



OVERVIEW OF GEORGIA'S NEW "SUPER SPEEDER" LAW

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During its 2009 session, the Georgia General Assembly enacted a new code section, O.C.G.A. § 40-6-189, which, among other things, created the "Super Speeder" law, effective January 1, 2010. Here are some frequently asked questions respecting this new law:

WHAT IS A SUPER SPEEDER?

Under the provisions of this new law any driver convicted of speeding whose speed exceeded the thresholds established in § 40-6-189 will be classified by the state of Georgia as a "Super Speeder."

WHAT ARE THE SPEEDING THRESHOLDS FOR SUPER SPEEDER?

Super Speeder fees apply to motorists convicted of speeding 75 mph or more on *two-lane roads*, or speeding 85 mph or over on *any roads* in Georgia.

WHEN DOES THE NEW STATE LAW GO INTO EFFECT?

Georgia's new Super Speeder Law takes effect January 1, 2010.



WHERE DOES THE NEW LAW APPLY? IS IT ONLY FOR DRIVERS ON RURAL ROADS AND INTERSTATE HIGHWAYS?

The new Super Speeder Law applies statewide to all motorists in Georgia. Motorists convicted of speeding 75 mph or more on two-lane roads OR speeding 85mph or over on any roads in Georgia will be subject to Super Speeder fees.

UNDER THIS LAW, WHAT IS THE DEFINITION OF TWO-LANE ROAD?

In the new Super Speeder Law, the term "two-lane road or highway" means "a road or highway with two lanes for through-traffic movement, exclusive of any portion of the road or highway adjoining the traveled way for parking, speed change, turning, weaving, truck climbing, or other purposes supplementary to through-traffic movement."

HOW MUCH ARE SUPER SPEEDER FEES?

The State of Georgia will now collect a \$200.00 state fee each time a driver is convicted of a Super Speeder speeding offense.

IS THE STATE SUPER SPEEDER FEE AN ADDITIONAL PENALTY?

Yes. The new law says Super Speeder fees are to be collected by the State in addition to any other fines or penalties imposed by the local jurisdictions where speeding tickets are issued. It is now the motorist's responsibility to pay both the fine imposed for the speeding convictions and the Super Speeder fee.

**IF I RECEIVED A SPEEDING TICKET IN 2009,
BUT MY COURT DATE ISN'T UNTIL 2010,
CAN I BE CHARGED WITH A SUPER SPEEDER
FEE?**

No, not for that speeding offense. The Super Speeder Law applies only to speeding citations that are written on or after January 1, 2010.

**WHEN I PAY A SPEEDING TICKET AFTER
JANUARY 2010, WILL IT ALREADY INCLUDE
THE NEW \$200 SUPER SPEEDER FEE?**

No. You will make two separate payments: the fine for the speeding conviction will be paid in the jurisdiction that issued the speeding ticket, and the Super Speeder fee will be paid to the Georgia Department of Driver Services (“DDS”).

**WHEN IS A DRIVER
NOTIFIED OF A STATE
SUPER SPEEDER FEE?**

DDS will notify Super Speeder offenders of the imposition of a fee imposed under § 40-6-189 within 30 days after DDS receives a qualifying ticket and notice of conviction.

**HOW IS A DRIVER NOTIFIED OF A STATE
SUPER SPEEDER FEE?**

Written notice will be provided by DDS to the Super Speeder offender by first-class mail to the address shown on department records. The notice will include information about paying the Super Speeder fee online, by mail, or in person at one of DDS’s customer service centers.

**WHAT HAPPENS IF A DRIVER FAILS TO PAY
A STATE SUPER SPEEDER FEE?**

Failure to pay the \$200.00 Super Speeder fee imposed by § 40-6-189 within 90 days after receipt of the DDS notice will result in the

suspension of the driver’s license or driving privileges of the offender. The notice mailed by DDS to the driver is considered adequate notification of the imposed fee and of the offender’s ability to avoid a driver’s license suspension by paying the fee prior to the effective date of the suspension. An additional \$50.00 state fee will then be assessed when the driver applies for reinstatement of the driver’s license or driving privileges. That fee is in addition to any other fees and penalties.

**IF I COMMIT MULTIPLE SUPER SPEEDER
VIOLATIONS WILL IT PUT EXTRA POINTS ON
MY LICENSE?**

There are no additional points associated with fees imposed under the Super Speeder Law. However, the points for your primary speeding violation remain

the same. Each case is different. The code section that addresses the assessment of points is O.C.G.A. §40-5-57.



**IF I AM AN OUT-OF-STATE DRIVER CAN I
STILL BE CHARGED WITH A SUPER SPEEDER
VIOLATION AND FEE IN GEORGIA?**

Yes, a non-resident driver can be charged with a Super Speeder violation and fee because Georgia is a member of the Non-Resident Violator Compact. The Compact is a reciprocal agreement that allows participating jurisdictions to process non-resident violators receiving traffic citations and requires member states to suspend the driver’s licenses of their citizens who fail to appear in a court of another member state or otherwise fail to comply with outstanding moving traffic summons.

WHAT HAPPENS IF I'M AN OUT OF STATE DRIVER AND I DON'T PAY A GEORGIA SUPER SPEEDER FEE?

If a non-resident does not pay the Super Speeder fine, DDS would impose a suspension of his/her non-resident driving privilege in Georgia. DDS is required to report all suspensions imposed upon non-residents to the driver's state of residence. The home state would then decide what additional action to take there, if any.

WHAT HAPPENS TO THE FEES COLLECTED FROM SUPER SPEEDERS?

The law says all fees collected under provisions of SuperSpeeder will be deposited in the State general fund with the intent to fund Georgia's trauma care hospital system, where approximately sixty-percent of all trauma-care-patients are victims of car crashes. The Office of Treasury and Fiscal Services is responsible for separately accounting for all of the funds received under the provisions of this new law. Now for the first time, Super Speeders will help pay for the hospital beds where crash victims are being treated.

HOW MUCH IS GEORGIA PREDICTED TO COLLECT IN STATE SUPER SPEEDER FEES?

Based on previous years of speeding ticket data, Georgia highway safety officials project the State will collect \$23 million in Super Speeder fees from high-risk speeders during the first year this new law is enforced. However some highway safety experts predict that figure will decrease the second year and continue to decline thereafter, as enforcement of the Super Speeder Law creates the desired effect of reducing deadly and unsafe highway speeds all across Georgia.

WHERE CAN I READ THE ENTIRE TEXT OF THE NEW STATE LAW?

Read about § 40-6-189 on the GOHS website at www.superspedergeorgia.org. The full text of House Bill 160 is available from the General Assembly's website, which is www.legis.state.ga.us. Additional information about payment of the Super Speeder fee online is available from the DDS on the "Save Time With DDS Internet Services" page at www.dds.ga.gov.

Hopefully, this will assist you in understanding (and complying with) the new Super Speeder Law.

