

House Bill 1009 (COMMITTEE SUBSTITUTE)

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 provide local authorities
10 with authorization to enact ordinances or resolutions relating to certain vehicles within
11 designated areas under their jurisdiction and under certain circumstances; to provide for
12 related matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 1009 (SUB)

SECTION 1.

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

"(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.

(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.

~~(43.1)~~(43.3) '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

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

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

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

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

51 **SECTION 2.**

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

55 "Part 2A

56 40-6-320.

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

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

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

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

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

69 (A) Highways which are not limited-access highways with a maximum speed limit of
70 45 miles per hour or less; and

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

74 (c) When traveling on any roadway of a highway, a person operating an electric personal
75 assistive mobility device or a personal delivery device shall travel in the same direction
76 authorized for motor vehicle traffic on such roadway and shall yield the right of way to all
77 vehicles.

78 40-6-321.

79 Any person operating an electric personal assistive mobility device or a personal delivery
80 device on a sidewalk or roadway shall comply with the requirements of this part or any
81 local ordinance regulating the use of such devices pursuant to Code Section 40-6-371 and
82 shall exercise due care to avoid colliding with, and shall yield the right of way to, persons
83 traveling on foot. A personal delivery device shall emit a sound when within two feet of
84 a vehicle or person on foot.

85 40-6-322.

86 (a) No person shall operate an electric personal assistive mobility device at a speed greater
87 than seven miles per hour when traveling on any sidewalk or 15 miles per hour elsewhere;
88 provided, however, that a county or municipal governing authority or the commissioner of
89 transportation may further restrict the speed of such devices in locations where pedestrian

90 traffic is congested and there is a significant speed differential between pedestrians and
91 operators of such devices.

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

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

95 (2) A speed of no greater than 10 miles per hour when upon a sidewalk or within a
96 crosswalk, shared use path, or safety zone; and

97 (3) A speed of no less than 3.5 feet per second when within a crosswalk.

98 40-6-323.

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

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

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

116 40-6-324.

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

120 40-6-325.

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

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

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

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

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

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

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

137 (C) A unique identification number and a contact phone number for the personal
138 delivery device operator; provided, however, that nothing in this subparagraph shall
139 subject a personal delivery device to motor vehicle registration requirements of
140 Chapter 2 of this title or any local ordinance or regulation requiring registration of such
141 devices.

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

147 40-6-326.

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

152 40-6-327.

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

156 (b) A personal delivery device operator shall maintain general liability coverage for any
157 personal delivery device operated upon a highway or sidewalk of this state of at least
158 \$100,000.00 for damages arising from the operation of the personal delivery device.

159 40-6-328.

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

165 40-6-329.

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

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

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

185 40-6-329.1.

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

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

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

190 (3) Any additional taxation upon a personal delivery device other than any property tax
191 charges, business license fees, or occupation tax surcharges otherwise authorized by law;
192 (4) Insuring a personal delivery device beyond the requirements set forth in Code
193 Section 40-6-327;
194 (5) Types of cargo that may be transported by a personal delivery device;
195 (6) Operations of personal delivery devices; or
196 (7) Use of or restricted access to any sidewalk, crosswalk, or public highway.
197 (b) For the purpose of assuring the safety of individuals using highways and sidewalks, a
198 local authority shall be authorized to enact ordinances prohibiting hours of operation of
199 personal delivery devices upon sidewalks and highways under their jurisdiction, provided
200 that restrictions do not prohibit the operation of personal delivery devices between sunrise
201 and sunset. A local authority shall be further authorized to enact ordinances prohibiting
202 the operation of personal delivery devices upon the property of schools, hospitals, and
203 sidewalks immediately adjacent to stadiums, coliseums, or buildings owned, operated or
204 leased by the federal government, the State of Georgia or its agencies or authorities, or any
205 political subdivision of the state, provided that such property or sidewalk is owned by the
206 local authority. A local authority shall provide for public hearing prior to passage of any
207 ordinance pursuant to this subsection.
208 (c) For purposes of this Code section, a highway shall be considered under the jurisdiction
209 of a local authority when it is part of the county or municipal road system of such local
210 authority designated pursuant to Chapter 4 of Title 32."

211 **SECTION 3.**

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

213 "40-6-371.1.

214 A local authority shall be authorized to enact and enforce any ordinance or resolution
215 necessary to operate and regulate autonomous vehicles, personal delivery devices, personal

216 transportation vehicles, and other emerging mobility technologies for testing,
217 demonstrating, and deploying on sidewalks, crosswalks, and local roads in a geographically
218 limited area within that local authority's jurisdiction to the extent such ordinance or
219 resolution is not preempted by state law. For purposes of this Code section, a highway
220 shall be considered under the jurisdiction of a local authority when it is part of the county
221 or municipal road system of such local authority designated pursuant to Chapter 4 of
222 Title 32."

223

SECTION 4.

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