

Representative Todd E. Kiser proposes the following substitute bill:

OPERATION OF BICYCLES ON HIGHWAYS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Johnny Anderson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies traffic provisions.

Highlighted Provisions:

This bill:

- ▶ provides, amends, and deletes definitions;
- ▶ provides that a person may not operate a motor vehicle in a bicycle lane except under certain circumstances;
- ▶ provides that a bicycle lane may be used by:
 - the highway authority that has jurisdiction over the bicycle lane;
 - an authorized emergency vehicle;
 - a school bus or transit vehicle under certain circumstances; and
 - a person operating a moped;
- ▶ provides that a person operating a motor vehicle in a bicycle lane shall yield the right-of-way to all bicycles, mopeds, and pedestrians within the bicycle lane;
- ▶ provides that a person operating a bicycle or moped in a bicycle lane shall ride in the same direction as traffic on the roadway unless the bicycle lane is designated for two-way travel;
- ▶ amends lamp and reflector requirements for a bicycle operated at certain times and



26 under certain conditions; and
27 ▶ makes conforming changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

- 34 **13-20-2**, as last amended by Laws of Utah 2008, Chapter 175
- 35 **13-35-102**, as last amended by Laws of Utah 2007, Chapter 86
- 36 **41-1a-202**, as last amended by Laws of Utah 2008, Chapter 36
- 37 **41-6a-102**, as last amended by Laws of Utah 2009, Chapter 311
- 38 **41-6a-305**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 39 **41-6a-710**, as last amended by Laws of Utah 2009, Chapter 292
- 40 **41-6a-1114**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 41 **41-12a-301**, as last amended by Laws of Utah 2008, Chapter 36
- 42 **53-3-202**, as last amended by Laws of Utah 2009, Chapter 253



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

45 Section 1. Section **13-20-2** is amended to read:

46 **13-20-2. Definitions.**

47 As used in this chapter:

48 (1) "Consumer" means an individual who enters into an agreement or contract for the
49 transfer, lease, purchase of a new motor vehicle other than for purposes of resale, or sublease
50 during the duration of the period defined under Section 13-20-5.

51 (2) "Manufacturer" means manufacturer, importer, distributor, or anyone who is named
52 as the warrantor on an express written warranty on a motor vehicle.

53 (3) "Motor home" means a self-propelled vehicular unit, primarily designed as a
54 temporary dwelling for travel, recreational, and vacation use.

55 (4) (a) "Motor vehicle" includes:

56 (i) a motor home, as defined in this section, but only the self-propelled vehicle and

57 chassis sold in this state;

58 (ii) a motor vehicle, as defined in Section 41-1a-102, sold in this state; and

59 (iii) a motorcycle, as defined in Section 41-1a-102, sold in this state if the motorcycle
60 is designed primarily for use and operation on paved highways.

61 (b) "Motor vehicle" does not include:

62 (i) those portions of a motor home designated, used, or maintained primarily as a
63 mobile dwelling, office, or commercial space;

64 (ii) a road tractor or truck tractor as defined in Section 41-1a-102;

65 (iii) a mobile home as defined in Section 41-1a-102;

66 (iv) any motor vehicle with a gross laden weight of over 12,000 pounds, except:

67 (A) a motor home as defined under Subsection (3); and

68 (B) a farm tractor as defined in Section 41-1a-102;

69 (v) a motorcycle, as defined in Section 41-1a-102, if the motorcycle is designed
70 primarily for use or operation over unimproved terrain;

71 (vi) ~~an electric-assisted~~ a bicycle as defined in Section 41-6a-102;

72 (vii) a moped as defined in Section 41-6a-102;

73 (viii) a motor assisted scooter as defined in Section 41-6a-102; or

74 (ix) a motor-driven cycle as defined in Section 41-6a-102.

75 Section 2. Section **13-35-102** is amended to read:

76 **13-35-102. Definitions.**

77 As used in this chapter:

78 (1) "Advisory board" or "board" means the Utah Powersport Vehicle Franchise
79 Advisory Board created in Section 13-35-103.

80 (2) "Dealership" means a site or location in this state:

81 (a) at which a franchisee conducts the business of a new powersport vehicle dealer; and

82 (b) that is identified as a new powersport vehicle dealer's principal place of business

83 for registration purposes under Section 13-35-105.

84 (3) "Department" means the Department of Commerce.

85 (4) "Executive director" means the executive director of the Department of Commerce.

86 (5) "Franchise" or "franchise agreement" means a written agreement, for a definite or
87 indefinite period, in which:

88 (a) a person grants to another person a license to use a trade name, trademark, service
89 mark, or related characteristic; and

90 (b) a community of interest exists in the marketing of new powersport vehicles, new
91 powersport vehicle parts, and services related to the sale or lease of new powersport vehicles at
92 wholesale or retail.

93 (6) "Franchisee" means a person with whom a franchisor has agreed or permitted, in
94 writing or in practice, to purchase, sell, or offer for sale new powersport vehicles manufactured,
95 produced, represented, or distributed by the franchisor.

96 (7) (a) "Franchisor" means a person who has, in writing or in practice, agreed with or
97 permits a franchisee to purchase, sell, or offer for sale new powersport vehicles manufactured,
98 produced, represented, or distributed by the franchisor, and includes:

99 (i) the manufacturer or distributor of the new powersport vehicles;

100 (ii) an intermediate distributor;

101 (iii) an agent, officer, or field or area representative of the franchisor; and

102 (iv) a person who is affiliated with a manufacturer or a representative or who directly
103 or indirectly through an intermediary is controlled by, or is under common control with the
104 manufacturer.

