

Amendment No. 547

Assembly Amendment to Senate Bill No. 422 First Reprint (BDR 43-663)

Proposed by: Assembly Committee on Growth and Infrastructure

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 422—COMMITTEE ON
GROWTH AND INFRASTRUCTURE

MARCH 27, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to public safety. (BDR 43-663)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public safety; establishing provisions governing the operation of a personal delivery device; imposing certain requirements on a personal delivery device operator; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides pedestrians on or near a highway with certain rights and imposes
 2 certain duties. (NRS 484B.280-484B.297) Existing law authorizes the operation of a mobile
 3 carrying device on sidewalks and in crosswalks and provides that such a device has, in
 4 general, the rights and duties of a pedestrian. (NRS 484B.790)
 5 **Section 3** of this bill defines the term “personal delivery device” to mean an electrically
 6 powered device that: (1) is intended primarily to transport cargo on sidewalks, crosswalks and
 7 other pedestrian areas; **and** (2) ~~is not intended to carry passengers; and (3)~~ is equipped with
 8 technology that allows navigation with or without the active control or monitoring of a natural
 9 person. **Section 1** of this bill provides that a personal delivery device is not a “vehicle” for
 10 purposes of existing law governing travel on public highways. (NRS 482.135) **Section 5** of
 11 this bill ~~provides that a personal delivery device may only be operated at an institution~~
 12 ~~within the Nevada System of Higher Education or on a sidewalk or crosswalk directly~~
 13 ~~adjacent to such an institution while servicing the institution. Section 5:~~ (1) authorizes a
 14 personal delivery device to operate ~~on sidewalks, in crosswalks and~~ on highways **only** if
 15 crossing at an intersection ~~on~~ **or within a crosswalk**; (2) prohibits such a device from
 16 transporting hazardous material, transporting a person or unreasonably interfering with
 17 pedestrians or vehicle traffic; and (3) provides that such a device has, in general, the rights and
 18 duties of a pedestrian. **Section 5** also requires a personal delivery device to include a unique
 19 identifying number and a means of identifying and contacting the personal delivery device
 20 operator. **Section 4** of this bill defines the term “personal delivery device operator” to mean a
 21 person or entity that exercises control or monitoring over the operation and navigation of a
 22 personal delivery device, not including a person who solely: (1) requests or receives a
 23 delivery; (2) arranges for or dispatches a delivery; or (3) stores, charges or maintains a
 24 personal delivery device. **Section 6** of this bill requires a personal delivery device operator to
 25 maintain a policy of general liability insurance to cover any damages caused by the operation
 26 of personal delivery devices under the control of the operator. **Section 8** of this bill provides
 27 that a violation of the provisions of **section 5 or 6** is a civil infraction. **Section 7** of this bill
 28 makes a conforming change to indicate the proper placement of **sections 3 and 4** in the
 29 Nevada Revised Statutes.

30 Existing law authorizes the governing body of a county or city, respectively, to enact
 31 ordinances which regulate the time, place and manner of operation of mobile carrying devices.
 32 (NRS 244.3565, 268.41015) Sections 9 and 10 of this bill create similar authority for
 33 personal delivery devices.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. NRS 482.135 is hereby amended to read as follows:

2 482.135 Except as otherwise provided in NRS 482.36348, “vehicle” means
 3 every device in, upon or by which any person or property is or may be transported
 4 or drawn upon a public highway. The term does not include:

- 5 1. Devices moved by human power or used exclusively upon stationary rails
 6 or tracks;
- 7 2. Mobile homes or commercial coaches as defined in chapter 489 of NRS;
- 8 3. Electric bicycles;
- 9 4. Electric personal assistive mobility devices;
- 10 5. Electric scooters; ~~and~~
- 11 6. A mobile carrying device as that term is defined in NRS 484B.029 ~~and~~; or
- 12 7. *A personal delivery device as that term is defined in section 3 of this act.*

13 Sec. 2. Chapter 484B of NRS is hereby amended by adding thereto the
 14 provisions set forth as sections 3 to 6, inclusive, of this act.

