



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 892 (as introduced 4-28-20)
Sponsor: Senator Dan Lauwers
Committee: Transportation and Infrastructure

Date Completed: 6-3-20

CONTENT

The bill would add Chapter VIA (Personal Delivery Devices) to the Michigan Vehicle Code to regulate the operation of personal delivery devices in the State, and to do the following:

- **Specify that a personal delivery device would not be a vehicle under the Code.**
- **Allow a person to operate a personal delivery device only if the person were a business entity and an agent of the business entity had the ability to monitor the personal delivery device while it was being operated and, if necessary, promptly take control of the device's movement.**
- **Require a personal delivery device to fulfill requirements, including yielding the right-of-way and not interfering with certain traffic, among other things.**
- **Require a personal delivery device to be equipped with a marker, brake equipment, and if operated between sunset and sunrise, a lamp.**
- **Require vehicles to yield the right-of-way to personal delivery devices under certain circumstances related to traffic control.**
- **Prohibit a person from operating a personal delivery device on a limited access highway.**
- **Prohibit a local authority from regulating the operation of a personal delivery device in a pedestrian area or on a highway or street in a manner inconsistent with the proposed Chapter VIA.**

Definitions

"Personal delivery device" would mean a device that meets both of the following requirements: a) is manufactured primarily for transporting cargo in a pedestrian area or on the side of a roadway or shoulder of a highway or street; and b) is equipped with automated delivery technology, including software and hardware, that enables the operation of the device with the remote support and supervision of a human. "Pedestrian area" would mean a sidewalk, crosswalk, school crossing, or safety zone.

"Vehicle" currently means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks and except, only for the purposes of titling and registration under the Code, a mobile home. The bill specifies that "vehicle" would not include a personal delivery device operated in compliance with Chapter VIA.

Under the Code, "operate" or "operating" means one or more of the following: a) being in actual physical control of a vehicle, or b) causing an automated motor vehicle to move under

its own power in automatic mode upon a highway or street regardless of whether the person is physically present in that automated motor vehicle at that time.

Under the bill, these terms also would mean causing a personal delivery device to move under its own power in automatic mode in a pedestrian area or on a highway or street regardless of whether the person is physically present with that personal delivery device at that time. The bill specifies that this provision would apply regardless of whether the person was licensed under the Code as an operator or chauffeur. "Causing a personal delivery device to move under its own power in automatic mode" would include engaging the automated delivery technology of that personal delivery device for that purpose.

"Business entity" would mean a corporation, association, partnership, limited liability company, limited liability partnership, sole proprietorship, or other legal entity engaged in business for the purpose of making a profit. "Agent" would mean an employee or other individual authorized to act on behalf of a business entity.

Under the Code, "right-of-way" means the privilege of the immediate use of the highway. Under the bill, the term would mean the privilege of the immediate use of the highway or street or pedestrian area.

"Traffic" currently means pedestrians, ridden or herded animals, vehicles, street cars and other conveyances either singly or together while using any highway. Under the bill, the term would mean pedestrians, ridden or herded animals, vehicles street cars, and other conveyances either singly or together while using the highway or street or pedestrian area.

Creation of Chapter VIA

The bill would create Chapter VIA. The operation of a personal delivery device in a pedestrian area or on a highway or street in the State would be governed exclusively by proposed Chapter VIA of the bill and any applicable local ordinance that was not inconsistent with the Chapter.

Operation of a Personal Delivery Device

For the purposes of the bill, a personal delivery device operated in compliance with Chapter VIA would not be a vehicle, and except as otherwise provided in the Chapter a person lawfully operating a personal delivery device would have all of the rights and responsibilities applicable to a pedestrian under the Code. A person could operate a personal delivery device under Chapter VIA only if the person were a business entity and an agent of the business entity had the ability to monitor the device while it was being operated and, if necessary, promptly take control of its movement.

