

1 **MOTOR ASSISTED SCOOTER AND**
2 **MINI-MOTORCYCLE AMENDMENTS**

3 2005 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Brad L. Dee**

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Motor Vehicles Code to amend provisions relating to certain
10 motorized scooters and personal mobility devices.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines "direct supervision" and "mini-motorcycle";
- 14 ▶ amends the definition of motor assisted scooter to include similar devices that are
15 equipped with a seat for the operator to sit or straddle while operating the device;
- 16 ▶ amends the age from under 16 to under 15 of persons that may not operate a
17 personal motorized mobility device or a motor assisted scooter using the motor
18 unless the person is under the direct supervision of the person's parent or guardian;
- 19 ▶ prohibits a person under eight years of age from operating a motor assisted scooter
20 on public property;
- 21 ▶ prohibits a person operating a motor assisted scooter from carrying a passenger with
22 certain exceptions;
- 23 ▶ prohibits a person from operating a personal motorized mobility device or a motor
24 assisted scooter that has been mechanically altered from the original manufacturer's
25 design;
- 26 ▶ prohibits an owner from giving a person permission to operate a personal motorized
27 mobility device, a motor assisted scooter, or a mini-motorcycle in violation of



28 certain provisions;

29 ▶ prohibits a person from operating a mini-motorcycle on any public property,
30 highway, path, or sidewalk; and

31 ▶ makes technical changes.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **41-6-1**, as last amended by Chapters 34 and 165, Laws of Utah 2002

39 **41-6-90.5**, as last amended by Chapter 165, Laws of Utah 2002



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

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

43 **41-6-1. Definitions.**

44 As used in this chapter:

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

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

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

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

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

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

59 street, or roadway.

60 (7) "Crosswalk" means:

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

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

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

69 (9) "Direct supervision" means oversight at a distance within which ~~H~~→ :

69a ~~(a) ←H~~ visual contact is

70 maintained ~~H~~→ [for the purpose of advising and assisting] ; and

70a ~~(b) advice and assistance can be given and received ←H~~ .

71 ~~(9)~~ (10) "Divided highway" means a highway divided into two or more roadways by
72 unpaved intervening space or by a physical barrier or by a clearly indicated dividing section
73 constructed to impede vehicular traffic.

74 ~~(10)~~ (11) "Electric assisted bicycle" means a moped with an electric motor with a
75 power output of not more than 1,000 watts, which is not capable of propelling the device at a
76 speed of more than 20 miles per hour on level ground, and which is not capable of increasing
77 the speed of the device when human power is used to propel the device at more than 20 miles
78 per hour.

79 ~~(11)~~ (12) "Explosives" means any chemical compound or mechanical mixture
80 commonly used or intended for the purpose of producing an explosion and which contains any
81 oxidizing and combustive units or other ingredients in proportions, quantities, or packing so
82 that an ignition by fire, friction, concussion, percussion, or detonator of any part of the
83 compound or mixture may cause a sudden generation of highly heated gases, and the resultant
84 gaseous pressures are capable of producing destructive effects on contiguous objects or of
85 causing death or serious bodily injury.

86 ~~(12)~~ (13) "Farm tractor" means every motor vehicle designed and used primarily as a
87 farm implement, for drawing plows, mowing machines, and other implements of husbandry.

88 ~~(13)~~ (14) "Flammable liquid" means any liquid which has a flashpoint of 100 degrees
89 F. or less, as determined by a tabliabue or equivalent closed-cup test device.

90 ~~[(14)]~~ (15) "Gross weight" means the weight of a vehicle without load plus the weight
91 of any load on the vehicle.

92 ~~[(15)]~~ (16) "Highway" means the entire width between property lines of every way or
93 place of any nature when any part of it is open to the use of the public as a matter of right for
94 vehicular travel.

95 ~~[(16)]~~ (17) "Intersection" means the area embraced within the prolongation or
96 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways
97 of two or more highways which join one another.

