

House Bill 767

By: Representatives Powell of the 32nd, Hitchens of the 161st, Petrea of the 166th, Waites of the 60th, Taylor of the 173rd, 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 regarding uniform rules of the road, so as to add utility service
3 vehicles to the "Spencer Pass Law"; to provide a procedure for passing stationary utility
4 service vehicles; to provide for definitions; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
9 general provisions regarding uniform rules of the road, is amended in Code Section 40-6-16,
10 relating to the "Spencer Pass Law" and procedure for passing stationary authorized
11 emergency vehicles, stationary towing or recovery vehicles, or stationary highway
12 maintenance vehicles, by revising subsection (c) and by adding a new subsection to read as
13 follows:

14 "(c) The operator of a motor vehicle approaching a stationary towing or recovery vehicle,
15 ~~or a stationary highway maintenance vehicle, or a stationary utility service vehicle~~ that is
16 utilizing traffic cones or displaying flashing yellow, amber, or red lights shall approach the
17 vehicle with due caution and shall, absent any other direction by a peace officer, proceed
18 as follows:

19 (1) Make a lane change into a lane not adjacent to the towing, recovery, ~~or~~ highway
20 maintenance, or utility service vehicle if possible in the existing safety and traffic
21 conditions; or

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

26 "(e) As used in this Code section, the term:

27 (1) 'Utility service vehicle' means any vehicle being used by an employee or contractor
28 of any entity, including, but not limited to, a political subdivision of this state or a local
29 authority or commission related thereto, an electric cooperative, or a public or private
30 corporation, in connection with the provision of utility services.

31 (2) 'Utility services' means and includes electric, natural gas, water, waste-water, cable,
32 sanitation, telephone, or telecommunication services or the repair, location, relocation,
33 improvement, or maintenance of utility poles, transmission structures, pipes, wires, fibers,
34 cables, easements, rights of way, and associated infrastructure."

35 **SECTION 2.**

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