

FINAL BILL REPORT

ESHB 1325

C 214 L 19
Synopsis as Enacted

Brief Description: Regulating personal delivery devices.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Kloba, Steele, Walen, Fey and Slatter).

House Committee on Transportation
Senate Committee on Transportation

Background:

Autonomous Unmanned Vehicle Delivery Systems.

Unmanned vehicle systems, including autonomous systems, have been developed over time for various purposes, including governmental, research-related, hobby-related, and commercial purposes. Autonomous systems are machines capable of performing tasks in the world by themselves without explicit human control. Examples range from autonomous helicopters to robotic vacuum cleaners. In recent years, there have been developments in the field of automated ground-based delivery systems.

Several jurisdictions, including several states and the District of Columbia, have adopted laws or regulations in recent years governing automated ground-based delivery devices. These laws and regulations have provided definitions and operational parameters for the devices, as well as modifications to the jurisdiction's rules of the road governing sidewalk use and crosswalk use. The laws have also typically excluded the devices from the definition of "motor vehicle," which exempts the devices from certain regulations, such as the requirement that the device be registered annually and subject to the annual vehicle licensing fee, for example.

Department of Licensing and Self-Certification.

For certain exceptions to vehicle equipment standards and rules of the road, a vehicle owner self-certify to the Department of Licensing (DOL) that the vehicle meets the requirements of the law and the use of the vehicle will comply with the law. For example, a person who owns a neighborhood electric vehicle must fill out a form in which the person certifies that he or she understands that it is a traffic infraction to use the vehicle: on roads other than those

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permitted by; to operate the vehicle without a valid driver's license; if the vehicle is not properly registered; and if the operator does not have liability insurance. The person undertaking a self-certification must sign the form under a statement that reads, "I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

Rules of the Road—Motor Vehicles and Other Users of Highways.

The use of highway rights-of-way, including sidewalks and crosswalks, is subject to a number of requirements. In general, motor vehicles have the right-of-way within the roadway. Pedestrians are required to obey traffic signals, including those for crosswalks. Pedestrians crossing a roadway at a point other than a crosswalk must yield the right-of-way to all vehicles upon the roadway. Motor vehicles turning into a driveway or alleyway must yield the right-of-way to bicyclists and pedestrians on a sidewalk or crosswalk. A bicyclist must yield the right-of-way to a pedestrian on a sidewalk or crosswalk. Mopeds may not be operated upon sidewalks. The operation of a motorized foot scooter or a class 3 electric-assisted bicycle on a sidewalk is not allowed, unless there is no other bicycle or pedestrian path alternative.

Traffic Infractions.

A violation of rules of the road and of a number of the other laws governing the operation of a vehicle are traffic infractions, typically punishable by a fine or penalty. An infraction is initiated by the issuance, service, and filing of a notice of infraction. A law enforcement officer may issue a notice of a traffic infraction when the infraction was committed in the officer's presence, at the request of another officer in whose presence the infraction was committed, if the officer has reasonable cause to believe that a driver involved in an accident has committed a traffic infraction, or through the use of automated safety cameras. The officer will serve the notice on the driver of the vehicle for many infractions. For a subset of traffic infractions that concern the stopping, standing, or parking of vehicles, the citing officer must serve notice on the vehicle owner by affixing the notice to the vehicle in a conspicuous place. The officer must then file the notice with a court having jurisdiction over the infraction.

A person who has been served notice of infraction must respond within 15 days from the date of the notice, either with the payment of the fine, a request for hearing to contest the notice, or a request for hearing to explain mitigating circumstances. If the individual fails to either pay the fine or request a hearing within 15 days, the court will enter an order assessing the monetary penalties for the infraction and may assess additional penalties for failing to respond.

Following the payment of the fine, the failure of the defendant to appear for a hearing, or upon the determination by the court that the defendant committed a traffic infraction, the court will forward to the DOL for most infractions a copy of the notice of the traffic infraction and an abstract of the court's order. The DOL is required to keep a case record of this information for each driver. For stopping, standing, or parking infractions, the court is not required to forward this information to the DOL and it does not become part of the driver's record.

Penalties or fines for many traffic infractions are set either by state statute or by the court through rulemaking. Proceeds are split between the state and local governments and are directed to the state or local general fund. Penalties for stopping, standing, or parking infractions are set by the city or county government, and proceeds from these penalties are retained at the local government level.

