

House Bill 101 (AS PASSED HOUSE AND SENATE)

By: Representatives McKillip of the 115th and Holt of the 112th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to provide for safer bicycle riding for bicyclists and the motoring public; to
3 provide for definitions; to provide for the operation of motor vehicles and bicycles on
4 roadways with bicycle lanes a safe distance between such motor vehicles and bicycles when
5 such vehicles are passing a bicycle; to change provisions relating to traffic laws being
6 applicable to bicycles; to remove obsolete provisions relating to the transporting of children
7 under the age of one year on a bicycle; to change provisions relating to riding on roadways
8 and bicycle paths; to change provisions relating to equipment on bicycles; to legalize the use
9 of recumbent bicycles; to provide for related matters; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 SECTION 1.

13 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
14 amended by revising Code Section 40-1-1, relating to definitions, by revising paragraphs
15 (6.1) and (6.2) and adding a new paragraph to read as follows:

16 "(6.1) 'Bicycle lane' means a portion of the roadway that has been designated by striping,
17 pavement markings, or signage for the exclusive or preferential use of persons operating
18 bicycles. Bicycle lanes shall at a minimum, unless impracticable, be required to meet
19 accepted guidelines, recommendations, and criteria with respect to planning, design,
20 operation, and maintenance as set forth by the American Association of State Highway
21 and Transportation Officials.

22 (6.2) 'Bicycle path' means a right of way under the jurisdiction and control of this state
23 or a local political subdivision thereof designated for use by bicycle riders.

24 ~~(6.2)~~(6.3) 'Bicycle trailer' means every device pulled by a bicycle and designed by the
25 manufacturer of such device to carry human passengers."

26 **SECTION 2.**

27 Said title is further amended in Article 3 of Chapter 6, relating to driving on the right side of
 28 the roadway, overtaking and passing, and following too closely, by adding new Code
 29 sections to read as follows:

30 "40-6-55.

31 Notwithstanding other provisions of this chapter relating to operating a vehicle on a
 32 roadway, where a bicycle lane is provided on the roadway, the operator of a motor vehicle
 33 shall yield to a person operating a bicycle in a bicycle lane.

34

35 40-6-56.

36 (a) As used in this Code section, the term 'safe distance' means not less than three feet.

37 (b) Notwithstanding any provision of this article to the contrary, when feasible, the
 38 operator of a motor vehicle, when overtaking and passing a bicycle that is proceeding in
 39 the same direction on the roadway, shall leave a safe distance between such vehicle and the
 40 bicycle and shall maintain such clearance until safely past the overtaken bicycle."

41 **SECTION 3.**

42 Said title is further amended by revising Part 1 of Article 13 of Chapter 6, relating to bicycles
 43 and play vehicles, as follows:

44 "40-6-290.

45 The provisions of this part applicable to bicycles shall apply whenever a bicycle is operated
 46 upon a highway, upon a bicycle lane, or upon any bicycle path set aside for the exclusive
 47 use of bicycles, subject to those exceptions stated in this part.

48 40-6-291.

49 (a) The provisions of this chapter that apply to vehicles, but not exclusively to motor
 50 vehicles, shall apply to bicycles, except as provided in this Code section and except that
 51 the penalties prescribed in subsection (b) of Code Section 40-6-390, subsection (c) of Code
 52 Section 40-6-391, and subsection (a) of Code Section 40-6-393 shall not apply to persons
 53 riding bicycles.

54 (b) Notwithstanding the provisions of Code Section 40-6-50, any person operating a
 55 bicycle may ride upon a paved shoulder; provided, however, that such person shall not be
 56 required to ride upon a paved shoulder.

57 (c) Any person operating a bicycle may signal a right turn with his or her right arm and
 58 hand extended horizontally or with his or her left hand and arm extended upward.

59 40-6-292.

60 (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and
61 regular seat attached thereto and shall allow no person to ride upon the handlebars.

62 (b) No bicycle shall be used to carry more persons at one time than the number for which
63 it is designed and equipped.

