

HCS SS SB 176 -- ELECTRONIC DEVICES

SPONSOR: Hough (Griesheimer)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Emerging Issues by a vote of 11 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 12 to 0.

The following is a summary of the House Committee Substitute for SB 176.

FOOD DELIVERY PLATFORM (Section 196.276, RSMo)

This bill requires a food delivery platform in Missouri to file a certificate of formation or registration with the Secretary of State prior to delivering or picking up an order from a restaurant. The food delivery platform must have the restaurant's consent and a written agreement that specifies any fee that the restaurant is required to pay prior to picking up or delivering an order.

A food delivery platform is prohibited from appearing to sponsor or endorse a restaurant and the food delivery platform may not alter any pricing or change the fee charged to a restaurant for using the delivery service without a written agreement.

The bill requires a food delivery service to remove a restaurant from their platform upon the restaurants request within 10 days, except as specified in the bill, and a consumer must be provided with a way to express concerns regarding his or her order directly to the food delivery platform.

A restaurant may bring an action to enjoin a violation of these provisions and if the violation is proven the court shall issue an injunction requiring the food delivery platform to pay all profits derived from or damages caused by the wrongful bill and order the wrongful bill to be terminated. If the court finds that the food delivery platform committed a wrongful bill by not having an agreement or written consent with the restaurant then the court may enter a judgment in an amount not to exceed three times the amount of the profits and damages; and award reasonable attorney's fees to the restaurant.

This provision has a delayed effective date of January 1, 2022.

These provisions are similar to SB 574 and HB 1280 (2021).

ELECTRIC BICYCLES (Sections 300.010, 301.010, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188, 307.193, 307.194, 365.020,

407.560, 407.815, 407.1025, and 578.120)

As used in Chapters 300 and 301, RSMo, the bill defines "electric bicycle" as a bicycle with fully operable pedals, a seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of three classes:

(1) "Class 1 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;

(2) "Class 2 electric bicycle", an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; or

(3) "Class 3 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

Other definitions within those chapters are changed to either specifically include or exclude "electric bicycle".

As used in Chapters 302, 303, 307, 365 and 407 "electric bicycle" is defined in reference to its definition in Chapter 301, and other definitions within those chapters are changed to either specifically include or exclude "electric bicycle".

In Section 578.120, "electric bicycle" is specifically excepted from the prohibition on Sunday sales.

The bill also provides that every person riding an electric bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the operator of a bicycle, or the driver of a vehicle as provided by Chapter 304, except as to special regulations in Sections 307.180 to 307.193 and except as to those provisions of Chapter 304 which by their nature can have no application.

Operation of an electric bicycle is not subject to provisions of law that are applicable to motor vehicles, all-terrain vehicles, off-road vehicles, off-highway vehicles, motor vehicle rentals, motor vehicle dealers or franchises, or motorcycle dealers or franchises, including vehicle registration, certificates of title, drivers' licenses, and financial responsibility.

Beginning August 28, 2021, manufacturers and distributors of

electric bicycles are required to apply a permanent label to each electric bicycle in a prominent location, which must contain the classification number, top assisted speed, and motor wattage of the electric bicycle. The text on the label must be Arial font and in at least nine-point type. A person is prohibited from tampering with or modifying an electric bicycle in such a way that changes the motor-powered speed capability or engagement of the electric bicycle unless he or she replaces the required label with a new label indicating the new classification.

An electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission, 16 CFR 1512. An electric bicycle must be operated so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

Electric bicycles can be ridden where bicycles are permitted, subject to certain provisions set out in the bill. The use of a class 3 electric bicycle is subject to certain provisions set out in the bill, including the operator must be 16 years old, and be equipped with a speedometer.

These provisions are similar to HB 307 and SB 38 (2021).

PERSONAL DELIVERY DEVICES (Section 304.900)

This bill enacts provisions relating to personal delivery devices ("PDDs"), as defined in the bill.

PDDs may operate on sidewalks and crosswalks, and may operate on county or municipal roadways provided they do not unreasonably interfere with motor vehicles or traffic.

PDDs shall not block public rights of way, shall obey traffic and pedestrian control signals, shall not exceed 10 miles per hour on a sidewalk, shall display a unique identification number, shall include a means of identifying the operator of the device, and shall be equipped with a system allowing the device to come to a controlled stop.

PDDs operating on sidewalks shall have the same responsibilities as pedestrians. PDDs shall be exempt from motor vehicle registration requirements, and shall maintain a general liability insurance policy of at least \$100,000. PDDs operated at night shall be equipped with lighting as provided in the bill. PDDs shall not be used to transport hazardous materials regulated by federal law as specified in the bill.

Nothing in this bill shall prohibit a political subdivision from regulating the operation of PDDs on highways or pedestrian areas to insure the welfare and safety of its residents. However, political subdivisions shall not regulate the design, manufacture and maintenance of PDDs or the types of property they may transport. No political subdivision shall treat PDDs differently than other similar personal property for assessment or taxation purposes, or for other charges.

The bill prohibits PDD operators from selling or disclosing a personally identifiable likeness, as described in the bill, to a third party in exchange for monetary compensation. Use of personally identifiable likenesses by PDD operators to improve their products or services is specifically allowed under the bill, and information that would otherwise be protected under the bill shall only be provided to a law enforcement entity by subpoena.

These provisions are similar to HCS HB 592 (2021) and similar to HCS HB 2290 (2020).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this bill helps modernize components of daily life. The bill also maintains local control by giving communities the ability to choose how to regulate these devices and how to continually update regulations. There are multiple provisions addressing safety so that technology and people can interact.

Testifying for the bill were Senator Hough; Arnie C. Dienoff; Fedex Corporation and Missouri Retailers Association; Missouri Chamber of Commerce and Industry; and Amazon.com Services.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.