

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0646.01 Jery Payne x2157

SENATE BILL 20-092

SENATE SPONSORSHIP

Bridges,

HOUSE SPONSORSHIP

(None),

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF SELF-PROPELLED DEVICES USED TO**
102 **DELIVER CARGO, AND, IN CONNECTION THEREWITH, SPECIFYING**
103 **STANDARDS FOR THE OPERATION OF ROBOTIC DEVICES WITHIN**
104 **PEDESTRIAN AREAS AND ON HIGHWAYS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill regulates the use of mobile carrying devices and personal delivery devices (robotic devices). A mobile carrying device is a self-propelled robot that transports cargo within a pedestrian area while

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

remaining within 25 feet of a human operator. A personal delivery device is a self-propelled robot that transports cargo within a pedestrian area or on a highway with the remote support and supervision of a human. These robotic devices are not vehicles for the purposes of the traffic code.

The bill establishes the following regulations:

- ! A robotic device may be used to deliver cargo within a pedestrian area or, if the robotic device is a personal delivery device, on a highway;
- ! A business is deemed the operator of a robotic device for compliance with traffic laws when the device is used to deliver cargo within a pedestrian area, but if an agent of the business is acting outside the scope of the agent's office or employment, the agent is the operator;
- ! A person is not an operator of a robotic device merely because the person requests delivery or because the person dispatched the device;
- ! To use a robotic device to deliver cargo within a pedestrian area, a person must ensure that the device:
 - ! Complies with pedestrian traffic laws and local regulations;
 - ! Yields to or does not obstruct the right-of-way of other traffic;
 - ! Is not used to transport hazardous materials; and
 - ! Is monitored and controlled;
- ! To use a personal delivery device within a pedestrian area or on a highway or to use a mobile carrying device within a pedestrian area, the device must be equipped with an adequate braking system;
- ! To use a personal delivery device to deliver cargo within a pedestrian area or on a highway, the device must be equipped with:
 - ! The name and contact information of the owner and a unique identification number; and
 - ! Adequate lights if used at night;
- ! The speed of a robotic device is limited to no more than 12 miles per hour within a pedestrian area and no more than 20 miles per hour on a highway; and
- ! To use a robotic device to deliver cargo within a pedestrian area or on a highway, a person must maintain an insurance policy of at least one hundred thousand dollars for damages caused by the device.

A local authority may regulate these robotic devices, but the regulation may not conflict with the bill, limit the hours of operation or zones of operation, or substantially prohibit the use of robotic devices.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 42-1-102, **amend**
3 (112); and **add** (54.1) and (69.3) as follows:

4 **42-1-102. Definitions.** As used in articles 1 to 4 of this title 42,
5 unless the context otherwise requires:

6 (54.1) "MOBILE CARRYING DEVICE" MEANS A SELF-PROPELLED
7 ROBOTIC DEVICE THAT IS:

8 (a) MANUFACTURED FOR TRANSPORTING CARGO WITHIN A
9 PEDESTRIAN AREA WHILE REMAINING WITHIN TWENTY-FIVE FEET OF THE
10 HUMAN OPERATOR; AND

11 (b) EQUIPPED WITH TECHNOLOGY THAT ALLOWS THE OPERATOR TO
12 ACTIVELY CONTROL THE DEVICE.

13 (69.3) "PERSONAL DELIVERY DEVICE" MEANS A SELF-PROPELLED
14 ROBOTIC DEVICE THAT IS:

15 (a) MANUFACTURED FOR TRANSPORTING CARGO WITHIN A
16 PEDESTRIAN AREA OR ON A HIGHWAY; AND

17 (b) EQUIPPED WITH AUTOMATED DRIVING TECHNOLOGY THAT
18 ENABLES THE USE OF THE DEVICE TO DELIVER CARGO WITH THE REMOTE
19 SUPPORT AND SUPERVISION OF A HUMAN.

20 (112) (a) "Vehicle" means a device that is capable of moving
21 itself, or of being moved, from place to place upon wheels or endless
22 tracks.

23 (b) "Vehicle" includes a bicycle, electrical assisted bicycle,
24 electric scooter, or EPAMD. ~~but~~

25 (c) "VEHICLE" does not include:

26 (I) A wheelchair;

- 1 (II) AN off-highway vehicle;
- 2 (III) A snowmobile;
- 3 (IV) A farm tractor; ~~or~~
- 4 (V) A MOBILE CARRYING DEVICE;
- 5 (VI) A PERSONAL DELIVERY DEVICE;
- 6 (VII) AN implement of husbandry designed primarily or
- 7 exclusively for use and used in agricultural operations; ~~or~~
- 8 (VIII) ~~any~~ A device THAT IS moved exclusively over stationary
- 9 rails or tracks; or
- 10 (IX) A DEVICE THAT IS designed to move primarily through the air.

11 **SECTION 2.** In Colorado Revised Statutes, **add** 42-4-119 as
12 follows:

13 **42-4-119. Mobile carrying devices and personal delivery**
14 **devices - definitions. (1) Definitions.** AS USED IN THIS SECTION, UNLESS
15 THE CONTEXT OTHERWISE REQUIRES:

16 (a) "BUSINESS ENTITY" MEANS A LEGAL ENTITY THAT IS FORMED
17 FOR THE PURPOSE OF MAKING A PROFIT.

