

**REGULATION OF ELECTRIC PERSONAL
ASSISTIVE MOBILITY DEVICES**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Aaron Tilton

Senate Sponsor: Mark B. Madsen

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions relating to electric personal assistive mobility devices.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ authorizes the use of an electric personal assistive mobility device on a sidewalk, trail, or roadway where bicycles are allowed in certain circumstances;
- ▶ provides requirements for the operation of an electric personal assistive mobility device on a sidewalk, trail, or highway where bicycles are allowed;
- ▶ authorizes the use of an electric personal assistive mobility device at night if certain lighting requirements are satisfied;
- ▶ prohibits a person from operating an electric personal assistive mobility device while carrying certain items;
- ▶ provides that only one person may operate an electric personal assistive mobility device at a time;
- ▶ prohibits parking an electric personal assistive mobility device in a manner that obstructs vehicular or pedestrian traffic;
- ▶ authorizes a local authority to adopt an ordinance regulating the use of an electric



28 personal assistive mobility device; and

29 ▶ makes technical changes.

30 **Monies Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **13-35-102**, as last amended by Chapters 2 and 268, Laws of Utah 2005

37 **41-1a-202**, as last amended by Chapter 2, Laws of Utah 2005

38 **41-6a-102**, as renumbered and amended by Chapter 2 and last amended by Chapter
39 111, Laws of Utah 2005

40 **41-6a-1116**, as enacted by Chapter 2 and last amended by Chapter 111, Laws of Utah
41 2005

42 **41-6a-1505**, as renumbered and amended by Chapter 2, Laws of Utah 2005

43 **41-12a-301**, as last amended by Chapter 2, Laws of Utah 2005

44 ENACTS:

45 **41-6a-1116.5**, Utah Code Annotated 1953



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

48 Section 1. Section **13-35-102** is amended to read:

49 **13-35-102. Definitions.**

50 As used in this chapter:

51 (1) "Advisory board" or "board" means the Utah Powersport Vehicle Franchise

52 Advisory Board created in Section 13-35-103.

53 (2) "Dealership" means a site or location in this state:

54 (a) at which a franchisee conducts the business of a new powersport vehicle dealer; and

55 (b) that is identified as a new powersport vehicle dealer's principal place of business

56 for registration purposes under Section 13-35-105.

57 (3) "Department" means the Department of Commerce.

58 (4) "Executive director" means the executive director of the Department of Commerce.

59 (5) "Franchise" or "franchise agreement" means a written agreement, for a definite or
60 indefinite period, in which:

61 (a) a person grants to another person a license to use a trade name, trademark, service
62 mark, or related characteristic; and

63 (b) a community of interest exists in the marketing of new powersport vehicles, new
64 powersport vehicle parts, and services related to the sale or lease of new powersport vehicles at
65 wholesale or retail.

66 (6) "Franchisee" means a person with whom a franchisor has agreed or permitted, in
67 writing or in practice, to purchase, sell, or offer for sale new powersport vehicles manufactured,
68 produced, represented, or distributed by the franchisor.

69 (7) (a) "Franchisor" means a person who has, in writing or in practice, agreed with or
70 permits a franchisee to purchase, sell, or offer for sale new powersport vehicles manufactured,
71 produced, represented, or distributed by the franchisor, and includes:

72 (i) the manufacturer or distributor of the new powersport vehicles;

73 (ii) an intermediate distributor;

74 (iii) an agent, officer, or field or area representative of the franchisor; and

75 (iv) a person who is affiliated with a manufacturer or a representative or who directly
76 or indirectly through an intermediary is controlled by, or is under common control with the
77 manufacturer.

78 (b) For purposes of Subsection (7)(a)(iv), a person is controlled by a manufacturer if
79 the manufacturer has the authority directly or indirectly by law or by an agreement of the
80 parties, to direct or influence the management and policies of the person.

81 (8) "Lead" means the referral by a franchisor to a franchisee of an actual or potential
82 customer for the purchase or lease of a new powersport vehicle, or for service work related to
83 the franchisor's vehicles.

