

# HB0407S02 compared with HB0407

~~{Omitted text}~~ shows text that was in HB0407 but was omitted in HB0407S02  
inserted text shows text that was not in HB0407 but was inserted into HB0407S02

**DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.**

## 1            ~~{Use of Motorized Vehicles by Minors}~~ Mini-motorcycle Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ashlee Matthews**

Senate Sponsor:

---

---

### 3    LONG TITLE

#### 4    General Description:

5        This bill addresses the use of ~~{bicycles, electric assisted bicycles, mini-motorcycles, motor assisted scooters, and mopeds}~~ mini-motorcycles.

#### 6    Highlighted Provisions:

7        This bill:

- 8        ▶ addresses existing law regarding mini-motorcycles;
- 9        ▶ addresses violations of mini-motorcycle users;
- 9        ▶ ~~{clarifies that}~~ modifies the safety provisions in Title 41, Chapter 6a, Part 11, Bicycles and Other Vehicles, Regulation of Operation, to apply to bicycles, electric assisted bicycles, ~~{mini-motorcycles,}~~ motor assisted scooters, and mopeds;and
- 12       ▶ ~~{addresses violations of the chapter; and}~~
- 13       ▶ defines terms.

#### 14   Money Appropriated in this Bill:

15       None

#### 16   Other Special Clauses:

HB0407

## HB0407 compared with HB0407S02

17 None

19 AMENDS:

20 **41-6a-102** , as last amended by Laws of Utah 2024, Chapter 236 , as last amended by Laws of Utah  
2024, Chapter 236

21 **41-6a-210** , as last amended by Laws of Utah 2024, Chapter 134 , as last amended by Laws of Utah  
2024, Chapter 134

22 **41-6a-1101** , as renumbered and amended by Laws of Utah 2005, Chapter 2 , as renumbered and  
amended by Laws of Utah 2005, Chapter 2

23 **41-6a-1103** , as renumbered and amended by Laws of Utah 2005, Chapter 2 , as renumbered and  
amended by Laws of Utah 2005, Chapter 2

24 **41-6a-1104** , as renumbered and amended by Laws of Utah 2005, Chapter 2 , as renumbered and  
amended by Laws of Utah 2005, Chapter 2

25 **41-6a-1406** , as last amended by Laws of Utah 2024, Chapters 134, 319 and 380 , as last amended  
by Laws of Utah 2024, Chapters 134, 319 and 380

26 ~~{53-3-220 , as last amended by Laws of Utah 2024, Chapter 319 , as last amended by Laws of  
Utah 2024, Chapter 319}~~

26 ENACTS:

28 ~~{41-6a-1121 , Utah Code Annotated 1953 , Utah Code Annotated 1953}~~

27 ~~**41-6a-1511 , Utah Code Annotated 1953 , Utah Code Annotated 1953**~~

28 REPEALS:

29 ~~**41-6a-1117 , as last amended by Laws of Utah 2015, Chapter 412 , as last amended by Laws  
of Utah 2015, Chapter 412**~~

30

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

32 Section 1. Section **41-6a-102** is amended to read:

33 **41-6a-102. Definitions.**

As used in this chapter:

34 (1) ~~{**"Adult"** means an individual 18 years old or older;~~

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

37 ~~{(2)}~~ ~~{(3)}~~ "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.

## HB0407 compared with HB0407S02

- 39 ~~{(3)}~~ ~~{(4)}~~ "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- 41 ~~{(4)}~~ ~~{(5)}~~ "All-terrain type III vehicle" means the same as that term is defined in Section  
41-22-2.
- 43 ~~{(5)}~~ ~~{(6)}~~ "Authorized emergency vehicle" includes:
- 44 (a) a fire department vehicle;
- 45 (b) a police vehicle;
- 46 (c) an ambulance; and
- 47 (d) other publicly or privately owned vehicles as designated by the commissioner of the Department of  
Public Safety.
- 49 ~~{(6)}~~ ~~{(7)}~~ "Autocycle" means the same as that term is defined in Section 53-3-102.
- 50 ~~{(7)}~~ ~~{(8)}~~
- (a) "Bicycle" means a wheeled vehicle:
- 51 (i) propelled by human power by feet or hands acting upon pedals or cranks;
- 52 (ii) with a seat or saddle designed for the use of the operator;
- 53 (iii) designed to be operated on the ground; and
- 54 (iv) whose wheels are not less than 14 inches in diameter.
- 55 (b) "Bicycle" includes an electric assisted bicycle.
- 56 (c) "Bicycle" does not include scooters and similar devices.
- 57 ~~{(8)}~~ ~~{(9)}~~
- (a) "Bus" means a motor vehicle:
- 58 (i) designed for carrying more than 15 passengers and used for the transportation of persons; or
- 60 (ii) designed and used for the transportation of persons for compensation.
- 61 (b) "Bus" does not include a taxicab.
- 62 ~~{(10)}~~ (9) "Child" means an individual younger than 18 years old~~{;}~~.
- 63 ~~{(9)}~~ ~~{(11)}~~ (10)
- (a) "Circular intersection" means an intersection that has an island, generally circular in design, located  
in the center of the intersection where traffic passes to the right of the island.
- 66 (b) "Circular intersection" includes:
- 67 (i) roundabouts;
- 68 (ii) rotaries; and
- 69 (iii) traffic circles.

## HB0407 compared with HB0407S02

- 70 ~~[(10)]~~ ~~{(12)}~~ (11) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:
- 72 (a) provides assistance only when the rider is pedaling; and
- 73 (b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- 74 ~~[(11)]~~ ~~{(13)}~~ (12) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:
- 76 (a) may be used exclusively to propel the bicycle; and
- 77 (b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- 79 ~~[(12)]~~ ~~{(14)}~~ (13) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:
- 81 (a) provides assistance only when the rider is pedaling;
- 82 (b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour; and
- 84 (c) is equipped with a speedometer.
- 85 ~~[(13)]~~ ~~{(15)}~~ (14) "Commissioner" means the commissioner of the Department of Public Safety.
- 86 ~~[(14)]~~ ~~{(16)}~~ (15) "Controlled-access highway" means a highway, street, or roadway:
- 87 (a) designed primarily for through traffic; and
- 88 (b) to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the highway authority having jurisdiction over the highway, street, or roadway.
- 91 ~~[(15)]~~ ~~{(17)}~~ (16) "Crosswalk" means:
- 92 (a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from:
- 94 (i)
- (A) the curbs; or
- 95 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 96 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline; or
- 99 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- 101 ~~[(16)]~~ ~~{(18)}~~ (17) "Department" means the Department of Public Safety.
- 102 ~~[(17)]~~ ~~{(19)}~~ (18) "Direct supervision" means oversight at a distance within which:

