

House Bill 454 (AS PASSED HOUSE AND SENATE)

By: Representatives Tanner of the 9th, Anulewicz of the 42nd, Gaines of the 117th, Frye of the 118th, and Cooper of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-3-114 and Title 40 of the Official Code of Georgia Annotated,
2 relating to policies to guide Department of Natural Resources in creating and administering
3 the Georgia Scenic Trails System and to motor vehicles and traffic, respectively, so as to
4 provide for permitted operation of electric assisted bicycles; to authorize the Department of
5 Natural Resources to designate certain trails as open for use of electric assisted bicycles; to
6 provide for definitions; to provide for required equipment and identification for such devices;
7 to provide for operating standards; to provide for use of such devices on bicycle lanes and
8 paths in certain instances; to provide for use of protective headgear in certain instances; to
9 provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Code Section 12-3-114 of the Official Code of Georgia Annotated, relating to policies to
13 guide Department of Natural Resources in creating and administering the Georgia Scenic
14 Trails System, by revising the undesignated text at the beginning of the Code section and
15 paragraph (1), as follows:

16 "The department shall be guided by the following policies in creating and administering the
17 Georgia Scenic Trails System:

18 (1) A balanced system of trails throughout the state should be sought, including, but not
19 limited to, the following types of trails:

20 (A) **Urban trails.** These would be located within or close to urban centers and would
21 accommodate intensive use from urban residents. Activities would include jogging,
22 walking, and touring historic sites and other points of interest;

23 (B) **Bicycle trails.** These would be located in urban, suburban, or rural areas and
24 should be easily accessible to population centers. Bicycle trails in urban areas should
25 provide an acceptable alternative to certain motorized transportation, and the cyclist
26 should be protected from motorized traffic capable of traveling over 20 miles per hour;

27 (C) **Horse trails.** These may extend through urban, suburban, rural, or wilderness
 28 areas and should be accessible to population centers. Supporting facilities may include
 29 stables, corrals, drinking water, primitive campsites, and shelter;

30 (D) **Rural hiking trails.** These would be accessible to, but not within, population
 31 centers and may traverse areas of historic or scenic interest, pastureland, and woodland.
 32 Activities would include hiking, walking, jogging, touring, camping, and fishing.
 33 Support facilities may include simple toilet facilities, drinking water, primitive
 34 campsites, and picnic tables and benches;

35 (E) **Primitive hiking trails.** These would be primarily to provide the beauty and
 36 inspiration of the wilderness experience to an increasingly urban society. They may
 37 traverse small areas of pastoral land or roadway but would be largely in undisturbed
 38 wilderness areas. Any facilities should be primitive in nature and widely separated;

39 (F) **Historical trails.** These would emphasize important events in the history of
 40 Georgia and would be appropriately marked to allow the user to become familiar with
 41 such history;

42 (G) **Bikeways.** These would be publicly owned and maintained paved paths, ways, or
 43 trails designated and signed as bicycle and electric assisted bicycle routes and located
 44 in urban, suburban, or rural areas. Notwithstanding any other provisions of this article,
 45 the routes of such bikeways shall be determined by the local governing authority
 46 wherein such bikeways would be located and shall be approved by the Department of
 47 Transportation. For purposes of this subparagraph, the term 'electric assisted bicycle'
 48 shall have the same meaning as set forth in Code Section 40-1-1;

49 (H) **Combination trails.** These would be trails consisting of combinations of any of
 50 the types of trails described in subparagraphs (A) through (G) of this paragraph;"

51 SECTION 2.

52 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 53 amended in Code Section 40-1-1, relating to definitions, by revising paragraphs (6.1), (6.2),
 54 (15.3), (30), and (33) as follows:

55 "(6.1) 'Bicycle lane' means a portion of the roadway that has been designated by striping,
 56 pavement markings, or signage for the exclusive or preferential use of persons operating
 57 bicycles and electric assisted bicycles. Bicycle lanes shall at a minimum, unless
 58 impracticable, be required to meet accepted guidelines, recommendations, and criteria
 59 with respect to planning, design, operation, and maintenance as set forth by the American
 60 Association of State Highway and Transportation Officials.

