

REGULATION OF MOTORIZED SCOOTERS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Brad L. Dee

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code to amend the traffic laws relating to certain motorized scooters.

Highlighted Provisions:

This bill:

- ▶ defines "direct supervision";
- ▶ prohibits a person under eight years of age from operating a motor assisted scooter on public property;
- ▶ prohibits an owner from giving a person permission to operate a personal motorized mobility device or a motor assisted scooter in violation of certain provisions;
- ▶ amends the definition of motor assisted scooter to include similar devices that are equipped with a seat for the operator to sit or straddle while operating the device;

Ĥ [and]

▶ **EXEMPTS A PERSON WITH DISABILITY FROM CERTAIN USE RESTRICTIONS FOR A PERSONAL MOTORIZED MOBILITY DEVICE AND A MOTOR ASSISTED SCOOTER; AND ĥ**

- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6-1, as last amended by Chapters 34 and 165, Laws of Utah 2002



28 **41-6-90.5**, as last amended by Chapter 165, Laws of Utah 2002



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **41-6-1** is amended to read:

32 **41-6-1. Definitions.**

33 As used in this chapter:

34 (1) "Alley" means a street or highway intended to provide access to the rear or side of
35 lots or buildings in urban districts and not intended for through vehicular traffic.

36 (2) "All-terrain type I vehicle" is used as defined in Section 41-22-2.

37 (3) "Authorized emergency vehicle" means fire department vehicles, police vehicles,
38 ambulances, and other publicly or privately owned vehicles as designated by the commissioner
39 of the Department of Public Safety.

40 (4) "Bicycle" means every device propelled by human power upon which any person
41 may ride, having two tandem wheels, except scooters and similar devices.

42 (5) "Bus" means every motor vehicle designed for carrying more than 15 passengers
43 and used for the transportation of persons; and every motor vehicle, other than a taxicab,
44 designed and used for the transportation of persons for compensation.

45 (6) "Controlled-access highway" means every highway, street, or roadway to or from
46 which owners or occupants of abutting lands and other persons have no legal right of access,
47 except at points as determined by the public authority having jurisdiction over the highway,
48 street, or roadway.

49 (7) "Crosswalk" means:

50 (a) that part of a roadway at an intersection included within the connections of the
51 lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in
52 the absence of curbs, from the edges of the traversable roadway; and in the absence of a
53 sidewalk on one side of the roadway, that part of a roadway included within the extension of
54 the lateral lines of the existing sidewalk at right angles to the centerline; or

55 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
56 pedestrian crossing by lines or other markings on the surface.

57 (8) "Department" means the Department of Public Safety.

58 (9) "Direct supervision" means oversight at a distance within which visual contact is

59 maintained for the purpose of advising and assisting.

60 [~~(9)~~] (10) "Divided highway" means a highway divided into two or more roadways by
61 unpaved intervening space or by a physical barrier or by a clearly indicated dividing section
62 constructed to impede vehicular traffic.

63 [~~(10)~~] (11) "Electric assisted bicycle" means a moped with an electric motor with a
64 power output of not more than 1,000 watts, which is not capable of propelling the device at a
65 speed of more than 20 miles per hour on level ground, and which is not capable of increasing
66 the speed of the device when human power is used to propel the device at more than 20 miles
67 per hour.

68 [~~(11)~~] (12) "Explosives" means any chemical compound or mechanical mixture
69 commonly used or intended for the purpose of producing an explosion and which contains any
70 oxidizing and combustive units or other ingredients in proportions, quantities, or packing so
71 that an ignition by fire, friction, concussion, percussion, or detonator of any part of the
72 compound or mixture may cause a sudden generation of highly heated gases, and the resultant
73 gaseous pressures are capable of producing destructive effects on contiguous objects or of
74 causing death or serious bodily injury.

75 [~~(12)~~] (13) "Farm tractor" means every motor vehicle designed and used primarily as a
76 farm implement, for drawing plows, mowing machines, and other implements of husbandry.

77 [~~(13)~~] (14) "Flammable liquid" means any liquid which has a flashpoint of 100 degrees
78 F. or less, as determined by a tabliabue or equivalent closed-cup test device.

