

House Bill 877 (AS PASSED HOUSE AND SENATE)

By: Representatives Roberts of the 155th, Sims of the 123rd, Harbin of the 122nd, Prince of the 127th, and Smith of the 70th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so
2 as to provide local authorities with the ability to regulate the use of personal transportation
3 vehicles upon roadways and designated paths and lanes; to revise, delete, and add definitions;
4 to exempt certain motor vehicles from registration and licensing, certificate of title, part
5 identification, and inspection requirements; to provide for vehicle identification requirements
6 for personal transportation vehicles; to exempt operators of certain motor vehicles from
7 obtaining a driver's license; to limit liability of local authorities with regard to certain motor
8 vehicles; to provide for the use of certain signage for crossings involving certain motor
9 vehicles; to provide a legislative intent; to provide for authority and standards for local
10 authorities to establish personal transportation vehicle transportation plans; to provide for the
11 acquisition of property by local authorities for personal transportation vehicle lanes or paths;
12 to provide for the types of streets which may be designated for use by personal transportation
13 vehicles; to provide for the manner in which personal transportation vehicles may be driven;
14 to provide for related matters; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

17 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
18 in Code Section 40-1-1, relating to definitions relative to motor vehicles, by revising
19 paragraphs (3), (26), (41), and (43.1), by deleting paragraph (32) and designating it as
20 reserved, and by adding new paragraphs (17.1), (33.1), (43.2), and (56.1) to read as follows:

21 "(3) 'All-terrain vehicle' means any motorized vehicle designed for off-road use which
22 is equipped with ~~three or more nonhighway~~ four low-pressure tires, a seat designed to be
23 straddled by the operator, and handlebars for steering ~~and which is 50 inches or less in~~
24 width."

25 "(17.1) 'Golf car' or 'golf cart' means any motorized vehicle designed for the purpose and
26 exclusive use of conveying one or more persons and equipment to play the game of golf

27 in an area designated as a golf course. For such a vehicle to be considered a golf car or
 28 golf cart, its average speed shall be less than 15 miles per hour (24 kilometers per hour)
 29 on a level road surface with a 0.5% grade (0.3 degrees) comprising a straight course
 30 composed of a concrete or asphalt surface that is dry and free from loose material or
 31 surface contamination with a minimum coefficient of friction of 0.8 between tire and
 32 surface."

33 "(26) 'Manufacturer' means a person engaged in the manufacture of vehicles and who has
 34 an established place of business in this state. Pertaining to PTVs only, the term
 35 'manufacturer' also means any person engaged in the manufacture of vehicles who does
 36 business in this state, including but not limited to any person who makes modifications
 37 to a vehicle that are not approved by the original equipment manufacturer and which may
 38 adversely affect the safe operation and performance of the vehicle."

39 "(32) 'Motorized cart' means every motor vehicle having no less than three wheels and
 40 an unladen weight of 1,300 pounds or less and which cannot operate at more than 20
 41 miles per hour. Reserved."

42 "(33.1) 'Multipurpose off-highway vehicle' means any motorized vehicle having features
 43 specifically intended for utility use and having the following characteristics:

- 44 (A) Has the capability to transport persons or cargo or both;
- 45 (B) Operates between 25 miles per hour (40.2 kilometers per hour) and 50 miles per
 46 hour (80.4 kilometers per hour);
- 47 (C) Has an overall width of 80 inches (2,030 millimeters) or less, exclusive of
 48 accessories or attachments;
- 49 (D) Is designed to travel on four or more wheels;
- 50 (E) Uses a steering wheel for steering control;
- 51 (F) Contains a nonstraddle seat;
- 52 (G) Has a gross vehicle weight rating of less than 4,000 pounds (1,814 kilograms); and
 53 (H) Has a minimum cargo capacity of 350 pounds (159 kilograms)."

54 "(41) 'Passenger car' means every motor vehicle, except all-terrain vehicles, motorcycles,
 55 motor driven cycles, multipurpose off-highway vehicles, personal transportation vehicles,
 56 and low-speed vehicles, designed for carrying ten passengers or less and used for the
 57 transportation of persons."

