

House Bill 112

By: Representatives Powell of the 29<sup>th</sup>, Rice of the 51<sup>st</sup>, Battles of the 15<sup>th</sup>, and Harden of the 28<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 amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities and  
8 public transportation, to clarify the applicability of safety regulations to vehicles operated  
9 within corporate limits of a city; to provide for related matters; to repeal conflicting laws; to  
10 provide for an effective date; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 SECTION 1.

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

15 "40-6-10.1.

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

21 SECTION 2.

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

24 "40-8-27.

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

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

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

61 day or night. Any light-emitting diode (LED) light shall be constructed of durable, weather  
 62 resistant material and may be powered by the vehicle's electrical system or by an  
 63 independent battery system, or both. If the light-emitting diode (LED) light is powered by  
 64 an independent battery system, the driver of the vehicle shall have in his or her immediate  
 65 possession charged, spare batteries for use in case of battery failure. Any solid state  
 66 light-emitting diode (LED) lighting that consists of multiple light-emitting diode (LED)  
 67 lights shall not have less than 85 percent of the light-emitting diode (LED) lights in  
 68 operable condition. The lights shall remain in operation at any time of the day or night  
 69 when the vehicle is operated on any highway or parked on the shoulder or immediately  
 70 adjacent to the traveled portion of any public roadway. The projecting load shall also be  
 71 marked with a flag as described in subsection (c) of this Code section. An emergency light  
 72 permit as provided for in Code Section 40-8-92 is not required on a vehicle utilizing a  
 73 light-emitting diode (LED) light to comply with the provisions of this Code section.

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

81 **SECTION 3.**

82 Said title is further amended by revising Code Section 40-8-53, relating to performance  
 83 ability of brakes, as follows:

84 "40-8-53.

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

91	Feet to Stop	
92	From 20 Miles	Deceleration in
93	<u>Per Hour</u>	<u>Feet Per Second</u>
94 Vehicles or combinations of vehicles		
95 having brakes on all wheels	30	14

96 Vehicles or combinations of vehicles

97 not having brakes on all wheels 40 10.7

98 (b) The brake performance ability for commercial motor vehicles shall be as provided for  
 99 in the federal motor carrier safety regulations contained in 49 C.F.R. 393.52 and adopted  
 100 by the commissioner of public safety pursuant to Code Section 46-7-26. Commercial  
 101 motor vehicles shall be capable at all times and under all conditions of loading of being  
 102 stopped on a dry, smooth, level road free from loose material upon application of the  
 103 service (foot) brake within the distances specified in those rules."

104 **SECTION 4.**

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

107 "40-8-72.

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

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

119 **SECTION 5.**

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

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

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

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

132 **SECTION 6.**

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

135 "(e) All tires:

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

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

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

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

148 **SECTION 7.**

149 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public  
150 transportation, is amended by revising paragraph (9) of Code Section 46-1-1, relating to  
151 definitions, as follows:

152 "(9) 'Motor contract carrier and motor common carrier' means as follows:

153 (A) 'Motor contract carrier' means every person, except common carriers, owning,  
154 controlling, operating, or managing any motor propelled vehicle including the lessees  
155 or trustees of such persons or receivers appointed by any court used in the business of  
156 transporting persons or property for hire over any public highway in this state and not  
157 operated exclusively within the corporate limits of any city; the provisions of this  
158 subparagraph notwithstanding, vehicles and the drivers thereof operating within the  
159 corporate limits of any city shall be subject to the safety regulations adopted by the  
160 commissioner of public safety pursuant to Code Section 46-7-26.

161 (B) 'Motor common carrier' means every person owning, controlling, operating, or  
162 managing any motor propelled vehicle, and the lessees, receivers, or trustees of such  
163 person, used in the business of transporting for hire of persons or property, or both,  
164 otherwise than over permanent rail tracks, on the public highways of Georgia as a

165 common carrier. The term includes, but is not limited to, limousine carriers as defined  
 166 in paragraph (5) of Code Section 46-7-85.1.

