

PERSONAL DELIVERY DEVICES

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stewart E. Barlow

Senate Sponsor: Karen Mayne

LONG TITLE

General Description:

This bill modifies the traffic code to address personal delivery devices.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides for when and where a personal delivery device may be operated;
- ▶ imposes limitations on a personal delivery device operator;
- ▶ imposes the rights and obligations applicable to a pedestrian on a personal delivery device with exceptions;
- ▶ provides for the responsibility of an eligible entity; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-102, as last amended by Laws of Utah 2016, Chapters 40 and 173

ENACTS:

41-6a-1119, Utah Code Annotated 1953



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6a-102** is amended to read:

41-6a-102. Definitions.

As used in this chapter:

(1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.

(2) "All-terrain type I vehicle" means the same as that term is defined in Section [41-22-2](#).

(3) "Authorized emergency vehicle" includes:

(a) fire department vehicles;

(b) police vehicles;

(c) ambulances; and

(d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.

(4) "Autocycle" means the same as that term is defined in Section [53-3-102](#).

(5) (a) "Bicycle" means a wheeled vehicle:

(i) propelled by human power by feet or hands acting upon pedals or cranks;

(ii) with a seat or saddle designed for the use of the operator;

(iii) designed to be operated on the ground; and

(iv) whose wheels are not less than 14 inches in diameter.

(b) "Bicycle" includes an electric assisted bicycle.

(c) "Bicycle" does not include scooters and similar devices.

(6) (a) "Bus" means a motor vehicle:

(i) designed for carrying more than 15 passengers and used for the transportation of persons; or

(ii) designed and used for the transportation of persons for compensation.

(b) "Bus" does not include a taxicab.

(7) (a) "Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection where traffic passes to the right of the island.

- 59 (b) "Circular intersection" includes:
- 60 (i) roundabouts;
- 61 (ii) rotaries; and
- 62 (iii) traffic circles.
- 63 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in
- 64 Subsection (17)(d)(i).
- 65 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in
- 66 Subsection (17)(d)(ii).
- 67 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in
- 68 Subsection (17)(d)(iii).
- 69 (11) "Commissioner" means the commissioner of the Department of Public Safety.
- 70 (12) "Controlled-access highway" means a highway, street, or roadway:
- 71 (a) designed primarily for through traffic; and
- 72 (b) to or from which owners or occupants of abutting lands and other persons have no
- 73 legal right of access, except at points as determined by the highway authority having
- 74 jurisdiction over the highway, street, or roadway.
- 75 (13) "Crosswalk" means:
- 76 (a) that part of a roadway at an intersection included within the connections of the
- 77 lateral lines of the sidewalks on opposite sides of the highway measured from:
- 78 (i) (A) the curbs; or
- 79 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 80 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
- 81 included within the extension of the lateral lines of the existing sidewalk at right angles to the
- 82 centerline; or
- 83 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
- 84 pedestrian crossing by lines or other markings on the surface.
- 85 (14) "Department" means the Department of Public Safety.
- 86 (15) "Direct supervision" means oversight at a distance within which:
- 87 (a) visual contact is maintained; and
- 88 (b) advice and assistance can be given and received.
- 89 (16) "Divided highway" means a highway divided into two or more roadways by:

- 90 (a) an unpaved intervening space;
- 91 (b) a physical barrier; or
- 92 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 93 (17) "Electric assisted bicycle" means a bicycle with an electric motor that:
 - 94 (a) has a power output of not more than 750 watts;
 - 95 (b) has fully operable pedals on permanently affixed cranks;
 - 96 (c) is fully operable as a bicycle without the use of the electric motor; and
 - 97 (d) is one of the following:
 - 98 (i) an electric assisted bicycle equipped with a motor or electronics that:
 - 99 (A) provides assistance only when the rider is pedaling; and
 - 100 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
 - 101 hour;
 - 102 (ii) an electric assisted bicycle equipped with a motor or electronics that:
 - 103 (A) may be used exclusively to propel the bicycle; and
 - 104 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
 - 105 miles per hour; or
 - 106 (iii) an electric assisted bicycle equipped with a motor or electronics that:
 - 107 (A) provides assistance only when the rider is pedaling;
 - 108 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
 - 109 hour; and
 - 110 (C) is equipped with a speedometer.
 - 111 (18) (a) "Electric personal assistive mobility device" means a self-balancing device
 - 112 with:
 - 113 (i) two nontandem wheels in contact with the ground;
 - 114 (ii) a system capable of steering and stopping the unit under typical operating
 - 115 conditions;
 - 116 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
 - 117 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
 - 118 (v) a deck design for a person to stand while operating the device.
 - 119 (b) "Electric personal assistive mobility device" does not include a wheelchair.
 - 120 (19) "Explosives" means any chemical compound or mechanical mixture commonly

