

**SENATE SUBSTITUTE TO HB 1161****ADOPTED SENATE****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 penalties based on the distance a person fled or otherwise attempted to elude  
5 a pursuing vehicle or law enforcement officer performing duties on behalf of the Department  
6 of Public Safety; to modify the permissible reduction of light transmission through the  
7 application of material and glazing to the windows of certain motor vehicles; to provide for  
8 definitions; to prohibit the use of speed detection devices by municipal police departments  
9 on certain roadways; to provide for related matters; to repeal conflicting laws; and for other  
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

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

16 "40-6-74.

17 (a) Upon the immediate approach of an authorized emergency vehicle ~~or a vehicle~~  
18 ~~belonging to a federal, state, or local law enforcement agency~~ making use of an audible  
19 signal and visual signals meeting the requirements of Code Section 40-6-6, the ~~driver~~  
20 operator of every other vehicle in proximity to such approaching vehicle shall yield the  
21 right of way to the authorized emergency vehicle and shall immediately ~~drive~~ move the  
22 vehicle to a position parallel to, and as close as possible to, the right-hand edge or curb of  
23 the roadway clear of any intersection and ~~shall~~ stop and remain in such position until the  
24 authorized emergency vehicle ~~or law enforcement vehicle~~ has passed, except when  
25 otherwise directed by a ~~police~~ law enforcement officer.

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

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

40

**SECTION 2.**

41 Said title is further amended in Code Section 40-6-395, relating to fleeing or attempting to  
42 elude police officer and impersonating law enforcement officer, by revising subsections (d)  
43 and (e) and adding a new subsection to read as follows:

44 "(d) Any person convicted of violating the provisions of subsection (a) of this Code section  
45 with respect to a police vehicle or police officer performing official duties on behalf of the  
46 Capitol Police Division, Commercial Vehicle Enforcement Division, or Uniform Division  
47 of the Department of Public Safety shall be sentenced to imprisonment in accordance with  
48 subsections (b) and (c) of this Code section; provided, however, that such sentence shall  
49 be calculated at a rate of 30 days for each mile the person actually traveled while fleeing  
50 or otherwise attempting to elude the police vehicle or police officer; provided, further, that  
51 the term of imprisonment shall be within the minimum and maximum sentences set forth  
52 in subsections (b) and (c) of this Code section. The trier of fact shall determine beyond a  
53 reasonable doubt the distance the person actually traveled while fleeing or otherwise  
54 attempting to elude a pursuing police vehicle or police officer after such officer notified the  
55 police dispatcher that such person was fleeing or otherwise attempting to elude the police  
56 officer. The determination of the distance traveled shall not be an essential element of such  
57 offense. If the distance traveled cannot be determined, such distance shall be presumed to  
58 be zero miles.

59 (e) Following adjudication of guilt or imposition of sentence for a violation of  
60 subparagraph (b)(1)(D) or subsection (c) of this Code section, the sentence shall not be  
61 suspended, probated, deferred, or withheld, and the charge shall not be reduced to a lesser  
62 offense, merged with any other offense, or served concurrently with any other offense.

63 ~~(e)~~(f) It shall be unlawful for a person:

64 (1) To impersonate a sheriff, deputy sheriff, state trooper, agent of the Georgia Bureau  
65 of Investigation, agent of the Federal Bureau of Investigation, police officer, or any other  
66 authorized law enforcement officer by using a motor vehicle, motorcycle, or blue light

67 designed, equipped, or marked so as to resemble a motor vehicle, motorcycle, or blue  
 68 light belonging to any federal, state, or local law enforcement agency; or  
 69 (2) Otherwise to impersonate any such law enforcement officer in order to direct, stop,  
 70 or otherwise control traffic."