## HB0407 compared with HB0407S02

- 103 (a) visual contact is maintained; and
- 104 (b) advice and assistance can be given and received.
- 105 [(18)] ~~{(20)}~~ (19) "Divided highway" means a highway divided into two or more roadways by:
- 106 (a) an unpaved intervening space;
- 107 (b) a physical barrier; or
- 108 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 109 [(19)] ~~{(21)}~~ (20) "Echelon formation" means the operation of two or more snowplows arranged side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to clear snow from two or more lanes at once.
- 112 [(20)] ~~{(22)}~~ (21)
- (a) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 113 (i) has a power output of not more than 750 watts;
- 114 (ii) has fully operable pedals;
- 115 (iii) has permanently affixed cranks that were installed at the time of the original manufacture;
- 117 (iv) is fully operable as a bicycle without the use of the electric motor; and
- 118 (v) is one of the following:
- 119 (A) a class 1 electric assisted bicycle;
- 120 (B) a class 2 electric assisted bicycle;
- 121 (C) a class 3 electric assisted bicycle; or
- 122 (D) a programmable electric assisted bicycle.
- 123 (b) "Electric assisted bicycle" does not include:
- 124 (i) a moped;
- 125 (ii) a motor assisted scooter;
- 126 (iii) a motorcycle;
- 127 (iv) a motor-driven cycle; or
- 128 (v) any other vehicle with less than four wheels that is designed, manufactured, intended, or advertised by the seller to have any of the following capabilities or features, or that is modifiable or is modified to have any of the following capabilities or features:
- 132 (A) has the ability to attain the speed of 20 miles per hour or greater on motor power alone;
- 134 (B) is equipped with a continuous rated motor power of 750 watts or greater;
- 135

## HB0407 compared with HB0407S02

- (C) is equipped with foot pegs for the operator at the time of manufacture, or requires installation of a pedal kit to have operable pedals; or
- 137 (D) if equipped with multiple operating modes and a throttle, has one or more modes that exceed 20 miles per hour on motor power alone.
- 139 [(21)] ~~{(23)}~~ (22)
- (a) "Electric personal assistive mobility device" means a self-balancing device with:
- 141 (i) two nontandem wheels in contact with the ground;
- 142 (ii) a system capable of steering and stopping the unit under typical operating conditions;
- 144 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 146 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 147 (v) a deck design for a person to stand while operating the device.
- 148 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 149 [(22)] ~~{(24)}~~ (23) "Explosives" means a chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.
- 156 [(23)] ~~{(25)}~~ (24) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.
- 158 [(24)] ~~{(26)}~~ (25) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as determined by a Tagliabue or equivalent closed-cup test device.
- 160 [(25)] ~~{(27)}~~ (26) "Freeway" means a controlled-access highway that is part of the interstate system as defined in Section 72-1-102.
- 162 [(26)] ~~{(28)}~~ (27)
- (a) "Golf cart" means a device that:
- 163 (i) is designed for transportation by players on a golf course;
- 164 (ii) has not less than three wheels in contact with the ground;
- 165 (iii) has an unladen weight of less than 1,800 pounds;
- 166 (iv) is designed to operate at low speeds; and
- 167 (v) is designed to carry not more than six persons including the driver.

## HB0407 compared with HB0407S02

- 168 (b) "Golf cart" does not include:
- 169 (i) a low-speed vehicle or an off-highway vehicle;
- 170 (ii) a motorized wheelchair;
- 171 (iii) an electric personal assistive mobility device;
- 172 (iv) an electric assisted bicycle;
- 173 (v) a motor assisted scooter;
- 174 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 175 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 176 [(27)] ~~{(29)}~~ (28) "Gore area" means the area delineated by two solid white lines that is between a continuing lane of a through roadway and a lane used to enter or exit the continuing lane including similar areas between merging or splitting highways.
- 179 [(28)] ~~{(30)}~~ (29) "Gross weight" means the weight of a vehicle without a load plus the weight of any load on the vehicle.
- 181 [(29)] ~~{(31)}~~ (30) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
- 182 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- 183 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a highway or railroad tracks.
- 185 [(30)] ~~{(32)}~~ (31) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel.
- 188 [(31)] ~~{(33)}~~ (32) "Highway authority" means the same as that term is defined in Section 72-1-102.
- 189 [(32)] ~~{(34)}~~ (33)
- (a) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways that join one another.
- 192 (b) Where a highway includes two roadways 30 feet or more apart:
- 193 (i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and
- 195 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection.
- 197 (c) "Intersection" does not include the junction of an alley with a street or highway.

## HB0407 compared with HB0407S02

- 198 [(33)] ~~{(35)}~~ (34) "Island" means an area between traffic lanes or at an intersection for control of  
vehicle movements or for pedestrian refuge designated by:
- 200 (a) pavement markings, which may include an area designated by two solid yellow lines surrounding  
the perimeter of the area;
- 202 (b) channelizing devices;
- 203 (c) curbs;
- 204 (d) pavement edges; or
- 205 (e) other devices.
- 206 [(34)] ~~{(36)}~~ (35) "Lane filtering" means, when operating a motorcycle other than an autocycle, the act  
of overtaking and passing another vehicle that is stopped in the same direction of travel in the same  
lane.
- 209 [(35)] ~~{(37)}~~ (36) "Law enforcement agency" means the same as that term is as defined in Section  
53-1-102.
- 211 [(36)] ~~{(38)}~~ (37) "Limited access highway" means a highway:
- 212 (a) that is designated specifically for through traffic; and
- 213 (b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any  
right or easement, or have only a limited right or easement of access, light, air, or view.
- 216 [(37)] ~~{(39)}~~ (38) "Local highway authority" means the legislative, executive, or governing body of  
a county, municipal, or other local board or body having authority to enact laws relating to traffic  
under the constitution and laws of the state.
- 219 [(38)] ~~{(40)}~~ (39)
- (a) "Low-speed vehicle" means a four wheeled motor vehicle that:
- 220 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
- 221 (ii) has a capacity of not more than six passengers, including a conventional driver or fallback-  
ready user if on board the vehicle, as those terms are defined in Section 41-26-102.1.
- 224 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
- 225 [(39)] ~~{(41)}~~ (40) "Metal tire" means a tire, the surface of which in contact with the highway is wholly  
or partly of metal or other hard nonresilient material.
- 227 [(40)] ~~{(42)}~~ (41)
- (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or saddle that is less  
than 24 inches from the ground as measured on a level surface with properly inflated tires.



