GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2019

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SENATE BILL 739

Commerce and Insurance Committee Substitute Adopted 5/27/20 PROPOSED COMMITTEE SUBSTITUTE S739-PCS45479-SUa-53

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 transporting cargo that is equipped with automated driving technology that 10 enables device operation with or without the remote support and supervision 11 of a human and that does not exceed (i) a weight of 500 pounds, excluding 12 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 may be transported or drawn upon a highway, excepting devices moved by 18 19 human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter bicycles and electric assisted bicycles shall be 20 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 intended to be used as a means of transportation for a person with a mobility 25 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		SEC	FION 2. Article 3 of Chapter 20 of the General Statutes	is amended by adding		
2	a new Part to read:					
3			"Part 11D. Personal Delivery Devices.			
4	" <u>§ 20-175</u>	5.7. De	finitions.			
5	The fo	ollowin	g definitions apply to this Part:			
6		<u>(1)</u>	Agent A director, officer, employee, or other perso	n authorized to act on		
7			behalf of a business entity.			
8		<u>(2)</u>	Business entity. – A corporation, limited liability com	pany, partnership, sole		
9			proprietorship, or other legal entity authorized to cond	uct business under the		
10			laws of this State.			
11		(3)	Operator. – An agent who is 16 years of age or older a	and is charged with the		
12			responsibility of monitoring and operating a personal d			
13		<u>(4)</u>	Pedestrian area. – A sidewalk, crosswalk, school cross	swalk, school crossing		
14		<u> </u>	zone, or safety zone.	•		
15		(5)	Personal delivery device. – As defined in G.S. 20-4.01			
16	"§ 20-175		rsonal delivery devices authorized; operation; equipm	_		
17	(a)		siness entity may operate a personal delivery device in a			
18	<u></u>		e rights and duties applicable to a pedestrian under this			
19			restrictions of this Part. Except as authorized in this Part,			
20			ry device in a pedestrian area or on a highway in this Sta			
21	(b)		ation of a personal delivery device shall comply with all o			
22	<u></u>	(1)	The personal delivery device shall be monitored by an			
23		<u>, - </u>	exercise remote control over the navigation and ope	-		
24			delivery device.			
25		(2)	The personal delivery device may not be operated in	a pedestrian area at a		
26		<u>_/</u>	speed greater than 10 miles per hour.			
27		(3)	The personal delivery device may not be operated or	n a highway except as		
28		(2)	necessary to cross a highway or along a highway if a sid			
29			or accessible. When operating along a highway unde	-		
30			following additional restrictions apply:			
31			<u>a.</u> <u>The personal delivery device shall be operated</u>	on the shoulder or as		
32			close as practicable to the extreme right of the h			
33			of authorized traffic movement and shall yield			
34			vehicles.	the fight of way to an		
35			<u>b.</u> <u>The personal delivery device may not be opera</u>	ated on a highway at a		
36			speed greater than 20 miles per hour.	acca on a mgnway at a		
37			<u>c.</u> <u>The personal delivery device may not be opera</u>	ted on a highway with		
38			<u>a speed limit greater than 35 miles per hour.</u>	ice on a mgnway with		
39		<u>(4)</u>	<u>The personal delivery device shall obey all traffic a</u>	and nedestrian control		
40		<u>(+)</u>	devices and signs.	ind pedestrian control		
41		<u>(5)</u>	The personal delivery device shall yield the right-	of-way to all human		
42		<u>(J)</u>	pedestrians.	or-way to an numan		
43		(6)	The personal delivery device shall not unreasonably int	orfore with any vehicle		
43 44		<u>(6)</u>	or pedestrian.	errere with any vehicle		
44 45		(7)	The personal delivery device shall not transport materia	als regulated under the		
46		$\underline{(\prime)}$	Hazardous Materials Transportation Act (49 U.S.C.			
40 47			require placarding pursuant to Subpart F of 49 C.F.R. 1			
47 48			172.500 - 172.560).	<u>ι αιι 172 (47 C.Γ.Κ. §§</u>		
48 49	(a)	1		llowing		
49 50	<u>(c)</u>		sonal delivery device shall be equipped with all of the fo A marker that clearly states the name and contact info			
50 51		<u>(1)</u>		ormation of the owner		
51			and a unique identification number.			

