

**Representative Stewart E. Barlow** proposes the following substitute bill:

**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:*



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

87 [~~(d) operate on a street or highway, except when crossing the street or highway within a~~

88 ~~crosswalk.]~~

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

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

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

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

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

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

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

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

101 ~~[(4)]~~ (5) A personal delivery device has the rights and obligations applicable to a  
102 pedestrian under the same circumstances, except that a personal delivery device shall yield the  
103 right-of-way to a pedestrian ~~[on a sidewalk or crosswalk].~~

104 ~~[(5)]~~ (6) A person may not operate a personal delivery device unless the person  
105 complies with this section.

106 ~~[(6)]~~ (7) An eligible entity is responsible for both of the following:

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

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

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

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

117 ~~[(7)]~~ (9) A violation of this section is an infraction.