

UNCONVENTIONAL VEHICLE AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stewart Barlow

Senate Sponsor: Karen Mayne

LONG TITLE

Committee Note:

The Transportation Interim Committee recommended this bill.

General Description:

This bill enacts requirements related to an autocycle.

Highlighted Provisions:

This bill:

- ▶ defines an autocycle;
- ▶ makes an autocycle subject to the same requirements as a motorcycle under the Motor Vehicle Act;
- ▶ requires a driver of an autocycle to wear a helmet if the driver is under 18 years of age and the autocycle is not fully enclosed ~~Ĥ~~→ **and is not equipped with roll bars** ←~~Ĥ~~ ;
- ▶ defines safety equipment required for an autocycle; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-1a-102, as last amended by Laws of Utah 2014, Chapters 61, 237, and 237



28 [41-6a-102](#), as last amended by Laws of Utah 2014, Chapters 104 and 229
 29 [41-6a-1505](#), as last amended by Laws of Utah 2015, Chapter 412
 30 [41-6a-1506](#), as last amended by Laws of Utah 2015, Chapter 412
 31 [41-21-1](#), as last amended by Laws of Utah 2015, Chapter 169
 32 [53-3-102](#), as last amended by Laws of Utah 2015, Chapters 52, 461 and last amended
 33 by Coordination Clause, Laws of Utah 2015, Chapter 52
 34 [53-3-202](#), as last amended by Laws of Utah 2015, Chapters 331 and 412

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

37 Section 1. Section **41-1a-102** is amended to read:

38 **41-1a-102. Definitions.**

39 As used in this chapter:

40 (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.

41 (2) "Actual weight" means the actual unladen weight of a vehicle or combination of
 42 vehicles as operated and certified to by a weighmaster.

43 (3) "All-terrain type I vehicle" has the same meaning provided in Section [41-22-2](#).

44 (4) "All-terrain type II vehicle" has the same meaning provided in Section [41-22-2](#).

45 (5) "Amateur radio operator" means any person licensed by the Federal
 46 Communications Commission to engage in private and experimental two-way radio operation
 47 on the amateur band radio frequencies.

48 (6) "Autocycle" means the same as that term is defined in Section [53-3-102](#).

49 ~~[(6)]~~ (7) "Branded title" means a title certificate that is labeled:

50 (a) rebuilt and restored to operation;

51 (b) flooded and restored to operation; or

52 (c) not restored to operation.

53 ~~[(7)]~~ (8) "Camper" means any structure designed, used, and maintained primarily to be
 54 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a
 55 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for
 56 camping.

57 ~~[(8)]~~ (9) "Certificate of title" means a document issued by a jurisdiction to establish a
 58 record of ownership between an identified owner and the described vehicle, vessel, or outboard

59 motor.

60 ~~[(9)]~~ (10) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
61 weighmaster.

62 ~~[(10)]~~ (11) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or
63 maintained for the transportation of persons or property that operates:

64 (a) as a carrier for hire, compensation, or profit; or

65 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the
66 owner's commercial enterprise.

67 ~~[(11)]~~ (12) "Commission" means the State Tax Commission.

68 ~~[(12)]~~ (13) "Dealer" means a person engaged or licensed to engage in the business of
69 buying, selling, or exchanging new or used vehicles, vessels, or outboard motors either outright
70 or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an
71 established place of business for the sale, lease, trade, or display of vehicles, vessels, or
72 outboard motors.

73 ~~[(13)]~~ (14) "Division" means the Motor Vehicle Division of the commission, created in
74 Section [41-1a-106](#).

75 ~~[(14)]~~ (15) "Essential parts" means all integral and body parts of a vehicle of a type
76 required to be registered in this state, the removal, alteration, or substitution of which would
77 tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or
78 mode of operation.

79 ~~[(15)]~~ (16) "Farm tractor" means every motor vehicle designed and used primarily as a
80 farm implement for drawing plows, mowing machines, and other implements of husbandry.

81 ~~[(16)]~~ (17) (a) "Farm truck" means a truck used by the owner or operator of a farm
82 solely for his own use in the transportation of:

83 (i) farm products, including livestock and its products, poultry and its products,
84 floricultural and horticultural products;

85 (ii) farm supplies, including tile, fence, and every other thing or commodity used in
86 agricultural, floricultural, horticultural, livestock, and poultry production; and

87 (iii) livestock, poultry, and other animals and things used for breeding, feeding, or
88 other purposes connected with the operation of a farm.

89 (b) "Farm truck" does not include the operation of trucks by commercial processors of

90 agricultural products.

91 [~~(17)~~] (18) "Fleet" means one or more commercial vehicles.

92 [~~(18)~~] (19) "Foreign vehicle" means a vehicle of a type required to be registered,
93 brought into this state from another state, territory, or country other than in the ordinary course
94 of business by or through a manufacturer or dealer, and not registered in this state.

95 [~~(19)~~] (20) "Gross laden weight" means the actual weight of a vehicle or combination
96 of vehicles, equipped for operation, to which shall be added the maximum load to be carried.