84 (9) "Line-make" means the powersport vehicles that are offered for sale, lease, or
85 distribution under a common name, trademark, service mark, or brand name of the franchisor,
86 or manufacturer of the powersport vehicle.

87 (10) (a) "Powersport vehicle" means:

88 (i) an all-terrain type I or type II vehicle "ATV" defined in Section 41-22-2;

89 (ii) a snowmobile as defined in Section 41-22-2;

- 90 (iii) a motorcycle as defined in Section 41-1a-102;
- 91 (iv) a personal watercraft as defined in Section 73-18-2;
- 92 (v) except as provided in Subsection (10)(b), a motor-driven cycle as defined in
- 93 Section 41-6a-102; or
- 94 (vi) a moped as defined in Section 41-6a-102.
- 95 (b) "Powersport vehicle" does not include:
- 96 (i) an electric assisted bicycle defined in Section 41-6a-102;
- 97 (ii) a motor assisted scooter as defined in Section 41-6a-102; or
- 98 (iii) [α] an electric personal [~~motorized~~] assistive mobility device as defined in Section
- 99 41-6a-102.

100 (11) "New powersport vehicle dealer" means a person who is engaged in the business
 101 of buying, selling, offering for sale, or exchanging new powersport vehicles either outright or
 102 on conditional sale, bailment, lease, chattel mortgage, or otherwise who has established a place
 103 of business for the sale, lease, trade, or display of powersport vehicles.

104 (12) "Notice" or "notify" includes both traditional written communications and all
 105 reliable forms of electronic communication unless expressly prohibited by statute or rule.

106 (13) "Relevant market area" means:
 107 (a) the county in which a powersport dealership is to be established or relocated; and
 108 (b) the area within a 15-mile radius from the site of the new or relocated dealership.

109 (14) "Sale, transfer, or assignment" means any disposition of a franchise or an interest
 110 in a franchise, with or without consideration, including a bequest, inheritance, gift, exchange,
 111 lease, or license.

112 (15) "Serve" or "served," unless expressly indicated otherwise by statute or rule,
 113 includes any reliable form of communication.

114 (16) "Written," "write," "in writing," or other variations of those terms shall include all
 115 reliable forms of electronic communication.

116 Section 2. Section **41-1a-202** is amended to read:

117 **41-1a-202. Definitions -- Vehicles exempt from registration -- Registration of**
 118 **vehicles after establishing residency.**

- 119 (1) In this section:
- 120 (a) "Domicile" means the place:

- 121 (i) where an individual has a fixed permanent home and principal establishment;
122 (ii) to which the individual if absent, intends to return; and
123 (iii) in which the individual and his family voluntarily reside, not for a special or
124 temporary purpose, but with the intention of making a permanent home.
- 125 (b) (i) "Resident" means any of the following:
- 126 (A) an individual who:
- 127 (I) has established a domicile in this state;
- 128 (II) regardless of domicile, remains in this state for an aggregate period of six months
129 or more during any calendar year;
- 130 (III) engages in a trade, profession, or occupation in this state or who accepts
131 employment in other than seasonal work in this state and who does not commute into the state;
- 132 (IV) declares himself to be a resident of this state for the purpose of obtaining a driver
133 license or motor vehicle registration; or
- 134 (V) declares himself a resident of Utah to obtain privileges not ordinarily extended to
135 nonresidents, including going to school, or placing children in school without paying
136 nonresident tuition or fees;
- 137 (B) any individual, partnership, limited liability company, firm, corporation,
138 association, or other entity that:
- 139 (I) maintains a main office, branch office, or warehouse facility in this state and that
140 bases and operates a motor vehicle in this state; or
- 141 (II) operates a motor vehicle in intrastate transportation for other than seasonal work.
- 142 (ii) "Resident" does not include any of the following:
- 143 (A) a member of the military temporarily stationed in Utah;
- 144 (B) an out-of-state student, as classified by the institution of higher education, enrolled
145 with the equivalent of seven or more quarter hours, regardless of whether the student engages
146 in a trade, profession, or occupation in this state or accepts employment in this state; and
- 147 (C) an individual domiciled in another state or a foreign country that:
- 148 (I) is engaged in public, charitable, educational, or religious services for a government
149 agency or an organization that qualifies for tax-exempt status under Internal Revenue Code
150 Section 501(c)(3);
- 151 (II) is not compensated for services rendered other than expense reimbursements; and