61 (6.2) 'Bicycle path' means a right of way under the jurisdiction and control of this state
 62 or a local political subdivision thereof designated for use by bicycle and electric assisted
 63 bicycle riders."

64 "(15.3) 'Electric assisted bicycle' means a device with two or three wheels which has a
 65 saddle and fully operative pedals for human propulsion and also has an electric motor
 66 having a power output of not more than 750 watts. For such a device to be considered
 67 an electric assisted bicycle, it shall meet the requirements of the Federal Motor Vehicle
 68 Safety Standards, as set forth in 49 C.F.R. Section 571, et seq., and shall operate in such
 69 a manner that the electric motor disengages or ceases to function when the brakes are
 70 applied. The electric motor in an electric assisted bicycle shall:

71 (A) ~~Have a power output of not more than 1,000 watts;~~

72 (B) ~~Be incapable of propelling the device at a speed of more than 20 miles per hour on~~
 73 ~~level ground; and~~

74 (C) ~~Be incapable of further increasing the speed of the device when human power~~
 75 ~~alone is used to propel the device at or more than 20 miles per hour."~~

76 "(30) 'Motor driven cycle' means every motorcycle, ~~including every motor scooter,~~ with
 77 a motor which produces not to exceed five brake horsepower, ~~every bicycle with a motor~~
 78 ~~attached,~~ and every moped."

79 "(33) 'Motor vehicle' means every vehicle which is self-propelled other than an electric
 80 assisted bicycle or an electric personal assistive mobility device (EPAMD)."

81 SECTION 3.

82 Said title is further amended in Code Section 40-6-294, relating to riding bicycles and
 83 electric assisted bicycles on roadways and bicycle paths, by repealing subsection (g).

84 SECTION 4.

85 Said title is further amended by redesignating Part 1A of Article 13 of Chapter 6, relating to
 86 operation of farm use vehicles, as a new Part 1B and amending Part 1A to include the
 87 following:

88 "40-6-300.

89 For purposes of this part, the term:

90 (1) 'Class I electric assisted bicycle' means an electric assisted bicycle equipped with a
 91 motor that provides assistance only when the rider is pedaling and that ceases to provide
 92 assistance when the device reaches a speed of 20 miles per hour.

93 (2) 'Class II electric assisted bicycle' means an electric assisted bicycle equipped with a
 94 motor that may be used exclusively to propel the vehicle but is not capable of reaching
 95 a speed of 20 miles per hour.

96 (3) 'Class III electric assisted bicycle' means an electric assisted bicycle equipped with
 97 a motor that provides assistance only when the rider is pedaling and that ceases to provide
 98 assistance when the device reaches a speed of 28 miles per hour.

99 40-6-301.

100 Every person operating an electric assisted bicycle shall be granted all the rights and shall
 101 be subject to all the duties applicable to the operator of a bicycle under this title except as
 102 otherwise provided in this part.

103 40-6-302.

104 (a) Any electric assisted bicycle manufactured on and after January 1, 2020, shall be
 105 equipped with a permanently affixed label in a prominent location which identifies such
 106 device as a class I, II, or III electric assisted bicycle along with the motor wattage and top
 107 assisted speed capability. Such label shall be printed in at least 9 point Arial font.

108 (b) The requirements set forth in subsection (a) of this Code section shall apply to a
 109 manufacturer, distributor, and any person who alters an electric assisted bicycle in a
 110 manner that changes the class by which the electric assisted bicycle is identified.

111 (c) Any electric assisted bicycle shall have the same equipment required for bicycles as
 112 set forth in Part 1 of this article; provided however, that such devices shall be capable of
 113 disengaging the motor when the operator stops pedaling or applies the brakes.

