

Senate Bill 526

By: Senators Davis of the 22nd, Chance of the 16th and Mullis of the 53rd

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

1 To amend Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to  
 2 regulation of maintenance and use of public roads, so as to provide for regulation of oversize  
 3 and overweight loads on streets or highways; to change the designation of certain streets or  
 4 highways; to provide for a certification program for drivers of oversized vehicle escorts; to  
 5 provide for insurance coverage for certain permit holders; to provide for the disposition of  
 6 fines; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor  
 7 vehicles and traffic, so as to provide for a definition; to provide for vehicles approaching an  
 8 intersection with a pedestrian hybrid beacon; to provide for evidence obtained by speed  
 9 detection devices in a variable speed zone is inadmissible; to provide for related matters; to  
 10 provide for an effective date; to repeal conflicting laws; and for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

13 Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to regulation of  
 14 maintenance and use of public roads, is amended by revising Code Section 32-6-24, relating  
 15 to length of vehicles and loads, as follows:

16 "32-6-24.

17 (a) As used in this article, the term:

18 (1) 'Bimodal semitrailer' means a detachable load-carrying unit designed to be attached  
 19 to a coupling on the rear of a truck tractor by which it is partly supported during  
 20 movement over the highway and designed either with retractable flanged wheels or to  
 21 attach to a detachable flanged wheel assembly for movement on the rails.

22 (2) 'Combination of vehicles' means a semitrailer pulled by a truck tractor or a semitrailer  
 23 and trailer pulled by a truck tractor operating in a truck tractor-semitrailer-trailer  
 24 combination.

25 (3) 'Extendable semitrailer' means a semitrailer that has been manufactured for the  
 26 purpose of extending the frame to increase the overall length for the purpose of  
 27 transporting single-piece loads.

28 (4) 'NHS' means the National Highway System.

29 (5) 'Semitrailer' means a detachable load-carrying unit designed to be attached to a  
 30 coupling on the rear of a truck tractor by which it is partly supported.

31 ~~(5) 'STAA system' means the National Network and the Access Routes to the National~~  
 32 ~~Network as allowed under the federal Surface Transportation Assistance Act (STAA), as~~  
 33 ~~amended.~~

34 (6) 'Trailer' means a detachable load-carrying unit designed to be attached to a coupling  
 35 at the rear of a semitrailer and capable of support in operation without the truck tractor.

36 (7) 'Truck tractor' means the noncargo-carrying power unit that operates in combination  
 37 with a semitrailer or trailer, except that a truck tractor and semitrailer engaged in the  
 38 transportation of automobiles may transport motor vehicles on part of the power unit.

39 (b) Unless exempted in Code Section 32-6-25 or so authorized by a permit issued pursuant  
 40 to Code Section 32-6-28, the following length limits shall apply:

41 (1) Trailer and semitrailer lengths:

42 (A) Truck tractor-semitrailer-trailer combinations shall have trailers and semitrailers  
 43 that do not exceed 28 feet in length;

44 (B) Truck tractor-semitrailer combinations shall have semitrailers that do not exceed  
 45 53 feet in length, unless signs are posted that indicate semitrailer length restrictions;

46 (C) On interstate and ~~STAA system~~ NHS routes, single-piece loads may be transported  
 47 on an extendable semitrailer that exceeds 53 feet, provided that no pieces will be loaded  
 48 end to end and the semitrailer does not exceed 75 feet in length; on roads other than the  
 49 interstate and ~~STAA system~~ NHS routes, the foregoing provisions of this subparagraph  
 50 shall also apply, except that the overall length shall not exceed 100 feet. Empty  
 51 extendable semitrailers or extendable semitrailers transporting a single-piece load of 53  
 52 feet or less shall be required to maintain a semitrailer length of 53 feet or less. When  
 53 the semitrailer is extended as described in this subparagraph, the rear extremity of each  
 54 extendable semitrailer or load shall be marked with a four-inch multidirectional amber  
 55 strobe light and with ~~12~~ 18 inch bright red or orange warning flags on the rearmost of  
 56 the load or semitrailer;

57 (D) Maxi-cube combinations shall have a cargo box that does not exceed 34 feet,  
 58 provided that the pair of cargo boxes together does not exceed 60 feet and the overall  
 59 length, including the power unit, does not exceed 65 feet; and

60 (E) Trailer and semitrailer length requirements in this paragraph shall not apply to  
 61 automobile and boat transporters; however, no unit of the vehicle shall exceed 56 feet  
 62 in length; and

63 (2) Overall truck tractor-semitrailer or truck tractor-semitrailer-trailer lengths:

