

Showing Driver's License as Bond

Under O.C.G.A § 17-6-11, vehicle stops resulting in certain violations require the "apprehending officer" to release the offender "upon display of the driver's license." The five types of offenses which, standing alone, do not provide a good basis for custodial arrest are*:

I. Traffic Violations (Moving Violations) which do not result in a suspended license for a first offense. Includes offenses such as:

Miscellaneous Moving Violations

- Coasting (40-6-246)
- Driving Over a Fire Hose 40-6-26(b)
- Driving through a Safety Zone (40-6-98)
- Failure to Dim Headlights (40-8-31)
- Failure to Obey Authorized Person Directing Traffic (40-6-2)
- Failure to Obey Traffic-Control Device (40-6-20)
- Failure to have Headlights On (40-8-20)
- Following Emergency Vehicle (40-6-247)
- Improper Backing (40-6-240)
- Improper Parking in Disability Space (40-6-226)
- Laying Drag (40-6-251)
- Operating Moped without a Helmet (40-6-352)
- Wearing Headphones While Driving (40-6-250)

Driving on Right Side of Roadway, Passing, Following too Closely
(40-6-40 through 40-6-54)

Right of Way
(40-6-70 through 40-6-76)

Turning, Starting, Signaling
(40-6-120 through 40-6-126)

Railroad Crossings and Entering Highways
(40-6-140 through 40-6-144)

School Buses
(40-6-160 through 40-6-164)

Speeding (excluding drivers under 18 years old going in excess of 24 m.p.h.)
40-6-180 through 40-6-185 & 40-6-188)

Motorcycle, Motorized Cart & Moped Operation
(40-6-310 through 40-6-354)

II. Licensing & Registration of Motor Vehicles Includes:

Suspended Vehicle Registration (40-5-72)

Insurance or Proof of Insurance (40-6-10)

III. Width, Height & Length of Vehicles and Loads

IV. Motor Common Carriers & Motor Contract Carriers

V. Road Taxes on Motor Carriers

*The limited ability to conduct a custodial arrest presumes the violator has a valid driver's license which is properly displayed to the apprehending officer and a willingness of the violator to sign the citation. If there is any problem with the license, the license is not displayed or a refusal to sign the citation, the officer's discretion to conduct a custodial arrest for these offenses is restored. 17-6-11(c) and 40-13-2.1

**Any felony violation or misdemeanor that is designated a fingerprintable offense is presumed excluded from this list and may result in a custodial arrest.

***17-6-11 applies to drivers with a Ga. license or a license from a state with a reciprocal agreement with Georgia. 40-13-2.1(b)