

**VEHICLE CODE (75 PA.C.S.) - PERSONAL DELIVERY DEVICES AND MAKING
EDITORIAL CHANGES**

Act of Nov. 1, 2020, P.L. 1064, No. 106

Cl. 75

Session of 2020

No. 2020-106

SB 1199

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions and providing for personal delivery devices; and making editorial changes.

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

Section 1. The definition of "pedestrian" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a definition to read:
§ 102. Definitions.

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

* * *

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

(1) An individual afoot.

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

(3) A personal delivery device.

* * *

"Personal delivery device" or "PDD." A ground delivery device that:

(1) is manufactured for transporting cargo or goods;

(2) is operated by a driving system that allows remote or autonomous operation, or both; and

(3) weighs 550 pounds or less without cargo or goods.

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Section 2. Chapter 85 of Title 75 is amended by adding a subchapter heading to read:

**SUBCHAPTER A
PRELIMINARY PROVISIONS**

Section 3. Chapter 85 of Title 75 is amended by adding a subchapter heading immediately preceding section 8502 to read:

**SUBCHAPTER B
HIGHLY AUTOMATED VEHICLES**

Section 4. Chapter 85 of Title 75 is amended by adding a subchapter to read:

**SUBCHAPTER C
PERSONAL DELIVERY DEVICES**

Sec.

8511. Definitions.

8512. General prohibition.

8513. Powers of department.

8514. Application.

- 8515. Authorization issuance and renewal.
- 8516. Operation.
- 8517. Local regulation.
- 8518. Equipment.
- 8519. Insurance and liability.
- 8520. Enforcement.
- 8521. Criminal penalties.
- 8522. Application of title.
- § 8511. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Authorized entity." A person or an educational institution holding a PDD authorization.

"Municipality." The term does not include a county.

"Operational phase." Phase 1 or phase 2.

"PDD authorization." An authorization issued by the department under section 8515 (relating to authorization issuance and renewal) permitting the operation of a personal delivery device in accordance with this subchapter.

"PDD operator." An employee of an authorized entity permitted by the authorized entity to remotely control, monitor or otherwise operate a personal delivery device on behalf of the authorized entity as provided under this subchapter. The term does not include an individual who requests a delivery or service provided by the personal delivery device or dispatches the personal delivery device.

"Pedestrian area." A sidewalk, crosswalk, safety zone, pedestrian tunnel, overhead pedestrian crossing or similar area for pedestrians.

"Phase 1." The operation of a personal delivery device through a driving system that allows remote or autonomous operation by an authorized entity where the device is controlled remotely and a PDD operator is within 30 feet of the PDD and within the line of sight of the PDD.

"Phase 2." The operation of a personal delivery device through a driving system that allows remote or autonomous operation by an authorized entity where the device is monitored remotely by a PDD operator and the driving system is capable of being controlled and overridden remotely by the PDD operator.

§ 8512. General prohibition.

No person may operate a personal delivery device on a roadway, or shoulder or berm of a roadway, or in a pedestrian area unless:

(1) the person holds a PDD authorization from the department or is a PDD operator; and

(2) the personal delivery device is operated in accordance with this subchapter.

§ 8513. Powers of department.

(a) General powers.--Except as permitted under section 8517 (relating to local regulation), the department shall have general and sole regulatory authority over the operation of personal delivery devices and authorized entities as described in this subchapter to ensure the safe operation of personal delivery devices on roadways, or shoulders or berms of roadways, and in pedestrian areas.

(b) Specific powers and duties.--The department shall have the following specific powers and duties:

(1) To issue, approve, renew, revoke, suspend, condition or deny issuance or renewal of PDD authorizations.

(2) By order of the secretary, to prohibit the use of a personal delivery device on any roadway, or shoulder or

berm of a roadway, under the jurisdiction of the department where the secretary determines that the operation of the personal delivery device would constitute a hazard.

(3) To display, on the department's publicly accessible Internet website, the following:

(i) a list of authorized entities that includes the authorized operational phase of each authorized entity.

(ii) any order issued by the secretary under this subchapter.

(iii) policies or guidelines issued by the department consistent with this subchapter.

(4) To require an authorized entity to self-report to the department and the law enforcement agency of the municipality governing the right-of-way containing the pedestrian area or roadway, or shoulder or berm of the roadway, an accident involving any of the authorized entity's personal delivery devices that resulted in bodily injury, death or damage to property within 24 hours of the accident.

(5) To establish policies or guidelines consistent with this subchapter.

§ 8514. Application.

(a) Application.--An application for a PDD authorization or renewal application for a PDD authorization shall be on a form and submitted in a manner as determined by the department.

(b) Contents of application.--An application submitted to the department under subsection (a) shall include the following:

(1) Name, address and contact information of the applicant.

