

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.

~

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
2 imposes certain duties. (NRS 484B.280-484B.297) Existing law authorizes the
3 operation of a mobile carrying device on sidewalks and in crosswalks and provides
4 that such a device has, in general, the rights and duties of a pedestrian.
5 (NRS 484B.790)

6 **Section 3** of this bill defines the term “personal delivery device” to mean an
7 electrically powered device that: (1) is intended primarily to transport cargo on
8 sidewalks, crosswalks and other pedestrian areas; and (2) is equipped with
9 technology that allows navigation with or without the active control or monitoring
10 of a natural person. **Section 1** of this bill provides that a personal delivery device is
11 not a “vehicle” for purposes of existing law governing travel on public highways.
12 (NRS 482.135) **Section 5** of this bill provides that a personal delivery device may
13 only be operated at an institution within the Nevada System of Higher Education or
14 on a sidewalk or crosswalk directly adjacent to such an institution while servicing
15 the institution. **Section 5:** (1) authorizes a personal delivery device to operate on
16 highways only if crossing at an intersection or within a crosswalk; (2) prohibits
17 such a device from transporting hazardous material, transporting a person or
18 unreasonably interfering with pedestrians or vehicle traffic; and (3) provides that
19 such a device has, in general, the rights and duties of a pedestrian. **Section 5** also
20 requires a personal delivery device to include a unique identifying number and a
21 means of identifying and contacting the personal delivery device operator. **Section**
22 **4** of this bill defines the term “personal delivery device operator” to mean a person
23 or entity that exercises control or monitoring over the operation and navigation of a



24 personal delivery device, not including a person who solely: (1) requests or receives
 25 a delivery; (2) arranges for or dispatches a delivery; or (3) stores, charges or
 26 maintains a personal delivery device. **Section 6** of this bill requires a personal
 27 delivery device operator to maintain a policy of general liability insurance to cover
 28 any damages caused by the operation of personal delivery devices under the control
 29 of the operator. **Section 8** of this bill provides that a violation of the provisions of
 30 **section 5 or 6** is a civil infraction. **Section 7** of this bill makes a conforming change
 31 to indicate the proper placement of **sections 3 and 4** in the Nevada Revised
 32 Statutes.

33 Existing law authorizes the governing body of a county or city, respectively, to
 34 enact ordinances which regulate the time, place and manner of operation of mobile
 35 carrying devices. (NRS 244.3565, 268.41015) **Sections 9 and 10** of this bill create
 36 similar authority for 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,
 3 “vehicle” means every device in, upon or by which any person or
 4 property is or may be transported or drawn upon a public highway.
 5 The term does not include:

- 6 1. Devices moved by human power or used exclusively upon
 7 stationary rails or tracks;
- 8 2. Mobile homes or commercial coaches as defined in chapter
 9 489 of NRS;
- 10 3. Electric bicycles;
- 11 4. Electric personal assistive mobility devices;
- 12 5. Electric scooters; ~~{or}~~
- 13 6. A mobile carrying device as that term is defined in NRS
 14 484B.029 ~~{;}~~ **or**

15 **7. A personal delivery device as that term is defined in section**
 16 **3 of this act.**

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

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

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

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



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

5 1. *Requests or receives the delivery or services of a personal*
6 *delivery device;*

7 2. *Arranges for or dispatches the requested services of a*
8 *personal delivery device; or*

9 3. *Stores, charges or maintains a personal delivery device.*

10 **Sec. 5.** 1. *A personal delivery device may only be operated:*

11 (a) *At an institution within the Nevada System of Higher*
12 *Education or upon a sidewalk or crosswalk directly adjacent to an*
13 *institution within the Nevada System of Higher Education while*
14 *servicing such an institution.*

15 (b) *If:*

16 (1) *The operator of the personal delivery device is capable*
17 *of actively monitoring and remotely controlling the navigation and*
18 *movement of the personal delivery device;*

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

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

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

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

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

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

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

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

36 (e) *Transport a person.*

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

40 4. *A violation of this section:*

41 (a) *Is not a misdemeanor;*

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

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

44 5. *As used in this section, “institution within the Nevada*
45 *System of Higher Education” means any institution, branch,*



1 *facility, department, office or housing of, or used by or for the*
2 *benefit of, the Nevada System of Higher Education or students or*
3 *faculty of the System. The term includes, without limitation,*
4 *campuses, offices, facilities and housing for students or faculty,*
5 *whether owned or not owned by the System, and property which is*
6 *directly adjacent to property that is owned and managed by the*
7 *System.*

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

13 **Sec. 7.** NRS 484B.003 is hereby amended to read as follows:
14 484B.003 As used in this chapter, unless the context otherwise
15 requires, the words and terms defined in NRS 484B.007 to
16 484B.077, inclusive, *and sections 3 and 4 of this act* have the
17 meanings ascribed to them in those sections.

18 **Sec. 8.** NRS 484B.760 is hereby amended to read as follows:
19 484B.760 1. It is a civil infraction punishable pursuant to
20 NRS 484A.703 to 484A.705, inclusive, for any person to do any act
21 forbidden or fail to perform any act required in NRS 484B.768 to
22 484B.790, inclusive ~~[]~~ *and sections 5 and 6 of this act.*

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

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

31 **Sec. 9.** NRS 244.3565 is hereby amended to read as follows:
32 244.3565 1. Except as otherwise provided in ~~[subsection 2.]~~
33 *this section*, the board of commissioners of each county in this State
34 may, to protect the health and safety of the public, enact an
35 ordinance which ~~[regulates]~~ :

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

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

43 2. A board of county commissioners, in enacting an ordinance
44 pursuant to subsection 1, may not prohibit the use of a mobile



1 carrying device on a sidewalk in the county that is more than 36
2 inches wide.

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

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

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

9 4. *Nothing in this section shall be construed to prohibit a*
10 *board of county commissioners from requiring a personal delivery*
11 *device operator to obtain from the county a business license or pay*
12 *any business license fee in the same manner that is generally*
13 *applicable to any other business that operates within the*
14 *jurisdiction of the board of county commissioners.*

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

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

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

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

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

24 268.41015 1. Except as otherwise provided in ~~[subsection 2,]~~
25 *this section*, the city council or other governing body of each
26 incorporated city in this State, whether or not organized under
27 general law or special charter, may, to protect the health and safety
28 of the public, enact an ordinance which ~~[regulates]~~ :

29 (a) *Regulates* the time, place and manner of the operation of a
30 mobile carrying device *or personal delivery device* in the city,
31 including, without limitation, by prohibiting the use of a mobile
32 carrying device *or personal delivery device* in a specified area of the
33 city ~~[]~~ ; and

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

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

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

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



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

3 ***4. Nothing in this section shall be construed to prohibit a city***
4 ***council or governing body from requiring a personal delivery***
5 ***device operator to obtain from the city a business license or pay***
6 ***any business license fee in the same manner that is generally***
7 ***applicable to any other business that operates within the***
8 ***jurisdiction of the city council or governing body.***

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

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

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

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

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

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

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

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

