

Senate Bill 489

By: Senators Mullis of the 53rd, Williams of the 19th, Smith of the 52nd and Zamarripa of the 36th

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

To amend Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions of motor vehicles and traffic, so as to amend the definition of "authorized emergency vehicle"; to amend Article 3 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to driving on the right side of the roadway, overtaking and passing, and following too closely, so as to amend the definition of the term "truck"; to provide that buses and motorcoaches being operated on multilane highways shall operate only in certain lanes; to provide an exception for buses and motorcoaches moving to and from HOV lanes; to provide that the Department of Transportation in cooperation with the State Road and Tollway Authority may implement high occupancy toll lanes in HOV lanes; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions of motor vehicles and traffic, is amended by striking paragraph (5) of Code Section 40-1-1, relating to definitions, and inserting in lieu thereof a new paragraph (5) to read as follows:

"(5) 'Authorized emergency vehicle' means a motor vehicle belonging to a public utility corporation or operated by the Department of Transportation and designated as an emergency vehicle by the Department of Public Safety; a motor vehicle belonging to a fire department or a certified private vehicle belonging to a volunteer firefighter or a fire-fighting association, partnership, or corporation; an ambulance; or a motor vehicle belonging to a federal, state, or local law enforcement agency, provided such vehicle is in use as an emergency vehicle by one authorized to use it for that purpose."

SECTION 2.

Article 3 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to driving on the right side of the roadway, overtaking and passing, and following too closely, is amended by striking subsection (a) of Code Section 40-6-52, relating to trucks using multilane highways, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) As used in this Code section, the term 'truck' means any vehicle equipped with more than six wheels, except buses and motorcoaches."

SECTION 3.

Said article is further amended by adding a new Code Section 40-6-53 to read as follows:

"40-6-53.

(a) On roads, streets, or highways with three or more lanes allowing for movement in the same direction, it shall be unlawful for any bus or motorcoach to operate in any lanes other than the two most right-hand lanes, except when the bus or motorcoach is preparing for a left turn, is moving to or from an HOV lane, or as otherwise provided by subsection (c) of this Code section.

(b) On roads, streets, or highways with two lanes allowing for movement in the same direction, it shall be unlawful for any bus or motorcoach to operate in the left-hand lane, except when the bus or motorcoach is actually overtaking and passing another vehicle, preparing for a left turn, or as otherwise provided by subsection (c) of this Code section.

(c) On interstate highways with four or more lanes allowing for movement in the same direction, the Department of Transportation may designate specific lanes that either prohibit or allow buses or motorcoaches. Where such usage has been so designated and indicated by signs erected by the Department of Transportation, it shall be unlawful for any bus or motorcoach to operate in any lanes other than those designated for its use except when moving to or from an HOV lane.

(d) When moving to or from an HOV lane, a bus or motorcoach shall move to the proper lanes of travel expeditiously and in the shortest distance possible under the circumstances."

SECTION 4.

Said article is further amended by striking Code Section 40-6-54, relating to designation of travel lanes, and inserting in lieu thereof a new Code Section 40-6-54 to read as follows:

"40-6-54.

(a) The Department of Transportation may designate travel lanes on any road in the state highway system for the exclusive use of certain vehicles, as provided in Code Section 32-9-4; provided, however, that where such designation has been made, the road shall be

1 appropriately marked with signs or other roadway markers or markings to inform the
2 traveling public of the restrictions imposed.

3 (b) Any person who violates subsection (b) of Code Section 32-9-4 shall be guilty of a
4 misdemeanor and, upon conviction thereof, shall be punished by a fine:

5 (1) Not to exceed \$75.00 for the first such offense;

6 (2) Not to exceed \$100.00 for the second such offense;

7 (3) Not to exceed \$150.00 for the third such offense; and

8 (4) Not to exceed \$150.00 plus one point on such person's driver's license as provided
9 for under Code Section 40-5-57 for the fourth or subsequent offense.

10 (c) In the prosecution of an offense committed in the presence of or witnessed by a law
11 enforcement officer whether by direct observation or as recorded through means of video
12 surveillance, either by magnetic imaging or photographic copy, of failure to obey a road
13 sign restricting a highway or portion thereof to the use of high occupancy vehicles (HOV),
14 proof that the vehicle described in the HOV violation summons was operated in violation
15 of this Code section, together with proof that the defendant was at the time of such
16 violation the registered owner of the vehicle, shall constitute evidence as a rebuttable
17 presumption that such registered owner of the vehicle was the person committing the
18 violation. Notwithstanding any other provision of this subsection to the contrary, said
19 rebuttable presumption shall be overcome if the owner of said vehicle states, under oath,
20 in open court, that he or she was not the operator of the vehicle at the time the alleged
21 offense occurred.

22 (d) The General Assembly finds and declares that the development, improvement, and use
23 of exclusive or preferential high occupancy vehicle lanes, emergency vehicle lanes, and
24 truck lanes or routes should be undertaken in order to relieve congestion and increase the
25 efficiency of the federal-aid highway system. The Department of Transportation in
26 cooperation with the State Road and Tollway Authority is hereby authorized to implement
27 high occupancy toll (HOT) lanes where appropriate in qualifying HOV lanes. A 'HOT
28 lane' is a designated lane which allows single occupancy vehicles to gain access to HOV
29 lanes by paying a toll set by the State Road and Tollway Authority. The department may
30 design and develop a system of HOT lanes which uses value pricing and lane management.
31 'Value pricing' recognizes the need to vary the road user charge according to the levels of
32 congestion and time of day; and 'lane management' restricts access to the designated HOT
33 lanes based on occupancy, vehicle type, or other objective which would maximize the
34 efficiency of the federal-aid highway system."

SECTION 5.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.

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