

The Senate Public Safety Committee offered the following substitute to SB 526:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"32-6-24.

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

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

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

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

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

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

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

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

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

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

(1) Trailer and semitrailer lengths:

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

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

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

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

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

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

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

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

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

SECTION 2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3.

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

"32-6-28.

(a) *Generally.*

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

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

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

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

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

(ii) Have all axles equipped with brakes;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) *Duration and limits of permits.*

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

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

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

(C) Whose total load length exceeds 100 feet;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Notwithstanding any provision of Code Section 48-2-17 to the contrary, all fees collected in accordance with this Code section shall be paid to the treasurer of the department to help defray the expenses of enforcing the limitations set forth in this article and may also be used for public road maintenance purposes in addition to any sums appropriated therefor to the department."

SECTION 4.

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

276 "(42.1) 'Pedestrian hybrid beacon' means a special type of hybrid beacon used to warn
277 and control traffic at locations without a traffic-control signal to assist pedestrians in
278 crossing a street or highway at a marked crosswalk."

279 **SECTION 5.**

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

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

294 **SECTION 6.**

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

297 "40-14-9.

298 Evidence obtained by county or municipal law enforcement officers in using speed
299 detection devices within 300 feet of a reduction of a speed limit inside an incorporated
300 municipality or within 600 feet of a reduction of a speed limit outside an incorporated
301 municipality or consolidated city-county government shall be inadmissible in the
302 prosecution of a violation of any municipal ordinance, county ordinance, or state law
303 regulating speed; nor shall such evidence be admissible in the prosecution of a violation
304 as aforesaid when such violation has occurred within 30 days following a reduction of the
305 speed limit in the area where the violation took place, except that this 30 day limitation
306 shall not apply to a speeding violation within a highway work zone, as defined in Code
307 Section 40-6-188, or in an area with variable speed limits, as defined in Code Section
308 40-6-182. No speed detection device shall be employed by county, municipal, or campus
309 law enforcement officers on any portion of any highway which has a grade in excess of 7
310 percent."

311 **SECTION 7.**

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

313 **SECTION 8.**

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