

The Senate Committee on Transportation offered the following substitute to HB 1009:

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:

14

**SECTION 1.**

15 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
16 amended in Code Section 40-1-1, relating to definitions, by revising paragraphs (6.1), (6.2),  
17 (33), (43.1), (43.2), and (57) and adding three new paragraphs to read as follows:

18 "(6.1) 'Bicycle lane' means a portion of the roadway that has been designated by striping,  
19 pavement markings, or signage for the exclusive or preferential use of persons operating  
20 bicycles and electric assisted bicycles or for travel by a personal delivery device. Bicycle  
21 lanes shall at a minimum, unless impracticable, be required to meet accepted guidelines,  
22 recommendations, and criteria with respect to planning, design, operation, and  
23 maintenance as set forth by the American Association of State Highway and  
24 Transportation Officials.

25 (6.2) 'Bicycle path' means a right of way under the jurisdiction and control of this state  
26 or a local political subdivision thereof designated for use by bicycle and electric assisted  
27 bicycle riders or for travel by a personal delivery device."

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

31 "(43.1) 'Personal delivery device' means a powered vehicle that utilizes an automated  
32 driving system to transport cargo, is not designed to transport passengers, and has a  
33 maximum unladen weight of 500 pounds or a maximum weight of 600 pounds when  
34 carrying any cargo.

35 (43.2) 'Personal delivery device operator' means a person or an agent of a person located  
36 within this state that exercises control or monitoring over the operation of a personal  
37 delivery device; provided, however, that a person or an agent of a person shall not be  
38 considered a personal delivery operator solely because such person or agent:

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

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

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

42 (43.3) 'Personal delivery device owner' means a person, individual, firm, company,  
43 association, corporation, or other business entity who owns a personal delivery device or,  
44 in the event that the personal delivery device is leased, the lessee and may include a  
45 personal delivery device operator.

46 ~~(43.1)~~(43.4) 'Personal transportation vehicle' or 'PTV' means:

47 (A) Any motor vehicle having no fewer than three wheels and an unladen weight of  
48 1,300 pounds or less and which cannot operate at more than 20 miles per hour if such  
49 vehicle was authorized to operate on local roads by a local authority prior to January 1,  
50 2012. Such vehicles may also be referred to as 'motorized carts' in such local  
51 ordinances; and

52 (B) Any motor vehicle:

53 (i) With a minimum of four wheels;

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

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

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

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

61 ~~(43.2)~~(43.5) 'Personal transportation vehicle path' or 'PTV path' means a right of way  
62 under the jurisdiction and control of this state or a local political subdivision thereof  
63 designated for use by personal transportation vehicle drivers."

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

66

**SECTION 2.**

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

70

**"Part 2A**

71 40-6-320.

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

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

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

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

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

88 (A) Highways which are not limited-access highways with a maximum speed limit of  
89 45 miles per hour or less; and

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

93 (c) When traveling on any roadway of a highway other than a crosswalk, a person  
94 operating an electric personal assistive mobility device or a personal delivery device shall  
95 travel in the same direction authorized for motor vehicle traffic on such roadway.

96 40-6-321.

97 Any person operating an electric personal assistive mobility device or a personal delivery  
98 device on a sidewalk or roadway shall comply with the requirements of this part or any  
99 local ordinance regulating the use of such devices pursuant to Code Section 40-6-371 and  
100 shall exercise due care to avoid colliding with, and shall yield the right of way to, persons  
101 traveling on foot. A personal delivery device shall emit a sound when approaching and  
102 within six feet of a vehicle, person on foot, or individual in a wheelchair.

103 40-6-322.

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

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

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

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

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

117 40-6-323.

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

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

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

135 40-6-324.

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

139 40-6-325.

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

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

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

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

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

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

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

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

162 (b) No person under the age of 16 years shall operate an electric assistive personal  
163 mobility device on any highway; provided, however, that a person under the age of 16  
164 years may operate an electric assistive personal mobility device on any sidewalk if such

165 person is wearing protective headgear which meets or exceeds the impact standards for  
166 bicycle helmets required by Code Section 40-6-296.

167 40-6-326.

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

172 40-6-327.

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

176 (b) A personal delivery device owner shall maintain general liability coverage for any  
177 personal delivery device operated upon a highway or sidewalk of this state of at least  
178 \$250,000.00 for damages arising from the operation of the personal delivery device.

179 40-6-328.

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

185 ~~40-6-327.~~ 40-6-329.

186 (a) Any person who violates any provision of this part relating to an electric personal  
187 assistive mobility device other than Code Section 40-6-326 shall not be guilty of a criminal

188 offense or a moving traffic violation for purposes of Code Section 40-5-57 but shall be  
189 subject to a civil monetary penalty not to exceed \$500.00.

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

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

205 40-6-329.1.

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

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

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

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

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

- 214 (5) Types of cargo that may be transported by a personal delivery device;  
215 (6) Operations of personal delivery devices; or  
216 (7) Use of or restricted access to any sidewalk, crosswalk, or public highway.  
217 (b) For the purpose of assuring the safety of individuals using highways, sidewalks,  
218 bicycle lanes, bicycle paths, and shared use paths a local authority shall be authorized to  
219 enact ordinances prohibiting hours of operation of personal delivery devices upon  
220 sidewalks, bicycle lanes, bicycle paths, and shared use paths under their jurisdiction,  
221 provided that restrictions do not prohibit the operation of personal delivery devices  
222 between sunrise and sunset. A local authority shall be further authorized to enact  
223 ordinances prohibiting the operation of personal delivery devices upon the property of  
224 schools, hospitals, and sidewalks immediately adjacent to stadiums, coliseums, or buildings  
225 owned, operated or leased by the federal government, the State of Georgia or its agencies  
226 or authorities, or any political subdivision of the state, provided that such property or  
227 sidewalk is owned or maintained by the local authority. A local authority shall provide for  
228 public hearing prior to passage of any ordinance pursuant to this subsection.  
229 (c) For purposes of this Code section, a highway shall be considered under the jurisdiction  
230 of a local authority when it is part of the county or municipal road system of such local  
231 authority designated pursuant to Chapter 4 of Title 32.  
232 (d) No personal delivery device shall be operated within a surface transportation project  
233 as such term is defined in Code Section 36-61-2."

234 **SECTION 3.**

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

236 "40-6-371.1.

237 (a) For purposes of this Code section, the term:

238 (1) 'Emerging mobility' means any method of transport utilizing new technology or  
239 innovation which is not currently defined, contemplated, or regulated under this title.

240 (2) 'Local highways' means a highway which is part of a county or municipal road  
241 system designated pursuant to Chapter 4 of Title 32 and which is owned or maintained  
242 by that local authority.

243 (b) A local authority shall be authorized to enact and enforce any ordinance or resolution  
244 necessary to operate and regulate emerging mobility for use upon local highways,  
245 sidewalks, bicycle lanes, bicycle paths, and shared used paths in a geographically limited  
246 area within that local authority's jurisdiction to the extent such ordinance or resolution is  
247 not preempted by state law."

248 **SECTION 4.**

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