

House Bill 1161 (AS PASSED HOUSE AND SENATE)

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 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 revise requirements for the placement of automated traffic enforcement safety
9 devices; to revise application procedure for a permit to operate such devices; to require
10 annual reporting on revenues generated by such devices; to provide standards for notice sent
11 for imposition of a civil monetary penalty and penalties for nonpayment relating to citations
12 issued by such devices; to provide for related matters; to provide for effective dates; to repeal
13 conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

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

19 "40-6-74.

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

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

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

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

74 **SECTION 3.**

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

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

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

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

84 ~~(2)~~(3) 'Light transmission' means the ratio of the amount of total light, expressed in
85 percentages, which is allowed to pass through a surface to the amount of light falling on
86 the surface.

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

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

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

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

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

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

102 (2) Which has material and glazing applied or affixed to ~~the rear windshield or the front~~
 103 ~~side or door windows~~, which material and glazing when so applied or affixed reduce light
 104 transmission through the windshield or window to less than ~~32~~ 28 percent, plus or minus
 105 3 percent, or increase light reflectance to more than 20 percent; or

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

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

112 (A) A multipurpose passenger vehicle;

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

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

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

119 **SECTION 4.**

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

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

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

131 **SECTION 5.**

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

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

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

150 **SECTION 6.**

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

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

157 **SECTION 7.**

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

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

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

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

180 **SECTION 8.**

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

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

184 **SECTION 9.**

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