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David Brown

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MOTOR VEHICLES AND TRAFFIC

*Equipment and Inspection of Motor Vehicles:
Change Provisions Regarding Certain Trailers and
Semitrailers To Permit Use of Surge Brakes*

CODE SECTIONS: O.C.G.A. §§ 40-8-50, 46-7-26, 48-10-11
(amended)

BILL NUMBER: HB 1192

ACT NUMBER: 700

GEORGIA LAWS: 2000 Ga. Laws 809

SUMMARY: The Act changes several sections of the Georgia Code, primarily to allow the use of surge brake technology on small, non-commercial trailers. The Act raises the maximum gross weight of trailers and semitrailers that need not be equipped with brakes on all wheels to three thousand pounds. It requires the Public Safety Commission to promulgate rules or regulations for the safe operation of trailers and semitrailers coincident to these changes. The Act also repeals previous laws that required power, hydraulic, or air brakes operated from the driver's seat on all two-axle trailers of four wheels or more.

EFFECTIVE DATE: O.C.G.A. § 40-8-50, July 1, 2000; § 46-7-26, April 27, 2000; § 48-10-11, July 1, 2000.¹

History

A trailer manufacturer who was concerned by Georgia's constrictive requirements for trailer brakes approached

1. See 2000 Ga. Laws 809, § 4, at 812. The Act took effect with respect to the call for promulgation of rules or regulations by the Public Service Commission upon approval by the Governor. See *id.* For all other purposes, the Act became effective July 1, 2000. See *id.*

Representative Don Wix of the 33rd District.² The trailer manufacturer explained to Representative Wix that trailer braking system technology had seen vast improvements in the last decade and that Georgia needed to update its laws to reflect the availability of popular, safe, and efficient surge brakes.³

Surge brakes are a relatively new invention that use the forward force of the trailer against the towing vehicle during deceleration to force the brakes to clamp down on the trailer tires.⁴ Before this advancement, trailer brakes used hydraulics or some other expensive, complex systems.⁵ During legislative debate over this bill, Representative Wix pointed out that most states already recognize surge brakes as a safe and effective braking mechanism.⁶ According to Representative Wix, HB 1192 would accomplish three things: address conflicting Code sections, allow for the advancement of surge brakes, and ensure the legal operation of trailers on Georgia roads.⁷

HB 1192

Introduction

Representatives Don Wix and Jimmy Benefield of the 33rd and 96th Districts, respectively, sponsored HB 1192.⁸ Representative Wix introduced the bill on the House floor on January 24, 2000.⁹ The House assigned the bill to its Transportation Committee, which favorably reported the bill, as substituted, to the House floor on February 2, 2000.¹⁰ The House passed the bill, as substituted, on February 4, 2000.¹¹

2. See Audio Recording of House Proceedings, Feb. 4, 2000 (remarks by Rep. Don Wix) <<http://www.ganet.org/services/leg/audio/2000archive.html>> [hereinafter House Audio].

3. See *id.*

4. See O.C.G.A. § 40-8-50 (Supp. 2000).

5. See House Audio, *supra* note 2.

6. See *id.*

7. See *id.*

8. See HB 1192, as introduced, 2000 Ga. Gen. Assem.

9. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

10. See *id.*

11. See Georgia House of Representatives Voting Record, HB 1192 (Feb. 4, 2000). The vote was 163 to 1. See *id.*

HB 1192 then moved to the Senate on February 7, 2000.¹² The Senate assigned the bill to its Transportation Committee, which favorably reported the bill, as substituted, on February 16, 2000.¹³ The Senate adopted the Committee substitute, added a floor amendment, and unanimously passed the bill.¹⁴ The House agreed to the Senate's version on March 13, 2000.¹⁵ Governor Roy Barnes signed HB 1192 into law on April 27, 2000.¹⁶

Consideration by the House Transportation Committee

As introduced, the bill proposed changing Code section 48-10-11 to include surge brakes as an acceptable trailer braking mechanism for trailers with a gross weight of less than 12,000 pounds.¹⁷ The Committee substitute changed the bill to alter Code section 40-8-50 by extending the exemption from braking requirements to trailers with less than a 3000 pound gross weight.¹⁸ Further, the substitute incorporated the original bill's language concerning surge brakes as an acceptable trailer braking system into Code section 40-8-50, while deleting and reserving Code section 48-10-11.¹⁹

Consideration on the House Floor

The bill passed the House with little debate on February 4, 2000.²⁰ When Representative Robert Ray of the 128th District questioned whether the bill applied to farm trailers, Representative Wix explained that farm trailers are not required to have brakes under the law.²¹

12. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

13. See *id.*

14. See Georgia Senate Voting Record, HB 1192 (Feb. 23, 2000); see also State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

15. See Georgia House of Representatives Voting Record, HB 1192 (Mar. 13, 2000).

16. See 2000 Ga. Laws 809, § 5, at 812.

17. See HB 1192, as introduced, 2000 Ga. Gen. Assem.

18. Compare HB 1192, as introduced, 2000 Ga. Gen. Assem., with HB 1192 (HCS), 2000 Ga. Gen. Assem. The prior de minimus exemption was 2500 pounds. See 1992 Ga. Laws 165, § 10, at 198 (formerly found at O.C.G.A. § 40-8-50 (1997)).

