

SENATE No. 2256

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to personal delivery devices.

PETITION OF:

NAME:

Joseph A. Boncore

DISTRICT/ADDRESS:

First Suffolk and Middlesex

SENATE No. 2256

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 2256) of Joseph A. Boncore for legislation relative to personal delivery devices. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to personal delivery devices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. DEFINITIONS. In this chapter:

2 (1) "Agent" means a human director, officer, employee, independent contractor, or other
3 person authorized to act on behalf of a business entity with respect to its personal delivery
4 device(s).

5 (2) "Business entity" means a legal entity, including a corporation, partnership, or sole
6 proprietorship, that is formed for the purpose of making a profit.

7 (3) "Personal delivery device" means a device that:

8 (A) is manufactured primarily for transporting cargo and goods on public rights of way;

9 (B) is capable of operating with or without the active local or remote control or
10 monitoring of a human;

11 (C) does not carry passengers; and

12 (D) weighs no more than five hundred and fifty (550) pounds, excluding cargo.

13 SECTION 2. APPLICABLE LAW. (a) The operation of a personal delivery device is
14 governed exclusively by:

15 (1) this chapter, including the rights and responsibilities applicable to pedestrians under
16 the same circumstances; and

17 (2) any applicable regulation adopted by a local authority that is not inconsistent with
18 this chapter.

19 (b) Notwithstanding any other provision of law, a personal delivery device is not
20 considered a “vehicle” or a “motor vehicle” and shall be exempt from registration and other
21 requirements generally applicable to motor vehicles.

22 SECTION 3. OPERATOR OF PERSONAL DELIVERY DEVICE. (a) A person may
23 operate a personal delivery device under this chapter only if:

24 (1) the person is a business entity; and

25 (2) an agent of the business entity has the capability to monitor or exercise physical
26 control over the navigation and operation of the device.

27 (b) Except as provided by subsection (c), when a personal delivery device operated by a
28 business entity is engaged, the business entity is considered to be the operator of the device
29 solely for the purpose of assessing compliance with applicable traffic laws.

30 (c) When a personal delivery device operated by a business entity is engaged and an
31 agent controls the device in a manner that is outside the scope of the agent's office or
32 employment, the agent and not the business entity is considered to be the operator of the device.

33 (d) A person is not considered to be the operator of a personal delivery device solely
34 because the person:

35 (1) requests a delivery or service provided by the device; or

36 (2) dispatches the device.

37 SECTION 4. DEVICE OPERATION. A personal delivery device operated under this
38 chapter must:

39 (a) comply with the provisions of this subtitle applicable to pedestrians, unless the
40 provision by its nature cannot apply to the device;

41 (b) not obstruct public rights of way or otherwise unreasonably interfere with other
42 traffic, including pedestrians; and

43 (c) not transport hazardous materials regulated under the Hazardous Materials
44 Transportation Act (49 U.S.C. Section 5103) and is required to be placarded under subpart F of
45 C.F.R Part 172.

46 SECTION 5. AREAS OF OPERATION. Subject to section 7(a), a personal delivery
47 device under this chapter may be operated in any county or municipality in this state at speeds up
48 to 10 miles per hour in any sidewalk, crosswalk, or other pedestrian area, including, without
49 limitation, on the shoulder or side of any roadway where pedestrians are permitted.

50 SECTION 6. PERSONAL DELIVERY DEVICE EQUIPMENT. A personal delivery
51 device operated under this chapter must:

52 (a) be equipped with a marker that clearly states the name and contact information of the
53 business entity and a unique identification number;

54 (b) be equipped with a braking system that enables the device to come to a controlled
55 stop;

56 (c) be capable of being actively monitored or controlled by a local or remote human
57 operator; and

58 (d) if operated at nighttime, display lights on the front and rear of the device that are
59 visible and recognizable under normal atmospheric conditions on all sides of the device at
60 distances up to five hundred (500) feet from the device when the light is directly in front of
61 lawful lower beams of headlamps.

62 SECTION 7. LOCAL AUTHORITY REGULATION. (a) Within its jurisdiction, a local
63 authority may prohibit the operation of personal delivery devices on all public rights of way or
64 on certain sidewalks, crosswalks, other pedestrian areas, and roadways.

65 (b) Except as provided under subsection (a), a local authority may not regulate the
66 operation, equipment, licensing, registration, or taxation of a personal delivery device in a
67 manner inconsistent with this chapter, including, without limitation, by imposing additional
68 taxes, fees, assessments, surcharges, licenses, registrations, or certifications; imposing additional
69 restrictions or requirements with respect to operation or equipment; restricting the types of cargo
70 or goods that may be transported; or restricting the hours or zones of operation.

71 (c) This section does not affect the authority of a local authority's peace officers to
72 enforce the laws of this state relating to the operation of a personal delivery device.

73 SECTION 8. INSURANCE. A business entity that operates a personal delivery device
74 operated under this chapter must maintain an insurance policy that includes general liability
75 coverage of not less than \$100,000 for damages arising from the operation of the device