



[HF 304](#) – Autonomous Delivery Devices (LSB1908HV.1)
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Fiscal Note Version – Final Action

Description

[House File 304](#) creates a new Iowa Code chapter 321O that authorizes and regulates the operation of personal delivery devices. The Bill provides definitions to be used in the chapter and specifies how personal delivery devices are regulated under the chapter. The chapter defines a personal delivery device (PDD) as a device manufactured for transporting cargo and goods in a pedestrian area, equipped with automated driving technology that can be operated or supervised remotely by a live person, and the weight of which does not exceed 550 pounds without its cargo or goods. PDDs are not classified as vehicles and must operate in a manner that complies with Iowa Code provisions applicable to pedestrians. The Bill allows local authorities to regulate PDDs but local regulations cannot be inconsistent with the Bill. The Bill also provides where a PDD may operate and provides penalties.

The Bill provides for the following penalties for violations of device operation and equipment requirements.

- Excess speed as provided in Iowa Code section [805.8A\(5\)](#): scheduled fine ranging from \$30 to \$135 plus \$5 for each mile per hour over 20 miles per hour.
- Operators who fail to meet operation requirements: scheduled fine of \$35 for each violation.
- Operators who fail to meet identification marker and braking system specifications: fine of at least \$100, but not more than \$1,000 for each violation.
- Operators who fail to meet required lighting specifications: scheduled fine of \$45.

Background

A PDD is a battery-powered terrestrial device that can operate autonomously but has human oversight and can be controlled remotely if the need arises. These devices are able to detect obstacles, change speeds, and stop where necessary. These devices may be used by companies to provide the delivery of goods to customers who choose to use their service.

PDDs are primarily used in urban environments and are designed to be operated where a pedestrian can walk, including crosswalks.

Other states have passed similar legislation that deals with the regulation of PDDs, including: Arizona, the District of Columbia, Florida, Idaho, North Carolina, Ohio, Pennsylvania, Texas, Utah, Virginia, Washington, and Wisconsin. In addition, states that are considering similar legislation include: Colorado, Kansas, Maryland, Minnesota, Missouri, Tennessee. The State of Utah passed similar legislation in CY 2018 and has yet to have any violations.

Under Iowa Code section [602.8106\(4\)\(b\)](#), scheduled fine revenue for a State law violation is distributed as follows: 91.0% to the State and 9.0% to the county in which the violation occurred. For the State share of citations, 1.3% is distributed to the Emergency Medical Services Fund and 98.7% is distributed to the State General Fund.

In addition to the scheduled fine, a Crime Services Surcharge, equal to 15.0% of the fine, and a \$55 fee for court costs are also imposed. The Crime Services Surcharge is remitted to the State Court Administrator and is distributed as follows: 46.0% to the Juvenile Detention Home Fund; 32.0% to the Victim Compensation Fund; 20.0% to the Criminalistics Laboratory Fund; and 2.0% to the Drug Abuse Resistance Education Fund. The fee assessed for court costs is remitted to the State Court Administrator and deposited into the State General Fund.

Assumptions

It is assumed that a violation under this Bill would be a State law violation and that the fine revenue would be distributed under Iowa Code section [602.8016](#)(4)(b).

Correctional Impact

House File 304 establishes several new simple misdemeanors and scheduled violation simple misdemeanors under Iowa Code sections 321O.4 and [805.8A](#). The punishments for simple misdemeanors and scheduled violations under this Bill do not include the possibility of imprisonment, and as a result, this Bill is not estimated to have a correctional impact. It is unknown how many citations may result from this Bill. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Minority Impact

House File 304 establishes several new simple misdemeanors and scheduled violation simple misdemeanors, and it is unknown how many citations may result from this Bill. As a result, the minority impact of HF 304 cannot be estimated. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 304 establishes several new citations and scheduled fines under Iowa Code sections 321O.4 and 805.8A. The new citations established by HF 304 may result in an increase in fine and surcharge revenue, but the impact is unknown. **Table 1** shows the distribution of fine revenue for one citation of each scheduled violation and simple misdemeanor established under this Bill.

Table 1 — Fine and Surcharge Revenue Distribution

Code Section	Scheduled Fine	15.0% Crime Services Surcharge	Fine Distribution		15.0% Crime Services Surcharge Distribution				Court Costs
			91.0% to State General Fund/EMS* Fund	9.0% to County	32.0% to Victim Comp. Fund	20.0% to Criminalistics Lab Fund	2.0% to DARE** Fund	46.0% to Juvenile Home Detention Fund	
805.8A(5)(a)	\$35	\$5.25	\$31.85	\$3.15	\$1.68	\$1.05	\$0.11	\$2.42	\$55.00
321O.4(6)	\$35	\$5.25	\$31.85	\$3.15	\$1.68	\$1.05	\$0.11	\$2.42	\$55.00
321O.6(3)	\$100	\$15.00	\$91.00	\$9.00	\$4.80	\$3.00	\$0.30	\$6.90	\$55.00
321O.6(3)	\$1,000	\$150.00	\$910.00	\$90.00	\$48.00	\$30.00	\$3.00	\$69.00	\$55.00
321O.6(4)	\$45	\$6.75	\$40.95	\$4.05	\$2.16	\$1.35	\$0.14	\$3.11	\$55.00

*Emergency Medical Services Fund (EMS) ** Drug Abuse Resistance Education (DARE)

Source

LSA calculations and analysis

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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