97 [~~(20)~~] (21) "Highway" or "street" means the entire width between property lines of
98 every way or place of whatever nature when any part of it is open to the public, as a matter of
99 right, for purposes of vehicular traffic.

100 [~~(21)~~] (22) (a) "Identification number" means the identifying number assigned by the
101 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard
102 motor.

103 (b) "Identification number" includes a vehicle identification number, state assigned
104 identification number, hull identification number, and motor serial number.

105 [~~(22)~~] (23) "Implement of husbandry" means every vehicle designed or adapted and
106 used exclusively for an agricultural operation and only incidentally operated or moved upon the
107 highways.

108 [~~(23)~~] (24) (a) "In-state miles" means the total number of miles operated in this state
109 during the preceding year by fleet power units.

110 (b) If fleets are composed entirely of trailers or semitrailers, "in-state miles" means the
111 total number of miles that those vehicles were towed on Utah highways during the preceding
112 year.

113 [~~(24)~~] (25) "Interstate vehicle" means any commercial vehicle operated in more than
114 one state, province, territory, or possession of the United States or foreign country.

115 [~~(25)~~] (26) "Jurisdiction" means a state, district, province, political subdivision,
116 territory, or possession of the United States or any foreign country.

117 [~~(26)~~] (27) "Lienholder" means a person with a security interest in particular property.

118 [~~(27)~~] (28) "Manufactured home" means a transportable factory built housing unit
119 constructed on or after June 15, 1976, according to the Federal Home Construction and Safety
120 Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is

121 eight body feet or more in width or 40 body feet or more in length, or when erected on site, is
122 400 or more square feet, and which is built on a permanent chassis and designed to be used as a
123 dwelling with or without a permanent foundation when connected to the required utilities, and
124 includes the plumbing, heating, air-conditioning, and electrical systems.

125 ~~[(28)]~~ (29) "Manufacturer" means a person engaged in the business of constructing,
126 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or
127 outboard motors for the purpose of sale or trade.

128 ~~[(29)]~~ (30) "Mobile home" means a transportable factory built housing unit built prior
129 to June 15, 1976, in accordance with a state mobile home code which existed prior to the
130 Federal Manufactured Housing and Safety Standards Act (HUD Code).

131 ~~[(30)]~~ (31) "Motorboat" has the same meaning as provided in Section 73-18-2.

132 ~~[(31)]~~ (32) "Motorcycle" means:

133 (a) a motor vehicle having a saddle for the use of the rider and designed to travel on not
134 more than three wheels in contact with the ground~~[-];~~ or

135 (b) an autocycle.

136 ~~[(32)]~~ (33) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for
137 use and operation on the highways.

138 (b) "Motor vehicle" does not include an off-highway vehicle.

139 ~~[(33)]~~ (34) (a) "Nonresident" means a person who is not a resident of this state as
140 defined by Section 41-1a-202, and who does not engage in intrastate business within this state
141 and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.

142 (b) A person who engages in intrastate business within this state and operates in that
143 business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in
144 interstate commerce, maintains any vehicle in this state as the home station of that vehicle is
145 considered a resident of this state, insofar as that vehicle is concerned in administering this
146 chapter.

147 ~~[(34)]~~ (35) "Odometer" means a device for measuring and recording the actual distance
148 a vehicle travels while in operation, but does not include any auxiliary odometer designed to be
149 periodically reset.

150 ~~[(35)]~~ (36) "Off-highway implement of husbandry" has the same meaning as provided
151 in Section 41-22-2.

152 ~~[(36)]~~ (37) "Off-highway vehicle" has the same meaning as provided in Section
153 [41-22-2](#).

154 ~~[(37)]~~ (38) "Operate" means to drive or be in actual physical control of a vehicle or to
155 navigate a vessel.

156 ~~[(38)]~~ (39) "Outboard motor" means a detachable self-contained propulsion unit,
157 excluding fuel supply, used to propel a vessel.

158 ~~[(39)]~~ (40) (a) "Owner" means a person, other than a lienholder, holding title to a
159 vehicle, vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is
160 subject to a security interest.

161 (b) If a vehicle is the subject of an agreement for the conditional sale or installment
162 sale or mortgage of the vehicle with the right of purchase upon performance of the conditions
163 stated in the agreement and with an immediate right of possession vested in the conditional
164 vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the
165 conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this
166 chapter.

167 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the
168 owner until the lessee exercises his option to purchase the vehicle.

169 ~~[(40)]~~ (41) "Park model recreational vehicle" means a unit that:

170 (a) is designed and marketed as temporary living quarters for recreational, camping,
171 travel, or seasonal use;

172 (b) is not permanently affixed to real property for use as a permanent dwelling;

173 (c) requires a special highway movement permit for transit; and

174 (d) is built on a single chassis mounted on wheels with a gross trailer area not
175 exceeding 400 square feet in the setup mode.

176 ~~[(41)]~~ (42) "Personalized license plate" means a license plate that has displayed on it a
177 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned
178 to the vehicle by the division.

179 ~~[(42)]~~ (43) (a) "Pickup truck" means a two-axle motor vehicle with motive power
180 manufactured, remanufactured, or materially altered to provide an open cargo area.