## HB0407 compared with HB0407S02

- 230 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.
- 231 (c) "Mini-motorcycle" does not include a motorcycle that is:
- 232 (i) designed for off-highway use; and
- 233 (ii) registered as an off-highway vehicle under Section 41-22-3.
- 234 [(41)] ~~{(43)}~~ (42) "Mobile home" means:
- 235 (a) a trailer or semitrailer that is:
- 236 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping place either permanently or temporarily; and
- 238 (ii) equipped for use as a conveyance on streets and highways; or
- 239 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a mobile home, as defined in Subsection [(41)(a)] ~~{(43)(a)}~~ (42)(a), but that is instead used permanently or temporarily for:
- 242 (i) the advertising, sale, display, or promotion of merchandise or services; or
- 243 (ii) any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.
- 245 [(42)] ~~{(44)}~~ (43) "Mobility disability" means the inability of a person to use one or more of the person's extremities or difficulty with motor skills, that may include limitations with walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other condition.
- 249 [(43)] ~~{(45)}~~ (44)
- (a) "Moped" means a motor-driven cycle having:
- 250 (i) pedals to permit propulsion by human power; and
- 251 (ii) a motor that:
- 252 (A) produces not more than two brake horsepower; and
- 253 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground.
- 255 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.
- 259 (c) "Moped" does not include:
- 260 (i) an electric assisted bicycle; or
- 261 (ii) a motor assisted scooter.
- 262 [(44)] ~~{(46)}~~ (45)

## HB0407 compared with HB0407S02

(a) "Motor assisted scooter" means a self-propelled device with:

- 263 (i) at least two wheels in contact with the ground;
- 264 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 265 (iii) an electric motor not exceeding 2,000 watts;
- 266 (iv) either:
  - 267 (A) handlebars and a deck design for a person to stand while operating the device; or
  - 269 (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating the device;
- 271 (v) a design for the ability to be propelled by human power alone; and
- 272 (vi) a maximum speed of 20 miles per hour on a paved level surface.

(b) "Motor assisted scooter" does not include:

- 274 (i) an electric assisted bicycle; or
- 275 (ii) a motor-driven cycle.

276 [(45)] {(47)} (46)

(a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

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

- 280 (i) vehicles moved solely by human power;
- 281 (ii) motorized wheelchairs;
- 282 (iii) an electric personal assistive mobility device;
- 283 (iv) an electric assisted bicycle;
- 284 (v) a motor assisted scooter;
- 285 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 286 (vii) a mobile carrier, as defined in Section 41-6a-1120.

287 [(46)] {(48)} (47) "Motorcycle" means:

- 288 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground; or
- 290 (b) an auticycle.

291 [(47)] {(49)} (48)

(a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle having:

- 293 (i) an engine with less than 150 cubic centimeters displacement; or
- 294 (ii) a motor that produces not more than five horsepower.

## HB0407 compared with HB0407S02

- 295 (b) "Motor-driven cycle" does not include:
- 296 (i) an electric personal assistive mobility device;
- 297 (ii) a motor assisted scooter; or
- 298 (iii) an electric assisted bicycle.
- 299 [(48)] ~~{(50)}~~ (49) "Off-highway implement of husbandry" means the same as that term is defined under  
Section 41-22-2.
- 301 [(49)] ~~{(51)}~~ (50) "Off-highway vehicle" means the same as that term is defined under Section 41-22-2.
- 303 [(50)] ~~{(52)}~~ (51) "Operate" means the same as that term is defined in Section 41-1a-102.
- 304 [(51)] ~~{(53)}~~ (52) "Operator" means:
- 305 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
- 306 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a vehicle.
- 308 [(52)] ~~{(54)}~~ (53) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or  
other device operated, alone or coupled with another device, on stationary rails.
- 310 ~~{(55)}~~ "Parent" or "guardian" means:
- 311 ~~{(a)}~~ {an individual with a parent-child relationship under Section 78B-15-102; or}
- 312 ~~{(b)}~~ a legal parent under Section 78B-15-102.
- 313 [(53)] ~~{(56)}~~ (54)
- (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is occupied or not.
- 315 (b) "Park" or "parking" does not include:
- 316 (i) the standing of a vehicle temporarily for the purpose of and while actually engaged in loading or  
unloading property or passengers; or
- 318 (ii) a motor vehicle with an engaged automated driving system that has achieved a minimal risk  
condition, as those terms are defined in Section 41-26-102.1.
- 320 [(54)] ~~{(57)}~~ (55) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace  
Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic laws.
- 323 [(55)] ~~{(58)}~~ (56) "Pedestrian" means a person traveling:
- 324 (a) on foot; or
- 325 (b) in a wheelchair.
- 326 [(56)] ~~{(59)}~~ (57) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate  
pedestrians.
- 328

## HB0407 compared with HB0407S02

- [(57)] ~~{(60)}~~ (58) "Person" means a natural person, firm, copartnership, association, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.
- 332 [(58)] ~~{(61)}~~ (59) "Pole trailer" means a vehicle without motive power:
- 333 (a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and
- 336 (b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.
- 339 [(59)] ~~{(62)}~~ (60) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
- 342 [(60)] ~~{(63)}~~ (61) "Programmable electric assisted bicycle" means an electric assisted bicycle with capability to switch or be programmed to function as a class 1 electric assisted bicycle, class 2 electric assisted bicycle, or class 3 electric assisted bicycle, provided that the electric assisted bicycle fully conforms with the respective requirements of each class of electric assisted bicycle when operated in that mode.
- 347 [(61)] ~~{(64)}~~ (62) "Railroad" means a carrier of persons or property upon cars operated on stationary rails.
- 349 [(62)] ~~{(65)}~~ (63) "Railroad sign or signal" means a sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
- 352 [(63)] ~~{(66)}~~ (64) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.
- 354 [(64)] ~~{(67)}~~ (65) "Restored-modified vehicle" means the same as the term defined in Section 41-1a-102.
- 356 [(65)] ~~{(68)}~~ (66) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed, and proximity that give rise to danger of collision unless one grants precedence to the other.
- 360 [(66)] ~~{(69)}~~ (67)