15 Sec. 3. 1. *“Personal delivery device” means an electrically powered*
 16 *device that:*

- 17 (a) *Is designed to operate autonomously, semi-autonomously or remotely by*
 18 *a personal delivery device operator;*
- 19 (b) *Is equipped with technology that allows navigation with or without the*
 20 *active control or monitoring of a natural person;*
- 21 (c) *Is intended primarily to transport cargo on sidewalks, crosswalks and*
 22 *other pedestrian areas;*
- 23 (d) *Weights less than 150 pounds when empty; and*
- 24 (e) *Has a maximum speed of 10 miles per hour.*

25 2. *The term does not include a mobile carrying device.*

26 Sec. 4. *“Personal delivery device operator” means a person or entity that*
 27 *exercises control or monitoring over the operation and navigation of a personal*
 28 *delivery device. The term does not include a person or entity who solely:*

- 29 1. *Requests or receives the delivery or services of a personal delivery device;*
- 30 2. *Arranges for or dispatches the requested services of a personal delivery*
 31 *device; or*
- 32 3. *Stores, charges or maintains a personal delivery device.*

33 Sec. 5. 1. ~~Except as otherwise provided in NRS 244.3565 or 268.41015,~~
 34 ~~and~~ *A personal delivery device may only be operated ~~on a sidewalk or crosswalk,~~*
 35 ~~including, without limitation, at~~ :

36 ~~(a) At an institution within the Nevada System of Higher Education ~~if~~ if~~
 37 ~~(a) or upon a sidewalk or crosswalk directly adjacent to an institution within~~
 38 ~~the Nevada System of Higher Education while servicing such an institution.~~

39 ~~(b) If:~~

40 ~~(1) The operator of the personal delivery device is capable of actively~~
 41 ~~monitoring and remotely controlling the navigation and movement of the~~
 42 ~~personal delivery device;~~

~~1~~ ~~(2)~~ *The personal delivery device is equipped with a braking device that enables the personal delivery device to come to a controlled stop;*

~~2~~ ~~(3)~~ *The personal delivery device includes a unique identifying number and a means of identifying and contacting the personal delivery device operator; and*

~~3~~ ~~(4)~~ *The personal delivery device is operated in accordance with any requirements imposed by this section.*

2. *A personal delivery device operator may not allow a personal delivery device to:*

(a) *Operate on the highways of this State except when crossing at an intersection or within a crosswalk;*

(b) *Fail to comply with any traffic-control signal or devices that a pedestrian is obligated to comply with;*

(c) *Unreasonably interfere with pedestrians or vehicle traffic;*

(d) *Transport hazardous material as that term is defined in NRS 459.7024; or*

(e) *Transport a person.*

3. *A personal delivery device has all the rights and duties of a pedestrian except those which by their nature can have no application or as otherwise provided in this section.*

4. *A violation of this section:*

(a) *Is not a misdemeanor;*

(b) *Shall not be deemed a moving traffic violation; and*

(c) *Is punishable by the imposition of a civil penalty of \$250.*

5. *As used in this section, "institution within the Nevada System of Higher Education" means any institution, branch, facility, department, office or housing of, or used by or for the benefit of, the Nevada System of Higher Education ~~or~~ students or faculty of the System. The term includes, without limitation, campuses, offices, facilities and housing for students or faculty, whether owned or not owned by the System ~~or~~, and property which is directly adjacent to property that is owned and managed by the System.*

Sec. 6. *A personal delivery device operator shall maintain an insurance policy that provides general liability coverage of not less than \$500,000 for any damages arising from the combined operations of any personal delivery devices under the control of the personal delivery device operator.*

Sec. 7. NRS 484B.003 is hereby amended to read as follows:

484B.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484B.007 to 484B.077, inclusive, *and sections 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 8. NRS 484B.760 is hereby amended to read as follows:

484B.760 1. It is a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, for any person to do any act forbidden or fail to perform any act required in NRS 484B.768 to 484B.790, inclusive ~~or~~ *and sections 5 and 6 of this act.*

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS.

3. The provisions applicable to bicycles, electric bicycles and electric scooters apply whenever a bicycle, an electric bicycle or an electric scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles, electric bicycles and electric scooters subject to those exceptions stated herein.

