

2021 Regular Session

SENATE BILL NO. 147

BY SENATOR WARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DRONES/UNMANNED VEHICLES. Provides for personal delivery devices. (gov sig)

1 AN ACT

2 To enact Subpart G-2 of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 32:210 through 210.7, relative to the operation of personal
4 delivery devices; relative to motor vehicles and traffic regulations; to provide for
5 definitions and terms; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Subpart G-2 of Chapter 1 of Title 32 of the Louisiana Revised Statutes
8 of 1950, comprised of R.S. 32:210 through 210.7, is hereby enacted to read as follows:

9 **SUBPART G-2. PERSONAL DELIVERY DEVICES**

10 **§210. Definitions**

11 **(1) "Agent" means a director, officer, employee, or other person**
12 **authorized to act on behalf of a business entity.**

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

16 **(3) "Nonpedestrian area" shall consist of any divided highway, highway,**
17 **roadway, or street where the posted speed limit is thirty-five miles per hour or**

1 less.

2 (4)"Pedestrian area" means a sidewalk, crosswalk, school crosswalk,
3 school crossing zone, or safety zone.

4 (5) "Personal delivery device" means a device that is manufactured for
5 transporting cargo and goods in a pedestrian area or supplementary areas and
6 is equipped with automated driving technology, including software and
7 hardware, that enables the operation of the device with the remote support and
8 supervision of a human.

9 §210.1. Applicable law

10 A. The operation of a personal delivery device is governed by this
11 Subpart. Personal delivery devices shall not be subject to any additional
12 regulation outside of this Subpart.

13 B. For the purpose of this Subpart, a personal delivery device operated
14 in compliance with this Subpart shall not be considered a vehicle.

15 §210.2. Operator of personal delivery device

16 A. A person may operate a personal delivery device under this Subpart
17 only if the person is a business entity, and an agent of the business entity is
18 trained and capable to monitor or exercise physical control over the navigation
19 and operation of the device.

20 B. Except as provided by Subsection C of this Section, when a personal
21 delivery device operated by a business entity is engaged, the business entity is
22 considered to be the operator of the device solely for the purpose of assessing
23 compliance with applicable traffic laws.

24 C. When a personal delivery device operated by a business entity is
25 engaged and an agent of the entity controls the device in a manner that is
26 outside the scope of the agent's scope of employment, the agent is considered to
27 be the operator of the device.

28 D. A person is not considered to be the operator of a personal delivery
29 device solely because the person requests a delivery or service provided by the

1 device, or dispatches the device.

2 §210.3. Device operation

3 A personal delivery device operated under this Subpart shall:

4 (1) Operate in a manner that complies with any provision under this
5 Chapter that is applicable to pedestrians, unless the provision cannot apply to
6 the device.

7 (2) Yield to or not obstruct the right-of-way to all other traffic, including
8 pedestrian traffic.

9 (3) Not unreasonably interfere with other traffic, including pedestrian
10 traffic.

11 (4) Display the lights required by R.S. 32:301 et seq., if the personal
12 delivery device is operated at night.

13 (5) Comply with any applicable regulations adopted by local authority.

14 (6) Not transport hazardous materials regulated under the Hazardous
15 Materials Transportation Act, pursuant to 49 U.S.C.A. 5103 and required to be
16 placarded under 49 C.F.R Part 172, Subpart F.

17 (7) Be monitored or controlled as provided by R.S. 32:210.2 for personal
18 delivery devices.

19 §210.4. Areas of operation

20 A personal delivery device operated under this Subpart may be operated
21 either:

22 (1) In a pedestrian area at speeds up to twelve miles per hour.

23 (2) At a speed not to exceed twenty miles per hour on a nonpedestrian
24 area, provided that the personal delivery device shall not cross any divided
25 highway, highway, roadway, or street with a posted speed limit in excess of
26 thirty-five miles per hour at an intersection.

27 §210.5. Personal delivery device equipment

28 A. A personal delivery device operated under this Subpart shall:

29 (1) Be equipped with a marker that clearly states the name and contact

1 information of the owner and a unique identification number that is specific to
2 each individual personal delivery device.

3 (2) Be equipped with a braking system that enables the device to come
4 to a controlled stop.

5 B. A personal delivery device operated under this Subpart at night shall
6 be equipped with lights on the front and rear of the device. The lights affixed to
7 the personal delivery device shall be visible under normal atmospheric
8 conditions for up to five hundred feet away from the device.

9 §210.6. Local authority regulation

10 A. A local authority may not regulate the operation of a personal
11 delivery device on a nonpedestrian area or in a pedestrian area in a manner
12 inconsistent with this Subpart, including but not limited to hours of operation
13 or zones of operation.

14 B. Nothing in this Subpart shall affect the authority of a peace officer to
15 enforce the laws of this state relating to the operation of a personal delivery
16 device.

17 §210.7. Insurance

18 A business entity that operates a personal delivery device operated under
19 this Subpart shall maintain an insurance policy that includes general liability
20 coverage of not less than one hundred thousand dollars, for damages arising
21 from the operation of the personal delivery device.

22 Section 2. This Act shall become effective upon signature by the governor or, if not
23 signed by the governor, upon expiration of the time for bills to become law without signature
24 of the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
26 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 147 Original 2021 Regular Session Ward

Proposed law provides for definitions relative to personal delivery devices.

Proposed law provides that the operation of a personal delivery device should be governed only by this Subpart.

Proposed law provides that a personal delivery device shall not be considered a vehicle.

Proposed law provides that a business entity may be the operator of a personal delivery device, through an agent of the business entity, that is trained and capable of monitoring or exercising physical control of the personal delivery device.

Proposed law provides that a personal delivery device shall yield to pedestrians and not obstruct right-of-ways to all other traffic.

Proposed law provides that a personal delivery device shall not transport hazardous materials.

Proposed law provides that a personal delivery device may be operated at speeds of up to 12 miles per hour in a pedestrian area or at speeds up to 20 miles per hour in a nonpedestrian area.

Proposed law provides that a personal delivery device shall be equipped with markers and a unique identification number. Further provides that a personal delivery device shall be equipped with a braking system, and lights on the front and rear that are visible up to 500 feet.

Proposed law provides that local authority cannot regulate the operation of a personal delivery device in a manner that is inconsistent with this Subpart.

Proposed law provides that a business entity that operates a personal delivery device shall maintain no less than \$100,000 of general liability insurance on the personal delivery device.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 32:210 - 210.7)