

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

Session of 2021

SENATE BILL No. 161

By Committee on Commerce

2-8

Proposed Amendments to SB 161
For House Committee on Transportation
March 15, 2022
Prepared by: Office of Revisor of Statutes

1 AN ACT concerning personal package delivery devices; definitions;
2 operating requirements and restrictions; exemption from motor vehicle
3 requirements; limitation of local regulation; amending K.S.A.—2020-
4 ~~{2021}~~ Supp. 8-126 and repealing the existing section.
5

Be it enacted by the Legislature of the State of Kansas:

6 New Section 1. As used in sections 1 through 3, and amendments
7 thereto:

8 (a) "Agent" means a person charged by an entity with the
9 responsibility of navigating, controlling or operating a personal delivery
10 device.
11

12 (b) "Entity" means an association, corporation, partnership or other
13 domestic or foreign business organization operating in Kansas in
14 compliance with Kansas law that operates a personal delivery device in
15 Kansas.

16 (c) "Person" means a natural person.

17 (d) "Personal delivery device" or "device" means a powered device
18 operated primarily on sidewalks and crosswalks and intended primarily for
19 the transport of property on public rights-of-way that does not exceed 150
20 pounds, excluding cargo, and is capable of navigating with or without the
21 active control or monitoring of a person.

22 (e) "Personal delivery device operator" means an employee or agent
23 of an entity that exercises control or monitoring over the navigation system
24 and operation of a personal delivery device and has the capability of active
25 control of the personal delivery device during operation of such device. A
26 "personal delivery device operator" does not include an entity or person
27 who requests or receives the services of a personal delivery device for the
28 purpose of transporting property or who arranges for and dispatches the
29 requested services of a personal delivery device.

30 New Sec. 2. (a) Notwithstanding any other provision of law, a
31 personal delivery device is authorized to operate on any:

- 32 (1) Sidewalk or crosswalk of any municipality; and
33 (2) ~~public highway of any municipality only for the limited purpose~~
34 ~~of gaining or regaining access to a sidewalk or crosswalk. A personal~~

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shoulder or right side of any

1 delivery device shall yield to all vehicles and not unreasonably interfere
2 with motor vehicles or traffic.

3 (b) A personal delivery device shall:

4 (1) Not block public rights-of-way;

5 (2) obey all traffic and pedestrian control signals and devices;

6 (3) operate at a speed that does not exceed a maximum of six miles
7 per hour;

8 (4) prominently display a unique identifying personal delivery device
9 number;

10 (5) prominently display the identification and contact information of
11 the entity, including a telephone number for the entity that shall also be
12 provided in a manner readily accessible to blind persons, such as braille or
13 an auditory recording; and

14 (6) be equipped with a system, including hardware and software, that
15 enables the personal delivery device to come to a controlled stop, enables
16 the device to be actively controlled and monitored by the personal delivery
17 device operator and has the ability to avoid pedestrians, pets, vehicles,
18 bicycles and other animate or inanimate objects, with or without active
19 control by the personal delivery device operator.

20 (c) Subject to the requirements under this section, a personal delivery
21 device operating on a sidewalk or crosswalk shall have all the right-of-way
22 obligations and responsibilities applicable to a pedestrian under the same
23 circumstances under Kansas law, except that a personal delivery device
24 shall yield to or safely navigate pedestrians, bicyclists, vehicles and
25 wheelchairs as a pedestrian would and shall only cross a public highway
26 within a marked crosswalk or within an unmarked crosswalk at an
27 intersection.

28 (d) A personal delivery device shall be exempt from motor vehicle
29 registration requirements ~~except as provided herein~~. Notwithstanding
30 any other provision of law to the contrary, a personal delivery device shall
31 not be considered a vehicle or motor vehicle under Kansas law ~~if~~ ~~except~~
32 ~~that a personal delivery device shall be subject to the annual commercial~~
33 ~~vehicle fee pursuant to K.S.A. 2021 Supp. 8-143m, and amendments~~
34 ~~hereto, for commercial vehicles more than 10,000 pounds and up to~~
35 ~~12,000 pounds~~;

36 (e) An entity shall maintain an insurance policy that includes general
37 liability coverage of at least ~~\$100,000~~ ~~\$1,000,000~~ for damages arising
38 from the operation of the personal delivery device by the entity and any
39 agent of the entity.

40 (f) If the personal delivery device is being operated between sunset
41 and sunrise or, as permitted by this section, on any public highway at any
42 time, including when crossing a public highway within a marked
43 crosswalk or within an unmarked crosswalk at an intersection, it shall be

on sidewalks

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Strike

\$500,000

1 equipped with and employ lighting on both the front and rear of the
2 personal delivery device visible on all sides of the personal delivery device
3 in clear weather from a distance of at least 500 feet.