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

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

103 ~~[(17)]~~ (18) "Local authorities" means every county, municipal, and other local board or
104 body having authority to enact laws relating to traffic under the constitution and laws of the
105 state.

106 ~~[(18)]~~ (19) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle
107 designed to be operated at speeds of not more than 25 miles per hour and that has a capacity of
108 not more than four passengers, including the driver.

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

110 ~~[(19)]~~ (20) "Metal tire" means a tire, the surface of which in contact with the highway
111 is wholly or partly of metal or other hard nonresilient material.

112 (21) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or
113 saddle that is less than 24 inches from the ground as measured on a level surface with properly
114 inflated tires.

115 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

116 (c) "Mini-motorcycle" does not include a motorcycle that is:

116a ~~Ĥ~~→ (i) legally licensed and registered for highway use; or ←~~Ĥ~~

117 ~~Ĥ~~→ [(i)] (ii)(A) ←~~Ĥ~~ designed for off-highway use; and

118 ~~Ĥ~~→ [(ii)] (B) ←~~Ĥ~~ registered as an off-highway vehicle under Section 41-22-3.

119 ~~[(20)]~~ (22) "Mobile home" means:

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

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

123 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
124 constructed for use as a mobile home, as defined in Subsection [~~(20)~~] (22)(a), but which is
125 instead used permanently or temporarily for the advertising, sales, display, or promotion of
126 merchandise or services, or for any other commercial purpose except the transportation of
127 property for hire or the transportation of property for distribution by a private carrier.

128 [~~(21)~~] (23) "Moped" means a motor-driven cycle having both pedals to permit
129 propulsion by human power, and a motor which produces not more than two brake horsepower
130 and which is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
131 level ground. If an internal combustion engine is used, the displacement may not exceed 50
132 cubic centimeters and the moped shall have a power drive system that functions directly or
133 automatically without clutching or shifting by the operator after the drive system is engaged. A
134 moped includes an electric assisted bicycle and a motor assisted scooter.

135 [~~(22)~~] (24) "Motor assisted scooter" means a self-propelled device with:

136 (a) at least two wheels in contact with the ground[;];

137 (b) a braking system capable of stopping the unit under typical operating conditions[;];

138 (c) a gas or electric motor not exceeding 40 cubic centimeters[;];

139 (d) either:

140 (i) a deck design for a person to stand while operating the device[;]; or

141 (ii) a deck and seat designed for a person to sit, straddle, or stand while operating the
142 device; and

143 (e) a design for the ability to be propelled by human power alone.

144 [~~(23)~~] (25) "Motor vehicle" means every vehicle which is self-propelled and every
145 vehicle which is propelled by electric power obtained from overhead trolley wires, but not
146 operated upon rails, except vehicles moved solely by human power and motorized wheel
147 chairs.

148 [~~(24)~~] (26) "Motorcycle" means every motor vehicle, other than a tractor, having a seat
149 or saddle for the use of the rider and designed to travel with not more than three wheels in
150 contact with the ground.

151 [~~(25)~~] (27) "Motor-driven cycle" means every motorcycle and motor scooter, personal

152 motorized mobility device, moped, electric assisted bicycle, motor assisted scooter, and every
153 motorized bicycle having an engine with less than 150 cubic centimeters displacement or
154 having a motor which produces not more than five horsepower.

155 ~~[(26)]~~ (28) "Official traffic-control devices" means all signs, signals, markings, and
156 devices not inconsistent with this chapter placed or erected by authority of a public body or
157 official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

158 ~~[(27)]~~ (29) "Off-highway implement of husbandry" is used as defined under Section
159 41-22-2.

160 ~~[(28)]~~ (30) "Off-highway vehicle" is used as defined under Section 41-22-2.

161 ~~[(29)]~~ (31) "Operator" means any person who is in actual physical control of a vehicle.

162 ~~[(30)]~~ (32) "Park" or "parking" means the standing of a vehicle, whether occupied or
163 not, otherwise than temporarily for the purpose of and while actually engaged in loading or
164 unloading property or passengers.