## HB0407 compared with HB0407S02

- (a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.
- 362 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles.
- 364 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.
- 366 [(67)] {~~(70)~~} (68) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- 369 [(68)] {~~(71)~~} (69)
- (a) "School bus" means a motor vehicle that:
- 370 (i) complies with the color and identification requirements of the most recent edition of "Minimum Standards for School Buses"; and
- 372 (ii) is used to transport school children to or from school or school activities.
- 373 (b) "School bus" does not include a vehicle operated by a common carrier in transportation of school children to or from school or school activities.
- 375 [(69)] {~~(72)~~} (70)
- (a) "Semitrailer" means a vehicle with or without motive power:
- 376 (i) designed for carrying persons or property and for being drawn by a motor vehicle; and
- 378 (ii) constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.
- 380 (b) "Semitrailer" does not include a pole trailer.
- 381 [(70)] {~~(73)~~} (71) "Shoulder area" means:
- 382 (a) that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices"; or
- 385 (b) that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and for lateral support.
- 387 [(71)] {~~(74)~~} (72) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- 389 [(72)] {~~(75)~~} (73)

## HB0407 compared with HB0407S02

- (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt that is designated for the use of a bicycle.
- 391 (b) "Soft-surface trail" does not mean a trail:
- 392 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a federal law, regulation, or rule; or
- 394 (ii) located in whole or in part on land granted to the state or a political subdivision subject to a conservation easement that prohibits the use of a motorized vehicle.
- 396 [(73)] ~~{(76)}~~ (74) "Solid rubber tire" means a tire of rubber or other resilient material that does not depend on compressed air for the support of the load.
- 398 [(74)] ~~{(77)}~~ (75) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied or not, for the purpose of and while actually engaged in receiving or discharging passengers.
- 401 [(75)] ~~{(78)}~~ (76) "Stop" when required means complete cessation from movement.
- 402 [(76)] ~~{(79)}~~ (77) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when:
- 404 (a) necessary to avoid conflict with other traffic; or
- 405 (b) in compliance with the directions of a peace officer or traffic-control device.
- 406 [(77)] ~~{(80)}~~ (78) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.
- 410 [(78)] ~~{(81)}~~ (79) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with ~~[with]~~ Section 41-6a-1509.
- 413 [(79)] ~~{(82)}~~ (80) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
- 414 [(80)] ~~{(83)}~~ (81) "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.
- 416 [(81)] ~~{(84)}~~ (82) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.
- 418 [(82)] ~~{(85)}~~ (83) "Traffic signal preemption device" means an instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.
- 420

## HB0407 compared with HB0407S02

[(83)] ~~[(86)]~~ (84) "Traffic-control device" means a sign, signal, marking, or device not inconsistent with this chapter placed or erected by a highway authority for the purpose of regulating, warning, or guiding traffic.

423 [(84)] ~~[(87)]~~ (85) "Traffic-control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

426 [(85)] ~~[(88)]~~ (86)

(a) "Trailer" means a vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

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

430 [(86)] ~~[(89)]~~ (87) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

432 [(87)] ~~[(90)]~~ (88) "Truck tractor" means a motor vehicle:

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

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

436 [(88)] ~~[(91)]~~ (89) "Two-way left turn lane" means a lane:

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

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

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

441 [(89)] ~~[(92)]~~ (90) "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.

444 [(90)] ~~[(93)]~~ (91) "Vehicle" means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except a mobile carrier, as defined in Section 41-6a-1120, or a device used exclusively on stationary rails or tracks.

441 Section 2. Section **41-6a-210** is amended to read:

442 **41-6a-210. Failure to respond to officer's signal to stop -- Fleeing -- Causing property damage or bodily injury -- Suspension of driver's license -- Forfeiture of vehicle -- Penalties.**

451 (1)

(a) An operator who receives a visual or audible signal from a law enforcement officer to bring the vehicle to a stop may not:

## HB0407 compared with HB0407S02

- 453 (i) operate the vehicle in willful or wanton disregard of the signal so as to interfere with or endanger  
the operation of any vehicle or person; or
- 455 (ii) knowingly or intentionally attempt to flee or elude a law enforcement officer by vehicle or other  
means.
- 457 (b)
- (i) ~~[A person]~~ An individual who violates Subsection (1)(a) is guilty of a ~~[=]~~ felony of the third degree.
- 459 (ii) The court shall, as part of any sentence under this Subsection (1), impose a fine of not less than  
\$1,000.
- 461 (c) A law enforcement officer may impound a vehicle of ~~[a person]~~ an individual who violates  
Subsection (1)(a).
- 463 (2)
- (a) An operator who violates Subsection (1) and while so doing causes death or serious bodily injury to  
another ~~[person]~~ individual, under circumstances not amounting to murder or aggravated murder, is  
guilty of a felony of the second degree.
- 466 (b) The court shall, as part of any sentence under this Subsection (2), impose a fine of not less than  
\$5,000.
- 468 (3)
- (a) In addition to the penalty provided under this section or any other section, ~~[a person]~~ an individual  
who violates Subsection (1)(a) or (2)(a) shall have the ~~[person's]~~ individual's driver license revoked  
under Subsection 53-3-220(1)(a)(ix) for a period of one year.
- 471 (b) If the individual has not been issued a driver license, the division shall deny the individual's  
application for a driver license or {learner's-} learner permit for the longer of:
- 473 (i) one year after the conviction; or
- 474 (ii) one year after the individual is old enough to qualify for a driver license or {learner's-} learner  
permit.
- 476 ~~[(b)]~~ (c)
- (i) The court shall forward the report of the conviction to the division.
- 477 (ii) If the ~~[person]~~ individual is the holder of a driver license from another jurisdiction, the division shall  
notify the appropriate officials in the licensing state.
- 474 Section 3. Section **41-6a-1101** is amended to read:
- 475 **41-6a-1101. Parents and guardians may not authorize child's violation of chapter.**



## HB0407 compared with HB0407S02

482 (1) ~~{[The]} An adult,~~parent~~;~~ or guardian ~~{[of a child]}~~ may not authorize or knowingly  
483 permit ~~{[the]} a~~ child to violate any of the provisions of this chapter.

484 (2) A child who violates this chapter is guilty of an infraction.

485 ~~{(3)} {[A parent or guardian of a child described in Subsection (2) is guilty of:]}~~

486 ~~{(a)} {[a class C misdemeanor if:]}~~

487 ~~{(i)} {[the child has previously committed a violation of this chapter; and]}~~

488 ~~{(ii)} {[the parent or guardian was notified of the prior violation; or]}~~

489 ~~{(b)} {[a class B misdemeanor if:]}~~

490 ~~{(i)} {[the parent or guardian was convicted under Subsection (3)(a); and]}~~

491 ~~{(ii)} {[the child commits a new violation after the conviction described in Subsection (3)(b)(i).]}~~

480 Section 4. Section **41-6a-1103** is amended to read:

481 **41-6a-1103. Carrying more persons than design permits prohibited -- Exception.**

495 (1) Except as provided in Subsection (2), a bicycle, electric assisted bicycle, ~~{mini-motorcycle,}~~ motor  
496 assisted scooter, or moped may not be used to carry more persons at one time than the number for  
497 which it is designed or equipped.

