

1 **LOW-SPEED ELECTRIC VEHICLES ON**
2 **CERTAIN HIGHWAYS**

3 2002 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Don E. Bush**

6 **This act modifies the Motor Vehicle Code to define a low-speed vehicle and consider it a**
7 **motor vehicle for purposes of the Utah Code. The act restricts a low-speed vehicle to certain**
8 **low-speed streets and allows a highway authority to impose additional restrictions. This act**
9 **exempts a low-speed vehicle from emissions inspections. This act takes effect on October 1,**
10 **2002.**

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

12 AMENDS:

13 **41-6-1**, as last amended by Chapters 245 and 282, Laws of Utah 1998

14 ENACTS:

15 **41-6-117.6**, Utah Code Annotated 1953

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

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

18 **41-6-1. Definitions.**

19 As used in this chapter:

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

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

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

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



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

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

35 (7) "Crosswalk" means:

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

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

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

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

47 (10) "Electric assisted bicycle" means a moped with an electric motor with a power output
48 of not more than 1,000 watts, which is not capable of propelling the device at a speed of more than
49 20 miles per hour on level ground, and which is not capable of increasing the speed of the device
50 when human power is used to propel the device at more than 20 miles per hour.

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

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

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

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

63 (15) "Highway" means the entire width between property lines of every way or place of
64 any nature when any part of it is open to the use of the public as a matter of right for vehicular
65 travel.

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

69 (a) Where a highway includes two roadways 30 feet or more apart, every crossing of each
70 roadway of the divided highway by an intersecting highway is a separate intersection; if the
71 intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two
72 roadways of the highways is a separate intersection.

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

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

76 (18) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle designed to be
77 operated at speeds of not more than 25 miles per hour and that has a capacity of not more than four
78 passengers, including the driver.

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

80 [~~18~~] (19) "Metal tire" means a tire, the surface of which in contact with the highway is
81 wholly or partly of metal or other hard nonresilient material.

82 [~~19~~] (20) "Mobile home" means:

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

86 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed
87 for use as a mobile home, as defined in Subsection [~~19~~] (20)(a), but which is instead used
88 permanently or temporarily for the advertising, sales, display, or promotion of merchandise or
89 services, or for any other commercial purpose except the transportation of property for hire or the

90 transportation of property for distribution by a private carrier.

91 ~~[(20)]~~ (21) "Moped" means a motor-driven cycle having both pedals to permit propulsion
92 by human power, and a motor which produces not more than two brake horsepower and which is
93 not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground. If
94 an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and
95 the moped shall have a power drive system that functions directly or automatically without
96 clutching or shifting by the operator after the drive system is engaged. A moped includes an
97 electric assisted bicycle and a motor assisted scooter.

98 ~~[(21)]~~ (22) "Motor assisted scooter" means a self-propelled device with at least two wheels
99 in contact with the ground, a braking system capable of stopping the unit under typical operating
100 conditions, a gas or electric motor not exceeding 40 cubic centimeters, a deck design for a person
101 to stand while operating the device, and the ability to be propelled by human power alone.

102 ~~[(22)]~~ (23) "Motor vehicle" means every vehicle which is self-propelled and every vehicle
103 which is propelled by electric power obtained from overhead trolley wires, but not operated upon
104 rails, except vehicles moved solely by human power and motorized wheel chairs.

105 ~~[(23)]~~ (24) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or
106 saddle for the use of the rider and designed to travel with not more than three wheels in contact
107 with the ground.

108 ~~[(24)]~~ (25) "Motor-driven cycle" means every motorcycle and motor scooter, moped,
109 electric assisted bicycle, motor assisted scooter, and every motorized bicycle having an engine with
110 less than 150 cubic centimeters displacement or having a motor which produces not more than five
111 horsepower.

112 ~~[(25)]~~ (26) "Official traffic-control devices" means all signs, signals, markings, and
113 devices not inconsistent with this chapter placed or erected by authority of a public body or official
114 having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

115 ~~[(26)]~~ (27) "Off-highway implement of husbandry" is used as defined under Section
116 41-22-2.

117 ~~[(27)]~~ (28) "Off-highway vehicle" is used as defined under Section 41-22-2.

118 ~~[(28)]~~ (29) "Operator" means any person who is in actual physical control of a vehicle.

119 ~~[(29)]~~ (30) "Park" or "parking" means the standing of a vehicle, whether occupied or not,
120 otherwise than temporarily for the purpose of and while actually engaged in loading or unloading

121 property or passengers.