167 (C) Except as otherwise provided in this subparagraph, the terms 'motor common  
 168 carrier' and 'motor contract carrier' shall not include:

169 (i) Motor vehicles engaged solely in transporting school children and teachers to and  
 170 from public schools and private schools;

171 (ii) Taxicabs, drays, trucks, buses, and other motor vehicles which operate within the  
 172 corporate limits of municipalities and are subject to regulation by the governing  
 173 authorities of such municipalities. This exception shall apply to such vehicles even  
 174 though such vehicles may, in the prosecution of their regular business, occasionally  
 175 go beyond the corporate limits of such municipalities. Such exception shall not  
 176 include such vehicles engaged in the moving of household goods nor include  
 177 passenger vans (I) having a capacity of ten persons or more, (II) conducting  
 178 nonmetered transportation service and not operated by a municipality or municipal,  
 179 county, or regional governmental authority, and (III) which are engaged in private  
 180 for-hire transportation operating between points within the corporate limits of a  
 181 municipality. Pursuant to Code Section 44-1-13, all tow trucks engaged in  
 182 nonconsensual towing operations between points within the corporate limits of a  
 183 municipality shall remain subject to the jurisdiction of the commission and the  
 184 municipality within which such nonconsensual towing operations are conducted; the  
 185 provisions of this division notwithstanding, vehicles and the drivers thereof operating  
 186 within the corporate limits of any city shall be subject to the safety regulations  
 187 adopted by the commissioner of public safety pursuant to Code Section 46-7-26;

188 (iii) Hotel passenger or baggage motor vehicles when used exclusively for patrons  
 189 and employees of such hotel;

190 (iv) Motor vehicles operated not for profit with a capacity of 15 persons or ~~less~~ fewer  
 191 when they are used exclusively to transport elderly and disabled passengers or  
 192 employees under a corporate sponsored van pool program, except that a vehicle  
 193 owned by the driver may be operated for profit when such driver is traveling to and  
 194 from his or her place of work provided each such vehicle carrying more than nine  
 195 passengers maintains liability insurance in an amount of not less than \$100,000.00 per  
 196 person and \$300,000.00 per accident and \$50,000.00 property damage. For the  
 197 purposes of this division, elderly and disabled passengers are defined as individuals  
 198 over the age of 60 years or who, by reason of illness, injury, age, congenital  
 199 malfunction, or other permanent or temporary incapacity or disability, are unable to  
 200 utilize mass transportation facilities as effectively as persons who are not so affected;

- 201 (v) Granite trucks, where transportation from quarry to finishing plant involves not  
202 crossing more than two counties;
- 203 (vi) RFD carriers and star-route carriers which carry no more than nine passengers  
204 along with carriage of the United States mail, provided that such carriers shall not  
205 carry passengers on a route along which another motor common carrier or motor  
206 contract carrier of passengers has a permit or a certificate to operate;
- 207 (vii) Motor trucks of railway companies which perform a pick-up and delivery  
208 service in connection with their freight train service, between their freight terminals  
209 and points not more than ten miles distant, when either the freight terminal or such  
210 points, or both, are outside the limits of an incorporated city;
- 211 (viii) Motor vehicles owned and operated exclusively by the United States  
212 government or by this state or any subdivision thereof;
- 213 (ix) Single source leasing whereby a leasing company whose primary business is  
214 leasing vehicles and who operates a fleet of ten or more vehicles provides vehicle  
215 equipment and drivers in a single transaction to a private carrier. Such arrangement  
216 is presumed to result in private carriage by the shipper if the requirements enumerated  
217 below are met and subject only to the commission's transportation safety rules:
- 218 (I) The lease must be reduced to writing and a copy maintained on the leased  
219 vehicle at all times during the term of the lease;
- 220 (II) The period for which the lease applies must be no less than 30 days;
- 221 (III) The lease agreement must provide, and the surrounding facts must reflect, that  
222 the leased equipment is exclusively committed to the lessee's use for the term of the  
223 lease;
- 224 (IV) The lease agreement must provide, and the surrounding facts must reflect, that  
225 during the term of the lease the lessee accepts, possesses, and exercises exclusive  
226 dominion and control over the leased equipment and assumes complete  
227 responsibility for the operation of the equipment;
- 228 (V) The lessee must maintain public liability insurance and accept responsibility  
229 to the public for any injury caused in the course of performing the transportation  
230 service conducted by the lessee with the equipment during the term of the lease;
- 231 (VI) The lessee shall display appropriate identification on all equipment leased by  
232 it showing operation by the lessee during the performance of the transportation;
- 233 (VII) The lessee must accept responsibility for, and bear the cost of, compliance  
234 with safety regulations during performance by the lessee of any such transportation  
235 services; and
- 236 (VIII) The lessee must bear the risk of damage to the cargo, subject to any right of  
237 action the lessee may have against the lessor for the latter's negligence;

