

ADOPTED

Representatives Lim of the 98th and Powell of the 33rd offer the following amendment:

1 *Amend HB 1161 (HB 1161/SCSFA) by replacing lines 1 through the end with the following:*

2 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
3 traffic, so as to provide for proper operation of a motor vehicle upon approach by an
4 authorized emergency vehicle or by a law enforcement vehicle for purposes of a traffic stop;
5 to provide for penalties based on the distance a person fled or otherwise attempted to elude
6 a pursuing vehicle or law enforcement officer performing duties on behalf of the Department
7 of Public Safety; to modify the permissible reduction of light transmission through the
8 application of material and glazing to the windows of certain motor vehicles; to provide for
9 definitions; to revise requirements for the placement of automated traffic enforcement safety
10 devices; to revise application procedure for a permit to operate such devices; to require
11 annual reporting on revenues generated by such devices; to provide standards for notice sent
12 for imposition of a civil monetary penalty and penalties for nonpayment relating to citations
13 issued by such devices; to provide for related matters; to provide for effective dates; to repeal
14 conflicting laws; and for other purposes.

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

16 **SECTION 1.**

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

20 "40-6-74.

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

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

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

SECTION 2.

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

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

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

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

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

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

75 SECTION 3.

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

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

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

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

85 ~~(2)~~(3) 'Light transmission' means the ratio of the amount of total light, expressed in
 86 percentages, which is allowed to pass through a surface to the amount of light falling on
 87 the surface.

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

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

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

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

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

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

103 (2) Which has material and glazing applied or affixed to ~~the rear windshield or the front~~
 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 ~~32~~ 28 percent, plus or minus
 106 3 percent, or increase light reflectance to more than 20 percent; or

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

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

113 (A) A multipurpose passenger vehicle;

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

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

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

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SECTION 4.

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

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

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

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SECTION 5.

Said title is further amended in Code Section 40-14-6, relating to warning signs required and signage requirements, by revising subsection (c) as follows:

~~"(c) In addition to the signs required under subsections (a) and (b) of this Code section, each law enforcement agency using an automated traffic enforcement safety device as provided for in Code Section 40-14-18 shall erect signs warning of the use of a stationary speed detection an automated traffic enforcement safety device within the an approaching school zone. Such signs shall be at least 24 by 30 inches in area, shall be visible plainly from every lane of traffic, shall be viewable in all traffic conditions, and shall not be placed in such a manner that the view of such sign is subject to being obstructed by any other vehicle on such highway. Such Automated traffic enforcement safety device warning signs shall be placed within 500 feet prior to the warning sign announcing the reduction of the speed limit for the school speed zone. Such signs shall include a sign or device which provides the operator of a motor vehicle approaching such sign with an accurate depiction~~

146 of the speed of such motor vehicle and lights which flash yellow in accordance with any
 147 rule or regulation established by the Department of Transportation when the automated
 148 traffic enforcement safety device is authorized to issue citations pursuant to Code Section
 149 40-14-18. There shall be a rebuttable presumption that such signs are properly installed
 150 pursuant to this subsection at the time of any alleged violation under this article."

151 **SECTION 6.**

152 Said title is further amended in Code Section 40-14-11, relating to investigations by
 153 commissioner of public safety, issuance of order suspending or revoking permit, and ratio
 154 of speeding fines to agency's budget, by adding a new subsection to read as follows:

155 "(f) The governing body of any county or municipality utilizing automated traffic
 156 enforcement safety devices pursuant to this article shall submit an annual report on the
 157 revenue generated through the use of such devices to the Department of Public Safety."

158 **SECTION 7.**

159 Said title is further amended in Code Section 40-14-18, relating to enforcement of speed limit
 160 in school zones with recorded images, civil monetary penalty, and consequences for failure
 161 to pay penalty, by revising paragraph (2) of subsection (a) and subparagraph (b)(2)(G) as
 162 follows:

163 "(2) Prior to the placement of a an automated traffic enforcement safety device within
 164 a school zone, ~~each school within whose school zone~~ the governing body of the county
 165 or municipality whose law enforcement agency is authorized to enforce the speed limit
 166 of a school zone where such automated traffic enforcement safety device is to be placed
 167 and which holds a valid permit for the operation of speed detection devices issued by the
 168 Department of Public Safety pursuant to Code Section 40-14-2 shall first apply for and
 169 secure a permit from the Department of Transportation for the use of such automated
 170 traffic enforcement safety device. Such permit shall be awarded based upon need;

171 provided, however, that a permit issued for placement upon any highway with more than
172 two lanes shall require a demonstration of prior history which justifies such need and no
173 permit shall be issued for placement upon a highway within a school zone with four lanes
174 that does not have a crosswalk across such lanes. The Department of Transportation shall
175 promulgate rules and regulations for the implementation of this paragraph."

176 "(G) A warning that failure to pay the civil monetary penalty or to contest liability in
177 a timely manner as provided for in subsection (d) of this Code section shall waive any
178 right to contest liability and include a statement which reads: 'FAILURE TO PAY THIS
179 FINE OR CONTEST LIABILITY IN COURT SHALL RESULT IN THE INABILITY
180 TO RENEW YOUR MOTOR VEHICLE REGISTRATION FOR THIS VEHICLE';"

181 **SECTION 8.**

182 (a) Except as provided for in subsection (b) of this section, this Act shall become effective
183 on July 1, 2026.

184 (b) Section 5 of this Act shall become effective on July 1, 2027.

185 **SECTION 9.**

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