

SENATE BILL 726

R4, R5
SB 874/20 – JPR

11r2494
CF HB 595

By: **Senators Feldman, Smith, and Hough**

Introduced and read first time: February 5, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 27, 2021

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Personal Delivery Devices – Standards and Requirements**

3 FOR the purpose of establishing an exception to motor vehicle registration requirements
4 for personal delivery devices; authorizing the Motor Vehicle Administration to accept
5 other forms of security in place of certain insurance requirements for personal
6 delivery devices; authorizing a personal delivery device to operate on any ~~highway~~
7 roadway, sidewalk, footpath, bicycle trail, or crosswalk in the State; prohibiting a
8 personal delivery device from being operated in certain manners; creating certain
9 marking, equipment, and insurance requirements for personal delivery devices being
10 operated on ~~highways~~ roadways, sidewalks, or crosswalks; requiring an operator of
11 a personal delivery device to file a certain emergency response plan with the
12 Administrator of the Administration and to give a certain notice to certain counties
13 and municipalities; authorizing the Administrator to adopt certain policies;
14 requiring the Administrator to make emergency response plans available to certain
15 first responder agencies; excluding personal delivery devices from the defined terms
16 “motor vehicle” and “vehicle”; defining certain terms; requiring the Administrator to
17 develop a permitting process for personal delivery devices; requiring the
18 Administrator to report the status of the permitting process for personal delivery
19 devices to certain committees of the General Assembly by a certain date; providing
20 for a delayed effective date for certain provisions of this Act; and generally relating
21 to standards and requirements for personal delivery devices.

22 BY repealing and reenacting, with amendments,
23 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section ~~8-409(e)~~, 11-135, 11-176, ~~and~~ 13-402(c)(13) and (14), 17-103(a),
 2 21-501.1(a), and 21-1201(c)
 3 Annotated Code of Maryland
 4 (2020 Replacement Volume)

5 BY repealing and reenacting, without amendments,
 6 Article – Transportation
 7 Section 13-402(a)
 8 Annotated Code of Maryland
 9 (2020 Replacement Volume)

10 BY adding to
 11 Article – Transportation
 12 Section 13-402(c)(15), ~~and~~ 21-104.5, and 21-1205.1(f)
 13 Annotated Code of Maryland
 14 (2020 Replacement Volume)

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

17 **Article – Transportation**

18 8-409.

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

22 (1) pedestrians[.];

23 (2) nonmotorized vehicles[.]; [and]

24 (3) electric personal assistive mobility devices, as defined in § 21-101(j) of
 25 this article; AND

26 (4) PERSONAL DELIVERY DEVICES, AS DEFINED IN § 21-104.5 OF THIS
 27 ARTICLE.

28 11-135.

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

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

1 (ii) Is not operated on rails.

2 (2) "Motor vehicle" includes a low speed vehicle.

3 (b) "Motor vehicle" does not include:

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

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

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

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

8 **OR**

9 **(5) A PERSONAL DELIVERY DEVICE, AS DEFINED IN § 21-104.5 OF**
10 **THIS ARTICLE.**

11 11-176.

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

15 (2) "Vehicle" includes a low speed vehicle and an off-highway recreational
16 vehicle.

17 (b) "Vehicle" does not include [an]:

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

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

22 13-402.

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

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

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

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

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

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

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

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

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

15 17-103.

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

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

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

24 2. “Affiliate” means any company that controls, is controlled
25 by, or is under common control with another company.

26 3. **“PERSONAL DELIVERY DEVICE” HAS THE MEANING**
27 **STATED IN § 21-104.5 OF THIS ARTICLE.**

28 [3.] 4. “Provide taxicab services”, “transportation network
29 company”, and “transportation network operator” have the meanings stated in § 10-101 of
30 the Public Utilities Article.