238 (x) Motor vehicles engaged exclusively in the transportation of agricultural or dairy  
239 products, or both, between farm, market, gin, warehouse, or mill, whether such motor  
240 vehicle is owned by the owner or producer of such agricultural or dairy products or  
241 not, so long as the title remains in the producer. For the purposes of this division, the  
242 term 'producer' includes a landlord where the relations of landlord and tenant or  
243 landlord and cropper are involved. As used in this division, the term 'agricultural  
244 products' includes fruit, livestock, meats, fertilizer, wood, lumber, cotton, and naval  
245 stores; household goods and supplies transported to farms for farm purposes; or other  
246 usual farm and dairy supplies, including products of grove or orchard; poultry and  
247 eggs; fish and oysters; and timber or logs being hauled by the owner thereof or the  
248 owner's agents or employees between forest and mill or primary place of manufacture;  
249 provided, however, motor vehicles with a manufacturer's gross weight rated capacity  
250 of 44,000 pounds or more engaged solely in the transportation of unmanufactured  
251 forest products shall be subject to the Georgia Forest Products Trucking Rules which  
252 shall be adopted and promulgated by the commissioner of public safety only for  
253 application to such vehicles and vehicles defined in subparagraph (A) of paragraph  
254 (13) of this Code section; provided, further, that pulpwood trailers and pole trailers  
255 with a manufacturer's gross weight rated capacity of 10,001 pounds or more engaged  
256 solely in the transportation of unmanufactured forest products shall have two amber  
257 side marker reflectors on each side of the trailer chassis between the rear of the tractor  
258 cab and the rearmost support for the load. All such reflectors shall be not less than  
259 four inches in diameter. Such rules and any amendments thereto adopted by the  
260 commissioner of public safety shall be subject to legislative review in accordance  
261 with the provisions of Code Section 46-2-30, and, for the purposes of such rules and  
262 any amendments thereto, the Senate Natural Resources and the Environment  
263 Committee and the House Committee on Natural Resources and Environment shall  
264 be the appropriate committees within the meaning of said Code Section 46-2-30. The  
265 first such rules adopted by the commissioner of public safety shall be effective July  
266 1, 1991;

267 (xi) Reserved;

268 (xii) Reserved;

269 (xiii) Vehicles, owned or operated by the federal or state government, or by any  
270 agency, instrumentality, or political subdivision of the federal or state government,  
271 or privately owned and operated for profit or not for profit, capable of transporting not  
272 more than ten persons for hire when such vehicles are used exclusively to transport  
273 persons who are elderly, disabled, en route to receive medical care or prescription  
274 medication, or returning after receiving medical care or prescription medication. For

275 the purpose of this division, elderly and disabled persons shall have the same meaning  
276 as in division (iv) of this ~~paragraph~~ subparagraph;  
277 (xiv) Reserved; or  
278 (xv) Ambulances."

279 **SECTION 8.**

280 This Act shall become effective on July 1, 2011.

281 **SECTION 9.**

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