498 (2) An adult rider may carry a child securely attached to the adult rider's person in a back pack or sling.

487 Section 5. Section **41-6a-1104** is amended to read:

488 **41-6a-1104. Persons on bicycles, electric assisted bicycles, {mini-motorcycles,} motor  
489 assisted scooters, mopeds, skates, and sleds not to attach to moving vehicles -- Exception.**

504 (1) A person riding a bicycle, electric assisted bicycle, ~~{mini-motorcycle,}~~ motor assisted scooter,  
505 moped, coaster, skate board, roller skates, sled, or toy vehicle may not attach it or a person to any  
506 moving vehicle on a highway.

507 (2) This section does not prohibit attaching a trailer or semitrailer to a bicycle, electric assisted bicycle,  
508 ~~{mini-motorcycle,}~~ motor assisted scooter, or moped if that trailer or semitrailer has been designed  
509 for attachment.

510 Section 6. Section **6** is enacted to read:

511 **41-6a-1121. Impoundment.**

512 (1) A law enforcement officer may impound a bicycle, electric assisted bicycle, mini-motorcycle, motor  
513 assisted scooter, or moped if the operator commits a violation of this chapter.

515 (2) An impoundment under this section is subject to Section 41-6a-1406.

516

## HB0407 compared with HB0407S02

(3) A bicycle, electric assisted bicycle, mini-motorcycle, motor assisted scooter, or moped impounded under Subsection (1) is subject to an administrative impound fee of \$50.

518 (4) The fee described in Subsection (3) shall be deposited into the Brain and Spinal Cord Injury Fund created in Section 26B-1-318.

496 Section 6. Section **41-6a-1406** is amended to read:

497 **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

523 (1) If a vehicle, vessel, or outboard motor is impounded as provided under Section 41-1a-1101, 41-6a-210, 41-6a-527, ~~{41-6a-1121,}~~ 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order of a peace officer or by an order of a person acting on behalf of a law enforcement agency or highway authority, the impoundment of the vehicle, vessel, or outboard motor shall be at the expense of the owner.

528 (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be impounded to a state impound yard.

530 (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be removed by a tow truck motor carrier that meets standards established:

532 (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and

533 (b) by the department under Subsection (11).

534 (4)

(a) A report described in this Subsection (4) is required for a vehicle, vessel, or outboard motor that is impounded as described in Subsection (1).

536 (b) Before noon on the next business day after the date of the removal of the vehicle, vessel, or outboard motor, a report of the impoundment shall be sent to the Motor Vehicle Division, in an electronic format approved by the Motor Vehicle Division, by:

540 (i) the peace officer or agency by whom the peace officer is employed; and

541 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck operator is employed.

543 (c) The report shall be in a form specified by the Motor Vehicle Division and shall include:

545 (i) the operator's name, if known;

546 (ii) a description of the vehicle, vessel, or outboard motor;

547 (iii) the vehicle identification number or vessel or outboard motor identification number;

549

## HB0407 compared with HB0407S02

- (iv) the case number designated by the peace officer, law enforcement agency number, or government entity;
- 551 (v) the license number, temporary permit number, or other identification number issued by a state agency;
- 553 (vi) the date, time, and place of impoundment;
- 554 (vii) the reason for removal or impoundment;
- 555 (viii) the name of the tow truck motor carrier who removed the vehicle, vessel, or outboard motor; and
- 557 (ix) the place where the vehicle, vessel, or outboard motor is stored.
- 558 (d)
- (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Tax Commission shall make rules to establish proper format and information required on the form described in this Subsection (4).
- 561 (ii) The State Tax Commission shall ensure that the form described in this Subsection (4) is provided in an electronic format.
- 563 (e) Until the tow truck operator or tow truck motor carrier reports the removal as required under this Subsection (4), a tow truck motor carrier or impound yard may not:
- 566 (i) collect any fee associated with the removal; and
- 567 (ii) begin charging storage fees.
- 568 (5)
- (a) A report described in this Subsection (5) is required for any vehicle, vessel, or outboard motor that is removed, except for:
- 570 (i) a vehicle, vessel, or outboard motor that is impounded for a reason described in Subsection (1);
- or
- 572 (ii) a vehicle, vessel, or outboard motor for which a removal is performed in accordance with Section 72-9-603.
- 574 (b) For a removal described in Subsection (5)(a), the relevant law enforcement officer shall provide documentation to the tow truck operator or tow truck motor carrier that includes:
- 577 (i) the name and badge number of the peace officer;
- 578 (ii) the name and originating agency identifier of the law enforcement agency; and
- 579 (iii) the case number designated by the law enforcement officer or law enforcement agency.
- 581

## HB0407 compared with HB0407S02

(c) For a removal described in Subsection (5)(a), before noon on the next business day following the date of the removal of the vehicle, vessel, or outboard motor, the tow truck operator or tow truck motor carrier shall send to the Motor Vehicle Division in an electronic format approved by the Motor Vehicle Division:

585 (i) the report described in Subsection (4); or

586 (ii) the report described in Subsection (5)(d).

587 (d) For a removal described in Subsection (5)(a), if the tow truck operator or tow truck motor carrier does not provide the report described in Subsection (4), the tow truck operator or tow truck motor carrier shall provide a report to the Motor Vehicle Division that includes:

591 (i) the name and badge number of the relevant peace officer;

592 (ii) the name and originating agency identifier of the law enforcement agency;

593 (iii) the law enforcement agency case number;

594 (iv) subject to Subsection (5)(e), the vehicle identification number and the license number, temporary permit number, or other identification number issued by a state agency;

597 (v) the date and time of the removal of the vehicle, vessel, or outboard motor; and

598 (vi) the reason for the removal of the vehicle, vessel, or outboard motor.

599 (e) If either the vehicle identification number or the license number, temporary permit number, or other identification number issued by a state agency is not available, the report shall include:

602 (i) as much information as is available from both the vehicle identification number and the license plate number of the vehicle, vessel, or outboard motor; and

604 (ii) a description of the vehicle, vessel, or outboard motor, including the color, make, model, and model year of the vehicle, vessel, or outboard motor.