181 (b) "Pickup truck" includes motor vehicles with the open cargo area covered with a
182 camper, camper shell, tarp, removable top, or similar structure.

183 ~~[(43)]~~ (44) "Pneumatic tire" means every tire in which compressed air is designed to
184 support the load.

185 ~~[(44)]~~ (45) "Preceding year" means a period of 12 consecutive months fixed by the
186 division that is within 16 months immediately preceding the commencement of the registration
187 or license year in which proportional registration is sought. The division in fixing the period
188 shall conform it to the terms, conditions, and requirements of any applicable agreement or
189 arrangement for the proportional registration of vehicles.

190 ~~[(45)]~~ (46) "Public garage" means every building or other place where vehicles or
191 vessels are kept and stored and where a charge is made for the storage and keeping of vehicles
192 and vessels.

193 ~~[(46)]~~ (47) "Receipt of surrender of ownership documents" means the receipt of
194 surrender of ownership documents described in Section [41-1a-503](#).

195 ~~[(47)]~~ (48) "Reconstructed vehicle" means every vehicle of a type required to be
196 registered in this state that is materially altered from its original construction by the removal,
197 addition, or substitution of essential parts, new or used.

198 ~~[(48)]~~ (49) "Recreational vehicle" has the same meaning as provided in Section
199 [13-14-102](#).

200 ~~[(49)]~~ (50) "Registration" means a document issued by a jurisdiction that allows
201 operation of a vehicle or vessel on the highways or waters of this state for the time period for
202 which the registration is valid and that is evidence of compliance with the registration
203 requirements of the jurisdiction.

204 ~~[(50)]~~ (51) (a) "Registration year" means a 12 consecutive month period commencing
205 with the completion of all applicable registration criteria.

206 (b) For administration of a multistate agreement for proportional registration the
207 division may prescribe a different 12-month period.

208 ~~[(51)]~~ (52) "Repair or replacement" means the restoration of vehicles, vessels, or
209 outboard motors to a sound working condition by substituting any inoperative part of the
210 vehicle, vessel, or outboard motor, or by correcting the inoperative part.

211 ~~[(52)]~~ (53) "Replica vehicle" means:

212 (a) a street rod that meets the requirements under Subsection [41-21-1\(1\)\(a\)\(i\)\(B\)](#); or

213 (b) a custom vehicle that meets the requirements under Subsection

214 41-6a-1507(1)(a)(i)(B).

215 [~~(53)~~] (54) "Road tractor" means every motor vehicle designed and used for drawing
216 other vehicles and constructed so it does not carry any load either independently or any part of
217 the weight of a vehicle or load that is drawn.

218 [~~(54)~~] (55) "Sailboat" [~~has the same meaning as provided~~] means the same as that term
219 is defined in Section 73-18-2.

220 [~~(55)~~] (56) "Security interest" means an interest that is reserved or created by a security
221 agreement to secure the payment or performance of an obligation and that is valid against third
222 parties.

223 [~~(56)~~] (57) "Semitrailer" means every vehicle without motive power designed for
224 carrying persons or property and for being drawn by a motor vehicle and constructed so that
225 some part of its weight and its load rests or is carried by another vehicle.

226 [~~(57)~~] (58) "Special group license plate" means a type of license plate designed for a
227 particular group of people or a license plate authorized and issued by the division in accordance
228 with Section 41-1a-418.

229 [~~(58)~~] (59) (a) "Special interest vehicle" means a vehicle used for general
230 transportation purposes and that is:

- 231 (i) 20 years or older from the current year; or
232 (ii) a make or model of motor vehicle recognized by the division director as having
233 unique interest or historic value.

234 (b) In making [~~his~~] a determination under Subsection [~~(58)~~] (59)(a), the division
235 director shall give special consideration to:

- 236 (i) a make of motor vehicle that is no longer manufactured;
237 (ii) a make or model of motor vehicle produced in limited or token quantities;
238 (iii) a make or model of motor vehicle produced as an experimental vehicle or one
239 designed exclusively for educational purposes or museum display; or

240 (iv) a motor vehicle of any age or make that has not been substantially altered or
241 modified from original specifications of the manufacturer and because of its significance is
242 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a
243 leisure pursuit.

244 [~~(59)~~] (60) (a) "Special mobile equipment" means every vehicle:

- 245 (i) not designed or used primarily for the transportation of persons or property;
246 (ii) not designed to operate in traffic; and
247 (iii) only incidentally operated or moved over the highways.

248 (b) "Special mobile equipment" includes:

- 249 (i) farm tractors;
250 (ii) off-road motorized construction or maintenance equipment including backhoes,
251 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
252 (iii) ditch-digging apparatus.

253 (c) "Special mobile equipment" does not include a commercial vehicle as defined
254 under Section [72-9-102](#).

255 ~~[(60)]~~ [\(61\)](#) "Specially constructed vehicle" means every vehicle of a type required to be
256 registered in this state, not originally constructed under a distinctive name, make, model, or
257 type by a generally recognized manufacturer of vehicles, and not materially altered from its
258 original construction.

