

SESSION OF 2020

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 435**

As Amended by Senate Committee on  
Commerce

**Brief\***

SB 435, as amended, would create law related to personal delivery devices.

The bill would define “personal delivery device” as a powered device operated primarily on sidewalks and crosswalks and intended primarily for the transport of property on public rights-of-way that does not exceed 150 pounds, excluding cargo, and is capable of navigating with or without the active control or monitoring by a person. The bill would exclude personal delivery device from the definition of “motor vehicle” and “vehicle” in the Kansas vehicle registration law.

The bill would also authorize personal delivery devices to operate on any sidewalk, crosswalk, or public highway of any municipality. Operation on highways would be limited to gaining or regaining access to a sidewalk or crosswalk. Personal delivery devices would be required to yield to all vehicles and not unreasonably interfere with traffic, not block public rights-of-way, obey all traffic signals, operate at a maximum speed of six miles per hour, prominently display a unique identifying number, prominently display the identification and contact information of the entity operating the personal delivery device, and be equipped with a system that enables the device to come to a controlled stop and be actively controlled by an operator of the device.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would assign personal delivery devices the right-of-way obligations and responsibilities of pedestrians when such devices are operating on sidewalks or crosswalks. Any personal delivery device operating between sunset and sunrise or on any public highway would be required to be equipped with both front and rear lighting visible in clear weather from a distance of at least 500 feet.

Personal delivery devices would be exempt from motor vehicle registration requirements, but the bill would require any entity operating a personal delivery device to maintain general liability insurance coverage of at least \$100,000 for damages arising from the operation of the device.

Under the bill, personal delivery devices would be required to have the ability to determine proximity of other objects and have an audible warning system capable of notifying blind persons of the presence of the device. Personal delivery devices would not be permitted to transport hazardous materials, as that term is defined under relevant federal law.

The bill would also authorize local units of government to prohibit personal delivery devices by resolution or ordinance if the government determines such prohibition is necessary in the interest of public safety.

## **Background**

The bill was introduced by the Senate Committee on Assessment and Taxation at the request of Amazon. In the Senate Committee on Commerce hearing, a representative of Amazon testified in favor of the bill stating it would allow Amazon to bring new package delivery technology to Kansas. A representative of the League of Kansas Municipalities testified in opposition to the bill as introduced, stating it did not include adequate provisions for public safety. Written-only opponent testimony was provided by the City of Overland

Park, the Kansas Association of Counties, and the Teamsters Local Union No. 696. No neutral testimony was provided.

The Senate Committee amended the bill to remove provisions prohibiting local government regulation of personal delivery devices and their operations and inserted a provision specifically allowing local governments to prohibit personal delivery devices in the interest of public safety.

The fiscal note prepared by the Division of the Budget states enactment of the bill as introduced would have no fiscal effect.