

## HB0277S01 compared with HB0277

~~text~~ shows text that was in HB0277 but was deleted in HB0277S01.

text shows text that was not in HB0277 but was inserted into HB0277S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: \_\_\_\_\_

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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;
- ▶ ~~preempts~~allows certain local regulation of personal delivery devices; and
- ▶ makes technical changes.

##### Money Appropriated in this Bill:

None

##### Other Special Clauses:

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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:

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

~~—~~ a business[-] that includes the operation of a personal delivery device.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) the personal delivery device is ~~not~~ operated at ~~speeds over~~ a maximum speed of:

(i) ~~12~~ 10 miles per hour when in a pedestrian area; or

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

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

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

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

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

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

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motor vehicle.

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

- (a) fail to comply with traffic or pedestrian control devices and signals;
- (b) unreasonably interfere with pedestrians or traffic; or
- (c) transport hazardous material ~~[, or]~~  ~~f. that is:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(7)]~~ (8) (a) ~~{A}~~ Following discussions with and input from eligible entities, a local

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authority or political subdivision may ~~not~~ reasonably regulate the operation of ~~a~~ personal delivery ~~device~~ devices on a highway or ~~in a~~ pedestrian area ~~in a manner inconsistent with this section, including, but not limited to, limiting the hours of operation or zones of operation~~.

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

[(7)] ~~(8)~~ (9) A violation of this section is an infraction.