

The Senate Public Safety Committee offered 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 provide
5 for penalties; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor
6 vehicles and traffic, so as to provide for federal regulatory requirements; to provide for
7 further restrictions on the use of controlled-access roadways; to provide for related matters;
8 to repeal conflicting laws; and 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 as follows:

13 "32-6-5.

14 (a) The department may close or limit access to any portion of road on the state highway
15 system due to a declared state of emergency for inclement weather conditions that results
16 in dangerous driving conditions. There shall be erected or posted signage of adequate size
17 indicating that a portion of the state highway system has been closed or access has been
18 limited. When the department determines a road shall have limited access due to a
19 declared state of emergency for inclement winter weather conditions, notice shall be given
20 to motorists through posted signage that motor vehicles must be equipped with tire chains,
21 four-wheel drive with adequate tires for existing conditions, or snow tires with a
22 manufacturer's all weather rating in order to proceed. Such signage shall inform motorists
23 that it shall be unlawful to proceed on such road without such equipment. With the
24 exception of buses, operators of commercial motor vehicles as defined by Code Section
25 40-1-1 with four or more drive wheels traveling on a road declared as limited access due
26

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

37 (b) A driver of a motor vehicle who causes an accident or blocks the flow of traffic while
 38 failing to comply with the requirements of subsection (a) of this Code section when access
 39 is limited on the state highway system due to a declared state of emergency for inclement
 40 weather conditions shall be fined up to \$1,000.00.

41 ~~(b)(c)~~ This Code section shall not apply to a tow operator towing a motor vehicle or
 42 traveling to a site from which a motor vehicle shall be towed or to emergency responders
 43 traveling the roadway in order to fulfill their duties."

44 SECTION 2.

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

48 "40-1-8.

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

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

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

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

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

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

- 63 (2) Every driver employed to operate a motor vehicle for a motor carrier shall:
- 64 (A) Be at least 18 years of age to operate a motor vehicle for a motor carrier intrastate
- 65 and at least 21 years of age to operate a motor vehicle for a motor carrier interstate;
- 66 (B) Meet the qualification requirements the commissioner shall from time to time
- 67 promulgate;
- 68 (C) Be of temperate habits and good moral character;
- 69 (D) Possess a valid driver's license;
- 70 (E) Not use or possess prohibited drugs or alcohol while on duty; and
- 71 (F) Be fully competent and sufficiently rested to operate the motor vehicle under his
- 72 or her charge;
- 73 (3) Accidents arising from or in connection with the operation of commercial motor
- 74 vehicles shall be reported to the commissioner of transportation in such detail and in such
- 75 manner as the commissioner of transportation may require;
- 76 (4) The commissioner shall require each commercial motor vehicle to have attached such
- 77 distinctive markings as shall be adopted by the commissioner. Such identification
- 78 requirements shall comply with the applicable provisions of the federal Unified Carrier
- 79 Registration Act of 2005; and
- 80 (5) The commissioner shall provide distinctive rules for the transportation of
- 81 unmanufactured forest products in intrastate commerce to be designated the 'Georgia
- 82 Forest Products Trucking Rules.'
- 83 (c)(1) Regulations governing the safe operations of motor carriers, commercial motor
- 84 vehicles and drivers, and the safe transportation of hazardous materials may be adopted
- 85 by administrative order, including, but not limited to, by referencing compatible federal
- 86 regulations or standards without compliance with the procedural requirements of Chapter
- 87 13 of Title 50, the 'Georgia Administrative Procedure Act,' provided that such federal
- 88 regulations or standards shall be maintained on file by the department and made available
- 89 for inspection and copying by the public, by means including, but not limited to, posting
- 90 on the department's Internet site. The commissioner may comply with the filing
- 91 requirements of Chapter 13 of Title 50 by filing with the office of the Secretary of State
- 92 the name and designation of such rules, regulations, standards, and orders. The courts
- 93 shall take judicial notice of rules, regulations, standards, or orders so adopted or
- 94 published.
- 95 (2) Rules, regulations, or orders previously adopted, issued, or promulgated pursuant to
- 96 the provisions of Chapter 7 or 11 of Title 46 in effect on June 30, 2011, shall remain in
- 97 full force and effect until such time as the commissioner of public safety adopts, issues,
- 98 or promulgates new rules, regulations, or orders pursuant to the provisions of this Code
- 99 section.

