

1 **REGULATION OF PERSONAL MOTORIZED**

2 **MOBILITY DEVICES**

3 2002 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Greg J. Curtis**

6 **This act modifies the Motor Vehicle Code to exempt personal motorized mobility devices**
7 **from vehicle registration and insurance requirements. This act requires a person under 16**
8 **years of age who is operating a personal motorized mobility device to be under the direct**
9 **supervision of a parent or guardian and restricts those devices on certain highways.**

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

11 AMENDS:

12 **41-1a-202**, as last amended by Chapter 12, Laws of Utah 2001, First Special Session

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

14 **41-6-90.5**, as enacted by Chapter 245, Laws of Utah 1998

15 **41-6-107.8**, as last amended by Chapter 245, Laws of Utah 1998

16 **41-12a-301**, as last amended by Chapter 350, Laws of Utah 1999

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

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

19 **41-1a-202. Definitions -- Vehicles exempt from registration -- Registration of vehicles**
20 **after establishing residency.**

21 (1) In this section:

22 (a) "Domicile" means the place:

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

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

25 (iii) in which the individual and his family voluntarily reside, not for a special or
26 temporary purpose, but with the intention of making a permanent home.

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



- 28 (A) an individual who:
- 29 (I) has established a domicile in this state;
- 30 (II) regardless of domicile, remains in this state for an aggregate period of six months or
- 31 more during any calendar year;
- 32 (III) engages in a trade, profession, or occupation in this state or who accepts employment
- 33 in other than seasonal work in this state and who does not commute into the state;
- 34 (IV) declares himself to be a resident of this state for the purpose of obtaining a driver
- 35 license or motor vehicle registration; or
- 36 (V) declares himself a resident of Utah to obtain privileges not ordinarily extended to
- 37 nonresidents, including going to school, or placing children in school without paying nonresident
- 38 tuition or fees;
- 39 (B) any individual, partnership, limited liability company, firm, corporation, association,
- 40 or other entity that:
- 41 (I) maintains a main office, branch office, or warehouse facility in this state and that bases
- 42 and operates a motor vehicle in this state; or
- 43 (II) operates a motor vehicle in intrastate transportation for other than seasonal work.
- 44 (ii) "Resident" does not include any of the following:
- 45 (A) a member of the military temporarily stationed in Utah; and
- 46 (B) an out-of-state student, as classified by the institution of higher education, enrolled
- 47 with the equivalent of seven or more quarter hours, regardless of whether the student engages in
- 48 a trade, profession, or occupation in this state or accepts employment in this state.
- 49 (2) Registration under this chapter is not required for any:
- 50 (a) vehicle registered in another state and owned by a nonresident of the state or operating
- 51 under a temporary registration permit issued by the division or a dealer authorized by this chapter,
- 52 driven or moved upon a highway in conformance with the provisions of this chapter relating to
- 53 manufacturers, transporters, dealers, lien holders, or interstate vehicles;
- 54 (b) vehicle driven or moved upon a highway only for the purpose of crossing the highway
- 55 from one property to another;
- 56 (c) implement of husbandry, whether of a type otherwise subject to registration or not, that
- 57 is only incidentally operated or moved upon a highway;
- 58 (d) special mobile equipment;