259 ~~[(61)]~~ [\(62\)](#) "Title" means the right to or ownership of a vehicle, vessel, or outboard
260 motor.

261 ~~[(62)]~~ [\(63\)](#) (a) "Total fleet miles" means the total number of miles operated in all
262 jurisdictions during the preceding year by power units.

263 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means
264 the number of miles that those vehicles were towed on the highways of all jurisdictions during
265 the preceding year.

266 ~~[(63)]~~ [\(64\)](#) "Trailer" means a vehicle without motive power designed for carrying
267 persons or property and for being drawn by a motor vehicle and constructed so that no part of
268 its weight rests upon the towing vehicle.

269 ~~[(64)]~~ [\(65\)](#) "Transferee" means a person to whom the ownership of property is
270 conveyed by sale, gift, or any other means except by the creation of a security interest.

271 ~~[(65)]~~ [\(66\)](#) "Transferor" means a person who transfers his ownership in property by
272 sale, gift, or any other means except by creation of a security interest.

273 ~~[(66)]~~ [\(67\)](#) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable
274 vehicle without motive power, designed as a temporary dwelling for travel, recreational, or
275 vacation use that does not require a special highway movement permit when drawn by a

276 self-propelled motor vehicle.

277 ~~[(67)]~~ (68) "Truck tractor" means a motor vehicle designed and used primarily for
278 drawing other vehicles and not constructed to carry a load other than a part of the weight of the
279 vehicle and load that is drawn.

280 ~~[(68)]~~ (69) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,
281 camper, park model recreational vehicle, manufactured home, and mobile home.

282 ~~[(69)]~~ (70) "Vessel" ~~[has the same meaning as provided]~~ means the same as that term is
283 defined in Section 73-18-2.

284 ~~[(70)]~~ (71) "Vintage vehicle" ~~[has the same meaning as provided]~~ means the same as
285 that term is defined in Section 41-21-1.

286 ~~[(71)]~~ (72) "Waters of this state" ~~[has the same meaning as provided]~~ means the same
287 as that term is defined in Section 73-18-2.

288 ~~[(72)]~~ (73) "Weighmaster" means a person, association of persons, or corporation
289 permitted to weigh vehicles under this chapter.

290 Section 2. Section 41-6a-102 is amended to read:

291 **41-6a-102. Definitions.**

292 As used in this chapter:

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

295 (2) "All-terrain type I vehicle" ~~[has the same meaning as]~~ means the same as that term
296 is defined in Section 41-22-2.

297 (3) "Authorized emergency vehicle" includes:

298 (a) fire department vehicles;

299 (b) police vehicles;

300 (c) ambulances; and

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

303 (4) "Autocycle" means the same as that term is defined in Section 53-3-102.

304 ~~[(4)]~~ (5) (a) "Bicycle" means a wheeled vehicle:

305 (i) propelled by human power by feet or hands acting upon pedals or cranks;

306 (ii) with a seat or saddle designed for the use of the operator;

- 307 (iii) designed to be operated on the ground; and
308 (iv) whose wheels are not less than 14 inches in diameter.
- 309 (b) "Bicycle" includes an electric assisted bicycle.
310 (c) "Bicycle" does not include scooters and similar devices.
- 311 ~~[(5)]~~ (6) (a) "Bus" means a motor vehicle:
312 (i) designed for carrying more than 15 passengers and used for the transportation of
313 persons; or
314 (ii) designed and used for the transportation of persons for compensation.
- 315 (b) "Bus" does not include a taxicab.
- 316 ~~[(6)]~~ (7) (a) "Circular intersection" means an intersection that has an island, generally
317 circular in design, located in the center of the intersection where traffic passes to the right of
318 the island.
- 319 (b) "Circular intersection" includes:
320 (i) roundabouts;
321 (ii) rotaries; and
322 (iii) traffic circles.
- 323 ~~[(7)]~~ (8) "Commissioner" means the commissioner of the Department of Public Safety.
- 324 ~~[(8)]~~ (9) "Controlled-access highway" means a highway, street, or roadway:
325 (a) designed primarily for through traffic; and
326 (b) to or from which owners or occupants of abutting lands and other persons have no
327 legal right of access, except at points as determined by the highway authority having
328 jurisdiction over the highway, street, or roadway.
- 329 ~~[(9)]~~ (10) "Crosswalk" means:
330 (a) that part of a roadway at an intersection included within the connections of the
331 lateral lines of the sidewalks on opposite sides of the highway measured from:
332 (i) (A) the curbs; or
333 (B) in the absence of curbs, from the edges of the traversable roadway; and
334 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
335 included within the extension of the lateral lines of the existing sidewalk at right angles to the
336 centerline; or
337 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for

338 pedestrian crossing by lines or other markings on the surface.

339 ~~[(10)]~~ (11) "Department" means the Department of Public Safety.

340 ~~[(11)]~~ (12) "Direct supervision" means oversight at a distance within which:

341 (a) visual contact is maintained; and

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

343 ~~[(12)]~~ (13) "Divided highway" means a highway divided into two or more roadways

344 by:

345 (a) an unpaved intervening space;

346 (b) a physical barrier; or

347 (c) a clearly indicated dividing section constructed to impede vehicular traffic.

