

House Bill 397 (COMMITTEE SUBSTITUTE)

By: Representatives Burns of the 157th, Roberts of the 154th, McCall of the 30th, Lane of the 158th, Shaw of the 176th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia
2 Annotated, relating to brakes, so as to update certain provisions relating to surge brakes; to
3 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Part 3 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated,
8 relating to brakes, is amended by revising Code Section 40-8-50, relating to brakes required
9 on motor vehicles, as follows:

10 "40-8-50.

11 (a) As used in this Code section, the term:

12 (1) 'Gross combination weight rating (GCWR)' means the combined gross vehicle weight
13 ratings of all vehicles in a combination of vehicles.

14 (2) 'Gross vehicle weight rating (GVWR)' means the value specified by the manufacturer
15 or manufacturers as the maximum loaded weight of a single or a combination
16 (articulated) vehicle, the actual gross weight, or registered gross weight, whichever is
17 greater.

18 (3) 'Hazardous material' has the meaning provided by Chapter 51 of Title 49 of the
19 United States Code Annotated.

20 (4) 'Surge brakes' means ~~a system of brakes on a trailer or semitrailer in which the trailer~~
21 ~~service brakes are activated as a result of the forward pressure of the trailer against the~~
22 ~~towing vehicle during deceleration~~ self-contained, permanently closed hydraulic brake
23 system for trailers that relies on inertial forces, developed in response to the braking
24 action of the towing vehicle, applied to a hydraulic device mounted on or connected to
25 the tongue of the trailer to slow down or stop the towed vehicle.

26 (b) Every motor vehicle, other than a motorcycle or motor driven cycle, when operated
27 upon a highway shall be equipped with brakes adequate to control the movement of and
28 to stop and hold such vehicle, including two separate means of applying the brakes, each
29 of which means shall be effective to apply the brakes to at least two wheels. If these two
30 separate means of applying the brakes are connected in any way, they shall be so
31 constructed that failure on any one part of the operating mechanism shall not leave the
32 motor vehicle without brakes on at least two wheels.

33 (c) Every motorcycle and motor driven cycle manufactured after January 1, 1974, when
34 operated upon a highway, shall be equipped with at least two brakes which may be
35 operated by hand or foot.

36 (d) Except as otherwise provided in subsection (e) of this Code section, every trailer or
37 semitrailer of 3,000 pounds gross weight or more shall be equipped with brakes on all
38 wheels. Any farm trailer with two or more wheels, pulled from a tongue, used in or
39 operated for farm purposes, including transporting fertilizer and agricultural materials to
40 the farm, shall not be required to have an independent braking system thereon, provided
41 such farm trailer shall not weigh over 4,000 pounds when empty.

42 (e) Any trailer or semitrailer may utilize surge brakes, subject to the following conditions
43 and limitations:

44 (1) The gross vehicle weight rating or the actual gross weight of any surge brake
45 equipped trailer or semitrailer does not exceed 20,000 pounds ~~The vehicle or combination~~
46 ~~of vehicles does not include a vehicle designed or used to transport 16 or more~~
47 ~~passengers, including the driver;~~

48 (2) For trailers and semitrailers with a gross vehicle weight rating of 12,000 pounds or
49 less, the gross vehicle weight rating of any such trailer shall not exceed 1.75 times the
50 gross vehicle weight rating of the towing vehicle ~~The trailer or semitrailer has a gross~~
51 ~~vehicle weight rating which does not exceed 12,000 pounds;~~

52 (3) For trailers and semitrailers with a gross vehicle weight rating greater than 12,000
53 pounds, but less than 20,001 pounds, the gross vehicle weight rating of any such trailer
54 shall not exceed 1.25 times the gross vehicle weight rating of the towing vehicle ~~The~~
55 ~~combination of vehicles does not exceed a gross combination weight rating of 26,000~~
56 ~~pounds;~~

57 (4) The actual gross weight of the trailer or semitrailer and load does not exceed the
58 manufacturer's gross vehicle weight rating;

59 (5) The trailer or semitrailer brakes must be designed and connected in such a manner
60 that in case of accidental breakaway of the towed vehicle the brakes shall apply
61 automatically; and

62 ~~(6) The trailer or semitrailer is not used to transport hazardous materials in a type and~~
63 ~~quantity which requires placarding;~~

64 ~~(7) The trailer or semitrailer is not used to transport liquids or gases contained in~~
65 ~~packaging which exceeds 119 gallons capacity; and~~

66 ~~(8)(6) For vehicles used for commercial purposes, the vehicle or combination of vehicles~~
67 ~~is used only in intrastate commerce and complies in all other respects with licensing,~~
68 ~~insurance, registration, identification, driver and vehicle safety, and hazardous materials~~
69 ~~regulations of the Department of Public Safety and United States Department of~~
70 ~~Transportation applicable to such vehicles or combination of vehicles.~~

71 (f) Where there is no manufacturer's gross vehicle weight rating or the manufacturer's
72 gross vehicle weight rating is exceeded in violation of paragraph (4) of subsection (e) of
73 this Code section, then the actual gross weight of the trailer or semitrailer shall be used to
74 determine compliance with paragraphs (2) and (3) of subsection (e) of this Code section."

75 **SECTION 2.**

76 This Act shall become effective upon its approval by the Governor or upon its becoming law
77 without such approval.

78 **SECTION 3.**

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