

House Bill 454

By: Representatives Tanner of the 9th, Anulewicz of the 42nd, Gaines of the 117th, Frye of the 118th, and Cooper of the 43rd

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 motorized mobility devices; to provide for
3 definitions; to revise the rules of the road to provide for the operation of motorized mobility
4 devices; to provide for conditions and limitations upon the operation of such vehicles; to
5 provide for equipment standards for such vehicles; to authorize the Department of Public
6 Safety to enact rules and regulations relating to the safe operation of such vehicles; to
7 provide for parking standards for bicycles and motorized mobility devices; to authorize the
8 regulation of motorized mobility devices by local authorities under certain conditions; to
9 authorize the removal of motorized mobility devices when such vehicles are parked in a
10 manner that poses a threat to public health and safety; to provide for conditions, procedures,
11 and limitations for such removal; to classify certain actions as criminal violations; to provide
12 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
13 purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 style="text-align:center">**SECTION 1.**

16 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
17 amended in Code Section 40-1-1, relating to definitions, by revising paragraphs (6.1) and
18 (28) through (33) as follows:

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

25 "(28) 'Moped' means a motor ~~driven cycle~~ vehicle having a seat or saddle for the use of
26 the rider; equipped with two or three wheels, with or without foot pedals to permit

27 muscular propulsion; and equipped with an independent power source providing a
 28 maximum of two brake horsepower. If a combustion engine is used, the maximum piston
 29 or rotor displacement shall be 3.05 cubic inches (~~50 cubic centimeters~~) regardless of the
 30 number of chambers in such power source. The power source shall be capable of
 31 propelling the vehicle, unassisted, at a speed not to exceed 30 miles per hour (~~48.28~~
 32 ~~kilometers per hour~~) on level road surface and shall be equipped with a power drive
 33 system that functions directly or automatically only, not requiring clutching or shifting
 34 by the operator after the drive system is engaged.

35 (28.1) 'Motor carrier' shall have the same meaning as provided for in Code Section
 36 40-2-1, and the terms 'carrier' and 'motor carrier' are synonymous.

37 (29) 'Motorcycle' means every motor vehicle having a seat or saddle for the use of the
 38 rider and designed to travel on not more than three wheels in contact with the ground, but
 39 excluding a tractor; and all-terrain vehicle; ~~and moped.~~

40 (30) 'Motor driven cycle' means every motorcycle; ~~including every motor scooter; with~~
 41 having a motor which produces not to exceed capable of providing a maximum five brake
 42 horsepower; and every bicycle with a motor attached, and every moped.

43 (31) 'Motor home' means every motor vehicle designed, used, or maintained primarily
 44 as a mobile dwelling, office, or commercial space.

45 (32) ~~Reserved~~ 'Motorized mobility device' means a vehicle:

46 (A) With a total weight of less than 75 pounds, equipped with handlebars, a floorboard
 47 for standing upon while riding, and two or three wheels; designed to transport only one
 48 individual; and capable of traveling with or without human propulsion on a paved level
 49 surface, at a speed not to exceed 20 miles per hour; or

50 (B) With a total weight of no more than 100 pounds, equipped with handlebars, a seat,
 51 two or three wheels, and no rotary pedals; designed to transport only one individual;
 52 and capable of traveling with or without human propulsion on a paved level surface, at
 53 a speed not to exceed 20 miles per hour.

54 (33) 'Motor vehicle' means every vehicle which is self-propelled other than an electric
 55 personal assistive mobility device (EPAMD) or a motorized mobility device."

56 SECTION 2.

57 Said title is further amended by revising Code Section 40-6-55, relating to obligation of
 58 drivers to yield to bicyclist in a bicycle lane, as follows:

59 "40-6-55.

60 Notwithstanding other provisions of this chapter relating to operating a vehicle on a
 61 roadway, where a bicycle lane is provided on the roadway, the operator of a motor vehicle
 62 shall yield to a person operating a bicycle or motorized mobility device in a bicycle lane."

63 **SECTION 3.**

64 Said title is further amended by revising Code Section 40-6-56, relating to safe passing
65 distance when overtaking a bicyclist, as follows:

66 "40-6-56.

67 (a) As used in this Code section, the term 'safe distance' means not less than three feet.