19. Compare HB 1192, as introduced, 2000 Ga. Gen. Assem., with HB 1192 (HCS), 2000 Ga. Gen. Assem.

20. See Georgia House of Representatives Voting Record, HB 1192 (Feb. 4, 2000).

21. See House Audio, *supra* note 2 (remarks by Reps. Robert Ray and Don Wix).

Consideration by the Senate Transportation Committee

Upon introduction to the Senate, the bill was assigned to the Transportation Committee.²² The Committee favorably reported the bill, as substituted, on February 16, 2000.²³ The Senate Committee substitute added definitions to Code section 40-8-50 for gross combination weight rating,²⁴ gross vehicle weight rating,²⁵ hazardous materials, and surge brakes.²⁶ The substitute also added numerous requirements for and limitations on the use of surge brakes, including the following: surge brakes cannot be used on vehicles with a passenger capacity of sixteen or greater; they cannot be used if the gross vehicle weight rating is greater than 12,000 pounds or the gross combination weight rating is greater than 26,000 pounds; they cannot be used on vehicles that surpass the manufacturer's gross vehicle weight rating; each system must include a break away safety feature;²⁷ hazardous material, or liquids or gases exceeding 119 gallons, cannot be transported in a trailer utilizing surge brakes; and if the vehicle is for commercial use, it is limited to intrastate commerce.²⁸

Further, the substitute amended Code section 46-7-26 to require the Public Service Commission to promulgate rules and regulations on the safe operation of trailers.²⁹ Finally, the substitute deleted, in its entirety, Code section 48-10-11 requiring power, hydraulic, or air brakes for two-axle trailers and reserved the section for future use.³⁰

22. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

23. See *id.*

24. The definition includes the weight of the towing vehicle plus the towed vehicle. See HB 1192 (SCS), 2000 Ga. Gen. Assem.

25. The definition includes the weight of the towed vehicle plus cargo. See HB 1192 (SCS), 2000 Ga. Gen. Assem.

26. Compare HB 1192 (HCS), 2000 Ga. Gen. Assem., with HB 1192 (SCS), 2000 Ga. Gen. Assem.

27. The break away safety feature is a mechanism that forces the trailer brakes on if the trailer becomes disconnected from the towing vehicle. See HB 1192 (SCS), 2000 Ga. Gen. Assem.

28. Compare HB 1192 (HCS), 2000 Ga. Gen. Assem., with HB 1192 (SCS), 2000 Ga. Gen. Assem.

29. Compare HB 1192 (HCS), 2000 Ga. Gen. Assem., with HB 1192 (SCS), 2000 Ga. Gen. Assem.

30. Compare HB 1192 (HCS), 2000 Ga. Gen. Assem., with HB 1192 (SCS), 2000 Ga. Gen. Assem.

Consideration on the Senate Floor

The Committee substitute was amended on the Senate floor to prohibit the use of surge brakes when the actual gross weight of the trailer “and load” exceeds the manufacturer’s gross vehicle weight rating.³¹ The Senate passed the bill with the amended substitute on February 23, 2000.³² The House agreed to the Senate version with no debate on March 13, 2000.³³

The Act

First, the Act amends Code section 40-8-50 by adding definitions for gross combination weight rating, gross vehicle weight rating, hazardous materials, and surge brakes, and it provides for the use of surge brakes on trailers.³⁴

Second, the Act adds to Code section 40-8-50 numerous requirements and limitations on the use of surge brakes, including: (1) prohibition on vehicles with a passenger capacity of sixteen or greater; (2) prohibition when the gross vehicle weight rating is greater than 12,000 pounds or the gross combination weight rating is greater than 26,000 pounds; (3) prohibition with vehicles in which the trailer and load weight combined surpass the manufacturer’s gross vehicle weight rating; (4) requirement that each system include a break away safety feature; (5) prohibition on transporting hazardous material with a trailer using surge brakes; and (6) in the case of commercial use, a limitation on their use to intrastate commerce.³⁵

Third, the Act amends Code section 40-8-50 by increasing the de minimus exemption from vehicles weighing less than 2500 pounds to vehicles weighing less than 3000 pounds.³⁶ Fourth,

31. Compare HB 1192 (SCS), 2000 Ga. Gen. Assem., with HB 1192 (SCSFA), 2000 Ga. Gen. Assem.

32. See Georgia Senate Voting Record, HB 1192 (Feb. 23, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

33. See Georgia House of Representatives Voting Record, HB 1192 (Mar. 13, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

34. Compare 1982 Ga. Laws 165, § 10, at 198 (formerly found at O.C.G.A. § 40-8-50 (1997)), with O.C.G.A. § 40-8-50 (Supp. 2000).

35. Compare 1982 Ga. Laws 165, § 10, at 198 (formerly found at O.C.G.A. § 40-8-50 (1997)), with O.C.G.A. § 40-8-50 (Supp. 2000).

36. Compare 1982 Ga. Laws 165, § 10, at 198 (formerly found at O.C.G.A. § 40-8-50 (1997)), with O.C.G.A. § 40-8-50 (Supp. 2000).

the Act amends Code section 46-7-26 to require the Public Service Commission to promulgate rules and regulations on the safe operation of trailers and semitrailers under the new provisions of Code section 40-8-50.³⁷ Finally, the Act strikes the language in Code section 48-10-11, reserving the section for future use.³⁸

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37. Compare 1981 Ga. Laws 409, §§ 1-2, at 410 (formerly found at O.C.G.A. § 46-7-26 (1997)), with O.C.G.A. § 46-7-26 (Supp. 2000).

38. See 2000 Ga. Laws 809, § 3, at 811.