Except as otherwise provided by the bill, when a personal delivery device operated by the agent of a business entity was engaged, the business entity would be considered the operator of the personal deliver device for purposes of determining conformance to any applicable traffic laws. However, if the agent of the business entity controlled the device in a manner that was outside the scope of the agent's authority, the agent would be considered the operator of the personal delivery device. (Under the Code, "operator" means a person, other than a chauffeur, who operates a motor vehicle on a highway or street or operates an automated motor vehicle on a highway or street. Under the bill, the term also would mean a person, other than a chauffeur, who operates a personal delivery device in a pedestrian area or on a highway or street.)

A person would not be considered the operator of a personal delivery device solely because the person either requested a delivery or service provided by the device or dispatched the device.

Under the bill, a personal delivery device operated under the Chapter would have to do all of the following:

- Comply with the provisions of the Code applicable to pedestrians, except as otherwise provided by Chapter VIA and except for those provisions that by their nature could not apply.
- Notwithstanding Section 655 of the Code, when sidewalks were not provided, operate as near to the right side of the highway or street as applicable.
- Yield the right-of-way to, or not obstruct the right-of-way of, other traffic, including pedestrians, lawfully within a pedestrian area or lawfully using a highway or street.
- Not unreasonably interfere with other traffic, including pedestrians.
- If operated between sunset and sunrise, display the lights required as described below.
- Comply with any applicable local ordinance that was not inconsistent with Chapter VIA.
- Not transport hazardous materials regulated under 49 USC 5103 and required to be placarded under Federal regulations.
- Be monitored and controlled as provided above.

(Section 655 of the Code relates to research and testing of automated motor vehicles.)

A personal delivery device could be operated under Chapter VIA in the following locations at the following speeds:

- In a pedestrian area at a speed of not more than 10 miles per hour.
- On the side of a roadway or shoulder of a highway or street at a speed of not more than 20 miles per hour.

Required Equipment

Under the bill, a personal delivery device operated under Chapter VIA would have to be equipped with all of the following:

- A marker that stated clearly the name and contact information of the owner and a unique identification number.
- Brake equipment that enabled the device to come to a controlled stop.
- If operated between sunset and sunrise, a lamp on the front of the device that emitted a white visible light from a distance of at least 500 feet to the front and a lamp on the rear of the device that emitted a red light visible from a distance of at least 500 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle under normal atmospheric conditions.

A business entity that operated a personal delivery device also would have to maintain an insurance policy on each device that included general liability of at least \$100,000 for damages arising from the operation of the device.

Traffic Control

Under the Code, if traffic is controlled by traffic control signals, at least one signal must be located over the traveled portion of the roadway to give vehicle operators a clear indication of the right-of-way assignment from their normal positions at the intersection. Among other requirements, certain colors must be used as described below.

If a signal exhibits a green indication, vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at that place prohibits either turn. Vehicular traffic must yield the right-of-way to other vehicle and to pedestrians and bicyclists lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited. The bill would require vehicles to yield for personal delivery devices.

If a signal exhibits a steady red indication, vehicular traffic facing it, after stopping before entering the crosswalk on the near side of the intersection or at a limit line when marked or, if there is no crosswalk or limit line, before entering the intersection, may make a right turn or left turn under certain circumstances, including yielding the right-of-way to pedestrians and bicyclists lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. The bill would require vehicles to yield the right-of-way to personal delivery devices.

If a signal exhibits a steady green arrow indication, vehicular traffic facing the green arrow signal may cautiously enter the intersection only to make the movement indicated by the arrow or other movement permitted by other indications. The vehicular traffic must yield the right-of-way to pedestrians and bicyclists lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. The bill would require vehicles to yield the right-of-way to personal delivery devices.

Prohibitions

The Code prohibits a person from operating certain vehicles on a limited access highway in the State, including a motorcycle with less than a 125 cubic centimeter engine, a farm tractor, and a moped. The bill would prohibit a person from operating a personal delivery device on a limited access highway.

The bill also would prohibit a local authority from regulating the operation of a personal delivery device in a pedestrian area or on a highway or street in a manner inconsistent with Chapter VIA, including restricting the hours or zones of operation. The bill specifies that this provision would not affect the authority of a local authority's police officers to enforce the laws of the State relating to the operation of a personal delivery device.

MCL 257.35a et al.

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

SAS\S1920\s892sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.