68 (b) Notwithstanding any provision of this article to the contrary, when feasible, the
69 operator of a motor vehicle, when overtaking and passing a bicycle or motorized mobility
70 device that is proceeding in the same direction on the roadway, shall leave a safe distance
71 between such motor vehicle and the bicycle or motorized mobility device and shall
72 maintain such clearance until safely past the overtaken ~~bicycle~~ vehicle."

73 **SECTION 4.**

74 Said title is further amended in Code Section 40-6-77, relating to penalties for collision
75 which causes serious injury to motorcyclist, pedestrian, bicyclist, or farmer transporting
76 certain items, by revising subsection (b) as follows:

77 "(b) Any person who causes a serious injury to another person as a result of a collision
78 with a motorcyclist, bicyclist, operator of a motorized mobility device, pedestrian, or
79 farmer operating any vehicle used to transport agricultural products, livestock, farm
80 machinery, or farm supplies by committing any right of way violation under this chapter
81 when such motorcyclist, bicyclist, operator of a motorized mobility device, pedestrian, or
82 farmer operating any vehicle used to transport agricultural products, livestock, farm
83 machinery, or farm supplies is abiding by the provisions of this title shall be guilty of a
84 misdemeanor and shall be punished:

85 (1) For a first offense, by a fine of not less than \$250.00 in addition to any other penalties
86 stipulated by law and the court shall report such conviction to the Department of Driver
87 Services; and

88 (2) For a second or subsequent offense within a five-year period of time, as measured
89 from the dates of previous arrests for which convictions were obtained or pleas of nolo
90 contendere were accepted to the date of the current arrest for which a conviction is
91 obtained or a plea of nolo contendere is accepted, by a fine of not less than \$500.00 nor
92 more than \$1,000.00 and imprisonment for not less than ten days nor more than 12
93 months. Any fine imposed under this paragraph shall be mandatory and shall not be
94 suspended or waived or conditioned upon the completion of any course or sentence. The
95 court imposing punishment under this subsection shall forward a record of the disposition
96 of the case to the Department of Driver Services."

97 **SECTION 5.**

98 Said title is further amended by revising Code Section 40-6-144, relating to emerging from
 99 alley, driveway, or building and prohibition on driving upon a sidewalk, as follows:

100 "40-6-144.

101 (a) The driver of a vehicle emerging from an alley, building, private road, or driveway
 102 within a business or residential district shall stop such vehicle immediately prior to driving
 103 onto a sidewalk or onto the sidewalk area extending across such alley, building entrance,
 104 road, or driveway or, in the event there is no sidewalk area, shall stop at the point nearest
 105 the street to be entered where the driver has a view of approaching traffic thereon. The
 106 driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk.

107 (b) Except as provided by resolution or ordinance of a local government for sidewalks
 108 within the jurisdiction of such local government authorizing the operation of bicycles on
 109 sidewalks by persons 12 years of age or younger or authorizing the operation of motorized
 110 mobility devices on sidewalks, no person shall drive any vehicle upon a sidewalk or
 111 sidewalk area except upon a permanent or duly authorized driveway. Any individual
 112 operating a bicycle or motorized mobility device upon a sidewalk as authorized by such
 113 resolution or ordinance shall yield to pedestrians at all times. When passing a pedestrian,
 114 such operator shall give warning through an audible sound, travel at a speed no faster than
 115 7 miles per hour, and maintain a distance of 2 feet between the vehicle and the pedestrian;
 116 provided, however, that, if maintaining a passing distance of 2 feet would require the
 117 operator to drive upon a highway or expose the operator to hazards to safe operation as
 118 such term is described in Code Section 40-6-294, the operator shall dismount such vehicle."

119 **SECTION 6.**

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

121 "40-6-209.

122 If a bicycle or motorized mobility device is parked in a manner which impedes the flow of
 123 vehicular or pedestrian traffic or poses a threat to safety, any person shall be authorized to
 124 reposition or move such vehicle in order to remove such impediment or threat, provided
 125 that such action to reposition such vehicle is taken with due care. Any person acting in
 126 accordance with this Code section shall not have committed an offense of criminal trespass
 127 nor be liable for any injury or property damage resulting therefrom."