122 ~~[(30)]~~ (31) "Peace officer" means any peace officer authorized under Title 53, Chapter 13,
123 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic
124 laws.

125 ~~[(31)]~~ (32) "Pedestrian" means any person afoot.

126 ~~[(32)]~~ (33) "Person" means every natural person, firm, copartnership, association, or
127 corporation.

128 ~~[(33)]~~ (34) "Pole trailer" means every vehicle without motive power designed to be drawn
129 by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being
130 boomed or otherwise secured to the towing vehicle, and is ordinarily used for transporting long or
131 irregular shaped loads such as poles, pipes, or structural members generally capable of sustaining
132 themselves as beams between the supporting connections.

133 ~~[(34)]~~ (35) "Private road or driveway" means every way or place in private ownership and
134 used for vehicular travel by the owner and those having express or implied permission from the
135 owner, but not by other persons.

136 ~~[(35)]~~ (36) "Railroad" means a carrier of persons or property upon cars operated upon
137 stationary rails.

138 ~~[(36)]~~ (37) "Railroad sign or signal" means a sign, signal, or device erected by authority
139 of a public body or official or by a railroad and intended to give notice of the presence of railroad
140 tracks or the approach of a railroad train.

141 ~~[(37)]~~ (38) "Railroad train" means a locomotive propelled by any form of energy, coupled
142 with or operated without cars, and operated upon rails.

143 ~~[(38)]~~ (39) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
144 lawful manner in preference to another vehicle or pedestrian approaching under circumstances of
145 direction, speed, and proximity which give rise to danger of collision unless one grants precedence
146 to the other.

147 ~~[(39)]~~ (40) "Roadway" means that portion of highway improved, designed, or ordinarily
148 used for vehicular travel, exclusive of the sidewalk, berm, or shoulder, even though any of them
149 are used by persons riding bicycles or other human-powered vehicles. If a highway includes two
150 or more separate roadways, roadway refers to any roadway separately but not to all roadways
151 collectively.

152 [~~(40)~~] (41) "Safety zone" means the area or space officially set apart within a roadway for
153 the exclusive use of pedestrians and which is protected, marked, or indicated by adequate signs as
154 to be plainly visible at all times while set apart as a safety zone.

155 [~~(41)~~] (42) "School bus" means every motor vehicle that complies with the color and
156 identification requirements of the most recent edition of "Minimum Standards for School Buses"
157 and is used to transport school children to or from school or school activities. This definition does
158 not include vehicles operated by common carriers in transportation of school children to or from
159 school or school activities.

160 [~~(42)~~] (43) "Semitrailer" means a vehicle with or without motive power, other than a pole
161 trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and
162 constructed so that some part of its weight and that of its load rests upon or is carried by another
163 vehicle.

164 [~~(43)~~] (44) "Shoulder area" means that area of the hard-surfaced highway separated from
165 the roadway by a pavement edge line as established in the current approved "Manual on Uniform
166 Traffic Control Devices," or that portion of the road contiguous to the roadway for accommodation
167 of stopped vehicles, for emergency use, and lateral support.

168 [~~(44)~~] (45) "Sidewalk" means that portion of a street between the curb lines, or the lateral
169 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

170 [~~(45)~~] (46) "Solid rubber tire" means every tire of rubber or other resilient material which
171 does not depend upon compressed air for the support of the load.

172 [~~(46)~~] (47) "Stand" or "standing" means the halting of a vehicle, whether occupied or not,
173 other than temporarily for the purpose of and while actually engaged in receiving or discharging
174 passengers.

175 [~~(47)~~] (48) "Stop" when required means complete cessation from movement.

176 [~~(48)~~] (49) "Stop" or "stopping" when prohibited means any halting even momentarily of
177 a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or
178 when in compliance with the directions of a peace officer or official traffic-control device.

179 [~~(49)~~] (50) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
180 conveyances either singly or together while using any highway for the purpose of travel.

181 [~~(50)~~] (51) "Traffic-control signal" means any device, whether manually, electrically, or
182 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

183 [~~(51)~~] (52) "Trailer" means every vehicle with or without motive power, other than a pole
184 trailer, designed for carrying persons or property and for being drawn by a motor vehicle and
185 constructed so that no part of its weight rests upon the towing vehicle.

186 [~~(52)~~] (53) "Truck" means every motor vehicle designed, used, or maintained primarily
187 for the transportation of property.

