

House Bill 353 (AS PASSED HOUSE AND SENATE)

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 provide for proper operation of a motor vehicle when overtaking a bicyclist;
4 to provide for related matters; to provide for an effective date and applicability; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
9 driving on right side of roadway, overtaking and passing, and following too closely, is
10 amended by revising Code Section 40-6-56, relating to safe passing distance when
11 overtaking a bicyclist, as follows:

12 "40-6-56.

13 (a) The operator of a motor vehicle approaching a bicycle shall approach the bicycle with
14 due caution and shall proceed as follows: ~~As used in this Code section, the term 'safe~~
15 ~~distance' means not less than three feet.~~

16 (1) Make a lane change into a lane not adjacent to the bicycle if possible in the existing
17 road and traffic conditions; or

18 (2) If a lane change under paragraph (1) of this subsection would be impossible,
19 prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and
20 proper speed for the existing road and traffic conditions, which speed shall be at least ten
21 miles per hour less than the posted speed limit or 25 miles per hour, whichever is more,
22 and proceed around the bicycle with at least three feet between such vehicle and the
23 bicycle at all times.

24 (b) Any violation of this Code section shall be a misdemeanor punished by a fine of not
25 more than \$250.00. Notwithstanding any provision of this article to the contrary, when
26 feasible, the operator of a motor vehicle, when overtaking and passing a bicycle that is
27 proceeding in the same direction on the roadway, shall leave a safe distance between such
28 vehicle and the bicycle and shall maintain such clearance until safely past the overtaken
29 bicycle."

30 **SECTION 2.**

31 This Act shall become effective on July 1, 2021, and shall apply to offenses committed on
32 or after that date.

33 **SECTION 3.**

34 All laws and parts of laws in conflict with this Act are repealed.