

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; to provide for the applicability of motor vehicles and traffic
5 regulations; to provide for 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 powered device that travels at the
5 speed of twenty miles per hour or less, is less than five hundred pounds,
6 excluding cargo, is manufactured for transporting cargo and goods in a
7 pedestrian area or supplementary areas, and is equipped with automated
8 driving technology, including software and hardware, that enables the operation
9 of the device with the remote support and supervision of a human being.

10 §210.1. Applicable law

11 A. The operation of a personal delivery device is governed by the
12 provisions of this Subpart and Federal Aviation Administration airport
13 regulations.

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

16 §210.2. Operator of personal delivery device

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

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

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

29 D. A person is not considered to be the operator of a personal delivery

1 device solely because the person requests a delivery or service provided by the
2 device, or dispatches the device.

3 §210.3. Device operation

4 A personal delivery device operated under this Subpart shall:

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

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

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

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

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

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

18 (7) Be monitored or controlled by an agent of the business entity meeting
19 the requirements of R.S. 32:210.2 (A).

20 §210.4. Areas of operation

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

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

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

28 §210.5. Personal delivery device equipment

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

1 **(1) Be equipped with a marker that clearly states the name and contact**
2 **information of the owner and a unique identification number that is specific to**
3 **each individual personal delivery device.**

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

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

10 **§210.6. Local authority regulation**

11 **A. Personal delivery devices may be prohibited by local resolutions or**
12 **ordinances if the local government determines that the prohibition is in the**
13 **interest of public safety.**

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 was prepared by Xavier Alexander. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

DIGEST

SB 147 Reengrossed 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 is governed by law and Federal Aviation Administration airport regulations.

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 lawful 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 authorities may prohibit personal delivery devices, by local resolution or ordinance, if the local government determines that the prohibition is in the best interest of public safety.

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)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Changes definition of "'personal delivery device'".
2. Provides that the operation of a personal delivery device is governed by law and Federal Aviation Administration airport regulations.
3. Clarifies that a personal delivery device shall not obstruct other lawful traffic.

4. Provides that local authorities may prohibit personal delivery devices, by local resolution or ordinance, if the local government determines that the prohibition is in the best interest of public safety.