- 152 (III) is temporarily in Utah for a period not to exceed 24 months.
- 153 (2) Registration under this chapter is not required for any:
- 154 (a) vehicle registered in another state and owned by a nonresident of the state or
- 155 operating under a temporary registration permit issued by the division or a dealer authorized by
- 156 this chapter, driven or moved upon a highway in conformance with the provisions of this
- 157 chapter relating to manufacturers, transporters, dealers, lien holders, or interstate vehicles;
- 158 (b) vehicle driven or moved upon a highway only for the purpose of crossing the
- 159 highway from one property to another;
- 160 (c) implement of husbandry, whether of a type otherwise subject to registration or not,
- 161 that is only incidentally operated or moved upon a highway;
- 162 (d) special mobile equipment;
- 163 (e) vehicle owned or leased by the federal government;
- 164 (f) motor vehicle not designed, used, or maintained for the transportation of passengers
- 165 for hire or for the transportation of property if the motor vehicle is registered in another state
- 166 and is owned and operated by a nonresident of this state;
- 167 (g) vehicle or combination of vehicles designed, used, or maintained for the
- 168 transportation of persons for hire or for the transportation of property if the vehicle or
- 169 combination of vehicles is registered in another state and is owned and operated by a
- 170 nonresident of this state and if the vehicle or combination of vehicles has a gross laden weight
- 171 of 26,000 pounds or less;
- 172 (h) trailer of 750 pounds or less unladen weight and not designed, used, and maintained
- 173 for hire for the transportation of property or person;
- 174 (i) manufactured home or mobile home;
- 175 (j) off-highway vehicle currently registered under Section 41-22-3 if the off-highway
- 176 vehicle is:
- 177 (i) being towed;
- 178 (ii) operated on a street or highway designated as open to off-highway vehicle use; or
- 179 (iii) operated in the manner prescribed in Section 41-22-10.3;
- 180 (k) off-highway implement of husbandry operated in the manner prescribed in
- 181 Subsections 41-22-5.5(3) through (5);
- 182 (l) modular and prebuilt homes conforming to the uniform building code and presently

183 regulated by the United States Department of Housing and Urban Development that are not
184 constructed on a permanent chassis;

185 (m) electric assisted bicycle defined under Section 41-6a-102;

186 (n) motor assisted scooter defined under Section 41-6a-102; or

187 (o) electric personal [~~motorized~~] assistive mobility device defined under Section
188 41-6a-102.

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

192 (4) A motor vehicle that is registered under Section 41-3-306 is exempt from the
193 registration requirements of this part for the time period that the registration under Section
194 41-3-306 is valid.

195 Section 3. Section **41-6a-102** is amended to read:

196 **41-6a-102. Definitions.**

197 As used in this chapter:

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

200 (2) "All-terrain type I vehicle" has the same meaning as defined in Section 41-22-2.

201 (3) "Authorized emergency vehicle" includes:

202 (a) fire department vehicles;

203 (b) police vehicles;

204 (c) ambulances; and

205 (d) other publicly or privately owned vehicles as designated by the commissioner of the
206 Department of Public Safety.

207 (4) (a) "Bicycle" means every device:

208 (i) propelled by human power;

209 (ii) upon which a person may ride; and

210 (iii) having two tandem wheels.

211 (b) "Bicycle" does not include scooters and similar devices.

212 (5) (a) "Bus" means a motor vehicle:

213 (i) designed for carrying more than 15 passengers and used for the transportation of

214 persons; or

215 (ii) designed and used for the transportation of persons for compensation.