64 (c) No person shall transport a child under the age of one year as a passenger on a bicycle
65 on a highway, roadway, bicycle path, bicycle lane, or sidewalk; provided, however, that
66 a child under the age of one year may be transported on a bicycle trailer or in an infant
67 sling so long as such child is seated in the bicycle trailer or carried in an infant sling
68 according to the bicycle trailer's or infant sling's manufacturer's instructions, and the
69 bicycle trailer is properly affixed to the bicycle according to the bicycle trailer's
70 manufacturer's instructions or the infant sling is properly worn by the rider of the bicycle
71 according to the infant sling's manufacturer's instructions ~~and such child transported in a
72 bicycle trailer or infant sling is wearing a bicycle helmet as required under paragraph (1)
73 of subsection (e) of Code Section 40-6-296.~~

74 (d) No child between the ages of one year and four years shall ride as a passenger on a
75 bicycle or bicycle trailer or be transported in an infant sling unless the child is securely
76 seated in a child passenger bicycle seat, bicycle trailer, or infant sling according to the child
77 passenger bicycle seat's, bicycle trailer's, or infant sling's manufacturer's instructions and
78 the child passenger seat or bicycle trailer is properly affixed to the bicycle according to the
79 child passenger bicycle seat's or bicycle trailer's manufacturer's instructions or the infant
80 sling is worn according to the infant sling's manufacturer's instructions.

81 (e) Violation of subsections (c) and (d) of this Code section shall not constitute negligence
82 per se nor contributory negligence per se or be considered evidence of negligence or
83 liability.

84 (f) No person under the age of 16 years failing to comply with subsections (c) and (d) of
85 this Code section ~~may~~ shall be fined or imprisoned.

86 40-6-293.

87 No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach
88 the same or himself or herself to any vehicle upon a roadway.

89 40-6-294.

90 (a) As used in this Code section, the term 'hazards to safe cycling' includes, but shall not
91 be limited to, surface debris, rough pavement, drain grates which are parallel to the side of
92 the roadway, parked or stopped vehicles, potentially opening car doors, or any other objects
93 which threaten the safety of a person operating a bicycle.

- 94 (b) Every person operating a bicycle upon a roadway shall ride as near to the right side of
 95 the roadway as practicable, except when ~~turning~~:
- 96 (1) ~~Turning left or avoiding~~;
- 97 (2) ~~Avoiding hazards to safe cycling, when the~~;
- 98 (3) ~~The lane is too narrow to share safely with a motor vehicle, when traveling~~;
- 99 (4) ~~Traveling at the same speed as traffic, or while exercising~~;
- 100 (5) Exercising due care when passing a standing vehicle or one proceeding in the same
 101 direction; or
- 102 (6) There is a right turn only lane and the person operating the bicycle is not turning
 103 right;
- 104 provided, however, that every person operating a bicycle away from the right side of the
 105 roadway shall exercise reasonable care and shall give due consideration to the other
 106 applicable rules of the road. ~~As used in this subsection, the term 'hazards to safe cycling'~~
 107 ~~includes, but is not limited to, surface debris, rough pavement, drain grates which are~~
 108 ~~parallel to the side of the roadway, parked or stopped vehicles, potentially opening car~~
 109 ~~doors, or any other objects which threaten the safety of a person operating a bicycle.~~
- 110 ~~(b)(c)~~ Persons riding bicycles upon a roadway shall not ride more than two abreast except
 111 on bicycle paths, bicycle lanes, or parts of roadways set aside for the exclusive use of
 112 bicycles, or when a special event permit issued by a local governing authority permits
 113 riding more than two abreast.
- 114 ~~(c)(d)~~ Whenever a usable bicycle path has been provided adjacent to a roadway and
 115 designated for the exclusive use of bicycle riders, then the appropriate governing authority
 116 may require that bicycle riders use such bicycle path and not use those sections of the
 117 roadway so specified by such local governing authority. The governing authority may be
 118 petitioned to remove restrictions upon demonstration that the bicycle path has become
 119 inadequate due to capacity, maintenance, or other causes.
- 120 ~~(d)(e)~~ Bicycle paths ~~Paths~~ subject to the provisions of subsection ~~(e)~~ (d) of this Code
 121 section shall at a minimum be required to meet accepted guidelines, recommendations, and
 122 criteria with respect to planning, design, operation, and maintenance as set forth by the
 123 American Association of State Highway and Transportation Officials, and such bicycle
 124 paths shall provide accessibility to destinations equivalent to the use of the roadway.
- 125 (f) Any person operating a bicycle in a bicycle lane shall ride in the same direction as
 126 traffic on the roadway.
- 127 ~~(e)(g)~~ Electric assisted bicycles ~~as defined in Code Section 40-1-1~~ may be operated on
 128 bicycle paths.