64 (A) Maxi-cube combinations shall have an overall length that does not exceed 65 feet;

65 (B) Saddlemount and saddlemount with fullmount combinations shall have an overall  
 66 length that does not exceed ~~75~~ 97 feet; and

67 (C) All other combinations of truck tractor-semitrailer or truck  
 68 tractor-semitrailer-trailer operated on roads other than interstate or the ~~STAA~~ system  
 69 ~~of roads~~ NHS shall have an overall length that does not exceed 100 feet, unless signs  
 70 are posted that indicate length restrictions. This maximum length shall include the  
 71 federal allowance for automobile and boat transporter loads to overhang up to three feet  
 72 over the front of the vehicle and overhang up to four feet over the rear of the vehicle."

73 **SECTION 2.**

74 Said chapter is further amended by revising subsections (a) and (b) of Code Section 32-6-27,  
 75 relating to enforcement of load limitations on vehicles, as follows:

76 "(a) Any person who violates the load limitation provisions of Code Section 32-6-26 shall  
 77 be conclusively presumed to have damaged the public roads, including bridges, of this state  
 78 by reason of such overloading and shall recompense the state for such damage in  
 79 accordance with the following schedule:

80 (1) Five cents per pound for all excess weight over the allowed weight limitations,  
 81 including any applicable variances; ~~or~~

82 (2) For the following vehicles, damages for excess weight shall be assessed at 125  
 83 percent times the rate imposed on offending vehicles operating without a permit:

84 (A) Where a vehicle is authorized to exceed the weight limitations of Code Section  
 85 32-6-26 by a permit issued pursuant to Code Section 32-6-28, the term 'excess weight'  
 86 means that weight which exceeds the weight allowed by such permit; and

87 (B) Where a vehicle is authorized to exceed the weight limitations of Code Section  
 88 32-6-26 by a permit issued pursuant to Code Section 32-6-28 as a superload permit or  
 89 superload plus permit, the term 'excess weight' means:

90 (i) Any single axle weight which exceeds any single axle weight allowed by such  
 91 permit; and

92 (ii) All weight greater than 150,000 pounds when the gross weight of the vehicle and  
 93 load exceeds the gross weight allowed by such permit or when any axle spacing is  
 94 less than that specified by such permit; or

95 For such vehicles, ~~damages for excess weight shall be assessed according to the following~~  
 96 ~~schedule: 125 percent times the rate imposed on offending vehicles operating without a~~  
 97 ~~permit~~

98 (3) Any vehicle that utilizes idle reduction technology shall not have any penalty for  
 99 violating Code Section 32-6-26, except for subsections (f) and (h), calculated by reducing  
 100 from the actual gross weight, single axle weight, tandem axle weight, or the allowed  
 101 weight on any group of two or more axles the manufacturer's certified weight of the idle  
 102 reducing technology or 400 pounds, whichever is less. The operator of the vehicle shall  
 103 present written certification from the manufacturer specifying the weight of the idle  
 104 reducing technology and demonstrate that the idle reducing technology is fully functional  
 105 at all times when so requested by any law enforcement officer or employee of the  
 106 Department of Public Safety.

107 (b) The schedules listed in paragraphs (1) and (2) of subsection (a) of this Code section  
 108 shall apply separately to:

109 (1) The excess weight of the gross load; and

110 (2) The sum of the excess weight or weights of any axle or axles;

111 provided, however, that where both gross load and axle weight limits are exceeded, the  
 112 owner or operator shall be required to recompense the state only for the largest of the  
 113 money damages imposed under paragraphs (1) and (2) of this subsection."

### 114 SECTION 3.

115 Said chapter is further amended by revising Code Section 32-6-28, relating to permits for  
 116 excess weights and dimensions, as follows:

117 "32-6-28.

118 (a) *Generally.*

119 (1)(A) The commissioner or an official of the department designated by the  
 120 commissioner may, in his or her discretion, upon application in writing and good cause  
 121 being shown therefor, issue a permit in writing authorizing the applicant to operate or  
 122 move upon the state's public roads a motor vehicle or combination of vehicles and loads  
 123 whose weight, width, length, or height, or combination thereof, exceeds the maximum  
 124 limit specified by law, provided that the load transported by such vehicle or vehicles  
 125 is of such nature that it is a unit which cannot be readily dismantled or separated; and  
 126 provided, further, that no permit shall be issued to any vehicle whose operation upon  
 127 the public roads of this state threatens to unduly damage a road or any appurtenance  
 128 thereto, except that the dismantling limitation specified in this Code section shall not  
 129 apply to loads which consist of cotton, tobacco, concrete pipe, and plywood that do not  
 130 exceed a width of nine feet or of round bales of hay that do not exceed a width of 11

