

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1767

5 By: Representative L. Johnson  
6

## For An Act To Be Entitled

8 AN ACT TO ALLOW THE OPERATION OF A PERSONAL DELIVERY  
9 DEVICE IN PEDESTRIAN AREAS AND CERTAIN STREETS AND  
10 ROADS; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 TO ALLOW THE OPERATION OF A PERSONAL  
14 DELIVERY DEVICE IN PEDESTRIAN AREAS AND  
15 CERTAIN STREETS AND ROADS.  
16  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Title 27, Chapter 51, is amended to add an additional  
22 subchapter to read as follows:

23 Subchapter 21 – Personal Delivery Device  
24

25 27-51-2101. Title.

26 This subchapter shall be known and may be cited as the "Personal  
27 Delivery Device Act".  
28

29 27-51-2102. Definitions.

30 As used in this subchapter:

31 (1) "Eligible entity" means a corporation, partnership,  
32 association, firm, sole proprietorship, or other entity engaged in a business  
33 that includes the operation of a personal delivery device;

34 (2) "Pedestrian area" means a sidewalk, crosswalk, school  
35 crosswalk, or school crossing zone;

36 (3)(A) "Personal delivery device" means an electrically powered



1 device:

2 (i) Manufactured for the transport of cargo and  
 3 goods;

4 (ii) That weighs five hundred pounds (500 lbs.) or  
 5 less;

6 (iii) Equipped with automated driving technology,  
 7 including hardware and software, that enables the operation of the personal  
 8 delivery device with or without the active control or monitoring of a person;  
 9 and

10 (iv) Equipped with a braking system that enables the  
 11 personal delivery device to come to a controlled stop.

12 (B) "Personal delivery device" does not include:

13 (i) A motor vehicle under § 27-49-114; or

14 (ii) An autonomous vehicle under § 27-51-2001; and

15 (4)(A) "Personal delivery device operator" means an employee or  
 16 agent of an eligible entity who exercises active physical control over, or  
 17 monitoring of, the navigation and operation of a personal delivery device.

18 (B) "Personal delivery device operator" does not include:

19 (i) With respect to a delivery or other service  
 20 rendered by a personal delivery device, the person who requests the delivery  
 21 or service; or

22 (ii) A person who only arranges for and dispatches a  
 23 personal delivery device for a delivery or other service.

24  
 25 27-51-2103. Operation of a personal delivery device.

26 (a) A personal delivery device may be operated at a maximum speed of:

27 (1) Ten miles per hour (10 m.p.h.) when operated in a pedestrian  
 28 area; or

29 (2) Twenty miles per hour (20 m.p.h.) when operated on a:

30 (A) County street or road; or

31 (B) Municipal street or road.

32 (b) A personal delivery device may not be operated:

33 (1) On:

34 (A) An interstate highway;

35 (B) A controlled access highway;

36 (C) A state highway; or

1                   (D) A street or road where a posted speed limit is more  
 2 than forty-five miles per hour (45 m.p.h.); or

3                   (2) In a manner that:

4                   (A) Unreasonably interferes with motor vehicles or  
 5 traffic; or

6                   (B) Blocks a public right-of-way.

7                   (c) If a personal delivery device is operated between sunset and  
 8 sunrise, the personal delivery device shall be equipped with a lighted lamp  
 9 on both the front and rear of the personal delivery device that is visible:

10                   (1) On all sides of the personal delivery device in clear  
 11 weather from a distance of at least five hundred feet (500 ft.); and

12                   (2) From the front and rear of the personal delivery device when  
 13 directly in front of low beams of headlights on a motor vehicle.

14  
 15                   27-51-2104. Operation on a street or road.

16                   A personal delivery device operated on a street or road shall be  
 17 operated:

18                   (1) As close as practicable to the outside edge of a street or  
 19 road; and

20                   (2) In the direction of authorized traffic movement.

21  
 22                   27-51-2105. Rules in pedestrian area.

23                   A personal delivery device has the rights and obligations applicable to  
 24 a pedestrian under § 27-51-1201 et seq. except that a personal delivery  
 25 device shall yield the right-of-way to a pedestrian.

26  
 27                   27-51-2106. Personal delivery device operator.

28                   A personal delivery device operator shall operate a personal delivery  
 29 device in a manner that ensures the personal delivery device:

30                   (1) Complies with traffic or pedestrian control devices and  
 31 signals; and

32                   (2) Does not unreasonably interfere with pedestrians or traffic.

33  
 34                   27-51-2107. Unique identifying number.

35                   An eligible entity shall equip each personal delivery device with a:

36                   (1) Marker that clearly identifies the name and contact of the

1 eligible entity responsible for the operation of the personal delivery  
 2 device; and

3 (2) Unique identifying number.

4  
 5 27-51-2108. Insurance Requirement.

6 An eligible entity shall maintain an insurance policy for each personal  
 7 delivery device that includes general liability coverage of not less than one  
 8 hundred thousand dollars (\$100,000) for damages arising from the operation of  
 9 a personal delivery device by the eligible entity or personal delivery device  
 10 operator.

11  
 12 27-51-2109. Licensing and registration.

13 A personal delivery device is exempt from the licensing and  
 14 registration requirements under § 27-14-601 et seq.

15  
 16 27-51-2110. Restriction on transport.

17 An eligible entity may not use a personal delivery device to transport  
 18 hazardous material that is:

19 (1) Regulated under the Hazardous Materials Transportation Act,  
 20 49 U.S.C. § 5101 et seq., as it existed on January 1, 2021; and

21 (2) Required to be placarded under 49 C.F.R. Part 172.

22  
 23 27-51-2111. Local ordinances.

24 (a) A county or municipality may pass an ordinance to prohibit the  
 25 operation of a personal delivery device upon any pedestrian area, street, or  
 26 road within its jurisdiction.

27 (b) A county or municipality shall not pass an ordinance relating to  
 28 the:

29 (1) Design, manufacture, maintenance, certification, licensing,  
 30 registration, taxation, assessment, or insurance requirement of a personal  
 31 delivery device; or

32 (2) The types of cargo and goods that may be transported by a  
 33 personal delivery device.