121 used or intended for the purpose of producing an explosion and that contains any oxidizing and
122 combustive units or other ingredients in proportions, quantities, or packing so that an ignition
123 by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture
124 may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are
125 capable of producing destructive effects on contiguous objects or of causing death or serious
126 bodily injury.

127 (20) "Farm tractor" means a motor vehicle designed and used primarily as a farm
128 implement, for drawing plows, mowing machines, and other implements of husbandry.

129 (21) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,
130 as determined by a tagliabue or equivalent closed-cup test device.

131 (22) "Freeway" means a controlled-access highway that is part of the interstate system
132 as defined in Section [72-1-102](#).

133 (23) (a) "Full-sized all-terrain vehicle" means any recreational vehicle designed for and
134 capable of travel over unimproved terrain:

135 (i) traveling on four or more tires;

136 (ii) having a width that, when measured at the widest point of the vehicle:

137 (A) is not less than 55 inches; or

138 (B) does not exceed 92 inches;

139 (iii) having an unladen dry weight of 6,500 pounds or less;

140 (iv) having a maximum seat height of 50 inches when measured at the forward edge of
141 the seat bottom; and

142 (v) having a steering wheel for control.

143 (b) "Full-sized all-terrain vehicle" does not include:

144 (i) all-terrain type I vehicle;

145 (ii) a utility type vehicle;

146 (iii) a motorcycle; or

147 (iv) a snowmobile as defined in Section [41-22-2](#).

148 (24) "Gore area" means the area delineated by two solid white lines that is between a
149 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
150 including similar areas between merging or splitting highways.

151 (25) "Gross weight" means the weight of a vehicle without a load plus the weight of

152 any load on the vehicle.

153 (26) "Highway" means the entire width between property lines of every way or place of
154 any nature when any part of it is open to the use of the public as a matter of right for vehicular
155 travel.

156 (27) "Highway authority" means the same as that term is defined in Section 72-1-102.

157 (28) (a) "Intersection" means the area embraced within the prolongation or connection
158 of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or
159 more highways which join one another.

160 (b) Where a highway includes two roadways 30 feet or more apart:

161 (i) every crossing of each roadway of the divided highway by an intersecting highway
162 is a separate intersection; and

163 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
164 every crossing of two roadways of the highways is a separate intersection.

165 (c) "Intersection" does not include the junction of an alley with a street or highway.

166 (29) "Island" means an area between traffic lanes or at an intersection for control of
167 vehicle movements or for pedestrian refuge designated by:

168 (a) pavement markings, which may include an area designated by two solid yellow
169 lines surrounding the perimeter of the area;

170 (b) channelizing devices;

171 (c) curbs;

172 (d) pavement edges; or

173 (e) other devices.

174 (30) "Law enforcement agency" means the same as that term is as defined in Section
175 53-1-102.

176 (31) "Limited access highway" means a highway:

177 (a) that is designated specifically for through traffic; and

178 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
179 persons have any right or easement, or have only a limited right or easement of access, light,
180 air, or view.

181 (32) "Local highway authority" means the legislative, executive, or governing body of
182 a county, municipal, or other local board or body having authority to enact laws relating to

183 traffic under the constitution and laws of the state.

184 (33) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

185 (i) is designed to be operated at speeds of not more than 25 miles per hour; and

186 (ii) has a capacity of not more than four passengers, including the driver.

187 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

188 (34) "Metal tire" means a tire, the surface of which in contact with the highway is

189 wholly or partly of metal or other hard nonresilient material.

190 (35) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or

191 saddle that is less than 24 inches from the ground as measured on a level surface with properly

192 inflated tires.

