

House Study Bill 25 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
INFORMATION TECHNOLOGY BILL
BY CHAIRPERSON LOHSE)

A BILL FOR

1 An Act relating to personal delivery devices, providing
2 penalties, and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, subsection 90, Code 2021, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *0c.* Any personal delivery device operated
4 pursuant to chapter 3210.

5 Sec. 2. Section 321.519, Code 2021, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 3. Sections 321.514 through 321.518 and
8 this section do not apply to personal delivery devices operated
9 pursuant to chapter 3210.

10 Sec. 3. NEW SECTION. **3210.1 Definitions.**

11 As used in this chapter, unless the context otherwise
12 requires:

13 1. "*Agent*" means any officer, director, or employee of a
14 business entity, or any other person who is authorized to act
15 on behalf of a business entity.

16 2. "*Business entity*" means a corporation, sole
17 proprietorship, association, partnership, limited liability
18 company, limited liability partnership, or other legal entity,
19 that is formed for the purpose of making a profit.

20 3. "*Pedestrian area*" means an area intended to be used by
21 any person afoot, including a sidewalk, crosswalk, or safety
22 zone, as those terms are defined in section 321.1.

23 4. "*Personal delivery device*" or "*device*" means a device to
24 which all of the following apply:

25 *a.* The device is manufactured for transporting cargo and
26 goods in a pedestrian area or supplementary area.

27 *b.* The device is equipped with automated driving technology,
28 including software and hardware, that enables the operation of
29 the device with the remote support and supervision of a natural
30 person.

31 *c.* The weight of the device is not greater than five hundred
32 fifty pounds, excluding cargo and goods.

33 Sec. 4. NEW SECTION. **3210.2 Applicable law.**

34 1. The operation of a personal delivery device is
35 governed exclusively by this chapter and any applicable

1 ordinance regulating personal delivery devices adopted by a
2 local authority, as defined in section 321.1, that is not
3 inconsistent with this chapter.

4 2. For the purposes of this title, a personal delivery
5 device operated in compliance with this chapter shall not be
6 considered a vehicle.

7 Sec. 5. NEW SECTION. 3210.3 Operators.

8 1. A business entity may operate a personal delivery device
9 under this chapter only if a natural person who is an agent of
10 the business entity has the capability to monitor and remotely
11 exercise physical control over the navigation and operation of
12 the device while the device is engaged.

13 2. Except as provided by subsection 3, when a personal
14 delivery device operated by a business entity is engaged,
15 the business entity is considered to be the operator of the
16 device solely for the purpose of assessing compliance with this
17 chapter and laws made applicable to the operation of the device
18 under this chapter.

19 3. When a personal delivery device operated by a business
20 entity is engaged and an agent of the business entity exercises
21 control over the device in a manner that is outside the scope
22 of the agent's office or employment, the agent is considered
23 to be the operator of the device solely for the purpose of
24 assessing compliance with this chapter and laws made applicable
25 to the operation of the device under this chapter.

26 4. A person is not considered to be the operator of a
27 personal delivery device solely because the person requests a
28 delivery or service provided by the device or dispatches the
29 device.

30 Sec. 6. NEW SECTION. 3210.4 Operation.

31 1. The operator of a personal delivery device shall ensure
32 that, while engaged, the device does all of the following:

33 a. Operates in a manner that complies with the provisions
34 of chapter 321 applicable to pedestrians, unless the provision
35 cannot by its nature apply to the device.

1 *b.* Yields the right-of-way to all other traffic, including
2 pedestrians.

3 *c.* Operates in a manner that does not unreasonably interfere
4 with other traffic, including pedestrians.

5 *d.* Complies with any ordinance regulating personal delivery
6 devices adopted by a local authority, as defined in section
7 321.1, that is not inconsistent with this chapter.

8 *e.* Is monitored or controlled by an agent of the business
9 entity operating the device.

10 *f.* Operates in a manner that allows the device to come to a
11 controlled stop in a reasonably safe time and distance.

12 2. The operator of a personal delivery device shall
13 ensure that, while engaged, the device does not do any of the
14 following:

15 *a.* Obstructs the right-of-way of any other traffic,
16 including pedestrians.

17 *b.* Transports any hazardous material regulated by section
18 321.450, 49 U.S.C. ch. 51, or 49 C.F.R. pt. 172, subpt. F.

19 3. A person who violates this section commits a simple
20 misdemeanor punishable as a scheduled violation under section
21 805.8A, subsection 9B.

22 Sec. 7. NEW SECTION. 3210.5 **Areas of operation.**

23 1. A personal delivery device may operate on any of the
24 following:

25 *a.* A pedestrian area at a speed not to exceed twelve miles
26 per hour.

27 *b.* A highway in an area without reasonable access to a
28 pedestrian area at a speed not to exceed twenty miles per hour
29 or the speed limit on the highway, whichever is lower.

30 2. The operator of a personal delivery device that violates
31 this section commits a simple misdemeanor punishable as a
32 scheduled violation under section 805.8A, subsection 5.

33 Sec. 8. NEW SECTION. 3210.6 **Equipment.**

34 1. A personal delivery device operated under this chapter
35 must be equipped with all of the following:

1 *a.* A marker that clearly states the name and contact
2 information of the business entity operating the device and a
3 unique identification number.

