

House Bill 1009

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 authorize the use of personal delivery devices to transport cargo within this
3 state; to provide for and change certain definitions; to provide requirements for the operation
4 of personal delivery devices; to exempt personal delivery devices from requirements imposed
5 on motor vehicles and other self-propelled vehicles; to require personal delivery device
6 operators to obtain insurance; to provide for limitations on adoption of certain rules,
7 regulations, ordinances, and resolutions; to provide for related matters; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
12 amended in Code Section 40-1-1, relating to definitions, by revising paragraphs (33), (43.1),
13 (43.2), (57), and (75) and adding two new paragraphs to read as follows:

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

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17 "(43.1) 'Personal delivery device' means a powered device that is:

18 (A) Intended to be operated primarily on sidewalks, crosswalks, and other pedestrian
19 areas to transport cargo;

20 (B) Not intended to carry passengers; and

21 (C) Capable of navigating with or without the active control or monitoring of a natural
22 person.

23 (43.2) 'Personal delivery device operator' means a person or an agent of a person that
24 exercises control or monitoring over the operation of a personal delivery device;
25 provided, however, that a person or an agent of a person shall not be considered a
26 personal delivery operator solely because such person or agent:

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

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

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

30 ~~(43.1)~~(43.3) 'Personal transportation vehicle' or 'PTV' means:

31 (A) Any motor vehicle having no fewer than three wheels and an unladen weight of
32 1,300 pounds or less and which cannot operate at more than 20 miles per hour if such
33 vehicle was authorized to operate on local roads by a local authority prior to January 1,
34 2012. Such vehicles may also be referred to as 'motorized carts' in such local
35 ordinances; and

36 (B) Any motor vehicle:

37 (i) With a minimum of four wheels;

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

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

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

41 The term does not include mobility aids, including electric personal assistive mobility
42 devices, power wheelchairs, and scooters, that can be used indoors and outdoors for the

43 express purpose of enabling mobility for a person with a disability. The term also does
 44 not include any all-terrain vehicle or multipurpose off-highway vehicle.

45 ~~(43.2)~~(43.4) 'Personal transportation vehicle path' or 'PTV path' means a right of way
 46 under the jurisdiction and control of this state or a local political subdivision thereof
 47 designated for use by personal transportation vehicle drivers."

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

50 "(75) 'Vehicle' means every device in, upon, or by which any person or property is or
 51 may be transported or drawn upon a highway, excepting devices used exclusively upon
 52 stationary rails or tracks. Such term shall not include a personal delivery device."

53 SECTION 2.

54 Said title is further revised by adding a new chapter to read as follows:

55 "CHAPTER 17

56 40-17-1.

57 Notwithstanding any other provision of law, a personal delivery device shall be authorized
 58 to operate on any sidewalk, crosswalk, or public highway in this state, provided that such
 59 personal delivery device:

60 (1) Is equipped with a system that enables the personal delivery device to come to a
 61 controlled stop;

62 (2) Has the capability of operating in a manner that complies with the provisions of
 63 Chapter 6 of this title applicable to pedestrians, unless the provision cannot by its nature
 64 apply to such personal delivery device;

65 (3) Does not unreasonably interfere with motor vehicles or traffic or otherwise block any
 66 right of way under the jurisdiction and control of this state or any local authorities;

67 (4) Operates at a speed that shall not exceed 10 miles per hour on sidewalks;

68 (5) Is not used to transport hazardous materials:

69 (A) In a type and quantity for which placards are required in accordance with the
70 Hazardous Materials Regulations prescribed by the United States Department of
71 Transportation, Title 49 C.F.R. Part 172, Subpart F, or compatible rules or regulations
72 prescribed by the commissioner of public safety; or

73 (B) That may pose an unreasonable risk to health, safety, or performance when
74 transported in commerce; and

75 (6) Includes a unique identifying number and a means of identifying the personal
76 delivery device operator.

77 40-17-2.

78 A personal delivery device shall have all the rights and responsibilities applicable to a
79 pedestrian under the same circumstances.

80 40-17-3.

81 (a) A personal delivery device shall not be deemed a motor vehicle or a vehicle under this
82 title or any other laws, rules, or regulations of this state or any local authorities.

83 (b) A personal delivery device shall be exempt from all vehicle or motor vehicle
84 registration requirements under this title or any other laws, rules, or regulations of this state
85 or any local authorities.

86 40-17-4.

87 A personal delivery device operator shall maintain an insurance policy that provides
88 general liability coverage of at least \$100,000.00 for damages arising from the combined
89 operations of any personal delivery devices under such personal delivery device operator's
90 control.

91 40-17-5.

92 (a) Except as expressly provided in this chapter, local authorities shall not enact or enforce
93 an ordinance or resolution relating to the:

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

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

96 (3) Taxation of or the imposition of any assessment of any fees or other charges upon a
97 personal delivery device;

98 (4) Insuring a personal delivery device;

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

100 (6) Operations of personal delivery devices;

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

102 **SECTION 3.**

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