131 feet and which are not moved on part of The Dwight D. Eisenhower System of  
132 Interstate and Defense Highways. However, vehicles transporting portable buildings  
133 and vehicles not exceeding 65 feet in length transporting boats on roads not a part of  
134 The Dwight D. Eisenhower System of Interstate and Defense Highways, regardless of  
135 whether the nature of such buildings or boats is such that they can be readily dismantled  
136 or separated, may exceed the lengths and widths established in this article, provided that  
137 a special permit for such purposes has been issued as provided in this Code section, but  
138 no such special permit shall be issued for a load exceeding 12 feet in width when such  
139 load may be readily dismantled or separated. A truck tractor and low boy type trailer  
140 may, after depositing its permitted load, return to its point of origin on the authorization  
141 of its original permit.

142 (B) Notwithstanding the provisions of subparagraph (A) of this paragraph, the  
143 commissioner or an official of the department designated by the commissioner may, in  
144 his or her discretion, upon application in writing and good cause being shown therefor,  
145 issue to a specific tow vehicle a permit in writing authorizing the applicant to operate  
146 or move upon the state's public roads a motor vehicle or combination of vehicles and  
147 loads for transporting not more than two modular housing units or sectional housing  
148 units if the total weight, width, length, and height of the vehicle or combination of  
149 vehicles, including the load, does not exceed the limits specified in Code Section  
150 32-6-22 and Code Section 32-6-26. Permission to transport two modular housing units  
151 is only authorized when the modular unit transporter meets the minimum specifications  
152 contained in subparagraph (C) of this paragraph. No permit shall be issued to any  
153 vehicle or combination of vehicles whose operation upon the public roads of this state  
154 threatens the safety of others or threatens to damage unduly a road or any appurtenance  
155 thereto.

156 (C) A modular unit transporter shall meet all requirements of the Federal Motor Carrier  
157 Safety Administration and all state safety requirements, rules, and regulations. The  
158 modular unit transporter shall be properly registered and have a proper, current license  
159 plate. At a minimum, the modular unit transporter shall:

160 (i) Be constructed of 12 inch steel I beams doubled and welded together;

161 (ii) Have all axles equipped with brakes;

162 (iii) Have every floor joist on each modular section securely attached to the beams  
163 with lag bolts and washers, or lag bolts, washers, and cable winches; and

164 (iv) Have an overall length not to exceed 80 feet including the hitch.

165 (2) Permits may be issued, on application to the department, to persons, firms, or  
166 corporations without specifying license plate numbers in order that such permits which  
167 are issued on an annual basis may be interchanged from vehicle to vehicle. The

168 department is authorized to promulgate reasonable rules and regulations which are  
169 necessary or desirable to govern the issuance of such permits, provided that such rules  
170 and regulations are not in conflict with this title or other provisions of law.

171 (3) Every such permit shall be carried in the vehicle or combination of vehicles to which  
172 it refers and shall be open to inspection by any police officer, state trooper, or authorized  
173 agent of the department.

174 (4) The application for any such permit shall specifically describe the type of permit  
175 applied for, as said types of permits are described in subsection (c) of this Code section.  
176 In addition, the application for a single-trip permit shall describe the points of departure  
177 and destination.

178 (5) The commissioner or an official of the department designated by the commissioner  
179 is authorized to withhold such permit or, if such permit is issued, to establish seasonal or  
180 other time limitations within which the vehicles described may be operated on the public  
181 road indicated, or otherwise to limit or prescribe conditions of operation of such vehicles  
182 when necessary to ensure against undue damage to the road foundation, surfaces, or  
183 bridge structures, and to require such undertaking or other security as may be deemed  
184 necessary to compensate the state for any injury to any roadway or bridge structure.

185 (6) For just cause, including, but not limited to, repeated and consistent past violations,  
186 the commissioner or an official of the department designated by the commissioner may  
187 refuse to issue or may cancel, suspend, or revoke the permit and any permit privileges of  
188 an applicant or permittee. The specific period of time of any suspension shall be  
189 determined by the department. In addition, any time the restrictions or conditions within  
190 which a permitted vehicle must be operated are violated, the permit may be immediately  
191 declared null and void.

192 (7) The department is authorized to promulgate rules and regulations necessary to  
193 enforce the suspension of permits authorized in this Code section.

