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

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

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

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

(B) Bicycle trails. These would be located in urban, suburban, or rural areas and should be easily accessible to population centers. Bicycle trails in urban areas should provide an acceptable alternative to certain motorized transportation, and the cyclist should be protected from motorized traffic capable of traveling over 20 miles per hour;
(C) **Horse trails.** These may extend through urban, suburban, rural, or wilderness areas and should be accessible to population centers. Supporting facilities may include stables, corrals, drinking water, primitive campsites, and shelter;

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

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

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

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

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

**SECTION 2.**

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

"(6.1) 'Bicycle lane' means a portion of the roadway that has been designated by striping, pavement markings, or signage for the exclusive or preferential use of persons operating bicycles and electric assisted bicycles. Bicycle lanes shall at a minimum, unless impracticable, be required to meet accepted guidelines, recommendations, and criteria with respect to planning, design, operation, and maintenance as set forth by the American Association of State Highway and Transportation Officials."
(6.2) 'Bicycle path' means a right of way under the jurisdiction and control of this state or a local political subdivision thereof designated for use by bicycle and electric assisted bicycle riders."

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

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

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

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

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

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

SECTION 3.

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

SECTION 4.

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

"40-6-300. For purposes of this part, the term:

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

(2) 'Class II electric assisted bicycle' means an electric assisted bicycle equipped with a motor that may be used exclusively to propel the vehicle but is not capable of reaching a speed of 20 miles per hour."
(3) 'Class III electric assisted bicycle' means an electric assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the device reaches a speed of 28 miles per hour.

40-6-301.
Every person operating an electric assisted bicycle shall be granted all the rights and shall be subject to all the duties applicable to the operator of a bicycle under this title except as otherwise provided in this part.

40-6-302.
(a) Any electric assisted bicycle manufactured on and after January 1, 2020, shall be equipped with a permanently affixed label in a prominent location which identifies such device as a class I, II, or III electric assisted bicycle along with the motor wattage and top assisted speed capability. Such label shall be printed in at least 9 point Arial font.
(b) The requirements set forth in subsection (a) of this Code section shall apply to a manufacturer, distributor, and any person who alters an electric assisted bicycle in a manner that changes the class by which the electric assisted bicycle is identified.
(c) Any electric assisted bicycle shall have the same equipment required for bicycles as set forth in Part 1 of this article; provided however, that such devices shall be capable of disengaging the motor when the operator stops pedaling or applies the brakes.
(d) Any class III electric assisted bicycle shall be equipped with a speedometer that is capable of displaying the speed the device is traveling measured in miles per hour.

40-6-303.
(a)(1) Any class I electric assisted bicycle or class II electric assisted bicycle shall be authorized to be operated on any bicycle path or shared use path where bicycles are permitted to be operated; provided, however, that a local authority or state agency may prohibit the operation of a class I electric assisted bicycle or class II electric assisted bicycle on any bicycle path or shared use path within its jurisdiction.
(2) No class III electric assisted bicycle shall be operated on a bicycle path or shared use path unless such path is within or adjacent to a highway or unless operation of such device is permitted on such path by the local authority or state agency having jurisdiction over such path.
(3) This subsection shall not apply to a bicycle path or shared use path designated for nonmotorized vehicles if such path has a natural surface tread made by clearing and grading the native soil with no added surface materials. The types of devices which may
be used upon such trails may be regulated by the local authority or state agency having jurisdiction over such path.

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

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

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

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

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

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

SEC. 5.

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

"40-6-351. No person under 15 years of age shall operate a moped or an electric assisted bicycle upon the public roads and highways of this state. No person shall operate a moped upon the public roads and highways of this state unless he or she shall have in his or her possession a valid driver's license, instruction permit, or limited permit issued to him or her pursuant to Chapter 5 of this title; provided, however, that all classes of licenses, instruction permits, or limited permits issued pursuant to Chapter 5 of this title shall be valid for the purposes of operating mopeds upon the public roads and highways of this state. No license or permit shall be required for the operation of an electric assisted bicycle."

SEC. 6.

Said title is further amended in Code Section 40-6-352, relating to protective headgear, by revising subsection (a) as follows:
(a) No person shall operate or ride as a passenger upon a moped unless he or she is
wearing protective headgear which complies with standards established by the
commissioner of public safety. The commissioner in determining such standards shall
consider the size, speed, and operational characteristics of the moped. Such standards need
not necessarily be the same as for motorcyclists; however, any moped operator wearing an
approved motorcycle helmet shall be deemed in compliance with this subsection.

Operators of electric assisted bicycles may wear a properly fitted and fastened bicycle
helmet which meets the standards of the American National Standards Institute or the Snell
Memorial Foundation's Standards for Protective Headgear for Use in Bicycling, rather than
a motorcycle helmet."

SECTION 7.

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