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41-6a-102 Definitions.

As used in this chapter:

- (1) "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.
- (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- (3) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- (4) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.
- (5) "Authorized emergency vehicle" includes:
 - (a) a fire department vehicle;
 - (b) a police vehicle;
 - (c) an ambulance; and
 - (d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.
- (6) "Autocycle" means the same as that term is defined in Section 53-3-102.
- (7)
 - (a) "Bicycle" means a wheeled vehicle:
 - (i) propelled by human power by feet or hands acting upon pedals or cranks;
 - (ii) with a seat or saddle designed for the use of the operator;
 - (iii) designed to be operated on the ground; and
 - (iv) whose wheels are not less than 14 inches in diameter.
 - (b) "Bicycle" includes an electric assisted bicycle.
 - (c) "Bicycle" does not include scooters and similar devices.
- (8)
 - (a) "Bicycle lane" means a portion of a highway that has been designated by a highway authority through striping, signage, pavement markings, or barriers for the preferential or exclusive use of bicycle, electric assisted bicycle, and motor assisted scooter traffic.
 - (b) "Bicycle lane" does not include shared lanes intended for both motor vehicle and bicycle travel.
- (9)
 - (a) "Bus" means a motor vehicle:
 - (i) designed for carrying more than 15 passengers and used for the transportation of persons; or
 - (ii) designed and used for the transportation of persons for compensation.
 - (b) "Bus" does not include a taxicab.
- (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.
 - (b) "Circular intersection" includes:
 - (i) roundabouts;
 - (ii) rotaries; and
 - (iii) traffic circles.
- (11) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:
 - (a) provides assistance only when the rider is pedaling; and
 - (b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

- (12) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:
- (a) may be used exclusively to propel the bicycle; and
 - (b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- (13) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:
- (a) provides assistance only when the rider is pedaling;
 - (b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour; and
 - (c) is equipped with a speedometer.
- (14) "Commissioner" means the commissioner of the Department of Public Safety.
- (15) "Controlled-access highway" means a highway, street, or roadway:
- (a) designed primarily for through traffic; and
 - (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.
- (16) "Crosswalk" means:
- (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:
 - (i)
 - (A) the curbs; or
 - (B) in the absence of curbs, from the edges of the traversable roadway; and
 - (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
 - (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (17) "Department" means the Department of Public Safety.
- (18) "Direct supervision" means oversight at a distance within which:
- (a) visual contact is maintained; and
 - (b) advice and assistance can be given and received.
- (19) "Divided highway" means a highway divided into two or more roadways by:
- (a) an unpaved intervening space;
 - (b) a physical barrier; or
 - (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- (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.
- (21)
- (a) "Electric assisted bicycle" means a bicycle with an electric motor that:
 - (i) has a power output of not more than 750 watts;
 - (ii) has fully operable pedals;
 - (iii) has permanently affixed cranks that were installed at the time of the original manufacture;
 - (iv) is fully operable as a bicycle without the use of the electric motor; and
 - (v) is one of the following:
 - (A) a class 1 electric assisted bicycle;
 - (B) a class 2 electric assisted bicycle;
 - (C) a class 3 electric assisted bicycle; or

- (D) a programmable electric assisted bicycle.
- (b) "Electric assisted bicycle" does not include:
 - (i) a moped;
 - (ii) a motor assisted scooter;
 - (iii) an electric motorcycle;
 - (iv) a motorcycle; or
 - (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:
 - (A) has the ability to attain the speed of 20 miles per hour or greater on motor power alone;
 - (B) is equipped with a continuous rated motor power of more than 750 watts;
 - (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
 - (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.
- (22)
 - (a) "Electric personal assistive mobility device" means a self-balancing device with:
 - (i) two nontandem wheels in contact with the ground;
 - (ii) a system capable of steering and stopping the unit under typical operating conditions;
 - (iii) an electric propulsion system with average power of one horsepower or 750 watts;
 - (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
 - (v) a deck design for a person to stand while operating the device.
 - (b) "Electric personal assistive mobility device" does not include a wheelchair.
- (23) "Electric motorcycle" means a motorcycle:
 - (a) powered by an electric motor of more than 750 watts; or
 - (b) capable of exceeding a speed of 20 miles per hour using the power of the electric motor alone.
- (24) "Electric unicycle" means a self-balancing personal transportation device that:
 - (a) has a single wheel;
 - (b) is powered by an electric motor that utilizes gyroscopes and accelerometers to stabilize the rider; and
 - (c) is designed for the operator to face in the direction of travel while operating the device.
- (25) "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 combustible 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.
- (26) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.
- (27) "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.
- (28) "Freeway" means a controlled-access highway that is part of the interstate system as defined in Section 72-1-102.
- (29)
 - (a) "Golf cart" means a device that:
 - (i) is designed for transportation by players on a golf course;
 - (ii) has not less than three wheels in contact with the ground;

