

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1199 Session of 2020

INTRODUCED BY AUMENT, PHILLIPS-HILL, MENSCH, SCAVELLO, STEFANO AND PITTMAN, JUNE 15, 2020

AS AMENDED ON THIRD CONSIDERATION, JUNE 29, 2020

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in general provisions, further providing for
3 definitions; and, in highly automated vehicles, further
4 providing for Highly Automated Vehicle Advisory Committee and
5 providing for personal delivery devices.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The definition of "pedestrian" in section 102 of
9 Title 75 of the Pennsylvania Consolidated Statutes is amended to
10 read:

11 § 102. Definitions.

12 Subject to additional definitions contained in subsequent
13 provisions of this title which are applicable to specific
14 provisions of this title, the following words and phrases when
15 used in this title shall have, unless the context clearly
16 indicates otherwise, the meanings given to them in this section:

17 * * *

18 "Pedestrian." [A natural person afoot.] Any of the
19 following:

1 (1) An individual afoot.

2 (2) An individual with a mobility-related disability on
3 a self-propelled wheelchair or an electrical mobility device
4 operated by and designated for the exclusive use of an
5 individual with a mobility-related disability.

6 * * *

7 Section 2. Section 8503(h) of Title 75 is amended and
8 subsection (b) (9) is amended by adding a subparagraph to read:
9 § 8503. Highly Automated Vehicle Advisory Committee.

10 * * *

11 (b) Composition.--The advisory committee shall consist of
12 the following members:

13 * * *

14 (9) The following members to be appointed by the
15 Governor:

16 * * *

17 (xi) One member representing a business entity that
18 operates personal delivery devices.

19 * * *

20 (h) Powers.--The advisory committee shall have the power to
21 advise and consult the secretary on each aspect of highly
22 automated vehicles [and], platooning and personal delivery
23 devices in this Commonwealth and may undertake any of the
24 following:

25 (1) Developing technical guidance.

26 (2) Evaluating best practices.

27 (3) Reviewing existing laws, regulations and policies.

28 (4) Engaging in continued research and evaluation of
29 connected and automated systems technology necessary to
30 ensure safe testing, deployment and continued innovation in

1 this Commonwealth.

2 * * *

3 Section 3. Title 75 is amended by adding a section to read:

4 § 8504. Personal delivery devices.

5 (a) Authorized operators.--The following persons may operate
6 a personal delivery device:

7 (1) a business entity or an agent of a business entity
8 that exercises physical control over the navigation and
9 operation of the personal delivery device and is within 30
10 feet of the personal delivery device; or

11 (2) beginning January 1, 2022, a business entity or an
12 agent of a business entity that enables the operation of the
13 personal delivery device with remote support if the agent
14 possesses a valid driver's license from a licensing authority
15 in the United States.

16 (b) Operator designation.--The following shall apply:

17 (1) When a personal delivery device operated by a
18 business entity is engaged, the business entity is the
19 operator of the device solely for the purpose of assessing
20 compliance with applicable traffic laws.

21 (2) When a personal delivery device operated by a
22 business entity is in operation and an agent of the entity
23 controls the personal delivery device in a manner that is
24 outside the scope of the agent's office or employment, the
25 agent shall be considered the operator of the personal
26 delivery device for the purpose of assessing compliance with
27 applicable traffic laws.

28 (3) An individual is not considered to be an agent of a
29 personal delivery device solely on the basis that the
30 individual:

1 (i) requests a delivery or service provided by the
2 personal delivery device; or

3 (ii) dispatches the personal delivery device.

4 (c) Operation requirements.--A personal delivery device
5 operated under this section shall:

6 (1) operate in a manner that complies with the
7 provisions of Chapter 35 (relating to special vehicles and
8 pedestrians), as applicable;

9 (2) yield or clear the right-of-way to all other
10 traffic, including pedestrians;

11 (3) refrain from unreasonably interfering with traffic,
12 including pedestrians;

13 (4) comply with all municipal codes and ordinances
14 consistent with this act;

15 (5) refrain from transporting hazardous materials
16 regulated under section 5103 of the Hazardous Materials
17 Transportation Act (Public Law 93-633 § 112(a), 88 Stat.
18 2161) and required to be placarded under 49 CFR Pt. 172
19 Subpt. F (relating to placarding); and

20 (6) remain monitored or controlled as provided under
21 subsection (a).

22 (d) Areas of operation.--A personal delivery device may be
23 operated:

24 (1) In a pedestrian area.

25 (2) On the berm or shoulder of a highway or roadway
26 under the jurisdiction of the department with a posted speed
27 limit not in excess of 25 miles per hour. The following shall
28 apply:

29 (i) The secretary may, by order, permit the use of a
30 personal delivery device upon a highway under the

1 jurisdiction of the department where the posted speed
2 limit is greater than 25 miles per hour but not greater
3 than 35 miles per hour.

4 (ii) The secretary may, by order, prohibit the use
5 of a personal delivery device on any highway under the
6 jurisdiction of the department where the secretary
7 determines that the operation of the personal delivery
8 device would constitute a hazard.