193 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

194 (c) "Mini-motorcycle" does not include a motorcycle that is:

195 (i) designed for off-highway use; and

196 (ii) registered as an off-highway vehicle under Section [41-22-3](#).

197 (36) "Mobile home" means:

198 (a) a trailer or semitrailer that is:

199 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
200 place either permanently or temporarily; and

201 (ii) equipped for use as a conveyance on streets and highways; or

202 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and

203 constructed for use as a mobile home, as defined in Subsection (36)(a), but that is instead used
204 permanently or temporarily for:

205 (i) the advertising, sale, display, or promotion of merchandise or services; or

206 (ii) any other commercial purpose except the transportation of property for hire or the
207 transportation of property for distribution by a private carrier.

208 (37) (a) "Moped" means a motor-driven cycle having:

209 (i) pedals to permit propulsion by human power; and

210 (ii) a motor that:

211 (A) produces not more than two brake horsepower; and

212 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
213 level ground.

214 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
215 centimeters and the moped shall have a power drive system that functions directly or
216 automatically without clutching or shifting by the operator after the drive system is engaged.

217 (c) "Moped" includes a motor assisted scooter.

218 (d) "Moped" does not include an electric assisted bicycle.

219 (38) (a) "Motor assisted scooter" means a self-propelled device with:

220 (i) at least two wheels in contact with the ground;

221 (ii) a braking system capable of stopping the unit under typical operating conditions;

222 (iii) a gas or electric motor not exceeding 40 cubic centimeters;

223 (iv) either:

224 (A) a deck design for a person to stand while operating the device; or

225 (B) a deck and seat designed for a person to sit, straddle, or stand while operating the
226 device; and

227 (v) a design for the ability to be propelled by human power alone.

228 (b) "Motor assisted scooter" does not include an electric assisted bicycle.

229 (39) "Motorcycle" means:

230 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
231 and designed to travel with not more than three wheels in contact with the ground; or

232 (b) an autocycle.

233 (40) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped, motor
234 assisted scooter, and every motorized bicycle having:

235 (i) an engine with less than 150 cubic centimeters displacement; or

236 (ii) a motor that produces not more than five horsepower.

237 (b) "Motor-driven cycle" does not include:

238 (i) an electric personal assistive mobility device; or

239 (ii) an electric assisted bicycle.

240 (41) (a) "Motor vehicle" means a vehicle that is self-propelled and every vehicle which
241 is propelled by electric power obtained from overhead trolley wires, but not operated upon
242 rails.

243 (b) "Motor vehicle" does not include vehicles moved solely by human power,
244 motorized wheelchairs, an electric personal assistive mobility device, [or] an electric assisted

245 bicycle, or a personal delivery device, as defined in Section [41-6a-1119](#).

246 (42) "Off-highway implement of husbandry" means the same as that term is defined
247 under Section [41-22-2](#).

248 (43) "Off-highway vehicle" means the same as that term is defined under Section
249 [41-22-2](#).

250 (44) "Operator" means a person who is in actual physical control of a vehicle.

251 (45) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
252 occupied or not.

253 (b) "Park" or "parking" does not include the standing of a vehicle temporarily for the
254 purpose of and while actually engaged in loading or unloading property or passengers.

255 (46) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace
256 Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic
257 laws.

258 (47) "Pedestrian" means a person traveling:

259 (a) on foot; or

260 (b) in a wheelchair.

261 (48) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
262 pedestrians.

263 (49) "Person" means every natural person, firm, copartnership, association, or
264 corporation.

265 (50) "Pole trailer" means every vehicle without motive power:

266 (a) designed to be drawn by another vehicle and attached to the towing vehicle by
267 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

268 (b) that is ordinarily used for transporting long or irregular shaped loads including
269 poles, pipes, or structural members generally capable of sustaining themselves as beams
270 between the supporting connections.

271 (51) "Private road or driveway" means every way or place in private ownership and
272 used for vehicular travel by the owner and those having express or implied permission from the
273 owner, but not by other persons.

274 (52) "Railroad" means a carrier of persons or property upon cars operated on stationary
275 rails.

276 (53) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
277 public body or official or by a railroad and intended to give notice of the presence of railroad
278 tracks or the approach of a railroad train.

279 (54) "Railroad train" means a locomotive propelled by any form of energy, coupled
280 with or operated without cars, and operated upon rails.