- 59 (e) vehicle owned or leased by the federal government;
- 60 (f) motor vehicle not designed, used, or maintained for the transportation of passengers
61 for hire or for the transportation of property if the motor vehicle is registered in another state and
62 is owned and operated by a nonresident of this state;
- 63 (g) vehicle or combination of vehicles designed, used, or maintained for the transportation
64 of persons for hire or for the transportation of property if the vehicle or combination of vehicles
65 is registered in another state and is owned and operated by a nonresident of this state and if the
66 vehicle or combination of vehicles has a gross laden weight of 26,000 pounds or less;
- 67 (h) trailer of 750 pounds or less unladen weight and not designed, used, and maintained
68 for hire for the transportation of property or person;
- 69 (i) manufactured home or mobile home;
- 70 (j) off-highway vehicle currently registered under Section 41-22-3 if the off-highway
71 vehicle is:
- 72 (i) being towed;
- 73 (ii) operated on a street or highway designated as open to off-highway vehicle use; or
74 (iii) operated in the manner prescribed in Section 41-22-10.3;
- 75 (k) off-highway implement of husbandry operated in the manner prescribed in Subsections
76 41-22-5.5(3) through (5);
- 77 (l) modular and prebuilt homes conforming to the uniform building code and presently
78 regulated by the United States Department of Housing and Urban Development that are not
79 constructed on a permanent chassis;
- 80 (m) electric assisted [~~bicycles~~] bicycle defined under Section 41-6-1; [~~or~~]
81 (n) motor assisted [~~scooters~~] scooter defined under Section 41-6-1[~~;~~]; or
82 (o) personal motorized mobility device defined under Section 41-6-1.
- 83 (3) Unless otherwise exempted under Subsection (2), registration under this chapter is
84 required for any motor vehicle, combination of vehicles, trailer, semitrailer, or vintage vehicle
85 within 60 days of the owner establishing residency in this state.
- 86 (4) A motor vehicle that is registered under Section 41-3-306 is exempt from the
87 registration requirements of this part for the time period that the registration under Section
88 41-3-306 is valid.

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

90 **41-6-1. Definitions.**

91 As used in this chapter:

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

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

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

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

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

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

107 (7) "Crosswalk" means:

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

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

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

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

119 (10) "Electric assisted bicycle" means a moped with an electric motor with a power output
120 of not more than 1,000 watts, which is not capable of propelling the device at a speed of more than

121 20 miles per hour on level ground, and which is not capable of increasing the speed of the device
122 when human power is used to propel the device at more than 20 miles per hour.

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

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

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

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

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

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

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

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

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

148 (18) "Metal tire" means a tire, the surface of which in contact with the highway is wholly
149 or partly of metal or other hard nonresilient material.

150 (19) "Mobile home" means:

151 (a) a trailer or semitrailer which is designed, constructed, and equipped as a dwelling

152 place, living abode, or sleeping place either permanently or temporarily, and is equipped for use
153 as a conveyance on streets and highways; or

154 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed
155 for use as a mobile home, as defined in Subsection (19)(a), but which is instead used permanently
156 or temporarily for the advertising, sales, display, or promotion of merchandise or services, or for
157 any other commercial purpose except the transportation of property for hire or the transportation
158 of property for distribution by a private carrier.

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

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

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

173 (23) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle
174 for the use of the rider and designed to travel with not more than three wheels in contact with the
175 ground.

176 (24) "Motor-driven cycle" means every motorcycle and motor scooter, personal motorized
177 mobility device, moped, electric assisted bicycle, motor assisted scooter, and every motorized
178 bicycle having an engine with less than 150 cubic centimeters displacement or having a motor
179 which produces not more than five horsepower.

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

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

184 (27) "Off-highway vehicle" is used as defined under Section 41-22-2.

185 (28) "Operator" means any person who is in actual physical control of a vehicle.

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

189 (30) "Peace officer" means any peace officer authorized under Title 53, Chapter 13, Peace
190 Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic laws.

191 (31) "Pedestrian" means any person afoot.

192 (32) "Person" means every natural person, firm, copartnership, association, or corporation.

193 (33) "Personal motorized mobility device" means a self-propelled device with ^h [at least] ^h
193a two
194 nontandem wheels in contact with the ground, a system capable of steering and stopping the unit
195 under typical operating conditions, a motor not exceeding one horse power or 750 watts, and a
196 deck design for a person to stand while operating the device. A "personal motorized mobility
197 device" does not include a wheelchair.

198 [~~33~~] (34) "Pole trailer" means every vehicle without motive power designed to be drawn
199 by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being
200 boomed or otherwise secured to the towing vehicle, and is ordinarily used for transporting long or
201 irregular shaped loads such as poles, pipes, or structural members generally capable of sustaining
202 themselves as beams between the supporting connections.

203 [~~34~~] (35) "Private road or driveway" means every way or place in private ownership and
204 used for vehicular travel by the owner and those having express or implied permission from the
205 owner, but not by other persons.

206 [~~35~~] (36) "Railroad" means a carrier of persons or property upon cars operated upon
207 stationary rails.

