

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SENATE BILL 739
RATIFIED BILL**

AN ACT TO DEFINE AND REGULATE PERSONAL DELIVERY DEVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01 reads as rewritten:

"§ 20-4.01. Definitions.

Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:

...
(28a) Personal delivery device. – An electrically powered device intended for transporting cargo that is equipped with automated driving technology that enables device operation with or without the remote support and supervision of a human and that does not exceed (i) a weight of 500 pounds, excluding cargo, (ii) a length of 40 inches, and (iii) a width of 30 inches.

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

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

...."

SECTION 2. Article 3 of Chapter 20 of the General Statutes is amended by adding a new Part to read:

"Part 11D. Personal Delivery Devices.

"§ 20-175.7. Definitions.

The following definitions apply to this Part:



- (1) Agent. – A director, officer, employee, or other person authorized to act on behalf of a business entity.
- (2) Business entity. – A corporation, limited liability company, partnership, sole proprietorship, or other legal entity authorized to conduct business under the laws of this State.
- (3) Operator. – An agent who is 16 years of age or older and is charged with the responsibility of monitoring and operating a personal delivery device.
- (4) Pedestrian area. – A sidewalk, crosswalk, school crosswalk, school crossing zone, or safety zone.
- (5) Personal delivery device. – As defined in G.S. 20-4.01.

"§ 20-175.8. Personal delivery devices authorized; operation; equipment.

(a) A business entity may operate a personal delivery device in a pedestrian area or on a highway, with the rights and duties applicable to a pedestrian under this Chapter, subject to the requirements and restrictions of this Part. Except as authorized in this Part, no person may operate a personal delivery device in a pedestrian area or on a highway in this State.

(b) Operation of a personal delivery device shall comply with all of the following:

- (1) The personal delivery device shall be monitored by an operator who is able to exercise remote control over the navigation and operation of the personal delivery device.
- (2) The personal delivery device may not be operated in a pedestrian area at a speed greater than 10 miles per hour.
- (3) The personal delivery device may not be operated on a highway except as necessary to cross a highway or along a highway if a sidewalk is not provided or accessible. When operating along a highway under this subdivision, the following additional restrictions apply:
 - a. The personal delivery device shall be operated on the shoulder or as close as practicable to the extreme right of the highway in the direction of authorized traffic movement and shall yield the right-of-way to all vehicles.
 - b. The personal delivery device may not be operated on a highway at a speed greater than 20 miles per hour.
 - c. The personal delivery device may not be operated on a highway with a speed limit greater than 35 miles per hour.
- (4) The personal delivery device shall obey all traffic and pedestrian control devices and signs.
- (5) The personal delivery device shall yield the right-of-way to all human pedestrians.
- (6) The personal delivery device shall not unreasonably interfere with any vehicle or pedestrian.
- (7) 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).

(c) A personal delivery device shall be equipped with all of the 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.
- (3) When operated at night, lights on the front and rear of the personal delivery device that are visible and recognizable under normal atmospheric conditions from at least 500 feet on all sides of the personal delivery device.

(d) A violation of this section is an infraction.

"§ 20-175.9. Local regulation.

For the purpose of assuring the safety of persons using highways and sidewalks, a local government having jurisdiction over public streets, sidewalks, alleys, bridges, and other ways of public passage may by ordinance regulate time and place of the operation of personal delivery devices, but shall not prohibit their use.

"§ 20-175.10. Insurance.

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

SECTION 3.(a) G.S. 20-175.9, as enacted by Section 2 of this act, reads as rewritten:

"§ 20-175.9. Local regulation.

For the purpose of assuring the safety of persons using highways and sidewalks, a local government having jurisdiction over public streets, sidewalks, alleys, bridges, and other ways of public passage may by ordinance regulate the time and place of the operation of personal delivery devices, but shall not prohibit their use. prohibit operation of personal delivery devices within its jurisdiction if the local government determines that the prohibition is necessary."

SECTION 3.(b) This section becomes effective December 1, 2022. Any ordinance regulating time and place of operation of personal delivery devices adopted by a local government in accordance with G.S. 20-175.9 before the effective date of this section shall remain in effect until repealed by that local government.

SECTION 4. G.S. 20-146.2(a)(4) reads as rewritten:

"(4) Plug-in electric vehicles as defined in ~~G.S. 20-4.01(28a)~~, G.S. 20-4.01(28b), regardless of the number of passengers in the vehicle. These vehicles must be able to travel at the posted speed limit while operating in the HOV lane."

SECTION 5. G.S. 20-183.2(b)(9) reads as rewritten:

"(9) It is not a plug-in electric vehicle as defined in ~~G.S. 20-4.01(28a)~~, G.S. 20-4.01(28b)."

SECTION 6. G.S. 20-286(10) is amended by adding a new sub-subdivision to read:

"c. The term "motor vehicle" does not include an electrically powered device that is equipped with automated driving technology that enables device operation with or without remote support and supervision of a human, and to which all of the following apply: (i) the device does not exceed a weight of 750 pounds, excluding cargo, (ii) the device does not exceed a length of 40 inches when not linked with other devices, and (iii) the device does not exceed a width of 36 inches. An electrically powered device that is equipped with automated driving technology that enables device operation with or without remote support and supervision of a human and that exceeds any of the dimensions set out in this sub-subdivision is included in the term "motor vehicle" under this Article, and the device is subject to the provisions of Article 18 of this Chapter if it falls within the definition of "fully autonomous vehicle" under G.S. 20-400(3)."

SECTION 7. Except as otherwise provided, this act becomes effective December 1, 2020, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 25th day of June, 2020.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ David R. Lewis
Presiding Officer of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2020