128

129 **SECTION 7.**

130 Said title is further amended in Code Section 40-6-270, relating to hit and run and duty of
 131 driver to stop at or return to scene of accident, by revising subsection (a) as follows:

132 "(a) The driver of any vehicle involved in an accident resulting in injury to or the death of
 133 any person or in damage to a vehicle which is driven or attended by any person shall
 134 immediately stop such vehicle at the scene of the accident or shall stop as close thereto as
 135 possible and forthwith return to the scene of the accident and shall:

136 (1) Give his or her name and address and, if the vehicle has been rented or leased, the
 137 name and contact information for the owner of the vehicle;

138 (2) Give the registration number of the vehicle he or she is driving or, if such vehicle is
 139 not required to be registered, give the unique identification number of the vehicle, if one
 140 exists;

141 ~~(2)~~(3) Upon request and if it is available, exhibit his or her operator's license to the
 142 person struck or the driver or occupant of or person attending any vehicle collided with;

143 ~~(3)~~(4) Render to any person injured in such accident reasonable assistance, including the
 144 transporting, or the making of arrangements for the transporting, of such person to a
 145 physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such
 146 treatment is necessary or if such transporting is requested by the injured person; and

147 ~~(4)~~(5) Where a person injured in such accident is unconscious, appears deceased, or is
 148 otherwise unable to communicate, make every reasonable effort to ensure that emergency
 149 medical services and local law enforcement are contacted for the purpose of reporting the
 150 accident and making a request for assistance.

151 The driver shall in every event remain at the scene of the accident until fulfilling the
 152 requirements of this subsection. Every such stop shall be made without obstructing traffic
 153 more than is necessary."

154 SECTION 8.

155 Said title is further amended by revising Code Section 40-6-271, relating to duty upon
 156 striking unattended vehicle, as follows:

157 "40-6-271.

158 (a) The driver of any vehicle which collides with any vehicle which is unattended shall
 159 ~~immediately stop and shall then and there either locate and notify the operator or owner of~~
 160 ~~such vehicle of the name and address of the driver and owner of the vehicle striking the~~
 161 ~~unattended vehicle or shall leave in a conspicuous place on the vehicle struck a written~~
 162 ~~notice giving the name and address of the driver and the owner of the vehicle doing the~~
 163 ~~striking attempt to locate the operator or owner of such vehicle, and:~~

164 (1) If such person is located, the driver shall provide:

165 (A) His or her name and address; and

166 (B) The name and address or contact information of the vehicle owner if the driver
 167 does not own the vehicle;

168 (2) If such person cannot be located but the vehicle is marked with contact information
 169 for the owner, the driver shall contact the owner to advise him or her of the collision and
 170 provide his or her name, address, and vehicle registration or identification number, if
 171 applicable; or

172 (3) If such person cannot be located and the vehicle is not marked with contact
 173 information for the owner, the driver shall leave a note in a conspicuous place on the
 174 unattended vehicle which shall include the driver's name and address and the owner's
 175 name and address, if the driver is not the owner of the vehicle causing the collision.

176 (b) Any person who fails to comply with the requirements of subsection (a) of this Code
 177 section shall be guilty of a misdemeanor."

178 **SECTION 9.**

179 Said title is further amended by revising Code Section 40-6-278, relating to uniform motor
 180 vehicle accident reports and reporting procedures, as follows:

181 "40-6-278.

182 The commissioner of transportation shall prescribe, by rule, uniform motor vehicle accident
 183 reports and reporting procedures which shall be used by all police officers, whether state,
 184 county, or municipal. The rules shall be adopted in accordance with Chapter 13 of Title 50,
 185 the 'Georgia Administrative Procedure Act.' The rules may require one type of report and
 186 reporting procedure for motor vehicle accidents in which property damage alone is
 187 involved and another type of report and reporting procedure for motor vehicle accidents
 188 involving personal injury or death. The commissioner may, by rule, require additional
 189 investigation or reports in case of serious bodily injury or death. When reporting accidents
 190 involving vehicles that are not motor vehicles, all police officers, whether state, county, or
 191 municipal, shall include in their reports the unique identification numbers of any vehicles
 192 involved if such numbers are available, the name and contact information of the drivers of
 193 the vehicles involved, the name and contact information of the owners of any rented
 194 vehicles involved, the date and time of the accident, and the nature of any personal injury
 195 or property damage involved."

