

House Bill 541 (AS PASSED HOUSE AND SENATE)

By: Representatives Lumsden of the 12<sup>th</sup>, Hitchens of the 161<sup>st</sup>, Crowe of the 118<sup>th</sup>, Sainz of the 180<sup>th</sup>, and Scoggins of the 14<sup>th</sup>

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 proper  
3 procedure for passing stationary vehicles; to provide for proper procedure for passing a  
4 postal service vehicle; to provide for a definition; to provide for related matters; to repeal  
5 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 Section  
10 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~~ other than  
25 an authorized emergency vehicle that is utilizing traffic cones, displaying flashing hazard  
26 lights, or displaying flashing yellow, amber, white, or red lights shall approach the vehicle  
27 with due caution and shall, absent any other direction by a peace officer, proceed as  
28 follows:

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

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

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

38 (2) Violation of subsection (c) of this Code section shall be punished by a fine of not  
39 more than \$250.00.

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

41 ~~(1) 'Utility service vehicle' means any vehicle being used by an employee or contractor~~  
42 ~~of any entity, including, but not limited to, a political subdivision of this state or a local~~

43 ~~authority or commission related thereto, an electric cooperative, or a public or private~~  
44 ~~corporation, in connection with the provision of utility services.~~

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

49 **SECTION 2.**

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

52 "40-6-16.1.

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

54 (1) 'Postal service vehicle' means any vehicle operated by an individual while delivering  
55 parcels or mail on behalf of the United States Postal Service.

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

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

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

65 (2) If a lane change under paragraph (1) of this subsection would be impossible,  
66 prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and  
67 proper speed for the existing road and traffic conditions, which speed shall be at least ten

68 miles per hour less than the posted speed limit or 25 miles per hour, whichever is more,  
69 and be prepared to stop.  
70 (c) Violation of subsection (b) of this Code section shall be punished by a fine of not more  
71 than \$250.00."

72

**SECTION 3.**

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