194 (8) The department shall issue rules to establish a driver training and certification  
195 program for drivers of vehicles escorting oversize/overweight loads. Any driver  
196 operating a vehicle escorting an oversize/overweight load shall meet the training  
197 requirements and obtain certification under the rules issued by the department pursuant  
198 to this Code section. The rules may provide for reciprocity with other states having a  
199 similar program for escort certification. Certification credentials of the driver of an escort  
200 vehicle shall be carried in the escort vehicle and be readily available for inspection by law  
201 enforcement personnel or an authorized employee of the department. The department  
202 shall implement the vehicle escort driver training and certification program on or before  
203 July 1, 2010, and the requirements for training and certification shall be enforced  
204 beginning on January 1, 2011.

205 (9) Permit holders shall be required to meet the following minimum insurance standards:

206 (A) For loads where the gross vehicle weight is less than or equal to 10,000 pounds:

207 (i) For bodily injury a limit of \$50,000.00 per person for injury or death as a result  
 208 of any one occurrence; and

209 (ii) For property damage a limit of \$50,000.00 for damage to property of others in  
 210 any one occurrence; or

211 (B) For commercial motor carriers where the gross vehicle weight is greater than  
 212 10,000 pounds:

213 (i) For bodily injury a minimum of \$300,000.00 for each person and \$1 million for  
 214 multiple persons for injury or death as a result of any one occurrence; and

215 (ii) For property damage a minimum of \$1 million for damage to property of others  
 216 in any one occurrence.

217 (b) *Duration and limits of permits.*

218 (1) ANNUAL PERMIT. The commissioner or an official of the department designated by  
 219 the commissioner may, pursuant to this Code section, issue an annual permit which shall  
 220 permit a vehicle to be operated on the public roads of this state for 12 months from the  
 221 date the permit is issued even though the vehicle or its load exceeds the maximum limits  
 222 specified in this article. However, except as specified in paragraph (2) of this subsection,  
 223 an annual permit shall not authorize the operation of a vehicle:

224 (A) Whose total gross weight exceeds 100,000 pounds;

225 (B) Whose single axle weight exceeds 25,000 pounds;

226 (C) Whose total load length exceeds 100 feet;

227 (D) Whose total width exceeds 102 inches or whose load width exceeds 144 inches;  
 228 or

229 (E) Whose height exceeds 14 feet and six inches.

230 ~~Furthermore, an annual permit to operate a vehicle which exceeds the height limitations~~  
 231 ~~set forth in Code Section 32-6-22 shall be issued only on condition of payment of an~~  
 232 ~~indemnity bond or proof of insurance protection for \$300,000.00. Such bond or~~  
 233 ~~insurance protection, conditioned for payment to the department, shall be held in trust for~~  
 234 ~~the benefit of the owners of bridges and appurtenances thereto, traffic signals, signs, or~~  
 235 ~~other highway structures damaged by a vehicle operating under authority of such~~  
 236 ~~overheight permit. The liability under the bond or insurance certificate shall be absolute~~  
 237 ~~and shall not depend on proof of negligence or fault on the part of the permittee, his or~~  
 238 ~~her agents, or operators.~~

239 (2) ~~STAA ANNUAL~~ ANNUAL PERMIT PLUS. Vehicles and loads that meet the  
 240 requirements for an annual permit may apply for a special annual permit to carry wider  
 241 loads on the ~~STAA system of roads~~ NHS. The wider load limits shall be a maximum of

242 14 feet wide from the base of the load to a point 10 feet above the pavement and 14 feet  
243 and eight inches for the upper portion of the load.

244 (2.1) SIX-MONTH PERMIT. Six-month permits may be issued for loads of tobacco or  
245 unginmed cotton the widths of which do not exceed nine feet, provided that such loads  
246 shall not be operated on The Dwight D. Eisenhower System of Interstate and Defense  
247 Highways.

248 (3) SINGLE TRIP. Pursuant to this Code section, the commissioner may issue a single-trip  
249 permit to any vehicle or load allowed by federal law.

250 (c) Fees. The department may promulgate rules and regulations concerning the issuance  
251 of permits and charge a fee for the issuance thereof as follows:

252 (1) ANNUAL. Charges for the issuance of annual permits shall be \$150.00 per permit.

253 (2) ~~STAA ANNUAL~~ ANNUAL PERMIT PLUS. Charges for the issuance of ~~STAA~~ annual  
254 permits plus shall be \$500.00 per permit.

255 (3) SIX MONTHS. The charges for the issuance of six-month permits for loads of tobacco  
256 or unginmed cotton shall be \$25.00 per permit.

