

1-1 By: Hancock S.B. No. 969
1-2 (In the Senate - Filed February 21, 2019; March 1, 2019,
1-3 read first time and referred to Committee on Transportation;
1-4 April 4, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 4, 2019,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Nichols</u>	X		
1-10	<u>Hancock</u>	X		
1-11	<u>Alvarado</u>	X		
1-12	<u>Hinojosa</u>	X		
1-13	<u>Kolkhorst</u>	X		
1-14	<u>Perry</u>	X		
1-15	<u>Rodríguez</u>	X		
1-16	<u>Schwertner</u>	X		
1-17	<u>West</u>	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 969 By: Hancock

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the operation of personal delivery and mobile carrying
1-22 devices.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 502.001(26), Transportation Code, is
1-25 amended to read as follows:

1-26 (26) "Motorized mobility device" has the meaning
1-27 assigned by Section 552A.0101 [~~542.009~~].

1-28 SECTION 2. Subtitle C, Title 7, Transportation Code, is
1-29 amended by adding Chapter 552A to read as follows:

1-30 CHAPTER 552A. DEVICES SUBJECT TO PEDESTRIAN LAWS

1-31 SUBCHAPTER A. PERSONAL DELIVERY AND MOBILE CARRYING DEVICES

1-32 Sec. 552A.0001. DEFINITIONS. In this subchapter:

1-33 (1) "Agent" has the meaning assigned by Section 7.21,
1-34 Penal Code.

1-35 (2) "Business entity" means a legal entity, including
1-36 a corporation, partnership, or sole proprietorship, that is formed
1-37 for the purpose of making a profit.

1-38 (3) "Mobile carrying device" means a device that:

1-39 (A) transports cargo while remaining within 25
1-40 feet of a human operator; and

1-41 (B) is equipped with technology that allows the
1-42 operator to actively monitor the device.

1-43 (4) "Pedestrian area" includes a sidewalk, crosswalk,
1-44 school crosswalk, school crossing zone, or safety zone.

1-45 (5) "Personal delivery device" means a device that:

1-46 (A) is manufactured primarily for transporting
1-47 cargo in a pedestrian area or on the side or shoulder of a highway;
1-48 and

1-49 (B) is equipped with automated driving
1-50 technology, including software and hardware, that enables the
1-51 operation of the device with the remote support and supervision of a
1-52 human.

1-53 Sec. 552A.0002. APPLICABLE LAW. (a) The operation of a
1-54 personal delivery or mobile carrying device in a pedestrian area or
1-55 on the side or shoulder of a highway is governed exclusively by:

1-56 (1) this subchapter; and

1-57 (2) any applicable regulations adopted by a local
1-58 authority that are not inconsistent with this subchapter, as
1-59 authorized under Section 552A.0009.

1-60 (b) For the purposes of this title, including Section

2-1 545.422, a personal delivery or mobile carrying device operated in
2-2 compliance with this subchapter is not considered to be a vehicle.
2-3 Sec. 552A.0003. OPERATOR OF PERSONAL DELIVERY DEVICE.
2-4 (a) A person may operate a personal delivery device under this
2-5 subchapter only if:
2-6 (1) the person is a business entity; and
2-7 (2) a human who is an agent of the business entity has
2-8 the capability to monitor or exercise physical control over the
2-9 navigation and operation of the device.
2-10 (b) Except as provided by Subsection (c), when a personal
2-11 delivery device operated by a business entity is engaged, the
2-12 business entity is considered to be the operator of the device
2-13 solely for the purpose of assessing compliance with applicable
2-14 traffic laws.
2-15 (c) When a personal delivery device operated by a business
2-16 entity is engaged and an agent of the entity controls the device in
2-17 a manner that is outside the scope of the agent's office or
2-18 employment, the agent is considered to be the operator of the
2-19 device.
2-20 (d) A person is not considered to be the operator of a
2-21 personal delivery device solely because the person:
2-22 (1) requests a delivery or service provided by the
2-23 device; or
2-24 (2) dispatches the device.
2-25 Sec. 552A.0004. OPERATOR OF MOBILE CARRYING DEVICE. A
2-26 person operating a mobile carrying device is considered to be the
2-27 operator of the device for the purpose of assessing compliance with
2-28 applicable traffic laws.
2-29 Sec. 552A.0005. DEVICE OPERATION. (a) A personal delivery
2-30 or mobile carrying device operated under this subchapter must:
2-31 (1) operate in a manner that complies with the
2-32 provisions of this subtitle applicable to pedestrians, unless the
2-33 provision cannot by its nature apply to the device;
2-34 (2) yield the right-of-way to all other traffic,
2-35 including pedestrians;
2-36 (3) not unreasonably interfere with or obstruct other
2-37 traffic, including pedestrians;
2-38 (4) if operated at nighttime, display the lights
2-39 required by Section 552A.0007 or 552A.0008, as applicable;
2-40 (5) comply with any applicable regulations adopted by
2-41 a local authority under Section 552A.0009;
2-42 (6) not transport hazardous materials in a quantity
2-43 requiring placarding by a regulation issued under the Hazardous
2-44 Materials Transportation Act (49 U.S.C. Section 5101 et seq.); and
2-45 (7) be monitored or controlled as provided by Section
2-46 552A.0003(a) for a personal delivery device or by the operator for a
2-47 mobile carrying device.
2-48 (b) A mobile carrying device operated under this subchapter
2-49 must remain within 25 feet of the operator while the device is in
2-50 motion.
2-51 Sec. 552A.0006. AREAS AND SPEEDS OF OPERATION. A personal
2-52 delivery or mobile carrying device operated under this subchapter
2-53 may be operated only:
2-54 (1) in a pedestrian area at a speed of not more than 10
2-55 miles per hour; or
2-56 (2) on the side of a roadway or the shoulder of a
2-57 highway at a speed of not more than 20 miles per hour.
2-58 Sec. 552A.0007. PERSONAL DELIVERY DEVICE EQUIPMENT. (a) A
2-59 personal delivery device operated under this subchapter must:
2-60 (1) be equipped with a marker that clearly states the
2-61 name and contact information of the owner and a unique
2-62 identification number; and
2-63 (2) be equipped with a braking system that enables the
2-64 device to come to a controlled stop.
2-65 (b) A personal delivery device operated under this
2-66 subchapter at nighttime must be equipped with lights on the front
2-67 and rear of the device that are visible and recognizable under
2-68 normal atmospheric conditions on all sides of the device from 1 to
2-69 500 feet from the device when the light is directly in front of