606 (f) Until the tow truck operator or tow truck motor carrier reports the removal as required under this Subsection (5), a tow truck motor carrier may not:

608 (i) collect any fee associated with the removal; or

609 (ii) begin charging storage fees.

610 (g) A vehicle, vessel, or outboard motor removed under this Subsection (5) shall be removed to:

612 (i) a state impound yard; or

613 (ii) a location that has been requested by the registered owner at the time of removal, if payment is made to the tow truck motor carrier or tow truck operator at the time of removal.

616

## HB0407 compared with HB0407S02

(h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Tax Commission may make rules to establish proper format and information required on the form described in {Subsection (5)(e)} this Subsection (5), including submission in an electronic format.

620 (6)

(a) Except as provided in Subsection (6)(d) and upon receipt of a report described in Subsection (4) or (5), the Motor Vehicle Division shall give notice, in the manner described in Section 41-1a-114, to the following parties with an interest in the vehicle, vessel, or outboard motor, as applicable:

624 (i) the registered owner;

625 (ii) any lien holder; or

626 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor is currently operating under a temporary permit issued by the dealer, as described in Section 41-3-302.

629 (b) The notice shall:

630 (i) state the date, time, and place of removal, the name, if applicable, of the person operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal, and the place where the vehicle, vessel, or outboard motor is stored;

633 (ii) state that the registered owner is responsible for payment of towing, impound, and storage fees charged against the vehicle, vessel, or outboard motor;

635 (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard motor is released; and

637 (iv) inform the parties described in Subsection (6)(a) of the division's intent to sell the vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal or impoundment under this section, one of the parties fails to make a claim for release of the vehicle, vessel, or outboard motor.

641 (c) Except as provided in Subsection (6)(d) and if the vehicle, vessel, or outboard motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort to notify the parties described in Subsection (6)(a) of the removal and the place where the vehicle, vessel, or outboard motor is stored.

645 (d) The Motor Vehicle Division is not required to give notice under this Subsection (6) if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck service in accordance with Subsection 72-9-603(1)(a)(i).

648 (e)

## HB0407 compared with HB0407S02

- (i) The Motor Vehicle Division shall disclose the information in the report described in Subsection (4) and Subsection 72-9-603(1)(a)(i) to a designated agent as defined in Section 41-12a-802 regarding a tow that was initiated:
- 651 (A) by law enforcement; or  
652 (B) without the vehicle owner's consent.
- 653 (ii) The Motor Vehicle Division may rely on the information provided by the tow truck operator or tow truck motor carrier to determine if a tow meets the criteria described in Subsections (6)(e)(i)(A) and (B).
- 656 (iii) The designated agent may disclose information received regarding a tow described in Subsections (6)(e)(i)(A) and (B) to the vehicle owner and to the vehicle owner's verified insurance company.
- 659 (iv) The designated agent may not disclose information to a vehicle owner's insurance company if the tow does not meet the criteria described in Subsections (6)(e)(i)(A) and (B).
- 662 (7)
- (a) The vehicle, vessel, or outboard motor impounded or removed to a state impound yard as described in this section shall be released after a party described in Subsection (6)(a):
- 665 (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of the State Tax Commission;
- 667 (ii) presents identification sufficient to prove ownership of the impounded or removed vehicle, vessel, or outboard motor;
- 669 (iii) completes the registration, if needed, and pays the appropriate fees;
- 670 (iv) if the impoundment was made under Section 41-6a-527 or Subsection 41-1a-1101(3), pays:
- 672 (A) an administrative impound fee of \$425; and  
673 (B) in addition to the administrative fee described in Subsection (6)(a)(iv)(A), an administrative testing fee of \$30;
- 651 (v) if the impounded vehicle is a mini-motorcycle that is not subject to the fee described in Subsection (7)(a)(iv), pays an administrative fee of:
- 653 (A) \$50 for the first impoundment; or  
654 (B) \$100 for a subsequent impoundment; {f{}}
- 675 (v) if the impoundment was made under Section 41-6a-1121, pays an administrative impound fee of \$50; }and
- 677

## HB0407 compared with HB0407S02

[(v)] (vi) pays all towing and storage fees to the place where the vehicle, vessel, or outboard motor is stored.

679 (b)

(i) \$29 of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be dedicated credits to the Motor Vehicle Division.

681 (ii) One-hundred and forty-seven dollars of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be deposited into the Department of Public Safety Restricted Account created in Section 53-3-106.

684 (iii) Twenty dollars of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be deposited into the Brain and Spinal Cord Injury Fund created in Section 26B-1-318.

687 (iv) After the distributions described in Subsections (7)(b)(i) through (iii), the remainder of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be deposited into the General Fund.

668 (v) The administrative fee described in Subsection (7)(a)(v) shall be deposited into the Brain and Spinal Cord Injury Fund created in Section 26B-1-318.

690 [(v)] (vi) The administrative testing fee described in Subsection [~~(6)(a)(iv)(B)~~] (7)(a)(iv)(B) shall be deposited into the State Laboratory Drug Testing Account created in Section 26B-1-304.

693 (c) The administrative impound fee and the administrative testing fee assessed under Subsection (7)(a)(iv) shall be waived or refunded by the State Tax Commission if the registered owner, lien holder, or owner's agent presents written evidence to the State Tax Commission that:

697 (i) the Driver License Division determined that the arrested person's driver license should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter or other report from the Driver License Division presented within 180 days after the day on which the Driver License Division mailed the final notification; or

702 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the stolen vehicle report presented within 180 days after the day of the impoundment.

704 (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a removal or impoundment under Subsection (1) or any service rendered, performed, or supplied in connection with a removal or impoundment under Subsection (1).