105 (b) For purposes of Subsection (7)(a)(iv), a person is controlled by a manufacturer if
106 the manufacturer has the authority directly or indirectly by law or by an agreement of the
107 parties, to direct or influence the management and policies of the person.

108 (8) "Lead" means the referral by a franchisor to a franchisee of an actual or potential
109 customer for the purchase or lease of a new powersport vehicle, or for service work related to
110 the franchisor's vehicles.

111 (9) "Line-make" means the powersport vehicles that are offered for sale, lease, or
112 distribution under a common name, trademark, service mark, or brand name of the franchisor,
113 or manufacturer of the powersport vehicle.

114 (10) (a) "Powersport vehicle" means:

115 (i) an all-terrain type I or type II vehicle "ATV" defined in Section 41-22-2;

116 (ii) a snowmobile as defined in Section 41-22-2;

117 (iii) a motorcycle as defined in Section 41-1a-102;

118 (iv) a personal watercraft as defined in Section 73-18-2;

119 (v) except as provided in Subsection (10)(b), a motor-driven cycle as defined in
120 Section 41-6a-102; or

121 (vi) a moped as defined in Section 41-6a-102.

122 (b) "Powersport vehicle" does not include:

123 (i) ~~[an electric-assisted]~~ a bicycle defined in Section 41-6a-102;

124 (ii) a motor assisted scooter as defined in Section 41-6a-102; or

125 (iii) an electric personal assistive mobility device as defined in Section 41-6a-102.

126 (11) "New powersport vehicle dealer" means a person who is engaged in the business
127 of buying, selling, offering for sale, or exchanging new powersport vehicles either outright or
128 on conditional sale, bailment, lease, chattel mortgage, or otherwise who has established a place
129 of business for the sale, lease, trade, or display of powersport vehicles.

130 (12) "Notice" or "notify" includes both traditional written communications and all
131 reliable forms of electronic communication unless expressly prohibited by statute or rule.

132 (13) "Relevant market area" means:

133 (a) the county in which a powersport dealership is to be established or relocated; and

134 (b) the area within a 15-mile radius from the site of the new or relocated dealership.

135 (14) "Sale, transfer, or assignment" means any disposition of a franchise or an interest
136 in a franchise, with or without consideration, including a bequest, inheritance, gift, exchange,
137 lease, or license.

138 (15) "Serve" or "served," unless expressly indicated otherwise by statute or rule,
139 includes any reliable form of communication.

140 (16) "Written," "write," "in writing," or other variations of those terms shall include all
141 reliable forms of electronic communication.

142 Section 3. Section **41-1a-202** is amended to read:

143 **41-1a-202. Definitions -- Vehicles exempt from registration -- Registration of**
144 **vehicles after establishing residency.**

145 (1) In this section:

146 (a) "Domicile" means the place:

147 (i) where an individual has a fixed permanent home and principal establishment;

148 (ii) to which the individual if absent, intends to return; and

149 (iii) in which the individual and his family voluntarily reside, not for a special or

150 temporary purpose, but with the intention of making a permanent home.

151 (b) (i) "Resident" means any of the following:

152 (A) an individual who:

153 (I) has established a domicile in this state;

154 (II) regardless of domicile, remains in this state for an aggregate period of six months
155 or more during any calendar year;

156 (III) engages in a trade, profession, or occupation in this state or who accepts
157 employment in other than seasonal work in this state and who does not commute into the state;

158 (IV) declares himself to be a resident of this state for the purpose of obtaining a driver
159 license or motor vehicle registration; or

160 (V) declares himself a resident of Utah to obtain privileges not ordinarily extended to
161 nonresidents, including going to school, or placing children in school without paying
162 nonresident tuition or fees; or

163 (B) any individual, partnership, limited liability company, firm, corporation,
164 association, or other entity that:

165 (I) maintains a main office, branch office, or warehouse facility in this state and that
166 bases and operates a motor vehicle in this state; or

167 (II) operates a motor vehicle in intrastate transportation for other than seasonal work.

168 (ii) "Resident" does not include any of the following:

169 (A) a member of the military temporarily stationed in Utah;

170 (B) an out-of-state student, as classified by the institution of higher education, enrolled
171 with the equivalent of seven or more quarter hours, regardless of whether the student engages
172 in a trade, profession, or occupation in this state or accepts employment in this state; and

173 (C) an individual domiciled in another state or a foreign country that:

174 (I) is engaged in public, charitable, educational, or religious services for a government
175 agency or an organization that qualifies for tax-exempt status under Internal Revenue Code
176 Section 501(c)(3);

177 (II) is not compensated for services rendered other than expense reimbursements; and

178 (III) is temporarily in Utah for a period not to exceed 24 months.

