

House Bill 1193

By: Representatives McDonald of the 26th, Hitchens of the 161st, Lumsden of the 12th, Hong of the 103rd, and Collins of the 71st

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 require the operation of flashing or revolving amber lights upon certain
3 vehicles; to provide for penalties; to provide for conforming changes; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
8 amended in Code Section 40-6-16, relating to procedure for passing certain stationary
9 vehicles, by revising subsection (c) as follows:

10 "(c) The operator of a motor vehicle approaching a stationary towing or recovery vehicle,
11 a stationary highway maintenance vehicle, or a stationary utility service vehicle that is
12 utilizing traffic cones or displaying flashing or revolving yellow, amber, or white, ~~or red~~
13 lights shall approach the vehicle with due caution and shall, absent any other direction by
14 a peace officer, proceed as follows:

15 (1) Make a lane change into a lane not adjacent to the towing, recovery, highway
16 maintenance, or utility service vehicle if possible in the existing safety and traffic
17 conditions; or

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

22 **SECTION 2.**

23 Said title is further amended in Code Section 40-6-16.1, relating to procedure for passing
24 vehicle with active sanitation workers, by revising subsection (b) as follows:

25 "(b) The operator of a motor vehicle approaching a vehicle with active sanitation workers
26 that is displaying flashing or revolving yellow, amber, or white, ~~or red~~ lights shall approach
27 the vehicle with due caution and shall, absent any other direction by a peace officer,
28 proceed as follows:

29 (1) Make a lane change into a lane not adjacent to the vehicle if possible in the existing
30 safety and traffic 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 at least ten
34 miles per hour less than the posted speed limit or 25 miles per hour, whichever is more,
35 and be prepared to stop."

36 **SECTION 3.**

37 Said title is further amended by repealing Code Section 40-8-32, relating to lights on vehicles
38 of rural mail carriers, and designating said Code section as reserved.

39

SECTION 4.

40 Said title is further amended in Code Section 40-8-33, relating to lights on farm tractors and
41 unlicensed three-wheeled motorcycles used only for agricultural purposes, restrictions on
42 trailers and semitrailers otherwise exempt under Code Section 40-8-1, and no duty on
43 manufacturers of lighting systems, by revising subsections (b) and (c) as follows:

44 "(b) When operated or towed upon a highway, ~~roadway, or street~~ at any time from a
45 half-hour after sunset to a half-hour before sunrise and at any time when it is raining in the
46 driving zone and at any other time when there is not sufficient visibility to render clearly
47 discernible persons and vehicles on the highway, ~~roadway, or street~~ at a distance of 500
48 feet to the rear, every trailer and semitrailer which would otherwise be exempt from this
49 article as an implement of husbandry under Code Section 40-8-1 either shall ~~comply with:~~

50 (1) Comply with the requirements for taillights set forth in Code Section 40-8-23;
51 ~~relating to taillights, or shall be;~~

52 (2) Be equipped with an operating red ~~amber~~ flashing or revolving light which is plainly
53 visible from a distance of 500 feet to the rear and which is either permanently or
54 temporarily fixed to the rear of such trailer or semitrailer; or

55 (3) Be ~~shall be~~ accompanied by an escort vehicle which is equipped with one or more
56 operating red ~~or~~ amber flashing or revolving lights that are visible from a distance of 500
57 feet and which shall follow such trailer or semitrailer.

58 (c) Nothing in this Code section shall be construed to impose a duty on a manufacturer of
59 an implement of husbandry under Code Section 40-8-1 to install an electric lighting
60 system, taillights, or ~~red amber~~ flashing or revolving lights or otherwise equip implements
61 of husbandry to be in compliance with the provisions of this Code section at the time of
62 manufacture or sale; it being the intent of this Code section to place a duty on operators of
63 the equipment only under specified circumstances and conditions, and not on
64 manufacturers."

65 **SECTION 5.**

66 Said title is further amended by revising Code Section 40-8-35, relating to operating
67 low-speed vehicles on highway, as follows:

68 "40-8-35.

69 ~~Any low-speed vehicle operated on the highways of this state without a properly affixed~~
70 ~~emblem conforming to the requirements of Code Section 40-8-4 shall display an amber~~
71 ~~strobe light so as to warn approaching travelers to decrease their speed because of the~~
72 ~~danger of colliding with such vehicle. Such amber strobe light shall be mounted in a~~
73 ~~manner so as to be visible under normal atmospheric conditions from a distance of 500 feet~~
74 ~~from the front and rear of such vehicle.~~

75 (a) For purposes of this Code section, the term 'vehicle' means a motor vehicle, trailer,
76 load, or equipment.