208 [~~36~~] (37) "Railroad sign or signal" means a sign, signal, or device erected by authority
209 of a public body or official or by a railroad and intended to give notice of the presence of railroad
210 tracks or the approach of a railroad train.

211 [~~37~~] (38) "Railroad train" means a locomotive propelled by any form of energy, coupled
212 with or operated without cars, and operated upon rails.

213 [~~38~~] (39) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a

214 lawful manner in preference to another vehicle or pedestrian approaching under circumstances of
215 direction, speed, and proximity which give rise to danger of collision unless one grants precedence
216 to the other.

217 ~~[(39)]~~ (40) "Roadway" means that portion of highway improved, designed, or ordinarily
218 used for vehicular travel, exclusive of the sidewalk, berm, or shoulder, even though any of them
219 are used by persons riding bicycles or other human-powered vehicles. If a highway includes two
220 or more separate roadways, roadway refers to any roadway separately but not to all roadways
221 collectively.

222 ~~[(40)]~~ (41) "Safety zone" means the area or space officially set apart within a roadway for
223 the exclusive use of pedestrians and which is protected, marked, or indicated by adequate signs as
224 to be plainly visible at all times while set apart as a safety zone.

225 ~~[(41)]~~ (42) "School bus" means every motor vehicle that complies with the color and
226 identification requirements of the most recent edition of "Minimum Standards for School Buses"
227 and is used to transport school children to or from school or school activities. This definition does
228 not include vehicles operated by common carriers in transportation of school children to or from
229 school or school activities.

230 ~~[(42)]~~ (43) "Semitrailer" means a vehicle with or without motive power, other than a pole
231 trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and
232 constructed so that some part of its weight and that of its load rests upon or is carried by another
233 vehicle.

234 ~~[(43)]~~ (44) "Shoulder area" means that area of the hard-surfaced highway separated from
235 the roadway by a pavement edge line as established in the current approved "Manual on Uniform
236 Traffic Control Devices," or that portion of the road contiguous to the roadway for accommodation
237 of stopped vehicles, for emergency use, and lateral support.

238 ~~[(44)]~~ (45) "Sidewalk" means that portion of a street between the curb lines, or the lateral
239 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

240 ~~[(45)]~~ (46) "Solid rubber tire" means every tire of rubber or other resilient material which
241 does not depend upon compressed air for the support of the load.

242 ~~[(46)]~~ (47) "Stand" or "standing" means the halting of a vehicle, whether occupied or not,
243 other than temporarily for the purpose of and while actually engaged in receiving or discharging
244 passengers.

245 [(47)] (48) "Stop" when required means complete cessation from movement.

246 [(48)] (49) "Stop" or "stopping" when prohibited means any halting even momentarily of
247 a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or
248 when in compliance with the directions of a peace officer or official traffic-control device.

249 [(49)] (50) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
250 conveyances either singly or together while using any highway for the purpose of travel.

251 [(50)] (51) "Traffic-control signal" means any device, whether manually, electrically, or
252 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

253 [(51)] (52) "Trailer" means every vehicle with or without motive power, other than a pole
254 trailer, designed for carrying persons or property and for being drawn by a motor vehicle and
255 constructed so that no part of its weight rests upon the towing vehicle.

256 [(52)] (53) "Truck" means every motor vehicle designed, used, or maintained primarily
257 for the transportation of property.

258 [(53)] (54) "Truck tractor" means a motor vehicle designed and used primarily for drawing
259 other vehicles and constructed to carry a part of the weight of the vehicle and load drawn by the
260 truck tractor.

261 [(54)] (55) "Urban district" means the territory contiguous to and including any street, in
262 which structures devoted to business, industry, or dwelling houses are situated at intervals of less
263 than 100 feet, for a distance of a quarter of a mile or more.

264 [(55)] (56) "Vehicle" means every device in, upon, or by which any person or property is
265 or may be transported or drawn upon a highway, except devices used exclusively upon stationary
266 rails or tracks.

267 Section 3. Section 41-6-90.5 is amended to read:

268 **41-6-90.5. Motor assisted scooters -- Conflicting provisions -- Restrictions --**

269 **Penalties.**

270 (1) (a) Except as otherwise provided in this section, a motor assisted scooter and a personal
271 motorized mobility device is subject to the provisions under this chapter for a bicycle, moped, or
272 a motor-driven cycle.