196 **SECTION 10.**

197 Said title is further amended by revising Code Section 40-6-290, relating to application of
 198 part regarding bicycles, as follows:

199 "40-6-290.

200 The provisions of this part applicable to bicycles and motorized mobility devices shall
 201 apply whenever a bicycle or motorized mobility device is operated upon a highway, upon

202 a bicycle lane, or upon any bicycle path ~~set aside for the exclusive use of bicycles~~, subject
 203 to those exceptions stated in this part."

204 **SECTION 11.**

205 Said title is further amended by revising Code Section 40-6-291, relating to traffic laws
 206 applicable to bicycles, operation upon paved shoulder, and signaling of right hand turns, as
 207 follows:

208 "40-6-291.

209 (a) The provisions of this chapter that apply to vehicles, but not exclusively to motor
 210 vehicles, shall apply to bicycles and motorized mobility devices, except as provided in this
 211 Code section and except that the penalties prescribed in subsection (b) of Code Section
 212 40-6-390, subsection (c) of Code Section 40-6-391, and subsection (a) of Code Section
 213 40-6-393 shall not apply to persons riding bicycles.

214 (b) Notwithstanding the provisions of Code Section 40-6-50, any person operating a
 215 bicycle or motorized mobility device may ride upon a paved shoulder; provided, however,
 216 that such person shall not be required to ride upon a paved shoulder.

217 (c) Any person operating a bicycle or motorized mobility device may signal a right turn
 218 with his or her right arm and hand extended horizontally or with his or her left hand and
 219 arm extended upward."

220 **SECTION 12.**

221 Said title is further amended in Code Section 40-6-292, relating to manner of riding bicycles
 222 and transporting of passengers, by revising subsection (b) as follows:

223 "(b) No bicycle or motorized mobility device shall be used to carry more persons at one
 224 time than the number for which it is designed and equipped."

225 **SECTION 13.**

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

227 "40-6-292.1.

228 Notwithstanding any provision of Code Section 40-6-203 to the contrary, except when
 229 necessary to avoid conflict with other traffic or to comply with the law or the directions of
 230 law enforcement or official traffic-control devices, no individual shall stop, stand, or park
 231 a motorized mobility device:

232 (1) Upon any sidewalk, except as provided for in Code Section 40-6-294;

233 (2) Within an intersection;

234 (3) On a crosswalk;

- 235 (4) Alongside or opposite any parked motor vehicle or street excavation or obstruction
 236 where such stopping, standing, or parking would obstruct vehicular or pedestrian traffic;
 237 (5) On any railroad tracks or streetcar tracks;
 238 (6) On any controlled-access highway;
 239 (7) Within five feet of any public transit bus stop;
 240 (8) At any place where official signs prohibit stopping, standing, or parking;
 241 (9) On any drain grate or utility or sewer covering;
 242 (10) In any designated loading zone;
 243 (11) In any driveway, vehicle travel lane, bike lane, or shared use path;
 244 (12) In a manner that obstructs pedestrian or wheelchair access to:
 245 (A) Public or private buildings and establishments;
 246 (B) Street features that require pedestrian access, including but not limited to benches,
 247 parking meters, parking pay stations, and crosswalk signal buttons; and
 248 (C) Accessibility and safety features, including but not limited to curb ramps,
 249 wheelchair ramps, ramp landings, and handrails;
 250 (13) In a manner that obscures any traffic-control devices or directional and other
 251 official signs and notices, as such term is defined in Code Section 32-6-71; or
 252 (14) In a manner that obstructs access to emergency service infrastructure."

253 **SECTION 14.**

254 Said title is further amended by revising Code Section 40-6-293, relating to clinging to
 255 vehicles, as follows:

256 "40-6-293.

257 No person riding upon any bicycle, motorized mobility device, coaster, roller skates, sled,
 258 or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway."

259 **SECTION 15.**

260 Said title is further amended by revising Code Section 40-6-294, relating to riding on
 261 roadways and bicycle paths, as follows:

262 "40-6-294.

263 (a) As used in this Code section, the term 'hazards to safe cycling operation' includes, but
 264 shall not be limited to, surface debris, rough pavement, drain grates which are parallel to
 265 the side of the roadway, parked or stopped vehicles, potentially opening car doors, or any
 266 other objects which threaten the safety of a person operating a bicycle or motorized
 267 mobility device.

