

Chapter 351

(Senate Bill 726)

AN ACT concerning

Vehicle Laws – Personal Delivery Devices – Standards and Requirements

FOR the purpose of establishing an exception to motor vehicle registration requirements for personal delivery devices; ~~authorizing the Motor Vehicle Administration to accept other forms of security in place of certain insurance requirements for personal delivery devices;~~ authorizing a personal delivery device to operate on any ~~highway~~ roadway, sidewalk, *shoulder*, *footpath*, *bicycle trail*, or crosswalk in the State; prohibiting a personal delivery device from being operated in certain manners; creating certain marking, equipment, and insurance requirements for personal delivery devices being operated on ~~highways~~ roadways, sidewalks, *shoulders*, or crosswalks; requiring an operator of a personal delivery device to file a certain emergency response plan with the Administrator of the *Motor Vehicle Administration* and to give a certain notice to certain counties and municipalities; authorizing the Administrator to adopt certain policies; requiring the Administrator to make emergency response plans available to certain first responder agencies; requiring an operator of a personal delivery device to comply with certain local laws; excluding personal delivery devices from the defined terms “motor vehicle” and “vehicle”; defining certain terms; requiring the Administrator to develop a ~~permitting~~ pilot process for *authorizing the operation of* personal delivery devices; requiring the Administrator to report the status *and findings* of the ~~permitting~~ pilot process for personal delivery devices to certain committees of the General Assembly by a certain date; providing for a delayed effective date for certain provisions of this Act; and generally relating to standards and requirements for personal delivery devices.

BY repealing and reenacting, with amendments,

Article – Transportation

Section ~~8–409(e)~~, 11–135, 11–176, ~~and~~ 13–402(c)(13) and (14), ~~17–103(a)~~, 21–501.1(a), and 21–1201(c)Annotated Code of Maryland
(2020 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 13–402(a)

Annotated Code of Maryland
(2020 Replacement Volume)

BY adding to

Article – Transportation

Section 13–402(c)(15), ~~and~~ 21–104.5, and 21–1205.1(f)

Annotated Code of Maryland
(2020 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Transportation

8–409.

(e) Unless the Administration or local government specifically approves other uses, as provided in subsection (g) of this section, footpaths and bicycle trails may be used only by *[pedestrians,]*:

(1) ~~pedestrians[.]~~ PEDESTRIANS;

(2) ~~nonmotorized~~ NONMOTORIZED vehicles[.]; [and]

(3) ~~electric~~ ELECTRIC personal assistive mobility devices, as defined in § 21–101(j) of this article; AND

(4) ~~PERSONAL~~ PERSONAL DELIVERY DEVICES, AS DEFINED IN § 21–104.5 OF THIS ARTICLE.

11–135.

(a) (1) “Motor vehicle” means, except as provided in subsection (b) of this section, a vehicle that:

(i) Is self-propelled or propelled by electric power obtained from overhead electrical wires; and

(ii) Is not operated on rails.

(2) “Motor vehicle” includes a low speed vehicle.

(b) “Motor vehicle” does not include:

(1) A moped, as defined in § 11–134.1 of this subtitle;

(2) A motor scooter, as defined in § 11–134.5 of this subtitle;

(3) An electric bicycle, as defined in § 11–117.1 of this subtitle; **[or]**

- (4) An electric low speed scooter, as defined in § 11–117.2 of this subtitle;

OR

(5) A PERSONAL DELIVERY DEVICE, AS DEFINED IN § 21–104.5 OF THIS ARTICLE.

11–176.

(a) (1) “Vehicle” means, except as provided in subsection (b) of this section, any device in, on, or by which any individual or property is or might be transported or towed on a highway.

(2) “Vehicle” includes a low speed vehicle and an off–highway recreational vehicle.

(b) “Vehicle” does not include [an]:

(1) AN electric personal assistive mobility device, as defined in § 21–101(j) of this article; OR

(2) A PERSONAL DELIVERY DEVICE, AS DEFINED IN § 21–104.5 OF THIS ARTICLE.

