

House Bill 461

By: Representatives Thomas of the 21st, Powell of the 33rd, Mathis of the 133rd, McCollum of the 30th, and Cox of the 28th

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 an inoperative traffic-control signal; to require drivers of
4 motor vehicles to stop at crosswalks with pedestrian activated rectangular rapid flash
5 beacons; to make it unlawful to activate such devices when there is no intent to cross a
6 roadway; to remove provisions regarding height of handlebars for motorcycles; to provide
7 for a short title; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

12 **SECTION 2.**

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

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16 "(50.01) 'Rectangular rapid flash beacon' means user activated devices which emit
17 irregular flash patterns with amber light emitting diodes (LEDs) that supplement warning
18 signals at unsignalized intersections or mid-block crosswalks. Such devices may be
19 activated by pedestrians manually by a push button or passively by a pedestrian detection
20 system. 'Recreational off-highway vehicle' means a motorized vehicle designed for
21 off-road use which is equipped with four or more nonhighway tires and which is 65
22 inches or less in width."

23 **SECTION 3.**

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

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

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

38 (2) If a driver has stopped pursuant to the instructions of a traffic-control device and has
39 a reasonable belief that the traffic-control device or signal is inoperative due to the
40 lightweight design of his or her motorcycle or bicycle, the driver may disregard or

41 disobey the instructions of the traffic-control device or signal and proceed through the
42 intersection, provided that:

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

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

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

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

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

61 **SECTION 4.**

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

64 "40-6-91.

65 (a) The driver of a vehicle shall stop and remain stopped to allow a pedestrian to cross the
66 roadway within a crosswalk when the pedestrian is upon the half of the roadway upon

67 which the vehicle is traveling, or when the pedestrian is approaching and is within one lane
 68 of the half of the roadway on which the vehicle is traveling or onto which it is turning. For
 69 the purposes of this subsection, 'half of the roadway' means all traffic lanes carrying traffic
 70 in one direction of travel.

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

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

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

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

84 SECTION 5.

85 Said title is further amended by revising Code Section 40-6-314, relating to footrests and
 86 handlebars for motorcycles, as follows:

87 "40-6-314.

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

90 ~~(b) No person shall operate any motorcycle with handlebars more than 25 inches in height~~
 91 ~~above that portion of the seat occupied by the operator or with a backrest more commonly~~
 92 ~~known as a sissy bar that is designed in such a way as to create a sharp point at its apex."~~

93

SECTION 6.

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