

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 provide for a short title; to provide for related matters; to repeal
7 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 and traffic, is
13 amended in Code Section 40-1-1, relating to definitions, by revising paragraph (50.01) as
14 follows:

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15 "(50.01) 'Rectangular rapid flash beacon' means user activated devices which emit
 16 irregular flash patterns with amber light emitting diodes (LEDs) that supplement warning
 17 signals at unsignalized intersections or mid-block crosswalks. Such devices may be
 18 activated by pedestrians manually by a push button or passively by a pedestrian detection
 19 system. 'Recreational off-highway vehicle' means a motorized vehicle designed for
 20 off-road use which is equipped with four or more nonhighway tires and which is 65
 21 inches or less in width."

22 **SECTION 3.**

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

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

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

37 (2) If a driver has stopped pursuant to the instructions of a traffic-control device or signal
 38 at an intersection which utilizes recorded image or surveillance technology and has a
 39 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 and shall include
58 the observation of at least two light cycle changes of a nearby traffic-control device or
59 signal."

60 **SECTION 4.**

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

63 "40-6-91.

64 (a) The driver of a vehicle shall stop and remain stopped to allow a pedestrian to cross the
65 roadway within a crosswalk when the pedestrian is upon the half of the roadway upon
66 which the vehicle is traveling, or when the pedestrian is approaching and is within one lane

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

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

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

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

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

83 **SECTION 5.**

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