216 (b) "Bus" does not include a taxicab.

217 (6) (a) "Circular intersection" means an intersection that has an island, generally
218 circular in design, located in the center of the intersection where traffic passes to the right of
219 the island.

220 (b) "Circular intersection" includes:

221 (i) roundabouts;

222 (ii) rotaries; and

223 (iii) traffic circles.

224 (7) "Commissioner" means the commissioner of the Department of Public Safety.

225 (8) "Controlled-access highway" means a highway, street, or roadway:

226 (a) designed primarily for through traffic; and

227 (b) to or from which owners or occupants of abutting lands and other persons have no
228 legal right of access, except at points as determined by the highway authority having
229 jurisdiction over the highway, street, or roadway.

230 (9) "Crosswalk" means:

231 (a) that part of a roadway at an intersection included within the connections of the
232 lateral lines of the sidewalks on opposite sides of the highway measured from:

233 (i) (A) the curbs; or

234 (B) in the absence of curbs, from the edges of the traversable roadway; and

235 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
236 included within the extension of the lateral lines of the existing sidewalk at right angles to the
237 centerline; or

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

240 (10) "Department" means the Department of Public Safety.

241 (11) "Direct supervision" means oversight at a distance within which:

242 (a) visual contact is maintained; and

243 (b) advice and assistance can be given and received.

244 (12) "Divided highway" means a highway divided into two or more roadways by:

- 245 (a) an unpaved intervening space;
- 246 (b) a physical barrier; or
- 247 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 248 (13) "Electric assisted bicycle" means a moped:
- 249 (a) with an electric motor with a power output of not more than 1,000 watts; and
- 250 (b) which is not capable of:
- 251 (i) propelling the device at a speed of more than 20 miles per hour on level ground; and
- 252 (ii) increasing the speed of the device when human power is used to propel the device
- 253 at more than 20 miles per hour.
- 254 (14) (a) "Electric personal assistive mobility device" means a self-balancing device
- 255 with:
- 256 (i) two nontandem wheels in contact with the ground;
- 257 (ii) a system capable of steering and stopping the unit under typical operating
- 258 conditions:
- 259 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 260 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 261 (v) a deck design for a person to stand while operating the device.
- 262 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 263 [~~14~~] (15) "Explosives" means any chemical compound or mechanical mixture
- 264 commonly used or intended for the purpose of producing an explosion and which contains any
- 265 oxidizing and combustive units or other ingredients in proportions, quantities, or packing so
- 266 that an ignition by fire, friction, concussion, percussion, or detonator of any part of the
- 267 compound or mixture may cause a sudden generation of highly heated gases, and the resultant
- 268 gaseous pressures are capable of producing destructive effects on contiguous objects or of
- 269 causing death or serious bodily injury.
- 270 [~~15~~] (16) "Farm tractor" means a motor vehicle designed and used primarily as a farm
- 271 implement, for drawing plows, mowing machines, and other implements of husbandry.
- 272 [~~16~~] (17) "Flammable liquid" means a liquid which has a flashpoint of 100 degrees F.
- 273 or less, as determined by a tagliabue or equivalent closed-cup test device.
- 274 [~~17~~] (18) "Freeway" means a controlled-access highway that is part of the interstate
- 275 system as defined in Section 72-1-102.

276 [~~18~~] (19) "Gore area" means the area delineated by two solid white lines that is
277 between a continuing lane of a through roadway and a lane used to enter or exit the continuing
278 lane including similar areas between merging or splitting highways.

279 [~~19~~] (20) "Gross weight" means the weight of a vehicle without a load plus the
280 weight of any load on the vehicle.

281 [~~20~~] (21) "Highway" means the entire width between property lines of every way or
282 place of any nature when any part of it is open to the use of the public as a matter of right for
283 vehicular travel.

284 [~~21~~] (22) "Highway authority" has the same meaning as defined in Section 72-1-102.

285 [~~22~~] (23) (a) "Intersection" means the area embraced within the prolongation or
286 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways
287 of two or more highways which join one another.

