

House Bill 767 (AM)

By: Representatives Powell of the 32<sup>nd</sup>, Hitchens of the 161<sup>st</sup>, Petrea of the 166<sup>th</sup>, Waites of the 60<sup>th</sup>, Taylor of the 173<sup>rd</sup>, 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 penalties; to provide for related  
5 matters; to repeal 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 subsections (c) and (d) and by adding a new subsection  
13 (e) to read as 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 (d)(1) Violation of subsection (b) ~~or (c)~~ of this Code section shall be punished by a fine  
27 of not more than \$500.00.

28 (2) Violation of subsection (c) of this Code section shall be punished by a fine of not  
29 more than \$250.00.

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

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

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

39 **SECTION 2.**

40 All laws and parts of laws in conflict with this Act are repealed.