

Senate Bill 436

By: Senators Watson of the 11th, Goodman of the 8th, Anderson of the 24th, Walker III of the 20th, Ginn of the 47th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1B of Article 13 of Chapter 6 of Title 40 of the Official Code of Georgia
2 Annotated, relating to operation of farm use vehicles, so as to provide for and revise
3 definitions; to provide for conforming changes; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Part 1B of Article 13 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
8 relating to operation of farm use vehicles, is amended by revising Code Section 40-6-308,
9 relating to operation of farm tractors upon certain highways and yielding of right of way, as
10 follows:

11 "40-6-308.

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

13 (1) 'Farm tractor' means every motor vehicle designed and used primarily as a farm
14 implement, for drawing plows, mowing machines, and other implements of husbandry.

15 (2) 'Implement of husbandry' means every device, whether it is self-propelled or not,
16 designed and adapted so as to be used ~~exclusively~~ primarily for agricultural, horticultural,

17 or livestock-raising operations or for lifting or carrying an implement of husbandry and,
18 in either case, not subject to registration if operated upon the highways.

19 (3) 'Operator' means any individual lawfully operating a farm tractor or implement of
20 husbandry.

21 (b) Farm tractors, except trailers and semitrailers operated in accordance with statutory
22 limits or provisions of Code Sections 32-6-24 and 40-8-50, shall not be permitted to travel
23 upon any highway in this state which is a part of The Dwight D. Eisenhower System of
24 Interstate and Defense Highways, provided that the Department of Public Safety shall have
25 the authority to permit such travel in certain geographic areas of the state as deemed
26 necessary. Farm tractors or implements of husbandry may be operated on any ~~state or local~~
27 ~~roadway~~ highway in this state if the operator complies with Code Section 40-8-4 and has
28 taken reasonable steps to reduce the width of the farm tractor or implement of husbandry
29 as provided for by the manufacturer. Whenever the width of a farm tractor or implement
30 of husbandry exceeds the width of that portion of a roadway on which the farm tractor or
31 implement of husbandry is driven, which is marked as a single lane of traffic, or, if the
32 roadway has not been marked for lanes of traffic and the width of the farm tractor or
33 implement of husbandry exceeds more than 50 percent of the width of the roadway, the
34 operator shall move the farm tractor or implement of husbandry, as soon as possible, as far
35 to the right-hand side of the roadway as is practicable and safe upon approach of any
36 oncoming or following vehicle and upon approaching the crest of a hill.

37 (c) Upon the immediate approach of a farm tractor or implement of husbandry which
38 cannot be moved by the operator thereof to the far right-hand side of the roadway in
39 compliance with subsection (b) of this Code section, due to the existence of any bridge or
40 guardrail, sign, or any other physical impediment which would not safely allow such tractor
41 or implement of husbandry to travel on the far right-hand side of the road, the driver of
42 every other vehicle shall yield the right-of-way and shall immediately pull over to the far

43 right-hand side of the road and remain in such position until the farm tractor or implement
44 of husbandry has passed.

45 (d) This Code section shall not operate to relieve any operator of a farm tractor or
46 implement of husbandry from the duty to drive with due regard for the safety of all persons
47 using the roadway."

48 **SECTION 2.**

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