179 (2) Registration under this chapter is not required for any:

180 (a) vehicle registered in another state and owned by a nonresident of the state or

181 operating under a temporary registration permit issued by the division or a dealer authorized by
182 this chapter, driven or moved upon a highway in conformance with the provisions of this
183 chapter relating to manufacturers, transporters, dealers, lien holders, or interstate vehicles;

184 (b) vehicle driven or moved upon a highway only for the purpose of crossing the
185 highway from one property to another;

186 (c) implement of husbandry, whether of a type otherwise subject to registration or not,
187 that is only incidentally operated or moved upon a highway;

188 (d) special mobile equipment;

189 (e) vehicle owned or leased by the federal government;

190 (f) motor vehicle not designed, used, or maintained for the transportation of passengers
191 for hire or for the transportation of property if the motor vehicle is registered in another state
192 and is owned and operated by a nonresident of this state;

193 (g) vehicle or combination of vehicles designed, used, or maintained for the
194 transportation of persons for hire or for the transportation of property if the vehicle or
195 combination of vehicles is registered in another state and is owned and operated by a
196 nonresident of this state and if the vehicle or combination of vehicles has a gross laden weight
197 of 26,000 pounds or less;

198 (h) trailer of 750 pounds or less unladen weight and not designed, used, and maintained
199 for hire for the transportation of property or person;

200 (i) manufactured home or mobile home;

201 (j) off-highway vehicle currently registered under Section 41-22-3 if the off-highway
202 vehicle is:

203 (i) being towed;

204 (ii) operated on a street or highway designated as open to off-highway vehicle use; or

205 (iii) operated in the manner prescribed in Subsections 41-22-10.3(1) through (3);

206 (k) off-highway implement of husbandry operated in the manner prescribed in
207 Subsections 41-22-5.5(3) through (5);

208 (l) modular and prebuilt homes conforming to the uniform building code and presently
209 regulated by the United States Department of Housing and Urban Development that are not
210 constructed on a permanent chassis;

211 (m) ~~electric assisted~~ bicycle defined under Section 41-6a-102;

212 (n) motor assisted scooter defined under Section 41-6a-102; or

213 (o) electric personal assistive mobility device defined under Section 41-6a-102.

214 (3) Unless otherwise exempted under Subsection (2), registration under this chapter is
215 required for any motor vehicle, combination of vehicles, trailer, semitrailer, or vintage vehicle
216 within 60 days of the owner establishing residency in this state.

217 (4) A motor vehicle that is registered under Section 41-3-306 is exempt from the
218 registration requirements of this part for the time period that the registration under Section
219 41-3-306 is valid.

220 Section 4. Section **41-6a-102** is amended to read:

221 **41-6a-102. Definitions.**

222 As used in this chapter:

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

225 (2) "All-terrain type I vehicle" has the same meaning as defined in Section 41-22-2.

226 (3) "Authorized emergency vehicle" includes:

227 (a) fire department vehicles;

228 (b) police vehicles;

229 (c) ambulances; and

230 (d) other publicly or privately owned vehicles as designated by the commissioner of the
231 Department of Public Safety.

232 (4) (a) "Bicycle" means every ~~[device]~~ wheeled vehicle:

233 (i) (A) propelled by human power; or

234 (B) with fully operable pedals and an electric motor of less than 750 watts, whose
235 maximum speed on a paved level surface, when powered solely by such a motor while ridden
236 by an operator who weighs 170 pounds, is less than 20 mph; and

237 (ii) upon which a person may ride~~[-and]~~.

238 ~~[(iii) having two tandem wheels.]~~

239 (b) "Bicycle" includes a trailer towed by the bicycle and secured by mechanical means,
240 and shall be considered one vehicle.

241 ~~[(b)]~~ (c) "Bicycle" does not include scooters and similar devices.

242 (5) (a) "Bus" means a motor vehicle:

243 (i) designed for carrying more than 15 passengers and used for the transportation of
244 persons; or

245 (ii) designed and used for the transportation of persons for compensation.

246 (b) "Bus" does not include a taxicab.

247 (6) (a) "Circular intersection" means an intersection that has an island, generally
248 circular in design, located in the center of the intersection where traffic passes to the right of
249 the island.

250 (b) "Circular intersection" includes:

251 (i) roundabouts;

252 (ii) rotaries; and

253 (iii) traffic circles.

254 (7) "Commissioner" means the commissioner of the Department of Public Safety.

255 (8) "Controlled-access highway" means a highway, street, or roadway:

256 (a) designed primarily for through traffic; and

257 (b) to or from which owners or occupants of abutting lands and other persons have no
258 legal right of access, except at points as determined by the highway authority having
259 jurisdiction over the highway, street, or roadway.

260 (9) "Crosswalk" means:

261 (a) that part of a roadway at an intersection included within the connections of the
262 lateral lines of the sidewalks on opposite sides of the highway measured from:

263 (i) (A) the curbs; or

264 (B) in the absence of curbs, from the edges of the traversable roadway; and

265 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
266 included within the extension of the lateral lines of the existing sidewalk at right angles to the
267 centerline; or

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

270 (10) "Department" means the Department of Public Safety.

271 (11) "Direct supervision" means oversight at a distance within which:

272 (a) visual contact is maintained; and

273 (b) advice and assistance can be given and received.

274 (12) "Divided highway" means a highway divided into two or more roadways by:

275 (a) an unpaved intervening space;

276 (b) a physical barrier; or

277 (c) a clearly indicated dividing section constructed to impede vehicular traffic.

278 [~~(13) "Electric assisted bicycle" means a moped:]~~

279 [~~(a) with an electric motor with a power output of not more than 1,000 watts; and]~~

280 [~~(b) which is not capable of:]~~

281 [~~(i) propelling the device at a speed of more than 20 miles per hour on level ground;~~

282 and]

283 [~~(ii) increasing the speed of the device when human power is used to propel the device~~

284 at more than 20 miles per hour.]

