

House Bill 1448

By: Representatives Harrell of the 62nd and Twiggs of the 8th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to driving on the right side of roadway, overtaking and passing, and following too
3 closely, so as to provide for a certain exception from provisions relating to no-passing zones
4 for drivers of vehicles traveling in lanes designated for use by high occupancy vehicles
5 (HOV); to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
9 driving on the right side of roadway, overtaking and passing, and following too closely, is
10 amended by striking Code Section 40-6-46, relating to no-passing zones, and inserting in lieu
11 thereof the following:

12 "40-6-46.

13 (a) The Department of Transportation and local authorities are authorized to determine
14 those portions of any highway under their respective jurisdictions where overtaking and
15 passing or driving to the left side of the roadway would be especially hazardous and may,
16 by appropriate signs or markings on the roadway, indicate the beginning and end of such
17 zones and, when such signs or markings are in place and clearly visible to an ordinarily
18 observant person, every driver of a vehicle shall obey the directions thereof. Such
19 no-passing zones shall be clearly marked by a solid barrier line placed on the right-hand
20 element of a combination stripe along the center or lane line or by a solid double yellow
21 line.

22 (b) Where signs or markings are in place to define a no-passing zone as set forth in
23 subsection (a) of this Code section, no driver shall at any time drive on the left side of the
24 roadway within such no-passing zone or on the left side of any pavement striping designed
25 to mark such no-passing zone throughout its length.

1 (c) This Code section does not apply under the conditions described in paragraph (2) of
 2 subsection (a) of Code Section 40-6-40 nor to the driver of a vehicle turning left into or
 3 from an alley, private road, or driveway nor to the driver of a vehicle traveling in a lane
 4 designated for use of high occupancy vehicles (HOV)."

5 SECTION 2.

6 Said article is further amended by striking Code Section 40-6-48, relating to driving on
 7 roadways laned for traffic, and inserting in lieu thereof the following:

8 "40-6-48.

9 Whenever any roadway has been divided into two or more clearly marked lanes for traffic,
 10 the following rules, in addition to all others consistent with this Code section, shall apply:

11 (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and
 12 shall not be moved from such lane until the driver has first ascertained that such
 13 movement can be made with safety;

14 (2) Upon a roadway which is divided into three lanes, and provides for two-way
 15 movement of traffic, with two lanes in one direction, a vehicle being driven in a
 16 continuous or center lane shall have the right of way when overtaking and passing
 17 another vehicle traveling in the same direction;

18 (3) Upon a roadway which is divided into three lanes and provides for two-way
 19 movement of traffic, a vehicle shall not be driven in the center lane except when
 20 overtaking and passing another vehicle traveling in the same direction when such center
 21 lane is clear of traffic within a safe distance, or in preparation for making a left turn, or
 22 where such center lane is at the time allocated exclusively to traffic moving in the same
 23 direction that the vehicle is proceeding and such allocation is designated by official
 24 traffic-control devices or road striping;

25 (4) Official traffic-control devices may be erected directing specified traffic, including
 26 but not limited to buses or trucks, to use a designated lane or designating those lanes to
 27 be used by traffic moving in a particular direction regardless of the center of the roadway,
 28 and drivers of vehicles shall obey the directions of every such device; and

29 (5) Official traffic-control devices may be installed prohibiting the changing of lanes on
 30 sections of roadway, and drivers of vehicles shall obey the directions of every such
 31 device; provided, however, that this paragraph shall not apply to drivers of vehicles
 32 traveling in a lane designated for use for high occupancy vehicles (HOV) when such lane
 33 is marked by a solid double line."

34 SECTION 3.

35 All laws and parts of laws in conflict with this Act are repealed.