(2) A general operational plan that includes, but is not limited to, the following:

(i) The municipalities in which the applicant intends to operate personal delivery devices.

(ii) The anticipated highways and pedestrian areas that the applicant's personal delivery devices will be utilized to transport goods and cargo.

(iii) A description of the training procedures for PDD operators.

(iv) The manufacturer and model of personal delivery devices the applicant intends to deploy.

(v) A description of how a police officer or other emergency responder may stop or disable a PDD operated by the applicant.

(vi) A description of the cargo or goods the applicant intends to transport.

(vii) A proposed schedule for safety and maintenance inspections of PDDs.

(viii) Information regarding the operational phases in which the applicant's personal delivery devices are capable of operating.

(3) Any information or records deemed reasonably necessary to aid the department's review of the submitted application and for the administration, enforcement and ongoing compliance with this subchapter.

(4) Proof of insurance as required under section 8519 (relating to insurance and liability).

(5) An attestation that the applicant will temporarily cease or restrict the operation of PDDs due to a weather emergency or other hazardous event identified by the department or a municipality.

(6) The details of an educational campaign to be employed by the applicant to educate and bring awareness of PDDs to municipalities, motorists and the general public.

(7) Information regarding the applicant's accident procedure in the event of an accident involving injury to a person or damage to property or an accident causing damage to the personal delivery device. The procedure shall include:

(i) duties of the applicant and its PDD operators with respect to removing the PDD or accident debris from roadways, or shoulders or berms of a roadway, and pedestrian areas of the personal delivery device so as not to impede traffic or pedestrians in the event that the personal delivery device is rendered inoperable or damaged to the extent it cannot be safely operated;

(ii) the process where the applicant will exchange, if necessary, insurance information to all parties involved in the accident within 24 hours of the accident; and

(iii) the safety inspection and maintenance protocols for personal delivery devices damaged in an accident.

(8) A list of unique identification numbers assigned to each of the applicant's personal delivery devices, which shall be updated prior to an authorized entity operating a PDD not listed in the application.

(9) if the application is a renewal application, the following information:

(i) the total number of trips each personal delivery device performed within the previous 12 months; and

(ii) a list of accidents resulting in personal injury or property damage and any violations of this subchapter issued to the authorized entity for a personal delivery device operated by the authorized entity within this Commonwealth in the previous 12 months.

§ 8515. Authorization issuance and renewal.

(a) Review of applications and issuance.--The department shall review all applications for a PDD authorization and applications for the renewal of a PDD authorization and may issue an authorization to or renew the authorization of any applicant that:

(1) has submitted a completed application;

(2) has the ability to comply with the provisions of this subchapter; and

(3) has not knowingly made a false statement of material fact in the application or has not deliberately failed to disclose any information requested by the department.

(b) Authorization period and renewal.--

(1) A PDD authorization issued under this subchapter shall be valid for a period of one year.

(2) If the PDD application is not approved by the department within 30 days after receipt of the application, the application shall be deemed approved.

(3) An application for the renewal of a PDD authorization shall be submitted at least 45 days prior to the expiration of the PDD authorization and include an update of the information contained in the initial application for the PDD authorization. A PDD authorization for which a completed renewal application has been received by the department shall continue in effect unless the department sends a written notification to the authorized entity that the department has denied the renewal of the PDD authorization.

(c) Duty of authorized entities.--An authorized entity shall have an ongoing duty to provide any information or records that

may be required by the department and is reasonably necessary for the administration and enforcement of this subchapter.

(d) Applicability.--Except as provided in subsection (e), the following shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law:

(1) Information contained in an application for a PDD authorization or renewal application submitted to the department by an applicant under this section or section 8514 (relating to application).

(2) Additional information requested by the department and submitted by an applicant as part of the review of the applicant's application for a PDD authorization or renewal application under this section or section 8514.

(3) Information and records submitted by an authorized entity to the department under this section or section 8514.

(e) Applicability exception.--Subsection (d) shall not apply to the following:

(1) Information or records submitted to the department under section 8514(b)(2)(i), (ii) or (iv), (4), (8) or (9)(ii).

(2) Information or records required to be posted on the department's publicly accessible Internet website under section 8513(b)(3)(ii) (relating to powers of department).
§ 8516. Operation.

(a) Operational phases.--The following shall apply:

(1) Except as permitted under subparagraph (iii), upon the initial issuance of a PDD authorization, an authorized entity shall be limited to phase 1 operation to demonstrate safe operation of personal delivery devices by the authorized entity and its PDD operators, subject to the following:

(i) Except as permitted under subparagraph (ii), The department may not limit an authorized entity to phase 1 operation for less than 90 days and not more than 180 days from the date the PDD authorization was issued, or less than 90 days and not more than 180 days from the date the authorized entity's phase 2 operation was revoked by the department, whichever is applicable.