348 ~~[(13)]~~ (14) "Electric assisted bicycle" means a moped:

349 (a) with an electric motor with a power output of not more than 1,000 watts; and

350 (b) which is not capable of:

351 (i) propelling the device at a speed of more than 20 miles per hour on level ground

352 when:

353 (A) powered solely by the electric motor; and

354 (B) operated by a person who weighs 170 pounds; and

355 (ii) increasing the speed of the device when human power is used to propel the device

356 at more than 20 miles per hour;

357 (c) has fully operable pedals on permanently affixed cranks; and

358 (d) weighs less than 75 pounds.

359 ~~[(14)]~~ (15) (a) "Electric personal assistive mobility device" means a self-balancing

360 device with:

361 (i) two nontandem wheels in contact with the ground;

362 (ii) a system capable of steering and stopping the unit under typical operating

363 conditions;

364 (iii) an electric propulsion system with average power of one horsepower or 750 watts;

365 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and

366 (v) a deck design for a person to stand while operating the device.

367 (b) "Electric personal assistive mobility device" does not include a wheelchair.

368 ~~[(15)]~~ (16) "Explosives" means any chemical compound or mechanical mixture

369 commonly used or intended for the purpose of producing an explosion and that contains any
370 oxidizing and combustive units or other ingredients in proportions, quantities, or packing so
371 that an ignition by fire, friction, concussion, percussion, or detonator of any part of the
372 compound or mixture may cause a sudden generation of highly heated gases, and the resultant
373 gaseous pressures are capable of producing destructive effects on contiguous objects or of
374 causing death or serious bodily injury.

375 ~~[(16)]~~ (17) "Farm tractor" means a motor vehicle designed and used primarily as a farm
376 implement, for drawing plows, mowing machines, and other implements of husbandry.

377 ~~[(17)]~~ (18) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or
378 less, as determined by a tagliabue or equivalent closed-cup test device.

379 ~~[(18)]~~ (19) "Freeway" means a controlled-access highway that is part of the interstate
380 system as defined in Section [72-1-102](#).

381 ~~[(19)]~~ (20) (a) "Full-sized all-terrain vehicle" means any recreational vehicle designed
382 for and capable of travel over unimproved terrain:

383 (i) traveling on four or more tires;

384 (ii) having a width that, when measured at the widest point of the vehicle:

385 (A) is not less than 55 inches; or

386 (B) does not exceed 92 inches;

387 (iii) having an unladen dry weight of 6,500 pounds or less;

388 (iv) having a maximum seat height of 50 inches when measured at the forward edge of
389 the seat bottom; and

390 (v) having a steering wheel for control.

391 (b) "Full-sized all-terrain vehicle" does not include:

392 (i) all-terrain type I vehicle;

393 (ii) a utility type vehicle;

394 (iii) a motorcycle; or

395 (iv) a snowmobile as defined in Section [41-22-2](#).

396 ~~[(20)]~~ (21) "Gore area" means the area delineated by two solid white lines that is
397 between a continuing lane of a through roadway and a lane used to enter or exit the continuing
398 lane including similar areas between merging or splitting highways.

399 ~~[(21)]~~ (22) "Gross weight" means the weight of a vehicle without a load plus the

400 weight of any load on the vehicle.

401 ~~[(22)]~~ (23) "Highway" means the entire width between property lines of every way or
402 place of any nature when any part of it is open to the use of the public as a matter of right for
403 vehicular travel.

404 ~~[(23)]~~ (24) "Highway authority" ~~[has the same meaning as]~~ means the same as that
405 term is defined in Section 72-1-102.

406 ~~[(24)]~~ (25) (a) "Intersection" means the area embraced within the prolongation or
407 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways
408 of two or more highways which join one another.

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

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

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

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

415 ~~[(25)]~~ (26) "Island" means an area between traffic lanes or at an intersection for control
416 of vehicle movements or for pedestrian refuge designated by:

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

419 (b) channelizing devices;

420 (c) curbs;

421 (d) pavement edges; or

422 (e) other devices.

423 ~~[(26)]~~ (27) "Law enforcement agency" ~~[has the same meaning as]~~ means the same as
424 that term is defined in Section 53-1-102.

425 ~~[(27)]~~ (28) "Limited access highway" means a highway:

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

427 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
428 persons have any right or easement, or have only a limited right or easement of access, light,
429 air, or view.

430 ~~[(28)]~~ (29) "Local highway authority" means the legislative, executive, or governing

431 body of a county, municipal, or other local board or body having authority to enact laws
432 relating to traffic under the constitution and laws of the state.

433 ~~[(29)]~~ (30) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

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

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

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

437 ~~[(30)]~~ (31) "Metal tire" means a tire, the surface of which in contact with the highway
438 is wholly or partly of metal or other hard nonresilient material.

439 ~~[(31)]~~ (32) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
440 seat or saddle that is less than 24 inches from the ground as measured on a level surface with
441 properly inflated tires.

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

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

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

445 (ii) registered as an off-highway vehicle under Section [41-22-3](#).