268 (b) Every person operating a bicycle upon a roadway shall ride as near to the right side of
 269 the roadway as practicable, except when:

270 (1) Turning left;

271 (2) Avoiding hazards to safe cycling operation;

272 (3) The lane is too narrow to share safely with a motor vehicle;

273 (4) Traveling at the same speed as traffic;

274 (5) Exercising due care when passing a standing vehicle or one proceeding in the same

275 direction; or

276 (6) There is a right turn only lane and the person operating the bicycle is not turning

277 right;

278 provided, however, that every person operating a bicycle away from the right side of the

279 roadway shall exercise reasonable care and shall give due consideration to the other

280 applicable rules of the road.

281 (c) Subject to more restrictive rules that may be established by a local authority in order

282 to protect the public health, safety, and welfare within its jurisdiction, any person operating

283 a motorized mobility device shall be authorized to ride such vehicle:

284 (1) In any bicycle path, bicycle lane, or part of a roadway marked for use by bicycles;

285 (2) Upon any highway with a designated speed limit of 35 miles per hour or less when

286 no bicycle lane or bicycle path is available; provided that such operation is as near to the

287 right side of the roadway as practicable; and

288 (3) Upon a sidewalk, provided that operation of such vehicle upon sidewalks has been

289 authorized by the local authorities with jurisdiction over such sidewalk by resolution or

290 ordinance.

291 (d) Persons riding bicycles or motorized mobility devices upon a roadway shall not ride

292 more than two abreast except on bicycle paths, bicycle lanes, parts of roadways ~~set aside~~

293 marked for the exclusive use of by bicycles, or when a special event permit issued by a

294 local governing authority permits riding more than two abreast.

295 ~~(d)~~(e) Whenever a ~~usable~~ bicycle path has been provided adjacent to a roadway, ~~and~~

296 ~~designated for the exclusive use of bicycle riders, then the appropriate governing authority~~

297 the local authorities with jurisdiction over such bicycle path may require that bicycle riders

298 use such bicycle path and not use ~~those sections of the adjacent portion of the roadway so~~

299 ~~specified by such local governing authority. The governing authority~~ Such local authorities

300 may be petitioned to remove such restrictions upon demonstration that the bicycle path has

301 become inadequate due to capacity, maintenance, or other causes.

302 ~~(e)~~(f) Bicycle paths ~~subject to the provisions of subsection (d) of this Code section~~

303 adjacent to a roadway shall at a minimum be required to meet accepted guidelines,

304 recommendations, and criteria with respect to planning, design, operation, and maintenance

305 as set forth by the American Association of State Highway and Transportation Officials,

306 and such bicycle paths shall provide accessibility to destinations equivalent to the use of
307 the roadway.

308 ~~(f)~~(g) Any person operating a bicycle or motorized mobility device in a bicycle lane shall
309 ride in the same direction as traffic on the roadway.

310 ~~(g)~~(h) Electric assisted bicycles may be operated on bicycle paths.

311 (i) If a local authority adopts an ordinance or resolution authorizing bicycles or motorized
312 mobility devices, or both, to stop, stand, or park on sidewalks within its jurisdiction, then
313 operators shall be authorized to stop, stand, or park such vehicles upon sidewalks in
314 accordance with such ordinance or resolution; provided, however, that no bicycle or
315 motorized mobility device shall be parked on any sidewalk that is less than four feet in
316 width or in a manner that would leave a path of unobstructed space of less than four feet
317 in width along the sidewalk."

318 SECTION 16.

319 Said title is further amended by revising Code Section 40-6-295, relating to carrying articles
320 when operating a bicycle, as follows:

321 "40-6-295.

322 (a) No person operating a bicycle shall carry any package, bundle, or other article which
323 prevents him or her from keeping at least one hand upon the handlebars.

324 (b) No person operating a motorized mobility device shall carry any package, bundle, or
325 other article which prevents him or her from keeping both hands on the handlebars or
326 otherwise properly and safely operating the device.

327 (c) The provisions of Code Section 40-6-241 shall apply to the operation of motorized
328 mobility devices."

329 SECTION 17.

330 Said title is further amended by revising Code Section 40-6-296, relating to lights and other
331 equipment on bicycles, as follows:

332 "40-6-296.