708 (e) The owner of an impounded vehicle may not be charged a fee for the storage of the impounded vehicle, vessel, or outboard motor if:

## HB0407 compared with HB0407S02

- 710 (i) the vehicle, vessel, or outboard motor is being held as evidence; and
- 711 (ii) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection (6)(a),  
even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under  
this Subsection (7).
- 714 (8)
- (a) For an impounded or a removed vehicle, vessel, or outboard motor not claimed by a party described  
in Subsection (6)(a) within the time prescribed by Section 41-1a-1103, the Motor Vehicle Division  
shall issue a certificate of sale for the impounded or removed vehicle, vessel, or outboard motor as  
described in Section 41-1a-1103.
- 719 (b) The date of impoundment or removal is considered the date of seizure for computing the time period  
provided under Section 41-1a-1103.
- 721 (9) A party described in Subsection (6)(a) that pays all fees and charges incurred in the impoundment or  
removal of the owner's vehicle, vessel, or outboard motor has a cause of action for all the fees and  
charges, together with damages, court costs, and attorney fees, against the operator of the vehicle,  
vessel, or outboard motor whose actions caused the removal or impoundment.
- 726 (10) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel, or outboard  
motor.
- 728 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department  
shall make rules setting the performance standards for towing companies to be used by the  
department.
- 731 (12)
- (a) The Motor Vehicle Division may specify that a report required under Subsection (4) be submitted in  
electronic form utilizing a database for submission, storage, and retrieval of the information.
- 734 (b)
- (i) Unless otherwise provided by statute, the Motor Vehicle Division or the administrator of the  
database may adopt a schedule of fees assessed for utilizing the database.
- 737 (ii) The fees under this Subsection (12)(b) shall:
- 738 (A) be reasonable and fair; and
- 739 (B) reflect the cost of administering the database.
- 720 Section 7. Section 7 is enacted to read:
- 721 **41-6a-1511. Mini-motorcycles.**



## HB0407 compared with HB0407S02

- 722 (1) An individual may not operate a mini-motorcycle on any public property or highway unless:  
724 (a) the mini-motorcycle is registered for highway use in accordance with Chapter 1a, Motor Vehicle  
Act; and  
726 (b) the operator is licensed to operate a motorcycle in accordance with Title 53, Chapter 3, Uniform  
Driver License Act.  
728 (2) An owner may not authorize or knowingly permit an individual to operate a mini-motorcycle in  
violation of this section.  
730 (3) An individual who violates this section is guilty of:  
731 (a) an infraction; or  
732 (b) a class C misdemeanor, if the violation occurs within a period of six months after a conviction for a  
previous violation of this section.  
734 (4) A parent or legal guardian of a child who violates this section is guilty of a class C misdemeanor if:  
736 (a) the child is less than 15 years old;  
737 (b) the child has two or more convictions of Subsection (1);  
738 (c) the parent or legal guardian has been notified of the prior convictions; and  
739 (d) the child is convicted of a third or subsequent violation of Subsection (1).  
740 (5) An operator of a mini-motorcycle is subject to statute and regulations applicable to motorcycles,  
including:  
742 (a) registration requirements described in Section 41-1a-201;  
743 (b) driver license and motorcycle endorsement requirements described in Section 53-3-202;  
745 (c) insurance requirements described in Section 41-12a-301;  
746 (d) seizure of the vehicle, described in Section 41-1a-1101; and  
747 (e) requirements to stop the vehicle at the command of law enforcement, described in Section  
41-6a-210.

749 **Section 8. Repealer.**

This Bill Repeals:

750 This bill repeals:

751 **Section 41-6a-1117, Mini-motorcycle restrictions -- Exceptions.**

740 ~~{Section 8. Section 53-3-220 is amended to read: }~~

741 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or disqualification of**  
**license -- Offense requiring an extension of period -- Hearing -- Limited driving privileges.**

## HB0407 compared with HB0407S02

- 744 (1)
- (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or disqualification, the division shall deny, suspend, or disqualify the license of a person upon receiving a record of the person's conviction for:
- 748 (i) manslaughter or negligent homicide resulting from driving a motor vehicle, automobile homicide under Section 76-5-207, or automobile homicide involving using a handheld wireless communication device while driving under Section 76-5-207.5;
- 752 (ii) driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any drug, or combination of them to a degree that renders the person incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
- 757 (iii) driving or being in actual physical control of a motor vehicle while having a blood or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
- 760 (iv) perjury or the making of a false affidavit to the division under this chapter, Title 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or regulating driving on highways;
- 763 (v) any felony under the motor vehicle laws of this state;
- 764 (vi) any other felony in which a motor vehicle is used to facilitate the offense;
- 765 (vii) failure to stop and render aid as required under the laws of this state if a motor vehicle accident results in the death or personal injury of another;
- 767 (viii) two charges of reckless driving, impaired driving, or any combination of reckless driving and impaired driving committed within a period of 12 months; but if upon a first conviction of reckless driving or impaired driving the judge or justice recommends suspension of the convicted person's license, the division may after a hearing suspend the license for a period of three months;
- 772 (ix) failure to bring a motor vehicle, bicycle, electric assisted bicycle, mini-motorcycle, motor assisted scooter, or moped to a stop at the command of a law enforcement officer as required in Section 41-6a-210;
- 775

## HB0407 compared with HB0407S02

- (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that requires disqualification;
- 777 (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or allowing the discharge of a firearm from a vehicle;
- 779 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);
- 781 (xiii) operating or being in actual physical control of a motor vehicle while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517;
- 784 (xiv) operating or being in actual physical control of a motor vehicle while having any measurable or detectable amount of alcohol in the person's body in violation of Section 41-6a-530;
- 787 (xv) engaging in a motor vehicle speed contest or exhibition of speed on a highway in violation of Section 41-6a-606;
- 789 (xvi) operating or being in actual physical control of a motor vehicle in this state without an ignition interlock system in violation of Section 41-6a-518.2;
- 791 (xvii) refusal of a chemical test under Subsection 41-6a-520.1(1); or
- 792 (xviii) two or more offenses that:
- 793 (A) are committed within a period of one year;
- 794 (B) are enhanced under Section 76-3-203.17; and
- 795 (C) arose from separate incidents.
- 796 (b) The division shall immediately revoke the license of a person upon receiving a record of an adjudication under Section 80-6-701 for:
- 798 (i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or allowing the discharge of a firearm from a vehicle; or
- 800 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).
- 802 (c)
- (i) Except when action is taken under Section 53-3-219 for the same offense, upon receiving a record of conviction, the division shall immediately suspend for six months the license of the convicted person if the person was convicted of violating any one of the following offenses while the person

## HB0407 compared with HB0407S02

was an operator of a motor vehicle, and the court finds that a driver license suspension is likely to reduce recidivism and is in the interest of public safety:

- 808 (A) Title 58, Chapter 37, Utah Controlled Substances Act;
- 809 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- 810 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;
- 811 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;
- 812 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or
- 813 (F) any criminal offense that prohibits possession, distribution, manufacture, cultivation, sale, or transfer of any substance that is prohibited under the acts described in Subsections (1)(c)(i)(A) through (E), or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance that is prohibited under the acts described in Subsections (1)(c)(i)(A) through (E).
- 818 (ii) Notwithstanding the provisions in Subsection (1)(c)(i), the division shall reinstate a person's driving privilege before completion of the suspension period imposed under Subsection (1)(c)(i) if the reporting court notifies the Driver License Division, in a manner specified by the division, that the defendant is participating in or has successfully completed a drug court program as defined in Section 78A-5-201.
- 824 (iii) If a person's driving privilege is reinstated under Subsection (1)(c)(ii), the person is required to pay the license reinstatement fees under Subsection 53-3-105(26).
- 826 (iv) The court shall notify the division, in a manner specified by the division, if a person fails to complete all requirements of the drug court program.
- 828 (v) Upon receiving the notification described in Subsection (1)(c)(iv), the division shall suspend the person's driving privilege for a period of six months from the date of the notice, and no days shall be subtracted from the six-month suspension period for which a driving privilege was previously suspended under Subsection (1)(c)(i).
- 833 (d)
- (i) The division shall immediately suspend a person's driver license for conviction of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:
- 836 (A) an order from the sentencing court requiring that the person's driver license be suspended; and
- 838 (B) a record of the conviction.
- 839

## HB0407 compared with HB0407S02

(ii) An order of suspension under this section is at the discretion of the sentencing court, and may not be for more than 90 days for each offense.

841 (e)

(i) The division shall immediately suspend for one year the license of a person upon receiving a record of:

843 (A) conviction for the first time for a violation under Section 32B-4-411; or

844 (B) an adjudication under Section 80-6-701 for a violation under Section 32B-4-411.

846 (ii) The division shall immediately suspend for a period of two years the license of a person upon receiving a record of:

848 (A)

(I) conviction for a second or subsequent violation under Section 32B-4-411; and

850 (II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior conviction for a violation under Section 32B-4-411; or

852 (B)

(I) a second or subsequent adjudication under Section 80-6-701 for a violation under Section 32B-4-411; and

854 (II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior adjudication under Section 80-6-701 for a violation under Section 32B-4-411.

857 (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:

858 (A) for a conviction or adjudication described in Subsection (1)(e)(i):

859 (I) impose a suspension for one year beginning on the date of conviction; or

860 (II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for one year beginning on the date of eligibility for a driver license; or

863 (B) for a conviction or adjudication described in Subsection (1)(e)(ii):

864 (I) impose a suspension for a period of two years; or

865 (II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for two years beginning on the date of eligibility for a driver license.

868

## HB0407 compared with HB0407S02

- (iv) Upon receipt of the first order suspending a person's driving privileges under Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(i) if ordered by the court in accordance with Subsection 32B-4-411(3)(a).
- 872 (v) Upon receipt of the second or subsequent order suspending a person's driving privileges under Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(ii) if ordered by the court in accordance with Subsection 32B-4-411(3)(b).
- 876 (f) The division shall immediately suspend a person's driver license for the conviction of an offense that is enhanced under Section 76-3-203.17 if the division receives:
- 878 (i) an order from the sentencing court requiring the person's driver license to be suspended; and
- 880 (ii) a record of the conviction.
- 881 (2) The division shall extend the period of the first denial, suspension, revocation, or disqualification for an additional like period, to a maximum of one year for each subsequent occurrence, upon receiving:
- 884 (a) a record of the conviction of any person on a charge of driving a motor vehicle while the person's license is denied, suspended, revoked, or disqualified;
- 886 (b) a record of a conviction of the person for any violation of the motor vehicle law in which the person was involved as a driver;
- 888 (c) a report of an arrest of the person for any violation of the motor vehicle law in which the person was involved as a driver; or
- 890 (d) a report of an accident in which the person was involved as a driver.
- 891 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is driving while the person's license is denied, suspended, disqualified, or revoked, the person is entitled to a hearing regarding the extension of the time of denial, suspension, disqualification, or revocation originally imposed under Section 53-3-221.
- 895 (4)
- (a) The division may extend to a person the limited privilege of driving a motor vehicle to and from the person's place of employment or within other specified limits on recommendation of the judge in any case where a person is convicted of any of the offenses referred to in Subsections (1) and (2) except:
- 899 (i) those offenses referred to in Subsections (1)(a)(i), (ii), (iii), (xi), (xii), (xiii), (1)(b), and (1)(c)(i);  
and

## HB0407 compared with HB0407S02

- 901 (ii) those offenses referred to in Subsection (2) when the original denial, suspension, revocation, or  
disqualification was imposed because of a violation of Section 41-6a-502, 41-6a-517, a local  
ordinance that complies with the requirements of Subsection 41-6a-510(1), Section 41-6a-520,  
41-6a-520.1, 76-5-102.1, or 76-5-207, or a criminal prohibition that the person was charged  
with violating as a result of a plea bargain after having been originally charged with violating  
one or more of these sections or ordinances, unless:
- 908 (A) the person has had the period of the first denial, suspension, revocation, or disqualification extended  
for a period of at least three years;
- 910 (B) the division receives written verification from the person's primary care physician or physician  
assistant that:
- 912 (I) to the physician's or physician assistant's knowledge the person has not used any narcotic drug or  
other controlled substance except as prescribed by a licensed medical practitioner within the last  
three years; and
- 915 (II) the physician or physician assistant is not aware of any physical, emotional, or mental impairment  
that would affect the person's ability to operate a motor vehicle safely; and
- 918 (C) for a period of one year prior to the date of the request for a limited driving privilege:
- 920 (I) the person has not been convicted of a violation of any motor vehicle law in which the person was  
involved as the operator of the vehicle;
- 922 (II) the division has not received a report of an arrest for a violation of any motor vehicle law in which  
the person was involved as the operator of the vehicle; and
- 925 (III) the division has not received a report of an accident in which the person was involved as an  
operator of a vehicle.
- 927 (b)
- (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege authorized in this Subsection  
(4):
- 929 (A) is limited to when undue hardship would result from a failure to grant the privilege; and
- 931 (B) may be granted only once to any person during any single period of denial, suspension,  
revocation, or disqualification, or extension of that denial, suspension, revocation, or  
disqualification.
- 934 (ii) The discretionary privilege authorized in Subsection (4)(a)(ii):
- 935

## HB0407 compared with HB0407S02

(A) is limited to when the limited privilege is necessary for the person to commute to school or work;  
and

937 (B) may be granted only once to any person during any single period of denial, suspension, revocation,  
or disqualification, or extension of that denial, suspension, revocation, or disqualification.

940 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform Commercial  
Driver License Act, or whose license has been revoked, suspended, cancelled, or denied under this  
chapter.

752 Section 9. **Effective date.**

This bill takes effect on May 7, 2025.

2-18-25 12:33 PM