188 [~~(53)~~] (54) "Truck tractor" means a motor vehicle designed and used primarily for drawing
189 other vehicles and constructed to carry a part of the weight of the vehicle and load drawn by the
190 truck tractor.

191 [~~(54)~~] (55) "Urban district" means the territory contiguous to and including any street, in
192 which structures devoted to business, industry, or dwelling houses are situated at intervals of less
193 than 100 feet, for a distance of a quarter of a mile or more.

194 [~~(55)~~] (56) "Vehicle" means every device in, upon, or by which any person or property is
195 or may be transported or drawn upon a highway, except devices used exclusively upon stationary
196 rails or tracks.

197 Section 2. Section **41-6-117.6** is enacted to read:

198 **41-6-117.6. Low-speed vehicle.**

199 (1) Except as otherwise provided in this section, a low-speed vehicle is considered a motor
200 vehicle for purposes of the Utah Code including requirements for:

201 (a) traffic rules under Title 41, Chapter 6, Traffic Rules and Regulations;

202 (b) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;

203 (c) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of Motor
204 Vehicle Owners and Operators Act;

205 (d) vehicle registration, titling, odometer statements, vehicle identification numbers,
206 license plates, and registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

207 (e) vehicle taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act, and fee
208 in lieu of property taxes or in lieu fees under Section 59-2-405;

209 (f) motor vehicle dealer licensing under Title 41, Chapter 3, Motor Vehicle Business
210 Regulation Act;

211 (g) motor vehicle safety inspection requirements under Section 53-8-205; and

212 (h) safety belt requirements under Title 41, Chapter 6, Article 17, Motor Vehicle Seat Belt
213 Usage Act.

214 (2) (a) A low-speed vehicle shall comply with federal safety standards established in 49
 215 C.F.R. 571.500 and shall be equipped with:

216 (i) headlamps;

217 (ii) front and rear turn signals, tail lamps, and stop lamps;

218 (iii) turn signal lamps;

219 (iv) reflex reflectors one on the rear of the vehicle and one on the left and right side and
 220 as far to the rear of the vehicle as practical;

221 (v) a parking brake;

222 (vi) a windshield that meets the standards under Section 41-6-149, including a device for
 223 cleaning rain, snow, or other moisture from the windshield;

224 (vii) an exterior rearview mirror on the driver's side and either an interior rearview mirror
 225 or an exterior rearview mirror on the passenger side;

226 (viii) a speedometer and odometer; and

227 (ix) braking for each wheel.

228 (b) A low-speed vehicle that complies with Subsections (2) and (3) and that is not altered
 229 from the manufacturer is considered to comply with equipment requirements in Title 41, Chapter
 230 6, Article 16, Equipment.

231 (3) A person may not operate a low-speed vehicle that has been structurally altered from
 232 the original manufacturer's design.

233 (4) A user of a low-speed vehicle shall obtain an annual clean special fuel tax certificate
 234 for each low-speed vehicle as required under Section 59-13-304.

235 (5) A low-speed vehicle is exempt from a motor vehicle emissions inspection and
 236 maintenance program requirements under Section 41-6-163.6.

237 (6) (a) Except to cross a highway at an intersection, a low-speed vehicle may not be
 238 operated on a highway with a posted speed limit of more than 35 miles per hour.

239 (b) In addition to the restrictions under Subsection (6)(a), a highway authority, as defined
 240 under Section 72-1-102, may prohibit or restrict the operation of a low-speed vehicle on any
 241 highway under its jurisdiction, if the highway authority determines the prohibition or restriction
 242 is necessary for public safety.

242a **§ (7)(a) A PERSON MAY NOT OPERATE A LOW-SPEED VEHICLE ON A HIGHWAY WITHOUT**
 242b **DISPLAYING ON THE REAR OF THE LOW-SPEED VEHICLE, A SLOW-MOVING VEHICLE**
 242c **IDENTIFICATION EMBLEM THAT COMPLIES WITH THE SOCIETY OF AUTOMOTIVE ENGINEERS**
 242d **STANDARD SAE J943.**

242e **(b) THIS SUBSECTION (7) IS AN EXCEPTION TO THE PROVISIONS OF SECTION 41-6-130. §**

243 **§ [(7)] (8) § A person who violates Subsection (2), (3), § [or] § (6) § OR (7) § is guilty of a**
 243a **class C misdemeanor.**

244 **Section 3. Effective date.**

245

This act takes effect on October 1, 2002.

Legislative Review Note
as of 1-31-02 10:41 AM

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

Office of Legislative Research and General Counsel