58 "(43.1) 'Personal transportation vehicle' or 'PTV' means:

- 59 (A) Any motor vehicle having no fewer than three wheels and an unladen weight of
 60 1,300 pounds or less and which cannot operate at more than 20 miles per hour if such
 61 vehicle was authorized to operate on local roads by a local authority prior to January
 62 1, 2012. Such vehicles may also be referred to as 'motorized carts' in such local
 63 ordinances; and

64 (B) ~~any~~ Any motor vehicle:

65 ~~(A)~~(i) With a minimum of four wheels;

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

67 ~~(C)~~(iii) With a maximum gross vehicle unladen or empty weight of 1,375 pounds;

68 and

69 ~~(D)~~(iv) Capable of transporting not more than eight persons.

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

74 (43.2) 'Personal transportation vehicle path' or 'PTV path' means a right of way under the
75 jurisdiction and control of this state or a local political subdivision thereof designated for
76 use by personal transportation vehicle drivers."

77 "(56.1) 'Shared use path' means a pathway physically separated from motorized vehicular
78 traffic by an open space or barrier and either within the highway right of way or within
79 an independent right of way and used by bicycles, pedestrians, manual and motorized
80 wheelchairs, and other authorized motorized and nonmotorized users."

81 **SECTION 2.**

82 Said title is further amended by revising subsection (b) of Code Section 40-2-20, relating to
83 exceptions to the registration and licensing requirements for motor vehicles, to read as
84 follows:

85 "(b) Subsection (a) of this Code section shall not apply:

86 (1) To any motor vehicle or trailer owned by the state or any municipality or other
87 political subdivision of this state and used exclusively for governmental functions except
88 to the extent provided by Code Section 40-2-37;

89 (2) To any tractor or three-wheeled motorcycle used only for agricultural purposes;

90 (2.1) To any vehicle or equipment used for transporting cargo or containers between and
91 within wharves, storage areas, or terminals within the facilities of any port under the
92 jurisdiction of the Georgia Ports Authority when such vehicle or equipment is being
93 operated upon any public road not part of The Dwight D. Eisenhower System of
94 Interstate and Defense Highways by the owner thereof or his or her agent within a radius
95 of ten miles of the port facility of origin and accompanied by an escort vehicle equipped
96 with one or more operating amber flashing lights that are visible from a distance of 500
97 feet;

98 (3) To any trailer which has no springs and which is being employed in hauling
99 unprocessed farm products to their first market destination;

- 100 (4) To any trailer which has no springs, which is pulled from a tongue, and which is used
 101 primarily to transport fertilizer to a farm;
- 102 (5) To any ~~motorized cart~~ electric powered personal transportation vehicle; or
- 103 (6) To any moped; or
- 104 (7) To any golf car."

105 **SECTION 3.**

106 Said title is further amended by revising Code Section 40-3-4, relating to exclusions for the
 107 certificate of title requirement for motor vehicles, to read as follows:

108 "40-3-4.

109 No certificate of title shall be obtained for:

- 110 (1) A vehicle owned by the United States unless it is registered in this state;
- 111 (2) A vehicle owned by a manufacturer of or dealer in vehicles and held for sale, even
 112 though incidentally used on the highway or used for purpose of testing or demonstration;
 113 a vehicle owned by a dealer in vehicles but used by any Georgia public or private school
 114 for driver education purposes; or a vehicle used by a manufacturer solely for testing;
 115 except that all dealers acquiring new vehicles after July 1, 1962, from a manufacturer for
 116 resale shall obtain such evidence of origin of title from the manufacturer as the
 117 commissioner shall by rule and regulation prescribe;
- 118 (3) A vehicle owned by a nonresident of this state and not required by law to be
 119 registered in this state;
- 120 (4) A vehicle regularly engaged in the interstate transportation of persons or property for
 121 which a currently effective certificate of title has been issued in another state;
- 122 (5) A vehicle moved solely by human or animal power;
- 123 (6) An implement of husbandry;
- 124 (7) Special mobile equipment;
- 125 (8) A self-propelled wheelchair or invalid tricycle;
- 126 (9) A pole trailer;
- 127 (10) Motor buses used for the transportation of persons by a street railroad or other
 128 company engaged in the operation of an urban transit system over fixed routes;
- 129 (11) A boat trailer;
- 130 (12) A homemade trailer;
- 131 (13) A device used exclusively upon stationary rails or tracks or which obtains motive
 132 power from fixed overhead electric wires;
- 133 (14)(A) A vehicle, other than a mobile home or crane, the model year of which is prior
 134 to 1986.