1 **Sec. 9.** NRS 244.3565 is hereby amended to read as follows:

2 244.3565 1. Except as otherwise provided in ~~[subsection 2.]~~ *this section*,
3 the board of commissioners of each county in this State may, to protect the health
4 and safety of the public, enact an ordinance which ~~[regulates]~~ :

5 (a) *Regulates* the time, place and manner of the operation of a mobile carrying
6 device *or personal delivery device* in the unincorporated areas of the county,
7 including, without limitation, by prohibiting the use of a mobile carrying device *or*
8 *personal delivery device* in a specified area of the county ~~[]~~; *and*

9 (b) *Establishes additional standards for the safe operation of a personal*
10 *delivery device.*

11 2. A board of county commissioners, in enacting an ordinance pursuant to
12 subsection 1, may not prohibit the use of a mobile carrying device on a sidewalk in
13 the county that is more than 36 inches wide.

14 3. *The board of county commissioners of each county in this State may not*
15 *enact an ordinance which regulates:*

16 (a) *The design, manufacture, maintenance, taxation or assessment of a*
17 *personal delivery device; or*

18 (b) *The types of property, other than alcohol and cannabis, that may be*
19 *transported by a personal delivery device.*

20 4. *Nothing in this section shall be construed to prohibit a board of county*
21 *commissioners from requiring a personal delivery device operator to obtain from*
22 *the county a business license or pay any business license fee in the same manner*
23 *that is generally applicable to any other business that operates within the*
24 *jurisdiction of the board of county commissioners.*

25 5. As used in this section ~~[, "mobile"]~~ :

26 (a) *"Mobile carrying device"* has the meaning ascribed to it in NRS 484B.029.

27 (b) *"Personal delivery device"* *has the meaning ascribed to it in section 3 of*
28 *this act.*

29 (c) *"Personal delivery device operator"* *has the meaning ascribed to it in*
30 *section 4 of this act.*

31 **Sec. 10.** NRS 268.41015 is hereby amended to read as follows:

32 268.41015 1. Except as otherwise provided in ~~[subsection 2.]~~ *this section*,
33 the city council or other governing body of each incorporated city in this State,
34 whether or not organized under general law or special charter, may, to protect the
35 health and safety of the public, enact an ordinance which ~~[regulates]~~ :

36 (a) *Regulates* the time, place and manner of the operation of a mobile carrying
37 device *or personal delivery device* in the city, including, without limitation, by
38 prohibiting the use of a mobile carrying device *or personal delivery device* in a
39 specified area of the city ~~[]~~; *and*

40 (b) *Establishes additional standards for the safe operation of a personal*
41 *delivery device.*

42 2. A city council or governing body, in enacting an ordinance pursuant to
43 subsection 1, may not prohibit the use of a mobile carrying device on a sidewalk in
44 the city that is more than 36 inches wide.

45 3. *The city council or other governing body of each incorporated city in this*
46 *State, whether organized under general law or special charter, may not enact an*
47 *ordinance which regulates:*

48 (a) *The design, manufacture, maintenance, taxation or assessment of a*
49 *personal delivery device; or*

50 (b) *The types of property, other than alcohol and cannabis, that may be*
51 *transported by a personal delivery device.*

52 4. *Nothing in this section shall be construed to prohibit a city council or*
53 *governing body from requiring a personal delivery device operator to obtain from*

1 *the city a business license or pay any business license fee in the same manner*
2 *that is generally applicable to any other business that operates within the*
3 *jurisdiction of the city council or governing body.*

4 5. As used in this section ~~["mobile"]~~:

5 (a) *"Mobile carrying device"* has the meaning ascribed to it in NRS 484B.029.

6 (b) *"Personal delivery device"* has the meaning ascribed to it in section 3 of
7 this act.

8 (c) *"Personal delivery device operator"* has the meaning ascribed to it in
9 section 4 of this act.

10 **Sec. 11.** 1. This section becomes effective upon passage and approval.

11 2. Sections 1 to 10, inclusive, of this act become effective:

12 (a) Upon passage and approval for the purpose of adopting any regulations and
13 performing any other preparatory administrative tasks that are necessary to carry
14 out the provisions of this act; and

15 (b) On January 1, 2024, for all other purposes.