9 (iii) Any order issued by the secretary under
10 subparagraph (i) or (ii) shall be transmitted to the
11 Legislative Reference Bureau for publication in the
12 Pennsylvania Bulletin.

13 (3) On local roadways under the jurisdiction of local
14 authorities with a posted speed limit not greater than 25
15 miles per hour. The following shall apply:

16 (i) Local authorities may, by ordinance or
17 resolution, as appropriate, in the case of any roadway
18 under its jurisdiction, permit the use of a personal
19 delivery device where the posted speed limit is greater
20 than 25 miles per hour but not greater than 35 miles per
21 hour.

22 (ii) Local authorities may, by ordinance or
23 resolution, as appropriate, prohibit the use of a
24 personal delivery device on any roadway OR PEDESTRIAN <--
25 AREA under their jurisdiction where the local
26 authorities, AFTER CONSULTATION WITH A BUSINESS ENTITY <--
27 OPERATING A PERSONAL DELIVERY DEVICE, determine that the
28 operation of a personal delivery device would constitute
29 a hazard.

30 (4) A personal delivery device is not permitted to

1 operate on an interstate highway or freeway.

2 (e) Personal delivery device equipment.--A personal delivery
3 device operated under this act must be equipped with:

4 (1) clearly identifiable markers approved by the
5 department that state the name, contact information and
6 unique identification number of the owner of the personal
7 delivery device;

8 (2) braking systems certified by a third party that
9 enable the personal delivery device to come to a controlled
10 stop from an initial speed of 25 miles per hour or less on a
11 dry, level and clean thoroughfare; and

12 (3) a lamp that emits a beam of white light intended to
13 illuminate the personal delivery device's path and is visible
14 from a distance of at least 500 feet to the front and a red
15 reflector facing to the rear that is visible at least 500
16 feet to the rear. A personal delivery device operator may
17 supplement the required front lamp with a white flashing
18 lamp, light-emitting diode or similar device to enhance its
19 visibility to other traffic and with a lamp emitting a red
20 flashing light, light-emitting diode or device visible from a
21 distance of 500 feet to the rear.

22 (f) Local regulation.--The following shall apply:

23 (1) ~~Local~~ NOTWITHSTANDING SUBSECTION (D) (3) (II), LOCAL <--
24 authorities may not regulate the operation of a personal
25 delivery device operated in a pedestrian area, highway or
26 local roadway in a manner that is inconsistent with this act,
27 including, but not limited to, limiting the hours of
28 operation or restricting areas of operation.

29 (2) Nothing in this act may be construed to affect the
30 ability of local authorities to enforce any law, rule or

1 regulation as it relates to the operation of a personal
2 delivery device in this Commonwealth.

3 (g) Insurance.--A business entity and an agent of a business
4 entity shall maintain an insurance policy that includes general
5 liability coverage of not less than \$100,000 for damages arising
6 from the ~~lawful~~ operation of the personal delivery device. <--

7 (h) Applicability.--The operation of a personal delivery
8 device shall be governed exclusively by:

9 (1) this act; and

10 (2) municipal codes and ordinances consistent with the
11 provisions of this act.

12 (i) Violations.--Any person operating a personal delivery
13 device upon a highway or roadway or crossing a highway or
14 roadway in violation of this act shall be subject to the
15 penalties under section 6502 (relating to summary offenses).

16 (j) Plan for general operations for personal delivery
17 devices.--The following apply:

18 (1) The department shall be the lead Commonwealth agency
19 on personal delivery devices.

20 (2) A business entity may operate a personal delivery
21 device if the business entity files an annual plan for
22 general operation with the department. The department shall
23 review the plan in consultation with local authorities, as
24 applicable. If the plan is not rejected by the department
25 within 30 days after receipt of the plan, the business entity
26 may operate the personal delivery device.

27 (k) Exemption.--A personal delivery device shall be
28 regulated as a pedestrian and shall not be deemed a vehicle
29 under section 102 (relating to definitions).

30 (l) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Agent." A director, officer, employee or other person
4 authorized to act on behalf of a business entity.

5 "Business entity." A legal entity, including a for-profit
6 corporation, nonprofit corporation, partnership or sole
7 proprietorship, registered with the Department of State or an
8 educational institution.

9 "Department." The Department of Transportation of the
10 Commonwealth.

11 "Pedestrian area." A sidewalk, crosswalk, safety zone or
12 similar area for pedestrians.

13 "Personal delivery device." A device that:

14 (1) is manufactured for transporting cargo and goods in
15 a pedestrian area, trafficway or on the berm or shoulder of a
16 highway or roadway;

17 (2) is equipped with an automated driving system,
18 including software and hardware;

19 (3) is not capable of exceeding a speed of 12 miles per
20 hour in a pedestrian area or trafficway;

21 (4) is not capable of exceeding a speed of 25 miles per
22 hour on the berm or shoulder of a highway or roadway; and

23 (5) weighs less than 550 pounds without cargo and goods.

24 "Secretary." The Secretary of Transportation of the
25 Commonwealth.

26 Section 4. This act shall take effect in 60 days.