281 (55) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful
282 manner in preference to another vehicle or pedestrian approaching under circumstances of
283 direction, speed, and proximity that give rise to danger of collision unless one grants
284 precedence to the other.

285 (56) (a) "Roadway" means that portion of highway improved, designed, or ordinarily
286 used for vehicular travel.

287 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
288 them are used by persons riding bicycles or other human-powered vehicles.

289 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if
290 a highway includes two or more separate roadways.

291 (57) "Safety zone" means the area or space officially set apart within a roadway for the
292 exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to
293 be plainly visible at all times while set apart as a safety zone.

294 (58) (a) "School bus" means a motor vehicle that:

295 (i) complies with the color and identification requirements of the most recent edition of
296 "Minimum Standards for School Buses"; and

297 (ii) is used to transport school children to or from school or school activities.

298 (b) "School bus" does not include a vehicle operated by a common carrier in
299 transportation of school children to or from school or school activities.

300 (59) (a) "Semitrailer" means a vehicle with or without motive power:

301 (i) designed for carrying persons or property and for being drawn by a motor vehicle;
302 and

303 (ii) constructed so that some part of its weight and that of its load rests on or is carried
304 by another vehicle.

305 (b) "Semitrailer" does not include a pole trailer.

306 (60) "Shoulder area" means:

307 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
308 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";
309 or

310 (b) that portion of the road contiguous to the roadway for accommodation of stopped
311 vehicles, for emergency use, and for lateral support.

312 (61) "Sidewalk" means that portion of a street between the curb lines, or the lateral
313 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

314 (62) "Solid rubber tire" means a tire of rubber or other resilient material that does not
315 depend on compressed air for the support of the load.

316 (63) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied
317 or not, for the purpose of and while actually engaged in receiving or discharging passengers.

318 (64) "Stop" when required means complete cessation from movement.

319 (65) "Stop" or "stopping" when prohibited means any halting even momentarily of a
320 vehicle, whether occupied or not, except when:

321 (a) necessary to avoid conflict with other traffic; or

322 (b) in compliance with the directions of a peace officer or traffic-control device.

323 (66) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
324 vehicle, utility type vehicle, or full-sized all-terrain vehicle that is modified to meet the
325 requirements of Section 41-6a-1509 to operate on highways in the state in accordance with
326 Section 41-6a-1509.

327 (67) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
328 conveyances either singly or together while using any highway for the purpose of travel.

329 (68) "Traffic-control device" means a sign, signal, marking, or device not inconsistent
330 with this chapter placed or erected by a highway authority for the purpose of regulating,
331 warning, or guiding traffic.

332 (69) "Traffic-control signal" means a device, whether manually, electrically, or
333 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

334 (70) "Traffic signal preemption device" means an instrument or mechanism designed,
335 intended, or used to interfere with the operation or cycle of a traffic-control signal.

336 (71) (a) "Trailer" means a vehicle with or without motive power designed for carrying
337 persons or property and for being drawn by a motor vehicle and constructed so that no part of

338 its weight rests upon the towing vehicle.

339 (b) "Trailer" does not include a pole trailer.

340 (72) "Truck" means a motor vehicle designed, used, or maintained primarily for the
341 transportation of property.

342 (73) "Truck tractor" means a motor vehicle:

343 (a) designed and used primarily for drawing other vehicles; and

344 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
345 tractor.

346 (74) "Two-way left turn lane" means a lane:

347 (a) provided for vehicle operators making left turns in either direction;

348 (b) that is not used for passing, overtaking, or through travel; and

349 (c) that has been indicated by a lane traffic-control device that may include lane
350 markings.

351 (75) "Urban district" means the territory contiguous to and including any street, in
352 which structures devoted to business, industry, or dwelling houses are situated at intervals of
353 less than 100 feet, for a distance of a quarter of a mile or more.

354 (76) (a) "Utility type vehicle" means any recreational vehicle designed for and capable
355 of travel over unimproved terrain:

356 (i) traveling on four or more tires;

357 (ii) having a width that, when measured at the widest point of the vehicle:

358 (A) is not less than 30 inches; or

359 (B) does not exceed 70 inches;

360 (iii) having an unladen dry weight of 2,200 pounds or less;

361 (iv) having a seat height of 20 to 40 inches when measured at the forward edge of the
362 seat bottom; and

363 (v) having side-by-side seating with a steering wheel for control.

