

Senate Bill 37

By: Senators Thompson of the 33rd, Johnson of the 1st, Hooks of the 14th and Clay of the 37th

AS PASSED

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 regulation of certain motor driven cycles and electric personal
3 assistive mobility devices; to define certain terms; to change certain provisions relating to
4 powers of local authorities generally; to provide for related matters; to provide for an
5 effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
9 amended in Code Section 40-1-1, relating to definitions, by inserting a new paragraph (15.6)
10 to read as follows:

11 "(15.6) 'Electric personal assistive mobility device' or 'EPAMD' means a self-balancing,
12 two nontandem wheeled device designed to transport only one person and having an
13 electric propulsion system with average power of 750 watts (1 horsepower) and a
14 maximum speed of less than 20 miles per hour on a paved level surface when powered
15 solely by such propulsion system and ridden by an operator who weighs 170 pounds."

16 **SECTION 2.**

17 Said title is further amended by striking paragraph (28) of Code Section 40-1-1, relating to
18 definitions, and inserting in its place a new paragraph (28) to read as follows:

19 "(28) 'Moped' means a motor driven cycle equipped with two or three wheels, with or
20 without foot pedals to permit muscular propulsion, and an independent power source
21 providing a maximum of two brake horsepower. If a combustion engine is used, the
22 maximum piston or rotor displacement shall be 3.05 cubic inches (50 cubic centimeters)
23 regardless of the number of chambers in such power source. The power source shall be
24 capable of propelling the vehicle, unassisted, at a speed not to exceed 30 miles per hour
25 (48.28 kilometers per hour) on level road surface and shall be equipped with a power

1 drive system that functions directly or automatically only, not requiring clutching or
2 shifting by the operator after the drive system is engaged.”

3 **SECTION 3.**

4 Said title is further amended in said Code Section 40-1-1 by striking paragraph (33) and
5 inserting in lieu thereof the following:

6 “(33) 'Motor vehicle' means every vehicle which is self-propelled other than an electric
7 personal assistive mobility device (EPAMD).”

8 **SECTION 4.**

9 Said title is further amended in Article 13 of Chapter 6, relating to special provisions for
10 certain vehicles, by adding a new Part 2A to read as follows:

11 “Part 2A

12 40-6-320.

13 (a) Electric personal assistive mobility devices may be operated on highways and on
14 sidewalks where a 48 inch clear path is maintained for access for persons with disabilities,
15 provided that any person operating such a device shall have the same rights and duties as
16 prescribed for pedestrians in Article 5 of this chapter and except as otherwise provided in
17 this part.

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

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

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

23 (c) When traveling on any roadway of a highway, a person operating an electric personal
24 assistive mobility device shall travel in the same direction authorized for motor vehicle
25 traffic on such roadway.

26 40-6-321.

27 Any person operating an electric personal assistive mobility device on a sidewalk or
28 roadway shall comply with the requirements of this part or any local ordinance regulating
29 the use of such devices pursuant to Code Section 40-6-371 and shall exercise due care to
30 avoid colliding with, and shall yield the right of way to, persons traveling on foot.

31 40-6-322.

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

7 40-6-323.

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

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

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

21 40-6-324.

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

25 40-6-325.

26 (a) Any electric personal assistive mobility device, when operated on any highway or
27 sidewalk, shall be equipped with front, rear, and side reflectors which shall be visible from
28 a distance of 300 feet when directly in front of lawful upper beams of headlights on a motor
29 vehicle; a system that when employed will enable the operator to bring the device to a
30 controlled stop; and, if the device is operated between one-half hour after sunset and
31 one-half hour before sunrise, a lamp emitting a white light which, while the device is in
32 motion, illuminates the area in front of the operator for a distance of 300 feet.

33 (b) No person under the age of 16 years shall operate an electric assistive personal
34 mobility device on any highway; provided, however, that a person under the age of 16

1 years may operate an electric assistive personal mobility device on any sidewalk if such
2 person is wearing protective headgear which meets or exceeds the impact standards for
3 bicycle helmets required by Code Section 40-6-296.

4 40-6-326.

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

9 40-6-327.

10 Any person who violates any provision of this part other than Code Section 40-6-326 shall
11 not be guilty of a criminal offense or a moving traffic violation for purposes of Code
12 Section 40-5-57 but shall be subject to a civil penalty not to exceed \$500.00."

13 **SECTION 5.**

14 Said title is further amended in subsection (a) of Code Section 40-6-371, relating to powers
15 of local authorities generally, by inserting a new paragraph to read as follows:

16 "(18.1) Regulating the operation of electric personal assistive mobility devices, provided
17 that such regulations are no less restrictive than those imposed by Part 2A of Article 13
18 of this chapter;"

19 **SECTION 6.**

20 This Act shall become effective upon its approval by the Governor or upon its becoming law
21 without such approval.

22 **SECTION 7.**

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