

House Bill 959

By: Representatives Corbett of the 174<sup>th</sup>, Lumsden of the 12<sup>th</sup>, Mathis of the 149<sup>th</sup>, Ridley of the 6<sup>th</sup>, and Prince of the 132<sup>nd</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  
3 procedure for passing stationary vehicles on certain highways; to provide for related matters;  
4 to repeal conflicting laws; and for other purposes

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

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

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

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

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16 (1) Make a lane change into a lane not adjacent to the authorized emergency vehicle if  
17 possible in the existing safety and traffic 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 (c) The operator of a motor vehicle approaching a stationary towing or recovery vehicle,  
23 a stationary highway maintenance vehicle, or a stationary utility service vehicle that is  
24 utilizing traffic cones or displaying flashing yellow, amber, white, or red lights shall  
25 approach the vehicle with due caution and shall, absent any other direction by a peace  
26 officer, proceed as follows:

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

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

34 (d) The operator of a motor vehicle approaching a stationary vehicle shall approach such  
35 stationary vehicle with due caution when individuals are visibly present outside the  
36 stationary vehicle or such vehicle displays flashing hazard lights and, when traveling upon  
37 highways with at least two lanes allowing for movement in the same direction and absent  
38 any other direction by a peace officer, shall proceed as follows:

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

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

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

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

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

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

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

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

58 **SECTION 2.**

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