77 (b) Any of the following shall utilize flashing or revolving amber lights when operating
78 upon highways and during the conditions set forth:

79 (1) A wrecker or tow truck or motor vehicle used for the provision of emergency road
80 services when:

81 (A) At the scene of a motor vehicle accident or disablement;

82 (B) Towing a motor vehicle in a manner in which any wheel of the vehicle in tow
83 remains in contact with the pavement; or

84 (C) Operating with objects protruding from the vehicle in a manner that creates a
85 hazard;

86 (2) A utility service vehicle when such vehicle is involved in the provision of utility
87 services as such terms are defined in Code Section 40-6-16;

88 (3) A vehicle or equipment when in use for road construction or maintenance operations
89 authorized by the Department of Transportation or a local government pursuant to
90 Title 32 or 36;

- 91 (4) A motor vehicle with active sanitation workers as such term is defined in Code
92 Section 40-6-16.1;
- 93 (5) A motor vehicle operated by a rural mail carrier when delivering mail;
- 94 (6) A motor vehicle or trailer transporting a projecting load as set forth in subsections (b)
95 and (b.1) of Code Section 40-8-27;
- 96 (7) A motor vehicle or combination of vehicles and loads whose weight, width, length,
97 or height, or combination thereof, exceeds the maximum limit specified by law, for which
98 a permit has been issued pursuant to Code Section 32-6-28;
- 99 (8) An extendable semitrailer or load operated pursuant to subparagraph (b)(1)(C) of
100 Code Section 32-6-24;
- 101 (9) An escort vehicle operated pursuant to Code Section 32-6-25.1;
- 102 (10) A low-speed vehicle when operated without an emblem affixed in accordance with
103 the requirements of Code Section 40-8-4;
- 104 (11) A trailer, semitrailer, or escort vehicle when operated under the conditions set forth
105 in Code Section 40-8-33;
- 106 (12) A school bus when such vehicle is required to comply with the identification and
107 equipment requirements set forth in Code Section 40-8-115;
- 108 (13) A vehicle operated in the course of business by a person licensed or registered as
109 a private detective business or private security business under Chapter 38 of Title 43;
- 110 (14) A vehicle operated by a neighborhood watch program provided that such vehicle
111 is clearly identified as in operation by such program and such program has been
112 established in accordance with local law enforcement standards for such programs; or
- 113 (15) The lead vehicle in a funeral procession when such vehicle complies with the
114 requirements of Code Section 40-6-76.
- 115 (c) Any vehicle owned or leased by the federal government may utilize flashing or
116 revolving amber lights when operating upon highways provided that such vehicle is being
117 operated for an authorized federal purpose.

118 (d) Equipment capable of producing flashing or revolving amber lights shall be mounted
119 upon a vehicle in a manner so as to be visible under normal atmospheric conditions from
120 a distance of 500 feet from the front and rear of the vehicle.

121 (e) Unless authorized by this Code section or Code Section 40-6-6, 40-8-91, or 40-8-92,
122 it shall be unlawful to operate any vehicle with flashing or revolving amber lights on a
123 highway.

124 (f) A violation of this Code section shall be punished as a misdemeanor; provided,
125 however, that a violation of this Code section during the commission of a felony shall be
126 punished as a felony.

127 (g) Nothing in this Code section shall prohibit the use of blinking or flashing parking or
128 brake lights or directional signals on a motor vehicle."

129 **SECTION 6.**

130 Said title is further amended in Code Section 40-8-92, relating to designation of emergency
131 vehicles, flashing or revolving lights, permits, fee, and prohibition against use of flashing or
132 revolving green lights by private persons on public property, by revising subsections (a) and
133 (b) as follows:

134 "(a) All emergency vehicles shall be designated as such by the commissioner of public
135 safety. The commissioner shall so designate each vehicle by issuing to such vehicle a
136 permit to operate flashing or revolving emergency lights of the appropriate color. Such
137 permit shall be valid for five years from the date of issuance. Any and all officially marked
138 law enforcement vehicles as specified in Code Section 40-8-91 shall not be required to
139 have a permit for the use of a blue light. Any and all fire department vehicles which are
140 distinctly marked on each side shall not be required to have a permit for the use of a red
141 light. Any and all ambulances, as defined in Code Section 31-11-2, licensed by this state
142 shall not be required to have a permit for the use of a red light. ~~Any low-speed vehicle~~
143 ~~shall not be required to have a permit for the use of an amber strobe light.~~

144 (b) The commissioner shall authorize the use of red ~~or amber~~ flashing or revolving lights
145 only when the person or governmental agency shall demonstrate to the commissioner a
146 proven need for equipping a vehicle with emergency lights. The fee for such lights shall
147 be \$2.00, provided that no federal, state, county, or municipal governmental agency or an
148 ambulance provider, as defined in Code Section 31-11-2, shall be required to pay such fee."

149 **SECTION 7.**

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