

House Bill 990

By: Representatives Powell of the 29<sup>th</sup>, Rice of the 51<sup>st</sup>, and Bearden of the 68<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and  
2 traffic, so as to ensure that the financial responsibility of motor carriers in this state is  
3 compatible with federal motor carrier safety regulations; to change certain equipment  
4 requirements for the lighting equipment and warning flags for protruding loads, brake  
5 performance, ability, rear view mirrors, window tinting, and tire tread depth on commercial  
6 motor vehicles to make them compatible with federal motor carrier safety regulations; to  
7 provide for related matters; to repeal conflicting laws; to provide for an effective date; and  
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
12 amended by adding a new Code section to read as follows:

13 "40-6-10.1.

14 No motor carrier subject to the financial responsibility requirements of the Federal Motor  
15 Carrier Safety Administration, or any successor agency, as contained in Title 49 of the  
16 Code of Federal Regulations, Part 387, shall operate any motor vehicle upon the highways  
17 of this state until such motor carrier has obtained and has in effect the minimum levels of  
18 financial responsibility prescribed by such federal regulations."

19 **SECTION 2.**

20 Said title is further amended by revising Code Section 40-8-27, relating to lighting equipment  
21 requirements, as follows:

22 "40-8-27.

23 (a) Except as provided in subsection (b) of this Code section, whenever the load upon any  
24 vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there  
25 shall be displayed at the extreme rear end of the load, at the times specified in Code Section

26 40-8-20, a red light plainly visible from a distance of at least 500 feet to the sides and rear.  
27 The red light required under this Code section shall be in addition to the red rear light  
28 required upon every vehicle. At any other time there shall be displayed at the extreme rear  
29 end of such load a flag or flags as described in subsection (c) of this Code section not less  
30 than ~~12~~ 18 inches square and so hung that the entire area is visible to the driver of a vehicle  
31 approaching from the rear.

32 (b) Any motor vehicle or trailer transporting a load of logs, long pulpwood, poles, or posts  
33 which extend more than four feet beyond the rear of the body or bed of such vehicle shall  
34 have securely affixed as close as practical to the end of any such projection one amber  
35 strobe type lamp equipped with a multidirectional type lens so mounted as to be visible  
36 from the rear and both sides of the projecting load. If the mounting of one strobe lamp  
37 cannot be accomplished so that it is visible from the rear and both sides of the projecting  
38 load, multiple strobe lights shall be utilized so as to meet the visibility requirements of this  
39 subsection. The strobe lamp shall flash at a rate of at least 60 flashes per minute and shall  
40 be plainly visible from a distance of at least 500 feet to the rear and sides of the projecting  
41 load any time of the day or night. The lamp shall be operating at any time of the day or  
42 night when the vehicle is operated on any highway or parked on the shoulder or  
43 immediately adjacent to the traveled portion of any public roadway. The projecting load  
44 shall also be marked with a flag or flags as described in subsection (c) of this Code section.  
45 An emergency light permit as provided for in Code Section 40-8-92 is not required on a  
46 vehicle utilizing an amber strobe light to comply with the provisions of this Code section.

47 (b.1) In lieu of the strobe type lamp or lamps provided for in subsection (b) of this Code  
48 section, any motor vehicle or trailer transporting a load of logs, long pulpwood, poles, or  
49 posts which extend more than four feet beyond the rear of the body or bed of such vehicle  
50 shall have securely affixed as close as practical to the end of any such projection, one  
51 light-emitting diode (LED) light equipped with a multidirectional type lens, mounted so  
52 as to be visible from the rear and from both sides of the projecting load. If the mounting  
53 of one light-emitting diode (LED) light cannot be accomplished so that it is visible from  
54 the rear and from both sides of the projecting load, multiple light-emitting diode (LED)  
55 lights shall be utilized so as to meet the visibility requirements of this subsection. The  
56 light-emitting diode (LED) light or lights shall be amber in color, shall flash at a rate of at  
57 least 60 flashes per minute, and shall be plainly visible from a distance of at least 500 feet  
58 from the rear and sides at a radius of 180 degrees of the projecting load at any time of the  
59 day or night. Any light-emitting diode (LED) light shall be constructed of durable, weather  
60 resistant material and may be powered by the vehicle's electrical system or by an  
61 independent battery system, or both. If the light-emitting diode (LED) light is powered by  
62 an independent battery system, the driver of the vehicle shall have in his or her immediate

63 possession charged, spare batteries for use in case of battery failure. Any solid state  
 64 light-emitting diode (LED) lighting that consists of multiple light-emitting diode (LED)  
 65 lights shall not have less than 85 percent of the light-emitting diode (LED) lights in  
 66 operable condition. The lights shall remain in operation at any time of the day or night  
 67 when the vehicle is operated on any highway or parked on the shoulder or immediately  
 68 adjacent to the traveled portion of any public roadway. The projecting load shall also be  
 69 marked with a flag as described in subsection (c) of this Code section. An emergency light  
 70 permit as provided for in Code Section 40-8-92 is not required on a vehicle utilizing a  
 71 light-emitting diode (LED) light to comply with the provisions of this Code section.

