

BILL ANALYSIS

Senate Research Center

S.B. 969
By: Hancock
Transportation
6/3/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Mobile delivery devices are beginning to serve as an alternative to traditional delivery options. These devices are not only being tested and operated in other states, but also in Texas. Because there is no section of the code that specifically addresses this technology, S.B. 969 not only defines these devices, but also sets parameters on when and where they are allowed to operate and sets minimum safety and insurance requirements. (Original Author's/Sponsor's Statement of Intent)

S.B. 969 amends current law relating to the operation of personal delivery and mobile carrying devices.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 502.001(26), Transportation Code, to specify that "motorized mobility device" has the meaning assigned by Section 552A.0101, rather than Section 542.009.

SECTION 2. Amends Subtitle C, Title 7, Transportation Code, by adding Chapter 552A, as follows:

CHAPTER 552A. DEVICES SUBJECT TO PEDESTRIAN LAWS

SUBCHAPTER A. PERSONAL DELIVERY AND MOBILE CARRYING DEVICES

Sec. 552A.0001. DEFINITIONS. Defines "agent," "business entity," "mobile carrying device," "pedestrian area," and "personal delivery device" for purposes of this subchapter.

Sec. 552A.0002. APPLICABLE LAW. (a) Provides that operation of a personal delivery or mobile carrying device in a pedestrian area or on the side or shoulder of a highway is governed exclusively by this subchapter and any applicable regulations adopted by a local authority that are not inconsistent with this subchapter, as authorized under Section 552A.0009.

(b) Provides that, for purposes of this title (Vehicles and Traffic), including Section 545.422 (Crossing Sidewalk or Hike and Bike Trail), a personal delivery or mobile carrying device operated in compliance with this subchapter is not considered to be a vehicle.

Sec. 552A.0003. OPERATOR OF PERSONAL DELIVERY DEVICE. (a) Authorizes a person to operate a personal delivery device under this subchapter only if the person is a business entity and a human who is an agent of the business entity has the capability to monitor or exercise physical control over the navigation and operation of the device.

(b) Provides that, 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) Provides that when a personal delivery device operated by a business entity is engaged and an agent of the entity controls the device in a manner that is outside the scope of the agent's office or employment, the agent is considered to be the operator of the device.

(d) Provides that a person is not considered to be the operator of a personal delivery device solely because the person requests a delivery or service provided by the device or dispatches the device.

Sec. 552A.0004. OPERATOR OF MOBILE CARRYING DEVICE. Provides that a person operating a mobile carrying device is considered to be the operator of the device for the purpose of assessing compliance with applicable traffic laws.

Sec. 552A.0005. DEVICE OPERATION. (a) Requires a personal delivery or mobile carrying device operated under this subchapter to perform certain enumerated actions.

(b) Requires a mobile carrying device operated under this subchapter to remain within 25 feet of the operator while the device is in motion.

Sec. 552A.0006. AREAS AND SPEEDS OF OPERATION. (a) Authorizes a personal delivery or mobile carrying device operated under this subchapter to be operated only:

(1) in a pedestrian area at a speed of not more than 10 miles per hour; or

(2) on the side of a roadway or the shoulder of a highway at a speed of not more than 20 miles per hour.

(b) Authorizes a local authority, notwithstanding Subsection (a)(1), to establish a maximum speed of less than 10 miles per hour in a pedestrian area in the jurisdiction of the local authority if the local authority determines that a maximum speed of 10 miles per hour is unreasonable or unsafe for that area. Prohibits a maximum speed established under this subsection from being less than seven miles per hour.

Sec. 552A.0007. PERSONAL DELIVERY DEVICE EQUIPMENT. (a) Requires a personal delivery device operated under this subchapter to:

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

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

(b) Requires a personal delivery device operated under this subchapter at nighttime to be equipped with lights on the front and rear of the device that are visible and recognizable under normal atmospheric conditions on all sides of the device from 1 to 500 feet from the device when the light is directly in front of lawful lower beams of headlamps.

Sec. 552A.0008. MOBILE CARRYING DEVICE EQUIPMENT. (a) Requires a mobile carrying device operated under this subchapter to be equipped with a braking system that enables the device to come to a controlled stop.

(b) Requires a mobile carrying device operated under this subchapter at nighttime to be equipped with lights that are visible and recognizable under normal

atmospheric conditions from 1 to 50 feet from the device when the light is directly in front of lawful lower beams of headlamps.

Sec. 552A.0009. LOCAL AUTHORITY REGULATION. (a) Authorizes a local authority to regulate the operation of a personal delivery or mobile carrying device on a highway or in a pedestrian area in a manner not inconsistent with this subchapter.

(b) Provides that this section does not affect the authority of a local authority's peace officers to enforce the laws of this state relating to the operation of a personal delivery or mobile carrying device.

Sec. 552A.0010. INSURANCE. Requires a business entity that operates a personal delivery device operated under this subchapter to maintain an insurance policy that includes general liability coverage of not less than \$100,000 for damages arising from the operation of the device.

SECTION 3. Amends Chapter 552A, Transportation Code, as added by this Act, by adding Subchapter B, and adds a heading to that subchapter to read as follows:

SUBCHAPTER B. MOBILITY DEVICES

SECTION 4. Transfers Section 542.009, Transportation Code, to Subchapter B, Chapter 552A, Transportation Code, as added by this Act, and redesignates it as Section 552A.0101. Makes no further changes to this section.

SECTION 5. Amends Section 551.351(2), Transportation Code, to make a conforming change.

SECTION 6. Effective date: upon passage or September 1, 2019.