165 ~~[(31)]~~ (33) "Peace officer" means any peace officer authorized under Title 53, Chapter
166 13, Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of
167 traffic laws.

168 ~~[(32)]~~ (34) "Pedestrian" means any person afoot.

169 ~~[(33)]~~ (35) "Person" means every natural person, firm, copartnership, association, or
170 corporation.

171 ~~[(34)]~~ (36) "Personal motorized mobility device" means a self-propelled device with
172 two nontandem wheels in contact with the ground, a system capable of steering and stopping
173 the unit under typical operating conditions, a motor not exceeding one horse power or 750
174 watts, and a deck design for a person to stand while operating the device. A "personal
175 motorized mobility device" does not include a wheelchair.

176 ~~[(35)]~~ (37) "Pole trailer" means every vehicle without motive power designed to be
177 drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by
178 being boomed or otherwise secured to the towing vehicle, and is ordinarily used for
179 transporting long or irregular shaped loads such as poles, pipes, or structural members
180 generally capable of sustaining themselves as beams between the supporting connections.

181 ~~[(36)]~~ (38) "Private road or driveway" means every way or place in private ownership
182 and used for vehicular travel by the owner and those having express or implied permission

183 from the owner, but not by other persons.

184 [~~(37)~~] (39) "Railroad" means a carrier of persons or property upon cars operated upon
185 stationary rails.

186 [~~(38)~~] (40) "Railroad sign or signal" means a sign, signal, or device erected by
187 authority of a public body or official or by a railroad and intended to give notice of the presence
188 of railroad tracks or the approach of a railroad train.

189 [~~(39)~~] (41) "Railroad train" means a locomotive propelled by any form of energy,
190 coupled with or operated without cars, and operated upon rails.

191 [~~(40)~~] (42) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
192 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
193 of direction, speed, and proximity which give rise to danger of collision unless one grants
194 precedence to the other.

195 [~~(41)~~] (43) "Roadway" means that portion of highway improved, designed, or
196 ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder, even though
197 any of them are used by persons riding bicycles or other human-powered vehicles. If a
198 highway includes two or more separate roadways, roadway refers to any roadway separately but
199 not to all roadways collectively.

200 [~~(42)~~] (44) "Safety zone" means the area or space officially set apart within a roadway
201 for the exclusive use of pedestrians and which is protected, marked, or indicated by adequate
202 signs as to be plainly visible at all times while set apart as a safety zone.

203 [~~(43)~~] (45) "School bus" means every motor vehicle that complies with the color and
204 identification requirements of the most recent edition of "Minimum Standards for School
205 Buses" and is used to transport school children to or from school or school activities. This
206 definition does not include vehicles operated by common carriers in transportation of school
207 children to or from school or school activities.

208 [~~(44)~~] (46) "Semitrailer" means a vehicle with or without motive power, other than a
209 pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle,
210 and constructed so that some part of its weight and that of its load rests upon or is carried by
211 another vehicle.

212 [~~(45)~~] (47) "Shoulder area" means that area of the hard-surfaced highway separated
213 from the roadway by a pavement edge line as established in the current approved "Manual on

214 Uniform Traffic Control Devices," or that portion of the road contiguous to the roadway for
215 accommodation of stopped vehicles, for emergency use, and lateral support.

216 [~~(46)~~] (48) "Sidewalk" means that portion of a street between the curb lines, or the
217 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

218 [~~(47)~~] (49) "Solid rubber tire" means every tire of rubber or other resilient material
219 which does not depend upon compressed air for the support of the load.

220 [~~(48)~~] (50) "Stand" or "standing" means the halting of a vehicle, whether occupied or
221 not, other than temporarily for the purpose of and while actually engaged in receiving or
222 discharging passengers.

223 [~~(49)~~] (51) "Stop" when required means complete cessation from movement.

