

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 528

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO PERSONAL DELIVERY DEVICES; AMENDING SECTION 40-2305, IDAHO  
2 CODE, TO REVISE PROVISIONS REGARDING THE OPERATION OF PERSONAL DELIVERY  
3 DEVICES; AMENDING SECTION 49-117, IDAHO CODE, TO REVISE DEFINITIONS AND  
4 TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING  
5 AN EFFECTIVE DATE.  
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 40-2305, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 40-2305. PERSONAL DELIVERY DEVICES. (1) Notwithstanding any provi-  
11 sion of law to the contrary, a personal delivery device as defined in section  
12 49-117, Idaho Code, is authorized to operate on sidewalks, and crosswalks,  
13 and the sides or berms of highways; provided, however, that this section  
14 does not restrict a county, municipality, or highway district from otherwise  
15 adopting regulations for the safe operation of personal delivery devices  
16 consistent with this section.

17 (2) All personal delivery devices shall obey all traffic and pedestrian  
18 control devices and signs.

19 (3) A personal delivery device operating on sidewalks and crosswalks  
20 has all the rights and duties applicable to a pedestrian under the same cir-  
21 cumstances, except that the personal delivery device shall not unreasonably  
22 interfere with pedestrians or traffic, and shall yield the right-of-way to  
23 pedestrians on sidewalks and crosswalks.

24 (4) All personal delivery devices shall include a plate or marker that  
25 identifies the name and contact information of the operator of the personal  
26 delivery device and a unique identifying device number.

27 (5) All personal delivery devices shall be equipped with a braking sys-  
28 tem that, when active or engaged, ~~will~~ enables the personal delivery device  
29 to come to a controlled stop.

30 (6) No personal delivery device shall transport hazardous materials or  
31 hazardous wastes that are regulated pursuant to chapter 22, title 49, Idaho  
32 Code the hazardous materials transportation act, 49 U.S.C. 5101-5128, and  
33 require placarding pursuant to subpart F of 49 CFR 172.

34 (7) No personal delivery device shall be operated on a public highway in  
35 the state, except on the side or berm of the road or to the extent necessary to  
36 cross a crosswalk.

37 (8) No personal delivery device shall operate on a sidewalk or cross-  
38 walk unless the personal delivery device operator is ~~actively~~ controlling or  
39 monitoring the navigation and operation of the personal delivery device.

40 SECTION 2. That Section 49-117, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

1 49-117. DEFINITIONS -- P. (1) "Park" or "parking" means the standing  
2 of a vehicle, whether occupied or not, other than temporarily for the pur-  
3 pose of and while actually engaged in loading or unloading property or pas-  
4 sengers.

5 (2) "Park model recreational vehicle" means a recreational vehicle  
6 that is designed to provide temporary accommodations for recreational,  
7 camping or seasonal use, is built on a single chassis, was originally mounted  
8 on wheels, has a gross trailer area not exceeding four hundred (400) square  
9 feet in the set-up mode and is certified by its manufacturer as complying  
10 with the American National Standards Institute (ANSI) A119.5 Standard for  
11 Recreational Park Trailers, and includes park models, park trailers and  
12 recreational park trailers.

13 (3) "Part-time salesman" means any person employed as a vehicle sales-  
14 man on behalf of a dealer ~~less~~ fewer than thirty (30) hours per week.

15 (4) "Peace officer." (See section 19-5101(d), Idaho Code)

16 (5) "Pedestrian" means any person afoot and any person operating a  
17 wheelchair or a motorized wheelchair or an electric personal assistive mo-  
18 bility device.

19 (6) "Pedestrian path" means any path, sidewalk or way set aside and used  
20 exclusively by pedestrians.

21 (7) (a) "Person" means every natural person, firm, fiduciary, copart-  
22 nership, association, corporation, trustee, receiver or assignee for  
23 the benefit of creditors, political subdivision, state or federal gov-  
24 ernmental department, agency, or instrumentality and, for the purposes  
25 of chapter 22, title 49, Idaho Code, shall include a private, common or  
26 contract carrier operating a vehicle on any highway of this state.

27 (b) "Person with a disability" means:

28 (i) A person who is unable to walk two hundred (200) feet or more  
29 unassisted by another person;

30 (ii) A person who is unable to walk two hundred (200) feet or more  
31 without the aid of a walker, cane, crutches, braces, prosthetic  
32 device or a wheelchair; or

33 (iii) A person who is unable to walk two hundred (200) feet or  
34 more without great difficulty or discomfort due to the following  
35 impairments: neurological, orthopedic, respiratory, cardiac,  
36 arthritic disorder, blindness, or the loss of function or absence  
37 of a limb.

38 (iv) For the purposes of chapters 3 and 4, title 49, Idaho Code,  
39 a person with a permanent disability is one whose physician certi-  
40 fies that the person qualifies as a person with a disability pur-  
41 suant to this paragraph and further certifies that there is no ex-  
42 pectation for a fundamental or marked change in the person's con-  
43 dition at any time in the future.

44 (8) "Personal delivery device" means an electrically powered device  
45 that is operated on sidewalks, ~~and~~ crosswalks, and the sides or berms of  
46 highways and is intended primarily to transport property; weighs less than  
47 ~~two~~ five hundred fifty (~~20~~55) pounds, excluding cargo; ~~has~~ operates at a  
48 maximum speed of ten (10) miles per hour when on sidewalks; and is equipped  
49 with technology to allow for operation of the device with or without the ac-  
50 tive control or monitoring of a natural person. A personal delivery device

1 shall not be defined as a vehicle or motor vehicle in any section of the law,  
2 unless expressly so stated.

