

1 AN ACT relating to personal delivery devices.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Business entity" means a legal entity, including a corporation,*
7 *partnership, or sole proprietorship;*

8 *(b) "Pedestrian area" means a sidewalk, crosswalk, school crosswalk, school*
9 *crossing zone, or safety zone; and*

10 *(c) "Personal delivery device" means a device that is:*

11 *1. Intended primarily to transport cargo on sidewalks, crosswalks,*
12 *bicycle lanes or paths; shoulders; sides of streets, roadways, or*
13 *highways; parking lots; or any similar area; and*

14 *2. Is equipped with technology to allow for operation of the device with*
15 *or without the active control of a natural person.*

16 *(2) Notwithstanding any provision of this chapter to the contrary, a business entity*
17 *may operate a personal delivery device on any sidewalk; crosswalk; bicycle lane*
18 *or path; shoulder; side of a street, roadway, or highway; parking lot; or similar*
19 *area.*

20 *(3) A personal delivery device shall have all the rights and responsibilities applicable*
21 *to a pedestrian or bicyclist under the same circumstances, except for those duties*
22 *that by their nature cannot apply to a personal delivery device or those that would*
23 *place an unreasonable burden on the operation of the personal delivery device.*

24 *(4) A personal delivery device shall:*

25 *(a) Include a unique identifying number and the contact information of the*
26 *business entity operating the personal delivery device;*

27 *(b) Be equipped with a braking system that enables the personal delivery device*

- 1 to come to a controlled stop; and
- 2 (c) Be equipped with lights that are visible from at least five hundred (500) feet
- 3 under normal conditions when it is operated at night.
- 4 (5) A personal delivery device shall not:
- 5 (a) Exceed a speed of ten (10) miles per hour in a pedestrian area and twenty
- 6 (20) miles per hour in other areas;
- 7 (b) Exceed a weight of five hundred (500) pounds, excluding cargo;
- 8 (c) Unreasonably interfere with pedestrians or traffic; or
- 9 (d) Operate in the Commonwealth unless a human who is an agent of the
- 10 business entity operating the personal delivery device is capable of
- 11 monitoring and exercising control over the operation of the personal
- 12 delivery device.
- 13 (6) A personal delivery device shall not be considered a motor vehicle as defined in
- 14 Sections 2 and 3 of this Act.
- 15 (7) A business entity operating a personal delivery device shall maintain an
- 16 insurance policy that includes general liability coverage of at least one hundred
- 17 thousand dollars (\$100,000) for damages arising from the operation of the device.
- 18 (8) A local government shall not impose any tax or fee or impose any other
- 19 requirement on a personal delivery device or business entity operating a personal
- 20 delivery device.

21 ➔Section 2. KRS 186.010 is amended to read as follows:

22 As used in this chapter, unless otherwise indicated:

- 23 (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet;
- 24 except as specifically designated, "cabinet," as used in KRS 186.020 to 186.270,
- 25 means the Transportation Cabinet only with respect to motor vehicles, other than
- 26 commercial vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the
- 27 Department of Vehicle Regulation when used with respect to commercial vehicles;

- 1 (2) "Highway" means every way or place of whatever nature when any part of it is
2 open to the use of the public, as a matter of right, license, or privilege, for the
3 purpose of vehicular traffic;
- 4 (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who
5 will, under normal conditions during the year, manufacture or assemble at least ten
6 (10) new motor vehicles;
- 7 (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in
8 paragraph (a) of subsection (8) of this section, which are propelled otherwise than
9 by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as
10 defined in paragraph (b) of subsection (8) of this section, which are self-propelled.
11 "Motor vehicle" shall not include a moped as defined in this section or a personal
12 delivery device under Section 1 of this Act, but for registration purposes shall
13 include low-speed vehicles and military surplus vehicles as defined in this section
14 and vehicles operating under KRS 189.283;
- 15 (5) "Moped" means either a motorized bicycle whose frame design may include one (1)
16 or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or
17 a motorized bicycle with a step-through type frame which may or may not have
18 pedals rated no more than two (2) brake horsepower, a cylinder capacity not
19 exceeding fifty (50) cubic centimeters, an automatic transmission not requiring
20 clutching or shifting by the operator after the drive system is engaged, and capable
21 of a maximum speed of not more than thirty (30) miles per hour;
- 22 (6) "Operator" means any person in actual control of a motor vehicle upon a highway;
- 23 (7) (a) "Owner" means a person who holds the legal title of a vehicle or a person who
24 pursuant to a bona fide sale has received physical possession of the vehicle
25 subject to any applicable security interest.
- 26 (b) A vehicle is the subject of an agreement for the conditional sale or lease, with
27 the vendee or lessee entitled to possession of the vehicle, upon performance of