224 [~~(50)~~] (52) "Stop" or "stopping" when prohibited means any halting even momentarily
225 of a vehicle, whether occupied or not, except when necessary to avoid conflict with other
226 traffic or when in compliance with the directions of a peace officer or official traffic-control
227 device.

228 [~~(51)~~] (53) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
229 conveyances either singly or together while using any highway for the purpose of travel.

230 [~~(52)~~] (54) "Traffic-control signal" means any device, whether manually, electrically,
231 or mechanically operated, by which traffic is alternately directed to stop and permitted to
232 proceed.

233 [~~(53)~~] (55) "Trailer" means every vehicle with or without motive power, other than a
234 pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle
235 and constructed so that no part of its weight rests upon the towing vehicle.

236 [~~(54)~~] (56) "Truck" means every motor vehicle designed, used, or maintained primarily
237 for the transportation of property.

238 [~~(55)~~] (57) "Truck tractor" means a motor vehicle designed and used primarily for
239 drawing other vehicles and constructed to carry a part of the weight of the vehicle and load
240 drawn by the truck tractor.

241 [~~(56)~~] (58) "Urban district" means the territory contiguous to and including any street,
242 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
243 less than 100 feet, for a distance of a quarter of a mile or more.

244 [~~(57)~~] (59) "Vehicle" means every device in, upon, or by which any person or property

245 is or may be transported or drawn upon a highway, except devices used exclusively upon
 246 stationary rails or tracks.

247 Section 2. Section **41-6-90.5** is amended to read:

248 **41-6-90.5. Motor assisted scooters and personal motorized mobility devices --**
 249 **Conflicting provisions -- Restrictions -- Penalties.**

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

253 (b) For a person operating a motor assisted scooter or a personal motorized mobility
 254 device, the following provisions do not apply:

- 255 (i) seating positions under Section 41-6-107;
- 256 (ii) required lights, horns, and mirrors under Section 41-6-154.50;
- 257 (iii) entitlement to full use of a lane under Subsection 41-6-107.2(1); and
- 258 (iv) driver licensing requirements under Section 53-3-202.

259 (2) A person under [~~16~~] 15 years of age may not operate a personal motorized mobility
 260 device or a motor assisted scooter using the motor unless the person is under the direct
 261 supervision of the person's parent or guardian.

262 (3) A person under eight years of age may not operate a motor assisted scooter with the
 263 motor running on any public property, highway, path, or sidewalk.

264 [~~3~~] (4) A person may not operate a motor assisted scooter:

- 265 (a) in a public parking structure;
- 266 (b) on public property posted as an area prohibiting skateboards;
- 267 (c) on a highway consisting of a total of four or more lanes designated for regular
 268 vehicular traffic;

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

270 (e) carrying more persons at one time than the number for which it is designed ~~↔~~ ↔ [~~except~~

271 an adult operator may carry a child securely attached to the operator in a pack or sling ~~↔~~ ↔ ; or

272 [~~e~~] (f) that has been structurally or mechanically altered from the original
 273 manufacturer's design.

274 [~~4~~] (5) A person may not operate a personal motorized mobility device:

- 275 (a) on a highway consisting of a total of four or more lanes designated for regular

276 vehicular traffic;

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

278 (c) that has been structurally or mechanically altered from the original manufacturer's
279 design.

280 (6) An owner may not authorize or knowingly permit a person to operate a motor
281 assisted scooter, a personal motorized mobility device, or a mini-motorcycle in violation of this
282 section.

283 [~~5~~] (7) Except where posted or prohibited by rule or local ordinance, a motor assisted
284 scooter is considered a nonmotorized vehicle if it is being used with the motor turned off.

285 (8) A person may not operate a mini-motorcycle on any public property, highway, path,
286 or sidewalk.

287 [~~6~~] (9) A person who violates this section is guilty of a class C misdemeanor.

Legislative Review Note

as of 1-14-05 10:48 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0159

Motor Assisted Scooter and Mini-Motorcycle Amendments

22-Jan-05

11:16 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst