

House Bill 119

By: Representatives Corbett of the 174th, Mathis of the 149th, Smith of the 138th, Wiedower of the 121st, Powell of the 33rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to uniform rules of the road, so as to provide for procedure for
3 passing stationary vehicles; to provide for related matters; to repeal conflicting laws; and for
4 other purposes

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
8 general provisions relative to uniform rules of the road, is amended by revising Code Section
9 40-6-16, relating to procedure for passing certain stationary vehicles, as follows:

10 "40-6-16.

11 (a) This Code section shall be known and may be cited as the 'Spencer Pass Law.'

12 (b) The operator of a motor vehicle approaching a stationary authorized emergency vehicle
13 that is displaying flashing yellow, amber, white, red, or blue lights shall approach the
14 authorized emergency vehicle with due caution and shall, absent any other direction by a
15 peace officer, proceed as follows:

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16 (1) Make a lane change into a lane not adjacent to the authorized emergency vehicle if
 17 possible in the existing safety and traffic conditions; or

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

22 (c) The operator of a motor vehicle approaching a stationary ~~towing or recovery vehicle,~~
 23 ~~a stationary highway maintenance vehicle, or a stationary utility service vehicle~~ other than
 24 an authorized emergency vehicle that is utilizing traffic cones, displaying flashing hazard
 25 lights, or displaying flashing yellow, amber, white, or red lights shall approach the vehicle
 26 with due caution and shall, absent any other direction by a peace officer, proceed as
 27 follows:

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

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

35 (d)(1) Violation of subsection (b) of this Code section shall be punished by a fine of not
 36 more than \$500.00.

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

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

40 ~~(1) 'Utility service vehicle' means any vehicle being used by an employee or contractor~~
 41 ~~of any entity, including, but not limited to, a political subdivision of this state or a local~~

42 ~~authority or commission related thereto, an electric cooperative, or a public or private~~
43 ~~corporation, in connection with the provision of utility services.~~

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

48 **SECTION 2.**

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