



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB5795

Introduced 11/16/2022, by Rep. La Shawn K. Ford

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-146	from Ch. 95 1/2, par. 1-146
625 ILCS 5/1-159.15 new	
625 ILCS 5/1-159.16 new	
625 ILCS 5/1-188	from Ch. 95 1/2, par. 1-188
625 ILCS 5/1-217	from Ch. 95 1/2, par. 1-217
625 ILCS 5/11-1005.2 new	
625 ILCS 5/11-1412.4 new	

Amends the Illinois Vehicle Code. Provides that a personal delivery device shall be authorized to operate on any sidewalk, crosswalk, or public roadway or highway in the State. Provides that a personal delivery device shall (1) be equipped with a system that enables the personal delivery device to come to a controlled stop; (2) have the capability of operating in a manner that complies with pedestrians' rights and duties; (3) not unreasonably interfere with motor vehicles or traffic or otherwise block any right-of-way; (4) operate at a speed that shall not exceed 10 miles per hour on a sidewalk; (5) not be used to transport specified hazardous materials; and (6) include a unique identifying number and a means of identifying the personal delivery device operator. Specifies that a personal delivery device shall have all the rights and duties applicable to a pedestrian under the same circumstances. Provides that a personal delivery device shall not be deemed a motor vehicle or a vehicle. Provides that a personal delivery device shall be exempt from all vehicle or motor vehicle registration requirements. Requires a personal delivery device operator to maintain an insurance policy that provides general liability coverage of at least \$100,000 for damages arising from the combined operations of any personal delivery devices under the personal delivery device operator's control. Prohibits local authorities from enacting or enforcing a rule, regulation, ordinance, or resolution relating to specified aspects of a personal delivery device. Limits home rule powers. Makes conforming changes.

LRB102 28269 NLB 40140 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 1-146, 1-188, and 1-217 and adding Sections  
6 1-159.15, 1-159.16, 11-1005.2, and 11-1412.4 as follows:

7 (625 ILCS 5/1-146) (from Ch. 95 1/2, par. 1-146)

8 Sec. 1-146. Motor vehicle. Every vehicle which is  
9 self-propelled and every vehicle which is propelled by  
10 electric power obtained from overhead trolley wires, but not  
11 operated upon rails, except for vehicles moved solely by human  
12 power, personal delivery devices, motorized wheelchairs,  
13 low-speed electric bicycles, and low-speed gas bicycles. For  
14 this Act, motor vehicles are divided into two divisions:

15 First Division: Those motor vehicles which are designed  
16 for the carrying of not more than 10 persons.

17 Second Division: Those motor vehicles which are designed  
18 for carrying more than 10 persons, those motor vehicles  
19 designed or used for living quarters, those motor vehicles  
20 which are designed for pulling or carrying freight, cargo or  
21 implements of husbandry, and those motor vehicles of the First  
22 Division remodelled for use and used as motor vehicles of the  
23 Second Division.

1 (Source: P.A. 96-125, eff. 1-1-10.)

2 (625 ILCS 5/1-159.15 new)

3 Sec. 1-159.15. Personal delivery device. A powered device  
4 that is:

5 (1) intended to be operated primarily on sidewalks,  
6 crosswalks, and other pedestrian areas to transport cargo;

7 (2) not intended to carry passengers; and

8 (3) capable of navigating with or without the active  
9 control or monitoring of a natural person.

10 (625 ILCS 5/1-159.16 new)

11 Sec. 1-159.16. Personal delivery device operator. A person  
12 or an agent of a person who exercises control or monitoring  
13 over the operation of a personal delivery device. A person or  
14 an agent of a person shall not be considered a personal  
15 delivery operator solely because the person or agent:

16 (1) requests or receives the delivery or services of a  
17 personal delivery device;

18 (2) arranges for or dispatches the requested services  
19 of a personal delivery device; or

20 (3) stores, charges, or maintains a personal delivery  
21 device.

22 (625 ILCS 5/1-188) (from Ch. 95 1/2, par. 1-188)

23 Sec. 1-188. Sidewalk.

1           That portion of a street between the curb lines, or the  
2 lateral lines of a roadway, and the adjacent property lines,  
3 primarily intended for use of pedestrians.

4           (Source: P.A. 76-1586.)

