

House Bill 1161

By: Representatives Lim of the 98th, Clark of the 108th, Santos of the 117th, Hong of the 103rd, Reeves of the 99th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to provide for proper operation of a motor vehicle upon approach by an
3 authorized emergency vehicle or by a law enforcement vehicle for purposes of a traffic stop;
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
8 amended by revising Code Section 40-6-74, relating to operation of vehicles on approach of
9 authorized emergency vehicles, as follows:

10 "40-6-74.

11 (a) Upon the immediate approach of an authorized emergency vehicle ~~or a vehicle~~
12 ~~belonging to a federal, state, or local law enforcement agency~~ making use of an audible
13 signal and visual signals meeting the requirements of Code Section 40-6-6, the ~~driver~~
14 operator of every other vehicle in proximity to such approaching vehicle shall yield the
15 right of way to the authorized emergency vehicle and shall immediately ~~drive~~ move the
16 vehicle to a position parallel to, and as close as possible to, the right-hand edge or curb of

17 the roadway clear of any intersection and ~~shall~~ stop and remain in such position until the
 18 authorized emergency vehicle ~~or law enforcement vehicle~~ has passed, except when
 19 otherwise directed by a ~~police~~ law enforcement officer.

20 (b) When an operator of a motor vehicle upon a highway is directed to stop by a law
 21 enforcement officer in a law enforcement vehicle marked pursuant to Code Section 40-8-91
 22 and through the use of an audible signal and visual signals meeting the requirements of
 23 Code Section 40-6-6, the operator shall immediately move the motor vehicle in a manner
 24 so as not to impede the flow of traffic to a position parallel to, and as close as possible to,
 25 the right-hand edge or curb of the roadway clear of any intersection and stop and remain
 26 in such position until otherwise directed by the law enforcement officer; provided,
 27 however, that, when such requirement would result in stopping and remaining in an unsafe
 28 location, such operator may display the vehicle's flashing lights or turn signal, observe the
 29 maximum posted speed limit, and continue to a reasonably safe location to stop and remain
 30 in such position until otherwise directed by the law enforcement officer.

31 ~~(b)(c)~~ This Code section shall not operate to relieve the ~~driver~~ operator of any authorized
 32 emergency vehicle from the duty to drive with due regard for the safety of all persons using
 33 the highway."

34 SECTION 2.

35 Said title is further amended in Code Section 40-8-91, relating to marking and equipment of
 36 law enforcement vehicles and motorist allowed to continue to safe location before stopping
 37 for law enforcement officer vehicles, by revising subsections (e) and (f) as follows:

38 ~~"(e) Whenever a motorist driving on the roadways of this state is directed to stop by a law~~
 39 ~~enforcement officer in a law enforcement vehicle marked as required under this Code~~
 40 ~~section, the motorist may continue to drive until a reasonably safe location for stopping is~~
 41 ~~reached. Such motorist shall indicate to the officer his or her intent to proceed to a safe~~

42 ~~location by displaying the vehicle's flashing lights or turn signal. In proceeding to a safe~~
43 ~~location, the motorist shall observe the posted maximum speed limit.~~
44 (f) An otherwise lawful arrest shall not be invalidated or in any manner affected by failure
45 to comply with this Code section."

46 **SECTION 3.**

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