288 (b) Where a highway includes two roadways 30 feet or more apart:

289 (i) every crossing of each roadway of the divided highway by an intersecting highway
290 is a separate intersection; and

291 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
292 every crossing of two roadways of the highways is a separate intersection.

293 (c) "Intersection" does not include the junction of an alley with a street or highway.

294 [~~23~~] (24) "Island" means an area between traffic lanes or at an intersection for control
295 of vehicle movements or for pedestrian refuge designated by:

296 (a) pavement markings, which may include an area designated by two solid yellow
297 lines surrounding the perimeter of the area;

298 (b) channelizing devices;

299 (c) curbs;

300 (d) pavement edges; or

301 (e) other devices.

302 [~~24~~] (25) "Law enforcement agency" has the same meaning as defined in Section
303 53-1-102.

304 [~~25~~] (26) "Limited access highway" means a highway:

305 (a) that is designated specifically for through traffic; and

306 (b) over, from, or to which neither owners nor occupants of abutting lands nor other

307 persons have any right or easement, or have only a limited right or easement of access, light,
308 air, or view.

309 ~~[(26)]~~ (27) "Local highway authority" means the legislative, executive, or governing
310 body of a county, municipal, or other local board or body having authority to enact laws
311 relating to traffic under the constitution and laws of the state.

312 ~~[(27)]~~ (28) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

313 (i) is designed to be operated at speeds of not more than 25 miles per hour; and

314 (ii) has a capacity of not more than four passengers, including the driver.

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

316 ~~[(28)]~~ (29) "Metal tire" means a tire, the surface of which in contact with the highway
317 is wholly or partly of metal or other hard nonresilient material.

318 ~~[(29)]~~ (30) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
319 seat or saddle that is less than 24 inches from the ground as measured on a level surface with
320 properly inflated tires.

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

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

323 (i) designed for off-highway use; and

324 (ii) registered as an off-highway vehicle under Section 41-22-3.

325 ~~[(30)]~~ (31) "Mobile home" means:

326 (a) a trailer or semitrailer which is:

327 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
328 place either permanently or temporarily; and

329 (ii) equipped for use as a conveyance on streets and highways; or

330 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
331 constructed for use as a mobile home, as defined in Subsection ~~[(30)]~~ (31)(a), but which is
332 instead used permanently or temporarily for:

333 (i) the advertising, sale, display, or promotion of merchandise or services; or

334 (ii) any other commercial purpose except the transportation of property for hire or the
335 transportation of property for distribution by a private carrier.

336 ~~[(31)]~~ (32) (a) "Moped" means a motor-driven cycle having:

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

338 (ii) a motor which:
 339 (A) produces not more than two brake horsepower; and
 340 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
 341 level ground.

342 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
 343 centimeters and the moped shall have a power drive system that functions directly or
 344 automatically without clutching or shifting by the operator after the drive system is engaged.

345 (c) "Moped" includes an electric assisted bicycle and a motor assisted scooter.

346 [~~(32)~~] (33) "Motor assisted scooter" means a self-propelled device with:

- 347 (a) at least two wheels in contact with the ground;
- 348 (b) a braking system capable of stopping the unit under typical operating conditions;
- 349 (c) a gas or electric motor not exceeding 40 cubic centimeters;
- 350 (d) either:
 - 351 (i) a deck design for a person to stand while operating the device; or
 - 352 (ii) a deck and seat designed for a person to sit, straddle, or stand while operating the
 - 353 device; and

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

355 [~~(33)~~] (34) (a) "Motor vehicle" means a vehicle which is self-propelled and every
 356 vehicle which is propelled by electric power obtained from overhead trolley wires, but not
 357 operated upon rails.

358 (b) "Motor vehicle" does not include vehicles moved solely by human power [~~and~~],
 359 motorized wheelchairs, or an electric personal assistive mobility device.

360 [~~(34)~~] (35) "Motorcycle" means a motor vehicle, other than a tractor, having a seat or
 361 saddle for the use of the rider and designed to travel with not more than three wheels in contact
 362 with the ground.