79 [~~(14)~~] (15) "Gross weight" means the weight of a vehicle without load plus the weight
80 of any load on the vehicle.

81 [~~(15)~~] (16) "Highway" means the entire width between property lines of every way or
82 place of any nature when any part of it is open to the use of the public as a matter of right for
83 vehicular travel.

84 [~~(16)~~] (17) "Intersection" means the area embraced within the prolongation or
85 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways
86 of two or more highways which join one another.

87 (a) Where a highway includes two roadways 30 feet or more apart, every crossing of
88 each roadway of the divided highway by an intersecting highway is a separate intersection; if
89 the intersecting highway also includes two roadways 30 feet or more apart, then every crossing

90 of two roadways of the highways is a separate intersection.

91 (b) The junction of an alley with a street or highway is not an intersection.

92 [~~(17)~~] (18) "Local authorities" means every county, municipal, and other local board or
93 body having authority to enact laws relating to traffic under the constitution and laws of the
94 state.

95 [~~(18)~~] (19) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle
96 designed to be operated at speeds of not more than 25 miles per hour and that has a capacity of
97 not more than four passengers, including the driver.

98 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

99 [~~(19)~~] (20) "Metal tire" means a tire, the surface of which in contact with the highway
100 is wholly or partly of metal or other hard nonresilient material.

101 [~~(20)~~] (21) "Mobile home" means:

102 (a) a trailer or semitrailer which is designed, constructed, and equipped as a dwelling
103 place, living abode, or sleeping place either permanently or temporarily, and is equipped for
104 use as a conveyance on streets and highways; or

105 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
106 constructed for use as a mobile home, as defined in Subsection [~~(20)~~] (21)(a), but which is
107 instead used permanently or temporarily for the advertising, sales, display, or promotion of
108 merchandise or services, or for any other commercial purpose except the transportation of
109 property for hire or the transportation of property for distribution by a private carrier.

110 [~~(21)~~] (22) "Moped" means a motor-driven cycle having both pedals to permit
111 propulsion by human power, and a motor which produces not more than two brake horsepower
112 and which is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
113 level ground. If an internal combustion engine is used, the displacement may not exceed 50
114 cubic centimeters and the moped shall have a power drive system that functions directly or
115 automatically without clutching or shifting by the operator after the drive system is engaged. A
116 moped includes an electric assisted bicycle and a motor assisted scooter.

117 [~~(22)~~] (23) "Motor assisted scooter" means a self-propelled device with at least two
118 wheels in contact with the ground, a braking system capable of stopping the unit under typical
119 operating conditions, a gas or electric motor not exceeding 40 cubic centimeters, a seat or a
120 deck design for a person to sit, straddle, or stand while operating the device, and the ability to

121 be propelled by human power alone.

122 [~~(23)~~] (24) "Motor vehicle" means every vehicle which is self-propelled and every
123 vehicle which is propelled by electric power obtained from overhead trolley wires, but not
124 operated upon rails, except vehicles moved solely by human power and motorized wheel
125 chairs.

126 [~~(24)~~] (25) "Motorcycle" means every motor vehicle, other than a tractor, having a seat
127 or saddle for the use of the rider and designed to travel with not more than three wheels in
128 contact with the ground.

129 [~~(25)~~] (26) "Motor-driven cycle" means every motorcycle and motor scooter, personal
130 motorized mobility device, moped, electric assisted bicycle, motor assisted scooter, and every
131 motorized bicycle having an engine with less than 150 cubic centimeters displacement or
132 having a motor which produces not more than five horsepower.

133 [~~(26)~~] (27) "Official traffic-control devices" means all signs, signals, markings, and
134 devices not inconsistent with this chapter placed or erected by authority of a public body or
135 official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

136 [~~(27)~~] (28) "Off-highway implement of husbandry" is used as defined under Section
137 41-22-2.

138 [~~(28)~~] (29) "Off-highway vehicle" is used as defined under Section 41-22-2.

139 [~~(29)~~] (30) "Operator" means any person who is in actual physical control of a vehicle.

140 [~~(30)~~] (31) "Park" or "parking" means the standing of a vehicle, whether occupied or
141 not, otherwise than temporarily for the purpose of and while actually engaged in loading or
142 unloading property or passengers.