4 *b.* A braking system that enables the device to come to a
5 controlled stop in a reasonably safe time and distance.

6 2. A personal delivery device operated at the times
7 specified in section 321.384 must be equipped with and display
8 a lighted lamp on the front and rear of the device, including
9 one or more lighted lamps visible on all sides of the device,
10 which lamps must be recognizable in clear weather conditions
11 from a distance of five hundred feet from the device when the
12 device is directly in front of a motor vehicle's headlamps
13 displaying the lowermost distribution of light as discussed in
14 section 321.409, subsection 1, paragraph "b".

15 3. The operator of a personal delivery device that violates
16 subsection 1 commits a simple misdemeanor punishable by a fine
17 of at least one hundred dollars but not more than one thousand
18 dollars for each violation.

19 4. The operator of a personal delivery device that
20 violates subsection 2 commits a simple misdemeanor punishable
21 as a scheduled violation under section 805.8A, subsection
22 9B. However, the citation shall first provide for a
23 seventy-two-hour period within which the operator charged with
24 the violation shall replace or repair the lamp as described in
25 section 321.385A. If the operator complies with the directive
26 to replace or repair the lamp, the citation shall be expunged.

27 Sec. 9. NEW SECTION. 3210.7 Regulation by local
28 authorities.

29 1. A local authority, as defined in section 321.1, shall
30 not regulate the operation of a personal delivery device on a
31 highway or a pedestrian area in a manner inconsistent with this
32 chapter, including but not limited to limiting the hours of
33 operation or areas of operation.

34 2. This section does not affect the power of a local
35 authority's peace officers to enforce the laws of this state

1 relating to the operation of a personal delivery device.

2 Sec. 10. NEW SECTION. 3210.8 Insurance.

3 A business entity that operates a personal delivery device
4 under this chapter shall maintain an insurance policy that
5 includes general liability coverage of not less than one
6 hundred thousand dollars for damages arising from the operation
7 of the device.

8 Sec. 11. Section 805.8A, subsection 5, paragraph a,
9 unnumbered paragraph 1, Code 2021, is amended to read as
10 follows:

11 For excessive speed violations in excess of the limit under
12 section 321.236, subsections 5 and 11, [section 321.285](#), section
13 321.383, subsection 5, [section 3210.5](#), subsection 1, and
14 section 461A.36, the scheduled fine shall be the following:

15 Sec. 12. Section 805.8A, Code 2021, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 9B. *Personal delivery device violations.*

18 a. For violations under section 3210.4, the scheduled fine
19 is thirty-five dollars.

20 b. For violations under section 3210.6, subsection 2, the
21 scheduled fine is forty-five dollars.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill creates a new Code chapter 3210 which authorizes
26 and regulates the operation of personal delivery devices. A
27 personal delivery device is a device equipped with automated
28 driving technology manufactured for transporting cargo and
29 goods.

30 The bill allows business entities to operate personal
31 delivery devices. Personal delivery devices are not classified
32 as vehicles and must operate in a manner that complies with
33 Code provisions applicable to pedestrians. Therefore, by
34 operation of law, personal delivery devices are subject to
35 traffic-control signals as provided in Code section 321.325,

1 the devices must operate on the left side when operating on
2 or along a highway as provided in Code section 321.326, the
3 devices must yield the right-of-way to all vehicles when
4 crossing a roadway at any point other than within a marked
5 crosswalk or within an unmarked crosswalk at an intersection as
6 provided in Code section 321.328, and the devices must move to
7 the right half of crosswalks whenever practicable as provided
8 in Code section 321.330.

9 The bill establishes minimum requirements for the operation
10 of personal delivery devices, including that the devices
11 are prohibited from transporting hazardous materials, are
12 restricted to operating on pedestrian areas at a maximum speed
13 of 12 miles per hour, and are restricted to operating on
14 highways in areas without reasonable access to a pedestrian
15 area at a maximum speed of 20 miles per hour or the speed limit
16 on the highway, whichever is less. The bill also establishes
17 minimum equipment requirements for the devices including
18 identification markers, braking systems, and lightning.

19 The bill allows local authorities to regulate personal
20 delivery devices, but those local regulations cannot be
21 inconsistent with the bill.

22 Business entities that operate personal delivery devices
23 must maintain an insurance policy that includes general
24 liability coverage of not less than \$100,000 for damages
25 arising from the operation of the device.

26 The bill provides penalties for violations of device
27 operation and equipment requirements. Operators of devices
28 that exceed the lawful speed limit are subject to a scheduled
29 fine based on the level of excess speed as provided in Code
30 section 805.8A(5), ranging from \$30 for a violation of less
31 than five miles per hour over the limit to \$135 plus \$5 for each
32 mile per hour in excess of 20 miles per hour over the limit.
33 Operators of devices that violate the operation requirements
34 set forth in Code section 3210.4 are subject to a scheduled
35 fine of \$35 for each violation. Operators of devices that

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1 fail to meet required identification marker and braking system
2 specifications are subject to a fine of at least \$100 but not
3 more than \$1,000 for each violation. Operators of devices that
4 fail to meet required lighting specifications are subject to
5 a scheduled fine of \$45, but are allowed a 72-hour period to
6 replace or repair a lamp.