

The House Committee on Motor Vehicles offers the following substitute to HB 461:

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 revise and provide for definitions; to provide for the safe operation of a
3 motorcycle or bicycle through certain inoperative traffic-control devices and signals; to
4 require drivers of motor vehicles to stop at crosswalks with pedestrian activated rectangular
5 rapid flash beacons; to make it unlawful to activate such devices when there is no intent to
6 cross a roadway; to authorize the operation of motorcycles to overtake or pass stationary
7 motor vehicles in the same lane as such motorcycle in certain instances; to provide for a
8 conforming change; to provide for a short title; to provide for related matters; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

13 **SECTION 2.**

14 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 15 amended in Code Section 40-1-1, relating to definitions, by revising paragraph (50.01) as
 16 follows:

17 "(50.01) 'Rectangular rapid flash beacon' means user activated devices which emit
 18 irregular flash patterns with amber light emitting diodes (LEDs) that supplement warning
 19 signals at unsignalized intersections or mid-block crosswalks. Such devices may be
 20 activated by pedestrians manually by a push button or passively by a pedestrian detection
 21 system. 'Recreational off-highway vehicle' means a motorized vehicle designed for
 22 off-road use which is equipped with four or more nonhighway tires and which is 65
 23 inches or less in width."

24 **SECTION 3.**

25 Said title is further amended in Code Section 40-6-20, relating to obedience to traffic-control
 26 devices required, presumptions, and red light cameras, by revising subsections (a) and (e) as
 27 follows:

28 "(a) The driver of any vehicle shall obey the instructions of an official traffic-control
 29 device applicable thereto, placed in accordance with this chapter, unless otherwise directed
 30 by a police officer, subject to the exceptions granted the driver of an authorized emergency
 31 vehicle in this chapter. A violation of this subsection shall be a misdemeanor, except as
 32 otherwise provided by paragraph (2) of subsection (e) and subsection (f) of this Code
 33 section."

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

39 (2) If a driver has stopped pursuant to the instructions of a traffic-control device or signal
40 at an intersection which utilizes recorded image or surveillance technology and has a
41 reasonable belief that the traffic-control device or signal is inoperative due to the
42 lightweight design of his or her motorcycle or bicycle, the driver may disregard or
43 disobey the instructions of the traffic-control device or signal and proceed through the
44 intersection, provided that:

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

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

50 Nothing in this paragraph shall restrict a driver from making a right turn as provided for
51 in paragraph (3) of subsection (a) of Code Section 40-6-21.

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

58 (4) As used in this subsection, the term 'reasonable belief' means the belief of a
59 reasonable driver in consideration of the conditions of his or her stop and shall include
60 the observation of at least two light cycle changes of a nearby traffic-control device or
61 signal."

62 **SECTION 4.**

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

65 "40-6-91.

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

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

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

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

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

85 **SECTION 5.**

86 Said title is further amended by revising Code Section 40-6-312, relating to operating
87 motorcycle on roadway laned for traffic, as follows:

88 "40-6-312.

89 (a) All motorcycles are entitled to full use of a lane, and no motor vehicle shall be driven
90 in such a manner as to deprive any motorcycle of the full use of a lane. This subsection
91 shall not apply to motorcycles operated two abreast in a single lane.

92 (b) The operator of a motorcycle shall ~~not be authorized to~~ overtake and pass in the same
93 lane occupied by the vehicle being overtaken when:

94 (1) The motorcycle is being driven to overtake and pass stationary vehicles or gain
95 access to an adjacent turning lane while such stationary vehicles are waiting for the
96 change of direction for a traffic-control signal; and

97 (2) The motorcycle is traveling at a speed of 15 miles per hour or less.

98 (c) ~~No person shall operate a motorcycle between lanes of traffic or between adjacent lines~~
99 ~~or rows of vehicles.~~

100 ~~(d)~~ Motorcycles shall not be operated more than two abreast in a single lane.

101 ~~(e)~~(d) A person operating a motorcycle shall at all times keep his the headlights and
102 taillights illuminated.

103 ~~(f)~~(e) Subsection ~~Subsections~~ (b) and ~~(c)~~ of this Code section shall not apply to police
104 officers in the performance of their official duties."

105 SECTION 6.

106 Said title is further amended by revising Code Section 40-6-350, relating to traffic laws
107 applicable to persons operating mopeds, as follows:

108 "40-6-350.

109 Every person operating a moped shall be granted all the rights and shall be subject to all
110 the duties applicable to the driver of any other vehicle under this chapter except as to
111 special regulations in this part and except as to those provisions of this chapter which by
112 their nature can have no application. However, the operator of a moped shall not be
113 required to comply with subsection ~~(e)~~ (d) of Code Section 40-6-312, relating to headlights

114 and taillights, or subsection (b) of Code Section 40-6-315, relating to windshields and
115 eye-protective devices."

116 **SECTION 7.**

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