446 ~~[(32)]~~ (33) "Mobile home" means:

447 (a) a trailer or semitrailer that is:

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

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

451 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and

452 constructed for use as a mobile home, as defined in Subsection ~~[(32)]~~ (33)(a), but that is

453 instead used permanently or temporarily for:

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

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

457 ~~[(33)]~~ (34) (a) "Moped" means a motor-driven cycle having:

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

459 (ii) a motor that:

460 (A) produces not more than two brake horsepower; and

461 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on

462 level ground.

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

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

467 ~~[(34)]~~ (35) "Motor assisted scooter" means a self-propelled device with:

468 (a) at least two wheels in contact with the ground;

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

470 (c) a gas or electric motor not exceeding 40 cubic centimeters;

471 (d) either:

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

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

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

476 ~~[(35)]~~ (36) "Motorcycle" means:

477 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
478 and designed to travel with not more than three wheels in contact with the ground~~[-];~~ or

479 (b) an auticycle.

480 ~~[(36)]~~ (37) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped,
481 electric assisted bicycle, motor assisted scooter, and every motorized bicycle having:

482 (i) an engine with less than 150 cubic centimeters displacement; or

483 (ii) a motor that produces not more than five horsepower.

484 (b) "Motor-driven cycle" does not include an electric personal assistive mobility
485 device.

486 ~~[(37)]~~ (38) (a) "Motor vehicle" means a vehicle that is self-propelled and every vehicle
487 which is propelled by electric power obtained from overhead trolley wires, but not operated
488 upon rails.

489 (b) "Motor vehicle" does not include vehicles moved solely by human power,
490 motorized wheelchairs, or an electric personal assistive mobility device.

491 ~~[(38)]~~ (39) "Off-highway implement of husbandry" ~~[has the same meaning as]~~ means
492 the same as that term is defined under Section 41-22-2.

493 [~~(39)~~] (40) "Off-highway vehicle" [~~has the same meaning as~~] means the same as that
494 term is defined under Section 41-22-2.

495 [~~(40)~~] (41) "Operator" means a person who is in actual physical control of a vehicle.

496 [~~(41)~~] (42) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle
497 is occupied or not.

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

500 [~~(42)~~] (43) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
501 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of
502 traffic laws.

503 [~~(43)~~] (44) "Pedestrian" means a person traveling:

504 (a) on foot; or

505 (b) in a wheelchair.

506 [~~(44)~~] (45) "Pedestrian traffic-control signal" means a traffic-control signal used to
507 regulate pedestrians.

508 [~~(45)~~] (46) "Person" means every natural person, firm, copartnership, association, or
509 corporation.

510 [~~(46)~~] (47) "Pole trailer" means every vehicle without motive power:

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

513 (b) that is ordinarily used for transporting long or irregular shaped loads including
514 poles, pipes, or structural members generally capable of sustaining themselves as beams
515 between the supporting connections.

516 [~~(47)~~] (48) "Private road or driveway" means every way or place in private ownership
517 and used for vehicular travel by the owner and those having express or implied permission
518 from the owner, but not by other persons.

519 [~~(48)~~] (49) "Railroad" means a carrier of persons or property upon cars operated on
520 stationary rails.

521 [~~(49)~~] (50) "Railroad sign or signal" means a sign, signal, or device erected by
522 authority of a public body or official or by a railroad and intended to give notice of the presence
523 of railroad tracks or the approach of a railroad train.

524 [~~(50)~~] (51) "Railroad train" means a locomotive propelled by any form of energy,
525 coupled with or operated without cars, and operated upon rails.

526 [~~(51)~~] (52) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
527 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
528 of direction, speed, and proximity that give rise to danger of collision unless one grants
529 precedence to the other.

530 [~~(52)~~] (53) (a) "Roadway" means that portion of highway improved, designed, or
531 ordinarily used for vehicular travel.

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

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

536 [~~(53)~~] (54) "Safety zone" means the area or space officially set apart within a roadway
537 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
538 signs as to be plainly visible at all times while set apart as a safety zone.

539 [~~(54)~~] (55) (a) "School bus" means a motor vehicle that:

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

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

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

545 [~~(55)~~] (56) (a) "Semitrailer" means a vehicle with or without motive power:

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

548 (ii) constructed so that some part of its weight and that of its load rests on or is carried
549 by another vehicle.

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

551 [~~(56)~~] (57) "Shoulder area" means:

552 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
553 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";
554 or

555 (b) that portion of the road contiguous to the roadway for accommodation of stopped
556 vehicles, for emergency use, and for lateral support.

557 ~~[(57)]~~ (58) "Sidewalk" means that portion of a street between the curb lines, or the
558 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

559 ~~[(58)]~~ (59) "Solid rubber tire" means a tire of rubber or other resilient material that
560 does not depend on compressed air for the support of the load.

561 ~~[(59)]~~ (60) "Stand" or "standing" means the temporary halting of a vehicle, whether
562 occupied or not, for the purpose of and while actually engaged in receiving or discharging
563 passengers.

564 ~~[(60)]~~ (61) "Stop" when required means complete cessation from movement.

