

SESSION OF 2022

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 161**

As Amended by Senate Committee of the Whole

**Brief\***

SB 161, as amended, would create law related to personal delivery devices.

The bill would define “personal delivery device” as a powered device operated primarily on sidewalks and crosswalks and intended primarily for the transport of property on public rights-of-way that does not exceed 150 pounds, excluding cargo, and is capable of navigating with or without the active control or monitoring by a person. The bill would exclude personal delivery devices from the definition of “motor vehicle” and “vehicle” in the Kansas vehicle registration law.

The bill would also authorize personal delivery devices to operate on any sidewalk, crosswalk, or public highway of any municipality. Operation on highways would be limited to gaining or regaining access to a sidewalk or crosswalk.

Personal delivery devices would be required to:

- Yield to all vehicles and not unreasonably interfere with traffic;
- Not block public rights-of-way;
- Obey all traffic signals;
- Operate at a maximum speed of six miles per hour;

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Prominently display a unique identifying number;
- Prominently display the identification and contact information of the entity operating the personal delivery device; and
- Be equipped with a system that enables the device to come to a controlled stop and be actively controlled by an operator of the device.

The bill would assign personal delivery devices the right-of-way obligations and responsibilities of pedestrians when such devices are operating on sidewalks or crosswalks. The bill would require any personal delivery device operating between sunset and sunrise or on any public highway to be equipped with both front and rear lighting visible in clear weather from a distance of at least 500 feet.

Personal delivery devices would be subject to the annual commercial vehicle fee pursuant to statute for commercial vehicles that weigh between 10,000 and 12,000 pounds. The bill would also require any entity operating a personal delivery device to maintain general liability insurance coverage of at least \$1.0 million for damages arising from the operation of the device.

The bill would require personal delivery devices to be able to determine the proximity of other objects and have an audible warning system capable of notifying blind persons of the presence of the device. Personal delivery devices would not be permitted to transport hazardous materials, as that term is defined under federal law.

The bill would also authorize local units of government to prohibit personal delivery devices by resolution or ordinance if such government determines prohibition is necessary in the interest of public safety.

## **Background**

The bill was introduced by the Senate Committee on Commerce at the request of Amazon.

### ***Senate Committee on Commerce***

In the Senate Committee hearing, **proponent** testimony was provided by representatives of Amazon and Federal Express. The representative of Amazon testified the bill would allow Amazon to bring new package delivery technology to Kansas. The representative of Federal Express requested an amendment to increase the allowed weight to accommodate the Federal Express personal delivery device.

**Opponent** testimony was provided by a representative of the Teamsters Local Union No. 696. The conferee stated the bill would have a negative impact on the jobs and safety of Kansans. Written-only opponent testimony was provided by representatives of the Working Kansas Alliance and the International Association of Sheet Metal, Air, Rail, and Transportation Workers.

A representative of the League of Kansas of Municipalities (LKM) provided neutral testimony on the bill. The representative stated the bill was changed from last year to exclude a provision prohibiting local governments from regulating personal delivery devices. The conferee said exclusion of that provision allowed the LKM to remove their opposition, but the organization continues to have concerns regarding safety and the erosion of home rule authority. Neutral written-only testimony was provided by a representative of the City of Overland Park.

The Senate Committee amended the bill to increase the liability insurance requirement from \$100,000 to \$1.0 million.

### ***Senate Committee of the Whole***

The Senate Committee of the Whole amended the bill to make personal delivery devices subject to commercial vehicle fees, clarify the definition of “all-terrain vehicle,” and make technical amendments to referenced statutes.

### **Fiscal Impact**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department of Revenue states enactment of the bill would have no fiscal effect on the agency.

The LKM indicates enactment of the bill could have a fiscal effect on cities and towns, but the effect cannot be estimated.

Personal delivery devices; package delivery; delivery services