4 (g) A personal delivery device shall have the ability to determine
5 proximity of other objects and shall have an audible warning system
6 capable of detecting and warning a pedestrian for the purpose of notifying
7 blind persons of the presence of the personal delivery device.

8 (h) A personal delivery device shall not be operated to transport
9 hazardous material in violation of state or federal law applicable to the
10 transport of hazardous material by a person or motor vehicle, including
11 any material that has been designated as hazardous under 49 U.S.C. §
12 5103, and is required to be placarded under subpart F of 49 C.F.R. part
13 172.

14 New Sec. 3. Personal delivery devices may be prohibited by local
15 resolutions or ordinances if the local government determines that the
16 prohibition is necessary, in the interest of public safety. This section does
17 not affect the authority of a local authority's law enforcement officers to
18 enforce the laws of this state relating to the operation of a personal
19 delivery device.

20 Sec. 4. K.S.A. 2020 Supp. 8-126 is hereby amended to read as
21 follows: 8-126. The following words and phrases when used in this act
22 shall have the meanings respectively ascribed to them herein *mean the*
23 following:

24 (a) "All terrain vehicle" means any motorized nonhighway vehicle 50
25 inches or less in width, having a dry weight of 1,500 pounds or less,
26 traveling on three or more nonhighway tires.

27 (b) "Autocycle" means a three-wheel motorcycle that has a steering
28 wheel and seating that does not require the operator to straddle or sit
29 astride it.

30 (c) "Commission" or "state highway commission" means the director
31 of vehicles of the department of revenue.

32 (d) "Contractor" means a person, partnership, corporation, local
33 government, county government, county treasurer or other state agency
34 that has contracted with the department to provide services associated with
35 vehicle functions.

36 (e) "Department" or "motor vehicle department" or "vehicle
37 department" means the division of vehicles of the department of revenue,
38 acting directly or through its duly authorized officers and agents. When
39 acting on behalf of the department of revenue pursuant to this act, a county
40 treasurer shall be deemed to be an agent of the state of Kansas.

41 (f) "Division" means the division of vehicles of the department of
42 revenue.

43 (g) "Electric-assisted seooter" means every self-propelled vehicle that

(i) (1) Each entity, prior to operating a personal delivery device in Kansas, shall pay an annual fee of \$50 to the division of vehicles for each personal delivery device that the entity plans to operate in the state. In addition to the annual fee, an entity shall be required to submit an annual certification form prescribed by the division of vehicles that provides the following:

(A) The name and address of the entity and such entity's registered agent in Kansas, including the registered agent's name, address, driver's license number and any other information that the division may require;

(B) The name of each jurisdiction where the personal delivery device will be operated;

(C) An acknowledgment by such entity that:

(i) Each personal delivery device will display a unique identification number and other information specified in this section; and

(ii) the registered agent is responsible for any infraction committed by such entity's personal delivery device;

(D) An affirmation by such entity that such entity possesses the insurance required by this section;

(E) A list of any traffic incidents or infractions in the previous calendar year involving any personal delivery device operated by such entity in Kansas; and

(F) A list of each personal delivery device, identified by the device's unique identification number, that such entity intends to operate in Kansas during the year.

(2) If an entity intends to begin operating a new personal delivery device that is not listed on the form prescribed by this paragraph, such entity shall pay the fee required by this paragraph and submit an updated certification form to the division of vehicles that provides the necessary information required for the new personal delivery device.

(3) The division of vehicles shall remit all fees collected pursuant to this paragraph to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state highway fund.

(a)

(b) A political subdivision shall:

(1) Hold a public hearing before enacting an ordinance or resolution to restrict personal delivery devices; and

(2) notify all entities determined to be affected by the ordinance or resolution restricting personal delivery devices. At least 10 days before the public hearing, the political subdivision shall publish notice in a newspaper of general circulation within such political subdivision's jurisdiction regarding the proposed intent to restrict personal delivery devices. Such notice shall include, but not be limited to, the date, time and location of the public hearing.

(c) Nothing in this section shall prohibit a political subdivision from regulating the operation of personal delivery devices on a highway or pedestrian area to ensure the welfare and safety of the political subdivision's residents. Political subdivisions shall not regulate the design, manufacture and maintenance of a personal delivery device or the types of property that may be transported by a personal delivery device for the purposes of assessment and taxation or any other charges, no political subdivision shall treat personal delivery devices differently from personal property that is similar in nature.