

House Bill 1009 (AS PASSED HOUSE AND SENATE)

By: Representative Jones of the 25th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to provide for the operation of personal delivery devices upon highways and
3 sidewalks; to provide for and revise definitions; to provide for conditions and limitations for
4 such operation; to provide for standards for parking such devices; to prohibit the transport
5 of hazardous materials by such devices; to provide for equipment standards for such devices;
6 to provide for insurance and monitoring standards; to provide for procedures for reporting
7 of accidents by such devices; to provide for penalties; to provide for issuance of citations;
8 to provide for jurisdiction and authority to hear cases relative to such citations; to provide for
9 power of local authorities relative to regulation of such devices; to prohibit operation of such
10 devices in certain locations; to provide for related matters; to repeal conflicting laws; and for
11 other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
15 amended in Code Section 40-1-1, relating to definitions, by revising paragraphs (6.1), (6.2),
16 (33), (43.1), (43.2), and (57) and adding three new paragraphs to read as follows:

17 "(6.1) 'Bicycle lane' means a portion of the roadway that has been designated by striping,
18 pavement markings, or signage for the exclusive or preferential use of persons operating
19 bicycles and electric assisted bicycles or for travel by a personal delivery device. Bicycle
20 lanes shall at a minimum, unless impracticable, be required to meet accepted guidelines,
21 recommendations, and criteria with respect to planning, design, operation, and
22 maintenance as set forth by the American Association of State Highway and
23 Transportation Officials.

24 (6.2) 'Bicycle path' means a right of way under the jurisdiction and control of this state
25 or a local political subdivision thereof designated for use by bicycle and electric assisted
26 bicycle riders or for travel by a personal delivery device."

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

30 "(43.1) 'Personal delivery device' means a powered vehicle that utilizes an automated
31 driving system to transport cargo, is not designed to transport passengers, and has a
32 maximum unladen weight of 500 pounds or a maximum weight of 600 pounds when
33 carrying any cargo.

34 (43.2) 'Personal delivery device operator' means a person or an agent of a person that
35 exercises control or monitoring over the operation of a personal delivery device;
36 provided, however, that a person or an agent of a person shall not be considered a
37 personal delivery operator solely because such person or agent:

38 (A) Requests or receives the delivery or services of a personal delivery device;

39 (B) Arranges for or dispatches the requested services of a personal delivery device; or

40 (C) Stores, charges, or maintains a personal delivery device.

41 (43.3) 'Personal delivery device owner' means a person, individual, firm, company,
42 association, corporation, or other business entity who owns a personal delivery device or,

43 in the event that the personal delivery device is leased, the lessee and may include a
 44 personal delivery device operator.

45 ~~(43.1)~~(43.4) 'Personal transportation vehicle' or 'PTV' means:

46 (A) Any motor vehicle having no fewer than three wheels and an unladen weight of
 47 1,300 pounds or less and which cannot operate at more than 20 miles per hour if such
 48 vehicle was authorized to operate on local roads by a local authority prior to January 1,
 49 2012. Such vehicles may also be referred to as 'motorized carts' in such local
 50 ordinances; and

51 (B) Any motor vehicle:

52 (i) With a minimum of four wheels;

53 (ii) Capable of a maximum level ground speed of less than 20 miles per hour;

54 (iii) With a maximum gross vehicle unladen or empty weight of 1,375 pounds; and

55 (iv) Capable of transporting not more than eight persons.

56 The term does not include mobility aids, including electric personal assistive mobility
 57 devices, power wheelchairs, and scooters, that can be used indoors and outdoors for the
 58 express purpose of enabling mobility for a person with a disability. The term also does
 59 not include any all-terrain vehicle or multipurpose off-highway vehicle.

60 ~~(43.2)~~(43.5) 'Personal transportation vehicle path' or 'PTV path' means a right of way
 61 under the jurisdiction and control of this state or a local political subdivision thereof
 62 designated for use by personal transportation vehicle drivers."