114 (d) Any class III electric assisted bicycle shall be equipped with a speedometer that is
 115 capable of displaying the speed the device is traveling measured in miles per hour.

116 40-6-303.

117 (a)(1) Any class I electric assisted bicycle or class II electric assisted bicycle shall be
 118 authorized to be operated on any bicycle path or shared use path where bicycles are
 119 permitted to be operated; provided, however, that a local authority or state agency may
 120 prohibit the operation of a class I electric assisted bicycle or class II electric assisted
 121 bicycle on any bicycle path or shared use path within its jurisdiction.

122 (2) No class III electric assisted bicycle shall be operated on a bicycle path or shared use
 123 path unless such path is within or adjacent to a highway or unless operation of such
 124 device is permitted on such path by the local authority or state agency having jurisdiction
 125 over such path.

126 (3) This subsection shall not apply to a bicycle path or shared use path designated for
 127 nonmotorized vehicles if such path has a natural surface tread made by clearing and
 128 grading the native soil with no added surface materials. The types of devices which may

129 be used upon such trails may be regulated by the local authority or state agency having
 130 jurisdiction over such path.

131 (b) No person under the age of 15 years of age shall operate a class III electric assisted
 132 bicycle; provided, however, that such person shall be authorized to ride as a passenger
 133 upon a class III electric assisted bicycle designed to accommodate passengers.

134 (c)(1) No person shall operate or be a passenger on a class III electric assisted bicycle
 135 without wearing a bicycle helmet.

136 (2) No class III electric assisted bicycle without an accompanying protective bicycle
 137 helmet shall be rented to or leased to any person for use unless such person is in
 138 possession of a bicycle helmet at the time of the rental or lease.

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

142 (4) For the purposes of this subsection, a person shall be deemed to wear a bicycle
 143 helmet only if a bicycle helmet of good fit is fastened securely upon such person's head
 144 with the straps of such bicycle helmet.

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

147 **SECTION 5.**

148 Said title is further amended by revising Code Section 40-6-351, relating to driver's license
 149 or permit required for certain operators of mopeds, as follows:

150 "40-6-351.

151 No person under 15 years of age shall operate a moped ~~or an electric assisted bicycle upon~~
 152 ~~the public roads and highways of~~ upon the highways in this state. No person shall operate
 153 a moped upon the ~~public roads and highways of~~ highways in this state unless he or she
 154 ~~shall have~~ has in his or her possession a valid driver's license, instruction permit, or limited
 155 permit issued to him or her pursuant to Chapter 5 of this title; provided, however, that all
 156 classes of licenses, instruction permits, or limited permits issued pursuant to Chapter 5 of
 157 this title shall be valid for the purposes of operating mopeds upon the ~~public roads and~~
 158 ~~highways of~~ highways in this state. ~~No license or permit shall be required for the operation~~
 159 ~~of an electric assisted bicycle."~~

160 **SECTION 6.**

161 Said title is further amended in Code Section 40-6-352, relating to protective headgear, by
 162 revising subsection (a) as follows:

163 "(a) No person shall operate or ride as a passenger upon a moped unless he or she is
164 wearing protective headgear which complies with standards established by the
165 commissioner of public safety. The commissioner in determining such standards shall
166 consider the size, speed, and operational characteristics of the moped. Such standards need
167 not necessarily be the same as for motorcyclists; however, any moped operator wearing an
168 approved motorcycle helmet shall be deemed in compliance with this subsection.
169 ~~Operators of electric assisted bicycles may wear a properly fitted and fastened bicycle~~
170 ~~helmet which meets the standards of the American National Standards Institute or the Snell~~
171 ~~Memorial Foundation's Standards for Protective Headgear for Use in Bicycling, rather than~~
172 ~~a motorcycle helmet."~~

173

SECTION 7.

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