363 [~~(35)~~] (36) (a) "Motor-driven cycle" means every motorcycle, motor scooter, [~~personal~~
 364 ~~motorized mobility device,~~] moped, electric assisted bicycle, motor assisted scooter, and every
 365 motorized bicycle having:

- 366 [~~(a)~~] (i) an engine with less than 150 cubic centimeters displacement; or
- 367 [~~(b)~~] (ii) a motor which produces not more than five horsepower.

368 (b) "Motor-driven cycle" does not include an electric personal assistive mobility

369 device.

370 [(36)] (37) "Off-highway implement of husbandry" has the same meaning as defined
371 under Section 41-22-2.

372 [(37)] (38) "Off-highway vehicle" has the same meaning as defined under Section
373 41-22-2.

374 [(38)] (39) "Operator" means a person who is in actual physical control of a vehicle.

375 [(39)] (40) (a) "Park" or "parking" means the standing of a vehicle, whether occupied
376 or not.

377 (b) "Park" or "parking" does not include the standing of a vehicle temporarily for the
378 purpose of and while actually engaged in loading or unloading property or passengers.

379 [(40)] (41) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
380 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of
381 traffic laws.

382 [(41)] (42) "Pedestrian" means a person traveling:

383 (a) on foot; or

384 (b) in a wheelchair.

385 [(42)] (43) "Pedestrian traffic-control signal" means a traffic-control signal used to
386 regulate pedestrians.

387 [(43)] (44) "Person" means every natural person, firm, copartnership, association, or
388 corporation.

389 [~~(44) (a) "Personal motorized mobility device" means a self-propelled device with:]~~

390 [~~(i) two nontandem wheels in contact with the ground;~~]

391 [~~(ii) a system capable of steering and stopping the unit under typical operating~~
392 ~~conditions;~~]

393 [~~(iii) a motor not exceeding one horse power or 750 watts; and]~~

394 [~~(iv) a deck design for a person to stand while operating the device.~~]

395 [~~(b) "Personal motorized mobility device" does not include a wheelchair.]~~

396 (45) "Pole trailer" means every vehicle without motive power:

397 (a) designed to be drawn by another vehicle and attached to the towing vehicle by
398 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

399 (b) that is ordinarily used for transporting long or irregular shaped loads including

400 poles, pipes, or structural members generally capable of sustaining themselves as beams
401 between the supporting connections.

402 (46) "Private road or driveway" means every way or place in private ownership and
403 used for vehicular travel by the owner and those having express or implied permission from the
404 owner, but not by other persons.

405 (47) "Railroad" means a carrier of persons or property upon cars operated on stationary
406 rails.

407 (48) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
408 public body or official or by a railroad and intended to give notice of the presence of railroad
409 tracks or the approach of a railroad train.

410 (49) "Railroad train" means a locomotive propelled by any form of energy, coupled
411 with or operated without cars, and operated upon rails.

412 (50) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful
413 manner in preference to another vehicle or pedestrian approaching under circumstances of
414 direction, speed, and proximity which give rise to danger of collision unless one grants
415 precedence to the other.

416 (51) (a) "Roadway" means that portion of highway improved, designed, or ordinarily
417 used for vehicular travel.

418 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
419 them are used by persons riding bicycles or other human-powered vehicles.

420 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a
421 highway includes two or more separate roadways.

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

425 (53) (a) "School bus" means a motor vehicle that:

426 (i) complies with the color and identification requirements of the most recent edition of
427 "Minimum Standards for School Buses"; and

428 (ii) is used to transport school children to or from school or school activities.

429 (b) "School bus" does not include a vehicle operated by a common carrier in
430 transportation of school children to or from school or school activities.

431 (54) (a) "Semitrailer" means a vehicle with or without motive power:

432 (i) designed for carrying persons or property and for being drawn by a motor vehicle;

433 and

434 (ii) constructed so that some part of its weight and that of its load rests on or is carried

435 by another vehicle.

