

House Bill 1174 (AS PASSED HOUSE AND SENATE)

By: Representatives Burns of the 157th, Hamilton of the 23rd, Roberts of the 154th, Sheldon of the 105th, and Lane of the 158th

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 amend Title 40 of the Official
6 Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for a
7 definition; to provide for vehicles approaching an intersection with a pedestrian hybrid
8 beacon; to provide for evidence obtained by speed detection devices in a variable speed zone
9 is inadmissible; to provide for related matters; to provide for an effective date; to repeal
10 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 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 unginning 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 unginning 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) Notwithstanding any provision of Code Section 48-2-17 to the contrary, all fees
268 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."

272 **SECTION 4.**

273 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
274 amended by revising Code Section 40-1-1, relating to definitions regarding motor vehicles
275 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.