285 [~~(14)~~ (13) (a) "Electric personal assistive mobility device" means a self-balancing

286 device with:

287 (i) two nontandem wheels in contact with the ground;

288 (ii) a system capable of steering and stopping the unit under typical operating

289 conditions;

290 (iii) an electric propulsion system with average power of one horsepower or 750 watts;

291 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and

292 (v) a deck design for a person to stand while operating the device.

293 (b) "Electric personal assistive mobility device" does not include a wheelchair.

294 [~~(15)~~ (14) "Explosives" means any chemical compound or mechanical mixture

295 commonly used or intended for the purpose of producing an explosion and which contains any

296 oxidizing and combustive units or other ingredients in proportions, quantities, or packing so

297 that an ignition by fire, friction, concussion, percussion, or detonator of any part of the

298 compound or mixture may cause a sudden generation of highly heated gases, and the resultant

299 gaseous pressures are capable of producing destructive effects on contiguous objects or of

300 causing death or serious bodily injury.

301 [~~(16)~~ (15) "Farm tractor" means a motor vehicle designed and used primarily as a farm

302 implement, for drawing plows, mowing machines, and other implements of husbandry.

303 [~~(17)~~ (16) "Flammable liquid" means a liquid which has a flashpoint of 100 degrees F.

304 or less, as determined by a tagliabue or equivalent closed-cup test device.

305 [~~(18)~~] (17) "Freeway" means a controlled-access highway that is part of the interstate
306 system as defined in Section 72-1-102.

307 [~~(19)~~] (18) "Gore area" means the area delineated by two solid white lines that is
308 between a continuing lane of a through roadway and a lane used to enter or exit the continuing
309 lane including similar areas between merging or splitting highways.

310 [~~(20)~~] (19) "Gross weight" means the weight of a vehicle without a load plus the
311 weight of any load on the vehicle.

312 [~~(21)~~] (20) "Highway" means the entire width between property lines of every way or
313 place of any nature when any part of it is open to the use of the public as a matter of right for
314 vehicular travel.

315 [~~(22)~~] (21) "Highway authority" has the same meaning as defined in Section 72-1-102.

316 [~~(23)~~] (22) (a) "Intersection" means the area embraced within the prolongation or
317 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways
318 of two or more highways which join one another.

319 (b) Where a highway includes two roadways 30 feet or more apart:

320 (i) every crossing of each roadway of the divided highway by an intersecting highway
321 is a separate intersection; and

322 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
323 every crossing of two roadways of the highways is a separate intersection.

324 (c) "Intersection" does not include the junction of an alley with a street or highway.

325 [~~(24)~~] (23) "Island" means an area between traffic lanes or at an intersection for control
326 of vehicle movements or for pedestrian refuge designated by:

327 (a) pavement markings, which may include an area designated by two solid yellow
328 lines surrounding the perimeter of the area;

329 (b) channelizing devices;

330 (c) curbs;

331 (d) pavement edges; or

332 (e) other devices.

333 [~~(25)~~] (24) "Law enforcement agency" has the same meaning as defined in Section
334 53-1-102.

335 [~~(26)~~] (25) "Limited access highway" means a highway:

336 (a) that is designated specifically for through traffic; and

337 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
338 persons have any right or easement, or have only a limited right or easement of access, light,
339 air, or view.

340 [~~27~~] (26) "Local highway authority" means the legislative, executive, or governing
341 body of a county, municipal, or other local board or body having authority to enact laws
342 relating to traffic under the constitution and laws of the state.

343 [~~28~~] (27) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

344 (i) is designed to be operated at speeds of not more than 25 miles per hour; and

345 (ii) has a capacity of not more than four passengers, including the driver.

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

347 [~~29~~] (28) "Metal tire" means a tire, the surface of which in contact with the highway
348 is wholly or partly of metal or other hard nonresilient material.

349 [~~30~~] (29) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
350 seat or saddle that is less than 24 inches from the ground as measured on a level surface with
351 properly inflated tires.

352 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

353 (c) "Mini-motorcycle" does not include a motorcycle that is:

354 (i) designed for off-highway use; and

355 (ii) registered as an off-highway vehicle under Section 41-22-3.

356 [~~31~~] (30) "Mobile home" means:

357 (a) a trailer or semitrailer which is:

358 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
359 place either permanently or temporarily; and

360 (ii) equipped for use as a conveyance on streets and highways; or

361 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
362 constructed for use as a mobile home, as defined in Subsection [~~31~~] (30)(a), but which is
363 instead used permanently or temporarily for:

364 (i) the advertising, sale, display, or promotion of merchandise or services; or

365 (ii) any other commercial purpose except the transportation of property for hire or the
366 transportation of property for distribution by a private carrier.

367 [~~(32)~~] (31) (a) "Moped" means a motor-driven cycle having:

368 (i) pedals to permit propulsion by human power; and

369 (ii) a motor which:

370 (A) produces not more than two brake horsepower; and

371 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
372 level ground.

373 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
374 centimeters and the moped shall have a power drive system that functions directly or
375 automatically without clutching or shifting by the operator after the drive system is engaged.

376 (c) "Moped" includes [~~an electric assisted bicycle and~~] a motor assisted scooter.

377 [~~(33)~~] (32) "Motor assisted scooter" means a self-propelled device with:

378 (a) at least two wheels in contact with the ground;

379 (b) a braking system capable of stopping the unit under typical operating conditions;

380 (c) a gas or electric motor not exceeding 40 cubic centimeters;

381 (d) either:

382 (i) a deck design for a person to stand while operating the device; or

383 (ii) a deck and seat designed for a person to sit, straddle, or stand while operating the
384 device; and

385 (e) a design for the ability to be propelled by human power alone.