1 the contract terms, for a period of three hundred sixty-five (365) days or more
2 and with the right of purchase upon performance of the conditions stated in
3 the agreement and with an immediate right of possession vested in the
4 conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to
5 possession, the conditional vendee or lessee or mortgagor shall be deemed the
6 owner.

7 (c) A licensed motor vehicle dealer who transfers physical possession of a motor
8 vehicle to a purchaser pursuant to a bona fide sale, and complies with the
9 requirements of KRS 186A.220, shall not be deemed the owner of that motor
10 vehicle solely due to an assignment to his dealership or a certificate of title in
11 the dealership's name. Rather, under these circumstances, ownership shall
12 transfer upon delivery of the vehicle to the purchaser, subject to any
13 applicable security interest;

14 (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the
15 transportation of persons or property over or upon the public highways of this
16 Commonwealth and all vehicles passing over or upon said highways, except
17 electric low-speed scooters, road rollers, road graders, farm tractors, vehicles
18 on which power shovels are mounted, such other construction equipment
19 customarily used only on the site of construction and which is not practical for
20 the transportation of persons or property upon the highways, such vehicles as
21 travel exclusively upon rails, and such vehicles as are propelled by electric
22 power obtained from overhead wires while being operated within any
23 municipality or where said vehicles do not travel more than five (5) miles
24 beyond the city limit of any municipality.

25 (b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon,
26 or by which any person or property is or may be transported or drawn upon a
27 public highway, except electric low-speed scooters, devices moved by human

1 and animal power or used exclusively upon stationary rails or tracks, or which
2 derives its power from overhead wires;

3 (9) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640
4 apply to operator's licenses;

5 (10) "Dealer" means any person engaging in the business of buying or selling motor
6 vehicles;

7 (11) "Commercial vehicles" means all motor vehicles that are required to be registered
8 under the terms of KRS 186.050, but not including vehicles primarily designed for
9 carrying passengers and having provisions for not more than nine (9) passengers
10 (including driver), motorcycles, sidecar attachments, pickup trucks and passenger
11 vans which are not being used for commercial or business purposes, and motor
12 vehicles registered under KRS 186.060;

13 (12) "Resident" means any person who has established Kentucky as his or her state of
14 domicile. Proof of residency shall include but not be limited to a deed or property
15 tax bill, utility agreement or utility bill, or rental housing agreement. The possession
16 by an operator of a vehicle of a valid Kentucky operator's license shall be prima-
17 facie evidence that the operator is a resident of Kentucky;

18 (13) "Special status individual" means:

19 (a) "Asylee" means any person lawfully present in the United States who
20 possesses an I-94 card issued by the United States Department of Justice,
21 Immigration and Naturalization Service, on which it states "asylum status
22 granted indefinitely pursuant to Section 208 of the Immigration & Nationality
23 Act";

24 (b) "K-1 status" means the status of any person lawfully present in the United
25 States who has been granted permission by the United States Department of
26 Justice, Immigration and Naturalization Service to enter the United States for
27 the purpose of marrying a United States citizen within ninety (90) days from

1 the date of that entry;

2 (c) "Refugee" means any person lawfully present in the United States who
3 possesses an I-94 card issued by the United States Department of Justice,
4 Immigration and Naturalization Service, on which it states "admitted as a
5 refugee pursuant to Section 207 of the Immigration & Nationality Act"; and

