

By: Landgraf

H.B. No. 2301

Substitute the following for H.B. No. 2301:

By: Ortega

C.S.H.B. No. 2301

A BILL TO BE ENTITLED

AN ACT

relating to the operation of personal delivery and mobile carrying devices.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 502.001(26), Transportation Code, is amended to read as follows:

(26) "Motorized mobility device" has the meaning assigned by Section 552A.0101 [~~542.009~~].

SECTION 2. Subtitle C, Title 7, Transportation Code, is amended by adding Chapter 552A to read as follows:

CHAPTER 552A. DEVICES SUBJECT TO PEDESTRIAN LAWS

SUBCHAPTER A. PERSONAL DELIVERY AND MOBILE CARRYING DEVICES

Sec. 552A.0001. DEFINITIONS. In this subchapter:

(1) "Agent" has the meaning assigned by Section 7.21, Penal Code.

(2) "Business entity" means a legal entity, including a corporation, partnership, or sole proprietorship, that is formed for the purpose of making a profit.

(3) "Mobile carrying device" means a device that:

(A) transports cargo while remaining within 25 feet of a human operator; and

(B) is equipped with technology that allows the operator to actively monitor the device.

(4) "Pedestrian area" includes a sidewalk, crosswalk,

1 school crosswalk, school crossing zone, or safety zone.

2 (5) "Personal delivery device" means a device that:

3 (A) is manufactured primarily for transporting
4 cargo in a pedestrian area or on the side or shoulder of a highway;
5 and

6 (B) is equipped with automated driving
7 technology, including software and hardware, that enables the
8 operation of the device with the remote support and supervision of a
9 human.

10 Sec. 552A.0002. APPLICABLE LAW. (a) The operation of a
11 personal delivery or mobile carrying device in a pedestrian area or
12 on the side or shoulder of a highway is governed exclusively by:

13 (1) this subchapter; and

14 (2) any applicable regulations adopted by a local
15 authority that are not inconsistent with this subchapter, as
16 authorized under Section 552A.0009.

17 (b) For the purposes of this title, including Section
18 545.422, a personal delivery or mobile carrying device operated in
19 compliance with this subchapter is not considered to be a vehicle.

20 Sec. 552A.0003. OPERATOR OF PERSONAL DELIVERY DEVICE. (a)
21 A person may operate a personal delivery device under this
22 subchapter only if:

23 (1) the person is a business entity; and

24 (2) a human who is an agent of the business entity has
25 the capability to monitor or exercise physical control over the
26 navigation and operation of the device.

27 (b) Except as provided by Subsection (c), when a personal

1 delivery device operated by a business entity is engaged, the
2 business entity is considered to be the operator of the device
3 solely for the purpose of assessing compliance with applicable
4 traffic laws.

5 (c) When a personal delivery device operated by a business
6 entity is engaged and an agent of the entity controls the device in
7 a manner that is outside the scope of the agent's office or
8 employment, the agent is considered to be the operator of the
9 device.

10 (d) A person is not considered to be the operator of a
11 personal delivery device solely because the person:

12 (1) requests a delivery or service provided by the
13 device; or

14 (2) dispatches the device.

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

19 Sec. 552A.0005. DEVICE OPERATION. (a) A personal delivery
20 or mobile carrying device operated under this subchapter must:

21 (1) operate in a manner that complies with the
22 provisions of this subtitle applicable to pedestrians, unless the
23 provision cannot by its nature apply to the device;

24 (2) yield the right-of-way to all other traffic,
25 including pedestrians;

26 (3) not unreasonably interfere with or obstruct other
27 traffic, including pedestrians;

1 (4) if operated at nighttime, display the lights
2 required by Section 552A.0007 or 552A.0008, as applicable;

3 (5) comply with any applicable regulations adopted by
4 a local authority under Section 552A.0009;

5 (6) not transport hazardous materials in a quantity
6 requiring placarding by a regulation issued under the Hazardous
7 Materials Transportation Act (49 U.S.C. Section 5101 et seq.); and

8 (7) be monitored or controlled as provided by Section
9 552A.0003(a) for a personal delivery device or by the operator for a
10 mobile carrying device.

11 (b) A mobile carrying device operated under this subchapter
12 must remain within 25 feet of the operator while the device is in
13 motion.

14 Sec. 552A.0006. AREAS AND SPEEDS OF OPERATION. A personal
15 delivery or mobile carrying device operated under this subchapter
16 may be operated only:

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

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

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

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

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

1 (b) A personal delivery device operated under this
2 subchapter at nighttime must be equipped with lights on the front
3 and rear of the device that are visible and recognizable under
4 normal atmospheric conditions on all sides of the device from 1 to
5 500 feet from the device when the light is directly in front of
6 lawful lower beams of headlamps.

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

11 (b) A mobile carrying device operated under this subchapter
12 at nighttime must be equipped with lights that are visible and
13 recognizable under normal atmospheric conditions from 1 to 50 feet
14 from the device when the light is directly in front of lawful lower
15 beams of headlamps.

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

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

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

1 operation of the device.

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

5 SUBCHAPTER B. MOBILITY DEVICES

6 SECTION 4. Section 542.009, Transportation Code, is
7 transferred to Subchapter B, Chapter 552A, Transportation Code, as
8 added by this Act, and redesignated as Section 552A.0101,
9 Transportation Code, to read as follows:

10 Sec. 552A.0101 [~~542.009~~]. OPERATORS OF CERTAIN MOBILITY
11 DEVICES. (a) In this section, "motorized mobility device" means a
12 device designed for transportation of persons with physical
13 disabilities that:

- 14 (1) has three or more wheels;
- 15 (2) is propelled by a battery-powered motor;
- 16 (3) has not more than one forward gear; and
- 17 (4) is not capable of speeds exceeding eight miles per
18 hour.

19 (b) For the purposes of this subtitle, a person operating a
20 nonmotorized wheelchair or motorized mobility device is considered
21 to be a pedestrian.

22 SECTION 5. Section 551.351(2), Transportation Code, is
23 amended to read as follows:

24 (2) "Pocket bike or minimotorbike" means a
25 self-propelled vehicle that is equipped with an electric motor or
26 internal combustion engine having a piston displacement of less
27 than 50 cubic centimeters, is designed to propel itself with not

1 more than two wheels in contact with the ground, has a seat or
2 saddle for the use of the operator, is not designed for use on a
3 highway, and is ineligible for a certificate of title under Chapter
4 501. The term does not include:

5 (A) a moped or motorcycle;

6 (B) an electric bicycle or motor-driven cycle, as
7 defined by Section 541.201;

8 (C) a motorized mobility device, as defined by
9 Section 552A.0101 [~~542.009~~];

10 (D) an electric personal assistive mobility
11 device, as defined by Section 551.201; or

12 (E) a neighborhood electric vehicle, as defined
13 by Section 551.301.

14 SECTION 6. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2019.