

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 825

101ST GENERAL ASSEMBLY

1851H.02P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapters 304 and 570, RSMo, by adding thereto two new sections relating to package delivery, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapters 304 and 570, RSMo, are amended by adding thereto two new sections, to be known as sections 304.900 and 570.212, to read as follows:

**304.900. 1. As used in this section, the following terms mean:**

(1) "Agent", a person given the responsibility, by an entity, of navigating and operating a personal delivery device;

(2) "Personal delivery device", a powered device operated primarily on sidewalks and crosswalks, intended primarily for the transport of property on public rights-of-way, and capable of navigating with or without the active control or monitoring of a natural person. Notwithstanding any other provision of law, a "personal delivery device" shall not be defined as a motor vehicle or a vehicle;

(3) "Personal delivery device operator", an entity or its agent that exercises physical control or monitoring over the navigation system and operation of a personal delivery device. A "personal delivery device operator" does not include an entity or person that requests or receives the services of a personal delivery device for the purpose of transporting property or an entity or person who merely arranges for and dispatches the requested services of a personal delivery device.

2. Notwithstanding any other provision of law, a personal delivery device is authorized to operate in this state:

(1) On any sidewalk or crosswalk of any county or municipality in the state; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18           **(2) On any roadway of any county or municipality in the state, provided that the**  
19 **personal delivery device shall not unreasonably interfere with motor vehicles or traffic.**

20           **3. A personal delivery device shall:**

21           **(1) Not block public rights-of-way;**

22           **(2) Obey all traffic and pedestrian control signals and devices;**

23           **(3) Operate at a speed that does not exceed a maximum speed of ten miles per hour**  
24 **on a sidewalk or crosswalk;**

25           **(4) Contain a unique identifying number that is displayed on the device;**

26           **(5) Include a means of identifying the personal delivery device operator; and**

27           **(6) Be equipped with a system that enables the personal delivery device to come to**  
28 **a controlled stop.**

29           **4. Subject to the requirements of this section, a personal delivery device operating**  
30 **on a sidewalk or crosswalk shall have all the rights and responsibilities applicable to a**  
31 **pedestrian under the same circumstances.**

32           **5. A personal delivery device shall be exempt from motor vehicle registration**  
33 **requirements.**

34           **6. A personal delivery device operator shall maintain an insurance policy that**  
35 **provides general liability coverage of at least one hundred thousand dollars for damages**  
36 **arising from the combined operations of personal delivery devices under a personal**  
37 **delivery device operator's control.**

38           **7. If the personal delivery device is being operated between sunset and sunrise, it**  
39 **shall be equipped with lighting on both the front and rear of the personal delivery device**  
40 **visible in clear weather from a distance of at least five hundred feet to the front and rear**  
41 **of the personal delivery device.**

42           **8. A personal delivery device shall not be used for the transportation of hazardous**  
43 **material regulated under the Hazardous Materials Transportation Act, 49 USC Section**  
44 **5103, and required to be placarded under 49 CFR Part 172, Subpart F.**

45           **9. Nothing in this section shall prohibit a political subdivision from regulating the**  
46 **operation of personal delivery devices on a highway or pedestrian area to insure the**  
47 **welfare and safety of its residents. However, political subdivisions shall not regulate the**  
48 **design, manufacture and maintenance of a personal delivery device nor the types of**  
49 **property that may be transported by a personal delivery device. Additionally, no political**  
50 **subdivision shall treat personal delivery devices differently for the purposes of assessment**  
51 **and taxation or other charges from personal property that is similar in nature.**

52           **10. A personal delivery device operator may not sell or disclose a personally**  
53 **identifiable likeness to a third party in exchange for monetary compensation. For purposes**

54 of this section, a personally identifiable likeness includes photographic images, videos,  
55 digital image files, or other digital data that can be used to either directly or indirectly  
56 identify an individual. "Personally identifiable likeness" does not include aggregated or  
57 anonymized data. The use of any personally identifiable likeness by a personal delivery  
58 device operator to improve their products and services is allowed under this section.  
59 Information that would otherwise be protected under this section as confidential shall only  
60 be provided to a law enforcement entity with a properly executed, lawful subpoena.

570.212. 1. As used in this section, "mail" means a letter, postal card, package, bag,  
2 or other sealed article that:

3 (1) Is delivered by a common carrier or delivery service and not yet received by the  
4 addressee; or

5 (2) Has been left to be collected for delivery by a common carrier or delivery  
6 service.

7 2. A person commits the offense of mail theft if the person intentionally  
8 appropriates mail from another person's mailbox or premises without consent of the  
9 addressee and with intent to deprive such addressee of the mail.

10 3. The offense of mail theft is a class A misdemeanor for a first offense and a class  
11 E felony for any second or subsequent offense.

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