



---

---

## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

---

---

<b>2017 Assembly Bill 191</b>	<b>Assembly Amendment 1</b>
<i>Memo published: April 27, 2017</i>	<i>Contact: Rachel E. Snyder, Staff Attorney</i>

### **2017 ASSEMBLY BILL 191**

Assembly Bill 191 (the bill) defines and creates a basic regulatory framework for the operation of a personal delivery device (PDD). Under the bill, a PDD is defined as an electronically powered device that satisfies the following:

- The device is intended to primarily transport property on sidewalks and crosswalks.
- The device weighs less than 80 pounds, without cargo.
- The device is capable of a maximum speed of 10 miles per hour or less.
- The device is capable of operating with and without the active control or monitoring by an individual.

The bill generally excludes PDDs from the definitions of “vehicle” and “motor vehicle.” As such, under the bill, most regulations that apply to a “vehicle” or a “motor vehicle” do not apply to a PDD. The bill authorizes the operation of PDDs on sidewalks and crosswalks, unless it is prohibited by the Department of Transportation rule or by a local government’s (county, town, village, or city) ordinance.

In general, a PDD must comply with the rules of the road associated with pedestrians, including yielding as required at crosswalks and obeying traffic and pedestrian control signals. The PDD operator may be subject to penalties in the event that the PDD violates the rules of the road.

To be operated on a sidewalk or crosswalk, a PDD operator must ensure all of the following:

- The operator has control or is monitoring the navigation and operation of the device.

- The device does not go upon any roadway, except to cross at a crosswalk.
- The device is operated with due care.
- The device complies with traffic signals and signs.
- The device does not exceed 10 miles per hour.

The bill also requires that a PDD be equipped with the following: (1) a braking system that will enable the device to come to a controlled stop; and (2) a clearly visible plate or marker that identifies the name and contact information of the PDD operator. In addition, if the PDD will be operated during hours of darkness, the PDD must be equipped with a white light visible from at least 500 feet to its front and with a red reflector visible from all distances from 50 to 500 feet to its rear or a lamp emitting a steady or flashing red light.

### **ASSEMBLY AMENDMENT 1**

Assembly Amendment 1 (the amendment) imposes the following additional requirements upon the operation of PDDs:

- A PDD operator must comply with any lawful order, signal, or direction from a traffic officer.
- If a traffic control signal malfunctions, a PDD operator must ensure that the PDD proceeds at an intersection as though the traffic control signal is a stop sign, similar to the requirement placed upon vehicles and pedestrians.
- The limitations placed upon a pedestrian for crossing a railroad track apply to a PDD operator, except that a PDD operator is not required to pay a railroad crossing improvement surcharge in addition to any forfeiture imposed for a railroad crossing violation.
- A PDD operator must ensure that a PDD yields the right-of-way to a pedestrian.

The amendment also excludes PDDs from the definition of “vehicle” for purposes of the state criminal code.

### **BILL HISTORY**

Assembly Amendment 1 was offered by Representative Kuglitsch on April 25, 2017. On April 26, 2017, the Assembly Committee on Science and Technology recommended adoption of the amendment on a vote of Ayes, 9; Noes, 0, and passage of Assembly Bill 191, as amended, on a vote of Ayes, 9; Noes, 0.

RES:ksm