(ii) The department may limit an authorized entity to phase 1 operation for less than 90 days or more than 180 days from the date the PDD authorization was issued, or less than 90 days and not more than 180 days from the date the authorized entity's phase 2 operation was revoked by the department, whichever is applicable, if agreed to by the authorized entity.

(iii) The department may exempt an authorized entity from phase 1 operations upon initial issuance of a PDD authorization if the authorized entity can certify, to the department's satisfaction, safe PDD operations in the Commonwealth or other jurisdictions.

(2) The department may authorize, in writing, an authorized entity to operate personal delivery devices under phase 2 if the authorized entity and its PDD operators have demonstrated the safe operation of personal delivery devices under phase 1 and the department has determined the authorized entity's personal delivery devices can be operated safely under phase 2 and in accordance with this subchapter.

(3) Following notice and an opportunity for an administrative hearing, the department may revoke, in writing, an authorized entity's phase 2 authorization and change the authorized entity's authorized operational phase if the department determines the revocation and change is

necessary to ensure public safety and compliance with this subchapter.

(b) General operation requirement.--Except as to special operation requirements in subsection (c), An authorized entity and its PDD operators shall operate personal delivery devices in accordance with the provisions of Chapter 35 (relating to special vehicles and pedestrians) applicable to pedestrians.

(c) Additional operation requirements.--An authorized entity and its PDD operators when operating a personal delivery device shall:

(1) only operate a personal delivery device according to the operational phase for which the authorized entity has been authorized by the department;

(2) utilize a pedestrian area when crossing a roadway and, if a pedestrian area is not available or not practicable, only cross the roadway according to policies or guidelines established by the department;

(3) be prohibited from making a left turn across one or more lanes of oncoming traffic on a roadway until or unless guidelines or policies are established by the department;

(4) utilize the shoulder or berm of a roadway as far as practicable from the edge of the roadway whenever a shoulder or berm is available and its use is practicable;

(5) where a shoulder or berm of a roadway is not available or its use is not practicable, utilize a pedestrian area, if available;

(6) where neither a pedestrian area nor a shoulder or berm of a roadway is available, operate the personal delivery device as near as practicable to the outside edge of the roadway;

(7) yield the right-of-way, or safely navigate around, to all pedestrians and pedalcyclists in a pedestrian area;

(8) not transport hazardous materials regulated under 49 U.S.C. § 5103 (relating to general regulatory authority) and required to be placarded under 49 CFR Pt. 172 Subpt. F (relating to placarding);

(9) when traveling on a roadway, or shoulder or berm of a roadway, operate the personal delivery device in the same direction as required of other vehicles operated on the roadway;

(10) not exceed speed limits contained in subsection (d);

(11) not operate on a roadway, or shoulder or berm of a roadway, under the jurisdiction of the department where the secretary, by order, has determined the operation to be hazardous;

(12) not operate on a roadway, or shoulder or berm of a roadway, under the jurisdiction of the department where the posted speed limit is greater than 25 miles per hour, except as permitted in subsection (e);

(13) not operate on a local roadway, or shoulder or berm of a local roadway, under the jurisdiction of a municipality where the posted speed limit is greater than 25 miles per hour, except as permitted in section 8517 (relating to local regulation);

(14) not operate on an interstate highway or freeway;

(15) comply with ordinances or resolutions adopted by local authorities under section 8517;

(16) only operate personal delivery devices that comply with equipment standards established under section 8518 (relating to equipment); and

(17) comply with any other policies or guidelines established by the department consistent with this subchapter.

(d) Speed limit.--A personal delivery device may not exceed 12 miles per hour in a pedestrian area and may not exceed 25 miles per hour on a roadway, or shoulder or berm of a roadway.

(e) Exception.--The department may, by order of the secretary, permit the use of a personal delivery device upon a roadway, or shoulder or berm of a roadway, under the jurisdiction of the department where the posted speed limit is greater than 25 miles per hour but not greater than 35 miles per hour.

(f) PDD operator requirement.--No PDD operator may operate a personal delivery device on behalf of an authorized entity unless the individual possesses a valid driver's license from a licensing authority in the United States. The department may not impose any additional licensing requirements or additional authorization requirements on a PDD operator.

§ 8517. Local regulation.

(a) Authorization.--A municipality may, by ordinance or resolution, do the following:

(1) Permit the use of a personal delivery device on a roadway, or shoulder or berm of a roadway, under the jurisdiction of the municipality where the posted speed limit is greater than 25 miles per hour but not greater than 35 miles per hour.

