

House Bill 1046

By: Representatives Howard of the 124<sup>th</sup>, Williams of the 145<sup>th</sup>, Hugley of the 136<sup>th</sup>, Beverly of the 143<sup>rd</sup>, and Welch of the 110<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 8 of Chapter 1 of Title 10 of the Official Code of Georgia  
2 Annotated, relating to petroleum products, so as to provide for assistance to individuals with  
3 disabilities at self-service gasoline stations; to provide for requirements for assistance; to  
4 provide for signage on gasoline pumps with information relating to the assistance; to provide  
5 for violations and fines; to provide for enforcement; to provide for limited liability; to  
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 8 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,  
10 relating to petroleum products, is amended by adding a new Code section to read as follows:

11 "10-1-164.2.

12 (a) No later than July 1, 2021, every gasoline station which sells gasoline on a self-service  
13 basis shall require an attendant employed by the station to dispense gasoline for the holder  
14 of a special disability permit provided for in subsection (e) of Code Section 40-2-74.1 if  
15 the holder of the permit;

16 (1) Is driving the motor vehicle into which the gasoline is to be dispensed; and

17 (2) Is not accompanied by another person 16 years of age or older who is not mobility  
18 impaired or blind.

19 The gasoline station shall be required to have a telephone number that is operational and  
20 answered by an attendant during the hours the gasoline station is open to the public for  
21 which a person can call to request assistance. If a request is made when a second attendant  
22 is not present, the gasoline station is not required to provide assistance, but is encouraged  
23 to do so, where feasible.

24 (b) No later than July 1, 2021, every gasoline station shall prominently display a sign,  
25 decal, or sticker on the front of each self-service gasoline pump. Such sign, decal, or  
26 sticker shall be at least 15 square inches printed on a blue background and clearly state:

27 (1) The telephone number for the gasoline station;  
28 (2) The international symbol of accessibility; and  
29 (3) Wording such as 'For Help Call', 'Call for Assistance', or 'Assistance Available Upon  
30 Request'.

31 (c)(1) Any owner or operator of a gasoline station who fails to comply with  
32 subsection (a) of this Code section shall be subject to a fine of \$150.00 for each violation.

33 (2) Any owner or operator of a gasoline station who fails to post signage in compliance  
34 with subsection (b) of this Code section shall be subject to a fine of \$150.00 for each  
35 self-service gasoline pump not posted; provided, however, that the fine will be waived  
36 if the required posting is made within 14 days from the date of citation. If such owner  
37 or operator fails or refuses to comply within such 14 days, the owner or operator shall,  
38 on the fifteenth day after receiving the citation, be subject to the \$150.00 fine for each  
39 nonposted self-service gasoline pump and an additional \$5.00 fine for each nonposted  
40 self-service gasoline pump for each day afterwards that the owner fails to comply with  
41 provisions of this Code section until the signage is in compliance.

42 (3) All fines assessed under this subsection shall be paid into the treasury of the city or  
43 county issuing the citation against the owner or operator.

44 (d) The provisions of this Code section shall be applicable to both public and private  
45 property; and all law enforcement officers of this state and its political subdivisions are  
46 expressly authorized to enforce the provisions of this Code section on private property as  
47 well as on public property.

48 (e)(1) Any county or municipal law enforcement agency of the state which is empowered  
49 to enforce the provisions of this Code section may, in its discretion, appoint any person  
50 who is a citizen of the United States, is of good moral character, and has not previously  
51 been convicted of a felony to enforce the provisions of this Code section within the  
52 county or municipality in which the appointing law enforcement agency exercises  
53 jurisdiction. Each person appointed pursuant to this subsection shall take and subscribe  
54 an oath of office as prescribed by the appointing authority. Any person appointed and  
55 sworn pursuant to this subsection shall be authorized to enforce the provisions of this  
56 Code section in the same manner as any law enforcement officer of the state or any  
57 county or municipality of the state subject to the limitations provided in paragraphs (2)  
58 and (3) of this subsection.

59 (2) No person appointed pursuant to paragraph (1) of this subsection shall:

60 (A) Be deemed a peace officer under the laws of this state;

61 (B) Be deemed an employee of or receive any compensation from the state, county,  
62 municipality, or appointing law enforcement agency, but the appointing law  
63 enforcement agency shall provide any person so appointed with a uniform consisting

64 of a pith helmet and a windbreaker jacket which shall remain the property of the  
65 appointing law enforcement agency;

66 (C) Be required to complete any training or be certified pursuant to the requirements  
67 of Chapter 8 of Title 35;

68 (D) Have the power or duty to enforce any other traffic or criminal laws of the state,  
69 county, or municipality;

70 (E) Have the power to possess and carry firearms and other weapons for the purpose  
71 of enforcing the provisions of this Code section; provided, however, that a person who  
72 possesses a valid weapons carry license issued under Code Section 16-11-129 and who  
73 carries such weapon in a manner permitted under Code Section 16-11-126 shall not be  
74 in violation of this paragraph; or

75 (F) Be entitled to any indemnification from the state, county, or municipality for any  
76 injury or property damage sustained by such person as a result of attempting to enforce  
77 the provisions of this Code section.

78 (3) Neither the state nor any county, municipality, or other political subdivision of the  
79 state or any department, agency, board, or officer of the state or any county, municipality,  
80 or political subdivision of the state shall be liable or accountable for or on account of any  
81 act or omission of any person appointed pursuant to this subsection in connection with  
82 such person's enforcement of the provisions of this Code section. No person appointed  
83 pursuant to this subsection shall be liable on account of any act or omission in connection  
84 with his or her enforcement of the provisions of this Code section.

85 (4) It shall be unlawful for any person willfully to obstruct, resist, impede, or interfere  
86 with any person appointed pursuant to this subsection in connection with such person's  
87 enforcement of this Code section or to retaliate or discriminate in any manner against  
88 such person as a reprisal for any act or omission of such person. Any violation of this  
89 paragraph shall be punishable as a misdemeanor."

90 **SECTION 2.**

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