

LEGISLATIVE COMMITTEE MINUTES

**HB116**

# Bill as Introduced

HB 116 - AS AMENDED BY THE HOUSE

6Jan2022... 2199h

2021 SESSION

0104  
11/06

HOUSE BILL **116**

AN ACT relative to personal delivery devices and mobile carriers.

SPONSORS: Rep. Steven Smith, Sull. 11; Rep. Packard, Rock. 5; Rep. Walsh, Merr. 24

COMMITTEE: Transportation

ANALYSIS

This bill defines and regulates personal delivery devices and mobile carriers.

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough:~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
6Jan2022... 2199h 21-0104  
11/06

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to personal delivery devices and mobile carriers.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 New Section; Motor Vehicles; Definitions; Mobile Carrier. Amend RSA 259 by inserting after section 56 the following new section:

259:56-a Mobile Carrier. "Mobile carrier" means an electrically powered device that:

- I. Is operated on sidewalks and crosswalks and is intended primarily for transporting property.
- II. Weighs less than 80 pounds, excluding cargo.
- III. Has a maximum speed of 12.5 miles per hour.

IV. Is equipped with a technology to transport personal property with the active monitoring of a property owner and primarily designed to remain within 25 feet of the property owner.

2 New Sections; Motor Vehicles; Definitions; Personal Delivery Device. Amend RSA 259 by inserting after section 75 the following new sections:

259:75-a Personal Delivery Device. "Personal delivery device" means an electrically powered device that:

- I. Is operated on sidewalks, crosswalks, and roadways and is intended primarily for transporting goods and cargo.
- II. Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

(c. When operated in compliance with this section is not a vehicle.

259:75-b Roadway. For purposes of RSA 259:75-b and RSA 265:163, "roadway" means that portion of a way improved, designed, or ordinarily used for vehicular travel, including the berm or shoulder where such berm or shoulder is used by persons riding bicycles or other human powered vehicles.

3 New Subdivision; Special Rules for Personal Delivery Devices and Mobile Carriers. Amend RSA 265 by inserting after section 162 the following new subdivision:

Special Rules for Personal Delivery Devices and Mobile Carriers

265:163 Personal Delivery Devices and Mobile Carriers.

I. A personal delivery device or mobile carrier may operate on sidewalks and crosswalks. A personal delivery device or mobile carrier operating on a sidewalk or crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, except that the personal delivery device or mobile carrier shall not unreasonably interfere with pedestrians or traffic and shall yield the right-of-way to pedestrians on the sidewalk or crosswalk. State and local law enforcement shall have the authority to enforce state and local traffic laws.

II. Personal delivery devices and a mobile carriers shall:

- (a) Obey all official traffic and pedestrian control signals and devices.
- (b) For personal delivery devices, include a plate or marker that has a unique identifying device number and identifies the name and contact information of the personal delivery device operator.
- (c) Be equipped with a braking system that, when active or engaged, enables the personal delivery device or mobile carrier to come to a controlled stop.

III. Mobile carriers shall not:

- (a) Operate on a roadway except to the extent necessary to cross a crosswalk.
- (b) Operate on a sidewalk or crosswalk unless the mobile carrier owner remains within 25 feet of the mobile carrier.
- (c) Transport hazardous materials that are regulated under the Hazardous Materials Transportation Authorization Act of 1994 and must be placarded under 49 CFR 172.500 through 172.560.
- (d) Transport persons or animals.

IV. Personal delivery devices shall not:

- (a) Operate at speeds in excess of 10 miles per hour on sidewalks;
- (b) Operate at speeds in excess of 20 miles per hour on roadways;
- (c) Operate unless the navigation and operation is being monitored or controlled by an operator;
- (d) Transport hazardous materials that are regulated under the Hazardous Materials Transportation Authorization Act of 1994 and must be placarded under 49 CFR 172.500 through 172.560.

V. A local authority may not ban the operation of a personal delivery device but may reasonably restrict the operation of a personal delivery device on a roadway or in a pedestrian area in a manner consistent with this subdivision following an opportunity for input from stakeholders.

VI. A person who owns and operates a personal delivery device in this state shall maintain an insurance policy, on behalf of himself or herself and his or her agents, which provides general liability coverage of at least \$100,000 for damages arising from the combined operations of personal delivery devices under the entity's or agent's control.

4 Effective Date. This act shall take effect 60 days after its passage.

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15 Transportation Authorization Act of 1994 and must be placarded under 49 CFR 172.500 through  
16 172.560.

