

The Senate Committee on Public Safety offered the following substitute to HB 878:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to uniform rules of the road, so as to provide for
3 procedure for passing stationary vehicles on certain highways; to provide for proper
4 procedure for passing a postal service vehicle; to provide for a definition; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "40-6-16.

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

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

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

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

23 (c) The operator of a motor vehicle approaching a stationary towing or recovery vehicle,
24 a stationary highway maintenance vehicle, or a stationary utility service vehicle that is
25 utilizing traffic cones or displaying flashing yellow, amber, white, or red lights shall
26 approach the vehicle with due caution and shall, absent any other direction by a peace
27 officer, proceed as 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) The operator of a motor vehicle approaching a stationary vehicle shall approach such
36 stationary vehicle with due caution when individuals are visibly present outside the
37 stationary vehicle or such vehicle displays flashing hazard lights and, when traveling upon
38 highways with at least two lanes allowing for movement in the same direction and absent
39 any other direction by a peace officer, shall proceed as follows:

40 (1) Make a lane change into a lane not adjacent to the stationary vehicle if possible in the
41 existing safety and traffic conditions; or

42 (2) If a lane change under paragraph (1) of this subsection would be impossible,
43 prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and

44 proper speed for the existing road and traffic conditions, which speed shall be less than
 45 the posted speed limit, and be prepared to stop.

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

48 (2) Violation of subsection (c) or (d) of this Code section shall be punished by a fine of
 49 not more than \$250.00.

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

51 (1) 'Utility service vehicle' means any vehicle being used by an employee or contractor
 52 of any entity, including, but not limited to, a political subdivision of this state or a local
 53 authority or commission related thereto, an electric cooperative, or a public or private
 54 corporation, in connection with the provision of utility services.

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

59 SECTION 2.

60 Said article is further amended by revising Code Section 40-6-16.1, relating to procedure for
 61 passing vehicle with active sanitation workers, as follows:

62 "40-6-16.1.

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

64 (1) 'Postal service vehicle' means any vehicle operated by an individual while delivering
 65 parcels or mail on behalf of the United States Postal Service and marked in accordance
 66 with requirements of the United States Postal Service or with a sign that reads 'U.S. Mail.'

67 (2) 'Sanitation worker' ~~'sanitation worker'~~ means an individual engaged in the collection
 68 and transport of residential or commercial solid waste and recyclables as authorized by
 69 a county or municipal governing authority.

70 (b) The operator of a motor vehicle approaching a postal service vehicle or a vehicle with
71 active sanitation workers that is displaying flashing yellow, amber, white, or red lights shall
72 approach ~~the~~ such vehicle with due caution and shall, absent any other direction by a peace
73 officer, proceed as follows:

74 (1) Make a lane change into a lane not adjacent to the vehicle if possible in the existing
75 safety and traffic conditions; or

76 (2) If a lane change under paragraph (1) of this subsection would be impossible,
77 prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and
78 proper speed for the existing road and traffic conditions, which speed shall be at least ten
79 miles per hour less than the posted speed limit or 25 miles per hour, whichever is more,
80 and be prepared to stop.

81 (c) Violation of subsection (b) of this Code section shall be punished by a fine of not more
82 than \$250.00."

83

SECTION 3.

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