

SENATE BILL REPORT

ESHB 1325

As Passed Senate - Amended, April 10, 2019

Title: An act relating to the regulation of personal delivery devices.

Brief Description: Regulating personal delivery devices.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Kloba, Steele, Walen, Fey and Slatter).

Brief History: Passed House: 3/12/19, 94-3.

Committee Activity: Transportation: 4/02/19, 4/04/19 [DPA].

Floor Activity:

Passed Senate - Amended: 4/10/19, 46-0.

Brief Summary of Bill (As Amended by Senate)

- Establishes a regulatory framework for the operation of personal delivery devices, which are automated devices intended to primarily deliver property via sidewalks and crosswalks.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland, Das, Fortunato, Lovelett, Nguyen, O'Ban, Padden, Randall, Takko, Wilson, C. and Zeiger.

Staff: Kim Johnson (786-7472)

Background: There is currently no definition or regulation of ground based autonomous delivery devices in state law. Autonomous delivery robots or devices are currently reported to be authorized to operate on sidewalks and crosswalks in at least four states. Pilot programs have been or are currently underway in several cities in California, London, England, and most recently in Snohomish County, Washington.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Generally, local governments have jurisdiction over the the use of sidewalks within the boundary of the local government.

In several areas of law that allow exceptions to vehicle equipment standards and rules of the road, or both, the Department of Licensing (DOL) provides a process by which the vehicle owner self-certifies the vehicle meets the requirements of the law and the use of the vehicle must comply with the law.

Summary of Amended Bill: A personal delivery device (PDD) is defined as a device that is:

- intended to transport property on a sidewalk or crosswalk;
- weighs less than 120 pounds, excluding any property being carried by the device—local jurisdictions may waive this limit by ordinance;
- will operate at a maximum speed of six miles per hour; and
- equipped with automated driving technology.

Operational Requirements for a PDD. Operational requirements for PDDs include:

- travels only on sidewalks and crosswalks or, in areas where sidewalks are not provided, in areas where pedestrians are permitted to travel under law, as long as the adjacent roadway has a speed limit of 45 mph or less;
- is operated in accordance with the ordinances and regulations established by the jurisdiction governing the rights-of-way where the PDD travels;
- an operator is either monitoring or controlling the device;
- the business that operates the PDD maintains an insurance policy with a liability coverage of at least \$100,000 for damages arising from the operation of the device;
- the business must report any incidents resulting in personal injury or property damage to local law enforcement within 48 hours of the incident;
- the business registers an agent located in the state for the purposes of addressing traffic infractions and incidents involving PDDs operated by the business;
- has a unique identification number and a marker that includes the name and contact information of the business and registered agent;
- has a properly functioning braking system;
- if the PDD is to be operated between sunset and sunrise, the device has lights on its front and rear that are visible from 500 feet or more to a driver of a car with its headlights on;
- may not be operated to transport hazardous material in a quantity and form that poses an unreasonable risk to health, safety, or property when transported in commerce; and
- may not transport consumable alcohol.

Self-Certification. A business must submit a self-certification form to the DOL, on an annual basis The form must include:

- contact information for the business, and the name and mailing address of the registered agent;
- the location of the jurisdiction in which the PDDs will operate;
- an acknowledgement that the business' registered agent is responsible for any infraction committed by its personal delivery device;
- an affirmation that the business possesses the required insurance;
- a list of any incidents or infractions involving PDDs operated by the eligible entity.
- a list of each device the business intends to operate and a \$50 fee for each device;

A PDD is excluded from the definition of motor vehicle and the definition of vehicle, except with respect to certain rules of the road governing the use of sidewalks and crosswalks. In general, the operation of PDDs must adhere to the same rules of the road that apply to pedestrians. A PDD must yield the right-of-way to a pedestrian or a bicycle on a sidewalk or crosswalk. If no sidewalk is provided, the PDD must move when practicable only on the left side of the roadway or its shoulder, facing traffic, as pedestrians are allowed to do.

A violation of the terms of the regulations governing PDDs or the rules of the road is a traffic infraction, but is processed like a parking infraction. The notice of infraction must be issued to the registered agent within 14 days of the violation. The registered agent is responsible for the infraction.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on September 1, 2019.

Staff Summary of Public Testimony on Bill as Amended by Committee: PRO: This is a unique technological solution to delivery needs. My main concern is that we create a way to allow for us to all share the road/sidewalk. We also wanted to keep the regulation fairly simple. We need the safety data so that we can make sure that these devices are not causing any issues and to preserve public safety. It is important to note that this bill clarifies that these devices are not motor vehicles.

The devices have a number of safe guards. We have worked through a number of issues and have addressed the safety features that were of concern. We pledge to continue to work through the process.

Persons Testifying: PRO: Representative Shelley Kloba, Prime Sponsor; Chelsea Hager, Starship Technologies.

Persons Signed In To Testify But Not Testifying: No one.