

JUDICIAL DECISIONS

Editor's notes.

In light of the similarity of the statutory provisions, annotations decided under former Code 1933, § 92A-6 are included in the annotations for this Code section.

Constitutionality. —

Uniform Rules of the Road Act, Ga. L. 1974, p. 633 (see now O.C.G.A. § 40-6-1 et seq.), does not violate the Georgia Constitution by containing matter different from what is expressed in the title. *Head v. State*, 246 Ga. 360, 271 S.E.2d 452, 1980 Ga. LEXIS 1108 (1980).

Purpose of chapter. —

Statutory purpose of all the regulations codified as the Uniform Rules of the Road, Ga. L. 1974, p. 633 (see now O.C.G.A. § 40-6-1 et seq.), is to promulgate the safe and expeditious movement of vehicular traffic on the highways. *Crook v. State*, 156 Ga. App. 756, 275 S.E.2d 794, 1980 Ga. App. LEXIS 3189 (1980).

No conflict with O.C.G.A. § 40-9-3. —

Uniform Traffic Regulations Act, Ga. L. 1953, Nov.-Dec. Sess., p. 556, is not in irreconcilable conflict with the provisions of the Motor Vehicle Responsibility Act, Ga. L. 1951, p. 565, which confers upon the commissioner of public safety the power to cancel drivers' licenses. *Turmon v. Department of Public Safety*, 222 Ga. 843, 152 S.E.2d 884, 1967 Ga. LEXIS 378 (1967) (decided under former Code 1933, § 92A-6).

Violation of statute and ordinance. —

Any violation of the Uniform Rules of the Road Act, Ga. L. 1974, p. 633 (see O.C.G.A. § 40-6-1 et seq.) and of a local ordinance may, at the discretion of the local prosecutor, be charged as a violation of the state statute or the local ordinance. *Diamond v. State*, 151 Ga. App. 690, 261 S.E.2d 434, 1979 Ga. App. LEXIS 2751 (1979).

State court jurisdiction. —

State court has jurisdiction over all misdemeanor offenses in county including violations of the Uniform Rules of the Road Act, Ga. L. 1974, p. 633 (see now O.C.G.A. § 40-6-1 et seq.). *Diamond v. State*, 151 Ga. App. 690, 261 S.E.2d 434, 1979 Ga. App. LEXIS 2751 (1979).

Traffic violation is negligence as a matter of law rather than issuable negligence as a matter of fact. *Mathis v. Mangum*, 166 Ga. App. 415, 304 S.E.2d 520, 1983 Ga. App. LEXIS 2193 (1983).

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Editor's notes.

In light of the similarity of the statutory provisions, opinions under former Code 1933, Ch. 68-16 are included in the annotations for this Code section.

Purpose of chapter. —

Purpose of the Uniform Rules of the Road Act, Ga. L. 1974, p. 633 (see now O.C.G.A. § 40-6-1 et seq.) is not essentially penal, but remedial and designed to promote public safety. 1975 Op. Att'y Gen. No. 75-117.

Suspension and retention of licenses of convicted racers. —

Amendment to the Uniform Rules of the Road Act, having been approved by the Governor subsequent to approval of the Drivers Licensing Act, prevails over the Drivers Licensing Act to the extent that there is a conflict between the two statutes; thus, the department should continue to suspend and retain drivers licenses of persons convicted of racing in accordance with the provisions of the Uniform Rules of the Road Act and disregard the inconsistent provisions of the Drivers Licensing Act which were approved prior to the Uniform Rules of the Road Act. 1975 Op. Att'y Gen. 75-117.

Permission required before city enacts ordinance. —

City cannot enact an ordinance regulating parking on a state highway without first receiving permission of the Department of Transportation. 1971 Op. Att'y Gen. No. U71-3 (decided under former Code 1933, Ch. 68-16).

Units subject to braking and inspection requirements. —

Type of unit which is secured by a flexible, welded joint is a single unified motor vehicle and not two separate vehicles; as such, the unit is subject to the braking and inspection requirements imposed by law on motor vehicles. 1968 Op. Att'y Gen. No. 68-308 (decided under former Code 1933, Ch. 68-16).