6 (d) "Paroled in the Public Interest" means any person lawfully present in the
7 United States who possesses an I-94 card issued by the United States
8 Department of Justice, Immigration and Naturalization Service, on which it
9 states "paroled pursuant to Section 212 of the Immigration & Nationality Act
10 for an indefinite period of time";

11 (14) "Instruction permit" includes both motor vehicle instruction permits and motorcycle
12 instruction permits;

13 (15) "Motorcycle" means any motor driven vehicle that has a maximum speed that
14 exceeds fifty (50) miles per hour, has a seat or saddle for the use of the operator,
15 and is designed to travel on not more than three (3) wheels in contact with the
16 ground, including vehicles on which the operator and passengers ride in an enclosed
17 cab. Only for purposes of registration, "motorcycle" shall include a motor scooter,
18 an alternative-speed motorcycle, and an auticycle as defined in this section, but
19 shall not include a tractor or a moped as defined in this section;

20 (16) "Low-speed vehicle" means a motor vehicle that:

21 (a) Is self-propelled using an electric motor, combustion-driven motor, or a
22 combination thereof;

23 (b) Is four (4) wheeled; and

24 (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour
25 as certified by the manufacturer;

26 (17) "Alternative-speed motorcycle" means a motorcycle that:

27 (a) Is self-propelled using an electric motor;

- 1 (b) Is three (3) wheeled;
- 2 (c) Has a fully enclosed cab and includes at least one (1) door for entry;
- 3 (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as
- 4 certified by the manufacturer; and
- 5 (e) Is not an auticycle as defined in this section;
- 6 (18) "Multiple-vehicle driving range" means an enclosed area that is not part of a
- 7 highway or otherwise open to the public on which a number of motor vehicles may
- 8 be used simultaneously to provide driver training under the supervision of one (1)
- 9 or more driver training instructors;
- 10 (19) "Auticycle" means any motor vehicle that:
- 11 (a) Is equipped with a seat that does not require the operator to straddle or sit
- 12 astride it;
- 13 (b) Is designed to travel on three (3) wheels in contact with the ground;
- 14 (c) Is designed to operate at a speed that exceeds forty (40) miles per hour as
- 15 certified by the manufacturer;
- 16 (d) Allows the operator and passenger to ride either side-by-side or in tandem in a
- 17 seating area that may be enclosed with a removable or fixed top;
- 18 (e) Is equipped with a three (3) point safety belt system;
- 19 (f) May be equipped with a manufacturer-installed air bags or a roll cage;
- 20 (g) Is designed to be controlled with a steering wheel and pedals; and
- 21 (h) Is not an alternative-speed motorcycle as defined in this section;
- 22 (20) "Military surplus vehicle" means a multipurpose wheeled surplus military vehicle
- 23 that:
- 24 (a) Is not operated using continuous tracks;
- 25 (b) Was originally manufactured for and sold directly to the Armed Forces of the
- 26 United States; and
- 27 (c) Was originally manufactured under the federally mandated requirements set

- 1 forth in 49 C.F.R. sec. 571.7;
- 2 (21) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes,
3 and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid
4 species;
- 5 (22) "Identity document" means an instruction permit, operator's license, or personal
6 identification card issued under KRS 186.4102, 186.412, 186.4121, 186.4122, and
7 186.4123 or a commercial driver's license issued under KRS Chapter 281A;
- 8 (23) "Travel ID," as it refers to an identity document, means a document that complies
9 with Pub. L. No. 109-13, Title II;
- 10 (24) "Motor scooter" means a low-speed motorcycle that is:
- 11 (a) Equipped with wheels greater than sixteen (16) inches in diameter;
- 12 (b) Equipped with an engine greater than fifty (50) cubic centimeters;
- 13 (c) Designed to operate at a speed not to exceed fifty (50) miles per hour;
- 14 (d) Equipped with brake horsepower of two (2) or greater; and
- 15 (e) Equipped with a step-through frame or a platform for the operator's feet;
- 16 (25) "Alternative technology," as used in KRS 186.400 to 186.640, means methods used
17 by the cabinet to facilitate the issuance of operator's licenses and personal
18 identification cards outside of the normal in-person application at a cabinet office,
19 including but not limited to a cabinet mobile unit or online services;
- 20 (26) "Electric motorcycle" means the same as "motorcycle" or "motor scooter" as
21 defined in this section, that is powered by a:
- 22 (a) Battery or equivalent energy storage device that can be charged with an
23 electric plug using an external electricity source; or
- 24 (b) Combination of an internal combustion engine and electric motor; and
- 25 (27) "Electric vehicle" means any vehicle that has plug-in charging capability, regardless
26 of whether the vehicle is powered by:
- 27 (a) An electric motor only; or