100 (d)(1) The commissioner may, pursuant to rule or regulation, specify and impose civil
 101 monetary penalties for violations of laws, rules, and regulations relating to driver and
 102 motor carrier safety and transportation of hazardous materials. Except as may be
 103 hereafter authorized by law, the maximum amount of any such monetary penalty shall not
 104 exceed the maximum penalty authorized by law or rule or regulation for the same
 105 violation immediately prior to July 1, 2005.

106 (2) A cause of action for the collection of a penalty imposed pursuant to this subsection
 107 may be brought in the superior court of the county where the principal place of business
 108 of the penalized company is located or in the superior court of the county where the
 109 action giving rise to the penalty occurred.

110 (e) The commissioner is authorized to adopt such rules and orders as he or she may deem
 111 necessary in the enforcement of this Code section. Such rules and orders shall have the
 112 same dignity and standing as if such rules and orders were specifically provided in this
 113 Code section. The commissioner is authorized to establish such exceptions or exemptions
 114 from the requirements of this Code section, as he or she shall deem appropriate, consistent
 115 with any federal program requirements, and consistent with the protection of the public
 116 health, safety, and welfare.

117 (f)(1) The commissioner may designate members of the department, pursuant to Article
 118 5 of Chapter 2 of Title 35, to perform regulatory compliance inspections. Members of
 119 county, municipal, campus, and other state agencies may be designated by the
 120 commissioner to perform regulatory compliance inspections only of vehicles, drivers, and
 121 cargo in operation, and may only enforce the provisions of rules and regulations
 122 promulgated under this Code section or Article 2 of this chapter subject to the provisions
 123 of a valid agreement between the commissioner and the county, municipal, campus, or
 124 other state agency.

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

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

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

134 (1) Motor carrier safety standards found in 49 C.F.R. Part 391;

135 (2) Motor carrier safety standards found in 49 C.F.R. Part 392, including but not limited
 136 to the seatbelt ~~Seatbelt~~ usage requirements ~~found~~ in 49 C.F.R. Section 392.16; and

- 137 (3) Hours of service and record of duty status requirements of 49 C.F.R. Part 395.
- 138 (i) A person failing to comply with the requirements of paragraph (2) of subsection (h) of
 139 this Code section shall be guilty of the misdemeanor offense of failure to wear a seat safety
 140 belt while operating a commercial motor vehicle and, upon conviction thereof, shall be
 141 fined not more than \$50.00 but shall not be subject to imprisonment. The costs of such
 142 prosecution shall not be taxed nor shall any additional penalty, fee, or surcharge to a fine
 143 for such offense be assessed against a person for conviction thereof. No points shall be
 144 added pursuant to Code Section 40-5-57 and no additional fines or penalties shall be
 145 imposed.
- 146 (j) Every officer, agent, or employee of any corporation and every person who violates or
 147 fails to comply with this Code section or any order, rule, or regulation adopted pursuant to
 148 this Code section, or who procures, aids, or abets a violation of this Code section or such
 149 rule or regulation, shall be guilty of a misdemeanor. Misdemeanor violations of this Code
 150 section may be prosecuted, handled, and disposed of in the manner provided for by Chapter
 151 13 of this title."

152 **SECTION 3.**

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

155 "40-6-51.

156 (a)(1) Any motor vehicle with more than six wheels and commercial motor vehicles as
 157 defined by Code Section 40-1-1 shall not travel on any portions of Interstates 20, 75, or
 158 85 that are located within the arc of Interstate 285 unless the driver of such motor vehicle
 159 is:

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

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

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

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

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

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

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

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

183

SECTION 4.

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