13–402.

(a) (1) Except as otherwise provided in this section or elsewhere in the Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered under this subtitle.

(2) If a motor vehicle required to be registered under this subtitle is not registered, a person may not park the unregistered motor vehicle on any:

(i) Public alley, street, or highway; or

(ii) Private property used by the public in general, including parking lots of shopping centers, condominiums, apartments, or town house developments.

(3) The provisions of paragraph (2) of this subsection do not apply to a motor vehicle that is exempt from registration under this section or § 13–402.1 of this subtitle.

(c) Registration under this subtitle is not required for:

(13) A golf cart that is operated on an Allegany County highway as allowed by the county under § 25–102(a)(16) of this article; [or]

(14) A vehicle owned by an accredited consular or diplomatic officer of a foreign government and operated for official or personal purposes when the vehicle displays a valid diplomatic license plate issued by the United States government; **OR**

(15) A PERSONAL DELIVERY DEVICE THAT IS OPERATED ON A HIGHWAY ROADWAY, SIDEWALK, SHOULDER, OR CROSSWALK IN ACCORDANCE WITH § 21-104.5 OF THIS ARTICLE.

~~17-103.~~

~~(a) (1) Except as provided in paragraph (2) or (3) of this subsection, the form of security required under this subtitle is a vehicle liability insurance policy written by an insurer authorized to write these policies in this State.~~

~~(2) The Administration may accept another form of security in place of a vehicle liability insurance policy if it finds that the other form of security adequately provides the benefits required by subsection (b) of this section.~~

~~(3) (i) 1. In this paragraph the following words have the meanings indicated.~~

~~2. "Affiliate" means any company that controls, is controlled by, or is under common control with another company.~~

~~3. "PERSONAL DELIVERY DEVICE" HAS THE MEANING STATED IN § 21-104.5 OF THIS ARTICLE.~~

~~3.4. "Provide taxicab services", "transportation network company", and "transportation network operator" have the meanings stated in § 10-101 of the Public Utilities Article.~~

~~(ii) The Administration may accept another form of security from a transportation network company **OR THE OPERATOR OF A PERSONAL DELIVERY DEVICE** in place of an insurance policy required by § 10-405 of the Public Utilities Article ~~if:~~~~

~~1. The other form of security adequately provides the benefits required by § 10-405 of the Public Utilities Article; and~~

~~2. The transportation network company is an affiliate of a company that provides taxicab services and has no fewer than 26 nor more than 300 transportation network operators.~~

~~(4) The Administration shall, by regulation, assess each self-insurer an annual sum which may not exceed \$750, and which shall be used for actuarial studies and audits to determine financial solvency.~~

21-104.5.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "PERSONAL DELIVERY DEVICE" MEANS A POWERED DEVICE THAT:

(I) IS OPERATED PRIMARILY ON SHOULDERS, SIDEWALKS, AND CROSSWALKS;

(II) IS INTENDED ~~PRIMARILY~~ FOR THE TRANSPORT OF PROPERTY ON PUBLIC RIGHTS-OF-WAY;

(III) WEIGHS NOT MORE THAN ~~200~~ 550 POUNDS, EXCLUDING CARGO; AND

(IV) IS CAPABLE OF NAVIGATING WITH OR WITHOUT THE ACTIVE CONTROL OR MONITORING OF AN INDIVIDUAL.

(3) (I) "PERSONAL DELIVERY DEVICE OPERATOR" MEANS AN ENTITY OR ITS AGENT THAT EXERCISES ACTIVE OR PASSIVE PHYSICAL CONTROL OR MONITORING OVER THE NAVIGATION SYSTEM AND OPERATION OF A PERSONAL DELIVERY DEVICE.