1 (b) A combination of an internal combustion engine and electric power.

2 ➔Section 3. KRS 189.010 is amended to read as follows:

3 As used in this chapter:

4 (1) "Department" means the Department of Highways;

5 (2) "Crosswalk" means:

6 (a) That part of a roadway at an intersection within the connections of the lateral
7 lines of the sidewalks on opposite sides of the highway measured from the
8 curbs or in the absence of curbs, from the edges of the traversable roadway; or

9 (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated
10 for pedestrian crossing by lines or other markings on the surface;

11 (3) "Highway" means any public road, street, avenue, alley or boulevard, bridge,
12 viaduct, or trestle and the approaches to them and includes private residential roads
13 and parking lots covered by an agreement under KRS 61.362, off-street parking
14 facilities offered for public use, whether publicly or privately owned, except for-
15 hire parking facilities listed in KRS 189.700;

16 (4) "Intersection" means:

17 (a) The area embraced within the prolongation or connection of the lateral curb
18 lines, or, if none, then the lateral boundary lines of the roadways of two (2)
19 highways which join one another, but do not necessarily continue, at
20 approximately right angles, or the area within which vehicles traveling upon
21 different highways joining at any other angle may come into conflict; or

22 (b) Where a highway includes two (2) roadways thirty (30) feet or more apart,
23 then every crossing of each roadway of such divided highway by an
24 intersecting highway shall be regarded as a separate intersection. If the
25 intersecting highway also includes two (2) roadways thirty (30) feet or more
26 apart, every crossing of two (2) roadways of the highways shall be regarded as
27 a separate intersection. The junction of a private alley with a public street or

- 1 highway shall not constitute an intersection;
- 2 (5) "Manufactured home" has the same meaning as defined in KRS 186.650;
- 3 (6) "Motor truck" means any motor-propelled vehicle designed for carrying freight or
4 merchandise. It shall not include self-propelled vehicles designed primarily for
5 passenger transportation but equipped with frames, racks, or bodies having a load
6 capacity of not exceeding one thousand (1,000) pounds;
- 7 (7) "Operator" means the person in actual physical control of a vehicle;
- 8 (8) "Pedestrian" means any person afoot or in a wheelchair;
- 9 (9) "Right-of-way" means the right of one (1) vehicle or pedestrian to proceed in a
10 lawful manner in preference to another vehicle or pedestrian approaching under
11 such circumstances of direction, speed, and proximity as to give rise to danger of
12 collision unless one grants precedence to the other;
- 13 (10) "Roadway" means that portion of a highway improved, designed, or ordinarily used
14 for vehicular travel, exclusive of the berm or shoulder. If a highway includes two
15 (2) or more separate roadways, the term "roadway" as used herein shall refer to any
16 roadway separately but not to all such roadways collectively;
- 17 (11) "Safety zone" means the area or space officially set apart within a roadway for the
18 exclusive use of pedestrians and which is protected or is so marked or indicated by
19 adequate signs as to be plainly visible at all times while set apart as a safety zone;
- 20 (12) "Semitrailer" means a vehicle designed to be attached to, and having its front end
21 supported by, a motor truck or truck tractor, intended for the carrying of freight or
22 merchandise and having a load capacity of over one thousand (1,000) pounds;
- 23 (13) "Truck tractor" means any motor-propelled vehicle designed to draw and to support
24 the front end of a semitrailer. The semitrailer and the truck tractor shall be
25 considered to be one (1) unit;
- 26 (14) "Sharp curve" means a curve of not less than thirty (30) degrees;
- 27 (15) "State Police" includes any agency for the enforcement of the highway laws

