

REGULATION OF MOTORIZED SCOOTERS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Lowell A. Nelson

AN ACT RELATING TO MOTOR VEHICLES; PROVIDING CERTAIN EXCEPTIONS FROM REGISTRATION; PROVIDING DEFINITIONS; PROVIDING RESTRICTIONS; PROVIDING AN EXCEPTION FROM INSURANCE REQUIREMENTS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-1a-202, as last amended by Chapter 360, Laws of Utah 1997

41-6-1, as last amended by Chapter 208, Laws of Utah 1996

41-6-107.8, as last amended by Chapter 208, Laws of Utah 1996

41-12a-301, as last amended by Chapters 128 and 208, Laws of Utah 1996

ENACTS:

41-6-90.5, Utah Code Annotated 1953

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

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

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

(1) In this section:

(a) "Domicile" means the place:

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

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

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

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

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

(A) an individual who:

(I) has established a domicile in this state;

(II) regardless of domicile, remains in this state for an aggregate period of six months or

more during any calendar year;

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

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

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

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

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

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

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

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

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

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

(a) vehicle registered in another state and owned by a nonresident of the state or operating under a temporary registration permit issued by the division or a dealer authorized by this chapter, driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lien holders, or interstate vehicles;

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

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

(d) special mobile equipment;

- (e) vehicle owned or leased by the federal government;
- (f) motor vehicle not designed, used, or maintained for the transportation of passengers for hire or for the transportation of property if the motor vehicle is registered in another state and is owned and operated by a nonresident of this state;
- (g) vehicle or combination of vehicles designed, used, or maintained for the transportation of persons for hire or for the transportation of property if the vehicle or combination of vehicles is registered in another state and is owned and operated by a nonresident of this state and if the vehicle or combination of vehicles has a gross laden weight of 26,000 pounds or less;
- (h) trailer of 750 pounds or less unladen weight and not designed, used, and maintained for hire for the transportation of property or person;
- (i) manufactured home or mobile home;
- (j) off-highway vehicle currently registered under Section 41-22-3 if the off-highway vehicle is:
 - (i) being towed;
 - (ii) operated on a street or highway designated as open to off-highway vehicle use; or
 - (iii) operated in the manner prescribed in Section 41-22-10.3;
- (k) off-highway implement of husbandry operated in the manner prescribed in Subsections 41-22-5.5(3) through (5); [or]
- (l) modular and prebuilt homes conforming to the uniform building code and presently regulated by the United States Department of Housing and Urban Development that are not constructed on a permanent chassis;
- (m) electric assisted bicycles defined under Section 41-6-1; or
- (n) motor assisted scooters defined under Section 41-6-1.

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

Section 2. Section **41-6-1** is amended to read:

41-6-1. 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" is used as defined in Section 41-22-2.

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

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

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

(6) "Controlled-access highway" means every highway, street, or roadway 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 public authority having jurisdiction over the highway, street, or roadway.

(7) "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 the curbs or, in the absence of curbs, from the edges of the traversable roadway; and 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.

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

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

(10) "Electric assisted bicycle" means a moped with an electric motor with a power output

of not more than 1,000 watts, which is not capable of propelling the device at a speed of more than 20 miles per hour on level ground, and which is not capable of increasing the speed of the device when human power is used to propel the device at more than 20 miles per hour.

(11) "Explosives" means any chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and which 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.

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

(13) "Flammable liquid" means any liquid which has a flashpoint of 100 degrees F. or less, as determined by a tagliabue or equivalent closed-cup test device.

(14) "Gross weight" means the weight of a vehicle without load plus the weight of any load on the vehicle.

(15) "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.

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

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

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

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

(18) "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.

(19) "Mobile home" means:

(a) a trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place either permanently or temporarily, and is 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 (19)(a), but which is instead used permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(20) "Moped" means a motor-driven cycle having both pedals to permit propulsion by human power, and a motor which produces not more than two brake horsepower and which is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground. 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. A moped includes an electric assisted bicycle and a motor assisted scooter.

(21) "Motor assisted scooter" means a self-propelled device with at least two wheels in contact with the ground, a braking system capable of stopping the unit under typical operating conditions, a gas or electric motor not exceeding 40 cubic centimeters, a deck design for a person to stand while operating the device, and the ability to be propelled by human power alone.

~~[(21)]~~ (22) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs.

~~[(22)]~~ (23) "Motorcycle" means every 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.

~~[(23)]~~ (24) "Motor-driven cycle" means every motorcycle and motor scooter, moped, electric

assisted bicycle, motor assisted scooter, and every motorized bicycle having an engine with less than 150 cubic centimeters displacement or having a motor which produces not more than five horsepower.

~~[(24)]~~ (25) "Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

~~[(25)]~~ (26) "Off-highway implement of husbandry" is used as defined under Section 41-22-2.

~~[(26)]~~ (27) "Off-highway vehicle" is used as defined under Section 41-22-2.

~~[(27)]~~ (28) "Operator" means any person who is in actual physical control of a vehicle.