135 (B) The owner of any vehicle which has a valid certificate of title and which becomes
 136 subject to the exclusion provided in subparagraph (A) of this paragraph may retain the
 137 certificate of title. Each subsequent transferee of any vehicle covered by
 138 subparagraph (A) of this paragraph, for which the certificate of title has been retained,
 139 may obtain a certificate of title by complying with Code Section 40-3-32. However,
 140 the failure of any subsequent transferee to comply with Code Section 40-3-32 shall
 141 preclude transferees subsequent to that transferee from obtaining a certificate of title.
 142 The department shall maintain such records as may be necessary to allow owners to
 143 obtain a certificate of title under this subparagraph. No certificate of title authorized
 144 to be issued under this subparagraph shall be issued under Code Section 40-3-28.

145 (C)(i) A security interest in or lien against a vehicle which is subject to the exclusion
 146 provided for in subparagraph (A) of this paragraph and which arises after such vehicle
 147 becomes subject to the operation of subparagraph (A) of this paragraph may be
 148 perfected in the same manner as such security interests and liens are perfected on
 149 vehicles required by this chapter to have certificates of title.

150 (ii) The transferee of any vehicle which is subject to the exclusion provided for in
 151 subparagraph (A) of this paragraph, regardless of whether that vehicle has a certificate
 152 of title issued pursuant to subparagraph (B) of this paragraph, shall take such vehicle
 153 subject to any security interest or lien perfected under this paragraph;

154 (15)(A) Except as provided in subparagraph (B) of this paragraph, a trailer with an
 155 unladen gross weight of 2,000 pounds or less.

156 (B) The exclusion provided in subparagraph (A) of this paragraph shall not apply to
 157 a travel trailer or camper, regardless of its unladen gross weight;

158 (16) A vehicle which is not sold for the purpose of lawful highway use;

159 (17) A vehicle with a model year prior to 1963; ~~or~~

160 (18) A moped; or

161 (19) A personal transportation vehicle."

162 **SECTION 4.**

163 Said title is further amended by revising paragraph (2) of subsection (a) of Code
 164 Section 40-3-30.1, relating to inspections and definitions relative to certificates of title, to
 165 read as follows:

166 "(2) 'Unconventional motor vehicle or motorcycle' means any motor vehicle or
 167 motorcycle that is manufactured, including, but not limited to, all-terrain vehicles,
 168 off-road vehicles, ~~motorized carts~~, motor driven cycles, ~~and~~ mopeds, and personal
 169 transportation vehicles, and that is not in compliance with the following:

170 (A) Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles;

171 (B) Applicable federal motor vehicle safety standards issued pursuant to 49 U.S.C.A.
 172 Section 30101, et seq., unless and until the United States Customs ~~Service~~ and Border
 173 Protection Agency or the United States Department of Transportation has certified that
 174 the motor vehicle complies with such applicable federal standards; or
 175 (C) Applicable federal emission standards issued pursuant to 42 U.S.C.A. Section 7401
 176 through Section 7642, the 'Clean Air Act,' as amended."

177 **SECTION 5.**

178 Said title is further amended by revising subsection (b) of Code Section 40-4-2, relating to
 179 the applicability of the article requiring identification of passenger cars, truck chassis, and
 180 components, to read as follows:

181 "(b) This article shall not apply to motorcycles, personal transportation vehicles, motor
 182 driven cycles, school buses, farm tractors, buses, truck tractors, road tractors, trucks,
 183 trailers, semitrailers, pole trailers, streetcars, or go-carts or to any vehicle whether
 184 self-propelled or not which is not required to be issued a license plate under the laws of this
 185 state."

186 **SECTION 6.**

187 Said title is further amended by adding a new Code section to read as follows:

188 "40-4-5.1.

189 (a) On or after July 1, 2014, on every newly manufactured personal transportation vehicle,
 190 the manufacturer shall inscribe a permanent, durable, corrosion-resistant name plate or
 191 marking which contains a unique serial number, name of manufacturer, model name or
 192 code, date code, contact information, nominal system voltage, fuel type, and load capacity.