386 [~~(34)~~] (33) (a) "Motor vehicle" means a vehicle which is self-propelled and every
387 vehicle which is propelled by electric power obtained from overhead trolley wires, but not
388 operated upon rails.

389 (b) "Motor vehicle" does not include vehicles moved solely by human power,
390 motorized wheelchairs, or an electric personal assistive mobility device.

391 [~~(35)~~] (34) "Motorcycle" means a motor vehicle, other than a tractor, having a seat or
392 saddle for the use of the rider and designed to travel with not more than three wheels in contact
393 with the ground.

394 [~~(36)~~] (35) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped,
395 [~~electric assisted bicycle,~~] motor assisted scooter, and every motorized bicycle having:

396 (i) an engine with less than 150 cubic centimeters displacement; or

397 (ii) a motor which produces not more than five horsepower.

398 (b) "Motor-driven cycle" does not include an electric personal assistive mobility
399 device.

400 [~~(37)~~] (36) "Off-highway implement of husbandry" has the same meaning as defined
401 under Section 41-22-2.

402 [~~(38)~~] (37) "Off-highway vehicle" has the same meaning as defined under Section
403 41-22-2.

404 [~~(39)~~] (38) "Operator" means a person who is in actual physical control of a vehicle.

405 [~~(40)~~] (39) (a) "Park" or "parking" means the standing of a vehicle, whether occupied
406 or not.

407 (b) "Park" or "parking" does not include the standing of a vehicle temporarily for the
408 purpose of and while actually engaged in loading or unloading property or passengers.

409 [~~(41)~~] (40) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
410 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of
411 traffic laws.

412 [~~(42)~~] (41) "Pedestrian" means a person traveling:

413 (a) on foot; or

414 (b) in a wheelchair.

415 [~~(43)~~] (42) "Pedestrian traffic-control signal" means a traffic-control signal used to
416 regulate pedestrians.

417 [~~(44)~~] (43) "Person" means every natural person, firm, copartnership, association, or
418 corporation.

419 [~~(45)~~] (44) "Pole trailer" means every vehicle without motive power:

420 (a) designed to be drawn by another vehicle and attached to the towing vehicle by
421 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

422 (b) that is ordinarily used for transporting long or irregular shaped loads including
423 poles, pipes, or structural members generally capable of sustaining themselves as beams
424 between the supporting connections.

425 [~~(46)~~] (45) "Private road or driveway" means every way or place in private ownership
426 and used for vehicular travel by the owner and those having express or implied permission
427 from the owner, but not by other persons.

428 [~~(47)~~] (46) "Railroad" means a carrier of persons or property upon cars operated on

429 stationary rails.

430 [~~(48)~~] (47) "Railroad sign or signal" means a sign, signal, or device erected by
431 authority of a public body or official or by a railroad and intended to give notice of the presence
432 of railroad tracks or the approach of a railroad train.

433 [~~(49)~~] (48) "Railroad train" means a locomotive propelled by any form of energy,
434 coupled with or operated without cars, and operated upon rails.

435 [~~(50)~~] (49) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
436 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
437 of direction, speed, and proximity which give rise to danger of collision unless one grants
438 precedence to the other.

439 [~~(51)~~] (50) (a) "Roadway" means that portion of highway improved, designed, or
440 ordinarily used for vehicular travel.

441 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
442 them are used by persons riding bicycles or other human-powered vehicles.

443 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if
444 a highway includes two or more separate roadways.

445 [~~(52)~~] (51) "Safety zone" means the area or space officially set apart within a roadway
446 for the exclusive use of pedestrians and which is protected, marked, or indicated by adequate
447 signs as to be plainly visible at all times while set apart as a safety zone.

448 [~~(53)~~] (52) (a) "School bus" means a motor vehicle that:

449 (i) complies with the color and identification requirements of the most recent edition of
450 "Minimum Standards for School Buses"; and

451 (ii) is used to transport school children to or from school or school activities.

452 (b) "School bus" does not include a vehicle operated by a common carrier in
453 transportation of school children to or from school or school activities.

454 [~~(54)~~] (53) (a) "Semitrailer" means a vehicle with or without motive power:

455 (i) designed for carrying persons or property and for being drawn by a motor vehicle;
456 and

457 (ii) constructed so that some part of its weight and that of its load rests on or is carried
458 by another vehicle.

459 (b) "Semitrailer" does not include a pole trailer.

460 [~~(55)~~] (54) "Shoulder area" means:

461 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
462 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";
463 or

464 (b) that portion of the road contiguous to the roadway for accommodation of stopped
465 vehicles, for emergency use, and lateral support.

466 [~~(56)~~] (55) "Sidewalk" means that portion of a street between the curb lines, or the
467 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

468 [~~(57)~~] (56) "Solid rubber tire" means a tire of rubber or other resilient material which
469 does not depend on compressed air for the support of the load.

470 [~~(58)~~] (57) "Stand" or "standing" means the temporary halting of a vehicle, whether
471 occupied or not, for the purpose of and while actually engaged in receiving or discharging
472 passengers.

473 [~~(59)~~] (58) "Stop" when required means complete cessation from movement.

474 [~~(60)~~] (59) "Stop" or "stopping" when prohibited means any halting even momentarily
475 of a vehicle, whether occupied or not, except when:

476 (a) necessary to avoid conflict with other traffic; or

477 (b) in compliance with the directions of a peace officer or traffic-control device.

