

Will Nolo Plea Avoid Points/Suspension?

*****Unless otherwise specified, “nolo” answer applies to all subparagraphs of each Code Section*****

****List only includes offenses for which some license withdrawal may result from conviction****

Nolo plea never prevents commercial disqualification

Code Section	Offense	Under 18	Age 18-20	Age 21+	Comments
16-13-2	Possession of Marijuana	N	N	N	Conditional discharge or first offender avoid suspension
16-13-2(b)	Possession of Marijuana (misdemeanor)	Y	Y	Y	Allowed once every five (5) years
16-13-30 thru 16-13-72	Violations of Georgia Controlled Substances Act	N	N	N	Conditional discharge or first offender avoid suspension
32-6-30	Refusal to Weigh	Y	Y	Y	
40-5-20(f)	Driving Without a License (felony)	N	Y	Y	Only if 1 st mandatory in 5 years
40-5-30	Violation of License Restrictions	Y	Y	Y	
40-5-58	Habitual Violator (felony)	N	Y	Y	Only if 1 st mandatory in 5 years
40-5-58(e)	Violation of Habitual Violator Probationary License	N	N	N	
40-5-120	Fraudulent Use of a License	N	Y	Y	Only if 1 st mandatory in 5 years
40-5-121	Driving on Suspended License	Y	Y	Y	Allowed once every five (5) years
40-5-125	Fraudulent Application for a License	N	Y	Y	Only if 1 st mandatory in 5 years
40-6-6	Emergency Vehicle Violation	N	N	Y	Points avoidance rules apply ¹
40-6-10	No Insurance/No Proof of Insurance	Y	Y	Y	Allowed once every five (5) years
40-6-11	No Proof of Motorcycle Insurance	N	N	Y	Points avoidance rules apply
40-6-14	Limits on Sound Volume ²	N	N	Y	Points avoidance rules apply
40-6-15	Suspended, Revoked or Cancelled Vehicle Registration	N	N	N	

¹ Drivers age twenty-one (21) or over at the time of conviction can avoid the assessment of points on points-bearing offenses by entering a nolo plea once every five (5) years pursuant to O.C.G.A. §40-5-57(c)(1)(B). Points can also be avoided once every five (5) years by drivers of any age if the court grants a “zero-points” order pursuant to O.C.G.A. §40-5-57(c)(1)(C).

² Only applies to defendants who are operating a motor vehicle at the time of the incident.

40-6-40	Improper Lane Usage	N	N	Y	Points avoidance rules apply
40-6-41	Oncoming Traffic	N	N	Y	Points avoidance rules apply
40-6-42	Improper Passing	N	N	Y	Points avoidance rules apply
40-6-43	Improper Passing	N	N	Y	Points avoidance rules apply
40-6-44	Improper Passing	N	N	Y	Points avoidance rules apply
40-6-45	Improper Passing	N	N	Y	Points avoidance rules apply
40-6-46	No Passing Zone	N	N	Y	Points avoidance rules apply
40-6-47	Wrong way on one-way road	N	N	Y	Points avoidance rules apply
40-6-48	Failure to Maintain Lane	N	N	Y	Points avoidance rules apply
40-6-49	Following Too Closely	N	N	Y	Points avoidance rules apply
40-6-50	Driving on Divided Highway	N	N	Y	Points avoidance rules apply
40-6-51	Illegal Use of Controlled-Access Road	N	N	Y	Points avoidance rules apply
40-6-52	Truck Lane Usage	N	N	Y	Points avoidance rules apply
40-6-70	Failure to Yield At Intersection	N	N	Y	Points avoidance rules apply
40-6-71	Failure to Yield When Turning Left	N	N	Y	Points avoidance rules apply
40-6-72	Stop/Yield Sign Violation	N	N	Y	Points avoidance rules apply
40-6-73	Failure to Yield Crossing or Entering Road	N	N	Y	Points avoidance rules apply
40-6-74	Failure to Yield to Emergency Vehicle	N	N	Y	Points avoidance rules apply
40-6-75	Failure to Yield to Construction/Maintenance	N	N	Y	Points avoidance rules apply
40-6-76	Failure to Yield to Funeral Procession	N	N	Y	Points avoidance rules apply
40-6-91	Failure to Yield to Pedestrian	N	N	Y	Points avoidance rules apply
40-6-93	Failure to Use Due Care to Pedestrian	N	N	Y	Points avoidance rules apply
40-6-94	Failure to Yield to Blind Pedestrian	N	N	Y	Points avoidance rules apply
40-6-98	Driving Through Safety Zone	N	N	Y	Points avoidance rules apply
40-6-120	Improper Turning	N	N	Y	Points avoidance rules apply
40-6-121	Improper U-Turn	N	N	Y	Points avoidance rules apply
40-6-123	Improper Turning, Failure to Signal	N	N	Y	Points avoidance rules apply
40-6-124	Improper Use of Signal Lights	N	N	Y	Points avoidance rules apply
40-6-125	Improper Use of Hand Signals	N	N	Y	Points avoidance rules apply
40-6-126	Improper Use of Turning Lane	N	N	Y	Points avoidance rules apply