193 (b) The name plate or marking shall be of a height and width easily readable by the naked
 194 eye. The unique serial number may consist of letters, digits, or any combination of letters
 195 and digits.

196 (c) The name plate shall be easily accessible for inspection."

197 **SECTION 7.**

198 Said title is further amended by revising subsection (a) of Code Section 40-5-20, relating to
 199 activity requiring a driver's license, to read as follows:

200 "(a) No person, except those expressly exempted in this chapter or in Chapter 6 of this title,
 201 shall drive any motor vehicle upon a highway in this state unless such person has a valid
 202 driver's license under this chapter for the type or class of vehicle being driven. Any person
 203 who is a resident of this state for 30 days shall obtain a Georgia driver's license before
 204 operating a motor vehicle in this state. Any violation of this subsection shall be punished

205 as provided in Code Section 40-5-121, except the violation of driving with an expired
 206 license, or a violation of Code Section 40-5-29 or if such person produces in court a valid
 207 driver's license issued by this state to such person, he or she shall not be guilty of such
 208 offenses. Any court having jurisdiction over traffic offenses in this state shall report to the
 209 department the name and other identifying information of any individual convicted of
 210 driving without a license."

211 **SECTION 8.**

212 Said title is further amended by revising paragraph (12) of subsection (a) of Code Section
 213 40-5-21, relating to exemptions to the driver's license requirement, to read as follows:

214 "(12) Any person while operating a ~~motorized cart~~ personal transportation vehicle:

215 (A) On any way publicly maintained for the use of ~~motorized carts~~ personal
 216 transportation vehicles by the public and no other types of motor vehicles in accordance
 217 with a local ordinance adopted pursuant to ~~subsection (a) of Code Section 40-6-331~~ Part
 218 3 or 6 of Article 13 of Chapter 6 of this title; or

219 (B) When crossing a street or highway used by other types of motor vehicles at a
 220 location designated for such crossing pursuant to subsection (d) of Code
 221 Section 40-6-331 or pursuant to a PTV plan authorized by a local authority as described
 222 in Part 6 of Article 13 of Chapter 6 of this title."

223 **SECTION 9.**

224 Said title is further amended by revising Code Section 40-6-51, relating to restrictions on the
 225 use of controlled-access roadways, to read as follows:

226 "40-6-51.

227 (a) The Department of Transportation by order and local authorities by ordinance may
 228 regulate or prohibit the use of any controlled-access roadway within their respective
 229 jurisdictions by any class of vehicle or kind of traffic which is found to be incompatible
 230 with the normal and safe movement of traffic.

231 (b) The Department of Transportation or the local authority adopting any such prohibition
 232 shall erect and maintain official traffic-control devices on the controlled-access highway
 233 on which such prohibitions are applicable, and when such devices are in place no person
 234 shall disobey the restrictions stated thereon.

235 (c) For purposes of this Code section, roadways within the jurisdiction of the Department
 236 of Transportation and roadways within the jurisdiction of local authorities shall be as set
 237 forth in Code Section 32-4-1."

238 **SECTION 10.**

239 Said title is further amended by revising Part 3 of Article 13 of Chapter 6, relating to
 240 motorized carts, to read as follows:

241 "Part 3
 242 Motorized Carts
 243 Personal Transportation Vehicles

244 40-6-330.

245 Any local authority desiring to establish operating standards for personal transportation
 246 vehicles shall comply with Part 6 of this article.

247 40-6-330.1.

248 ~~Motorized carts may be operated on streets only during daylight hours unless they comply~~
 249 ~~with the equipment regulations promulgated by the commissioner of public safety.~~

250 (a) All personal transportation vehicles shall be equipped with:

251 (1) A braking system sufficient for the weight and passenger capacity of the vehicle,
 252 including a parking brake;

253 (2) A reverse warning device functional at all times when the directional control is in the
 254 reverse position;

255 (3) A main power switch. When the switch is in the 'off' position, or the key or other
 256 device that activates the switch is removed, the motive power circuit shall be inoperative.

257 If the switch uses a key, it shall be removable only in the 'off' position;

258 (4) Head lamps;

259 (5) Reflex reflectors;

260 (6) Tail lamps;

261 (7) A horn;

262 (8) A rearview mirror;

263 (9) Safety warning labels; and

264 (10) Hip restraints and hand holds or a combination thereof.

