

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

**AS PASSED SENATE**

**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.