

# HOUSE . . . . . No. 3331

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## The Commonwealth of Massachusetts

PRESENTED BY:

*Danielle W. Gregoire*

*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:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>1/17/2023</i>

# HOUSE . . . . . No. 3331

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By Representative Gregoire of Marlborough, a petition (accompanied by bill, House, No. 3331) of Danielle W. Gregoire relative to personal delivery devices. Transportation.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3482 OF 2021-2022.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Third General Court  
(2023-2024)  
\_\_\_\_\_

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;

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

(C) does not carry passengers; and

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

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

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

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

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

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

(1) the person is a business entity; and

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

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

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

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

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

(2) dispatches the device.

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

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

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

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

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

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

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

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

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

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

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

(b) Except as provided under subsection (a), a local authority may not regulate the 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