

**PERSONAL DELIVERY DEVICES AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stewart E. Barlow**

Senate Sponsor: \_\_\_\_\_

**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;
- ▶ preempts 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

*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.**



28 (1) As used in this section:

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

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

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

37 ~~[(e)]~~ (d) (i) "Personal delivery device" means an electrically powered device to which  
38 all of the following apply:

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

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

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

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

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

49 ~~[(F)]~~ (e) (i) "Personal delivery device operator" means an employee or agent of an  
50 eligible entity who exercises active physical control over, or monitoring of, the navigation and  
51 operation of a personal delivery device.

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

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

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

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

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

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

64 (a) the personal delivery device is not operated at speeds over:

65 (i) 12 miles per hour when in a pedestrian area; or

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

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

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

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

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

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

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

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

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

84 (c) transport hazardous material~~[-or]~~.

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

87 (4) A personal delivery device has the rights and obligations applicable to a pedestrian  
88 under the same circumstances, except that a personal delivery device shall yield the  
89 right-of-way to a pedestrian ~~[on a sidewalk or crosswalk]~~ in a pedestrian area.

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

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

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

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

97 (7) (a) A local authority or political subdivision may not regulate the operation of a  
98 personal delivery device on a highway or in a pedestrian area in a manner inconsistent with this  
99 section, including, but not limited to, limiting the hours of operation or zones of operation.

100 (b) This section does not affect the authority of a local authority's peace officers to  
101 enforce the laws of this state relating to the operation of a personal delivery device.

102 [~~7~~] (8) A violation of this section is an infraction.