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18 IV. Personal delivery devices shall not:

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28 in a manner consistent with this subdivision following an opportunity for input from stakeholders.

29 VI. A person who owns and operates a personal delivery device in this state shall maintain  
30 an insurance policy, on behalf of himself or herself and his or her agents, which provides general  
31 liability coverage of at least \$100,000 for damages arising from the combined operations of personal  
32 delivery devices under the entity's or agent's control.

33 4 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 13  
HB 116 - FINAL VERSION

6Jan2022... 2199h

2022 SESSION

21-0104  
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**CHAPTER 13**  
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**- Page 2 -**

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32 delivery devices under the entity's or agent's control.

13:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: April 11, 2022  
Effective Date: June 10, 2022

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Transportation**

Sen Regina Birdsell, Chair  
Sen David Watters, Vice Chair  
Sen Denise Ricciardi, Member  
Sen Ruth Ward, Member  
Sen Tom Sherman, Member

Date: February 3, 2022

**HEARINGS**

Tuesday	02/22/2022	
(Day)	(Date)	
Transportation	Legislative Office Building 101	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	<b>HB 116</b>	relative to personal delivery devices and mobile carriers.
1:20 p.m.	<b>HB 435-FN</b>	relative to the suspension of drivers' licenses
1:40 p.m.	<b>HB 571</b>	repealing the prohibition against OHRV travel on Hoit Road Marsh.

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**HB 116**

Rep. Steven Smith

Rep. Packard

Rep. Walsh

**HB 435-FN**

Rep. Sykes

Rep. Klein-Knight

**HB 571**

Rep. Walsh

Rep. Wells

Rep. Steven Smith

Rep. Pearl

Peter O'Neill 271-4151

Regina Birdsell  
Chairman

# Senate Transportation Committee

*Peter O'Neill 271-4151*

HB 116, relative to personal delivery devices and mobile carriers.

**Hearing Date:** February 22, 2022

**Time Opened:** 1:01 p.m.

**Time Closed:** 1:21 p.m.

**Members of the Committee Present:** Senators Birdsell, Watters, Ricciardi, Ward and Sherman

**Members of the Committee Absent :** None

**Bill Analysis:** This bill defines and regulates personal delivery devices and mobile carriers.

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**Sponsors:**

Rep. Steven Smith

Rep. Packard

Rep. Walsh

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**Who supports the bill:** Rep. Steven Smith, Tom Prasol, Demers-Prasol Inc.; Kate Killory, FedEx; Richard Parsons, Amazon; Jodie Boutwell

**Who opposes the bill:** Natch Greyes, New Hampshire Municipal Association

**Who is neutral on the bill:** None

**Summary of testimony Presented:**

**Representative Steven Smith, Sullivan County 11**

- Rep. Steven Smith testified in support of the bill.
- The bill is about mobile delivery devices and robots. The largest industry input to the bill was from FedEx.
- Setting up liability rules, where they go, how fast they go, and how big they can be was determined.
- Rep. Smith said others would be able to follow up with more details.
- Sen. Sherman asked who was best to ask about technical aspects of the bill. He asked about the delivery device remaining within 25 ft of the property owner. Sen. Sherman said there might be a typo on line 3, page 2. He cited concern with the robots going 20 mph on a roadway but were limited to crosswalks.
  - Rep. Smith said the robots were not limited only to crosswalks. The robots are not fully autonomous. Rep. Smith said a truck would park and the

- robot would depart from the truck. A human operator would be there to monitor the robot.
- Sen. Birdsell asked about RSA 259:75a. She asked, under 75a, if the bill would fall under a different title or RSA.
  - Rep. Smith said he would find out the answer. She asked if the private property mentioned in bill was referring to homes or business.
- Sen. Ward said there were two different kinds of robots, being the industrial kind and the personal delivery kind. She asked if the personal delivery robot would be able to follow you and assist in a grocery store.
  - Rep Smith said yes. The drones and robots could follow you around. They must be in close proximity and follow a person via a device.