565 ~~[(61)]~~ (62) "Stop" or "stopping" when prohibited means any halting even momentarily
566 of a vehicle, whether occupied or not, except when:

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

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

569 ~~[(62)]~~ (63) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain
570 type I vehicle, utility type vehicle, or full-sized all-terrain vehicle that is modified to meet the
571 requirements of Section 41-6a-1509 to operate on highways in the state in accordance with
572 Section 41-6a-1509.

573 ~~[(63)]~~ (64) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
574 conveyances either singly or together while using any highway for the purpose of travel.

575 ~~[(64)]~~ (65) "Traffic-control device" means a sign, signal, marking, or device not
576 inconsistent with this chapter placed or erected by a highway authority for the purpose of
577 regulating, warning, or guiding traffic.

578 ~~[(65)]~~ (66) "Traffic-control signal" means a device, whether manually, electrically, or
579 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

580 ~~[(66)]~~ (67) "Traffic signal preemption device" means an instrument or mechanism
581 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

582 ~~[(67)]~~ (68) (a) "Trailer" means a vehicle with or without motive power designed for
583 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
584 part of its weight rests upon the towing vehicle.

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

586 [~~(68)~~] (69) "Truck" means a motor vehicle designed, used, or maintained primarily for
587 the transportation of property.

588 [~~(69)~~] (70) "Truck tractor" means a motor vehicle:

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

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

592 [~~(70)~~] (71) "Two-way left turn lane" means a lane:

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

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

595 (c) that has been indicated by a lane traffic-control device that may include lane
596 markings.

597 [~~(71)~~] (72) "Urban district" means the territory contiguous to and including any street,
598 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
599 less than 100 feet, for a distance of a quarter of a mile or more.

600 [~~(72)~~] (73) (a) "Utility type vehicle" means any recreational vehicle designed for and
601 capable of travel over unimproved terrain:

602 (i) traveling on four or more tires;

603 (ii) having a width that, when measured at the widest point of the vehicle:

604 (A) is not less than 30 inches; or

605 (B) does not exceed 70 inches;

606 (iii) having an unladen dry weight of 2,200 pounds or less;

607 (iv) having a seat height of 20 to 40 inches when measured at the forward edge of the
608 seat bottom; and

609 (v) having side-by-side seating with a steering wheel for control.

610 (b) "Utility type vehicle" does not include:

611 (i) an all-terrain type I vehicle;

612 (ii) a motorcycle; or

613 (iii) a snowmobile as defined in Section [41-22-2](#).

614 [~~(73)~~] (74) "Vehicle" means a device in, on, or by which a person or property is or may
615 be transported or drawn on a highway, except devices used exclusively on stationary rails or
616 tracks.

617 Section 3. Section **41-6a-1505** is amended to read:

618 **41-6a-1505. Motorcycle or motor-driven cycle -- Protective headgear -- Closed**
 619 **cab excepted -- Electric assisted bicycles, motor assisted scooters, electric personal**
 620 **assistive mobility devices.**

621 (1) A person under the age of 18 may not operate or ride any of the following on a
 622 [~~motorcycle or motor-driven cycle on a~~] highway unless the person is wearing protective
 623 headgear [~~which~~] that complies with specifications adopted under Subsection (3)[-]:

624 (a) a motorcycle;

625 (b) a motor-driven cycle; or

626 (c) an auticycle that is not fully enclosed ~~Ĥ~~→ **and is not equipped with roll bars** ←~~Ĥ~~ .

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

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

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

630 (b) 16 C.F.R. Part 1203 related to protective headgear for bicycles, motor assisted
 631 scooters, and electric personal assistive mobility devices.

632 (4) A court shall waive \$8 of a fine charged to a person operating a motorcycle or
 633 motor-driven cycle for a moving traffic violation if the person was:

634 (a) 18 years of age or older at the time of operation; and

635 (b) wearing protective headgear that complies with the specifications adopted under
 636 Subsection (3) at the time of operation.

637 (5) The failure to wear protective headgear:

638 (a) does not constitute contributory or comparative negligence on the part of a person
 639 seeking recovery for injuries; and

640 (b) may not be introduced as evidence in any civil litigation on the issue of negligence,
 641 injuries, or the mitigation of damages.

642 (6) Notwithstanding Subsection (4), a court may not waive \$8 of a fine charged to a
 643 person operating a motorcycle or motor-driven cycle for a driving under the influence violation
 644 of Section [41-6a-502](#).

645 (7) A violation of this section is an infraction.

646 Section 4. Section **41-6a-1506** is amended to read:

647 **41-6a-1506. Motorcycles -- Required equipment -- Brakes.**

648 (1) A motorcycle and a motor-driven cycle shall be equipped with the following items:

649 (a) one head lamp [~~which~~] that, when factory equipped with an automatic lighting
650 ignition system, may not be disconnected;

651 (b) one tail lamp;

652 (c) either a tail lamp or a separate lamp which illuminates the rear license plate with a
653 white light;

654 (d) one red reflector on the rear, either separate or as part of the tail lamp;

655 (e) one stop lamp;

656 (f) a braking system, other than parking brake, in accordance with Section [41-6a-1623](#);

657 (g) a horn or warning device in accordance with Section [41-6a-1625](#);

658 (h) a muffler and emission control system in accordance with Section [41-6a-1626](#);

659 (i) a mirror in accordance with Section [41-6a-1627](#); and

660 (j) tires in accordance with Section [41-6a-1636](#).