63 "(57) 'Sidewalk' means that portion of a street between the curb lines, or the lateral lines
 64 of a railway, and the adjacent property lines, primarily intended for use by pedestrians."

65 SECTION 2.

66 Said title is further amended in Article 13 of Chapter 6, relating to special provisions for
 67 certain vehicles, by revising Part 2A, relating to personal assistive mobility devices, as
 68 follows:

69

"Part 2A

70 40-6-320.

71 (a) Electric personal assistive mobility devices and personal delivery devices may be
72 operated on highways and on sidewalks where a 48 inch clear path is maintained for access
73 for persons with disabilities, provided that any person operating such a ~~device~~ devices shall
74 have the same rights and duties as prescribed for pedestrians in Article 5 of this chapter ~~and~~
75 when operating upon a sidewalk and as prescribed for motor vehicles in this chapter when
76 operating upon a highway except as otherwise provided in this part to the contrary. When
77 either an electric personal assistive mobility device or personal delivery device encounters
78 a pedestrian or individual in a wheelchair upon a sidewalk, the operator of such device
79 shall yield the right of way to the pedestrian or individual in a wheelchair.

80 (b)(1) No person shall operate any electric personal assistive mobility device on the
81 roadway of any highway unless:

82 ~~(1)(A)~~ (A) The maximum speed limit of the roadway is 35 miles per hour or less; or

83 ~~(2)(B)~~ (B) The roadway has a separately striped bicycle lane and the device is operated
84 within the bicycle lane.

85 (2) Operation of a personal delivery device upon any highway shall be with due regard
86 to safety and traffic considerations and limited to:

87 (A) Highways which are not limited-access highways with a maximum speed limit of
88 45 miles per hour or less; and

89 (B) The bicycle lane, bicycle path, shared use path, shoulder, or as close as practicable
90 to the extreme right of the roadway unless crossing a roadway at a crosswalk or
91 intersection or avoiding an object or a parked vehicle.

92 (c) When traveling on any roadway of a highway other than a crosswalk, a person
93 operating an electric personal assistive mobility device or a personal delivery device shall
94 travel in the same direction authorized for motor vehicle traffic on such roadway.

95 40-6-321.

96 Any person operating an electric personal assistive mobility device or a personal delivery
97 device on a sidewalk or roadway shall comply with the requirements of this part or any
98 local ordinance regulating the use of such devices pursuant to Code Section 40-6-371 and
99 shall exercise due care to avoid colliding with, and shall yield the right of way to, persons
100 traveling on foot. A personal delivery device shall emit a sound when approaching and
101 within six feet of a vehicle, person on foot, or individual in a wheelchair.

102 40-6-322.

103 (a) No person shall operate an electric personal assistive mobility device at a speed greater
104 than seven miles per hour when traveling on any sidewalk or 15 miles per hour elsewhere;
105 provided, however, that a county or municipal governing authority or the commissioner of
106 transportation may further restrict the speed of such devices in locations where pedestrian
107 traffic is congested and there is a significant speed differential between pedestrians and
108 operators of such devices.

109 (b) Operation of a personal delivery device shall be limited to:

110 (1) A speed of no greater than 20 miles per hour when upon a bicycle lane, shoulder, or
111 roadway;

112 (2) A speed of no greater than four miles per hour when upon a sidewalk or within a
113 shared use path or safety zone; and

114 (3) A speed of no less than 3.5 feet per second and no more than four miles per hour
115 when within a crosswalk.

116 40-6-323.

117 (a) An electric personal assistive mobility device or a personal delivery device may be
118 parked on a sidewalk unless otherwise prohibited or restricted by an official traffic control
119 device or local ordinance; provided, however, that in no case shall an electric personal

120 assistive mobility device be parked on any sidewalk in such a manner as to prevent the
121 movement of a wheelchair.