~~[(28)]~~ (29) "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

~~[(29)]~~ (30) "Peace officer" means every law enforcement officer authorized under Section 77-1a-1 to direct or regulate traffic or to make arrests for violations of traffic laws.

~~[(30)]~~ (31) "Pedestrian" means any person afoot.

~~[(31)]~~ (32) "Person" means every natural person, firm, copartnership, association, or corporation.

~~[(32)]~~ (33) "Pole trailer" means every vehicle without motive power 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 is ordinarily used for transporting long or irregular shaped loads such as poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.

~~[(33)]~~ (34) "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.

~~[(34)]~~ (35) "Railroad" means a carrier of persons or property upon cars operated upon stationary rails.

~~[(35)]~~ (36) "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.

~~[(36)]~~ (37) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.

~~[(37)]~~ (38) "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 which give rise to danger of collision unless one grants precedence to the other.

~~[(38)]~~ (39) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles. If a highway includes two or more separate roadways, roadway refers to any roadway separately but not to all roadways collectively.

~~[(39)]~~ (40) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

~~[(40)]~~ (41) "School bus" means every motor vehicle that complies with the color and identification requirements of the most recent edition of "Minimum Standards for School Buses" and is used to transport school children to or from school or school activities. This definition does not include vehicles operated by common carriers in transportation of school children to or from school or school activities.

~~[(41)]~~ (42) "Semitrailer" means a vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

~~[(42)]~~ (43) "Shoulder area" means 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 that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and lateral support.

~~[(43)]~~ (44) "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.

~~[(44)]~~ (45) "Solid rubber tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

~~[(45)]~~ (46) "Stand" or "standing" means the halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

~~[(46)]~~ (47) "Stop" when required means complete cessation from movement.

~~[(47)]~~ (48) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or when in compliance with the directions of a peace officer or official traffic-control device.

~~[(48)]~~ (49) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.

~~[(49)]~~ (50) "Traffic-control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

~~[(50)]~~ (51) "Trailer" means every vehicle with or without motive power, other than a pole trailer, 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.

~~[(51)]~~ (52) "Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

~~[(52)]~~ (53) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and constructed to carry a part of the weight of the vehicle and load drawn by the truck tractor.

~~[(53)]~~ (54) "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.

~~[(54)]~~ (55) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary

rails or tracks.

Section 3. Section **41-6-90.5** is enacted to read:

41-6-90.5. Motor assisted scooters - Conflicting provisions -- Restrictions -- Penalties.

(1) (a) Except as otherwise provided in this section, a motor assisted scooter is subject to the provisions under this chapter for a bicycle, moped, or a motor-driven cycle.

(b) A person operating a motor assisted scooter is not subject to the provisions related to:

(i) seating positions under Section 41-6-107; and

(ii) required lights, horns, and mirrors under Section 41-6-154.50.

(2) A person under 16 years of age may not operate a motor assisted scooter using the motor unless the person is under the direct supervision of the person's parent or guardian.

(3) A person may not operate a motor assisted scooter:

(a) in a public parking structure;

(b) on public property posted as an area prohibiting skateboards;

(c) on a highway consisting of a total of four or more lanes designated for regular vehicular traffic;

(d) on a highway with a posted speed limit greater than 25 miles per hour; or

(e) that has been structurally altered from the original manufacturer's design.

(4) Except where posted or prohibited by rule or local ordinance, a motor assisted scooter is considered a nonmotorized vehicle if it is being used with the motor turned off.

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

Section 4. Section **41-6-107.8** is amended to read:

41-6-107.8. Motorcycle or motor-driven cycle -- Protective headgear -- Closed cab excepted -- Electric assisted bicycles.

(1) A person under the age of 18 may not operate or ride on a motorcycle or motor-driven cycle on a highway unless the person is wearing protective headgear which complies with rules made under Subsection (3).

(2) This section does not apply to persons riding within an enclosed cab.

(3) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

commissioner of the Department of Public Safety shall make rules establishing specifications and standards for the use of protective headgear required under this section.

(b) The rules shall require that protective headgear for [~~operators~~] an operator of an electric assisted [~~bicycles meets~~] bicycle and a motor assisted scooter meet the standards of the American National Standards Institute or the Snell Memorial Foundation's Standards for Protective Headgear for use in bicycling.

Section 5. Section **41-12a-301** is amended to read:

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

(1) As used in this section, "highway" has the same meaning as provided in Section 41-1a-102.

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

(a) every resident owner of a motor vehicle shall maintain owner's or operator's security in effect at any time that the motor vehicle is operated on a highway within the state; and

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

(i) 90 or fewer days during the preceding 365 days shall maintain the type and amount of owner's or operator's security required in his place of residence, in effect continuously throughout the period the motor vehicle remains within Utah; or

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

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

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

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

- (5) Owner's or operator's security is not required for any of the following:
 - (a) off-highway vehicles registered under Section 41-22-3 when operated either:
 - (i) on a highway designated as open for off-highway vehicle use; or
 - (ii) in the manner prescribed by Section 41-22-10.3;
 - (b) off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) through (5); [or]
 - (c) electric assisted bicycles as defined under Section 41-6-1; or
 - (d) motor assisted scooters as defined under Section 41-6-1.