)

For persons under the age of 21, any of the above convictions AND:

- §3-3-23(a)(2)) Purchasing an alcoholic beverage by a person under 21 years of age (§40-5-57.1)
- §3-3-23(a)(2) Attempt to purchase alcohol by an underage person (§40-5-63(e))
- §3-3-23(a)(2) Possession of alcohol by a minor while operating a vehicle (§40-5-63(e))
- §3-3-23(a)(3) Misrepresenting age for the purpose of illegally obtaining an alcoholic beverage (§40-5-57.1)
- §3-3-23(a)(5) Misrepresenting identity or using false identification for the purpose of purchasing or obtaining any alcoholic beverage (§40-5-57.1)

For persons under the age of 21 who are Georgia residents, any of the above convictions AND:

- §40-6-390 Reckless Driving (§40-5-57.1)
- §40-6-397 Aggressive Driving (§40-5-57.1)
- §40-6-45(a)(1) Improper Passing on a hill or curve (§40-5-57.1)
- §40-6-163 Unlawful passing of a school bus (§40-5-57.1)
- §40-6-181 Exceeding the speed limit by 24 mph or more (§40-5-57.1)

Administrative License Suspensions/Revocations

- Refusal to submit to a test to determine the driver's alcohol concentration (§40-5-67.1)
- Blood alcohol concentration (BAC) level requires suspension (§40-5-67.1)
- Georgia residents who have accumulated at least 15 points in any consecutive 24-month period (§40-5-57)
- Failure to Respond to Citation (§40-5-56)
- Noncompliance with Child Support Order (§40-5-54.1)
- Habitual Violator (§40-5-58)
- Violating conditions of limited permit (§40-5-64)

Disqualification of Commercial Driving Privileges – See CDL Section for more details

- In addition to the above suspensions, commercial driving privileges will be disqualified pursuant to O.C.G.A. §40-5-151 for:
- Any offense listed in O.C.G.A. §40-5-54
- Conviction of any violation of code sections §16-8-2 through §16-8-9 if the property that was the subject of the theft was a vehicle engaged in commercial transportation, any appurtenance thereto, or any cargo contained therein or thereon
- Driving under the influence of alcohol or drugs
- Refusal to submit to a test to determine the driver's blood alcohol concentration (BAC)
- Using a CMV in the commission of a felony
- Failure to report striking an unattended vehicle
- Failure to report striking a fixed object
- Failure to report an accident
- Commission of multiple serious traffic violations
- Violations of out-of-service orders
- Falsification of information on CDL application and/or supporting documents
- Notification from FMCSA of imminent hazard

Reporting Convictions to DDS

What convictions must be reported

O.C.G.A. §40-5-53(b):

"(b) Every court in each county of this state having jurisdiction over offenses committed under this chapter and Chapter 6 of this title or any other law of this state or ordinance adopted by a local authority regulating the operation of motor vehicles on highways shall forward to DDS, within ten days after the conviction of any person in such court for a violation of any such law other than regulations governing speeding in a noncommercial motor vehicle for which no points are assigned under Code Section 40-5-57, standing, or parking, a uniform citation form authorized by Article 1 of Chapter 13 of this title..."

If a conviction for a "non-traffic" offense will generate a suspension of a driver's license or privilege to drive pursuant to Georgia law, it must be reported to DDS. See *Salomon v. Earp*, 190 Ga. App. 405 (1989). This specifically includes violations of the Georgia Controlled Substance Act (see O.C.G.A. §40-5-75; Article 2 of Chapter 13 of Title 16).

Report only the final disposition

If reporting electronically, only report the violations for which the defendant ultimately plead guilty, plead *nolo contendere* (when applicable), or was convicted. For example, if a charge of Driving Under the Influence was reduced to Reckless Driving, report only the Reckless Driving. If reporting via the Uniform Traffic Citations, any change to the original charge should be noted under "Disposition and Sentence" on the reverse side of the citation. This notation should reflect the new charge and code section for which the defendant was convicted. Also, please draw a single line through the original charge and code section on the face of the citation and place the new charge and code section directly above the old one. Place your initials next to any changes.

Reporting method

O.C.G.A. §40-5-53(b) continued:

"...Notwithstanding any other provision of this title, in satisfaction of the reporting requirement of this subsection, the courts of this state shall transmit the information contained on the uniform citation form by electronic means, using the electronic reporting method approved by the department (emphasis added). The department shall pay to the clerk of the court forwarding the required report 40¢ for each report transmitted electronically in a timely manner as required in this subsection; and notwithstanding any general or local law to the contrary; the clerk shall pay such fees over to the general fund of the city or county operating the court. Where a court has not implemented transmittal by electronic means, the commissioner may require such court or courts to submit by electronic means no later than a future date to be determined by the commissioner."