71 **SECTION 3.**

72 Said title is further amended in Code Section 40-8-73.1, relating to tinting of windows or  
 73 windshields, by revising subsections (a) and (b) and paragraph (6) of subsection (c) as  
 74 follows:

75 "(a) As used in this Code section, the term:

76 (1) 'Front side and door windows' means the side and door windows of a motor vehicle  
 77 that are directly to the right and left of the driver.

78 (2) 'Light reflectance' means the ratio of the amount of total light that is reflected  
 79 outward by a product or material to the amount of total light falling on the product or  
 80 material.

81 ~~(2)~~(3) 'Light transmission' means the ratio of the amount of total light, expressed in  
 82 percentages, which is allowed to pass through a surface to the amount of light falling on  
 83 the surface.

84 ~~(3) 'Manufacturer' means a person who produces or assembles a vehicle glass-coating~~  
 85 ~~material or who fabricates, laminates, or tempers a safety-glazing material, which~~  
 86 ~~material reduces light transmission.~~

87 (4) 'Material' means any transparent product or substance which reduces light  
 88 transmission.

89 (5) 'Multipurpose passenger vehicle' means a motor vehicle designed to carry ten persons  
 90 or less which is constructed on a truck chassis or with special features for occasional  
 91 off-road operation.

92 (6) 'Rear side and door windows' means the side and door windows of a motor vehicle  
 93 that are not directly to the right and left of the driver.

94 (b) Except as provided in this Code section, it shall be unlawful for any person to operate  
 95 a motor vehicle in this state:

96 (1) Which has material and glazing applied or affixed to the front windshield, which  
 97 material and glazing when so applied or affixed reduce light transmission through the  
 98 windshield; ~~or~~

99 (2) Which has material and glazing applied or affixed to ~~the rear windshield or the front~~  
 100 side or door windows, which material and glazing when so applied or affixed reduce light  
 101 transmission through the windshield or window to less than ~~32~~ 28 percent, plus or minus  
 102 3 percent, or increase light reflectance to more than 20 percent; or

103 (3) Which has material and glazing applied or affixed to the rear windshield or the rear  
 104 side or door windows, which material and glazing when so applied or affixed reduce light  
 105 transmission through the windshield or window to less than 15 percent, plus or minus 3  
 106 percent, or increase light reflectance to more than 20 percent."

107 ~~"(6) The rear windshield or the rear side or door windows, except those windows to the~~  
 108 ~~right and left of the driver of:~~

109 (A) A multipurpose passenger vehicle;

110 (B) A school bus, any other bus used for public transportation, and any bus or van  
 111 owned or leased by any religious or any nonprofit organization duly incorporated under  
 112 the laws of this state;

113 (C) Any limousine owned or leased by a public or private entity; or

114 (D) Any other vehicle, the windows or windshields of which have been tinted or  
 115 darkened before factory delivery or permitted by federal law or regulation;"

116

#### SECTION 4.

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

120 ~~"(e) Whenever a motorist driving on the roadways of this state is directed to stop by a law~~  
121 ~~enforcement officer in a law enforcement vehicle marked as required under this Code~~  
122 ~~section, the motorist may continue to drive until a reasonably safe location for stopping is~~  
123 ~~reached. Such motorist shall indicate to the officer his or her intent to proceed to a safe~~  
124 ~~location by displaying the vehicle's flashing lights or turn signal. In proceeding to a safe~~  
125 ~~location, the motorist shall observe the posted maximum speed limit.~~

126 ~~(f) An otherwise lawful arrest shall not be invalidated or in any manner affected by failure~~  
127 ~~to comply with this Code section."~~

128 **SECTION 5.**

129 Said title is further amended in Code Section 40-14-8, relating to when case may be made  
130 and conviction had, by adding a new subsection to read as follows:

131 "(a.1) No city officer shall be allowed to make a case based on the use of any speed  
132 detection device on any roadway within such city unless both sides of the right of way of  
133 such roadway extends more than 2 miles through the corporate limits of such city."

134 **SECTION 5.**

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