

**Senate Study Bill 1058 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON BROWN)

**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 road, provided that the speed limit on the road is  
28 forty miles per hour or less and there is no reasonable access  
29 to a pedestrian area, at a speed not to exceed twenty miles per  
30 hour or the speed limit on the road, whichever is lower.

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

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

35    1. A personal delivery device operated under this chapter

1 must be equipped with all of the following:

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

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

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

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

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

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

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

35     2. This section does not affect the power of a local

1 authority's peace officers to enforce the laws of this state  
2 relating to the operation of a personal delivery device.

3 Sec. 10. NEW SECTION. 3210.8 Insurance.

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

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

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

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

18 NEW SUBSECTION. 9B. Personal delivery device violations.

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

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

23 EXPLANATION

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

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

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

1 traffic-control signals as provided in Code section 321.325,  
2 the devices must operate on the left side when operating on  
3 or along a highway as provided in Code section 321.326, the  
4 devices must yield the right-of-way to all vehicles when  
5 crossing a roadway at any point other than within a marked  
6 crosswalk or within an unmarked crosswalk at an intersection as  
7 provided in Code section 321.328, and the devices must move to  
8 the right half of crosswalks whenever practicable as provided  
9 in Code section 321.330.

10 The bill establishes minimum requirements for the operation  
11 of personal delivery devices. Devices are prohibited from  
12 transporting hazardous materials. Devices are restricted to  
13 operating on pedestrian areas at a maximum speed of 12 miles  
14 per hour, and are restricted to operating on roads with a  
15 speed limit of 40 miles per hour or less and no reasonable  
16 access to a pedestrian area at a maximum speed of 20 miles per  
17 hour or the speed limit on the road, whichever is lower. The  
18 bill also establishes minimum equipment requirements for the  
19 devices including identification markers, braking systems, and  
20 lighting.

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

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

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

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1 set forth in Code section 3210.4 are subject to a scheduled  
2 fine of \$35 for each violation. Operators of devices that  
3 fail to meet required identification marker and braking system  
4 specifications are subject to a fine of at least \$100 but not  
5 more than \$1,000 for each violation. Operators of devices that  
6 fail to meet required lighting specifications are subject to  
7 a scheduled fine of \$45, but are allowed a 72-hour period to  
8 replace or repair a lamp.