



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2902

Introduced 2/16/2023, by Rep. Jaime M. Andrade, Jr.

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 if the personal delivery device meets specified criteria. 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.

LRB103 30879 MXP 57403 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 the active control or
9 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. That portion of a street between the

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

3 (Source: P.A. 76-1586.)

4 (625 ILCS 5/1-217) (from Ch. 95 1/2, par. 1-217)

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

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

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

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

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

1 vehicles of the First Division used and registered as school
2 buses.

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

4 (625 ILCS 5/11-1005.2 new)

5 Sec. 11-1005.2. Personal delivery devices. A personal
6 delivery device upon a sidewalk or roadway has all the rights
7 and is subject to all the duties applicable to a pedestrian,
8 except that a personal delivery device shall not unreasonably
9 interfere with any pedestrian or traffic and shall yield the
10 right-of-way to a pedestrian on the sidewalk or crosswalk.

11 (625 ILCS 5/11-1412.4 new)

12 Sec. 11-1412.4. Personal delivery devices.

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

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

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

23 (3) does not unreasonably interfere with motor
24 vehicles or traffic or otherwise block any right-of-way

1 under the jurisdiction and control of the State or any
2 local authority;

3 (4) operates at a speed not exceeding 10 miles per
4 hour on a sidewalk or crosswalk;

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

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

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

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

16 (7) weighs 300 pounds or less.

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

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

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

1 (c) A personal delivery device operator shall maintain an
2 insurance policy that provides general liability coverage of
3 at least \$100,000 for damages arising from the combined
4 operations of any personal delivery devices under the personal
5 delivery device operator's control.

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

9 (1) design, manufacture, or maintenance of a personal
10 delivery device;

11 (2) licensing, registration, or certification of a
12 personal delivery device;

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

16 (4) insuring a personal delivery device;

17 (5) types of cargo that may be transported by a
18 personal delivery device; or

19 (6) operations of personal delivery devices.

20 A local authority may not prohibit the operation of a
21 personal delivery device but may reasonably restrict the
22 operation of a personal delivery device on a roadway or in a
23 pedestrian area in a manner consistent with this Section, as
24 long as the local authority gives the interested stake holder
25 an opportunity to be heard on matters pertaining to the
26 restrictions being implemented.

1 A home rule unit may not regulate personal delivery
2 devices in a manner inconsistent with this Section. This
3 subsection is a limitation under subsection (i) of Section 6
4 of Article VII of the Illinois Constitution on the concurrent
5 exercise by home rule units of powers and functions exercised
6 by the State.