

The House Committee on Public Safety offers the following substitute to SB 178:

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)(1) Except as provided in this paragraph and subsection (b) of this Code section, it
14 shall be unlawful for any person, firm, or corporation to operate any motor vehicle
15 equipped with or containing a device capable of producing ~~flashing or revolving~~ any blue
16 lights, whether flashing, blinking, revolving, or stationary, except:

17 (A) Motor ~~motor~~ vehicles owned or leased by any federal, state, or local law
18 enforcement agency;

19 (B) Motor vehicles with a permit granted by a state agency to bear such lights; or

20 (C) Antique, hobby, and special interest vehicles, as defined in subsection (a) of Code
21 Section 40-2-77, which may display a blue light or lights of up to one inch in diameter
22 as part of any such vehicle's rear stop lamps, rear turning indicator, rear hazard lamps,
23 and rear reflectors.

24 (2) Any person who violates paragraph (1) of this subsection shall be guilty of a
25 misdemeanor.

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

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

9 **SECTION 2.**

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

12 **SECTION 3.**

13 All laws and parts of laws in conflict with this Act are repealed.