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1	(2) A braking system that enables the device to come to a cont	rolled stop.
2	(3) When operated at night, lights on the front and rear of the	
3	device that are visible and recognizable under normal atmo	± •
4	from at least 500 feet on all sides of the personal delivery of	•
5	(d) A violation of this section is an infraction.	
6	" <u>§ 20-175.9. Local regulation.</u>	
7	For the purpose of assuring the safety of persons using highways and	sidewalks, a local
8	government having jurisdiction over public streets, sidewalks, alleys, bridges,	
9	public passage may by ordinance regulate time and place of the operation of	f personal delivery
10	devices, but shall not prohibit their use.	
11	" <u>§ 20-175.10. Insurance.</u>	
12	A business entity that operates a personal delivery device under this Part	t shall maintain an
13	insurance policy that includes general liability coverage of not less than one	hundred thousand
14	dollars (\$100,000) per claim for damages arising from the operation of the	personal delivery
15	device."	
16	SECTION 3.(a) G.S. 20-175.9, as enacted by Section 2 of this act,	reads as rewritten:
17	"§ 20-175.9. Local regulation.	
18	For the purpose of assuring the safety of persons using highways and	sidewalks, a local
19	government having jurisdiction over public streets, sidewalks, alleys, bridges,	and other ways of
20	public passage may by ordinance regulate the time and place of the operation o	1 .
21	devices, but shall not prohibit their use. prohibit operation of personal delivery	devices within its
22	jurisdiction if the local government determines that the prohibition is necessar	<u>ry.</u> "
23	SECTION 3.(b) This section becomes effective December 1, 202	22. Any ordinance
24	regulating time and place of operation of personal delivery devices ad	
25	government in accordance with G.S. 20-175.9 before the effective date of	this section shall
26	remain in effect until repealed by that local government.	
27	SECTION 4. G.S. 20-146.2(a)(4) reads as rewritten:	
28	"(4) Plug-in electric vehicles as defined in G.S. $20-4.01(28a)$, g	
29	regardless of the number of passengers in the vehicle. Thes	
30	able to travel at the posted speed limit while operating in the	ne HOV lane."
31	SECTION 5. G.S. 20-183.2(b)(9) reads as rewritten:	
32	"(9) It is not a plug-in electric vehicle a	s defined in
33	<u>G.S. 20-4.01(28a).G.S. 20-4.01(28b).</u> "	
34	SECTION 6. G.S. 20-286(10) is amended by adding a new sub-sub-sub-sub-sub-sub-sub-sub-sub-sub-	
35	"c. <u>The term "motor vehicle" does not include an ele</u>	
36	device that is equipped with automated driving	
37	enables device operation with or without ren	
38	supervision of a human, and to which all of the follo	
39	device does not exceed a weight of 750 pounds, ex	
40	the device does not exceed a length of 40 inches wh	
41	other devices, and (iii) the device does not exceed a	
42	An electrically powered device that is equipped	
43	driving technology that enables device operation	
44	remote support and supervision of a human and the	•
45	the dimensions set out in this sub-subdivision is in	
46	"motor vehicle" under this Article, and the device	
47	provisions of Article 18 of this Chapter if it falls w	
48 40	of "fully autonomous vehicle" under G.S. 20-400(3 SECTION 7 There is appropriated from the General Fund to the	
49 50	SECTION 7. There is appropriated from the General Fund to the Public Safety the sum of five thousand dollars (\$5,000) for the 2020-20	1

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- nonrecurring funds for the purpose of educating the public on safely interacting with personal 1
- 2 3 delivery devices operating in vehicular and pedestrian traffic, as authorized by this act.
- SECTION 8. Except as otherwise provided, this act becomes effective December 1, 4 2020, and applies to offenses committed on or after that date.