265 (b) The requirements of subsection (a) of this Code section shall not apply to any personal
 266 transportation vehicles operated during daylight hours authorized by local ordinances
 267 enacted prior to January 1, 2012.

268 40-6-331.

269 (a) A local ~~governing~~ authority may, by ordinance, designate certain public streets or
 270 portions thereof or PTV paths that are under its regulation and control for the combined use

271 of ~~motorized carts~~ PTVs and regular vehicular traffic or the use of ~~motorized carts~~ PTVs
 272 and no other types of motor vehicles and establish the conditions under which ~~motorized~~
 273 ~~carts~~ PTVs may be operated upon such streets or portions thereof or PTV paths, including
 274 without limitation the conditions under which a person may operate ~~motorized carts~~ PTVs
 275 on such designated streets or portions thereof or PTV paths ~~without a driver's license~~. All
 276 operators of PTVs shall be required to possess a valid driver's license except when
 277 operating a PTV within a locality whose local authority has enacted an ordinance
 278 permitting the use of PTVs or motorized carts on streets without possession of a driver's
 279 license prior to January 1, 2012.

280 (b) ~~Such~~ Local authority ordinances may establish operating standards but shall not require
 281 ~~motorized carts~~ PTVs to meet any requirements of general law as to registration,
 282 inspection, certificate of title, or licensing; provided, however, that a local governing
 283 authority may, by ordinance, require the local registration and licensing of ~~such carts~~ PTVs
 284 operated within its boundaries at least once every five years for a fee not to exceed \$15.00;
 285 ~~the license to remain permanently with such cart unless such cart is sold or the license is~~
 286 ~~destroyed.~~ No local authority shall be liable for losses that result from exercising or not
 287 exercising inspection powers or functions, including failure to make an inspection or
 288 making an inadequate or negligent inspection of a PTV. The provisions of this subsection
 289 and the authority granted by this subsection shall not apply to ~~motorized carts~~ PTVs owned
 290 by golf courses, country clubs, or other such organized entities which own such ~~carts~~ PTVs
 291 and make them available to or for use by members or the public on a rental or licensed
 292 basis, provided that such ~~motorized carts~~ PTVs are used only on the premises of such golf
 293 courses, country clubs, or other such organized entities.

294 (c) Each local governing authority permitting the use of ~~motorized carts~~ PTVs upon the
 295 public streets within its jurisdiction shall erect signs on every highway which comprises
 296 a part of the state highway system at that point on the highway which intersects the
 297 corporate limits of the municipality or boundaries of the county. Such signs shall be at
 298 least 24 by 30 inches in area and shall warn approaching motorists that ~~motorized carts~~
 299 PTVs are authorized for use on public streets. All costs associated with such signs shall
 300 be funded entirely by the local governing authority. Ordinances establishing operating
 301 standards for ~~motorized carts~~ PTVs shall not be effective unless appropriate signs giving
 302 notice are posted as required by this subsection.

303 (d)(1) ~~Motorized carts~~ In jurisdictions where PTVs are permitted or otherwise allowed
 304 by state law, PTVs may cross streets and highways that are part of the state highway
 305 system only at crossings or intersections designated for that purpose ~~by the Department~~
 306 ~~of Transportation~~ and which are constructed as an active grade crossing in accordance
 307 with the Manual on Uniform Traffic Control Devices. PTV crossings shall be indicated

308 by warning sign W11-11 of the Standard Highway Signs and be clearly visible in both
 309 directions by vehicles traversing the highway which is being crossed or intersected by
 310 PTVs.

311 (2) ~~Motorized carts~~ PTVs may cross streets and highways that are part of a municipal
 312 street system or county road system and used by other types of motor vehicles only at
 313 crossings or intersections designated for that purpose by the local ~~governing~~ authority
 314 having jurisdiction over such system."

315 **SECTION 11.**

316 Said title is further amended by revising Part 6 of Article 13 of Chapter 6, relating to personal
 317 transportation vehicles, to read as follows:

318 "Part 6

319 Personal Transportation ~~Vehicles~~ Vehicle Transportation Plan

320 40-6-363.