1 established pursuant to law;

2 (16) "Steep grade" means a grade exceeding seven percent (7%);

3 (17) "Trailer" means any vehicle designed to be drawn by a motor truck or truck-tractor,
4 but supported wholly upon its own wheels, intended for the carriage of freight or
5 merchandise and having a load capacity of over one thousand (1,000) pounds;

6 (18) "Unobstructed highway" means a straight, level, first-class road upon which no
7 other vehicle is passing or attempting to pass and upon which no other vehicle or
8 pedestrian is approaching in the opposite direction, closer than three hundred (300)
9 yards;

10 (19) (a) "Vehicle" includes:

- 11 1. All agencies for the transportation of persons or property over or upon
12 the public highways of the Commonwealth; and
- 13 2. All vehicles passing over or upon the highways.

14 (b) "Motor vehicle" includes all vehicles, as defined in paragraph (a) of this
15 subsection, except:

- 16 1. Road rollers;
- 17 2. Road graders;
- 18 3. Farm tractors;
- 19 4. Vehicles on which power shovels are mounted;
- 20 5. Construction equipment customarily used only on the site of
21 construction and which is not practical for the transportation of persons
22 or property upon the highways;
- 23 6. Vehicles that travel exclusively upon rails;
- 24 7. Vehicles propelled by electric power obtained from overhead wires
25 while being operated within any municipality or where the vehicles do
26 not travel more than five (5) miles beyond the city limits of any
27 municipality;

1 8. Vehicles propelled by muscular power;~~[-and]~~

2 9. Electric low-speed scooters; and

3 10. Personal delivery devices under Section 1 of this Act.

4 (20) "Reflectance" means the ratio of the amount of total light, expressed in a
5 percentage, which is reflected outward by the product or material to the amount of
6 total light falling on the product or material;

7 (21) "Sunscreening material" means a product or material, including film, glazing, and
8 perforated sunscreening, which, when applied to the windshield or windows of a
9 motor vehicle, reduces the effects of the sun with respect to light reflectance or
10 transmittance;

11 (22) "Transmittance" means the ratio of the amount of total light, expressed in a
12 percentage, which is allowed to pass through the product or material, including
13 glazing, to the amount of total light falling on the product or material and the
14 glazing;

15 (23) "Window" means any device designed for exterior viewing from a motor vehicle,
16 except the windshield, any roof-mounted viewing device, and any viewing device
17 having less than one hundred fifty (150) square inches in area;

18 (24) "All-terrain vehicle" means any motor vehicle used for recreational off-road use;

19 (25) "Nondivisible load," as pertains to state highways that are not part of the national
20 truck network established pursuant to 23 C.F.R. pt. 658, means a load or vehicle,
21 that if separated into smaller loads or vehicles:

22 (a) Compromises the intended use of the vehicle, making it unable to perform the
23 function for which it was intended;

24 (b) Destroys the value of the load or vehicle, making it unusable for its intended
25 purpose; or

26 (c) Requires more than four (4) work hours to dismantle and reassemble using
27 appropriate equipment;

- 1 (26) "Electric low-speed scooter" means a device that:
- 2 (a) Weighs less than one hundred (100) pounds;
- 3 (b) Is equipped with wheels;
- 4 (c) Is equipped with handlebars;
- 5 (d) Is equipped with a brake adequate enough to stop and park the device;
- 6 (e) Is designed to be stood or sat upon;
- 7 (f) Is propelled by an electric motor, human power, or both; and
- 8 (g) Is designed to operate at a maximum speed of twenty (20) miles per hour, on a
- 9 paved level surface, with or without human propulsion; and
- 10 (27) "Highway work zone" means that portion of a highway and the affected area
- 11 adjacent to a lane, berm, or shoulder, including a sidewalk, upon which
- 12 construction, reconstruction, resurfacing, maintenance, inspection, or other work of
- 13 that nature is being conducted by a government agency, private contractor, or utility
- 14 company.