257 (4) SINGLE TRIP. Charges for the issuance of single-trip permits shall be as follows:

258 (A) Any load not greater than 16 feet wide, not greater than 16 feet high, and  
259 not weighing more than 150,000 pounds or any load greater than 100 feet long  
260 which does not exceed the maximum width, height, and weight limits specified  
261 by this subparagraph . . . . . \$ 30.00

262 (B) Superload permit – Any load having a width, height, or weight exceeding  
263 the maximum limit therefor specified in subparagraph (A) of this paragraph  
264 and not weighing more than 180,000 pounds . . . . . 125.00

265 (C) Superload plus permit – Any load having a weight exceeding the  
266 maximum limit therefor specified in subparagraph (B) of this paragraph . . . 500.00

267 (d) Pursuant to ~~Notwithstanding any provision of Code Section 48-2-17 to the contrary,~~  
268 all fees collected in accordance with this Code section shall be paid to ~~the treasurer of the~~  
269 ~~department to help defray the expenses of enforcing the limitations set forth in this article~~  
270 ~~and may also be used for public road maintenance purposes in addition to any sums~~  
271 ~~appropriated therefor to the department~~ the Office of Treasury and Fiscal Services to be  
272 deposited into the general fund of the state treasury.

273 (e) As soon as practicable after the end of each fiscal year, the Office of Treasury and  
274 Fiscal Services shall report the amount of the funds received pursuant to this Code section  
275 to the Office of Planning and Budget. It is the intent of the General Assembly that, subject  
276 to appropriation, an amount equal to such proceeds received from such fines in any fiscal  
277 year be made available to the Department of Public Safety during the following fiscal year

278 to help defray the expenses of enforcing the limitations set forth in this article and to the  
 279 treasurer of the department for use in connection with permit administrative costs and for  
 280 public road maintenance purposes."

281 **SECTION 4.**

282 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
 283 amended by revising Code Section 40-1-1, relating to definitions regarding motor vehicles  
 284 and traffic, by adding a new paragraph to read as follows:

285 "(42.1) 'Pedestrian hybrid beacon' means a special type of hybrid beacon used to warn  
 286 and control traffic at locations without a traffic-control signal to assist pedestrians in  
 287 crossing a street or highway at a marked crosswalk."

288 **SECTION 5.**

289 Said title is further amended by revising subsection (a) of Code Section 40-6-70, relating to  
 290 vehicles approaching or entering an intersection, as follows:

291 "(a) When two vehicles approach or enter an intersection from different highways at  
 292 approximately the same time, the driver of the vehicle on the left shall yield the right of  
 293 way to the vehicle on the right, provided that when a vehicle approaches or enters an  
 294 intersection with no stop signs or other traffic-control devices from a highway that  
 295 terminates at the intersection, the driver of that vehicle shall yield the right of way to the  
 296 other vehicle, whether the latter vehicle be on such driver's right or left. When two  
 297 vehicles approach or enter an intersection with an inoperative traffic light, the driver of  
 298 each vehicle shall be required to stop in the same manner as if a stop sign were facing in  
 299 each direction at the intersection. Drivers shall not be required to stop if the traffic signal  
 300 is properly signed as a pedestrian hybrid beacon and operating in the unactivated dark  
 301 mode. When a flashing indication is given, the driver shall stop for the flashing red signal  
 302 and exhibit caution while passing through a flashing yellow indication."

303 **SECTION 6.**

304 Said title is further amended by revising Code Section 40-14-9, relating to when evidence  
 305 obtained using speed detection devices is inadmissible, as follows:

306 "40-14-9.

307 Evidence obtained by county or municipal law enforcement officers in using speed  
 308 detection devices within 300 feet of a reduction of a speed limit inside an incorporated  
 309 municipality or within 600 feet of a reduction of a speed limit outside an incorporated  
 310 municipality or consolidated city-county government shall be inadmissible in the  
 311 prosecution of a violation of any municipal ordinance, county ordinance, or state law

312 regulating speed; nor shall such evidence be admissible in the prosecution of a violation  
313 as aforesaid when such violation has occurred within 30 days following a reduction of the  
314 speed limit in the area where the violation took place, except that this 30 day limitation  
315 shall not apply to a speeding violation within a highway work zone, as defined in Code  
316 Section 40-6-188, or in an area with variable speed limits, as defined in Code Section  
317 40-6-182. No speed detection device shall be employed by county, municipal, or campus  
318 law enforcement officers on any portion of any highway which has a grade in excess of 7  
319 percent."

320 **SECTION 7.**

321 This Act shall become effective on July 1, 2010.

322 **SECTION 8.**

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