



# SENATE BILL 739: Personal Delivery Device/Delivery Robots.

2019-2020 General Assembly

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<b>Committee:</b>		<b>Date:</b>	November 4, 2020
<b>Introduced by:</b>		<b>Prepared by:</b>	Wendy Ray Staff Attorney
<b>Analysis of:</b>	S.L. 2020-73		

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**OVERVIEW:** *S.L. 2020-73 authorizes the use of personal delivery devices by businesses in pedestrian areas and on portions of highways and regulates their use.*

*The act becomes effective December 1, 2020, and applies to offenses committed on or after that date.*

**BACKGROUND AND CURRENT LAW:** Personal delivery devices, or delivery robots, are electrically powered, autonomous devices designed to travel at moderate speeds on sidewalks and along roadsides to deliver small shipments to customers at their homes and businesses. They are not currently specifically authorized or in use in North Carolina. At least 10 other states and the District of Columbia have passed legislation authorizing operation of personal delivery devices (Arizona, Florida, Idaho, Ohio, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin). Most authorize use of personal delivery devices in pedestrian areas only. Four also allow use on the sides of highways. The laws generally provide that a personal delivery device has the same rights and duties of a pedestrian.

Under North Carolina law, personal delivery devices would fall under the definition of a motor vehicle and could not legally be operated on highways. Vehicles intended to be operated on highways are required to be registered. Operating an unregistered vehicle on a highway is punishable as a Class 2 misdemeanor. Motor vehicles are also prohibited from operating on sidewalks. Violation of that prohibition is an infraction.

A pedestrian in North Carolina is subject to pedestrian-control and traffic-control signals. Where signals are not in place, vehicles must yield the right-of-way to pedestrians crossing highways in marked crosswalks or unmarked crosswalks at intersections. Outside of those areas, pedestrians are required to yield the right-of-way to vehicles on the highway. However, all drivers of vehicles on the highway are required to exercise due care to avoid colliding with pedestrians on the highway. Violation of these provisions related to pedestrians is an infraction.

**BILL ANALYSIS:** S.L. 2020-73 authorizes the operation of personal delivery devices by businesses in pedestrian areas and on portions of highways in North Carolina. A device is required to operate as a pedestrian, with all rights and duties of a pedestrian, subject to additional requirements and restrictions specified in the act. Except as authorized, operation of personal delivery devices in pedestrian areas and on highways is prohibited.

*Personal delivery devices not vehicles.* The act removes personal delivery devices from the definition of vehicle in Chapter 20, making provisions in that chapter regulating the operation of vehicles inapplicable to personal delivery devices.

*Operation requirements for personal delivery devices.* Whether in a pedestrian area or on a highway, the device must be monitored by an operator (an agent of the business who is 16 or older) who is able to exercise remote control over the device. The device is also required to:

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# Senate Bill 739

Page 2

- Obey all traffic control devices.
- Yield to all human pedestrians.
- Not unreasonably interfere with vehicles or pedestrians.
- Not transport hazardous materials regulated under federal law.

Operation requirements specific to pedestrian areas. If operated in a pedestrian area, the device may not travel faster than 10 miles per hour.

Operation requirements specific to highways. A device may not operate on a highway except to cross the highway or along a highway where there is no sidewalk available to travel. When operating along a highway, the device is required to:

- Operate on the shoulder or as close to the right edge as possible in the direction of traffic (this differs from the requirement for pedestrians walking along the highway to walk against traffic).
- Yield to all vehicles.
- Not travel faster than 20 miles per hour.
- Not operate on a highway with a speed limit greater than 35 miles per hour.

Equipment requirements for personal delivery devices. A device must be equipped with all of the following:

- A marker with the name and contact information of the owner and an identification number.
- A braking system that allows the device to come to a controlled stop.
- When operated at night, lighting equipment on the front and rear of the device.

Local regulation. For the first two years after the act is effective, local governments are authorized to adopt ordinances to regulate the time and place of operation of devices, but they may not prohibit their use. After the first two years, they are only authorized to adopt ordinances prohibiting use of personal delivery devices if they find it necessary. Any ordinance regulating time and place adopted in the first two years remains in effect unless the local government repeals it.

Insurance requirement. Any business that operates a personal delivery device must maintain general liability insurance covering at least \$100,000 per claim for damages arising from operation of the device.

Violations and penalties. A violation of the operating and equipment requirements is an infraction, punishable by a fine up to \$100. A violation of the insurance requirement is a Class 2 misdemeanor, punishable by a fine up to \$1,000.

The act also makes conforming changes in other statutes.

**EFFECTIVE DATE:** Except for the provision amending local regulation authority, which becomes effective December 1, 2022, the act becomes effective December 1, 2020, and applies to offenses committed on or after that date.