129 40-6-295.

130 No person operating a bicycle shall carry any package, bundle, or other article which
131 prevents him or her from keeping at least one hand upon the handlebars.

132 40-6-296.

133 (a) Every bicycle when in use at nighttime shall be equipped with a light on the front
134 which shall emit a white light visible from a distance of 300 feet to the front and with a
135 light on the back which shall emit a red reflector ~~on the rear of a type approved by the~~
136 ~~Department of Public Safety which shall be~~ light visible from a distance of 300 feet to the
137 rear ~~when directly in front of lawful upper beams of headlights on a motor vehicle. A light~~
138 ~~emitting a red light visible from a distance of 300 feet to the rear may be used in addition~~
139 ~~to the red reflector.~~ Any bicycle equipped with a red reflector on the rear that is approved
140 by the Department of Public Safety shall not be required to have a light on the rear of the
141 bicycle.

142 (b) Every bicycle sold or operated shall be equipped with a brake which will enable the
143 operator to make the braked wheels skid on dry, level pavement.

144 (c) No bicycle shall be equipped or operated while equipped with a set of handlebars so
145 raised that the operator must elevate his or her hands above ~~his~~ the operator's shoulders in
146 order to grasp the normal steering grip area.

147 ~~(d) No bicycle shall be equipped, modified, or altered in such a way as to cause the pedal~~
148 ~~in its lowermost position to be more than 12 inches above the ground, nor shall any bicycle~~
149 ~~be operated if so equipped.~~

150 ~~(e)~~(1) No person under the age of 16 years shall operate or be a passenger on a bicycle
151 on a highway, bicycle path, bicycle lane, or sidewalk under the jurisdiction or control of
152 this state or any local political subdivision thereof without wearing a bicycle helmet.

153 (2) For the purposes of this subsection, the term 'bicycle helmet' means a piece of
154 protective headgear which meets or exceeds the impact standards for bicycle helmets set
155 by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.

156 (3) For the purposes of this subsection, a person shall be deemed to wear a bicycle
157 helmet only if a bicycle helmet of good fit is fastened securely upon ~~the~~ such person's
158 head with the straps of ~~the~~ such bicycle helmet.

159 (4) No bicycle without an accompanying protective bicycle helmet shall be rented or
160 leased to or for the use of any person under the age of 16 years unless that person is in
161 possession of a bicycle helmet at the time of the rental or lease.

162 (5) Violation of any provision of this subsection shall not constitute negligence per se
163 nor contributory negligence per se or be considered evidence of negligence or liability.

164 (6) No person under the age of 16 failing to comply with any provision of this subsection
 165 may shall be fined or imprisoned.

166 40-6-297.

167 ~~(a) It shall be unlawful for any person to sell a new bicycle or a pedal for use on a bicycle~~
 168 ~~unless the pedals on such bicycle or such pedals are equipped with reflectors of a type~~
 169 ~~approved by the Department of Public Safety. The reflector on each pedal shall be so~~
 170 ~~designed and situated as to be visible from the front and rear of the bicycle during darkness~~
 171 ~~from a distance of 200 feet. The commissioner of public safety is authorized to promulgate~~
 172 ~~rules and regulations and establish standards for such reflectors.~~

173 ~~(b) This Code section shall not apply to any bicycle purchased prior to July 1, 1972, by a~~
 174 ~~retailer for the purpose of resale.~~

175 ~~40-6-298.~~

176 (a) It is shall be a misdemeanor for any person to do any act forbidden or fail to perform
 177 any act required in this part.

178 (b) The parent of any child and the guardian of any ward shall not authorize or knowingly
 179 permit such child or ward to violate any of the provisions of this part.

180 ~~40-6-299: 40-6-298.~~

181 The Board of Public Safety is authorized to promulgate rules and regulations to carry this
 182 part into effect and is authorized to establish regulations for any additional safety
 183 equipment or standards it shall require for bicycles."

184 **SECTION 4.**

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