478 [~~(61)~~] (60) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain
479 type I vehicle or utility type vehicle that is modified to meet the requirements of Section
480 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.

481 [~~(62)~~] (61) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
482 conveyances either singly or together while using any highway for the purpose of travel.

483 [~~(63)~~] (62) "Traffic-control device" means a sign, signal, marking, or device not
484 inconsistent with this chapter placed or erected by a highway authority for the purpose of
485 regulating, warning, or guiding traffic.

486 [~~(64)~~] (63) "Traffic-control signal" means a device, whether manually, electrically, or
487 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

488 [~~(65)~~] (64) "Traffic signal preemption device" means an instrument or mechanism
489 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

490 [~~(66)~~] (65) (a) "Trailer" means a vehicle with or without motive power designed for

491 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
492 part of its weight rests upon the towing vehicle.

493 (b) "Trailer" does not include a pole trailer.

494 [~~(67)~~] (66) "Truck" means a motor vehicle designed, used, or maintained primarily for
495 the transportation of property.

496 [~~(68)~~] (67) "Truck tractor" means a motor vehicle:

497 (a) designed and used primarily for drawing other vehicles; and

498 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
499 tractor.

500 [~~(69)~~] (68) "Two-way left turn lane" means a lane:

501 (a) provided for vehicle operators making left turns in either direction;

502 (b) that is not used for passing, overtaking, or through travel; and

503 (c) that has been indicated by a lane traffic-control device which may include lane
504 markings.

505 [~~(70)~~] (69) "Urban district" means the territory contiguous to and including any street,
506 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
507 less than 100 feet, for a distance of a quarter of a mile or more.

508 [~~(71)~~] (70) (a) "Utility type vehicle" means any recreational vehicle designed for and
509 capable of travel over unimproved terrain:

510 (i) traveling on four or more tires;

511 (ii) having a width of 30 to 70 inches;

512 (iii) having an unladen dry weight of 2,200 pounds or less;

513 (iv) having a seat height of 25 to 40 inches when measured at the forward edge of the
514 seat bottom; and

515 (v) having side-by-side seating with a steering wheel for control.

516 (b) "Utility type vehicle" does not include:

517 (i) an all-terrain type I vehicle;

518 (ii) an all-terrain type II vehicle;

519 (iii) a motorcycle; or

520 (iv) a snowmobile as defined in Section 41-22-2.

521 [~~(72)~~] (71) "Vehicle" means a device in, on, or by which a person or property is or may

522 be transported or drawn on a highway, except devices used exclusively on stationary rails or
523 tracks.

524 Section 5. Section **41-6a-305** is amended to read:

525 **41-6a-305. Traffic-control signal -- At intersections -- At place other than**
526 **intersection -- Color of light signal -- Inoperative traffic-control signals.**

527 (1) (a) Green, red, and yellow are the only colors that may be used in a traffic-control
528 signal, except for a:

529 (i) pedestrian traffic-control signal that may use white and orange; and

530 (ii) rail vehicle that may use white.

531 (b) Traffic-control signals apply to the operator of a vehicle and to a pedestrian as
532 provided in this section.

533 (2) (a) (i) Except as provided in Subsection (2)(a)(ii), the operator of a vehicle facing a
534 circular green signal may:

535 (A) proceed straight through the intersection;

536 (B) turn right; or

537 (C) turn left.

538 (ii) The operator of a vehicle facing a circular green signal, including an operator
539 turning right or left:

540 (A) shall yield the right-of-way to other vehicles and to pedestrians lawfully within the
541 intersection or an adjacent crosswalk at the time the signal is exhibited; and

542 (B) may not turn right or left if a sign at the intersection prohibits the turn.

543 (b) The operator of a vehicle facing a green arrow signal shown alone or in
544 combination with another indication:

545 (i) may cautiously enter the intersection only to make the movement indicated by the
546 arrow or other indication shown at the same time; and

547 (ii) shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk
548 and to other traffic lawfully using the intersection.

549 (c) Unless otherwise directed by a pedestrian traffic-control signal under Section
550 41-6a-306, a pedestrian facing any green signal other than a green turn arrow may proceed
551 across the roadway within any marked or unmarked crosswalk.

552 (3) (a) The operator of a vehicle facing a steady circular yellow or yellow arrow signal

553 is warned that the allowable movement related to a green signal is being terminated.

554 (b) Unless otherwise directed by a pedestrian traffic-control signal under Section
555 41-6a-306, a pedestrian facing a steady circular yellow or yellow arrow signal is advised that
556 there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian
557 may not start to cross the roadway.

558 (4) (a) Except as provided in Subsection (4)(c), the operator of a vehicle facing a
559 steady circular red or red arrow signal:

560 (i) may not enter the intersection unless entering the intersection to make a movement
561 is permitted by another indication; and

562 (ii) shall stop at a clearly marked stop line, but if none, before entering the marked or
563 unmarked crosswalk on the near side of the intersection and shall remain stopped until an
564 indication to proceed is shown.

565 (b) Unless otherwise directed by a pedestrian traffic-control signal under Section
566 41-6a-306, a pedestrian facing a steady red signal alone may not enter the roadway.

567 (c) (i) Except when facing a red arrow signal or when a sign is in place prohibiting a
568 turn, the operator of a vehicle facing any steady circular red signal may cautiously enter the
569 intersection to turn right, or may turn left from a one-way street into a one-way street, after
570 stopping as required by Subsection (4)(a).