122 (b) An electric personal assistive mobility device or a personal delivery device shall not
123 be parked on any roadway in such a manner as to prevent the movement of a legally parked
124 motor vehicle.

125 (c) Except as otherwise provided in this Code section, a personal delivery device operator
126 or any person operating an electric personal assistive mobility device shall be subject to the
127 same parking restrictions as provided for motor vehicles under Part 1 of Article 10 of this
128 chapter. All violations of parking restrictions shall be ~~deemed~~ the responsibility of a
129 personal delivery device owner or the owner of such an electric personal assistive mobility
130 device; and, for purposes of parking restrictions, the owner of an electric personal assistive
131 mobility device and a personal delivery device owner shall be deemed to be in control of
132 the device at the time of a parking violation involving such device, and no evidence of
133 actual control by such owner need be proven as an element of the offense.

134 40-6-324.

135 No person shall carry or transport any hazardous materials on an electric personal assistive
136 mobility device or a personal delivery device. Oxygen carried for personal medical reasons
137 shall not be deemed a hazardous material for purposes of this Code section.

138 40-6-325.

139 (a)(1) Any electric personal assistive mobility device, when operated on any highway or
140 sidewalk, shall be equipped with ~~front~~;

141 (A) Front, rear, and side reflectors which shall be visible from a distance of 300 feet
142 when directly in front of lawful upper beams of headlights on a motor vehicle; a

143 (B) A system that when employed will enable the operator to bring the device to a
144 controlled stop; and, if the device is operated between one-half hour after sunset and
145 one-half hour before sunrise, a

146 (C) A lamp emitting a white light which, while the device is in motion, illuminates the
147 area in front of the operator for a distance of 300 feet, if the device is operated between
148 one-half hour after sunset and one-half hour before sunrise.

149 (2) Any personal delivery device, when operated on any highway or sidewalk, shall be
150 equipped with:

151 (A) A braking system that enables the device to come to a controlled stop;

152 (B) Lights upon the front and rear of the device that are visible under normal
153 atmospheric conditions from at least 500 feet on all sides of the device, if the device is
154 operated between one-half hour after sunset and one-half hour before sunrise; and

155 (C) A prominently displayed unique identification number and a contact phone number
156 for the personal delivery device owner which shall be answered by an individual
157 located within this state at any time when the device is in operation; provided, however,
158 that nothing in this subparagraph shall subject a personal delivery device to motor
159 vehicle registration requirements of Chapter 2 of this title or any local ordinance or
160 regulation requiring registration of such devices.

161 (b) No person under the age of 16 years shall operate an electric assistive personal
162 mobility device on any highway; provided, however, that a person under the age of 16
163 years may operate an electric assistive personal mobility device on any sidewalk if such
164 person is wearing protective headgear which meets or exceeds the impact standards for
165 bicycle helmets required by Code Section 40-6-296.

166 40-6-326.

167 Any person who is under the influence of any intoxicating liquor or any drug to a degree
168 which renders him or her a hazard shall not operate any electric personal assistive mobility

169 device on any highway or sidewalk. Violation of this Code section shall be a
170 misdemeanor, punishable upon conviction by a fine not to exceed \$500.00.

171 40-6-327.

172 (a) A personal delivery device shall be monitored by an individual who is capable of
173 exercising control over the navigation and operation of the personal delivery device at any
174 point in time such device is operating upon highways or sidewalks.

175 (b) A personal delivery device owner shall maintain general liability coverage for any
176 personal delivery device operated upon a highway or sidewalk of this state of at least
177 \$250,000.00 for damages arising from the operation of the personal delivery device.

178 40-6-328.

179 When an accident involves a personal delivery device, the requirements of Code
180 Sections 40-6-270, 40-6-271, 40-6-272, 40-6-273, and 40-6-273.1 shall be satisfied if such
181 personal delivery device remains on the scene of such accident as required by law and the
182 personal delivery device operator promptly contacts a local law enforcement agency and
183 communicates the information required by this chapter.