321 The purpose of this part shall be to authorize any local authority to establish a personal
 322 transportation vehicle transportation plan for roadways and streets within the local
 323 authority's jurisdiction. It is the intent of the General Assembly that these plans be
 324 designed and developed to best serve the functional travel needs of the jurisdiction and to
 325 have the physical safety of the personal transportation vehicle occupants and their property
 326 as a major planning component. No local authority shall be liable for losses resulting from
 327 exercising or not exercising its authority to adopt a personal transportation vehicle
 328 transportation plan, failing to adopt such plan, making an inadequate plan, or negligently
 329 adopting such plan.

330 40-6-364.

331 As used in this part, the term:

332 (1) 'Personal transportation vehicle lane' or 'PTV lane' means a portion of the roadway
 333 that has been designated by striping, pavement markings, or signage for the exclusive or
 334 preferential use of persons operating personal transportation vehicles. Such PTV lanes
 335 shall at a minimum meet accepted guidelines, recommendations, and criteria with respect
 336 to planning, design, operation, and maintenance as set forth in the American Association
 337 of State Highway and Transportation Officials Safety Manual.

338 (2) 'Personal transportation vehicle transportation plan' or 'PTV plan' means a detailed
 339 guide for the operation of personal transportation vehicles upon local streets and road
 340 segments passed by a local authority through ordinance or resolution.

341 (3) 'Plan area' means the territory designated by a local authority in a personal
342 transportation vehicle transportation plan that provides for use of personal transportation
343 vehicles and may include privately owned land upon the consent of the landowner.

344 40-6-365.

345 (a) A local authority may, by ordinance or resolution, adopt a PTV plan.

346 (b) Prior to the enactment of a PTV plan, a local authority shall submit the plan to any
347 agency having traffic law enforcement responsibilities in the plan area and allow for input
348 and comment upon the PTV plan.

349 (c) A PTV plan shall:

350 (1) Establish minimum general design criteria for the development, planning, and
351 construction of separated PTV lanes, including, but not limited to, the design speed of the
352 facility, the space requirements of the personal transportation vehicle, and roadway
353 design criteria. This paragraph shall not apply if a local authority's governing body and
354 the law enforcement agency with primary traffic jurisdiction over the street in question
355 concludes that the street or roadway segment is suitable to safely accommodate both
356 regular vehicular traffic and personal transportation vehicles but shall be governed by the
357 requirements listed in Code Section 40-6-368;

358 (2) Establish uniform specifications and symbols for signs, markers, and traffic control
359 devices consistent with the most current version of the Manual on Uniform Traffic
360 Control Devices to control personal transportation vehicle traffic; to warn of dangerous
361 conditions, obstacles, or hazards; to designate the right of way between personal
362 transportation vehicles, other motor vehicles, and bicycles; to state the nature and
363 destination of the PTV lane; and to warn pedestrians, bicyclists, and motorists of the
364 presence of personal transportation vehicle traffic;

365 (3) Include a permitting process for personal transportation vehicles operating within the
366 plan area. Such permitting process may include, but is not limited to, requirements
367 regarding permit posting, permit renewal, operator education, and liability insurance.
368 Local authorities may require a personal transportation vehicle to be permitted at least
369 once every five years for a fee not to exceed \$15.00;

370 (4) Establish minimum safety criteria for personal transportation vehicle operators,
371 including, but not limited to, requirements relating to personal transportation vehicle
372 maintenance and personal transportation vehicle safety. Unless otherwise allowed by law
373 under local ordinance established prior to January 1, 2012, as authorized by Part 3 of this
374 article, operators shall be required to possess a valid driver's license and comply with the
375 financial responsibility requirements for passenger vehicle operators;

376 (5) Establish restrictions limiting the operation of personal transportation vehicles to
 377 PTV lanes, paths, or other approved streets or road segments in the plan area; and
 378 (6) Provide that any person operating a personal transportation vehicle in the plan area
 379 in violation of the PTV plan is guilty of an infraction punishable by a fine as established
 380 by law.

