

Senate Bill 168

By: Senators Seay of the 34th, Mullis of the 53rd, Stoner of the 6th, James of the 35th, Butler of the 55th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to uniform rules of the road, so as to dedicate the
3 Georgia Move-Over law in memory of Spencer Pass, a HERO operator with the Georgia
4 Department of Transportation who was tragically killed after being hit by a passing truck
5 while he was helping a motorist on the side of Interstate Highway 85 in Atlanta, Georgia, on
6 January 31, 2011; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
11 general provisions relative to uniform rules of the road, is amended by revising Code Section
12 40-6-16, relating to procedure for passing stationary authorized emergency vehicles,
13 stationary towing or recovery vehicles, or stationary highway maintenance vehicles, as
14 follows:

15 "40-6-16.

16 (a) This Code section shall be known and may be cited as the 'Spencer Pass Law.'

17 ~~(a)~~(b) The operator of a motor vehicle approaching a stationary authorized emergency
18 vehicle that is displaying flashing yellow, amber, white, red, or blue lights shall approach
19 the authorized emergency vehicle with due caution and shall, absent any other direction by
20 a peace officer, proceed as follows:

21 (1) Make a lane change into a lane not adjacent to the authorized emergency vehicle if
22 possible in the existing safety and traffic conditions; or

23 (2) If a lane change under paragraph (1) of this subsection would be impossible,
24 prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and
25 proper speed for the existing road and traffic conditions, which speed shall be less than
26 the posted speed limit, and be prepared to stop.

27 ~~(b)~~(c) The operator of a motor vehicle approaching a stationary towing or recovery vehicle
28 or a stationary highway maintenance vehicle that is displaying flashing yellow, amber, or
29 red lights shall approach the vehicle with due caution and shall, absent any other direction
30 by a peace officer, proceed as follows:

31 (1) Make a lane change into a lane not adjacent to the towing, recovery, or highway
32 maintenance vehicle if possible in the existing safety and traffic conditions; or

33 (2) If a lane change under paragraph (1) of this subsection would be impossible,
34 prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and
35 proper speed for the existing road and traffic conditions, which speed shall be less than
36 the posted speed limit, and be prepared to stop.

37 ~~(e)~~(d) Violation of subsection ~~(a)~~ (b) or ~~(b)~~ (c) of this Code section shall be punished by
38 a fine of not more than \$500.00."

39 **SECTION 2.**

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