333 (a) Every bicycle and motorized mobility device when in use at nighttime shall be
334 equipped with a light on the front which shall emit a white light visible from a distance of
335 300 feet to the front and with a light on the back which shall emit a red light visible from
336 a distance of 300 feet to the rear. Any bicycle or motorized mobility device equipped with
337 a red reflector on the rear that is approved by the Department of Public Safety shall not be
338 required to have a light on the rear of ~~the bicycle~~ such vehicle.

339 (b) Every bicycle and motorized mobility device sold, rented or leased, or operated shall
 340 be equipped with a brake which will enable the operator to make the braked wheels skid
 341 on dry, level pavement.

342 (c) No bicycle shall be equipped or operated while equipped with a set of handlebars so
 343 raised that the operator must elevate his or her hands above the operator's shoulders in
 344 order to grasp the normal steering grip area.

345 (d)(1) No person under the age of 16 years shall operate or be a passenger on a bicycle
 346 or motorized mobility device on a highway, bicycle path, bicycle lane, or sidewalk ~~under~~
 347 ~~the jurisdiction or control of this state or any local political subdivision thereof~~ without
 348 wearing a bicycle helmet.

349 (2) For the purposes of this subsection, the term 'bicycle helmet' means a piece of
 350 protective headgear which meets or exceeds the impact standards for bicycle helmets set
 351 by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.

352 (3) For the purposes of this subsection, a person shall be deemed to wear a bicycle
 353 helmet only if a bicycle helmet of good fit is fastened securely upon such person's head
 354 with the straps of such bicycle helmet.

355 (4) No bicycle or motorized mobility device without an accompanying protective bicycle
 356 helmet shall be rented or leased to or for the use of any person under the age of 16 years
 357 unless that person is in possession of a bicycle helmet at the time of the rental or lease.

358 (5) Violation of any provision of this subsection shall not constitute negligence per se
 359 nor contributory negligence per se or be considered evidence of negligence or liability.

360 (6) No person under the age of 16 years failing to comply with any provision of this
 361 subsection shall be fined or imprisoned.

362 (e) The owner of any bicycle or motorized mobility device which is rented or leased shall
 363 have affixed upon such vehicle the name and contact information of such owner and a
 364 vehicle identification number assigned by such owner and unique to that vehicle. The
 365 vehicle identification number assigned pursuant to this subsection shall be used for
 366 identification purposes by local authorities or law enforcement."

367 **SECTION 18.**

368 Said title is further amended by revising Code Section 40-6-297, relating to violation of part
 369 a misdemeanor and duty of parents and guardians, as follows:

370 "40-6-297.

371 (a) It Except as provided to the contrary in subsection (c) of this Code section, it shall be
 372 a misdemeanor for any person to do any act forbidden or fail to perform any act required
 373 in this part.

374 (b) The parent of any child and the guardian of any ward shall not authorize or knowingly
 375 permit such child or ward to violate any of the provisions of this part.

376 (c)(1) A person commits the offense of criminal trespass when he or she intentionally
 377 damages or knocks over a bicycle or motorized mobility device of another.

378 (2) A person commits the offense of criminal damage to property in the second degree
 379 when he or she:

380 (A) Intentionally damages a bicycle or motorized mobility device of another and the
 381 damage thereto is \$500.00 or more; or

382 (B) Recklessly or intentionally damages a bicycle or motorized mobility device of
 383 another by means of fire or explosive.

384 (3) The punishment for violations described in this Code section shall be as set forth in
 385 Article 2 of Chapter 7 of Title 16."

386 **SECTION 19.**

387 Said title is further amended by revising Code Section 40-6-298, relating to rules and
 388 regulations, as follows:

389 "40-6-298.

390 (a) Local authorities shall be authorized to regulate the operation of and require
 391 registration of motorized mobility devices within the jurisdiction of such local authority
 392 through the passage of an ordinance or resolution.

393 (b) A local authority, its employees, and its agents shall be relieved of any and all liability
 394 for, and shall not be considered a proximate or contributing cause of, injuries or property
 395 damage arising from the operation or placement of motorized mobility devices by others.