(II) "PERSONAL DELIVERY DEVICE OPERATOR" DOES NOT INCLUDE A PERSON THAT:

1. REQUESTS OR RECEIVES THE SERVICES OF A PERSONAL DELIVERY DEVICE TO TRANSPORT PROPERTY; OR

2. ARRANGES FOR AND DISPATCHES A PERSONAL DELIVERY DEVICE TO PROVIDE SERVICE TO ANOTHER PERSON.

(B) ~~A~~ SUBJECT TO § 21-1205.1(F) OF THIS TITLE, A PERSONAL DELIVERY DEVICE MAY OPERATE WITHOUT REGISTRATION ON ANY ~~HIGHWAY~~ ROADWAY, SIDEWALK, SHOULDER, OR CROSSWALK IN THE STATE.

(C) A PERSONAL DELIVERY DEVICE MAY NOT:

(1) UNREASONABLY INTERFERE WITH TRAFFIC;

(2) BLOCK PUBLIC RIGHTS-OF-WAY;

(3) ~~TRANSPORT HAZARDOUS MATERIALS IN A QUANTITY THAT MAY POSE AN UNREASONABLE RISK TO HEALTH, SAFETY, OR PROPERTY~~ REGULATED UNDER THE HAZARDOUS MATERIALS TRANSPORT ACT AND REQUIRED TO BE PLACARDED UNDER 49 C.F.R. PART 172, SUBPART F; OR

(4) OPERATE ON A SIDEWALK OR CROSSWALK AT A SPEED EXCEEDING ~~3.5~~ 7 MILES PER HOUR.

(D) A PERSONAL DELIVERY DEVICE OPERATED ON ANY ~~HIGHWAY~~ ROADWAY, SIDEWALK, SHOULDER, OR CROSSWALK IN THE STATE SHALL:

(1) BE VISIBLY MARKED WITH A UNIQUE IDENTIFYING NUMBER;

(2) BE VISIBLY MARKED WITH A MEANS OF IDENTIFYING THE PERSONAL DELIVERY DEVICE OPERATOR;

(3) IF THE PERSONAL DELIVERY DEVICE OPERATOR IS ACTING ON BEHALF OF A CORPORATE ENTITY, BE VISIBLY MARKED WITH CONTACT INFORMATION FOR THAT ENTITY;

(4) BE EQUIPPED WITH A SYSTEM THAT ENABLES THE PERSONAL DELIVERY DEVICE TO COME TO A CONTROLLED STOP;

(5) BE COVERED ~~BY AN~~ BY:

(I) AN INSURANCE POLICY THAT PROVIDES GENERAL LIABILITY COVERAGE OF AT LEAST \$100,000 FOR DAMAGES ~~OR MEETS THE REQUIREMENTS OF § 17-103 OF THIS ARTICLE; OR~~

(II) ANOTHER FORM OF SECURITY ACCEPTABLE TO THE ADMINISTRATION THAT ADEQUATELY PROVIDES THE BENEFITS REQUIRED BY ITEM (I) OF THIS ITEM; ~~AND~~

(6) BE EQUIPPED WITH LIGHTING DEVICES AS REQUIRED BY THE ADMINISTRATION AFTER CONSULTATION WITH INDUSTRY STAKEHOLDERS; ~~AND~~

(7) OBEY ALL TRAFFIC AND PEDESTRIAN CONTROL DEVICES; AND

(8) BE SUBJECT TO MUNICIPAL OR COUNTY PERMITTING REQUIREMENTS, WHERE APPLICABLE.

(E) ANY INFORMATION REQUIRED BY THIS SECTION TO BE VISIBLY MARKED ON A PERSONAL DELIVERY DEVICE SHALL ALSO BE MARKED IN BRAILLE LETTERING.

(F) (1) PRIOR TO BEGINNING OPERATIONS IN THE STATE, EACH OPERATOR OF A PERSONAL DELIVERY DEVICE SHALL FILE WITH THE ADMINISTRATOR AN EMERGENCY RESPONSE PLAN DESIGNED TO INFORM FIRST RESPONDERS ABOUT THE PERSONAL DELIVERY DEVICE, INCLUDING INFORMATION ON ITS EQUIPMENT AND ATTRIBUTES AND ON HOW TO DEAL WITH THE DEVICE WHEN IT IS ENCOUNTERED ON PUBLIC RIGHTS-OF-WAY.