436 (b) "Semitrailer" does not include a pole trailer.

437 (55) "Shoulder area" means:

438 (a) that area of the hard-surfaced highway separated from the roadway by a pavement

439 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";

440 or

441 (b) that portion of the road contiguous to the roadway for accommodation of stopped

442 vehicles, for emergency use, and lateral support.

443 (56) "Sidewalk" means that portion of a street between the curb lines, or the lateral

444 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

445 (57) "Solid rubber tire" means a tire of rubber or other resilient material which does not

446 depend on compressed air for the support of the load.

447 (58) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied

448 or not, for the purpose of and while actually engaged in receiving or discharging passengers.

449 (59) "Stop" when required means complete cessation from movement.

450 (60) "Stop" or "stopping" when prohibited means any halting even momentarily of a

451 vehicle, whether occupied or not, except when:

452 (a) necessary to avoid conflict with other traffic; or

453 (b) in compliance with the directions of a peace officer or traffic-control device.

454 (61) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other

455 conveyances either singly or together while using any highway for the purpose of travel.

456 (62) "Traffic-control device" means a sign, signal, marking, or device not inconsistent

457 with this chapter placed or erected by a highway authority for the purpose of regulating,

458 warning, or guiding traffic.

459 (63) "Traffic-control signal" means a device, whether manually, electrically, or

460 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

461 (64) "Traffic signal preemption device" means an instrument or mechanism designed,

462 intended, or used to interfere with the operation or cycle of a traffic-control signal.

463 (65) (a) "Trailer" means a vehicle with or without motive power designed for carrying
464 persons or property and for being drawn by a motor vehicle and constructed so that no part of
465 its weight rests upon the towing vehicle.

466 (b) "Trailer" does not include a pole trailer.

467 (66) "Truck" means a motor vehicle designed, used, or maintained primarily for the
468 transportation of property.

469 (67) "Truck tractor" means a motor vehicle:

470 (a) designed and used primarily for drawing other vehicles; and

471 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
472 tractor.

473 (68) "Two-way left turn lane" means a lane:

474 (a) provided for vehicle operators making left turns in either direction;

475 (b) that is not used for passing, overtaking, or through travel; and

476 (c) that has been indicated by a lane traffic-control device which may include lane
477 markings.

478 (69) "Urban district" means the territory contiguous to and including any street, in
479 which structures devoted to business, industry, or dwelling houses are situated at intervals of
480 less than 100 feet, for a distance of a quarter of a mile or more.

481 (70) "Vehicle" means a device in, on, or by which a person or property is or may be
482 transported or drawn on a highway, except devices used exclusively on stationary rails or
483 tracks.

484 Section 4. Section **41-6a-1116** is amended to read:

485 **41-6a-1116. Electric personal assistive mobility devices -- Conflicting provisions**
486 **-- Restrictions -- Penalties.**

487 (1) (a) Except as otherwise provided in this section, [a] an electric personal [~~motorized~~]
488 assistive mobility device is subject to the provisions under this chapter for a bicycle, moped, or
489 a motor-driven cycle.

490 (b) For a person operating [a] an electric personal [~~motorized~~] assistive mobility
491 device, the following provisions do not apply:

492 (i) seating positions under Section 41-6a-1501;

