

The Senate Rules Committee offered the following substitute to SB 64:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapters 1 and 8 of Title 40 of the Official Code of Georgia Annotated, relating
2 to general provisions relative to motor vehicles and traffic, and equipment of motor vehicles,
3 respectively, so as to repeal the requirement that officers enforcing traffic laws have a blue
4 light on the roof of their vehicles; to provide for restrictions with respect to the use of blue
5 lights; to provide for exceptions; to provide for criminal penalties; to provide that motor
6 vehicles used by employees of the Department of Public Safety for enforcing the traffic laws
7 shall be equipped with one or more colored lights on the vehicle visible for a specified
8 distance; to provide for an effective date and applicability; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

11 Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general
12 provisions relative to motor vehicles and traffic, is amended by repealing Code Section
13 40-1-7, relating to the placement of blue lights on the roof of traffic law enforcement
14 vehicles, in its entirety.
15

SECTION 2.

16 Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to equipment of
17 motor vehicles, is amended by striking Code Section 40-8-90, relating to restrictions on the
18 use of flashing or revolving blue lights, and inserting in its place the following:
19

20 "40-8-90.

21 (a) Except as provided in this subsection and subsection (b) of this Code section, it shall
22 be unlawful for any person, firm, or corporation to operate any motor vehicle equipped
23 with or containing a device capable of producing ~~flashing or revolving~~ any blue lights,
24 whether flashing, blinking, revolving, or stationary, except motor vehicles owned or leased
25 by any federal, state, or local law enforcement agency or motor vehicles with a permit

1 granted by a state agency to bear such lights. Any person who violates this subsection shall
 2 be guilty of a misdemeanor.

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

7 (c) It shall be unlawful for any person to use any motor vehicle equipped with ~~flashing or~~
 8 ~~revolving~~ flashing, blinking, revolving, or stationary blue lights in the commission of a
 9 felony, and, upon conviction of a violation of this subsection, the punishment shall be a
 10 fine of not less than \$1,000.00 or imprisonment of not less than one year, or both."

11 SECTION 3.

12 Said chapter is further amended by striking Code Section 40-8-91, relating to the marking
 13 and equipment of law enforcement vehicles, in its entirety and by replacing the same as
 14 follows:

15 "40-8-91.

16 (a) Except as provided in subsection (b) of this Code section, any motor vehicle ~~which is~~
 17 used on official business by any person authorized to make arrests for traffic violations in
 18 this state, or any municipality or county thereof, shall be distinctly marked on each side and
 19 the back with the name of the agency responsible therefor, in letters not less than four
 20 inches in height. No unmarked vehicle shall be routinely employed in traffic law
 21 enforcement in this state.

22 (b) Any motor vehicle, except as hereinafter provided in this subsection, used by any
 23 employee of the Department of Public Safety for the purpose of enforcing the traffic laws
 24 of this state shall be distinctly painted, marked, and equipped in such manner as shall be
 25 prescribed by the commissioner of public safety pursuant to this Code section. The
 26 commissioner in prescribing the manner in which such vehicles shall be painted, marked,
 27 or equipped shall:

28 (1) Require that all such motor vehicles be painted in a two-toned uniform color. The
 29 hood, top, and the top area not to exceed 12 inches below the bottom of the window
 30 opening thereof shall be a light gray color and the remaining portion of said motor
 31 vehicle shall be painted a dark blue color;

32 (2) Require that any such motor vehicle be equipped with ~~at least one lamp~~ one or more
 33 lamps which when lighted shall display a flashing or revolving colored light or lights
 34 visible under normal atmospheric conditions for a distance of 500 feet from the front and
 35 rear of such vehicle; and

1 (3) Require that any such motor vehicle shall be distinctly marked on each side and the
 2 back thereof with the wording 'State Patrol' in letters not less than six inches in height of
 3 a contrasting color from the background color of the motor vehicle.

4 Notwithstanding the above provisions, it shall be permissible for the commissioner to allow
 5 not more than two motor vehicles per State Patrol post to be employed in traffic law
 6 enforcement which are painted any solid color designated by the commissioner and marked
 7 with 'State Patrol' in six inch high letters of a contrasting color.

8 (c) It shall be unlawful for any person, except persons lawfully entitled to own vehicles
 9 for law enforcement purposes, to paint, mark, or equip any motor vehicle in the same
 10 manner prescribed by this Code section or by the commissioner for law enforcement
 11 vehicles.

12 (d) When a law enforcement vehicle is disposed of, or is not in use for law enforcement,
 13 the lettering and colored lights must be removed. Any person using such vehicle for
 14 personal use prior to removing colored lights and lettering shall be guilty of a
 15 misdemeanor.

16 (e) Whenever a motorist driving on the roadways of this state is directed to stop by a law
 17 enforcement officer in a law enforcement vehicle marked as required under this Code
 18 section, the motorist may continue to drive until a reasonably safe location for stopping is
 19 reached. Such motorist shall indicate to the officer his or her intent to proceed to a safe
 20 location by displaying the vehicle's flashing lights. In proceeding to a safe location, the
 21 motorist shall observe the posted maximum speed limit but in no event shall he or she
 22 exceed a speed of 50 miles per hour.

23 (f) An otherwise lawful arrest shall not be invalidated or in any manner affected by failure
 24 to comply with this Code section."

25 SECTION 4.

26 This Act shall become effective upon its approval by the Governor or upon its becoming law
 27 without such approval, and Section 2 shall be applied to offenses occurring on or after such
 28 date.

29 SECTION 5.

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