18 (b) "PEDESTRIAN AREA" INCLUDES A SIDEWALK, CROSSWALK,
19 SCHOOL CROSSWALK, SCHOOL CROSSING ZONE, SAFETY ZONE, AND
20 PARKING LOT.

21 (2) **Applicable law.** EXCEPT AS OTHERWISE PROVIDED IN THIS
22 SECTION, THE OPERATION OF A MOBILE CARRYING DEVICE OR PERSONAL
23 DELIVERY DEVICE IS GOVERNED EXCLUSIVELY BY:

24 (a) THIS SECTION; AND

25 (b) ANY REGULATION ADOPTED BY A LOCAL AUTHORITY UNDER
26 SECTION 42-4-111 (1)(gg) IF THE REGULATION COMPLIES WITH
27 SUBSECTION (9) OF THIS SECTION.

1 **(3) Use of personal delivery device to deliver cargo within**
2 **pedestrian area or on a highway.** (a) A PERSON SHALL NOT USE A
3 PERSONAL DELIVERY DEVICE TO DELIVER CARGO WITHIN A PEDESTRIAN
4 AREA OR ON A HIGHWAY UNLESS AN INDIVIDUAL HAS THE CAPABILITY TO
5 MONITOR AND EXERCISE IMMEDIATE CONTROL OVER THE NAVIGATION AND
6 OPERATION OF THE DEVICE.

7 (b) WHEN A BUSINESS ENTITY USES A PERSONAL DELIVERY DEVICE
8 TO DELIVER CARGO, THE BUSINESS ENTITY IS DEEMED TO BE THE
9 OPERATOR OF THE DEVICE, BUT ONLY FOR THE PURPOSE OF ASSESSING
10 COMPLIANCE WITH APPLICABLE TRAFFIC LAWS.

11 (c) WHEN A BUSINESS ENTITY USES A PERSONAL DELIVERY DEVICE
12 AND AN AGENT OF THE ENTITY CONTROLS THE DEVICE IN A MANNER THAT
13 IS OUTSIDE THE SCOPE OF THE AGENT'S AUTHORITY, THE AGENT IS THE
14 OPERATOR OF THE DEVICE.

15 (d) A PERSON IS NOT THE OPERATOR OF A PERSONAL DELIVERY
16 DEVICE SOLELY BECAUSE THE PERSON:

- 17 (I) REQUESTS A DELIVERY OR SERVICE PROVIDED BY THE DEVICE;
18 OR
19 (II) DISPATCHES THE DEVICE.

20 **(4) Operator of mobile carrying device.** A PERSON OPERATING
21 A MOBILE CARRYING DEVICE IS DEEMED TO BE THE OPERATOR OF THE
22 DEVICE FOR THE PURPOSE OF ASSESSING COMPLIANCE WITH APPLICABLE
23 TRAFFIC LAWS.

24 **(5) Delivery of cargo within pedestrian area by mobile**
25 **carrying device or personal delivery device.** TO USE A MOBILE
26 CARRYING DEVICE OR PERSONAL DELIVERY DEVICE TO DELIVER CARGO
27 WITHIN A PEDESTRIAN AREA, A PERSON MUST CAUSE THE DEVICE TO:

1 (a) OPERATE IN A MANNER THAT COMPLIES WITH THE PROVISIONS
2 OF THIS ARTICLE 4 THAT APPLY TO PEDESTRIANS, UNLESS A PROVISION
3 CANNOT, BY ITS NATURE, APPLY TO THE DEVICE;

4 (b) YIELD TO OR NOT OBSTRUCT THE RIGHTS-OF-WAY OF ALL
5 OTHER TRAFFIC, INCLUDING PEDESTRIANS;

6 (c) NOT UNREASONABLY INTERFERE WITH OTHER TRAFFIC,
7 INCLUDING PEDESTRIANS;

8 (d) COMPLY WITH ANY APPLICABLE REGULATIONS ADOPTED BY A
9 LOCAL AUTHORITY;

10 (e) NOT TRANSPORT HAZARDOUS MATERIALS THAT ARE
11 REGULATED UNDER THE "HAZARDOUS MATERIALS TRANSPORTATION ACT
12 OF 1975", 49 U.S.C. SEC. 5103, AS AMENDED, AND THAT ARE REQUIRED TO
13 BE PLACARDED UNDER RULES OF THE UNITED STATES SECRETARY OF
14 TRANSPORTATION; AND

15 (f) BE MONITORED OR CONTROLLED:

16 (I) AS REQUIRED IN SUBSECTION (3) OF THIS SECTION FOR A
17 PERSONAL DELIVERY DEVICE; OR

18 (II) BY THE OPERATOR FOR A MOBILE CARRYING DEVICE.

