

# SENATE BILL 726

R4, R5

(11r2494)

## ENROLLED BILL

— *Judicial Proceedings/Environment and Transportation* —

Introduced by **Senators Feldman, Smith, and Hough**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### 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, *shoulder*, *footpath*, *bicycle trail*, or crosswalk in the State;  
8 prohibiting a personal delivery device from being operated in certain manners;  
9 creating certain marking, equipment, and insurance requirements for personal  
10 delivery devices being operated on ~~highways~~ roadways, sidewalks, *shoulders*, or  
11 crosswalks; requiring an operator of a personal delivery device to file a certain  
12 emergency response plan with the Administrator of the *Motor Vehicle*  
13 Administration and to give a certain notice to certain counties and municipalities;  
14 authorizing the Administrator to adopt certain policies; requiring the Administrator  
15 to make emergency response plans available to certain first responder agencies;

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#### 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.

*Italics* indicate opposite chamber/conference committee amendments.



1 *requiring an operator of a personal delivery device to comply with certain local laws;*  
 2 *excluding personal delivery devices from the defined terms “motor vehicle” and*  
 3 *“vehicle”; defining certain terms; requiring the Administrator to develop a*  
 4 ~~*permitting pilot process for authorizing the operation of personal delivery devices;*~~  
 5 ~~*requiring the Administrator to report the status and findings of the permitting pilot*~~  
 6 ~~*process for personal delivery devices to certain committees of the General Assembly*~~  
 7 ~~*by a certain date; providing for a delayed effective date for certain provisions of this*~~  
 8 ~~*Act; and generally relating to standards and requirements for personal delivery*~~  
 9 ~~*devices.*~~

10 BY repealing and reenacting, with amendments,

11 Article – Transportation

12 Section ~~8–409(e), 11–135, 11–176, and 13–402(c)(13) and (14), ~~17–103(a),~~~~  
 13 ~~21–501.1(a), and 21–1201(c)~~

14 Annotated Code of Maryland  
 15 (2020 Replacement Volume)

16 BY repealing and reenacting, without amendments,

17 Article – Transportation

18 Section 13–402(a)

19 Annotated Code of Maryland  
 20 (2020 Replacement Volume)

21 BY adding to

22 Article – Transportation

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

24 Annotated Code of Maryland  
 25 (2020 Replacement Volume)

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

### 28 Article – Transportation

29 8–409.

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

33 (1) ~~pedestrians,]~~ ***PEDESTRIANS;***

34 (2) ~~nonmotorized~~ ***NONMOTORIZED*** vehicles~~]; [and]~~

35 (3) ~~electric~~ ***ELECTRIC*** personal assistive mobility devices, as defined in §  
 36 21–101(j) of this article; AND

1                   **(4) ~~PERSONAL~~ PERSONAL DELIVERY DEVICES, AS DEFINED IN §**  
2 **21-104.5 OF THIS ARTICLE.**

3 11-135.

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

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

8                   (ii)   Is not operated on rails.

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

10          (b)   “Motor vehicle” does not include:

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

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

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

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

15 **OR**

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

18 11-176.

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

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

24          (b)   “Vehicle” does not include [an]:

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

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

1 13-402.

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

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

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

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

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

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

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

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

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

22 ~~17-103.~~

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

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

29 ~~(3) (i) 1. In this paragraph the following words have the meanings~~  
30 ~~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.~~

~~3.14. "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.

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

5           (II) “PERSONAL DELIVERY DEVICE OPERATOR” DOES NOT  
6 INCLUDE A PERSON THAT:

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

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

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

14           (C) A PERSONAL DELIVERY DEVICE MAY NOT:

15                   (1) UNREASONABLY INTERFERE WITH TRAFFIC;

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

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

21                   (4) OPERATE ON A SIDEWALK OR CROSSWALK AT A SPEED EXCEEDING  
22 ~~3.5~~ 7 MILES PER HOUR.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (1) NOTIFY THE GOVERNING BODY OF EACH COUNTY AND  
31 MUNICIPALITY WITHIN WHICH THE OPERATOR INTENDS TO OPERATE THE

1 PERSONAL DELIVERY DEVICE AT LEAST 30 DAYS BEFORE THE OPERATOR BEGINS  
 2 OPERATING THE PERSONAL DELIVERY DEVICE IN THE COUNTY OR MUNICIPALITY;  
 3 AND

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

7 21-501.1.

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

13 21-1201.

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

19 21-1205.1.

20 (F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A  
 21 PERSONAL DELIVERY DEVICE, AS DEFINED IN § 21-104.5 OF THIS TITLE, MAY NOT  
 22 TRAVEL ON ANY ROADWAY WHERE THERE ARE SIDEWALKS OR A SHOULDER  
 23 ADJACENT TO THE ROADWAY OR THE POSTED MAXIMUM SPEED LIMIT IS MORE THAN  
 24 35 MILES PER HOUR.

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

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

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



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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.