

Senate Bill 228

By: Senator McKoon of the 29th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so  
2 as to provide for criminal offense and minimum fines for improper operation of an authorized  
3 emergency or law enforcement vehicle; to provide for an offense of operating an authorized  
4 emergency vehicle with a siren, bell, or whistle in certain instances; to provide for the  
5 mandatory license suspension of a driver convicted of a third or subsequent violation of such  
6 offense; to provide for fines; to provide for related matters; to repeal conflicting laws; and  
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended  
11 by revising Code Section 40-6-6, relating to authorized emergency vehicles, as follows:

12 "40-6-6.

13 (a) The driver of an authorized emergency vehicle or law enforcement vehicle, when  
14 responding to an emergency call, when in the pursuit of an actual or suspected violator of  
15 the law, or when responding to but not upon returning from a fire alarm, may exercise the  
16 privileges set forth in this Code section.

17 (b) The driver of an authorized emergency vehicle or law enforcement vehicle may:

18 (1) Park or stand, irrespective of the provisions of this chapter;

19 (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be  
20 necessary for safe operation;

21 (3) Exceed the maximum speed limits so long as he or she does not endanger life or  
22 property; and

23 (4) Disregard regulations governing direction of movement or turning in specified  
24 directions.

25 (c) The exceptions granted by this Code section to an authorized emergency vehicle shall  
26 apply only when such vehicle is making use of an audible signal and use of a flashing or

27 revolving red light visible under normal atmospheric conditions from a distance of 500 feet  
 28 to the front of such vehicle, except that a vehicle belonging to a federal, state, or local law  
 29 enforcement agency and operated as such shall be making use of an audible signal and a  
 30 flashing or revolving blue light with the same visibility to the front of the vehicle.

31 (d)(1) The foregoing provisions shall not relieve the driver of an authorized emergency  
 32 vehicle from the duty to drive with due regard for the safety of all persons.

33 (2) When a law enforcement officer in a law enforcement vehicle is pursuing a fleeing  
 34 suspect in another vehicle and the fleeing suspect damages any property or injures or kills  
 35 any person during the pursuit, the law enforcement officer's pursuit shall not be the  
 36 proximate cause or a contributing proximate cause of the damage, injury, or death caused  
 37 by the fleeing suspect unless the law enforcement officer acted with reckless disregard  
 38 for proper law enforcement procedures in the officer's decision to initiate or continue the  
 39 pursuit. Where such reckless disregard exists, the pursuit may be found to constitute a  
 40 proximate cause of the damage, injury, or death caused by the fleeing suspect, but the  
 41 existence of such reckless disregard shall not in and of itself establish causation.

42 (3) The provisions of this subsection shall apply only to issues of causation and duty and  
 43 shall not affect the existence or absence of immunity which shall be determined as  
 44 otherwise provided by law.

45 (4) Claims arising out of this subsection which are brought against local government  
 46 entities, their officers, agents, servants, attorneys, and employees shall be subject to the  
 47 procedures and limitations contained in Chapter 92 of Title 36.

48 (e) It shall be unlawful for any person to operate an authorized emergency vehicle with  
 49 flashing lights other than as authorized by ~~subsection (e)~~ of this Code section and a person  
 50 convicted of a violation of this Code section shall be punished as follows:

51 (1) Upon conviction of a first offense, the defendant shall be guilty of a misdemeanor  
 52 and shall be fined \$500.00;

53 (2) Upon conviction of a second offense, the defendant shall be guilty of a misdemeanor  
 54 and shall be fined \$1,000.00; and

55 (3) Upon conviction of a third or subsequent offense, the defendant shall be guilty of a  
 56 felony and such person's license shall be subject to suspension in accordance with  
 57 paragraph (2) of subsection (a) of Code Section 40-5-54."

58 **SECTION 2.**

59 Said title is further amended by revising Code Section 40-8-94, relating to sirens, whistles,  
 60 or bells on emergency vehicles, as follows:

61 "40-8-94.

62 (a) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell  
63 capable of emitting sound audible under normal conditions from a distance of not less than  
64 500 feet, but such siren shall not be used except when such vehicle is operated in response  
65 to an emergency call, in accordance with Code Section 40-6-76 while directing or escorting  
66 a funeral procession, or in the immediate pursuit of an actual or suspected violator of the  
67 law, in which latter event the driver of such vehicle shall sound the siren when necessary  
68 to warn pedestrians and other drivers of the approach thereof.

69 (b) A person convicted of a violation of subsection (a) of this Code section shall be  
70 punished as follows:

71 (1) Upon conviction of a first offense, the defendant shall be guilty of a misdemeanor  
72 and shall be fined \$500.00;

73 (2) Upon conviction of a second offense, the defendant shall be guilty of a misdemeanor  
74 and shall be fined \$1,000.00; and

75 (3) Upon conviction of a third or subsequent offense, the defendant shall be guilty of a  
76 felony and such person's license shall be subject to suspension in accordance with  
77 paragraph (2) of subsection (a) of Code Section 40-5-54."

78 **SECTION 3.**

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