Georgia Electronic Citation Processing System (GECPS)

The Federal Motor Carrier Safety Regulations (49 C.F.R. §350, *et seq.*) require that by September 30, 2008, all states must process any conviction related to commercial driver's licenses, commercial motor vehicles, and the transportation of hazardous materials that impacts driving privileges onto the driving history of a licensee within 10 days of final disposition. For out of state residents, the State of Conviction must notify the State of Record within 10 days of final disposition. This requirement cannot be met using paper reporting methods. In an effort to meet this requirement and not jeopardize Federal highway funds, the Georgia Electronic Conviction Processing System (GECPS) was developed, allowing courts to report certain offenses electronically.

In May of 2007, DDS released Version 2 of the Georgia Electronic Conviction Processing System (GECPS). GECPS 2 is an improvement over the original version and will eliminate almost all paper reporting to DDS by the courts. GECPS 2 allows courts to transmit the following in a standard electronic format:

- Convictions of traffic offenses from the Uniform Traffic Citation (UTC)
- Convictions of certain drug offenses (those normally reported on the DS-1242)
- Juvenile offenses and court-ordered suspension (those normally reported on the DS-1137)
- Zero-Point Orders pursuant to O.C.G.A. §40-5-57(c)(1)(c)
- Failure to appear Suspensions (for Georgia and out-of-state residents)
- Failure to appear Releases (both before and after the suspension becomes effective)

Courts that begin transmitting convictions electronically should not send the same convictions via the GECPS protocol and paper reporting methods unless directed to by DDS personnel during the structured testing phase. Should an 'electronic' court be required to send a conviction or withdrawal in by paper, the UTC/form must be accompanied by the DS-315R cover letter, notifying DDS that the document enclosed is an exception to the court's usual practice of electronically submitting convictions. This cover letter is not required when mailing licenses, notice of suspension forms, and certain other non-conviction-reporting documents.

DDS urges each court to register their contact information and download a current copy of the User Implementation Guide. After you register, a representative from DDS will contact you to provide additional instructions and information. DDS does not provide the front-end data entry software necessary to transmit convictions electronically. However, DDS can provide the court with a list of vendors who do offer this capability, along with integrated case management software and other services.

Courts can register their contact information, sign up for GECPS, or obtain a copy the Georgia GECPS Implementation Guide can be obtained in PDF format from the following website:

<https://online.dds.ga.gov/gecps/guide.aspx>

Please check our web page frequently for updates to this guide and other important information related to court functions.

Seized driver's licenses, notice of suspension/revocation forms, and certain other documents must still be mailed to DDS even if the court transmits the conviction/withdrawal electronically. When mailing documents, please do not use staples to attach papers; paper clips are preferable.

All documents being mailed to the Georgia Department of Driver Services by the courts should be sent to:

**Georgia Department of Driver Services
Customer Service, Licensing and Records Division
P.O. Box 80447
Conyers, GA 30013**

First Offender Treatment

O.C.G.A. §42-8-60, *et seq.*; §16-13-2; §3-3-23.1

Traffic Cases

First Offender status granted in cases related to the operation of a motor vehicle will not prohibit the Department of Driver Services from imposing the applicable driver's license suspension or revocation. See *Salomon v. Earp*, 190 Ga. App. 405, 379 S.E.2d 217; 1989 and O.C.G.A. §40-6-391(f).

If a traffic offense is reported to DDS that mandates the suspension of the driver's license or privilege, and the defendant has been granted "First Offender" status, the driver's license will still be suspended or revoked as required by law.

Please note that O.C.G.A. §40-6-391(f) specifically prohibits first offender status for persons convicted of Driving Under the Influence.

Drug and Under-21 Alcohol Cases (including Conditional Discharges)

Defendants charged with drug offenses or underage alcohol offenses may avoid the applicable license suspension if granted first offender treatment. Courts should NOT report drug or under-21 alcohol cases in which first offender status (or conditional discharge) is granted unless:

- the court is suspending the defendant's license as a condition of probation
- the defendant fails to complete the terms of probation (that is, he or she 'violates')
- the Defendant was convicted of DUI of Drugs in violation of O.C.G.A. §§40-6-391(a)(2), (a)(3), (a)(4), or (a)(6).

Appeals

O.C.G.A. §40-13-33

Any challenge to a misdemeanor conviction of any of the traffic laws of this state or the traffic laws of any county or municipal government which may be brought pursuant to Chapter 14 of Title 9 must be filed within 180 days of the date the conviction becomes final.