381 (d) A PTV plan may include, but is not limited to, the following elements:

382 (1) Route selection, which includes a finding that the route will accommodate personal
 383 transportation vehicles without an adverse impact upon traffic safety, and will consider,
 384 among other things, the travel needs of commuters and other users;

385 (2) Transportation interfacing, which shall include, but not be limited to, coordination
 386 with other modes of transportation;

387 (3) Community involvement in planning;

388 (4) Flexibility and coordination with long-range transportation planning;

389 (5) Provision for personal transportation vehicle related facilities including, but not
 390 limited to, special access points, charging stations, and personal transportation vehicle
 391 crossings;

392 (6) Provisions for parking facilities, including, but not limited to, community commercial
 393 centers, golf courses, public areas, parks, and other destination locations; and

394 (7) Provisions for special paving, road markings, signage and striping for PTV lanes,
 395 road crossings, parking, and circulation.

396 (e) A PTV plan shall not include the use of any state highway, or any portion thereof, or
 397 the operation of personal transportation vehicles except that a crossing of, or a PTV lane
 398 along, a state highway may be included in the plan if consistent with accepted guidelines,
 399 recommendations, and criteria with respect to planning, design, signage, operation, and
 400 maintenance of shared use paths or PTV lanes as set forth in the Manual on Uniform
 401 Traffic Control Devices and the American Association of State Highway and
 402 Transportation Officials Safety Manual.

403 40-6-366.

404 A local authority that adopts a PTV plan may establish PTV lanes through the acquisition
 405 of property, including easements or rights of way, by dedication, purchase, or
 406 condemnation.

407 40-6-367.

408 (a) This part shall have no application to any county or municipality that has enacted prior
 409 to January 1, 2012, an ordinance authorizing the operation of ~~motorized carts~~ PTVs
 410 pursuant to ~~Code Section 40-6-331~~.

411 ~~(b) In addition to the requirements contained in paragraph (43.1) of Code Section 40-1-1,~~
 412 ~~all personal transportation vehicles shall have the following equipment:~~

- 413 ~~(1) A braking system sufficient for the weight and passenger capacity of the vehicle,~~
 414 ~~including a parking brake;~~
 415 ~~(2) A reverse warning device functional at all times when the directional control is in the~~
 416 ~~reverse position;~~
 417 ~~(3) A main power switch. When the switch is in the 'off' position, or the key or other~~
 418 ~~device that activates the switch is removed, the motive power circuit shall be inoperative.~~
 419 ~~If the switch uses a key, it shall be removable only in the 'off' position;~~
 420 ~~(4) Head lamps;~~
 421 ~~(5) Reflex reflectors;~~
 422 ~~(6) Tail lamps;~~
 423 ~~(7) A horn;~~
 424 ~~(8) A rearview mirror;~~
 425 ~~(9) Safety warning labels; and~~
 426 ~~(10) Hip restraints and hand holds.~~

427 40-6-368.

428 Any street or highway segment upon which the joint use by regular vehicle traffic and
 429 personal transportation vehicles is permitted shall:

- 430 (1) Have speed limits of 25 miles per hour or less, as established by an engineering and
 431 traffic survey; and
 432 (2) Have been determined by a qualified traffic engineer to accommodate personal
 433 transportation vehicles without adversely impacting traffic safety or the travel needs of
 434 commuters and other users.

435 40-6-369.

436 (a) All personal transportation vehicles authorized by a PTV plan to operate on a street,
 437 road segment, or PTV lane are entitled to full use of a lane, and no motor vehicle shall be
 438 driven in such manner as to deprive a personal transportation vehicle of the full use of a
 439 lane.

440 (b) The operator of a personal transportation vehicle shall not overtake and pass in the
 441 same lane occupied by the vehicle being overtaken.

442 (c) No person shall operate a personal transportation vehicle between lanes of traffic or
 443 between adjacent lines or rows of vehicles.

444 (d) Personal transportation vehicles shall not be operated two or more abreast in a single
 445 lane.

446 40-6-369.1.
 447 Personal transportation vehicles shall only be operated on highways where the posted speed
 448 limit does not exceed 25 miles per hour. The operator of a personal transportation vehicle
 449 shall not operate such vehicle on any highway where the posted speed limit exceeds 25
 450 miles per hour."

451 **SECTION 12.**

452 Said title is further amended by revising Code Section 40-6-371, relating to powers of local
 453 authorities relative to rules of the road, to read as follows:

454 "40-6-371.

455 (a) This chapter shall not be deemed to prevent local authorities with respect to streets and
 456 highways under their jurisdiction and within the reasonable exercise of the police power
 457 from:

- 458 (1) Regulating or prohibiting stopping, standing, or parking;
- 459 (2) Regulating traffic by means of police officers or official traffic-control devices;
- 460 (3) Regulating or prohibiting processions or assemblages on the highways;
- 461 (4) Designating particular highways or roadways for use by traffic moving in one
 462 direction as authorized in Code Section 40-6-47;
- 463 (5) Establishing speed limits for vehicles in public parks, notwithstanding any provisions
 464 of law establishing a minimum speed limit for an area outside an urban or residential
 465 district;
- 466 (6) Designating any highway as a through highway or designating any intersection or
 467 junction of roadway as a stop or yield intersection or junction;
- 468 (7) Requiring the registration and inspection of bicycles, including the requirement of
 469 a registration fee;
- 470 (8) Designating any highway intersection as a 'yield right of way' intersection and
 471 requiring vehicles facing a 'yield right of way' sign to yield the right of way to other
 472 vehicles;
- 473 (9) Regulating or prohibiting the turning of vehicles or specified types of vehicles;
- 474 (10) Altering or establishing speed limits as authorized by law;
- 475 (11) Designating no-passing zones as authorized in Code Section 40-6-46;
- 476 (12) Prohibiting or regulating the use of controlled-access roadways by any class of
 477 vehicle or kind of traffic as authorized in Code Section 40-6-51;
- 478 (13) Prohibiting or regulating the use of heavily traveled streets by any class of vehicle
 479 or kind of traffic found to be incompatible with the normal and safe movement of traffic;
- 480 (14) Establishing minimum speed limits as authorized by law;

- 481 (15) Designating hazardous railroad grade crossings as authorized in Code Section
 482 40-6-141;
- 483 (16) Designating and regulating traffic on play streets;
- 484 (17) Regulating persons propelling push carts;
- 485 (18) Regulating persons upon skates, coasters, sleds, and other toy vehicles;
- 486 (18.1) Regulating the operation of electric personal assistive mobility devices, provided
 487 that such regulations are no less restrictive than those imposed by Part 2A of Article 13
 488 of this chapter;
- 489 (18.2) Regulating the operation of personal transportation vehicles, provided that such
 490 regulations comply with Parts 3 and 6 of Article 13 of this chapter;
- 491 (19) Adopting and enforcing such temporary or experimental regulations as may be
 492 necessary to cover emergencies or special conditions; or
- 493 (20) Adopting such other traffic regulations as are specifically authorized by this chapter.
- 494 (a.1) No fine imposed by a local authority for violation of an ordinance or regulation for
 495 conduct which constitutes a violation of a provision of this chapter shall exceed any
 496 maximum fine specified by this chapter for such violation.
- 497 (b) No local authority shall erect or maintain any official traffic-control device at any
 498 location so as to require the traffic on any state highway to stop before entering or crossing
 499 any intersecting highway unless approval in writing has first been obtained from the
 500 Department of Transportation of the State of Georgia. If this issue is on trial in a civil or
 501 criminal action, the proper authority shall be presumed.
- 502 (c) No ordinance or regulation enacted under paragraph (4), (5), (6), (8), (9), (10), (11),
 503 (12), (13), (14), (15), (16), (17), ~~or (18)~~, or (18.2) of subsection (a) of this Code section
 504 shall be effective until official traffic-control devices giving notice of such local traffic
 505 regulations are erected upon or at the entrances to the highway or the part thereof affected
 506 as may be most appropriate."

507 **SECTION 13.**

508 Said title is further amended by revising Code Section 40-8-1, relating to the applicability
 509 of the article relative to equipment and inspection of motor vehicles, to read as follows:

510 "40-8-1.

- 511 (a) This article shall not apply to implements of husbandry, road machinery, road rollers,
 512 farm tractors, or three-wheeled motorcycles used only for agricultural purposes, except
 513 when expressly made applicable. This article shall not apply to ~~motorized carts~~ personal
 514 transportation vehicles.
- 515 (b) Nothing in this article shall be construed to prohibit the use of additional parts and
 516 accessories on any vehicle, which use is not inconsistent with the provisions of this article."

517

SECTION 14.

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