### **Kate Killory and Tom Prasol, FedEx Representative**

- Mrs. Killory said she was the FedEx government affairs representative to the New England states. The bill has passed in 15 other states in recent years.
- FedEx has worked with NH DECA to get the delivery robot right. The first test of "Roxxo" was in Manchester. All has gone well with prototype delivery testing in Manchester.
- The delivery robots were demonstrated in Texas and Tennessee as well. With the passage of HB 116, more delivery robots would be in more parts of New Hampshire.
- "Roxxo" came about to help with the latest and greatest in delivery services. As a result of the pandemic, development of "Roxxo" would help in reducing contact with individuals, along with fast and efficient service.
- The availability to operate on sidewalks and roads is an advantage to delivery services.
- Designed similar to the automatic wheelchair. The delivery robots come equipped with lights, sensors, and is tall enough to be seen from a car.
- Autonomous operations are remotely operated at all times. Current operations follow the U.S. code for hazardous materials.
- FedEx is in fully supportive of this legislation, along with Amazon. If the committee would like a presentation with "Roxxo", FedEx would be happy to do so.
- Mr. Prasol said the mobile carrier is what Sen. Ward was referring to at the grocery store. The mobile carrier robot would follow you and is designed to travel with you. It can maintain a 25-foot distance from the owner. The personal delivery device is what "Roxxo" is. There are distinctions between the two, such as personal delivery devices being bigger.
- FedEx worked with the House to determine roadway. Roadway means a portion of roadway for vehicular travel, such as the shoulder.
- Speed limits are similar to what they are around the country for uniformity.
- Sen. Watters asked that personal delivery devices can operate on a roadway and mobile carrier devices can operate on a roadway in order to carry out a delivery.

- Mr. Prasol said that was his understanding.
- Sen. Watters said the law is messy and needs clarification. Mr. Prasol said there would need some fix the issue.
- Sen. Birdsell said what happens if there is snow and ice on the sidewalk.
- Mrs. Killory said Manchester, New Hampshire was picked to work in the inclement weather. Someone is constantly monitoring this to watch the robots too. Mr. Prasol added that the robots were based off of the ibot wheelchair.
- Sen. Sherman said that the robots would help decrease human contact and asked if one of the benefits would help improve workplace safety.
- Mrs. Killory said the robots are designed to deliver packages quickly.
- Sen. Sherman said there he has a lot of concern for workplace safety. He asked how much the robots would help to decrease the risk of a potential harm for workers. Sen Sherman asked if there are incidents with delivery people being at risk to violence.
- Mrs. Killory said she doesn't know but would say she would like to check on that. She said safety is a very important component of working at FedEx.

PJO

Date Hearing Report completed: February 23, 2022

# Speakers





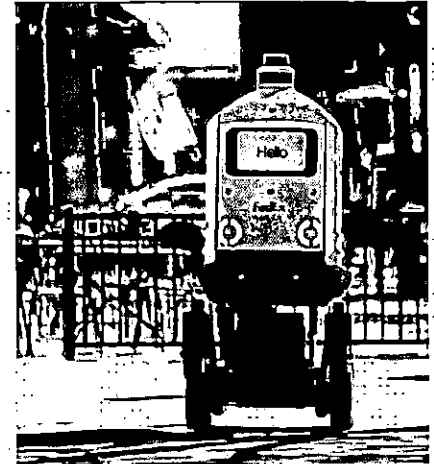
# Testimony



## Roxo™, the FedEx SameDay Bot, to Cover New Ground

Roxo, the FedEx SameDay Bot, represents the company's ongoing commitment to innovation. Being designed to engage the rapid growth of e-commerce and the complexities and expense of last-mile delivery, while continuing our commitment to environmental sustainability and public safety, Roxo looks to address each of these areas by autonomously and safely traveling at moderate speeds on sidewalks and along roadsides to deliver smaller shipments to customers at their homes and businesses when they need them.

Roxo has been tested on the streets of Manchester, NH; Memphis, TN; Plano, TX and Frisco, TX to gather real-world performance data in a variety of environments and scenarios.



### A New Industry

The growth of e-commerce has exponentially increased the volume of online orders, not just for products from other cities, states or countries but from around the corner by people who need items delivered to their homes and places of business.

Retailers are looking for ways to fill these orders by delivering them directly to customers' homes or businesses the same day. On average, more than 60 percent of merchants' customers live within three miles of a store location, demonstrating the opportunity for on-demand, hyper-local delivery – like a prescription from a pharmacy to a parent at home caring for a sick child, or a part from an auto store to a nearby repair shop working on a customer's vehicle.

**Roxo's purpose is to fill retailers' needs by further expanding the existing FedEx portfolio of services to enable local, last-mile deliveries that FedEx drivers and couriers do not generally make – increasing the volume of shipments FedEx carries, not redirecting existing volume.**

### A Sustainable Solution

FedEx is committed to connecting the world in responsible and resourceful ways. As customers expect more products to be delivered to their doors, Roxo endeavors to meet this growing demand while minimizing environmental impacts.

