January 28, 2021

HOUSE BILL No. 1072

DIGEST OF HB 1072 (Updated January 26, 2021 10:35 am - DI 139)

Citations Affected: IC 9-21.

Synopsis: Personal delivery devices. Provides that a person delivery device may operate in Indiana under certain circumstances, but may not operate on portions of any state route, U.S. route, or interstate highway comprising the state highway system located in a municipality. Requires a personal delivery device operator to maintain certain levels of insurance coverage. Provides that a personal delivery device is exempt from motor vehicle licensing and registration requirements. Provides that a political subdivision may participate in the regulation of personal delivery devices. Provides that local governments shall not be required to make or pay for infrastructure improvements for the purpose of better accommodating personal delivery devices. Provides that a political subdivision may not enact or enforce an ordinance or resolution relating to: (1) the design, manufacture, maintenance, certification, licensing, registration, taxation, assessment, or insurance of a personal delivery device; or (2) the types of property that may be transported by a personal delivery device.

Effective: July 1, 2021.

Sullivan, Pressel

January 4, 2021, read first time and referred to Committee on Roads and Transportation.
January 28, 2021, amended, reported — Do Pass.

January 28, 2021

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1072

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-21-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 11.5. Personal Delivery Devices

Sec. 0.5. This chapter does not apply to portions of state routes, U.S. routes, and interstate highways comprising the state highway system located in a municipality.

Sec. 1. As used in this chapter, "agent" refers to a person who is charged with the responsibility of navigating and operating a personal delivery device. The term does not include:

(1) A person who requests or receives the services of a personal delivery device for the purpose of transporting property.

(2) A person who only arranges for and dispatches the requested services of a personal delivery device.

Sec. 2. As used in this chapter, "personal delivery device" means a powered device that satisfies the following:

(1) The device is operated primarily on sidewalks and crosswalks.

(2) The device is intended primarily for the transport of property on public rights-of-way.

(3) The weight of the device is not greater than five hundred (500) pounds, excluding cargo.

(4) The device is capable of navigating with or without the active control or monitoring of an individual.

Sec. 3. As used in this chapter, "personal delivery device operator" means a person or the person's agent who exercises physical control or monitoring over the navigation system and operation of a personal delivery device.

Sec. 4. A personal delivery device may operate in Indiana on any sidewalk, crosswalk, road, or street of any county or municipality in Indiana.

Sec. 5. A personal delivery device must satisfy all of the following:

(1) The personal delivery device must include a unique identifying device number.

(2) The personal delivery device must include a means of identifying the personal delivery device operator.

(3) The personal delivery device must not unreasonably interfere with motor vehicles or traffic.

(4) The personal delivery device must not block public rights-of-way.

(5) The personal delivery device must obey all traffic and pedestrian control signals and devices.

(6) The personal delivery device may not operate on a sidewalk or crosswalk at a speed that is greater than ten (10) miles per hour.

(7) The personal delivery device must be equipped with a system that enables the personal delivery device to come to a controlled stop.

(8) If the personal delivery device is being operated between sunset and sunrise, it must be equipped with lighting on both its front and rear that is visible in clear weather from a distance of at least five hundred (500) feet to its front and rear.

(9) The personal delivery device shall not be used for the transportation of hazardous material regulated under the Hazardous Materials Transportation Act (49 U.S.C. 5103) and is required to be placarded under 49 CFR Part 172, Subpart

F.

Sec. 6. A personal delivery device operating on a sidewalk or crosswalk shall have all the rights and responsibilities applicable to a pedestrian under the same circumstances.

Sec. 7. A personal delivery device is exempt from motor vehicle licensing and registration requirements under Indiana law.

Sec. 8. A personal delivery device operator shall maintain an insurance policy that provides general liability coverage of at least one hundred thousand dollars ($100,000) for damages arising from the combined operations of personal delivery devices under a personal delivery device operator's control.

Sec. 9. A political subdivision may adopt by ordinance or resolution restrictions on personal delivery devices. A political subdivision shall:

(1) hold a public meeting before enacting an ordinance or resolution to restrict personal delivery devices; and

(2) notify all companies determined to be affected by the ordinance or resolution restricting personal delivery devices.

Sec. 10. A political subdivision may not be required to:

(1) install additional traffic signs or signals;

(2) make improvements or extensions to infrastructure; or

(3) pay for improvements to infrastructure;

for the purpose of accommodating or providing increased access for personal delivery devices.

Sec. 11. A political subdivision may not enact or enforce an ordinance or resolution relating to any of the following:

(1) The design, manufacture, maintenance, certification, licensing, registration, taxation, assessment, or insurance of a personal delivery device.

(2) The types of property that may be transported by a personal delivery device.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1072, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"**Sec. 0.5. This chapter does not apply to portions of state routes, U.S. routes, and interstate highways comprising the state highway system located in a municipality.**".

Page 3, between lines 15 and 16, begin a new paragraph and insert:

"**Sec. 10. A political subdivision may not be required to:**

(1) install additional traffic signs or signals;

(2) make improvements or extensions to infrastructure; or

(3) pay for improvements to infrastructure;

for the purpose of accommodating or providing increased access for personal delivery devices.".

Page 3, line 16, delete "10." and insert "**11.**".

and when so amended that said bill do pass.

(Reference is to HB 1072 as introduced.)

PRESSEL

Committee Vote: yeas 11, nays 0.