571 (ii) The operator of a vehicle shall yield the right-of-way to:

572 (A) another vehicle moving through the intersection in accordance with an official
573 traffic-control signal; and

574 (B) a pedestrian lawfully within an adjacent crosswalk.

575 (5) (a) This section applies to a highway or rail line where a traffic-control signal is
576 erected and maintained.

577 (b) Any stop required shall be made at a sign or marking on the highway pavement
578 indicating where the stop shall be made, but, in the absence of any sign or marking, the stop
579 shall be made at the signal.

580 (6) The operator of a vehicle approaching an intersection that has an inoperative
581 traffic-control signal shall:

582 (a) stop before entering the intersection; and

583 (b) yield the right-of-way to any vehicle as required under Section 41-6a-901.

584 (7) When installing or replacing signal detection devices at intersections, the
585 Department of Transportation shall consider detection of motorcycles, mopeds, and bicycles.

586 Section 6. Section **41-6a-710** is amended to read:

587 **41-6a-710. Roadway divided into marked lanes -- Provisions -- Traffic-control**
588 **devices.**

589 (1) For the purposes of this section, "bicycle lane" means a portion of the roadway that
590 has been designated for the preferential or exclusive use of bicyclists by:

591 (a) a highway authority; and

592 (b) longitudinal pavement striping, and may also include one or a combination of the
593 following:

594 (i) pavement markings; or

595 (ii) a traffic control device.

596 (2) On a roadway divided into two or more clearly marked lanes for traffic the
597 following provisions apply:

598 ~~[(+)]~~ (a) (i) A person operating a vehicle:

599 ~~[(+)]~~ (A) shall keep the vehicle as nearly as practical entirely within a single lane; and

600 ~~[(+)]~~ (B) may not move the vehicle from the lane until the operator has reasonably
601 determined the movement can be made safely.

602 ~~[(b)]~~ (ii) A determination under Subsection ~~[(+)(a)(+)]~~ (2)(a)(i)(B) is reasonable if a
603 reasonable person acting under the same conditions and having regard for actual and potential
604 hazards then existing would determine that the movement could be made safely.

605 ~~[(2)]~~ (b) On a roadway divided into three or more lanes and providing for two-way
606 movement of traffic, a person operating a vehicle may not drive in the center lane except:

607 ~~[(a)]~~ (i) when overtaking and passing another vehicle traveling in the same direction,
608 and when the center lane is:

609 ~~[(+)]~~ (A) clear of traffic within a safe distance; and

610 ~~[(+)]~~ (B) not a two-way left turn lane;

611 ~~[(b)]~~ (ii) in preparation of making or completing a left turn in compliance with Section
612 41-6a-801; or

613 ~~[(c)]~~ (iii) where the center lane is allocated exclusively to traffic moving in the same
614 direction that the vehicle is proceeding as indicated by traffic-control devices.

615 ~~[(3)(a)]~~ (c) (i) A highway authority may erect traffic-control devices directing
616 specified traffic to use a designated lane or designating those lanes to be used by traffic moving
617 in a particular direction regardless of the center of the roadway.

618 ~~[(b)]~~ (ii) An operator of a vehicle shall obey the directions of a traffic-control device
619 erected under Subsection ~~[(3)(a)]~~ (2)(c)(i).

620 (3) (a) A person may not operate a motor vehicle in a bicycle lane except:

621 (i) to access parking where parking is permitted;

622 (ii) to enter the roadway from an alley, private road, or driveway;

623 (iii) to prepare for a turn:

624 (A) within a distance of 200 feet from the intersection, alley, private road, or driveway;

625 or

626 (B) as directed by striping or a traffic control device; and

627 (iv) in case of an emergency.

628 (b) Subsection (3)(a) does not prohibit the use of a bicycle lane by:

629 (i) the highway authority that has jurisdiction over the bicycle lane;

630 (ii) an authorized emergency vehicle;

631 (iii) a school bus or transit vehicle, as defined in Section 17B-2a-802, for the active
632 loading and unloading of passengers by:

633 (A) briefly driving within or through the bicycle lane; or

634 (B) stopping within the bicycle lane while in the process of taking on or discharging
635 passengers; and

636 (iv) a person operating a moped:

637 (A) at a speed no greater than is reasonable or prudent, having due regard for visibility,
638 traffic conditions, and the conditions of the roadway; and

639 (B) in a manner that does not endanger the safety of bicyclists.

640 (c) A person operating a motor vehicle in a bicycle lane in accordance with Subsection
641 (3) shall yield the right-of-way to all bicycles, mopeds, and pedestrians within the bicycle lane.

642 (d) A person operating a bicycle or moped in a bicycle lane shall ride in the same
643 direction as traffic on the roadway unless the bicycle lane is designated for two-way travel.

644 Section 7. Section **41-6a-1114** is amended to read:

645 **41-6a-1114. Bicycles -- Lamps and reflective material required.**

646 (1) Every bicycle in use or operator of a bicycle at the times described in Section
647 41-6a-1603 shall be equipped with a:

648 (a) lamp of a type approved by the department which is on the front emitting a white
649 light visible from a distance of at least 500 feet to the front; and

650 (b) (i) red reflector of a type approved by the department which is visible for 500 feet
651 to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle; or

652 (ii) red taillight designed for use on a bicycle and emitting flashing or nonflashing light
653 visible from a distance of 500 feet to the rear.