- (iii) has a shipping weight of less than 1,800 pounds;
 - (iv) is designed to operate at low speeds; and
 - (v) is designed to carry not more than six persons including the driver.
- (b) "Golf cart" does not include:
- (i) a low-speed vehicle or an off-highway vehicle;
 - (ii) a motorized wheelchair;
 - (iii) an electric personal assistive mobility device;
 - (iv) an electric assisted bicycle;
 - (v) a motor assisted scooter;
 - (vi) a personal delivery device, as defined in Section 41-6a-1119; or
 - (vii) a mobile carrier, as defined in Section 41-6a-1120.
- (30) "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.
- (31) "Gross vehicle weight rating" means the same as that term is defined in Section 59-2-102.
- (32)
- (a) "High power electric device" means a self-propelled vehicle, other than a motor vehicle subject to the title and registration requirement described in Chapter 1a, Motor Vehicle Act, powered by an electric motor that is capable of traveling more than 20 miles per hour on the power of the electric motor alone.
- (b) "High power electric device" includes:
- (i) an electric assisted bicycle that has modified or tampered equipment beyond the manufacturer's original settings to change the speed or power output; and
 - (ii) an electric assisted bicycle that has been modified to be capable of traveling more than 20 miles per hour on the power of the electric motor alone.
- (33) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
- (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
 - (b) equipped with retractable flanged wheels that allow the vehicle to travel on a highway or railroad tracks.
- (34) "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.
- (35) "Highway authority" means the same as that term is defined in Section 72-1-102.
- (36) "Interdicted person" means the same as that term is defined in Section 32B-1-102.
- (37)
- (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.
- (b) Where a highway includes two roadways 30 feet or more apart:
- (i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and
 - (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.
- (c) "Intersection" does not include the junction of an alley with a street or highway.
- (38) "Island" means an area between traffic lanes or at an intersection for control of vehicle movements or for pedestrian refuge designated by:
- (a) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area;
 - (b) channelizing devices;

- (c) curbs;
 - (d) pavement edges; or
 - (e) other devices.
- (39)
- (a) "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.
 - (b) "Lane filtering" does not include lane splitting.
- (40)
- (a) "Lane splitting" means, when operating a motorcycle other than an autocycle, the act of riding a motorcycle between clearly marked lanes for traffic traveling in the same direction of travel while traffic is in motion.
 - (b) "Lane splitting" does not include lane filtering.
- (41) "Law enforcement agency" means the same as that term is as defined in Section 53-1-102.
- (42) "Limited access highway" means a highway:
- (a) that is designated specifically for through traffic; and
 - (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.
- (43) "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.
- (44)
- (a) "Low-speed vehicle" means a four wheeled motor vehicle that:
 - (i) is designed to be operated at speeds of not more than 25 miles per hour; and
 - (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.
 - (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
- (45) "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.
- (46)
- (a) "Mini-motorcycle" means a motorcycle 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.
 - (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.
 - (c) "Mini-motorcycle" does not include a motorcycle that is:
 - (i) designed for off-highway use; and
 - (ii) registered as an off-highway vehicle under Section 41-22-3.
- (47) "Mobile home" means:
- (a) a trailer or semitrailer that is:
 - (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping place either permanently or temporarily; and
 - (ii) equipped for use as a conveyance on streets and highways; or
 - (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 (47)(a), but that is instead used permanently or temporarily for:
 - (i) the advertising, sale, display, or promotion of merchandise or services; or
 - (ii) any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(48) "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.

(49)

(a) "Moped" means a motorcycle having:

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

(ii) a motor that:

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

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

(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.

(c) "Moped" does not include:

(i) an electric assisted bicycle; or

(ii) a motor assisted scooter.

(50)

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

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

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

(iii) an electric motor not exceeding 2,000 watts;

(iv) either:

(A) handlebars and a deck design for a person to stand while operating the device; or

(B) handlebars and a seat designed for a person to sit, straddle, or stand while operating the device;

(v) a design for the ability to be propelled by human power alone; and

(vi) a maximum speed of 20 miles per hour on a paved level surface.

(b) "Motor assisted scooter" does not include an electric assisted bicycle.

(51)

(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.

