

House Bill 156 (AS PASSED HOUSE AND SENATE)

By: Representatives Cheokas of the 134th, Meadows of the 5th, Roberts of the 154th, England of the 108th, Bearden of the 68th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to
2 payment for indemnification for death or disability, procedure for making of payments, and
3 appeal, so as to change provisions relative to the indemnification of injured state highway
4 employees; to honor and provide for state highway safety employees injured or killed in the
5 line of duty; to amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia
6 Annotated, relating to general provisions relative to uniform rules of the road, so as to
7 dedicate the Georgia Move-Over law in memory of Spencer Pass, a HERO operator with the
8 Georgia Department of Transportation who was tragically killed in the line of duty; to
9 provide for the intent and authority of the General Assembly; to provide for applicability; to
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 SECTION 1.

13 Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
14 general provisions relative to uniform rules of the road, is amended by revising Code Section
15 40-6-16, relating to procedure for passing stationary authorized emergency vehicles,
16 stationary towing or recovery vehicles, or stationary highway maintenance vehicles, by
17 adding a new subsection (a), by redesignating subsections (a) through (c) as subsections (b)
18 through (d), respectively, and by amending the newly designated subsection (d) as follows:

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

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

22 SECTION 1.1.

23 Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to payment for
24 indemnification for death or disability, procedure for making of payments, and appeal, is
25 amended by revising subsection (a) as follows:

26 "(a) Indemnification shall be paid under this article as follows:

27 (1) In the case of a partial permanent disability suffered in the line of duty by a law
 28 enforcement officer, firefighter, emergency medical technician, emergency management
 29 rescue specialist, state highway employee, or prison guard, the eligible disabled person
 30 may elect payment of \$35,000.00 paid in equal monthly installments for five years or a
 31 lump sum of such amount reduced to its present value upon the basis of interest
 32 calculated at the rate of 6 percent per annum;

33 ~~(2) In the case of a partial permanent disability suffered in the line of duty by a state
 34 highway employee, the eligible person may elect to receive a payment of \$12,000.00 paid
 35 in equal monthly installments for five years or a lump sum of such amount reduced to its
 36 present value upon the basis of interest calculated at the rate of 6 percent per annum;~~

37 ~~(3)~~(2) In the case of a total permanent disability suffered in the line of duty by a law
 38 enforcement officer, firefighter, emergency medical technician, emergency management
 39 rescue specialist, state highway employee, or prison guard, the injured person may elect
 40 to receive a payment of \$75,000.00 paid in equal monthly installments for five years or
 41 a lump sum of such amount reduced to its present value upon the basis of interest
 42 calculated at the rate of 6 percent per annum; or

43 ~~(4) In the case of a total permanent disability suffered in the line of duty by a state
 44 highway employee, the eligible person may elect to receive a payment of \$25,000.00 paid
 45 in equal monthly installments for five years or a lump sum of such amount reduced to its
 46 present value upon the basis of interest calculated at the rate of 6 percent per annum;~~

47 ~~(5)~~(3) In the case of death or organic brain damage suffered in the line of duty by a law
 48 enforcement officer, firefighter, emergency medical technician, emergency management
 49 specialist, state highway employee, or prison guard, payment shall be made to the
 50 surviving unremarried spouse or the dependents of the spouse or deceased person as
 51 shown in his or her most recent tax return or to the legal guardian of the organically brain
 52 damaged person. The surviving unremarried spouse, dependents, or the legal guardian
 53 may elect to receive payment in a lump sum payment of \$100,000.00 paid in equal
 54 monthly installments for five years or a lump sum of such amount reduced to its present
 55 value upon the basis of interest calculated at the rate of 6 percent per annum; or

56 ~~(6) In the case of death or organic brain damage suffered in the line of duty by a state
 57 highway employee, payment shall be made to the surviving unremarried spouse or the
 58 dependents of the spouse or deceased person as shown in his or her most recent tax return
 59 or to the legal guardian of the organically brain damaged person. The surviving
 60 unremarried spouse, dependents, or the legal guardian may elect to receive payment in
 61 a lump sum payment of \$40,000.00 paid in equal monthly installments for five years or~~

62 ~~a lump sum of such amount reduced to its present value upon the basis of interest~~
63 ~~calculated at the rate of 6 percent per annum."~~

64 **SECTION 2.**

65 (a) It is the intent of the General Assembly that the revised indemnification amounts for state
66 highway employees shall be applicable to all incidents involving state highway employees
67 occurring on or after January 1, 2011.

68 (b) The retroactive application of these changes with regard to state highway employees is
69 based on the authority of Ga. Laws 2000, p. 2007, Section 1, adding Article III, Section VI,
70 Paragraph VI(g) of the Georgia Constitution.

71 **SECTION 3.**

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