

BILL ANALYSIS

C.S.S.B. 969
By: Hancock
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the lack of regulation for some cargo transportation devices that are gaining in popularity and share pedestrian spaces near roadways. C.S.S.B. 969 seeks to address this issue by regulating the operation of personal delivery and mobile carrying devices.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 969 amends the Transportation Code to provide for the regulation of personal delivery devices and mobile carrying devices, which are devices that transport cargo and meet other specified criteria. The bill authorizes a person to operate a personal delivery device, as defined by the bill, only if the person is a business entity and if a human who is an agent of the entity has the capability to monitor or exercise physical control over the navigation and operation of the device. The bill requires a mobile carrying device, as defined by the bill, to remain within 25 feet of a human operator while the device is in motion. The bill sets out provisions for determining who is the operator of a personal delivery or mobile carrying device for the purpose of assessing compliance with applicable traffic laws.

C.S.S.B. 969 sets out provisions governing the operation and equipment of a personal delivery or mobile carrying device, including provisions regarding the manner of operation, authorized areas of operation, required brake and light equipment, and maximum speed. The bill requires a personal delivery device to be equipped with a marker that clearly states the name and contact information of the owner and a unique identification number.

C.S.S.B. 969 authorizes a local authority to regulate the operation of a personal delivery or mobile carrying device on a highway or in a pedestrian area in a manner not inconsistent with the bill's provisions and establishes that such regulatory authority does not affect the authority of a local authority's peace officers to enforce state law relating to the operation of those devices. The bill requires a business entity that operates a personal delivery device to maintain an insurance policy that includes general liability coverage of not less than \$100,000 for damages arising from the operation of the device.

C.S.S.B. 969 establishes that the operation of a personal delivery or mobile carrying device in a pedestrian area is governed exclusively by the bill's provisions and any applicable regulations

adopted by a local authority. A personal delivery or mobile carrying device operated in compliance with the bill's provisions is not considered to be a vehicle for purposes of provisions relating to vehicles and traffic.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 969 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes a provision authorizing a local authority to establish a maximum speed of less than 10 miles per hour, but not less than seven miles per hour, for a personal delivery or mobile carrying device operated in a pedestrian area in the local authority's jurisdiction if the local authority determines that a maximum speed of 10 miles per hour is unreasonable or unsafe for that area.