

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

SECTION 2.

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

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

SECTION 3.

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

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

"(e)(1) Except as provided for in paragraph (2) of this subsection, the disregard or disobedience of the instructions of any official traffic-control device or signal placed in accordance with the provisions of this chapter by the driver of a vehicle shall be deemed

prima-facie evidence of a violation of law, without requiring proof of who and by what authority such sign or device has been erected.

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

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

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

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

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

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

SECTION 4.

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

"40-6-91.

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

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

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

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

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

SECTION 5.

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

"40-6-314.

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

SECTION 6.

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