31 (ii) The Administration may accept another form of security from a
32 transportation network company **OR THE OPERATOR OF A PERSONAL DELIVERY**

1 DEVICE in place of an insurance policy required by § 10–405 of the Public Utilities Article
 2 if:

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

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

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

11 **21–104.5.**

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

14 **(2) “PERSONAL DELIVERY DEVICE” MEANS A POWERED DEVICE**
 15 **THAT:**

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

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

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

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

24 **(3) (I) “PERSONAL DELIVERY DEVICE OPERATOR” MEANS AN**
 25 **ENTITY OR ITS AGENT THAT EXERCISES ACTIVE OR PASSIVE PHYSICAL CONTROL OR**
 26 **MONITORING OVER THE NAVIGATION SYSTEM AND OPERATION OF A PERSONAL**
 27 **DELIVERY DEVICE.**

28 **(II) “PERSONAL DELIVERY DEVICE OPERATOR” DOES NOT**
 29 **INCLUDE A PERSON THAT:**

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

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

3 (B) A PERSONAL DELIVERY DEVICE MAY OPERATE WITHOUT REGISTRATION
4 ON ANY ~~HIGHWAY~~ ROADWAY, SIDEWALK, OR CROSSWALK IN THE STATE.

5 (C) A PERSONAL DELIVERY DEVICE MAY NOT:

6 (1) UNREASONABLY INTERFERE WITH TRAFFIC;

7 (2) BLOCK PUBLIC RIGHTS-OF-WAY;

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

12 (4) OPERATE ON A SIDEWALK OR CROSSWALK AT A SPEED EXCEEDING
13 ~~3.5~~ 7 MILES PER HOUR.

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

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

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

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

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

24 (5) BE COVERED BY AN INSURANCE POLICY THAT PROVIDES
25 GENERAL LIABILITY COVERAGE OF AT LEAST \$100,000 FOR DAMAGES OR MEETS
26 THE REQUIREMENTS OF § 17-103 OF THIS ARTICLE; AND

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

29 (7) OBEY ALL TRAFFIC AND PEDESTRIAN CONTROL DEVICES.

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

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

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

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

15 (G) AN OPERATOR OF A PERSONAL DELIVERY DEVICE SHALL NOTIFY THE
16 GOVERNING BODY OF EACH COUNTY AND MUNICIPALITY WITHIN WHICH THE
17 OPERATOR INTENDS TO OPERATE THE PERSONAL DELIVERY DEVICE AT LEAST 30
18 DAYS BEFORE THE OPERATOR BEGINS OPERATING THE PERSONAL DELIVERY
19 DEVICE IN THE COUNTY OR MUNICIPALITY.

20 21-501.1.

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

26 21-1201.

27 (c) With the exceptions stated in this subtitle, the provisions of this subtitle that
28 are applicable to bicycles apply whenever a bicycle, an EPAMD, [or] a motor scooter, OR A
29 PERSONAL DELIVERY DEVICE, AS DEFINED IN § 21-104.5 OF THIS TITLE, is operated
30 on any highway or whenever a bicycle or an EPAMD is operated on any path set aside for
31 the exclusive use of bicycles.

32 21-1205.1.

33 (F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A
34 PERSONAL DELIVERY DEVICE, AS DEFINED IN § 21-104.5 OF THIS TITLE, MAY NOT
35 TRAVEL ON ANY ROADWAY WHERE THERE ARE SIDEWALKS OR A SHOULDER

1 ADJACENT TO THE ROADWAY OR THE POSTED MAXIMUM SPEED LIMIT IS MORE THAN
 2 35 MILES PER HOUR.

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

5 (1) develop a process for permitting the use of personal delivery devices
 6 that conform to the provisions § 21–104.5 of the Transportation Article as enacted by
 7 Section 1 of this Act to operate within the State by October 1, 2021;

8 (2) actively engage stakeholders and consider their input in the
 9 development and operation of the process for permitting under this section; and

10 (3) in accordance with § 2–1257 of the State Government Article, report to
 11 the House Environment and Transportation Committee and the Senate Judicial
 12 Proceedings Committee by December 31, 2021, on the status of the permit process required
 13 under this section.

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.