

The House Committee on Motor Vehicles offers the following substitute to HB 753:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 32-6-5 of the Official Code of Georgia Annotated, relating to
2 closure of or limiting access to roads due to inclement weather and exceptions for certain
3 vehicle operators, so to expand the classification of vehicles that require tire chains to travel
4 on a road declared as a limited access road due to inclement weather conditions; to amend
5 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so
6 as to provide for federal regulatory requirements; to provide for further restrictions on the use
7 of controlled-access roadways; to provide for related matters; to repeal conflicting laws; and
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Code Section 32-6-5 of the Official Code of Georgia Annotated, relating to closure of or
11 limited access to roads due to inclement weather and exceptions for certain vehicle operators,
12 is amended by revising subsection (a) as follows:

13 "(a) The department may close or limit access to any portion of road on the state highway
14 system due to a declared state of emergency for inclement weather conditions that results
15 in dangerous driving conditions. There shall be erected or posted signage of adequate size
16 indicating that a portion of the state highway system has been closed or access has been
17 limited. When the department determines a road shall have limited access due to a
18 declared state of emergency for inclement winter weather conditions, notice shall be given
19 to motorists through posted signage that motor vehicles must be equipped with tire chains,
20 four-wheel drive with adequate tires for existing conditions, or snow tires with a
21 manufacturer's all weather rating in order to proceed. Such signage shall inform motorists
22 that it shall be unlawful to proceed on such road without such equipment. With the
23 exception of buses, operators of commercial motor vehicles as defined by Code Section
24 40-1-1 with four or more drive wheels traveling on a road declared as limited access due
25 to a declared state of emergency for inclement winter weather conditions shall affix tire
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H. B. 753 (SUB)

27 chains to at least four of the drive wheel tires. Bus and motor coach operators shall affix
 28 tire chains to at least two of the drive wheel tires before proceeding on a road with limited
 29 access due to a declared state of emergency for inclement winter weather conditions. For
 30 purposes of this Code section, the term 'tire chains' means metal chains which consist of
 31 two circular metal loops, positioned on each side of a tire, connected by not less than nine
 32 evenly spaced chains across the tire tread or any other traction devices ~~capable of providing~~
 33 ~~traction equal to or exceeding that of such metal chains under similar conditions~~ as
 34 provided for by rules and regulations of the commissioner of public safety."

35 SECTION 2.

36 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 37 amended by revising Code Section 40-1-8, relating to safe operations of motor carriers and
 38 commercial motor vehicles, as follows:

39 "40-1-8.

40 (a) As used in this Code section, the term:

41 (1) 'Commissioner' means the commissioner of public safety.

42 (2) 'Department' means the Department of Public Safety.

43 (3) 'Present regulations' means the regulations promulgated under 49 C.F.R. in force and
 44 effect on January 1, 2014.

45 (b) The commissioner shall have the authority to promulgate rules and regulations for the
 46 safe operation of motor carriers, the safe operation of commercial motor vehicles and
 47 drivers, and the safe transportation of hazardous materials. Any such rules and regulations
 48 promulgated or deemed necessary by the commissioner shall include, but are not limited
 49 to, the following:

50 (1) Every commercial motor vehicle and all parts thereof shall be maintained in a safe
 51 condition at all times; and the lights, brakes, ~~and equipment,~~ and all other parts or
 52 accessories shall meet such safety requirements ~~as the commissioner shall from time to~~
 53 ~~time promulgate~~ designated by present regulations under Parts 393 and 396;

54 (2) Every driver employed to operate a motor vehicle for a motor carrier shall:

55 (A) Be at least 18 years of age to operate a motor vehicle for a motor carrier intrastate
 56 and at least 21 years of age to operate a motor vehicle for a motor carrier interstate;

57 (B) Meet the qualification requirements the commissioner shall from time to time
 58 promulgate;

59 (C) Be of temperate habits and good moral character;

60 (D) Possess a valid driver's license;

61 (E) Not use or possess prohibited drugs or alcohol while on duty; and

- 62 (F) Be fully competent and sufficiently rested to operate the motor vehicle under his
63 or her charge;
- 64 (3) Accidents arising from or in connection with the operation of commercial motor
65 vehicles shall be reported to the commissioner of transportation in such detail and in such
66 manner as the commissioner of transportation may require;
- 67 (4) The commissioner shall require each commercial motor vehicle to have attached such
68 distinctive markings as shall be adopted by the commissioner. Such identification
69 requirements shall comply with the applicable provisions of the federal Unified Carrier
70 Registration Act of 2005; and
- 71 (5) The commissioner shall provide distinctive rules for the transportation of
72 unmanufactured forest products in intrastate commerce to be designated the 'Georgia
73 Forest Products Trucking Rules.'
- 74 (c)(1) Regulations governing the safe operations of motor carriers, commercial motor
75 vehicles and drivers, and the safe transportation of hazardous materials may be adopted
76 by administrative order, including, but not limited to, by referencing compatible federal
77 regulations or standards without compliance with the procedural requirements of Chapter
78 13 of Title 50, the 'Georgia Administrative Procedure Act,' provided that such federal
79 regulations or standards shall be maintained on file by the department and made available
80 for inspection and copying by the public, by means including, but not limited to, posting
81 on the department's Internet site. The commissioner may comply with the filing
82 requirements of Chapter 13 of Title 50 by filing with the office of the Secretary of State
83 the name and designation of such rules, regulations, standards, and orders. The courts
84 shall take judicial notice of rules, regulations, standards, or orders so adopted or
85 published.
- 86 (2) Rules, regulations, or orders previously adopted, issued, or promulgated pursuant to
87 the provisions of Chapter 7 or 11 of Title 46 in effect on June 30, 2011, shall remain in
88 full force and effect until such time as the commissioner of public safety adopts, issues,
89 or promulgates new rules, regulations, or orders pursuant to the provisions of this Code
90 section.
- 91 (d)(1) The commissioner may, pursuant to rule or regulation, specify and impose civil
92 monetary penalties for violations of laws, rules, and regulations relating to driver and
93 motor carrier safety and transportation of hazardous materials. Except as may be
94 hereafter authorized by law, the maximum amount of any such monetary penalty shall not
95 exceed the maximum penalty authorized by law or rule or regulation for the same
96 violation immediately prior to July 1, 2005.
- 97 (2) A cause of action for the collection of a penalty imposed pursuant to this subsection
98 may be brought in the superior court of the county where the principal place of business

99 of the penalized company is located or in the superior court of the county where the
100 action giving rise to the penalty occurred.