3 (9) "Personal delivery device operator" means an entity or its agent  
4 that exercises direct physical control or monitoring over the navigation  
5 system and operation of a personal delivery device. For the purposes of this  
6 subsection, the term "agent" means a person charged by the entity with the  
7 responsibility of navigating and, monitoring, or operating the personal  
8 delivery device. The term "personal delivery device operator" does not in-  
9 clude an entity or person who requests the services of a personal delivery  
10 device for the purpose of transporting property or an entity, nor does it in-  
11 clude a person who merely arranges for and dispatches the requested services  
12 of a personal delivery device.

13 (10) "Personal information" means information that identifies an indi-  
14 vidual, including an individual's photograph or computerized image, social  
15 security number, driver identification number, name, address, telephone  
16 number, and medical or disability information, but does not include infor-  
17 mation on vehicular accidents, driving or equipment-related violations,  
18 the five-digit zip code of the person's address, or status of the driver's  
19 license or motor vehicle registration.

20 (11) "Pneumatic tire." (See "Ttires," section 49-121, Idaho Code)

21 (12) "Pole trailer." (See "Ttrailer," section 49-121, Idaho Code)

22 (13) "Possessory lien" means a lien dependent upon possession for com-  
23 pensation to which a person is legally entitled for making repairs or per-  
24 forming labor upon, and furnishing supplies or materials for, and for the  
25 towing, storage, repair, or safekeeping of, any vehicle of a type subject to  
26 registration.

27 (14) "Possessory lienholder" means any person claiming a lien, which  
28 lien claimed to have accrued on a basis of services rendered to the vehicle  
29 that is the subject of the lien.

30 (15) "Preceding year" means, for the purposes of section 49-434, Idaho  
31 Code, a period of twelve (12) consecutive months fixed by the department,  
32 prior to July 1 of the year immediately preceding the commencement of the  
33 registration or license year for which proportional registration is sought.  
34 The department in fixing the period shall make it conform to the terms, con-  
35 ditions and requirements of any applicable agreement or arrangement for the  
36 proportional registration of vehicles.

37 (16) "Pressure regulator valve" means a device or system that governs  
38 the load distribution and controls the weight borne by a variable load sus-  
39 pension axle in accordance with a predetermined valve setting.

40 (17) "Principal place of business" means an enclosed commercial struc-  
41 ture located within the state, easily accessible and open to the public at  
42 all reasonable times, with an improved display area large enough to display  
43 five (5) or more vehicles of the type the dealer is licensed to sell, imme-  
44 diately adjoining the building, and at which the business of a dealership,  
45 including the display and repair of vehicles, may be lawfully carried on  
46 in accordance with the terms of all applicable building codes, zoning and  
47 other land-use regulatory ordinances, and in which building the public shall  
48 be able to contact the dealer or his salesmen in person or by telephone at  
49 all reasonable times. The books, records and files necessary to conduct  
50 the business of the dealership must be kept or reproduced electronically at

1 the dealership's licensed location(s). A dealership keeping its physical  
2 books, records and files at an off-site location must notify the department  
3 in writing of such location at least thirty (30) days in advance of moving  
4 such books, records and files off-site. Physical books, records and files  
5 must be made available to the department upon request within three (3) busi-  
6 ness days of such request. The principal place of business shall display  
7 an exterior sign permanently affixed to the land or building, with letters  
8 clearly visible to the major avenue of traffic. In no event shall a room or  
9 rooms in a hotel, rooming house, or apartment house building or a part of any  
10 single or multiple unit dwelling house be considered a "principal place of  
11 business" within the terms and provisions of this title unless the entire  
12 ground floor of that hotel, apartment house, or rooming house building or  
13 dwelling house be devoted principally to and occupied for commercial pur-  
14 poses, and the office or offices of the dealer be located on the ground floor.

15 (18) "Private property open to the public" means real property not owned  
16 by the federal government or the state of Idaho or any of its political sub-  
17 divisions, but is available for vehicular traffic or parking by the general  
18 public with the permission of the owner or agent of the real property.

19 (19) "Private road" means every way or place in private ownership and  
20 used for vehicular travel by the owner and those having express or implied  
21 permission from the owner, but not by other persons.

22 (20) "Proof of financial responsibility" means proof of ability to re-  
23 spond in damages for liability, on account of accidents occurring subsequent  
24 to the effective date of the proof, arising out of the ownership, mainte-  
25 nance or use of a motor vehicle, in the amount of twenty-five thousand dol-  
26 lars (\$25,000) because of bodily injury to or death of one (1) person in any  
27 one (1) accident and, subject to the limit for one (1) person, in the amount  
28 of fifty thousand dollars (\$50,000) because of bodily injury to or death of  
29 two (2) or more persons in any one (1) accident, and in the amount of fifteen  
30 thousand dollars (\$15,000) because of injury to or destruction of property  
31 of others in any one (1) accident.

32 (21) "Proper authority" means a public highway agency.

33 (22) "Public highway agency" means the state transportation depart-  
34 ment, any city, county, highway district or any other state agency that has  
35 jurisdiction over public highway systems and public rights-of-way.

36 (23) "Public right-of-way" means a right-of-way open to the public and  
37 under the jurisdiction of a public highway agency, where the public highway  
38 agency has no obligation to construct or maintain said right-of-way for ve-  
39 hicular traffic.

40 (24) "Public road jurisdiction" means a public highway agency.

41 (25) "Purchase." (See "Ssell," "sold," and "buy," section 49-120, Idaho  
42 Code)

43 SECTION 3. An emergency existing therefor, which emergency is hereby  
44 declared to exist, this act shall be in full force and effect on and after  
45 July 1, 2022.