

Senate Bill 178

By: Senator Douglas of the 17th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Part 5 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia
2 Annotated, relating to equipment of law enforcement and emergency vehicles, so as to
3 provide for restrictions with respect to the use of blue lights; to provide for exceptions; to
4 provide for criminal penalties; to provide for an effective date and applicability; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 5 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated,
9 relating to equipment of law enforcement and emergency vehicles, is amended by striking
10 Code Section 40-8-90, relating to restrictions on the use of flashing or revolving blue lights,
11 and inserting in its place the following:

12 "40-8-90.

13 (a) Except as provided in this subsection and subsection (b) of this Code section, it shall
14 be unlawful for any person, firm, or corporation to operate any motor vehicle equipped
15 with or containing a device capable of producing ~~flashing or revolving~~ any blue lights,
16 whether flashing, blinking, revolving, or stationary, except motor vehicles owned or leased
17 by any federal, state, or local law enforcement agency or motor vehicles with a permit
18 granted by a state agency to bear such lights. Any person who violates this subsection shall
19 be guilty of a misdemeanor.

20 (b) The prohibition contained in subsection (a) of this Code section shall not apply to any
21 elected sheriff who, pursuant to an agreement between the sheriff and the county governing
22 authority, is using his or her personal motor vehicle in a law enforcement activity, provided
23 such vehicle is marked as provided in Code Section 40-8-91.

24 (c) It shall be unlawful for any person to use any motor vehicle equipped with ~~flashing or~~
25 ~~revolving~~ flashing, blinking, revolving, or stationary blue lights in the commission of a

1 felony, and, upon conviction of a violation of this subsection, the punishment shall be a
2 fine of not less than \$1,000.00 or imprisonment of not less than one year, or both."

3 **SECTION 2.**

4 This Act shall become effective on July 1, 2005, and shall be applied to offenses occurring
5 on or after such date.

6 **SECTION 3.**

7 All laws and parts of laws in conflict with this Act are repealed.