

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
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As Engrossed: H4/7/21
A Bill

HOUSE BILL 1767

By: Representative L. Johnson

For An Act To Be Entitled

AN ACT TO ALLOW THE OPERATION OF A PERSONAL DELIVERY
DEVICE IN PEDESTRIAN AREAS AND CERTAIN STREETS AND
ROADS; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW THE OPERATION OF A PERSONAL
DELIVERY DEVICE IN PEDESTRIAN AREAS AND
CERTAIN STREETS AND ROADS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Title 27, Chapter 51, is amended to add an additional
subchapter to read as follows:

Subchapter 21 – Personal Delivery Device

27-51-2101. Title.

This subchapter shall be known and may be cited as the "Personal
Delivery Device Act".

27-51-2102. Definitions.

As used in this subchapter:

(1) "Eligible entity" means a corporation, partnership,
association, firm, sole proprietorship, or other entity engaged in a business
that includes the operation of a personal delivery device;

(2) "Pedestrian area" means a sidewalk, crosswalk, school
crosswalk, or school crossing zone;

(3)(A) "Personal delivery device" means an electrically powered



device:

(i) Manufactured for the transport of cargo and goods;

(ii) That weighs five hundred pounds (500 lbs.) or less, excluding the cargo the personal delivery device is transporting;

(iii) Equipped with automated driving technology, including hardware and software, that enables the operation of the personal delivery device with or without the active control or monitoring of a person; and

(iv) Equipped with a braking system that enables the personal delivery device to come to a controlled stop.

(B) "Personal delivery device" does not include:

(i) A motor vehicle under § 27-49-114; or

(ii) An autonomous vehicle under § 27-51-2001; and

(4)(A) "Personal delivery device operator" means an employee or agent of an eligible entity who exercises active physical control over, or monitoring of, the navigation and operation of a personal delivery device.

(B) "Personal delivery device operator" does not include:

(i) With respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service; or

(ii) A person who only arranges for and dispatches a personal delivery device for a delivery or other service.

27-51-2103. Operation of a personal delivery device.

(a) A personal delivery device may be operated at a maximum speed of:

(1) Ten miles per hour (10 m.p.h.) when operated in a pedestrian area; or

(2) Twenty miles per hour (20 m.p.h.) when operated on a:

(A) County street or road; or

(B) Municipal street or road.

(b) A personal delivery device may not be operated:

(1) On:

(A) An interstate highway;

(B) A controlled access highway;

(C) A state highway; or

(D) A street or road where a posted speed limit is more than forty-five miles per hour (45 m.p.h.); or

(2) In a manner that:

(A) Unreasonably interferes with motor vehicles or traffic; or

(B) Blocks a public right-of-way.

(c) If a personal delivery device is operated between sunset and sunrise, the personal delivery device shall be equipped with a lighted lamp on both the front and rear of the personal delivery device that is visible:

(1) On all sides of the personal delivery device in clear weather from a distance of at least five hundred feet (500 ft.); and

(2) From the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.

27-51-2104. Operation on a street or road.

A personal delivery device operated on a street or road shall be operated:

(1) As close as practicable to the right outside edge of a street or road; and

(2) In the direction of authorized traffic movement.

27-51-2105. Rules in pedestrian area.

A personal delivery device has the rights and obligations applicable to a pedestrian under § 27-51-1201 et seq. except that a personal delivery device shall yield the right-of-way to a pedestrian.

27-51-2106. Personal delivery device operator.

A personal delivery device operator shall operate a personal delivery device in a manner that ensures the personal delivery device:

(1) Complies with traffic or pedestrian control devices and signals; and

(2) Does not unreasonably interfere with pedestrians or traffic.

27-51-2107. Unique identifying number.

An eligible entity shall equip each personal delivery device with a:

(1) Marker that clearly identifies the name and contact of the

eligible entity responsible for the operation of the personal delivery device; and

(2) Unique identifying number.

27-51-2108. Insurance Requirement.

An eligible entity shall maintain an insurance policy for each personal delivery device that includes general liability coverage of not less than one hundred thousand dollars (\$100,000) for damages arising from the operation of a personal delivery device by the eligible entity or personal delivery device operator.

27-51-2109. Licensing and registration.

A personal delivery device is exempt from the licensing and registration requirements under § 27-14-601 et seq.

27-51-2110. Restriction on transport.

An eligible entity may not use a personal delivery device to transport hazardous material that is:

(1) Regulated under the Hazardous Materials Transportation Act, 49 U.S.C. § 5101 et seq., as it existed on January 1, 2021; and

(2) Required to be placarded under 49 C.F.R. Part 172.

27-51-2111. Local ordinances.

(a) To protect the health and safety of its citizens, a county or municipality may pass an ordinance to prohibit the operation of a personal delivery device upon any pedestrian area, street, or road within its jurisdiction where operation of a personal delivery device would constitute a safety hazard.

(b) A county or municipality shall not pass an ordinance relating to the:

(1) Design, manufacture, maintenance, certification, licensing, registration, taxation, assessment, or insurance requirement of a personal delivery device; or

(2) The types of cargo and goods that may be transported by a personal delivery device.

/s/L. Johnson