

House Bill 767 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 32nd, Hitchens of the 161st, Petrea of the 166th, Waites of the 60th, Taylor of the 173rd, and others

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 regarding uniform rules of the road, so as to add utility service
3 vehicles to the "Spencer Pass Law"; to add flashing white lights as a color of light which
4 denotes caution; to provide a procedure for passing stationary utility service vehicles; to
5 provide for definitions; to provide for penalties; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
10 general provisions regarding uniform rules of the road, is amended in Code Section 40-6-16,
11 the "Spencer Pass Law," by revising subsections (c) and (d) and by adding a new subsection
12 to read as follows:

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

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

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

25 (d)(1) Violation of subsection (b) ~~or (c)~~ of this Code section shall be punished by a fine
26 of not more than \$500.00.

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

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

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

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

38 **SECTION 2.**

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