654 (2) Every bicycle when in use or operator of a bicycle at the times described in Section
655 41-6a-1603 shall be equipped with:

656 (a) reflective material of sufficient size and reflectivity to be visible from both sides for
657 500 feet when directly in front of lawful lower beams of head lamps on a motor vehicle; or

658 (b) in lieu of reflective material, a lighted lamp visible from both sides from a distance
659 of at least 500 feet.

660 (3) A bicycle or ~~[its rider]~~ an operator of a bicycle may be equipped with lights or
661 reflectors in addition to those required by Subsections (1) and (2).

662 Section 8. Section **41-12a-301** is amended to read:

663 **41-12a-301. Definition -- Requirement of owner's or operator's security --**

664 **Exceptions.**

665 (1) As used in this section:

666 (a) "highway" has the same meaning as provided in Section 41-1a-102; and

667 (b) "quasi-public road or parking area" has the same meaning as provided in Section
668 41-6a-214.

669 (2) Except as provided in Subsection (5):

670 (a) every resident owner of a motor vehicle shall maintain owner's or operator's
671 security in effect at any time that the motor vehicle is operated on a highway or on a
672 quasi-public road or parking area within the state; and

673 (b) every nonresident owner of a motor vehicle that has been physically present in this
674 state for:

675 (i) 90 or fewer days during the preceding 365 days shall maintain the type and amount
676 of owner's or operator's security required in his place of residence, in effect continuously

677 throughout the period the motor vehicle remains within Utah; or

678 (ii) more than 90 days during the preceding 365 days shall thereafter maintain owner's
679 or operator's security in effect continuously throughout the period the motor vehicle remains
680 within Utah.

681 (3) (a) Except as provided in Subsection (5), the state and all of its political
682 subdivisions and their respective departments, institutions, or agencies shall maintain owner's
683 or operator's security in effect continuously for their motor vehicles.

684 (b) Any other state is considered a nonresident owner of its motor vehicles and is
685 subject to Subsection (2)(b).

686 (4) The United States, any political subdivision of it, or any of its agencies may
687 maintain owner's or operator's security in effect for their motor vehicles.

688 (5) Owner's or operator's security is not required for any of the following:

689 (a) off-highway vehicles registered under Section 41-22-3 when operated either:

690 (i) on a highway designated as open for off-highway vehicle use; or

691 (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3);

692 (b) off-highway implements of husbandry operated in the manner prescribed by
693 Subsections 41-22-5.5(3) through (5);

694 (c) [~~electric-assisted~~] bicycles as defined under Section 41-6a-102;

695 (d) motor assisted scooters as defined under Section 41-6a-102; or

696 (e) electric personal assistive mobility devices as defined under Section 41-6a-102.

697 Section 9. Section **53-3-202** is amended to read:

698 **53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.**

699 (1) A person may not drive a motor vehicle on a highway in this state unless the person
700 is:

701 (a) granted the privilege to operate a motor vehicle by being licensed as a driver by the
702 division under this chapter;

703 (b) driving an official United States Government class D motor vehicle with a valid
704 United States Government driver permit or license for that type of vehicle;

705 (c) driving a road roller, road machinery, or any farm tractor or implement of
706 husbandry temporarily drawn, moved, or propelled on the highways;

707 (d) a nonresident who is at least 16 years of age and younger than 18 years of age who

708 has in the nonresident's immediate possession a valid license certificate issued to the
709 nonresident in the nonresident's home state or country and is driving in the class or classes
710 identified on the home state license certificate, except those persons referred to in Part 6,
711 Drivers' License Compact, of this chapter;

712 (e) a nonresident who is at least 18 years of age and who has in the nonresident's
713 immediate possession a valid license certificate issued to the nonresident in the nonresident's
714 home state or country if driving in the class or classes identified on the home state license
715 certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

716 (f) driving under a learner permit in accordance with Section 53-3-210.5;

717 (g) driving with a temporary license certificate issued in accordance with Section
718 53-3-207; or

719 (h) exempt under Title 41, Chapter 22, Off-Highway Vehicles.

720 (2) A person may not drive or, while within the passenger compartment of a motor
721 vehicle, exercise any degree or form of physical control of a motor vehicle being towed by a
722 motor vehicle upon a highway unless the person:

723 (a) holds a valid license issued under this chapter for the type or class of motor vehicle
724 being towed; or

725 (b) is exempted under either Subsection (1)(b) or (1)(c).

726 (3) A person may not drive a motor vehicle as a taxicab on a highway of this state
727 unless the person has a taxicab endorsement issued by the division on his license certificate.

728 (4) (a) Except as provided in Subsections (4)(b) and (c), a person may not operate:

729 (i) a motorcycle unless the person has a valid class D driver license and a motorcycle
730 endorsement issued under this chapter;

731 (ii) a street legal all-terrain vehicle unless the person has a valid class D driver license;
732 or

733 (iii) a motor-driven cycle unless the person has a valid class D driver license and a
734 motorcycle endorsement issued under this chapter.

735 (b) A person operating a moped, as defined in Section 41-6a-102, or [~~an electric~~
736 ~~assisted bicycle;~~] a bicycle as defined in Section 41-6a-102, is not required to have a
737 motorcycle endorsement issued under this chapter.

738 (c) A person is not required to have a valid class D driver license if the person is:

739 (i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance
740 with Section 41-6a-1115; or

741 (ii) operating an electric personal assistive mobility device, as defined in Section
742 41-6a-102, in accordance with Section 41-6a-1116.

743 (5) A person who violates this section is guilty of a class C misdemeanor.