

Chapter 46.75 RCW
PERSONAL DELIVERY DEVICES

Sections

46.75.010 Definitions.
46.75.020 Operation—Requirements.
46.75.030 Self-certification form.
46.75.040 Restrictions.
46.75.050 Violation—Traffic infraction—Notice.

RCW 46.75.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of licensing.

(2) "Eligible entity" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.

(3) "Hazardous material" means any material that has been designated as hazardous under 49 U.S.C. Sec. 5103, and is required to be placarded under subpart F of 49 C.F.R. Part 172.

(4) "Personal delivery device" means an electrically powered device to which all of the following apply:

(a) The device is intended primarily to transport property on sidewalks and crosswalks;

(b) The device weighs less than one hundred twenty pounds, excluding any property being carried in the device;

(c) The device will operate at a maximum speed of six miles per hour; and

(d) The device is equipped with automated driving technology, including software and hardware, enabling the operation of the device, with the support and supervision of a remote personal delivery device operator.

(5) (a) "Personal delivery device operator" means an employee or agent of an eligible entity who has the capability to control or monitor the navigation and operation of a personal delivery device.

(b) "Personal delivery device operator" does not include:

(i) With respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service; or

(ii) A person who only arranges for and dispatches a personal delivery device for a delivery or other service. [2019 c 214 § 1.]

Effective date—2019 c 214: "This act takes effect September 1, 2019." [2019 c 214 § 22.]

RCW 46.75.020 Operation—Requirements. An eligible entity may operate a personal delivery device so long as all of the following requirements are met:

(1) The personal delivery device is operated in accordance with all ordinances, resolutions, rules and regulations established by the jurisdiction governing the rights-of-way within which the personal delivery device is operated;

(2) An eligible entity may operate a personal delivery device only upon:

(a) Crosswalks; and
(b) (i) Sidewalks; or
(ii) If a sidewalk is not provided or is not accessible, an area where a pedestrian is permitted to travel, subject to RCW 46.61.250, provided that the adjacent roadway has a speed limit of less than forty-five miles per hour;

(3) A personal delivery device operator is controlling or monitoring the navigation and operation of the personal delivery device;

(4) The eligible entity maintains an insurance policy that includes general liability coverage of not less than one hundred thousand dollars for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity;

(5) The eligible entity must report any incidents, resulting in personal injury or property damage that meets the accident reporting threshold for property damage under RCW 46.52.030(5), to the law enforcement agency of the local jurisdiction governing the right-of-way containing the sidewalk, crosswalk, or roadway where the incident occurred, within forty-eight hours of the incident;

(6) The eligible entity registers an agent located in Washington state for the purposes of addressing traffic infractions and incidents involving personal delivery devices operated by the eligible entity;

(7) The eligible entity submits a self-certification form to the department with the information required under RCW 46.75.030, both before operating a personal delivery device and on an annual basis thereafter;

(8) The personal delivery device is equipped with all of the following:

(a) A marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device, a unique identification number for the device, and the name and contact information including a mailing address of the agent required to be registered under subsection (6) of this section;

(b) A braking system that enables the personal delivery device to come to a controlled stop; and

(c) If the personal delivery device is being operated between sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible on all sides of the personal delivery device in clear weather from a distance of at least five hundred feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle; and

(9) A delivery device may not be operated in Washington until it has been added to the list in the self-certification and the annual registration fee has been paid. [2019 c 214 § 2.]

Effective date—2019 c 214: See note following RCW 46.75.010.

RCW 46.75.030 Self-certification form. The department of licensing shall create a self-certification form for an eligible entity to submit prior to operating a personal delivery device and thereafter on an annual basis. Through the form, the department must obtain:

(1) The name and address of the eligible entity and its registered agent within Washington, including the registered agent's

name, address, and driver's license number, and any other information the department may require;

(2) The name of the jurisdiction in which the personal delivery device will be operated;

(3) An acknowledgment by the eligible entity that: (a) Each personal delivery device will display a unique identification number and other information specified in RCW 46.75.020(8); and (b) the registered agent is responsible for any infraction committed by its personal delivery device;

(4) An affirmation by the eligible entity that it possesses insurance as required in RCW 46.75.020;

(5) A list of any incidents, as described in RCW 46.75.020(5), and any traffic infractions, as described in RCW 46.75.050, involving any personal delivery device operated by the eligible entity in Washington state in the previous year; and

(6) A list of each device identified by a unique identification number that the eligible entity intends to operate in the state during the year and payment of a fee of fifty dollars per personal delivery device listed. The fee must be deposited into the motor vehicle fund. The list must be updated and the fee paid prior to the eligible entity operating a device not listed in the annual self-certification. [2019 c 214 § 3.]

Effective date—2019 c 214: See note following RCW 46.75.010.

RCW 46.75.040 Restrictions. (1) A personal delivery device may not be operated to transport hazardous material, in a quantity and form that may pose an unreasonable risk to health, safety, or property when transported in commerce.

(2) A personal delivery device may not be operated to transport beer, wine, spirits, or other consumable alcohol. [2019 c 214 § 4.]

Effective date—2019 c 214: See note following RCW 46.75.010.

RCW 46.75.050 Violation—Traffic infraction—Notice. (1) A violation of this chapter, or of chapter 46.61 RCW by a personal delivery device, is a traffic infraction. A notice of infraction must be mailed to the registered agent listed on the personal delivery device within fourteen days of the violation.

(2) The registered agent of the eligible entity operating a personal delivery device is responsible for an infraction under RCW 46.63.030(1).

(3) Infractions committed by a personal delivery device are not part of the registered agent's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions issued under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2). The amount of the fine issued for an infraction issued under this section shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. [2019 c 214 § 5.]

Effective date—2019 c 214: See note following RCW 46.75.010.