(b) "Motor vehicle" does not include:

(i) vehicles moved solely by human power;

(ii) motorized wheelchairs;

(iii) an electric personal assistive mobility device;

(iv) an electric assisted bicycle;

(v) a motor assisted scooter;

(vi) a personal delivery device, as defined in Section 41-6a-1119; or

(vii) a mobile carrier, as defined in Section 41-6a-1120.

(52)

(a) "Motorcycle" means:

(i) 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;

(ii) an autocycle;

(iii) a moped; or

(iv) an electric motorcycle.

(b) "Motorcycle" does not include:

(i) an electric assisted bicycle; or

- (ii) a motor assisted scooter.
- (53) "Off-highway implement of husbandry" means the same as that term is defined under Section 41-22-2.
- (54) "Off-highway motorcycle" means the same as that term is defined in Section 41-22-2.
- (55) "Off-highway vehicle" means the same as that term is defined under Section 41-22-2.
- (56) "Operate" means the same as that term is defined in Section 41-1a-102.
- (57) "Operator" means:
 - (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
 - (b) an automated driving system, as defined in Section 41-26-102.1, that operates a vehicle.
- (58) "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.
- (59)
 - (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is occupied or not.
 - (b) "Park" or "parking" does not include:
 - (i) the standing of a vehicle temporarily for the purpose of and while actually engaged in loading or unloading property or passengers; or
 - (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.
- (60) "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.
- (61) "Pedestrian" means a person traveling:
 - (a) on foot; or
 - (b) in a wheelchair.
- (62) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate pedestrians.
- (63) "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.
- (64) "Pole trailer" means a vehicle without motive power:
 - (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
 - (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.
- (65) "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.
- (66) "Programmable electric assisted bicycle" means an electric assisted bicycle with capability to switch or be programmed by a user to function as a class 1 electric assisted bicycle, class 2 electric assisted bicycle, or class 3 electric assisted bicycle, if the electric assisted bicycle fully conforms with the respective requirements of each class of electric assisted bicycle when operated in that mode.
- (67) "Railroad" means a carrier of persons or property upon cars operated on stationary rails.
- (68) "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.
- (69) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.
- (70) "Restored-modified vehicle" means the same as the term defined in Section 41-1a-102.

- (71) "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.
- (72)
- (a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.
 - (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.
 - (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.
- (73) "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.
- (74)
- (a) "School bus" means a motor vehicle that:
 - (i) complies with the color and identification requirements of the most recent edition of "The National School Transportation Specifications and Procedures"; and
 - (ii) is used to transport school children to or from school or school activities.
 - (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.
- (75) "Self-balancing electric skateboard" means a device similar to a skateboard that:
- (a) has a single wheel;
 - (b) is powered by an electric motor;
 - (c) is not capable of exceeding a speed of 20 miles per hour using the power of the electric motor alone; and
 - (d) is designed for the operator to face perpendicular to the direction of travel while operating the device.
- (76)
- (a) "Semitrailer" means a vehicle with or without motive power:
 - (i) designed for carrying persons or property and for being drawn by a motor vehicle; and
 - (ii) constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.
 - (b) "Semitrailer" does not include a pole trailer.
- (77) "Shipping weight" means the same as that term is defined in Section 41-1a-102.
- (78) "Shoulder area" means:
- (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
 - (b) that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and for lateral support.
- (79) "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.
- (80)
- (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt that is designated for the use of a bicycle.
 - (b) "Soft-surface trail" does not mean a trail:
 - (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a federal law, regulation, or rule; or

- (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.
- (81) "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.
- (82) "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.
- (83) "Stop" when required means complete cessation from movement.
- (84) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when:
 - (a) necessary to avoid conflict with other traffic; or
 - (b) in compliance with the directions of a peace officer or traffic-control device.
- (85) "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, or an off-highway motorcycle, 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.
- (86) "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 Section 41-6a-1509.
- (87) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
- (88) "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.
- (89) "Traffic" means pedestrians, bicyclists, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.
- (90) "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.
- (91) "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.
- (92) "Traffic-control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
- (93)
 - (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.
 - (b) "Trailer" does not include a pole trailer.
- (94) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.
- (95) "Truck tractor" means a motor vehicle:
 - (a) designed and used primarily for drawing other vehicles; and
 - (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck tractor.
- (96) "Two-way left turn lane" means a lane:
 - (a) provided for vehicle operators making left turns in either direction;
 - (b) that is not used for passing, overtaking, or through travel; and
 - (c) that has been indicated by a lane traffic-control device that may include lane markings.
- (97) "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.

- (98) "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.
- (99) "Wheelie" means a maneuver performed while operating a motorcycle whereby the front wheel of the motorcycle is raised off of the ground.

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