(2) Prohibit the use of a personal delivery device on any roadway, or shoulder or berm of a roadway, or pedestrian area under the jurisdiction of the municipality where the municipality, after consultation with the authorized entity, determines that the operation of the personal delivery device would constitute a hazard.

(b) Prohibition.--Except as provided in subsection (a), a municipality may not regulate the operation of a personal delivery device operated in a pedestrian area, roadway, or shoulder or berm of a roadway, under the jurisdiction of the municipality.

(c) Construction.--

(1) Nothing in this section may be construed to affect the ability of a municipality to enforce any law, rule or regulation as it relates to the operation of a personal delivery device in this Commonwealth.

(2) Nothing in subsection (a) may be construed to permit a municipality to authorize the use of a personal delivery device on a roadway, or shoulder or berm of a roadway, under the jurisdiction of the municipality in a manner that conflicts with the operation requirements contained in section 8516 (relating to operation).

(d) Notice required.--An authorized entity shall notify the governing body of the municipality of the authorized entity's intent to operate personal delivery devices within the municipality no less than 30 days prior to the date on which the authorized entity commences PDD operations within the municipality.

§ 8518. Equipment.

(a) Prohibition.--No authorized entity may operate a personal delivery device on a roadway, or shoulder or berm of a roadway, or pedestrian area that does not meet the requirements of this section.

(b) Minimum equipment standards.--A PDD operated by an authorized entity shall:

(1) Have a maximum width of 32 inches.

(2) Have a maximum length of 42 inches.
(3) Have a maximum height of 72 inches.
(4) Be equipped with a braking system that brings the PDD to a complete stop from an initial speed of 25 miles an hour or less.

(5) Be equipped with a lamp that emits a beam of white light intended to illuminate the personal delivery device's path and is visible from a distance of at least 500 feet to the front and a lamp emitting a red flashing light, light-emitting diode or device visible from a distance of 500 feet to the rear. An authorized entity may supplement the required front lamp with a white flashing lamp, light-emitting diode or similar device to enhance its visibility to other traffic.

(6) Be equipped with software, equipment or technologies to comply with section 8514(b)(2)(v) (relating to application).

(c) Identifying markings.--A personal delivery device shall prominently display, in a size and manner determined by the department, the following information:

(1) The name of the authorized entity.

(2) The unique identification number assigned to the PDD and submitted to the department under section 8514(b)(8).

(3) A telephone number of the authorized entity to report a violation of this title, an accident or an insurance claim.

§ 8519. Insurance and liability.

(a) Required coverage.--An authorized entity shall maintain an insurance policy that includes general liability coverage of not less than \$100,000 per incident for damages arising from the operation of the personal delivery device.

(b) Sovereign immunity and governmental immunity.--Commonwealth agencies and municipalities shall have no duty to make streets, highways or real estate safe for use by personal delivery devices. Commonwealth agencies and municipalities shall be immune from suit by authorized entities and owners of cargo and other items carried on or within a personal delivery device for property damages.

§ 8520. Enforcement.

(a) Revocation of authorization.--Following notice and an opportunity for an administrative hearing, the department may revoke a PDD authorization where a knowing and willful violation of this subchapter occurred that resulted in death, serious bodily injury or property damage or when the authorized entity has demonstrated an inability to operate safely in accordance with this subchapter.

(b) Appeal.--An authorized entity shall have the right to appeal PDD authorization suspensions or revocations in accordance with 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).

(c) Prohibition.--The department may not suspend or revoke the PDD authorization of an authorized entity that self-reports an accident involving the authorized entity's personal delivery devices as required by section 8513(b)(4) (relating to powers of department) where the accident was not the fault of the authorized entity or the authorized entity's PDD operator.

§ 8521. Criminal penalties.

(a) Penalty.--Except as provided for in subsections (b) and (c), an authorized entity that violates a provision of this subchapter shall be guilty of a summary offense and shall, upon

conviction, be sentenced to pay a fine of not less than \$25 and no more than \$1,000.

(b) Unauthorized operation.--Except as provided for in subsection (c), a person that violates section 8512 (relating to general prohibition) shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$500.

(c) Suspended or revoked authorization.--A person that knowingly violates section 8512 and whose authorization was suspended or revoked by the department shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$1,000.

§ 8522. Application of title.

(a) Applicability.--The regulation of personal delivery devices and authorized entities shall be governed exclusively by this subchapter or an ordinance or resolution adopted by a municipality under section 8517 (relating to local regulation).

(b) Exemption.--A personal delivery device shall not be considered a vehicle or a motor vehicle under section 102 (relating to definitions).

Section 5. This act shall take effect in 90 days.

APPROVED--The 1st day of November, A.D. 2020.

TOM WOLF