143 [~~(31)~~] (32) "Peace officer" means any peace officer authorized under Title 53, Chapter
144 13, Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of
145 traffic laws.

146 [~~(32)~~] (33) "Pedestrian" means any person afoot.

147 [~~(33)~~] (34) "Person" means every natural person, firm, copartnership, association, or
148 corporation.

149 [~~(34)~~] (35) "Personal motorized mobility device" means a self-propelled device with
150 two nontandem wheels in contact with the ground, a system capable of steering and stopping
151 the unit under typical operating conditions, a motor not exceeding one horse power or 750

152 watts, and a deck design for a person to stand while operating the device. A "personal
153 motorized mobility device" does not include a wheelchair.

154 ~~[(35)]~~ (36) "Pole trailer" means every vehicle without motive power designed to be
155 drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by
156 being boomed or otherwise secured to the towing vehicle, and is ordinarily used for
157 transporting long or irregular shaped loads such as poles, pipes, or structural members
158 generally capable of sustaining themselves as beams between the supporting connections.

159 ~~[(36)]~~ (37) "Private road or driveway" means every way or place in private ownership
160 and used for vehicular travel by the owner and those having express or implied permission
161 from the owner, but not by other persons.

162 ~~[(37)]~~ (38) "Railroad" means a carrier of persons or property upon cars operated upon
163 stationary rails.

164 ~~[(38)]~~ (39) "Railroad sign or signal" means a sign, signal, or device erected by
165 authority of a public body or official or by a railroad and intended to give notice of the presence
166 of railroad tracks or the approach of a railroad train.

167 ~~[(39)]~~ (40) "Railroad train" means a locomotive propelled by any form of energy,
168 coupled with or operated without cars, and operated upon rails.

169 ~~[(40)]~~ (41) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
170 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
171 of direction, speed, and proximity which give rise to danger of collision unless one grants
172 precedence to the other.

173 ~~[(41)]~~ (42) "Roadway" means that portion of highway improved, designed, or
174 ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder, even though
175 any of them are used by persons riding bicycles or other human-powered vehicles. If a
176 highway includes two or more separate roadways, roadway refers to any roadway separately but
177 not to all roadways collectively.

178 ~~[(42)]~~ (43) "Safety zone" means the area or space officially set apart within a roadway
179 for the exclusive use of pedestrians and which is protected, marked, or indicated by adequate
180 signs as to be plainly visible at all times while set apart as a safety zone.

181 ~~[(43)]~~ (44) "School bus" means every motor vehicle that complies with the color and
182 identification requirements of the most recent edition of "Minimum Standards for School

183 Buses" and is used to transport school children to or from school or school activities. This
184 definition does not include vehicles operated by common carriers in transportation of school
185 children to or from school or school activities.

186 [~~(44)~~] (45) "Semitrailer" means a vehicle with or without motive power, other than a
187 pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle,
188 and constructed so that some part of its weight and that of its load rests upon or is carried by
189 another vehicle.

190 [(45)] (46) "Shoulder area" means that area of the hard-surfaced highway separated
191 from the roadway by a pavement edge line as established in the current approved "Manual on
192 Uniform Traffic Control Devices," or that portion of the road contiguous to the roadway for
193 accommodation of stopped vehicles, for emergency use, and lateral support.

194 [(46)] (47) "Sidewalk" means that portion of a street between the curb lines, or the
195 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

196 [(47)] (48) "Solid rubber tire" means every tire of rubber or other resilient material
197 which does not depend upon compressed air for the support of the load.

198 [(48)] (49) "Stand" or "standing" means the halting of a vehicle, whether occupied or
199 not, other than temporarily for the purpose of and while actually engaged in receiving or
200 discharging passengers.

201 [(49)] (50) "Stop" when required means complete cessation from movement.

202 [(50)] (51) "Stop" or "stopping" when prohibited means any halting even momentarily
203 of a vehicle, whether occupied or not, except when necessary to avoid conflict with other
204 traffic or when in compliance with the directions of a peace officer or official traffic-control
205 device.

