House Bill 1009 (AS PASSED HOUSE AND SENATE)
By: Representative Jones of the 25th

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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), (33), (43.1), (43.2), and (57) and adding three new paragraphs to read as follows:

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"(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 or for travel by a personal delivery device. 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 or for travel by a personal delivery device."

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

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

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

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

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

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

(43.3) 'Personal delivery device owner' means a person, individual, firm, company, association, corporation, or other business entity who owns a personal delivery device or,
in the event that the personal delivery device is leased, the lessee and may include a
personal delivery device operator.

(43.1)(43.4) 'Personal transportation vehicle' or 'PTV' means:
(A) Any motor vehicle having no fewer than three wheels and an unladen weight of
1,300 pounds or less and which cannot operate at more than 20 miles per hour if such
vehicle was authorized to operate on local roads by a local authority prior to January 1,
2012. Such vehicles may also be referred to as 'motorized carts' in such local
ordinances; and
(B) Any motor vehicle:
   (i) With a minimum of four wheels;
   (ii) Capable of a maximum level ground speed of less than 20 miles per hour;
   (iii) With a maximum gross vehicle unladen or empty weight of 1,375 pounds; and
   (iv) Capable of transporting not more than eight persons.

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

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

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

SECTION 2.
Said title is further amended in Article 13 of Chapter 6, relating to special provisions for
certain vehicles, by revising Part 2A, relating to personal assistive mobility devices, as
follows:
40-6-320.

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

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

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

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

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

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

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

(c) When traveling on any roadway of a highway other than a crosswalk, a person operating an electric personal assistive mobility device or a personal delivery device shall travel in the same direction authorized for motor vehicle traffic on such roadway.
Any person operating an electric personal assistive mobility device or a personal delivery device on a sidewalk or roadway shall comply with the requirements of this part or any local ordinance regulating the use of such devices pursuant to Code Section 40-6-371 and shall exercise due care to avoid colliding with, and shall yield the right of way to, persons traveling on foot. A personal delivery device shall emit a sound when approaching and within six feet of a vehicle, person on foot, or individual in a wheelchair.

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

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

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

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

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

(a) An electric personal assistive mobility device or a personal delivery device may be parked on a sidewalk unless otherwise prohibited or restricted by an official traffic control device or local ordinance; provided, however, that in no case shall an electric personal
assistive mobility device be parked on any sidewalk in such a manner as to prevent the
movement of a wheelchair.

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

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

40-6-324.

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

40-6-325.

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

(A) Front, rear, and side reflectors which shall be visible from a distance of 300 feet
when directly in front of lawful upper beams of headlights on a motor vehicle; a
(B) A system that when employed will enable the operator to bring the device to a
controlled stop; and, if the device is operated between one-half hour after sunset and
one-half hour before sunrise, a

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

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

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

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

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

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

40-6-326.

Any person who is under the influence of any intoxicating liquor or any drug to a degree
which renders him or her a hazard shall not operate any electric personal assistive mobility
device on any highway or sidewalk. Violation of this Code section shall be a misdemeanor, punishable upon conviction by a fine not to exceed $500.00.

40-6-327.

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

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

40-6-328.

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

40-6-327: 40-6-329.

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

(b) Any violation of this part by a personal delivery device shall not be a criminal offense or a moving traffic violation for purposes of Code Section 40-5-57 but shall be subject to a civil monetary penalty not to exceed $500.00. Any citation for a violation of this part or any other laws or ordinances relating to the operation of a personal delivery device shall
be issued to the personal delivery device owner by use of the information displayed on the
unique identification marker on the device.

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

40-6-329.1.

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

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

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

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

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

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

(6) Operations of personal delivery devices; or

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

(b) For the purpose of assuring the safety of individuals using highways, sidewalks,
bicycle lanes, bicycle paths, and shared use paths a local authority shall be authorized to
enact ordinances prohibiting hours of operation of personal delivery devices upon
sidewalks, bicycle lanes, bicycle paths, and shared use paths under their jurisdiction, provided that restrictions do not prohibit the operation of personal delivery devices between sunrise and sunset. A local authority shall be further authorized to enact ordinances prohibiting the operation of personal delivery devices upon the property of schools, hospitals, and sidewalks immediately adjacent to stadiums, coliseums, or buildings owned, operated or leased by the federal government, the State of Georgia or its agencies or authorities, or any political subdivision of the state, provided that such property or sidewalk is owned or maintained by the local authority.

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

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

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

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

SECTION 3.

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