

PERSONAL DELIVERY DEVICES AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stewart E. Barlow

Senate Sponsor: Karen Mayne

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LONG TITLE

General Description:

This bill amends provisions related to personal delivery devices.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ provides for operation parameters for a personal delivery device both in a pedestrian area and on a highway;
- ▶ allows certain local regulation of personal delivery devices; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

**41-6a-1119**, as last amended by Laws of Utah 2019, Chapter 391

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

Section 1. Section **41-6a-1119** is amended to read:

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

(1) As used in this section:

29 (a) "Eligible entity" means a corporation, partnership, association, firm, sole  
30 proprietorship, or other entity engaged in a business that includes the operation of a personal  
31 delivery device.

32 [~~(b)~~ "Hazardous material" means any substance defined, regulated, or listed as a  
33 hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant,  
34 or toxic substance, or identified as hazardous to human health or the environment, under state  
35 or federal law or regulation.]

36 (b) "Main-traveled way" means the same as that term is defined in Section [72-7-502](#).

37 (c) "Pedestrian area" means a sidewalk, crosswalk, school crosswalk, school crossing  
38 zone, or safety zone.

39 [~~(c)~~] (d) (i) "Personal delivery device" means an electrically powered device to which  
40 all of the following apply:

41 (A) the device is [~~intended primarily to transport property on a sidewalk or crosswalk;~~]  
42 manufactured for transporting cargo and goods; and

43 [~~(B)~~ the device weighs less than 150 pounds excluding any property being carried in  
44 the device, except that a local highway authority may allow a device within the local highway  
45 authority's jurisdiction to exceed this weight limit through a local permit or local ordinance;]

46 [~~(C)~~ the device has a maximum speed of 10 miles per hour; and]

47 [~~(D)~~] (B) the device is equipped with automated driving technology, including  
48 hardware and software, that enables the operation of the device with or without active control  
49 or monitoring by a person.

50 (ii) A mobile carrier as defined in Section [41-6a-1120](#) is not a personal delivery device.

51 (iii) "Personal delivery device" does not include:

52 (A) a motor vehicle; or

53 (B) an ADS-dedicated vehicle as that term is defined in Section [41-26-102.1](#).

54 [~~(d)~~] (e) (i) "Personal delivery device operator" means an employee or agent of an  
55 eligible entity who exercises active physical control over, or monitoring of, the navigation and

56 operation of a personal delivery device.

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

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

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

62 (2) An eligible entity may operate a personal delivery device [~~on a sidewalk or~~  
63 ~~crosswalk~~] so long as all of the following requirements are met:

64 [~~(a) the personal delivery device is operated in accordance with the local ordinances, if~~  
65 ~~any, established by the local highway authority governing where the personal delivery device is~~  
66 ~~operated;~~]

67 [~~(b) a personal delivery device operator is actively controlling or monitoring the~~  
68 ~~navigation and operation of the personal delivery device;~~]

69 (a) the personal delivery device is operated at a maximum speed of:

70 (i) 10 miles per hour when in a pedestrian area; or

71 (ii) 20 miles per hour on a highway in an area that is not a pedestrian area;

72 [~~(c)~~] (b) the eligible entity maintains an insurance policy that includes general liability  
73 coverage of not less than \$100,000 for damages arising from the operation of the personal  
74 delivery device by the eligible entity and any agent of the eligible entity; and

75 [~~(d)~~] (c) the personal delivery device is equipped with all of the following:

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

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

80 (iii) if the personal delivery device is being operated between sunset and sunrise, a light  
81 on both the front and rear of the personal delivery device that is visible on all sides of the  
82 personal delivery device in clear weather from a distance of at least 500 feet to the front and

83 rear of the personal delivery device when directly in front of low beams of headlights on a  
84 motor vehicle.

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

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

88 (b) unreasonably interfere with pedestrians or traffic; or

89 (c) transport hazardous material[; ~~or~~] that is:

90 [~~(d) operate on a street or highway, except when crossing the street or highway within a~~  
91 ~~crosswalk.~~]

92 (i) regulated under 49 U.S.C. Chapter 51, Transportation of Hazardous Material; and

93 (ii) required to be placarded under 49 C.F.R., Part 172, Subpart F, Placarding.

94 (4) (a) When operating on a highway, the personal delivery device:

95 (i) shall operate as close as practicable to the edge of the highway in the direction of  
96 authorized traffic movement; and

97 (ii) except as provided in Subsection (4)(b), may not travel in the main-traveled way.

98 (b) Notwithstanding Subsection (4)(a), a personal delivery device:

99 (i) if practical and with due regard for safety and traffic conditions may temporarily  
100 operate in the main-traveled way to avoid a parked car or other obstacle on the edge of the  
101 highway; and

102 (ii) shall return to the edge of the highway as described in Subsection (4)(a) as soon as  
103 conditions allow.

104 (c) Notwithstanding Subsections (4)(a) and (b), a personal delivery device may not  
105 operate on a:

106 (i) highway with a speed limit of 45 miles per hour or higher; or

107 (ii) limited access highway.

108 [~~(4)~~] (5) A personal delivery device has the rights and obligations applicable to a  
109 pedestrian under the same circumstances, except that a personal delivery device shall yield the

110 right-of-way to a pedestrian [~~on a sidewalk or crosswalk~~].

111 [~~(5)~~] (6) A person may not operate a personal delivery device unless the person  
112 complies with this section.

113 [~~(6)~~] (7) An eligible entity is responsible for both of the following:

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

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

118 (8) (a) Following discussions with and input from eligible entities, a local authority or  
119 political subdivision may reasonably regulate the operation of personal delivery devices on a  
120 highway or pedestrian area.

121 (b) This section does not affect the authority of a peace officer of a local authority or  
122 political subdivision to enforce the laws of this state relating to the operation of a personal  
123 delivery device.

124 [~~(7)~~] (9) A violation of this section is an infraction.