3-1 lawful lower beams of headlamps.
3-2 Sec. 552A.0008. MOBILE CARRYING DEVICE EQUIPMENT. (a) A
3-3 mobile carrying device operated under this subchapter must be
3-4 equipped with a braking system that enables the device to come to a
3-5 controlled stop.

3-6 (b) A mobile carrying device operated under this subchapter
3-7 at nighttime must be equipped with lights that are visible and
3-8 recognizable under normal atmospheric conditions from 1 to 50 feet
3-9 from the device when the light is directly in front of lawful lower
3-10 beams of headlamps.

3-11 Sec. 552A.0009. LOCAL AUTHORITY REGULATION. (a) A local
3-12 authority may regulate the operation of a personal delivery or
3-13 mobile carrying device on a highway or in a pedestrian area in a
3-14 manner not inconsistent with this subchapter.

3-15 (b) This section does not affect the authority of a local
3-16 authority's peace officers to enforce the laws of this state
3-17 relating to the operation of a personal delivery or mobile carrying
3-18 device.

3-19 Sec. 552A.0010. INSURANCE. A business entity that operates
3-20 a personal delivery device operated under this subchapter must
3-21 maintain an insurance policy that includes general liability
3-22 coverage of not less than \$100,000 for damages arising from the
3-23 operation of the device.

3-24 SECTION 3. Chapter 552A, Transportation Code, as added by
3-25 this Act, is amended by adding Subchapter B, and a heading is added
3-26 to that subchapter to read as follows:

3-27 SUBCHAPTER B. MOBILITY DEVICES

3-28 SECTION 4. Section 542.009, Transportation Code, is
3-29 transferred to Subchapter B, Chapter 552A, Transportation Code, as
3-30 added by this Act, and redesignated as Section 552A.0101,
3-31 Transportation Code, to read as follows:

3-32 Sec. 552A.0101 [~~542.009~~]. OPERATORS OF CERTAIN MOBILITY
3-33 DEVICES. (a) In this section, "motorized mobility device" means a
3-34 device designed for transportation of persons with physical
3-35 disabilities that:

- 3-36 (1) has three or more wheels;
- 3-37 (2) is propelled by a battery-powered motor;
- 3-38 (3) has not more than one forward gear; and
- 3-39 (4) is not capable of speeds exceeding eight miles per
3-40 hour.

3-41 (b) For the purposes of this subtitle, a person operating a
3-42 nonmotorized wheelchair or motorized mobility device is considered
3-43 to be a pedestrian.

3-44 SECTION 5. Section 551.351(2), Transportation Code, is
3-45 amended to read as follows:

3-46 (2) "Pocket bike or minimotorbike" means a
3-47 self-propelled vehicle that is equipped with an electric motor or
3-48 internal combustion engine having a piston displacement of less
3-49 than 50 cubic centimeters, is designed to propel itself with not
3-50 more than two wheels in contact with the ground, has a seat or
3-51 saddle for the use of the operator, is not designed for use on a
3-52 highway, and is ineligible for a certificate of title under Chapter
3-53 501. The term does not include:

- 3-54 (A) a moped or motorcycle;
- 3-55 (B) an electric bicycle or motor-driven cycle, as
3-56 defined by Section 541.201;
- 3-57 (C) a motorized mobility device, as defined by
3-58 Section 552A.0101 [~~542.009~~];
- 3-59 (D) an electric personal assistive mobility
3-60 device, as defined by Section 551.201; or
- 3-61 (E) a neighborhood electric vehicle, as defined
3-62 by Section 551.301.

3-63 SECTION 6. This Act takes effect immediately if it receives
3-64 a vote of two-thirds of all the members elected to each house, as
3-65 provided by Section 39, Article III, Texas Constitution. If this
3-66 Act does not receive the vote necessary for immediate effect, this
3-67 Act takes effect September 1, 2019.

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