

9-1-2003

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Recommended Citation

Keenan Howard, *MOTOR VEHICLES AND TRAFFIC Uniform Rules of the Road: Require Motor Vehicle Operators to Take Certain Precautions When Passing Stationary Authorized Emergency, Towing, Recovery, and Highway Maintenance Vehicles*, 20 GA. ST. U. L. REV. (2003).

Available at: <https://readingroom.law.gsu.edu/gsulr/vol20/iss1/16>

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MOTOR VEHICLES AND TRAFFIC

Uniform Rules of the Road: Require Motor Vehicle Operators to Take Certain Precautions When Passing Stationary Authorized Emergency, Towing, Recovery, and Highway Maintenance Vehicles

CODE SECTION:	O.C.G.A. § 40-6-16 (new)
BILL NUMBER:	HB 457
ACT NUMBER:	181
GEORGIA LAWS:	2003 Ga. Laws 427
SUMMARY:	The Act protects various authorized vehicles stationed on the side of the road by requiring the operators of passing vehicles to slow down or to change lanes. The Act provides a penalty for failure to take these safety precautions.
EFFECTIVE DATE:	July 1, 2003

History

In the spring of 2003, Georgia legislators met to discuss ways to combat the many deaths occurring every year at the hands of motor vehicle operators failing to slow down and avoid the authorized vehicles stationed on the side of the road.¹ Patrol officers throughout the state recognized the problem and inspired the legislation.² Captain Al Wilson of the Georgia State Patrol noted that motorists are often distracted when they see emergency vehicles stationed on the side of the road, resulting in an increased likelihood of injuries and accidents.³ Curiosity and paying attention to the vehicles alongside the road is a part of human nature.⁴

1. See Interview with Rep. Thomas Buck, III, House District No. 112 (Apr. 14, 2003) [hereinafter Buck Interview].

2. See *id.* Representative Buck is closely associated with the Georgia State Patrol and frequently contacts Colonel George A. Ellis, the Director of the Georgia State Patrol. See *id.*

3. See Interview with Captain Al Wilson, Georgia State Patrol (Apr. 18, 2003) [hereinafter Wilson Interview].

4. *Id.*

Accordingly, legislators introduced HB 457 in an attempt to increase public awareness of the serious accidents that can occur when motorists fail to take proper caution.⁵ Captain Wilson hopes that motorists will take note, slow down, and move to the other lane in an effort to prevent future accidents.⁶ Captain Wilson noted that the Act will be mostly a “voluntary compliance” law because of the difficulties in enforcing it.⁷ Unfortunately, police officers will most easily enforce the law when a motorist is actually negligent and an accident occurs.⁸ In this regard, the Act is a “tool to help facilitate voluntary compliance.”⁹

HB 457

Introduction and Consideration by the House

Representatives Thomas Buck, Ben Bridges, Victor Hill, Bobby Parham, and Mike Boggs of the 112th, 7th, 81st, 94th, and 145th districts, respectively, sponsored HB 457.¹⁰ The bill was introduced to the House on February 18, 2003.¹¹ The Speaker assigned the bill to the Motor Vehicle Committee, which favorably reported the bill on February 27, 2003.¹²

The House passed the bill on March 4, 2003, after only a few minutes of debate.¹³ Representative Buck stated that the bill benefited local and state law enforcement officials.¹⁴ He explained the existing problem and then described situations where automobile and tractor trailer operators have nearly killed state troopers.¹⁵ Representative Buck stated that “[the] bill would give teeth to the law to try and slow this activity down.”¹⁶

5. *Id.*

6. *See id.*

7. Wilson Interview, *supra* note 3.

8. *Id.*

9. *Id.*

10. *See* HB 457, as introduced, 2003 Ga. Gen. Assem.

11. *See* State of Georgia Final Composite Status Sheet, HB 457, Apr. 25, 2003.

12. *See id.*

13. *See* Audio Recording of House Proceedings, Mar. 4, 2003, at <http://mediar1.gpb.org/ramgen/leg/2003/hv020403.rm> [hereinafter House Audio].

14. *See id.*

15. *See id.*

16. *Id.*

Representative Buck introduced a floor amendment to increase the fine for a violation of the law from \$50 to \$500.¹⁷ After speaking with the Georgia State Patrol, Representative Buck told the House that the proposed \$50 fine was inadequate to act as a deterrent, prompting him to propose this amendment.¹⁸ Representative Doug Teper of the 42nd district asked how a motorist “would know when to slow down” or change lanes and at what speed a motorist would violate the law.¹⁹ Representative Buck responded that if a motorist sees an emergency vehicle, he should slow down.²⁰ Representative Teper voiced his concern that a motor vehicle operator may not know when he violates the law.²¹ However, fines accruing to unknowing violators should be minimal because, as Captain Wilson noted, the law relies mostly on voluntary compliance.²² The House passed the amendment by a vote of 102 to 56 and the bill, as amended, by a vote of 143 to 23.²³

Consideration by the Senate

HB 457 then moved to the Senate on March 5, 2003.²⁴ The Senate assigned the bill to its Transportation Committee, which favorably reported the bill on March 27, 2003.²⁵ The Senate passed the bill unanimously with virtually no debate.²⁶ The Senate made no amendments and passed the bill by a vote of 47 to 0 on April 22, 2003.²⁷ The Governor signed the bill on May 1, 2003.²⁸

17. See House Audio, *supra* note 13. A second amendment proposed by Representative Joyce failed. See *id.*

18. See *id.*

19. *Id.*

20. See *id.*

21. See *id.*

22. See Wilson Interview, *supra* note 3.

23. See Georgia Senate Voting Record, HB 457 (Apr. 22, 2003).

24. See State of Georgia Final Composite Status Sheet, HB 457, Apr. 25, 2003.

25. See *id.*

26. See Audio Recording of Senate Proceedings, Apr. 22, 2003, at <http://mediar1.gpb.org/rangen/leg/2003/sv042203-637PM.rm>.

27. See *id.*; Georgia Senate Voting Record, HB 457 (Apr. 22, 2003); State of Georgia Final Composite Status Sheet, HB 457, Apr. 25, 2003.

28. See 2003 Ga. Laws 427, § 2, at 428.

The Act

The Act adds Code section 40-6-16, relating to uniform rules of the road, and requires motor vehicle operators to take certain precautions when approaching stationary authorized emergency, towing, or maintenance vehicles.²⁹ Code subsection 40-6-16(a) requires that a motorist exercise due caution when “approaching a stationary authorized emergency vehicle that is displaying flashing yellow, amber, white, red, or blue lights.”³⁰ Code subsection 40-6-16(b) requires a motorist “approaching a stationary towing or recovery vehicle or a stationary highway maintenance vehicle that is displaying flashing yellow, amber, or red lights [to] approach the vehicle with due caution.”³¹ Both subsections require approaching vehicles to make a lane change into lanes not adjacent to the stationary vehicle, or if this lane change is not possible, to reduce speed to “a reasonable and proper speed” for the traffic conditions.³² If a motorist violates the Act, Code subsection 40-6-16(c) imposes a fine of \$500.³³

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29. O.C.G.A. § 40-6-16 (2003).

30. O.C.G.A. § 40-6-16(a) (2003).

31. O.C.G.A. § 40-6-16(b) (2003).

32. O.C.G.A. § 40-6-16(a) to (b) (2003).

33. O.C.G.A. § 40-6-16(c) (2003).