Failure to file the challenge within the time prescribed in this Code section shall divest the court of jurisdiction.

A notice of appeal will not, in any way, limit the administrative actions of DDS. If the defendant appeals a conviction, the conviction must still be reported to DDS within 10 days of the disposition. See *Wells v. State*, 212 Ga. App. 15, 440 S.E.2d 692 (1994). If the conviction is overturned on appeal, DDS will amend the defendant's driving record appropriately.

Pleas of *Nolo contendere*

Courts should note that in many places in this document pleas of *nolo contendere* are discussed. In these instances, the text may indicate ‘Yes’ or ‘Not accepted; shall be treated as a conviction.’ This should not be construed to indicate that the court cannot, or should not, accept a plea of *nolo contendere* to a particular charge. This document simply indicates how the plea will be treated by DDS for the purposes of taking administrative actions against the driving privileges of the licensee. It is incumbent upon the court to determine in which cases it can or cannot, or will or will not, accept a plea of *nolo contendere*.

Moving traffic violations are defined in O.C.G.A. §40-5-57(c)(1)(A) and Ga. Admin. Comp. Ch. 375-3-3-.01. DDS will accept one plea of *nolo contendere* for a moving traffic violation in any five year period without assigning points to the driving record. Subsequent pleas of *nolo contendere* will result in the assessment of points against the driving record, even for a different offense. For example, if a defendant pleads *nolo* for improper turning and does not have any previous *nolo* pleas for a moving violation in the past five years, DDS will record the violation onto the driving record without assessing points. If, one year later, the same defendant pleads *nolo* for failure to maintain lane, DDS will record the violation onto the driving record and will assess points. This process does not impact the treatment of pleas of *nolo contendere* for an offense for which DDS will suspend the license.

Notice of Suspension and Surrender of Driver’s Licenses

Notice of Suspension shall be provided by the court to those defendants whose conviction(s) will generate a mandatory suspension or revocation. See O.C.G.A. §40-5-54(b) and the suspension list within the “*Suspensions and Disqualifications Taken by DDS*” section.

If the defendant is unable to surrender his or her driver’s license to the court on the date of disposition, the court should complete a Lost License Affidavit (DS-250A form) and submit the affidavit in lieu of the defendant’s driver’s license.

When the defendant is served on a DS-1190 for anything other than Habitual Violator (For Habitual Violator use DS-1189 or DS-1030 forms), the driver’s license or Lost License Affidavit (DS-250A) should be attached along with the notice of service. Only the notice of service and license should be mailed if the court is reporting the conviction electronically via the GECPS process. Please do not use staples when attaching documents to each other (paper clips are preferred).

Your assistance in providing this service will guarantee that each person whose license has been suspended or revoked will be immediately aware of his or her inability to operate a vehicle thereafter. The DDS prescribed form noting the surrender date of the license allows DDS to assign a surrender date for the suspended driver. And, it’s the law! See O.C.G.A. §40-5-54(b). Please serve them!

Calculating Eligibility for Reinstatement

If a defendant is convicted of an offense for which Georgia law mandates the suspension or revocation of the driver's license or privilege to drive by operation of law, the actual suspension of the license and/or privilege to drive becomes effective at the time of the conviction/disposition. However, for purposes of calculating eligibility for reinstatement, the following conditions apply:

For all dispositions prior to July 1, 2004

For the purpose of making any determination under O.C.G.A. §40-5-61 relating to the return of revoked or suspended licenses to drivers, no period of revocation or suspension shall begin until the license is surrendered to DDS or a court of competent jurisdiction, whichever date shall first occur. If the license is lost, or for any other reason surrender to DDS is impossible, the period of revocation or suspension may begin on the date of the DS-250A setting forth the date and reason for such impossibility. If neither license is surrendered nor the DS-250A submitted, DDS may consider the day after the expiration of the most recently issued license as the surrender date.

For all dispositions on or after July 1, 2004 - O.C.G.A. §40-5-61(e)

Whichever of the following three events occurs first will determine when the DDS will begin calculating the customer's eligibility for reinstatement:

DISPOSITION DATE if the most recently issued license was surrendered to the court, or a DS-250A Lost License Affidavit was completed, at the time of disposition.

SURRENDER DATE of the license after disposition but prior to DDS processing the conviction. This date will be used if the most recently issued license is surrendered to the court or DDS, or the licensee completes a DS-250A Lost License Affidavit and gives it to the court or DDS, prior to DDS processing the conviction onto the record.

PROCESS DATE of the citation or conviction by DDS.

In this event, the defendant did not surrender their most recently issued license and did not submit a lost license affidavit to the court on the date of the disposition or to DDS thereafter.