396 (c) Local authorities shall be authorized to enforce state and local parking laws, rules, and
 397 regulations applicable to motorized mobility devices. A local authority and its employees
 398 responsible for enforcing parking laws, rules, and regulations or an agent authorized to
 399 remove such vehicle at the request of a local authority shall be authorized to cause a
 400 motorized mobility device to be removed to a secure place when the placement of such
 401 device poses a threat to public health and safety or impedes the flow of pedestrian or
 402 vehicular traffic. No later than 48 hours from the removal of a motorized mobility device
 403 by a local authority, its employees, or an authorized agent, the person removing such
 404 vehicle shall contact the owner of the motorized mobility device if such vehicle has affixed
 405 upon it the name and contact information of the owner. Such notification shall be made
 406 by electronic message and shall provide the location to which such vehicle was removed
 407 and any costs associated with retrieval of the vehicle. No fees or costs for removal or
 408 retrieval may be collected by any person removing a motorized mobility device pursuant
 409 to this subsection who fails to provide the required notice within 48 hours of the removal.

410 A local authority, its employees, or any agent authorized to remove such vehicle at the
 411 request of a local authority shall be liable only for damages resulting from such removal
 412 based upon gross negligence.

413 40-6-299.

414 The Board of Public Safety is authorized to promulgate rules and regulations to carry this
 415 part into effect and is authorized to establish regulations for any additional safety
 416 equipment or standards it shall require for bicycles and motorized mobility devices."

417 **SECTION 20.**

418 Said title is further amended in Code Section 40-6-371, relating to powers of local authorities
 419 with respect to highways under their jurisdiction, by revising subsection (a) as follows:

420 "(a) This chapter shall not be deemed to prevent local authorities with respect to streets and
 421 highways under their jurisdiction and within the reasonable exercise of the police power
 422 from:

- 423 (1) Regulating or prohibiting stopping, standing, or parking;
- 424 (2) Regulating traffic by means of police officers or official traffic-control devices;
- 425 (3) Regulating or prohibiting processions or assemblages on the highways;
- 426 (4) Designating particular highways or roadways for use by traffic moving in one
 427 direction as authorized in Code Section 40-6-47;
- 428 (5) Establishing speed limits for vehicles in public parks, notwithstanding any provisions
 429 of law establishing a minimum speed limit for an area outside an urban or residential
 430 district;
- 431 (6) Designating any highway as a through highway or designating any intersection or
 432 junction of roadway as a stop or yield intersection or junction;
- 433 (7) Requiring the registration and inspection of bicycles and the registration of motorized
 434 mobility devices, including the requirement of a registration fee;
- 435 (8) Designating any highway intersection as a 'yield right of way' intersection and
 436 requiring vehicles facing a 'yield right of way' sign to yield the right of way to other
 437 vehicles;
- 438 (9) Regulating or prohibiting the turning of vehicles or specified types of vehicles;
- 439 (10) Altering or establishing speed limits as authorized by law;
- 440 (11) Designating no-passing zones as authorized in Code Section 40-6-46;
- 441 (12) Prohibiting or regulating the use of controlled-access roadways by any class of
 442 vehicle or kind of traffic as authorized in Code Section 40-6-51;
- 443 (13) Prohibiting or regulating the use of heavily traveled streets by any class of vehicle
 444 or kind of traffic found to be incompatible with the normal and safe movement of traffic;

- 445 (14) Establishing minimum speed limits as authorized by law;
446 (15) Designating hazardous railroad grade crossings as authorized in Code Section
447 40-6-141;
448 (16) Designating and regulating traffic on play streets;
449 (17) Regulating persons propelling push carts;
450 (18) Regulating persons upon skates, coasters, sleds, and other toy vehicles;
451 (18.1) Regulating the operation of electric personal assistive mobility devices, provided
452 that such regulations are no less restrictive than those imposed by Part 2A of Article 13
453 of this chapter;
454 (18.2) Regulating the operation of personal transportation vehicles, provided that such
455 regulations comply with Parts 3 and 6 of Article 13 of this chapter;
456 (18.3) Regulating the operation of motorized mobility devices, provided that such
457 regulations are no less restrictive than those imposed by this chapter;
458 (19) Adopting and enforcing such temporary or experimental regulations as may be
459 necessary to cover emergencies or special conditions; or
460 (20) Adopting such other traffic regulations as are specifically authorized by this
461 chapter."

462 **SECTION 21.**

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

465 **SECTION 22.**

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