40-6-142	Railroad Grade Crossing Violation	N	N	Y	Points avoidance rules apply
40-6-143	Heavy Equipment Violation at Railroad Crossing	N	N	Y	Points avoidance rules apply
40-6-144	Emerging From Alley, Driveway or Building	N	N	Y	Points avoidance rules apply
40-6-161	School Bus Headlight Violation	N	N	Y	Points avoidance rules apply
40-6-162	Failure to Use Signals by School Bus	N	N	Y	Points avoidance rules apply
40-6-164	Failure to School Bus to Yield Right of Way	N	N	Y	Points avoidance rules apply
40-6-184	Impeding Flow of Traffic	N	N	Y	Points avoidance rules apply
40-6-186	Racing	N	N	Y	Only if 1 st mandatory in 5 years
40-6-205	Obstructing Intersection	N	N	Y	Points avoidance rules apply
40-6-240	Improper Backing	N	N	Y	Points avoidance rules apply
40-6-241	Failure to Exercise Due Care	N	N	Y	Points avoidance rules apply
40-6-242	Driving with Obstructed View	N	N	Y	Points avoidance rules apply
40-6-244	Allowing Occupancy of Moving House Trailer	N	N	Y	Points avoidance rules apply
40-6-245	Improper Driving Through Canyon or on Mountain	N	N	Y	Points avoidance rules apply
40-6-246	Coasting	N	N	Y	Points avoidance rules apply
40-6-247	Following Emergency Vehicles	N	N	Y	Points avoidance rules apply
40-6-248	Crossing Fire Hose	N	N	Y	Points avoidance rules apply
40-6-250	Wearing Device Impairing Hearing or Vision	N	N	Y	Points avoidance rules apply
40-6-251	Laying Drags	N	N	Y	Points avoidance rules apply
40-6-252	Cruising	N	N	Y	Points avoidance rules apply
40-6-253.1	Transportation of Etiologic Agent	N	N	Y	Points avoidance rules apply
40-6-270	Leaving the Scene of an Accident/Hit and Run	N	N	N	
40-6-271	Violation of Duty Upon Striking Unattended Vehicle	N	N	Y	Points avoidance rules apply
40-6-272	Violation of Duty Upon Striking Fixed Object	N	N	Y	Points avoidance rules apply

40-6-273	Failure to Report Accident	N	N	N	Points avoidance rules apply
40-6-275	Failure to Remove Vehicle From Roadway	N	N	Y	Points avoidance rules apply
40-6-311	Motorcycle Riding Violation	N	N	Y	Points avoidance rules apply
40-6-312	Operating Motorcycle on Road Laned for Traffic	N	N	Y	Points avoidance rules apply
40-6-313	Clinging to Another Vehicle	N	N	Y	Points avoidance rules apply
40-6-314	Motorcycle Footrest/Handlebar Violation	N	N	Y	Points avoidance rules apply
40-6-315	Motorcycle Helmet/Eyewear Violation	N	N	Y	Points avoidance rules apply
40-6-352	Moped Helmet Violation	N	N	Y	Points avoidance rules apply
40-6-361	Improper Lane Usage in Low Speed Vehicle	N	N	Y	Points avoidance rules apply
40-6-362	Improper Highway Usage in Low Speed Vehicle	N	N	Y	Points avoidance rules apply
40-6-390	Reckless Driving	N	N	Y	Points avoidance rules apply
40-6-391	Driving Under the Influence	N	N	N	
40-6-393	Vehicular Homicide (1 st and 2 nd degree)	N	N	N	
40-6-393.1(a)	Feticide by Vehicle (1 st degree)	N	Y	Y	Only if 1 st mandatory in 5 years
40-6-393.1(b)	Feticide by Vehicle (2 nd degree)	N	N	Y	Points avoidance rules apply
40-6-394	Serious Injury by Vehicle	N	Y	Y	Only if 1 st mandatory in 5 years
40-6-395	Fleeing or Attempting to Elude	N	N	N	
40-6-397	Aggressive Driving	N	N	Y	Points avoidance rules apply
40-8-76	Child Restraint Violation	N	N	Y	Points avoidance rules apply