- 493 (ii) required lights, horns, and mirrors under Section 41-6a-1506;
- 494 (iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and
- 495 (iv) driver licensing requirements under Section 53-3-202.
- 496 (2) A person under 15 years of age may not operate [a] an electric personal [~~motorized~~]
- 497 assistive mobility device using the motor unless the person is under the direct supervision of
- 498 the person's parent or guardian.
- 499 (3) A person may not operate [a] an electric personal [~~motorized~~] assistive mobility
- 500 device:
- 501 (a) on a highway consisting of a total of four or more lanes designated for regular
- 502 vehicular traffic;
- 503 (b) on a highway with a posted speed limit greater than 35 miles per hour; or
- 504 (c) that has been structurally or mechanically altered from the original manufacturer's
- 505 design.
- 506 (4) An owner may not authorize or knowingly permit a person to operate [a] an electric
- 507 personal [~~motorized~~] assistive mobility device in violation of this section.
- 508 (5) A person may operate an electric personal assistive mobility device on a sidewalk if
- 509 the operation does not:
- 510 (a) exceed a speed which is greater than is reasonable or prudent having due regard for
- 511 weather, visibility, and pedestrians; or
- 512 (b) endanger the safety of other persons or property.
- 513 (6) A person operating an electric personal assistive mobility device shall yield to a
- 514 pedestrian or other person using a mobility aid.
- 515 (7) (a) An electric personal assistive mobility device may be operated on:
- 516 (i) a path or trail designed for the use of a bicycle; or
- 517 (ii) on a highway where a bicycle is allowed if the speed limit on the highway does not
- 518 exceed 35 miles per hour.
- 519 (b) A person operating an electric personal assistive mobility device in an area
- 520 described in Subsection (7)(a)(i) or (ii) is subject to the laws governing bicycles.
- 521 (8) A person may operate an electric personal assistive mobility device at night if the
- 522 device is equipped with or the operator is wearing:
- 523 (a) a lamp pointing to the front that emits a white light visible from a distance of not

524 less than 300 feet in front of the device; and

525 (b) front, rear, and side reflectors.

526 (9) A person may not operate an electric personal assistive mobility device while
527 carrying an article that prevents the person from keeping both hands on the handlebars or
528 interferes with the person's ability to safely operate the electric personal assistive mobility
529 device.

530 (10) Only one person may operate an electric personal assistive mobility device at a
531 time.

532 (11) A person may not park an electric personal assistive mobility device on a highway
533 or sidewalk in a manner that obstructs vehicular or pedestrian traffic.

534 ~~[(5)]~~ (12) A person who violates this section is guilty of a class C misdemeanor.

535 Section 5. Section **41-6a-1116.5** is enacted to read:

536 **41-6a-1116.5. Local ordinances regulating electric personal assistive mobility**
537 **devices.**

538 A local authority may adopt an ordinance to regulate or restrict the use of electric
539 personal assistive mobility devices.

540 Section 6. Section **41-6a-1505** is amended to read:

541 **41-6a-1505. Motorcycle or motor-driven cycle -- Protective headgear -- Closed**
542 **cab excepted -- Electric assisted bicycles, motor assisted scooters, electric personal**
543 **assistive mobility devices.**

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

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

548 (3) The following standards and specifications for protective headgear are adopted:

549 (a) 49 C.F.R. 571.218 related to protective headgear for motorcycles; and

550 (b) 49 C.F.R. 1203 related to protective headgear for bicycles, motor assisted scooters,
551 and electric personal [motorized] assistive mobility devices.

552 Section 7. Section **41-12a-301** is amended to read:

553 **41-12a-301. Definition -- Requirement of owner's or operator's security --**
554 **Exceptions.**

555 (1) As used in this section:

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

557 (b) "quasi-public road or parking area" has the same meaning as provided in Section
558 41-6a-214.

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

560 (a) every resident owner of a motor vehicle shall maintain owner's or operator's
561 security in effect at any time that the motor vehicle is operated on a highway or on a
562 quasi-public road or parking area within the state; and

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

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

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

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

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

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

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

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

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

581 (ii) in the manner prescribed by Section 41-22-10.3;

582 (b) off-highway implements of husbandry operated in the manner prescribed by
583 Subsections 41-22-5.5(3) through (5);

584 (c) electric assisted bicycles as defined under Section 41-6a-102;

585 (d) motor assisted scooters as defined under Section 41-6a-102; or

586 (e) electric personal [~~motorized~~] assistive mobility [~~device~~] devices as defined under
587 Section 41-6a-102.

Legislative Review Note
as of 1-19-07 9:43 AM

Office of Legislative Research and General Counsel

H.B. 315 - Regulation of Electric Personal Assistive Mobility Devices

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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Office of the Legislative Fiscal Analyst