19 (6) **Areas of use - speed limits.** A BUSINESS ENTITY MAY USE A
20 MOBILE CARRYING DEVICE OR PERSONAL DELIVERY DEVICE TO DELIVER
21 CARGO WITHIN A PEDESTRIAN AREA OR, FOR PERSONAL DELIVERY DEVICES,
22 ON A HIGHWAY IF THE DEVICE'S SPEED DOES NOT EXCEED:

23 (a) TWELVE MILES PER HOUR WITHIN A PEDESTRIAN AREA; OR

24 (b) TWENTY MILES PER HOUR ON A HIGHWAY THAT IS NOT A
25 PEDESTRIAN AREA.

26 (7) **Personal delivery device equipment.** (a) TO USE A PERSONAL
27 DELIVERY DEVICE WITHIN A PEDESTRIAN AREA OR ON A HIGHWAY, THE

1 DEVICE MUST BE EQUIPPED WITH:

2 (I) A MARKER THAT CLEARLY STATES THE NAME AND CONTACT
3 INFORMATION OF THE OWNER AND A UNIQUE IDENTIFICATION NUMBER;
4 AND

5 (II) A BRAKING SYSTEM THAT ENABLES THE DEVICE TO COME TO
6 A CONTROLLED STOP.

7 (b) TO USE A PERSONAL DELIVERY DEVICE AT NIGHT WITHIN A
8 PEDESTRIAN AREA OR ON A HIGHWAY, THE DEVICE MUST BE EQUIPPED
9 WITH LIGHTS ON THE FRONT AND REAR OF THE DEVICE THAT ARE VISIBLE
10 AND RECOGNIZABLE UNDER NORMAL ATMOSPHERIC CONDITIONS ON ALL
11 SIDES OF THE DEVICE AT FIVE HUNDRED FEET FROM THE DEVICE WHEN THE
12 LIGHT IS DIRECTLY IN FRONT OF THE LOWER BEAMS OF A MOTOR VEHICLE'S
13 HEAD LAMPS.

14 (8) **Mobile carrying device equipment.** TO USE A MOBILE
15 CARRYING DEVICE WITHIN A PEDESTRIAN AREA, THE DEVICE MUST BE
16 EQUIPPED WITH A BRAKING SYSTEM THAT ENABLES THE DEVICE TO COME
17 TO A CONTROLLED STOP.

18 (9) **Local authority regulation.** (a) A LOCAL AUTHORITY SHALL
19 NOT REGULATE THE USE OF A MOBILE CARRYING DEVICE OR PERSONAL
20 DELIVERY DEVICE WITHIN A PEDESTRIAN AREA OR ON A HIGHWAY IN A
21 MANNER THAT:

22 (I) CONFLICTS WITH THIS SECTION;

23 (II) LIMITS THE HOURS OF OPERATION OR ZONES OF OPERATION; OR

24 (III) SUBSTANTIALLY PROHIBITS THE USE OF THE DEVICE BY
25 BUSINESS ENTITIES.

26 (b) THIS SUBSECTION (9) DOES NOT AFFECT THE AUTHORITY OF A
27 LOCAL AUTHORITY'S PEACE OFFICERS TO ENFORCE THE LAWS OF THIS

1 STATE THAT APPLY TO THE OPERATION OF A MOBILE CARRYING DEVICE OR
2 PERSONAL DELIVERY DEVICE.

3 (10) **Insurance.** A PERSON MUST MAINTAIN AN INSURANCE POLICY
4 THAT INCLUDES GENERAL LIABILITY COVERAGE OF AT LEAST ONE
5 HUNDRED THOUSAND DOLLARS FOR DAMAGES ARISING FROM THE
6 OPERATION OF THE DEVICE IN ORDER TO:

7 (a) USE A MOBILE CARRYING DEVICE TO DELIVER CARGO WITHIN
8 A PEDESTRIAN AREA; OR

9 (b) USE A PERSONAL DELIVERY DEVICE TO DELIVER CARGO WITHIN
10 A PEDESTRIAN AREA OR A HIGHWAY.

11 **SECTION 3.** In Colorado Revised Statutes, 42-4-111, **add**
12 (1)(gg) as follows:

13 **42-4-111. Powers of local authorities.** (1) Except as otherwise
14 provided in subsection (2) of this section, this article 4 does not prevent
15 local authorities, with respect to streets and highways under their
16 jurisdiction and within the reasonable exercise of the police power, from:

17 (gg) REGULATING THE OPERATION OF A PERSONAL DELIVERY
18 DEVICE OR MOBILE CARRYING DEVICE IN COMPLIANCE WITH SECTION
19 42-4-119 (9).

20 **SECTION 4. Act subject to petition - effective date -**
21 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
22 the expiration of the ninety-day period after final adjournment of the
23 general assembly (August 5, 2020, if adjournment sine die is on May 6,
24 2020); except that, if a referendum petition is filed pursuant to section 1
25 (3) of article V of the state constitution against this act or an item, section,
26 or part of this act within such period, then the act, item, section, or part
27 will not take effect unless approved by the people at the general election

1 to be held in November 2020 and, in such case, will take effect on the
2 date of the official declaration of the vote thereon by the governor.

3 (2) This act applies to offenses committed on or after the
4 applicable effective date of this act.