

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 739

Short Title: Personal Delivery Device/PDD/Delivery Robots. (Public)

Sponsors: Senators Perry, Searcy, and Sawyer (Primary Sponsors).

Referred to: Rules and Operations of the Senate

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 for transporting
10 cargo that is equipped with automated driving technology that enables the
11 operation of the device with the remote support and supervision of a human.

12 (28a)(28b) Plug-in electric vehicle. – A four-wheeled motor vehicle that meets each
13 of the following requirements:

14 ...

15 (49) Vehicle. – Every device in, upon, or by which any person or property is or
16 may be transported or drawn upon a highway, excepting devices moved by
17 human power or used exclusively upon fixed rails or tracks; provided, that for
18 the purposes of this Chapter bicycles and electric assisted bicycles shall be
19 deemed vehicles and every rider of a bicycle or an electric assisted bicycle
20 upon a highway shall be subject to the provisions of this Chapter applicable
21 to the driver of a vehicle except those which by their nature can have no
22 application. This term shall not include a device which is designed for and
23 intended to be used as a means of transportation for a person with a mobility
24 impairment, or who uses the device for mobility enhancement, is suitable for
25 use both inside and outside a building, including on sidewalks, and is limited
26 by design to 15 miles per hour when the device is being operated by a person
27 with a mobility impairment, or who uses the device for mobility enhancement.
28 This term shall not include (i) an electric personal assistive mobility device as
29 defined in subdivision (7b) of this section, section or (ii) a personal delivery
30 device as defined by this section. Unless the context requires otherwise, and
31 except as provided under G.S. 20-109.2, 47-20.6, or 47-20.7, a manufactured
32 home shall be deemed a vehicle.

33"

34 SECTION 2. Chapter 20 of the General Statutes is amended by adding a new Article

35 to read:

36 "Article 10B.



"Personal Delivery Devices.**"§ 20-280.20. Definitions.**

The following definitions apply to this Article:

- (1) Agent. – A director, officer, employee, or other person authorized to act on behalf of a business entity.
- (2) Business entity. – A legal entity, including a corporation, partnership, or sole proprietorship, that is formed for the purpose of making a profit.
- (3) Pedestrian area. – A sidewalk, crosswalk, school crosswalk, school crossing zone, or safety zone.
- (4) Personal delivery device. – As defined in G.S. 20-4.01.

"§ 20-280.21. Personal delivery devices authorized.

(a) A business entity may operate a personal delivery device if the business entity registers with the Secretary of State pursuant to G.S. 20-280.22 and operates the personal delivery device pursuant to the provisions of this Article.

(b) Except as provided in subsection (a) of this section, it is unlawful for any person to operate, or cause the operation of, a personal delivery device.

"§ 20-280.22. Registration; filing fee.

A business entity shall annually register with the Secretary of State and pay to the Secretary a nonrefundable fee of two hundred fifty dollars (\$250.00). The registration form prescribed by the Secretary shall at a minimum contain the following information:

- (1) Proof of insurance meeting the requirements of this Article.
- (2) Proof the business entity is authorized to do business in the State.
- (3) Resident agent for service of process.

"§ 20-280.23. Personal delivery device operation.

A registered business entity shall not operate a personal delivery device unless the business entity complies with all of the following:

- (1) The personal delivery device is monitored by a human that is an agent of the registered business entity and the human is able to exercise remote control over the navigation and operation of the personal delivery device.
- (2) The personal delivery device is operated in a manner that complies with the provisions of this Chapter applicable to pedestrians when operating in a pedestrian area, unless the provision cannot by its nature apply to the personal delivery device.
- (3) The personal delivery device shall yield the right-of-way to all vehicles and pedestrians.
- (4) The personal delivery device shall not unreasonably interfere with any vehicle or pedestrian.
- (5) The personal delivery device shall not transport materials regulated under the Hazardous Materials Transportation Act (49 U.S.C. §§ 5101 – 5128) that require placarding pursuant to subpart F of 49 C.F.R. Part 172 (49 C.F.R. §§ 172.500 – 172.560).
- (6) The personal delivery device is only operated in pedestrian areas, at speeds not to exceed 12 miles per hour, and on highways, at speeds not to exceed 20 miles per hour.

"§ 20-280.24. Personal delivery device equipment.

A registered business entity shall not operate a personal delivery device unless the personal delivery device is equipped with all of following:

- (1) A marker that clearly states the name and contact information of the owner and a unique identification number.
- (2) A braking system that enables the device to come to a controlled stop.

1 (3) When operated at night, the lights on the front and rear of the personal delivery
2 device are visible and recognizable under normal atmospheric conditions on
3 all sides of the personal delivery device from 1 to 500 feet from the personal
4 delivery device when directly in front of a motor vehicle projecting lawful
5 low-beam headlights.

6 **"§ 20-280.25. Local regulation.**

7 (a) A municipality may not limit personal delivery device hours or areas of operation or
8 regulate the operation of a personal delivery device in a manner inconsistent with this Article.

9 (b) Law enforcement officers of the State and of each county and municipality may
10 enforce the provisions of this Article in their jurisdictions.

11 **"§ 20-280.26. Insurance.**

12 A registered business entity that operates a personal delivery device under this Article shall
13 maintain an insurance policy that includes general liability coverage of not less than one hundred
14 thousand dollars (\$100,000) per claim for damages arising from the operation of the personal
15 delivery device.

16 **"§ 20-280.27. Liability.**

17 (a) A registered business entity shall be legally responsible for the operation of a personal
18 delivery device, unless an agent of the registered business entity operates the personal delivery
19 device in a manner that is outside the scope of the agent's authority.

20 (b) In the absence of criminal intent or willful misconduct, a person that requests a
21 delivery or service by means of a personal delivery device operated by a registered business
22 entity shall be immune from criminal and civil liability.

23 **"§ 20-280.28. Enforcement.**

24 If the Secretary finds that a business entity's operation of a personal delivery device endangers
25 the safety of the public, the Secretary may refuse, revoke, suspend, or restrict the registration of
26 the business entity under this Article and may take any necessary enforcement action. The
27 Secretary of State shall adopt any rules, orders, and forms as are necessary to administer and
28 enforce the provisions of this Article."

29 **SECTION 3.** There is appropriated from the General Fund to the Secretary of State
30 the sum of five thousand dollars (\$5,000) for the 2019-2020 fiscal year in nonrecurring funds for
31 the purpose of implementing this act.

32 **SECTION 4.** This act is effective when it becomes law.