(2) THE ADMINISTRATOR, AFTER CONSULTATION WITH INDUSTRY STAKEHOLDERS, MAY ADOPT POLICES OUTLINING WHAT MUST BE INCLUDED IN AN EMERGENCY RESPONSE PLAN.

(3) THE ADMINISTRATOR SHALL BE RESPONSIBLE FOR MAKING EACH EMERGENCY RESPONSE PLAN FILED WITH THE ADMINISTRATOR AVAILABLE TO THE APPROPRIATE FIRST RESPONDER AGENCIES OF THE STATE.

(G) AN OPERATOR OF A PERSONAL DELIVERY DEVICE SHALL ~~NOTIFY~~:

(1) NOTIFY THE GOVERNING BODY OF EACH COUNTY AND MUNICIPALITY WITHIN WHICH THE OPERATOR INTENDS TO OPERATE THE PERSONAL DELIVERY DEVICE AT LEAST 30 DAYS BEFORE THE OPERATOR BEGINS OPERATING THE PERSONAL DELIVERY DEVICE IN THE COUNTY OR MUNICIPALITY; AND

(2) COMPLY WITH ALL LOCAL ORDINANCES, REGULATIONS, AND RULES OF EACH COUNTY AND MUNICIPALITY FOR WHICH THE OPERATOR IS REQUIRED TO PROVIDE NOTICE UNDER ITEM (1) OF THIS SUBSECTION.

21-501.1.

(a) At an intersection, a person using an EPAMD OR A PERSONAL DELIVERY DEVICE, AS DEFINED IN § 21-104.5 OF THIS TITLE, is subject to all traffic control signals, as provided in §§ 21-202 and 21-203 of this title. However, at any other place, a person using an EPAMD OR A PERSONAL DELIVERY DEVICE has the rights and is subject to the restrictions applicable to pedestrians under this title.

21-1201.

(c) With the exceptions stated in this subtitle, the provisions of this subtitle that are applicable to bicycles apply whenever a bicycle, an EPAMD, [or] a motor scooter, OR A PERSONAL DELIVERY DEVICE, AS DEFINED IN § 21-104.5 OF THIS TITLE, is operated

on any highway or whenever a bicycle or an EPAMD is operated on any path set aside for the exclusive use of bicycles.

21-1205.1.

(F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A PERSONAL DELIVERY DEVICE, AS DEFINED IN § 21-104.5 OF THIS TITLE, MAY NOT TRAVEL ON ANY ROADWAY WHERE THERE ARE SIDEWALKS OR A SHOULDER ADJACENT TO THE ROADWAY OR THE POSTED MAXIMUM SPEED LIMIT IS MORE THAN 35 MILES PER HOUR.

SECTION 2. AND BE IT FURTHER ENACTED, That the Administrator of the Motor Vehicle Administration shall:

(1) develop a *pilot* process for ~~permitting the use~~ *authorizing the operation* of personal delivery devices that conform to the provisions of § 21-104.5 of the Transportation ~~Article Article~~, as enacted by Section 1 of this ~~Act to operate within~~ *Act*, in the State by October 1, 2021;

(2) actively engage stakeholders and consider their input in the development and ~~operation~~ *implementation* of the *pilot* process for ~~permitting~~ *authorizing the operation of personal delivery devices* under this section; and

(3) in accordance with § 2-1257 of the State Government Article, report to the House Environment and Transportation Committee and the Senate Judicial Proceedings Committee by December 31, 2021, on the status *and findings* of the ~~permit~~ *pilot* process required under this section.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2022.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect ~~October~~ *July* 1, 2021.

Approved by the Governor, May 18, 2021.