

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 595

(Delegate Fraser-Hidalgo)

Environment and Transportation

Judicial Proceedings

Vehicle Laws - Personal Delivery Devices - Standards and Requirements

This bill authorizes a “personal delivery device” (PDD) to generally operate on any roadway, sidewalk, shoulder, footpath, bicycle trail, or crosswalk in the State. The bill excludes such devices from the definition of “motor vehicle” and “vehicle” (thereby also exempting PDDs from any associated registration requirements) and establishes various other standards and requirements that must be adhered to by PDDs operating under the bill’s various authorizations. The bill also requires the Motor Vehicle Administration (MVA) to develop a pilot process for authorizing the operation of PDDs and to report on its status and findings by December 31, 2021. **The bill generally takes effect July 1, 2022; however, MVA must begin developing the permitting process on July 1, 2021.**

Fiscal Summary

State Effect: MVA can handle the bill’s requirements with existing resources. Transportation Trust Fund revenues are not affected.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill defines a “personal delivery device” as a powered device that:

- is operated primarily on shoulders, sidewalks, and crosswalks;
- is intended for the transport of property on public rights-of-way;

- weighs at most 550 pounds (excluding cargo); and
- is capable of navigating with or without the active control or monitoring of an individual.

The bill prohibits a PDD from:

- unreasonably interfering with traffic;
- blocking public rights-of-way;
- transporting hazardous materials regulated under the Hazardous Materials Transport Act (and required to be placarded under federal regulations); or
- operating on a sidewalk or crosswalk at a speed exceeding 7 miles per hour.

A PDD operated on any roadway, sidewalk, shoulder, or crosswalk in the State must:

- be visibly marked with a unique identifying number;
- be visibly marked with a means of identifying the device operator;
- if the device operator is acting on behalf of a corporate entity, be visibly marked with contact information for that entity;
- be equipped with a system that enables the device to come to a controlled stop;
- be covered by (1) an insurance policy that provides general liability coverage of at least \$100,000 for damages or (2) another form of security acceptable to MVA that adequately provides the required coverage;
- be equipped with lighting devices as required by MVA after consultation with industry stakeholders;
- obey all traffic and pedestrian control devices; and
- be subject to municipal or county permitting requirements, where applicable.

Any information required to be visibly marked on a PDD must also be marked in braille lettering.

Emergency Response Plan

Prior to beginning operations in the State, each operator of a PDD must file an emergency response plan with MVA designed to inform first responders about the PDD, including information on its equipment and attributes and on how to deal with the PDD when it is encountered on public rights-of-way. After consultation with industry stakeholders, MVA may adopt policies outlining what must be included in such a plan. In addition, MVA is responsible for making each plan it has on file available to the appropriate first responder agencies of the State.

Notification to Local Governments

An operator of a PDD must notify the governing body of each county and municipality within which the operator intends to operate the PDD at least 30 days before beginning operations in the county or municipality. Additionally, a PDD operator must comply with all local ordinances, regulations, and rules of each county and municipality for which the operator provides notice of its intent to operate.

Applicability of Traffic Control Signals and Rules Related to Operating on a Highway and Certain Roadways

Under the bill, a PDD must obey certain traffic control signals (*i.e.*, traffic lights with steady indication and pedestrian control signals) at an intersection. However, at any other place, a person using a PDD has the rights (and is subject to the restrictions applicable to) pedestrians, as specified.

The bill also specifies that, with limited exceptions, provisions of State law that are applicable to bicycles apply whenever a PDD is operated on any highway.

The bill prohibits a PDD from traveling on any roadway where there are sidewalks or a shoulder adjacent to the roadway or the posted maximum speed limit is more than 35 miles per hour.

Pilot Process for Authorizing Operation of Personal Delivery Devices

The bill requires MVA to develop a pilot process for authorizing the operation of PDDs, as specified, by October 1, 2021, and to actively engage stakeholders and consider their input in the development and implementation of the pilot process. MVA must report to specified committees of the General Assembly on the status and findings of the pilot process by December 31, 2021.

Current Law:

Use of Footpaths and Bicycle Trails

Unless the State Highway Administration or appropriate local government specifically approves other uses, footpaths and bicycle trails may generally be used only by:

- pedestrians;
- nonmotorized vehicles; and
- electric personal assistive mobility devices (EPAMDs).

Vehicles Subject to Registration

Each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway must be registered. Certain motor vehicles (*e.g.*, snowmobiles and golf carts in various locations throughout the State) are exempt from this requirement.

“Motor vehicle” is defined as a vehicle that, unless otherwise specifically exempted, is self-propelled or propelled by electric power obtained from overhead electrical wires and not operated on rails.

“Vehicle” is defined as any device in, on, or by which any individual or property is (or might be) transported or towed on a highway. “Vehicle” includes a low-speed vehicle and an off-highway recreational vehicle, but it does not include an electric personal assistive mobility device.

Certain vehicles, such as low-speed vehicles, bicycles, and motor scooters, are restricted to certain highways based on the maximum posted speed limit; they may be subject to different rules of the road than passenger cars and trucks.

Applicability of Traffic Regulations to EPAMDs

At an intersection, a person using an EPAMD is subject to all traffic control signals, as required under certain provisions of State law. However, at any other place, a person using an EPAMD has the rights (and is subject to) the restrictions applicable to pedestrians.

Riding Bicycles on Roadways or Highways

With certain exceptions, requirements of State law related to the operation of bicycles and play vehicles apply whenever a bicycle, an EPAMD, or a motor scooter is operated on any highway or whenever a bicycle or an EPAMD is operated on any path set aside for the exclusive use of bicycles.

Small Business Effect: Any small businesses in the State that choose to operate PDDs pursuant to the bill’s authorization may benefit, as the bill provides a new means of delivering goods to consumers. The extent to which small businesses in the State may utilize the bill’s authorization cannot be determined at this time, however.

Additional Information

Prior Introductions: SB 874 of 2020, a similar bill, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, HB 1483,

received a hearing in the House Environment and Transportation Committee, but no further action was taken.

Designated Cross File: SB 726 (Senator Feldman, *et al.*) - Judicial Proceedings.

Information Source(s): Maryland Department of Transportation; Maryland Insurance Administration; Department of Legislative Services

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