206 [(51)] (52) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
207 conveyances either singly or together while using any highway for the purpose of travel.

208 [(52)] (53) "Traffic-control signal" means any device, whether manually, electrically,
209 or mechanically operated, by which traffic is alternately directed to stop and permitted to
210 proceed.

211 [(53)] (54) "Trailer" means every vehicle with or without motive power, other than a
212 pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle
213 and constructed so that no part of its weight rests upon the towing vehicle.

214 [~~54~~] (55) "Truck" means every motor vehicle designed, used, or maintained primarily
215 for the transportation of property.

216 [~~55~~] (56) "Truck tractor" means a motor vehicle designed and used primarily for
217 drawing other vehicles and constructed to carry a part of the weight of the vehicle and load
218 drawn by the truck tractor.

219 [~~56~~] (57) "Urban district" means the territory contiguous to and including any street,
220 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
221 less than 100 feet, for a distance of a quarter of a mile or more.

222 [~~57~~] (58) "Vehicle" means every device in, upon, or by which any person or property
223 is or may be transported or drawn upon a highway, except devices used exclusively upon
224 stationary rails or tracks.

225 Section 2. Section **41-6-90.5** is amended to read:

226 **41-6-90.5. Motor assisted scooters and personal motorized mobility devices --**
227 **Conflicting provisions -- Restrictions -- Penalties.**

228 (1) (a) Except as otherwise provided in this section, a motor assisted scooter and a
229 personal motorized mobility device is subject to the provisions under this chapter for a bicycle,
230 moped, or a motor-driven cycle.

231 (b) For a person operating a motor assisted scooter or a personal motorized mobility
232 device, the following provisions do not apply:

- 233 (i) seating positions under Section 41-6-107;
- 234 (ii) required lights, horns, and mirrors under Section 41-6-154.50;
- 235 (iii) entitlement to full use of a lane under Subsection 41-6-107.2(1); and
- 236 (iv) driver licensing requirements under Section 53-3-202.

237 (2) [~~A~~] Subject to the provisions of this section, a person under 16 years of age may not
238 operate a personal motorized mobility device or a motor assisted scooter [using] with the
239 motor running unless the person is under the direct supervision of the person's parent or
240 guardian.

241 (3) (a) A person under eight years of age may not operate a motor assisted scooter with
242 the motor running on any public property, highway, path, or sidewalk.

243 [~~3~~] (b) A person may not operate a motor assisted scooter:

- 244 [~~a~~] (i) in a public parking structure;

- 245 [~~(b)~~] (ii) on public property posted as an area prohibiting skateboards;
- 246 [~~(c)~~] (iii) on a highway consisting of a total of four or more lanes designated for regular
247 vehicular traffic;
- 248 [~~(d)~~] (iv) on a highway with a posted speed limit greater than 25 miles per hour; or
249 [~~(e)~~] (v) that has been structurally altered from the original manufacturer's design.
- 250 (4) A person may not operate a personal motorized mobility device:
- 251 (a) on a highway consisting of a total of four or more lanes designated for regular
252 vehicular traffic;
- 253 (b) on a highway with a posted speed limit greater than 35 miles per hour; or
254 (c) that has been structurally altered from the original manufacturer's design.
- 255 (5) An owner may not authorize or knowingly permit a person to operate a personal
256 motorized mobility device or a motor assisted scooter in violation of this section.
- 257 [~~(5)~~] (6) Except where posted or prohibited by rule or local ordinance, a motor assisted
258 scooter is considered a nonmotorized vehicle if it is being used with the motor turned off.
- 258a **Ĥ (7) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A MOTORIZED SCOOTER,**
258b **MOTORIZED WHEELCHAIR, OR OTHER DEVICE BEING USED FOR MOBILITY BY A PERSON WITH A**
258c **DISABILITY AS DEFINED BY AND COVERED UNDER THE AMERICANS WITH DISABILITIES ACT OF**
258d **1990, 42 U.S.C. SEC. 12102. ĥ**
- 259 [~~(6)~~] **Ĥ** [~~(7)~~] **(8)** **ĥ** A person who violates this section is guilty of a class C misdemeanor.

Legislative Review Note
as of 1-5-04 10:47 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst