

Senate Bill 228

By: Senator McKoon of the 29th

**AS PASSED SENATE**

**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 exceptions for the use of audible signals, flashing lights, and sirens of  
3 authorized emergency vehicles or law enforcement vehicles; to provide for definitions; to  
4 provide for criminal offenses and minimum fines for the direction of improper use of such  
5 vehicles by certain elected or appointed officials; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

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

11 "40-6-6.

12 (a) The driver of an authorized emergency vehicle or law enforcement vehicle, when  
13 responding to an emergency call, when in the pursuit of an actual or suspected violator of  
14 the law, ~~or~~ when responding to but not upon returning from a fire alarm, or when escorting  
15 an honorary procession, including, but not limited to, a funeral procession as provided for  
16 in Code Section 40-6-76, except when escorting an elected official unless the condition of  
17 paragraph (2) of subsection (f) of this Code section is satisfied, may exercise the privileges  
18 set forth in this Code section.

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

- 20 (1) Park or stand, irrespective of the provisions of this chapter;
- 21 (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be  
22 necessary for safe operation;
- 23 (3) Exceed the maximum speed limits so long as he or she does not endanger life or  
24 property; and
- 25 (4) Disregard regulations governing direction of movement or turning in specified  
26 directions.

27 (c) The exceptions granted by this Code section to an authorized emergency vehicle shall  
 28 apply only when such vehicle is making use of an audible signal and use of a flashing or  
 29 revolving red light visible under normal atmospheric conditions from a distance of 500 feet  
 30 to the front of such vehicle, except that a vehicle belonging to a federal, state, or local law  
 31 enforcement agency and operated as such shall be making use of an audible signal and a  
 32 flashing or revolving blue light with the same visibility to the front of the vehicle.

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

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

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

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

50 (e) It shall be unlawful for any person to operate an authorized emergency vehicle with  
 51 flashing lights other than as authorized by ~~subsection (c)~~ of this Code section.

52 (f)(1) As used in this subsection, the term 'elected official' means every elected state  
 53 official, elected county official, elected municipal official, elected member of a local  
 54 school board, or local school superintendent.

55 (2) Every instance of use of flashing lights by the driver of an authorized emergency  
 56 vehicle or law enforcement vehicle transporting an elected official shall be by prior or  
 57 contemporaneous written confirmation of the chief of police or department head of the  
 58 law enforcement unit of the driver, or his or her law enforcement officer designee who  
 59 shall not be the driver or a passenger in such vehicle, that such use is in compliance with  
 60 subsection (a) of this Code section. Such written confirmation shall be a public  
 61 document.

62 (3) It shall be unlawful for any elected official to direct any person to operate an  
 63 authorized emergency vehicle with flashing lights other than as authorized by this Code

64 section. An elected official convicted of a violation of this Code section shall be  
 65 punished as follows:

66 (A) Upon conviction of a first offense, the elected official shall be guilty of a  
 67 misdemeanor and shall be fined \$500.00;

68 (B) Upon conviction of a second offense, the elected official shall be guilty of a  
 69 misdemeanor and shall be fined \$1,000.00; and

70 (C) Upon conviction of a third or subsequent offense, the elected official shall be guilty  
 71 of a felony and such person's license shall be subject to suspension in accordance with  
 72 paragraph (2) of subsection (a) of Code Section 40-5-54."

73 **SECTION 2.**

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

76 "40-8-94.

77 (a) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell  
 78 capable of emitting sound audible under normal conditions from a distance of not less than  
 79 500 feet, but such siren shall not be used except when such vehicle is operated in response  
 80 to an emergency call; when escorting an honorary procession, including, but not limited  
 81 to, a funeral procession as provided for in Code Section 40-6-76, except when escorting an  
 82 elected official unless the condition of paragraph (2) of subsection (b) of this Code section  
 83 is satisfied; or in the immediate pursuit of an actual or suspected violator of the law, in  
 84 which latter event the driver of such vehicle shall sound the siren when necessary to warn  
 85 pedestrians and other drivers of the approach thereof.

86 (b)(1) As used in this subsection, the term 'elected official' means every elected state  
 87 official, elected county official, elected municipal official, elected member of a local school  
 88 board, or local school superintendent.

89 (2) Every instance of the use of a siren by the driver of an authorized emergency vehicle  
 90 or law enforcement vehicle transporting an elected official shall be by prior or  
 91 contemporaneous written confirmation of the chief of police or department head of the  
 92 law enforcement unit of the driver, or his or her law enforcement officer designee who  
 93 shall not be a driver or passenger in such vehicle, that such use is in compliance with  
 94 subsection (a) of this Code section. Such written confirmation shall be a public  
 95 document.

96 (3) It shall be unlawful for any elected official to direct any person to operate an  
 97 authorized emergency vehicle in violation of this Code section. An elected official  
 98 convicted of a violation of this Code section shall be punished as follows:

99 (A) Upon conviction of a first offense, the elected official shall be guilty of a  
100 misdemeanor and shall be fined \$500.00;  
101 (B) Upon conviction of a second offense, the elected official shall be guilty of a  
102 misdemeanor and shall be fined \$1,000.00; and  
103 (C) Upon conviction of a third or subsequent offense, the elected official shall be guilty  
104 of a felony and such person's license shall be subject to suspension in accordance with  
105 paragraph (2) of subsection (a) of Code Section 40-5-54."  
106

107 **SECTION 3.**

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