5           (625 ILCS 5/1-217) (from Ch. 95 1/2, par. 1-217)

6           Sec. 1-217. Vehicle. Every device, in, upon or by which  
7 any person or property is or may be transported or drawn upon a  
8 highway or requiring a certificate of title under Section  
9 3-101(d) of this Code, except devices moved by human power,  
10 personal delivery devices, devices used exclusively upon  
11 stationary rails or tracks, and snowmobiles as defined in the  
12 Snowmobile Registration and Safety Act.

13           For the purposes of this Code, unless otherwise  
14 prescribed, a device shall be considered to be a vehicle until  
15 such time it either comes within the definition of a junk  
16 vehicle, as defined under this Code, or a junking certificate  
17 is issued for it.

18           For this Code, vehicles are divided into 2 divisions:

19           First Division: Those motor vehicles which are designed  
20 for the carrying of not more than 10 persons.

21           Second Division: Those vehicles which are designed for  
22 carrying more than 10 persons, those designed or used for  
23 living quarters and those vehicles which are designed for  
24 pulling or carrying property, freight or cargo, those motor  
25 vehicles of the First Division remodelled for use and used as

1 motor vehicles of the Second Division, and those motor  
2 vehicles of the First Division used and registered as school  
3 buses.

4 (Source: P.A. 92-812, eff. 8-21-02.)

5 (625 ILCS 5/11-1005.2 new)

6 Sec. 11-1005.2. Personal delivery devices. A personal  
7 delivery device upon a sidewalk or roadway has all the rights  
8 and is subject to all the duties applicable to a pedestrian.

9 (625 ILCS 5/11-1412.4 new)

10 Sec. 11-1412.4. Personal delivery devices.

11 (a) Notwithstanding any other provision of law, a personal  
12 delivery device shall be authorized to operate on any  
13 sidewalk, crosswalk, or public roadway or highway in the State  
14 if the personal delivery device:

15 (1) is equipped with a system that enables the  
16 personal delivery device to come to a controlled stop;

17 (2) has the capability of operating in a manner that  
18 complies with the pedestrians' rights and duties under  
19 Article X of Chapter 11, unless the provision cannot by  
20 its nature apply to the personal delivery device;

21 (3) does not unreasonably interfere with motor  
22 vehicles or traffic or otherwise block any right-of-way  
23 under the jurisdiction and control of the State or any  
24 local authority;

1           (4) operates at a speed not exceeding 10 miles per  
2           hour on a sidewalk;

3           (5) is not used to transport hazardous materials:

4           (A) in a type and quantity for which placards are  
5           required in accordance with the Hazardous Materials  
6           Regulations prescribed by the United States Department  
7           of Transportation, Title 49 CFR Part 172, Subpart F,  
8           or compatible rules adopted by the Illinois Department  
9           of Transportation; or

10           (B) that may pose an unreasonable risk to health,  
11           safety, or performance when transported in commerce;  
12           and

13           (6) includes a unique identifying number and a means  
14           of identifying the personal delivery device operator.

15           (b) A personal delivery device shall have all the rights  
16           and duties applicable to a pedestrian under the same  
17           circumstances.

18           A personal delivery device shall not be deemed a motor  
19           vehicle or a vehicle under this Code or any other law, rule, or  
20           regulation of the State or any local authority.

21           A personal delivery device shall be exempt from all  
22           vehicle or motor vehicle registration requirements under this  
23           Code or any other law, rule, or regulation of the State or any  
24           local authority.

25           (c) A personal delivery device operator shall maintain an  
26           insurance policy that provides general liability coverage of

1 at least \$100,000 for damages arising from the combined  
2 operations of any personal delivery devices under the personal  
3 delivery device operator's control.

4 (d) Except as expressly provided in this Section, local  
5 authorities shall not enact or enforce a rule, regulation,  
6 ordinance, or resolution relating to the following:

7 (1) design, manufacture, or maintenance of a personal  
8 delivery device;

9 (2) licensing, registration, or certification of a  
10 personal delivery device;

11 (3) taxation of or the imposition of any assessment of  
12 any fees or other charges upon a personal delivery device  
13 or personal delivery device operator;

14 (4) insuring a personal delivery device;

15 (5) types of cargo that may be transported by a  
16 personal delivery device;

17 (6) operations of personal delivery devices; or

18 (7) use of or restricted access to any sidewalk,  
19 crosswalk, or public roadway or highway.

20 A home rule unit may not regulate personal delivery  
21 devices in a manner inconsistent with this Section. This  
22 subsection is a limitation under subsection (i) of Section 6  
23 of Article VII of the Illinois Constitution on the concurrent  
24 exercise by home rule units of powers and functions exercised  
25 by the State.