

House Bill 353

By: Representatives Jones of the 25th, Kausche of the 50th, Martin of the 49th, Anulewicz of the 42nd, Holcomb of the 81st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to driving on right side of roadway, overtaking and passing, and following too
3 closely, so as to clarify what constitutes an obstruction for purposes of exceptions to when
4 a vehicle is to drive on the right side of the roadway; to provide for proper operation of a
5 motor vehicle when overtaking a bicyclist; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
10 driving on right side of roadway, overtaking and passing, and following too closely, is
11 amended by revising Code Section 40-6-40, relating to vehicles to drive on right side of
12 roadway, exceptions, and impeding traffic, as follows:

13 "40-6-40.

14 (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of
15 the roadway, except as follows:

H. B. 353

- 16 (1) When overtaking and passing another vehicle proceeding in the same direction under
17 the rules governing such movement;
- 18 (2) When an obstruction exists making it necessary to drive to the left of the center of the
19 highway, provided that any person so doing shall yield the right of way to all vehicles
20 traveling in the proper direction upon the unobstructed portion of the highway within
21 such a distance as to constitute an immediate hazard;
- 22 (3) Upon a roadway divided into three marked lanes for traffic under the rules applicable
23 thereon; or
- 24 (4) Upon a roadway restricted to one-way traffic.
- 25 (b) Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at
26 the time and place and under the conditions then existing shall be driven in the right-hand
27 lane then available for traffic, or as close as practicable to the right-hand curb or edge of
28 the roadway, except when overtaking and passing another vehicle proceeding in the same
29 direction or when preparing for a left turn at an intersection or into a private road or
30 driveway.
- 31 (c) Upon any roadway having four or more lanes for moving traffic and providing for
32 two-way movement of traffic, no vehicle shall be driven to the left of the center of the
33 roadway except when authorized by official traffic-control devices designating certain
34 lanes to the left of the center of the roadway for use by traffic not otherwise permitted to
35 use such lanes or except as permitted under paragraph (2) of subsection (a) of this Code
36 section. However, this subsection shall not be construed as prohibiting the crossing of the
37 center of the roadway in making a left turn into or from an alley, private road, or driveway.
- 38 (d) No two vehicles shall impede the normal flow of traffic by traveling side by side at the
39 same time while in adjacent lanes, provided that this Code section shall not be construed
40 to prevent vehicles traveling side by side in adjacent lanes because of congested traffic
41 conditions.

42 (e) For purposes of this Code section, the term 'obstruction' shall include any stationary
43 vehicle or a vehicle moving at such a low rate of speed so as to hinder or impede proper
44 travel upon the roadway."

45 **SECTION 2.**

46 Said article is further amended by revising Code Section 40-6-56, relating to safe passing
47 distance when overtaking a bicyclist, as follows:

48 "40-6-56.

49 (a) As used in this Code section, the term 'safe distance' means not less than three feet.

50 (b)(1) Notwithstanding any provision of this article to the contrary, when feasible, the
51 operator of a motor vehicle, when overtaking and passing a bicycle that is proceeding in
52 the same direction on the roadway, shall leave a safe distance between such vehicle and
53 the bicycle and shall maintain such clearance until safely past the overtaken bicycle.

54 (2) A vehicle may be driven to the left of the center of a highway in order to comply with
55 the requirements of this Code section, provided that any operator shall yield the right of
56 way to all vehicles traveling in the opposite direction."

57 **SECTION 3.**

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