364 (b) "Utility type vehicle" does not include:

365 (i) an all-terrain type I vehicle;

366 (ii) a motorcycle; or

367 (iii) a snowmobile as defined in Section [41-22-2](#).

368 (77) "Vehicle" means a device in, on, or by which a person or property is or may be

369 transported or drawn on a highway, except devices used exclusively on stationary rails or
370 tracks.

371 Section 2. Section **41-6a-1119** is enacted to read:

372 **41-6a-1119. Personal delivery device.**

373 (1) As used in this section:

374 (a) "Eligible entity" means a corporation, partnership, association, firm, sole
375 proprietorship, or other entity engaged in business.

376 (b) "Hazardous material" means any substance defined, regulated, or listed as a
377 hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant,
378 or toxic substance, or identified as hazardous to human health or the environment, under state
379 or federal law or regulation.

380 (c) "Personal delivery device" means an electrically powered device to which all of the
381 following apply:

382 (i) the device is intended primarily to transport property on a sidewalk or crosswalk;

383 (ii) the device weighs less than 90 pounds excluding any property being carried in the
384 device;

385 (iii) the device has a maximum speed of 10 miles per hour; and

386 (iv) the device is equipped with technology that enables the operation of the device:

387 (A) with active control or monitoring by a person;

388 (B) without active control or monitoring by a person; or

389 (C) both with or without active control or monitoring by a person.

390 (d) (i) "Personal delivery device operator" means an employee or agent of an eligible
391 entity who exercises active physical control over, or monitoring of, the navigation and
392 operation of a personal delivery device.

393 (ii) "Personal delivery device operator" does not include:

394 (A) with respect to a delivery or other service rendered by a personal delivery device,
395 the person who requests the delivery or service; or

396 (B) a person who only arranges for and dispatches a personal delivery device for a
397 delivery or other service.

398 (2) An eligible entity may operate a personal delivery device on a sidewalk or
399 crosswalk so long as all of the following requirements are met:

400 (a) the personal delivery device is operated in accordance with the local ordinances, if
401 any, established by the local highway authority governing where the personal delivery device is
402 operated;

403 (b) a personal delivery device operator is actively controlling or monitoring the
404 navigation and operation of the personal delivery device;

405 (c) the eligible entity maintains an insurance policy that includes general liability
406 coverage of not less than \$100,000 for damages arising from the operation of the personal
407 delivery device by the eligible entity and any agent of the eligible entity; and

408 (d) the personal delivery device is equipped with all of the following:

409 (i) a marker that clearly identifies the name and contact information of the eligible
410 entity operating the personal delivery device and a unique identification number;

411 (ii) a braking system that enables the personal delivery device to come to a controlled
412 stop; and

413 (iii) if the personal delivery device is being operated between sunset and sunrise, a light
414 on both the front and rear of the personal delivery device that is visible on all sides of the
415 personal delivery device in clear weather from a distance of at least 500 feet to the front and
416 rear of the personal delivery device when directly in front of low beams of headlights on a
417 motor vehicle.

418 (3) A personal delivery device operator may not allow a personal delivery device to do
419 any of the following:

420 (a) fail to comply with traffic or pedestrian control devices and signals;

421 (b) unreasonably interfere with pedestrians or traffic;

422 (c) transport hazardous material; or

423 (d) operate on a street or highway, except when crossing the street or highway within a
424 crosswalk.

425 (4) A personal delivery device has the rights and obligations applicable to a pedestrian
426 under the same circumstances, except that a personal delivery device shall yield the
427 right-of-way to a pedestrian on a sidewalk or crosswalk.

428 (5) A person may not operate a personal delivery device unless the person complies
429 with this section.

430 (6) An eligible entity is responsible for both of the following:

431 (a) a violation of this section that is committed by a personal delivery device operator
432 operated for the benefit of the eligible entity; and

433 (b) any other circumstance, including a technological malfunction, in which a personal
434 delivery device operates in a manner prohibited by Subsection (3).

435 (7) A violation of this section is an infraction.

Legislative Review Note
Office of Legislative Research and General Counsel