

IN THE STATE COURT OF COWETA COUNTY

2016 APR -4 AM 9:59

STATE OF GEORGIA

COWETA COUNTY
SHEILA W. ECHOLS, CLERK

AMENDED ORDER
ESTABLISHING A TRAFFIC VIOLATIONS BUREAU
PURSUANT TO THE OFFICIAL CODE OF GEORGIA
SECTIONS § 40-13-50 THROUGH § 40-13-64

WHEREAS, it is the desire of the Chief Judge of this court to provide for the prompt and fair disposition of the traffic offenses assigned to this court,

IT IS THE ORDER OF THIS COURT that the Traffic Violations Bureau for the State Court of Coweta County shall operate in accordance with law and under the follow terms and provisions. All previous orders in this regard, to the extent that they are in conflict with this order, are hereby supersede and overruled by the terms of this order.

Pursuant to OCGA § 40-13-51, the court does hereby name and appoint Sheila Echols as the Clerk of the Traffic Violations Bureau. All individuals actively employed as Deputy Clerks with the office of the Clerk of State Court of Coweta County are hereby appointed as Deputy Clerks of the Traffic Violations Bureau.

Pursuant to OCGA § 40-13-54, the original citation and complaint for any offense designated as a Traffic Violation Bureau offense by the terms of this order shall be sent by the officer issuing the citation or complaint to the Clerk's office for the State Court of Coweta County within 24 hours of its issue. The defendant named in the citation shall be given a second copy.

The following offenses shall not be handled or disposed of by the traffic violations bureau:

- 1: OCGA § 40-6-391, driving under the influence.
- 2: Violations of any offense which is cause for mandatory suspension under OCGA § 40-5-54(a)(1) through (a)(6), including
 - (a) Homicide by vehicle in violation of OCGA §40-6-393;
 - (b) Hit and run or leaving the scene of an accident in violation of OCGA § 40-6-270;

- (c) Using a motor vehicle in fleeing or attempting to elude an officer in violation of OCGA § 40-6-395;
- (d) Racing on highway and streets in violation of OCGA § 40-6-186; and
- (e) Operating a motor vehicle with a revoked, cancelled or suspended registration in violation of OCGA § 40-6-15.

3: Driving without a license in violation of OCGA § 40-5-20.

4: Driving on a suspended or revoked license in violation of OCGA § 40-5-121.

5: Speeding in violation of OCGA § 40-6-181 or OCGA § 40-6-188 when said charge involves an allegation of exceeding the posted speed limit by more than 30 mph.

6: Violations of OCGA § 40-6-10 (no insurance on motor vehicle) or OCGA § 40-6-11 (no insurance on motorcycle).

7: Any of the following offenses committed by a person who is under the age of 21 years at the time of the offense.

- (a) Unlawful passing of a school bus in violation of OCGA § 40-6-163;
- (b) Improper passing on a hill or curve in violation of OCGA § 40-6-45(a)(1);
- (c) Speeding in violation of OCGA § 40-6-181 or § 40-6-188 when said charge involves an allegation of exceeding posted speed limits by 24 mph or more;
- (d) Aggressive driving in violation of OCGA § 40-6-397; and
- (e) Reckless driving in violation of OCGA § 40-6-390.

8: Violations of the Habitual Violator Statute (OCGA § 40-5-58).

9: Violations of the Restricted License Statute (OCGA § 40-5-30).

10: Operating a motor vehicle under a license or permit issued by any other jurisdiction, State or Country while privilege to operate a motor vehicle in this State has been suspended or revoked in violation of OCGA § 40-5-65.

11: Operating a motor vehicle in violation of a limited permit (OCGA § 40-5-64).

12: All violations which occurred at the same time or in conjunction with the above offenses (Listed 1-12), involving the same defendant and motor vehicle.

All other violations of Title 40 of the Official Code of Georgia shall be filed with the State Court Clerk and shall be classified as Traffic Violations Bureau offenses. Pursuant to OCGA § 40-13-60, any traffic violation under the jurisdiction of the traffic violations bureau shall be characterized and classified as a traffic violation and shall not be considered as a misdemeanor. Whenever any traffic violation is transferred from another court to the State Court of Coweta County, such violation shall be handled and disposed of by the Traffic Violations Bureau when the offense is classified as a traffic violations bureau case by this order.

Where a defendant demands a trial on a traffic violations bureau case, it shall be tried before the sitting Judge of the State Court of Coweta County. The request for a trial shall not result in the loss of jurisdiction by the traffic violations bureau. The defendant may request a trial by jury and have the case removed from the traffic violations bureau.

In any case where a defendant is cited for a traffic violation subject to the traffic violation bureau and posts a cash bond according to the fine schedule approved by this court, and does not appear at his court date to enter a not guilty plea, then the failure to appear shall be construed as an admission of guilt and, where appropriate under statutory authority, the Department of Driving Services (hereafter DDS) shall be notified of a conviction of the offense. The proceeds of said cash bond shall be immediately forfeited and shall be applied and distributed as any fine imposed by this court would be.

Where a defendant has entered a plea of not-guilty and requested a trial before the sitting Judge of the State Court of Coweta County (i.e., a bench trial), the defendant shall not be permitted to post a cash bond for any traffic violation bureau case after the Wednesday immediately preceding the scheduled bench trial court date.

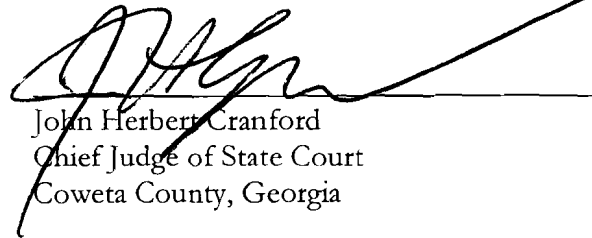
Where a defendant has entered a plea of not-guilty and requested a trial by jury, the defendant may not post a cash bond (as such demand removes the case from the traffic violations bureau) and must appear on the scheduled court date.

Pursuant to OCGA § 40-13-64, the court does hereby designate Michael Terrell, and such other individuals as may be employed with the State Court of Coweta County Probation Office, as

the Suspended Sentence Division of the Traffic Violations Bureau and authorize said individuals to collect fines in installments and request arrest warrants for persons who fail to comply with the conditions of their suspended sentence.

Pursuant to OCGA § 40-13-63, the willful failure of any person to appear in accordance with their written promise contained on the citation and complaint and served upon them shall constitute an offense which shall be punishable by fine in and amount not to exceed \$200.00 or by confinement in jail for a period not to exceed 3 days.

SO ORDERED this 15th day of April, 2016.



John Herbert Cranford
Chief Judge of State Court
Coweta County, Georgia