184 ~~40-6-327.~~ 40-6-329.

185 (a) Any person who violates any provision of this part relating to an electric personal
186 assistive mobility device other than Code Section 40-6-326 shall not be guilty of a criminal
187 offense or a moving traffic violation for purposes of Code Section 40-5-57 but shall be
188 subject to a civil monetary penalty not to exceed \$500.00.

189 (b) Any violation of this part by a personal delivery device shall not be a criminal offense
190 or a moving traffic violation for purposes of Code Section 40-5-57 but shall be subject to
191 a civil monetary penalty not to exceed \$500.00. Any citation for a violation of this part or
192 any other laws or ordinances relating to the operation of a personal delivery device shall

193 be issued to the personal delivery device owner by use of the information displayed on the
194 unique identification marker on the device.

195 (c) Any court having jurisdiction over violations relating to the operation of a motor
196 vehicle shall have jurisdiction over cases arising under this part and shall be authorized to
197 impose the civil monetary penalty provided by this Code section. Except as otherwise
198 provided in this Code section, the provisions of law governing jurisdiction, procedure,
199 defenses, adjudication, appeal, and payment and distribution of penalties otherwise
200 applicable to violations relating to the operation of a motor vehicle shall apply to
201 enforcement under this Code section; provided, however, that any appeal from a superior
202 or state court shall be by application in the same manner as that provided by Code
203 Section 5-6-35.

204 40-6-329.1.

205 (a) Except as otherwise provided for in this article and subsections (b) and (c) of this Code
206 section, local authorities shall not enact or enforce an ordinance or resolution relating to:

207 (1) Design, manufacture, or maintenance of a personal delivery device;

208 (2) Licensing, registration, or certification of a personal delivery device;

209 (3) Any additional taxation upon a personal delivery device other than any property tax
210 charges, business license fees, or occupation tax surcharges otherwise authorized by law;

211 (4) Insuring a personal delivery device beyond the requirements set forth in Code
212 Section 40-6-327;

213 (5) Types of cargo that may be transported by a personal delivery device;

214 (6) Operations of personal delivery devices; or

215 (7) Use of or restricted access to any sidewalk, crosswalk, or public highway.

216 (b) For the purpose of assuring the safety of individuals using highways, sidewalks,
217 bicycle lanes, bicycle paths, and shared use paths a local authority shall be authorized to
218 enact ordinances prohibiting hours of operation of personal delivery devices upon

219 sidewalks, bicycle lanes, bicycle paths, and shared use paths under their jurisdiction,
220 provided that restrictions do not prohibit the operation of personal delivery devices
221 between sunrise and sunset. A local authority shall be further authorized to enact
222 ordinances prohibiting the operation of personal delivery devices upon the property of
223 schools, hospitals, and sidewalks immediately adjacent to stadiums, coliseums, or buildings
224 owned, operated or leased by the federal government, the State of Georgia or its agencies
225 or authorities, or any political subdivision of the state, provided that such property or
226 sidewalk is owned or maintained by the local authority.

227 (c) Any local authority shall be authorized to enact an ordinance or resolution which
228 designates a geographically limited area within the jurisdiction of such authority and which
229 regulates the operation of personal delivery devices upon highways, sidewalks, bicycle
230 lanes, bicycle paths, and shared use paths within such geographically limited area, provided
231 that such regulations are no more restrictive than those imposed by this part and the
232 geographically limited area is no greater than seven linear miles.

233 (d) A local authority shall provide for public hearing prior to passage of any ordinance
234 pursuant to subsection (b) or (c) of this Code section.

235 (e) For purposes of this Code section, a highway shall be considered under the jurisdiction
236 of a local authority when it is part of the county or municipal road system of such local
237 authority designated pursuant to Chapter 4 of Title 32.

238 40-6-329.2.

239 No personal delivery device shall be operated within a surface transportation project as
240 such term is defined in Code Section 36-61-2."

241 **SECTION 3.**

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