

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 739
PROPOSED COMMITTEE SUBSTITUTE S739-PCS45470-BBa-29

Short Title: Personal Delivery Device/PDD/Delivery Robots.

(Public)

Sponsors:

Referred to:

May 18, 2020

1 A BILL TO BE ENTITLED
2 AN ACT TO DEFINE AND REGULATE PERSONAL DELIVERY DEVICES.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 20-4.01 reads as rewritten:

5 "§ 20-4.01. Definitions.

6 Unless the context requires otherwise, the following definitions apply throughout this
7 Chapter to the defined words and phrases and their cognates:

8 ...

9 (28a) Personal delivery device. – An electrically powered device intended for
10 transporting cargo that is equipped with automated driving technology that
11 enables device operation with or without the remote support and supervision
12 of a human and that does not exceed (i) a weight of 500 pounds, excluding
13 cargo, (ii) a length of 40 inches, and (iii) a width of 30 inches.

14 ~~(28a)~~(28b) Plug-in electric vehicle. – A four-wheeled motor vehicle that meets each
15 of the following requirements:

16 ...

17 (49) Vehicle. – Every device in, upon, or by which any person or property is or
18 may be transported or drawn upon a highway, excepting devices moved by
19 human power or used exclusively upon fixed rails or tracks; provided, that for
20 the purposes of this Chapter bicycles and electric assisted bicycles shall be
21 deemed vehicles and every rider of a bicycle or an electric assisted bicycle
22 upon a highway shall be subject to the provisions of this Chapter applicable
23 to the driver of a vehicle except those which by their nature can have no
24 application. This term shall not include a device which is designed for and
25 intended to be used as a means of transportation for a person with a mobility
26 impairment, or who uses the device for mobility enhancement, is suitable for
27 use both inside and outside a building, including on sidewalks, and is limited
28 by design to 15 miles per hour when the device is being operated by a person
29 with a mobility impairment, or who uses the device for mobility enhancement.
30 This term shall not include (i) an electric personal assistive mobility device as
31 defined in subdivision (7b) of this ~~section~~-section or (ii) a personal delivery
32 device as defined by this section. Unless the context requires otherwise, and
33 except as provided under G.S. 20-109.2, 47-20.6, or 47-20.7, a manufactured
34 home shall be deemed a vehicle.

35"



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1 SECTION 2. Chapter 20 of the General Statutes is amended by adding a new Article
2 to read:

3 "Article 10B.

4 "Personal Delivery Devices.

5 **"§ 20-280.20. Definitions.**

6 The following definitions apply to this Article:

- 7 (1) Agent. – A director, officer, employee, or other person authorized to act on
8 behalf of a business entity.
9 (2) Business entity. – A legal entity, including a corporation, limited liability
10 company, partnership, or sole proprietorship, that is formed for the purpose of
11 making a profit.
12 (3) Pedestrian area. – A sidewalk, crosswalk, school crosswalk, school crossing
13 zone, or safety zone.
14 (4) Personal delivery device. – As defined in G.S. 20-4.01.

15 **"§ 20-280.21. Personal delivery devices authorized.**

16 (a) A business entity may operate a personal delivery device if the business entity is
17 authorized to conduct business in this State in accordance with Chapters 55, 57D, 59, and 55D
18 of the General Statutes and may only operate pursuant to the provisions of this Article.

19 (b) Except as provided in subsection (a) of this section, it is unlawful for any person to
20 operate, or cause the operation of, a personal delivery device.

21 **"§ 20-280.22. Personal delivery device operation.**

22 A business entity shall not operate a personal delivery device unless the business entity
23 complies with all of the following:

- 24 (1) The personal delivery device is monitored by a human that is an agent of the
25 business entity and the human is able to exercise remote control over the
26 navigation and operation of the personal delivery device. For the purposes of
27 this section, "agent" means a person who is not less than 16 years of age and
28 who is charged by an entity with the responsibility of monitoring and
29 operating a personal delivery device.
30 (2) The personal delivery device is operated in a manner that complies with the
31 provisions of this Chapter applicable to (i) pedestrians, when the device is
32 operating in a pedestrian area, and (ii) bicycles, when the device is operating
33 on a highway or bicycle lane.
34 (3) The personal delivery device shall yield the right-of-way to all vehicles and
35 pedestrians.
36 (4) The personal delivery device shall not unreasonably interfere with any vehicle
37 or pedestrian.
38 (5) The personal delivery device shall not transport materials regulated under the
39 Hazardous Materials Transportation Act (49 U.S.C. §§ 5101 – 5128) that
40 require placarding pursuant to subpart F of 49 C.F.R. Part 172 (49 C.F.R. §§
41 172.500 – 172.560).
42 (6) The personal delivery device is only operated in pedestrian areas, at speeds
43 not to exceed 10 miles per hour, and on highways, at speeds not to exceed 35
44 miles per hour.

45 **"§ 20-280.23. Personal delivery device equipment.**

46 A business entity shall not operate a personal delivery device unless the personal delivery
47 device is equipped with all of the following:

- 48 (1) A marker that clearly states the name and contact information of the owner
49 and a unique identification number.
50 (2) A braking system that enables the device to come to a controlled stop.

1 (3) When operated at night, the lights on the front and rear of the personal delivery
2 device are visible and recognizable under normal atmospheric conditions on
3 all sides of the personal delivery device from 1 to 500 feet from the personal
4 delivery device when directly in front of a motor vehicle projecting lawful
5 low-beam headlights.

6 **"§ 20-280.24. Local regulation.**

7 (a) Following an opportunity for public input from business entities, a local government
8 may reasonably regulate the operation of personal delivery devices on a highway or pedestrian
9 area for reasons relating to public health, safety, or welfare; provided, however, that a local
10 government may not outright ban operation of personal delivery devices.

11 (b) This section does not affect the authority of a law enforcement officer or local
12 government to enforce the laws of this State relating to the operation of a personal delivery
13 device.

14 **"§ 20-280.25. Insurance.**

15 A business entity that operates a personal delivery device under this Article shall maintain an
16 insurance policy that includes general liability coverage of not less than one hundred thousand
17 dollars (\$100,000) per claim for damages arising from the operation of the personal delivery
18 device.

19 **"§ 20-280.26. Liability.**

20 (a) A business entity shall be legally responsible for the operation of a personal delivery
21 device, unless an agent of the business entity operates the personal delivery device in a manner
22 that is outside the scope of the agent's authority.

23 (b) In the absence of criminal intent, willful misconduct, or gross negligence, a person
24 that requests a delivery or service by means of a personal delivery device operated by a business
25 entity shall be immune from criminal and civil liability."

26 **SECTION 3.** There is appropriated from the General Fund to the Secretary of State
27 the sum of five thousand dollars (\$5,000) for the 2019-2020 fiscal year in nonrecurring funds for
28 the purpose of implementing this act.

29 **SECTION 4.** This act is effective when it becomes law.