273 ~~h [(b) A person operating a motor assisted scooter is not subject to the provisions~~
273a ~~related to:]~~

273b **(b) FOR A PERSON OPERATING A MOTOR ASSISTED SCOOTER OR A PERSONAL**
273c **MOTORIZED MOBILITY DEVICE, THE FOLLOWING PROVISIONS DO NOT APPLY: h**

274 (i) seating positions under Section 41-6-107; ~~h~~ **h** ~~[and]~~ **h**

275 (ii) required lights, horns, and mirrors under Section 41-6-154.50 ~~h~~ ; ~~h~~ ~~h~~ ~~h~~ **h** ~~[AND]~~ **h**

275a ~~h~~ **(iii) ENTITLEMENT TO FULL USE OF A LANE UNDER SUBSECTION 41-6-107.2(1) h h ; AND**

275b **(iv) DRIVER LICENSING REQUIREMENTS UNDER SECTION 53-3-202 h** .

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

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

280 (a) in a public parking structure;

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

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

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

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

286 (4) A person may not operate a personal motorized mobility device:

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

289 (b) on a highway with a posted speed limit greater than 35 miles per hour; or

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

291 [~~4~~] (5) Except where posted or prohibited by rule or local ordinance, a motor assisted
292 scooter is considered a nonmotorized vehicle if it is being used with the motor turned off.

293 [~~5~~] (6) A person who violates this section is guilty of a class C misdemeanor.

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

295 **41-6-107.8. Motorcycle or motor-driven cycle -- Protective headgear -- Closed cab**
296 **excepted -- Electric assisted bicycles, motor assisted scooters, personal motorized mobility**
297 **devices.**

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

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

302 (3) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
303 the commissioner of the Department of Public Safety shall make rules establishing specifications
304 and standards for the use of protective headgear required under this section.

305 (b) The rules shall require that protective headgear for an operator of an electric assisted
306 bicycle [~~and~~], a motor assisted scooter, personal motorized mobility device meet the standards of

307 the American National Standards Institute or the Snell Memorial Foundation's Standards for
308 Protective Headgear for use in bicycling.

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

310 **41-12a-301. Definition -- Requirement of owner's or operator's security --**

311 **Exceptions.**

312 (1) As used in this section:

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

314 (b) "quasi-public road or parking area" has the same meaning as provided in Section

315 41-6-17.5.

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

317 (a) every resident owner of a motor vehicle shall maintain owner's or operator's security

318 in effect at any time that the motor vehicle is operated on a highway or on a quasi-public road or

319 parking area within the state; and

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

321 state for:

322 (i) 90 or fewer days during the preceding 365 days shall maintain the type and amount of

323 owner's or operator's security required in his place of residence, in effect continuously throughout

324 the period the motor vehicle remains within Utah; or

325 (ii) more than 90 days during the preceding 365 days shall thereafter maintain owner's or

326 operator's security in effect continuously throughout the period the motor vehicle remains within

327 Utah.

328 (3) (a) Except as provided in Subsection (5), the state and all of its political subdivisions

329 and their respective departments, institutions, or agencies shall maintain owner's or operator's

330 security in effect continuously for their motor vehicles.

331 (b) Any other state is considered a nonresident owner of its motor vehicles and is subject

332 to Subsection (2)(b).

333 (4) The United States, any political subdivision of it, or any of its agencies may maintain

334 owner's or operator's security in effect for their motor vehicles.

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

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

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

- 338 (ii) in the manner prescribed by Section 41-22-10.3;
- 339 (b) off-highway implements of husbandry operated in the manner prescribed by
- 340 Subsections 41-22-5.5(3) through (5);
- 341 (c) electric assisted bicycles as defined under Section 41-6-1; ~~or~~
- 342 (d) motor assisted scooters as defined under Section 41-6-1~~;~~ or
- 343 (e) personal motorized mobility device as defined under Section 41-6-1.

Legislative Review Note
as of 1-24-02 5:33 PM

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

Office of Legislative Research and General Counsel