101 (e) The commissioner is authorized to adopt such rules and orders as he or she may deem
102 necessary in the enforcement of this Code section. Such rules and orders shall have the
103 same dignity and standing as if such rules and orders were specifically provided in this
104 Code section. The commissioner is authorized to establish such exceptions or exemptions
105 from the requirements of this Code section, as he or she shall deem appropriate, consistent
106 with any federal program requirements, and consistent with the protection of the public
107 health, safety, and welfare.

108 (f)(1) The commissioner may designate members of the department, pursuant to Article
109 5 of Chapter 2 of Title 35, to perform regulatory compliance inspections. Members of
110 county, municipal, campus, and other state agencies may be designated by the
111 commissioner to perform regulatory compliance inspections only of vehicles, drivers, and
112 cargo in operation, and may only enforce the provisions of rules and regulations
113 promulgated under this Code section or Article 2 of this chapter subject to the provisions
114 of a valid agreement between the commissioner and the county, municipal, campus, or
115 other state agency.

116 (2) Unless designated and authorized by the commissioner, no members of county,
117 municipal, campus, and other state agencies may perform regulatory compliance
118 inspections.

119 (g) No person shall drive or operate, or cause the operation of, a vehicle in violation of an
120 out-of-service order. As used in this subsection, the term 'out-of-service order' means a
121 temporary prohibition against operating as a motor carrier or driving or moving a vehicle,
122 freight container or any cargo thereon, or any package containing a hazardous material.

123 (h) Unless otherwise provided by law, a motor carrier or operator of a commercial motor
124 vehicle shall comply with ~~the~~ present regulations as follows:

- 125 (1) Motor carrier safety standards found in 49 C.F.R. Part 391;
- 126 (2) Motor carrier safety standards found in 49 C.F.R. Part 392, including but not limited
127 to the seatbelt ~~Seatbelt~~ usage requirements found in 49 C.F.R. Section 392.16; and
- 128 (3) Hours of service and record of duty status requirements of 49 C.F.R. Part 395.

129 (i) A person failing to comply with the requirements of paragraph (2) of subsection (h) of
130 this Code section shall be guilty of the misdemeanor offense of failure to wear a seat safety
131 belt while operating a commercial motor vehicle and, upon conviction thereof, shall be
132 fined not more than \$50.00 but shall not be subject to imprisonment. The costs of such
133 prosecution shall not be taxed nor shall any additional penalty, fee, or surcharge to a fine
134 for such offense be assessed against a person for conviction thereof. No points shall be

135 added pursuant to Code Section 40-5-57 and no additional fines or penalties shall be
 136 imposed.

137 (j) Every officer, agent, or employee of any corporation and every person who violates or
 138 fails to comply with this Code section or any order, rule, or regulation adopted pursuant to
 139 this Code section, or who procures, aids, or abets a violation of this Code section or such
 140 rule or regulation, shall be guilty of a misdemeanor. Misdemeanor violations of this Code
 141 section may be prosecuted, handled, and disposed of in the manner provided for by Chapter
 142 13 of this title."

143 **SECTION 3.**

144 Said title is further amended by revising Code Section 40-6-51, relating to further restrictions
 145 on use of controlled-access roadways, as follows:

146 "40-6-51.

147 (a)(1) Any motor vehicle with more than six wheels and commercial motor vehicles as
 148 defined by Code Section 40-1-1 shall not travel on any portions of Interstates 20, 75, or
 149 85 that are located within the arc of Interstate 285 unless the driver of such motor vehicle
 150 is:

151 (A) Engaging in a pick up or delivery to or from a shipper located inside the arc of
 152 Interstate 285;

153 (B) Traveling to or from such motor vehicle's terminal facility located inside the arc
 154 of Interstate 285;

155 (C) Traveling to or from a repair facility located inside the arc of Interstate 285 for
 156 service; or

157 (D) Traveling to or from his or her residence which is located inside the arc of
 158 Interstate 285.

159 (2) The Department of Transportation by order and local authorities by ordinance may
 160 regulate or prohibit the use of any controlled-access roadway within their respective
 161 jurisdictions by any class or kind of traffic which is found to be incompatible with the
 162 normal and safe movement of traffic.

163 (b) The Department of Transportation or the local authority adopting any such prohibition
 164 shall erect and maintain official traffic-control devices on the controlled-access highway
 165 on which such prohibitions are applicable, and when such devices are in place no person
 166 shall disobey the restrictions stated thereon.

167 (c) For purposes of this Code section, roadways within the jurisdiction of the Department
 168 of Transportation and roadways within the jurisdiction of local authorities shall be as set
 169 forth in Code Section 32-4-1.

170 (d) A driver of a motor vehicle failing to comply with the requirements of subsection (a)
171 of this Code section shall be fined \$150.00. A driver of a motor vehicle failing to comply
172 with subsection (a) of this Code section during a declared state of emergency for inclement
173 weather conditions shall be fined \$1,000.00."

174 **SECTION 4.**

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