Regulation of Common Carriers.

The Utilities and Transportation (UTC) is charged with regulating common carriers, which are businesses that transport property other than household goods by motor vehicle for compensation. The UTC requires common carriers to obtain and maintain permits, to file reports and pay regulatory fees, and to file and maintain evidence of certain insurance coverage. Common carriers are subject to safety evaluations by the UTC.

Summary:

The operation of personal delivery devices (PDD or device) is authorized under certain conditions.

A PDD is an electrically powered, automated device weighing less than 120 pounds and intended primarily to transport property on a sidewalk or crosswalk at speeds of 6 miles per hour (mph) or less. The operation of the PDD is supported by a remote operator who has the capability to monitor or control the device.

A business may operate a PDD under the following conditions:

- The PDD travels only on sidewalks and crosswalks or, in areas where sidewalks are not provided, in areas where pedestrians are otherwise permitted to travel, as long as the adjacent roadway has a speed limit of 45 mph or less.
- The PDD is operated in accordance with the ordinances and regulations established by the jurisdiction governing the rights-of-way where the PDD travels.
- The PDD operator is either monitoring or controlling the device.
- The business that operates the PDD maintains an insurance policy with a liability coverage of at least \$100,000 for damages arising from the operation of the device.
- The business must report any incidents resulting in personal injury or property damage to local law enforcement within 48 hours of the incident.
- The business registers an agent located in the state for the purposes of addressing traffic infractions and incidents involving PDDs operated by the business.
- The PDD has a unique identification number and a marker that includes its identification number, the name and contact information of the business that operates the device, and the name and contact information of the registered agent.
- The business submits a self-certification form to the DOL, both before beginning operation of PDDs and then on an annual basis thereafter, that provides: contact information and the name of the registered agent; the location of the jurisdiction in which the PDDs will operate; an acknowledgement that the PDD must display a unique identification number; an affirmation that the business possesses the required insurance; and a list of any incidents or infractions involving PDDs operated by the eligible entity.

- The PDD has a properly functioning braking system.
- The PDD is first added by the DOL to the list of PDDs submitted through the self-certification process and intended to be operated in the state.
- The business has paid a \$50 fee to the DOL for the operation of the PDD.
- If the PDD is to be operated between sunset and sunrise, the device has lights on its front and rear that are visible from 500 feet or more to a driver of a car with its headlights on.

A PDD may not be operated to transport hazardous material in a quantity and form that poses an unreasonable risk to health, safety, or property when transported in commerce. A PDD may not be used to transport consumable alcohol.

The DOL is required to create a self-certification form for a business that intends to operate PDDs. Through the form, the DOL must obtain: name and contact information of both the business and the registered agent, as well as the drivers license number of the agent; the location of the jurisdiction in which the PDDs are intended to be operated; an acknowledgement that the PDD must display a unique identification number; an acknowledgement that each PDD must display the required information about the registered agent and that the agent is responsible for any traffic infraction committed by the PDD; a list of each PDD that the business intends to operate during the year; an affirmation that the business possesses the required insurance; and a list of any incidents or infractions involving PDDs operated by the eligible entity. The DOL must obtain \$50 for each PDD the business intends to operate.

A PDD is excluded from the definition of "motor vehicle" and the definition of "vehicle," except with respect to certain rules of the road governing the use of sidewalks and crosswalks. In general, the operation of PDDs must adhere to the same rules of the road that apply to pedestrians. In addition, a PDD must yield the right-of-way to a pedestrian or a bicycle on a sidewalk or crosswalk.

A violation of the terms of the regulations governing PDDs is a traffic infraction. The notice of infraction must be mailed within 14 days of the violation to the registered agent within Washington of the business that operated the PDD at the time the infraction occurred. The registered agent is the person responsible for the infraction. The infraction must be processed in the same manner as for a parking infraction, and any fine issued by the local jurisdiction must be consistent with the amount issued by the jurisdiction for parking infractions. The infraction does not become part of the registered agent's driving record.

A PDD is excluded from the definition of "common carrier" for the purposes of UTC regulation.

Votes on Final Passage:

House	94	3	
Senate	46	0	(Senate amended)
House	92	2	(House concurred)

Effective: September 1, 2019