

Senate Bill 76

By: Senators Jackson of the 24th, Wilkinson of the 50th, Jones of the 25th, Bethel of the 54th, Miller of the 49th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so
 2 as to provide for definitions; to provide for the safe operation of a motorcycle or bicycle
 3 through an inoperative traffic-control signal; to require drivers of motor vehicles to stop at
 4 crosswalks with pedestrian-activated rectangular rapid flash beacons; to make it unlawful to
 5 activate such devices when there is no intent to cross a roadway; to remove provisions
 6 regarding height of handlebars; to provide for a short title; to provide for related matters; to
 7 repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Motorcycle Mobility Safety Act."

11 **SECTION 2.**

12 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
 13 in Code Section 40-1-1, relating to definitions, by adding a new paragraph to read as follows:

14 "(50.02) 'Rectangular rapid flash beacon' means user-activated amber light emitting diodes
 15 (LEDs) that supplement warning signals at unsignalized intersections or mid-block
 16 crosswalks. Such devices emit an irregular flash pattern and may be activated by
 17 pedestrians manually by a push button or passively by a pedestrian detection system. The
 18 term shall be interchangeable with LED rapid-flash system, stutter flash, or LED beacons."

19 **SECTION 3.**

20 Said title is further amended in Code Section 40-6-20, relating to obedience to traffic-control
 21 devices, by revising subsections (a) and (e) as follows:

22 "(a) The driver of any vehicle shall obey the instructions of an official traffic-control
 23 device applicable thereto, placed in accordance with this chapter, unless otherwise directed
 24 by a police officer, subject to the exceptions granted the driver of an authorized emergency
 25 vehicle in this chapter. A violation of this subsection shall be a misdemeanor, except as

26 otherwise provided by paragraph (2) of subsection (e) and subsection (f) of this Code
 27 section."

28 "(e)(1) Except as provided for in paragraph (2) of this subsection, the ~~The~~ disregard or
 29 disobedience of the instructions of any official traffic-control device or signal placed in
 30 accordance with the provisions of this chapter by the driver of a vehicle shall be deemed
 31 prima-facie evidence of a violation of law, without requiring proof of who and by what
 32 authority such sign or device has been erected.

33 (2) If a driver has stopped pursuant to the instructions of a traffic-control device and has
 34 a reasonable belief that the traffic-control device or signal is inoperative due to the
 35 lightweight design of his or her motorcycle or bicycle, the driver may disregard or
 36 disobey the instructions of the traffic-control device or signal and proceed through the
 37 intersection, provided that:

38 (A) There is no other motor vehicle within 500 feet approaching or entering the same
 39 intersection from a different highway, or from the same highway approaching or
 40 entering the intersection from the opposite direction; and

41 (B) The driver cautiously proceeds through the intersection with reasonable care and
 42 consideration for all other applicable rules of the road.

43 Nothing in this paragraph shall restrict the permissibility of a driver to make a right turn
 44 as provided for in paragraph (3) of subsection (a) of Code Section 40-6-21.

45 (3) A driver who acts or purports to act pursuant to paragraph (2) of this subsection shall
 46 maintain the burden of proving that he or she acted in accordance with paragraph (2) of
 47 this subsection. Such driver's cause or proximate cause of an accident while acting or
 48 purporting to act pursuant to paragraph (2) of this subsection shall be prima-facie
 49 evidence that such driver did not exercise the requisite level of caution, care, or
 50 consideration required for compliance with the law.

51 (4) As used in this subsection, the term 'reasonable belief' means the belief of a
 52 reasonable person in consideration of the conditions of his or her stop, including but not
 53 limited to the number of seconds he or she has been stopped or the number of signal
 54 changes he or she has observed of the traffic-control device or signal which did not
 55 include a change of instruction to him or her."

56 **SECTION 4.**

57 Said title is further amended by revising Code Section 40-6-91, relating to right of way in
 58 crosswalks, as follows:

59 "40-6-91.

60 (a) The driver of a vehicle shall stop and remain stopped to allow a pedestrian to cross the
61 roadway within a crosswalk when the pedestrian is upon the half of the roadway upon
62 which the vehicle is traveling, or when the pedestrian is approaching and is within one lane
63 of the half of the roadway on which the vehicle is traveling or onto which it is turning. For
64 the purposes of this subsection, 'half of the roadway' means all traffic lanes carrying traffic
65 in one direction of travel.

66 (b) The driver of a vehicle shall stop and remain stopped to allow a pedestrian to cross the
67 roadway within a crosswalk when an approved rectangular rapid flash beacon or similar
68 device has been activated.

69 (c) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into
70 the path of a vehicle which is so close that it is impractical for the driver to yield. No
71 pedestrian shall manually activate or intentionally cause to be activated a rapid flash
72 beacon or similar device at a crosswalk unless such person intends to cross a roadway.

73 (c)(d) Subsection (a) of this Code section shall not apply under the conditions stated in
74 subsection (b) of Code Section 40-6-92.

75 (d)(e) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked
76 crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any
77 other vehicle approaching from the rear shall not overtake and pass such stopped vehicle."

78 **SECTION 5.**

79 Said title is further amended by revising Code Section 40-6-314, relating to footrests and
80 handlebars, as follows:

81 "40-6-314.

82 (a) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be
83 equipped with footrests for such passenger.

84 (b) ~~No person shall operate any motorcycle with handlebars more than 15 inches in height~~
85 ~~above that portion of the seat occupied by the operator or with a backrest more commonly~~
86 ~~known as a sissy bar that is designed in such a way as to create a sharp point at its apex."~~

87 **SECTION 6.**

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