72 (c) The flag or flags as required by subsection (a) or (b) of this Code section shall be of a  
 73 bright red or orange fluorescent color not less than ~~12~~ 18 inches square which is clearly  
 74 visible and shall be displayed in such a manner that the entire area of the flag is visible  
 75 from the rear of the vehicle. There shall be a single flag at the extreme rear of the  
 76 projecting load if the projecting load is two feet wide or less. Two such warning flags shall  
 77 be required if the projecting load is wider than two feet. Flags shall be located to indicate  
 78 the maximum width of loads which extend beyond the rear of the vehicle."

79 **SECTION 3.**

80 Said title is further amended by revising Code Section 40-8-53 relating to brakes as follows:  
 81 "40-8-53.

82 (a) Except as provided for in subsection (b) of this Code section, every Every motor  
 83 vehicle or combination of motor drawn vehicles shall be capable at all times and under all  
 84 conditions of loading of being stopped on a dry, smooth, level road free from loose  
 85 material, upon application of the service (foot) brake within the distances specified in this  
 86 Code section or shall be capable of being decelerated at a sustained rate corresponding to  
 87 these distances.

	Feet to Stop	
	From 20 Miles	Deceleration in
	<u>Per Hour</u>	<u>Feet Per Second</u>
88 Vehicles or combinations of vehicles		
89 having brakes on all wheels	30	14
90 Vehicles or combinations of vehicles		
91 not having brakes on all wheels	40	10.7

92 (b) The brake performance ability for commercial motor vehicles shall be as provided for  
 93 in the federal motor carrier safety regulations contained in 49 C.F.R. 393.52 as  
 94 promulgated by the Federal Motor Carrier Safety Administration and adopted by the  
 95

98 commissioner of public safety pursuant to Code Section 46-7-26. Commercial motor  
 99 vehicles shall be capable at all times and under all conditions of loading of being stopped  
 100 on a dry, smooth, level road free from loose material, upon application of the service (foot)  
 101 brake within the distances specified in those rules."

102 **SECTION 4.**

103 Said title is further amended by revising Code Section 40-8-72, relating to mirrors, as  
 104 follows:

105 "40-8-72.

106 (a) Except as provided in subsection (b) of this Code section, every Every motor vehicle  
 107 which is so constructed or loaded as to obstruct the driver's view to the rear thereof from  
 108 the driver's position shall be equipped with a mirror so located as to reflect to the driver a  
 109 view of the highway for a distance of at least 200 feet to the rear of such vehicle.

110 (b) Every commercial motor vehicle shall be equipped with two rear-vision mirrors  
 111 meeting the requirements of the federal motor vehicle safety standards contained in 49  
 112 C.F.R. 571.111 in effect at the time of manufacture, one at each side, firmly attached to the  
 113 outside of the motor vehicle, and so located as to reflect to the driver a view of the highway  
 114 to the rear, along both sides of the vehicle; provided, however, only one outside mirror  
 115 shall be required, which shall be on the driver's side, on a commercial motor vehicle which  
 116 is so constructed that the driver has a view to the rear by means of an interior mirror."

117 **SECTION 5.**

118 Said title is further amended by revising subsections (f) and (g) of Code Section 40-8-73.1,  
 119 relating to window tinting, as follows:

120 "(f) Notwithstanding any other provision of this Code section, commercial motor vehicles  
 121 operated in this state are subject to the specifications of or limitations relating to windshield  
 122 or window glazing or the application of light reducing or reflectance material to the  
 123 windshield or windows as provided for in the federal motor carrier safety regulations  
 124 contained in 49 C.F.R. 393.60 as promulgated by the Federal Motor Carrier Safety  
 125 Administration and adopted by the commissioner of public safety pursuant to Code Section  
 126 46-7-26.

127 (g) The Department of Public Safety is authorized to promulgate such rules and  
 128 regulations as may be necessary to carry out the provisions of this Code section.

129 (g)(h) Any person who violates subsection (b) or (e) of this Code section shall be guilty  
 130 of a misdemeanor."

131 **SECTION 6.**

132 Said title is further amended by revising subsections (e) and (g) of Code Section 40-8-74,  
133 relating to tire tread depth, as follows:

134 "(e) All tires:

135 (1) Shall have not less than  $\frac{2}{32}$  inch tread measurable in all major grooves ~~with the~~  
136 ~~exception of except that~~ school buses ~~and commercial vehicles which~~ shall have not less  
137 than  $\frac{4}{32}$  inch tread measurable in all major grooves on the front tires and school buses  
138 shall have not less than  ~~$\frac{2}{32}$~~   $\frac{4}{32}$  inch tread measurable in all major grooves on the rear  
139 tires when there are ~~at least four~~ only two tires on the rear ~~otherwise the tread on the rear~~  
140 ~~tires shall be not less than  $\frac{4}{32}$  inch ; such measurements shall not be made where tie~~  
141 ~~bars, humps, or fillets are located;~~

142 (2) Shall be free from any cuts, breaks, or snags on tread and sidewall deep enough to  
143 expose body cord; and

144 (3) Shall be free from bumps, bulges, or separations."

145 "(g) Retreaded, regrooved, or recapped tires shall not be used upon the front wheels of  
146 buses."

147 **SECTION 7.**

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

149 **SECTION 8.**

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