Using a **battery-powered, zero-emission** bot to deliver small items to local customers can lessen the impact of trucks and customer vehicles in supporting this hyper-local e-commerce market.

### Drawing on Years of Expertise

Being developed in collaboration with world-renowned inventor Dean Kamen, this effort brings together the extraordinary technological expertise of DEKA Research & Development Corp. and the global logistics expertise of FedEx. Roxo uses DEKA's established iBOT electric wheelchair base capable of negotiating rough terrain, traversing steps and steep inclines. DEKA reports the iBOT base has surpassed **10 million hours of reliable real-world operation.**

Roxo is another piece of the larger FedEx logistics ecosystem continuously in development and serves as the most recent demonstration of the company's higher purpose – to connect people and possibilities around the world.

# Voting Sheets

**Transportation Committee**  
**EXECUTIVE SESSION RECORD**  
*2021-2022 Session*

Bill # HB 116

Hearing date: \_\_\_\_\_

Executive Session date: \_\_\_\_\_

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Ricciardi

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
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# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Tuesday, March 8, 2022

THE COMMITTEE ON Transportation

to which was referred **HB 116**

AN ACT

relative to personal delivery devices and mobile  
carriers.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Denise Ricciardi  
For the Committee

This bill defines and regulates personal delivery devices and mobile carriers. It would allow for electronic carriers to help deliver more goods to customers in a timely manner.

Peter O'Neill 271-4151

FOR THE CONSENT CALENDAR

**TRANSPORTATION**

**HB 116**, relative to personal delivery devices and mobile carriers.

Ought to Pass, Vote 5-0.

Senator Denise Ricciardi for the committee.

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## General Court of New Hampshire - Bill Status System

**Docket of HB116**

Docket Abbreviations

**Bill Title:** relative to personal delivery devices and mobile carriers.*Official Docket of HB116.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/4/2021	H	<b>Introduced</b> (in recess of) 01/06/2021 and referred to Transportation <b>HJ 2 P. 35</b>
1/27/2021	H	Public Hearing: 02/05/2021 01:45 pm Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/92807074926">https://www.zoom.us/j/92807074926</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/19/2021	H	Executive Session: 02/19/2021 02:00 pm Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/98257633759">https://www.zoom.us/j/98257633759</a>
3/29/2021	H	Retained in Committee
9/15/2021	H	Full Committee Work Session: 09/28/2021 10:00 am LOB 201-203 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
10/6/2021	H	Full Committee Work Session: 10/12/2021 01:00 pm LOB 201-203
9/29/2021	H	Executive Session: 10/19/2021 1000am
11/12/2021	H	Committee Report: Ought to Pass with Amendment <b>#2021-2199h</b> 10/19/2021 (Vote 19-0; CC) <b>HC 48 P. 16</b>
3/21/2022	H	Removed from Consent (Rep. Guthrie) 01/05/2022 <b>HJ 1</b>
1/9/2022	H	Amendment <b>#2021-2199h</b> : AA VV 01/06/2022 <b>HJ 1</b>
1/9/2022	H	<b>Ought to Pass with Amendment</b> : MA VV 01/06/2022 <b>HJ 1</b>
1/18/2022	S	Introduced 01/05/2022 and Referred to Transportation; <b>SJ 2</b>
2/3/2022	S	<b>Hearing</b> : 02/22/2022, Room 101, LOB, 01:00 pm; <b>SC 7</b>
3/10/2022	S	Committee Report: Ought to Pass, 03/17/2022; Vote 5-0; CC; <b>SC 11</b>
3/17/2022	S	<b>Ought to Pass</b> : MA, VV; OT3rdg; 03/17/2022; <b>SJ 5</b>
4/1/2022	S	Enrolled Adopted, VV, (In recess 03/31/2022); <b>SJ 8</b>
4/4/2022	H	Enrolled (in recess of) 03/31/2022 <b>HJ 9</b>
4/12/2022	H	Signed by Governor Sununu 04/11/2022; Chapter 13; 06/10/2022

NH House

NH Senate

# Other Referrals

## Senate Inventory Checklist for Archives

Bill Number: HB 116

Senate Committee: Transportation

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: (Legislative Aides)

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: (Legislative Aides)

All amendments considered in committee (including those not adopted):

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

### Floor Action Documents: (Clerk's Office)

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

### Post Floor Action: (if applicable) (Clerk's Office)

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

### All available versions of the bill: (Clerk's Office)

as amended by the senate

as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Peter Overli  
Committee Aide

6/6/2022  
Date

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