661 (2) An autocycle shall be equipped with the following items:

662 (a) a seatbelt for each seat installed in the autocycle in accordance with Section
663 [41-6a-1628](#);

664 (b) at least one head lamp that, when factory equipped with an automatic lighting
665 ignition system, may not be disconnected;

666 (c) at least one tail lamp;

667 (d) either a tail lamp or a separate lamp that illuminates the rear license plate with a
668 white light;

669 (e) at least one red reflector, either separate or as part of the tail lamp or tail lamps;

670 (f) at least one stop lamp;

671 (g) a braking system, other than a parking brake, in accordance with Section
672 [41-6a-1623](#);

673 (h) a horn or warning device in accordance with Section [41-6a-1625](#);

674 (i) a muffler and emission control system in accordance with Section [41-6a-1626](#)

674a ↳ that, when factory equipped, may not be removed ← ;

675 (j) a mirror in accordance with Section [41-6a-1627](#); and

676 (k) tires in accordance with Section [41-6a-1636](#).

677 ~~[(2)]~~ (3) The department may require an inspection of the braking system on a

678 motor-driven cycle and disapprove a braking system that is not designed or constructed as to

679 insure reasonable and reliable performance in actual use in accordance with Section
680 [41-6a-1623](#).

681 ~~[(3)]~~ (4) A person may not operate a motor-driven cycle on a highway if the department
682 has disapproved the braking system on the motor-driven cycle.

683 ~~[(4)]~~ (5) (a) Upon notice to the party to whom the motor-driven cycle is registered, the
684 department may suspend the registration of a motor-driven cycle if the department has
685 disapproved the braking system under this section.

686 (b) The Motor Vehicle Division shall, under Subsection [41-1a-109](#)(1)(e) or (2), refuse
687 to register a motor-driven cycle if it has reason to believe the motor-driven cycle has a braking
688 system disapproved under this section.

689 ~~[(5)]~~ (6) A violation of this section is an infraction.

690 Section 5. Section **41-21-1** is amended to read:

691 **41-21-1. Definitions.**

692 (1) "Autocycle" means the same as that term is defined in Section [53-3-102](#).

693 (2) "Motorcycle" means:

694 (a) a motor vehicle having a saddle for the use of the rider and designed to travel on not
695 more than three wheels in contact with the ground; or

696 (b) an autocycle.

697 ~~[(1)]~~ (3) (a) "Street rod" means a motor vehicle or motorcycle that:

698 (i) (A) was manufactured in 1948 or before; or

699 (B) (I) was manufactured after 1948 to resemble a vehicle that was manufactured in
700 1948 or before; and

701 (II) (Aa) has been altered from the manufacturer's original design; or

702 (Bb) has a body constructed from non-original materials; and

703 (ii) is primarily a collector's item that is used for:

704 (A) club activities;

705 (B) exhibitions;

706 (C) tours;

707 (D) parades;

708 (E) occasional transportation; and

709 (F) other similar uses.

710 (b) "Street rod" does not include a motor vehicle or motorcycle that is used for general,
711 daily transportation.

712 ~~[(2)]~~ (4) (a) "Vintage travel trailer" means a travel trailer, camping trailer, or fifth
713 wheel trailer that is:

- 714 (i) 30 years old or older, from the current year; and
- 715 (ii) primarily a collector's item that is used for:
 - 716 (A) participation in club activities;
 - 717 (B) exhibitions;
 - 718 (C) tours;
 - 719 (D) parades;
 - 720 (E) occasional recreational or vacation use; and
 - 721 (F) other similar uses.

722 (b) "Vintage travel trailer" does not include a travel trailer, camping trailer, or fifth
723 wheel trailer that is used for the general, daily transportation of persons or property.

724 ~~[(3)]~~ (5) (a) "Vintage vehicle" means a motor vehicle or motorcycle that:

- 725 (i) is 30 years old or older from the current year;
- 726 (ii) displays a unique vehicle type special group license plate issued in accordance with
727 Section [41-1a-418](#); and

- 728 (iii) is primarily a collector's item that is used for:
 - 729 (A) participation in club activities;
 - 730 (B) exhibitions;
 - 731 (C) tours;
 - 732 (D) parades;
 - 733 (E) occasional transportation; and
 - 734 (F) other similar uses.

735 (b) "Vintage vehicle" does not include a motor vehicle or motorcycle that is used for
736 general, daily transportation.

737 (c) "Vintage vehicle" includes a:

- 738 (i) street rod; and
- 739 (ii) vintage travel trailer.

740 Section 6. Section **53-3-102** is amended to read:

741 **53-3-102. Definitions.**

742 As used in this chapter:

743 (1) "Autocycle" means a motor vehicle that:744 (a) is designed to travel with three or fewer wheels in contact with the ground;745 (b) is equipped with a steering wheel; and746 (c) is equipped with seating that does not require the operator to straddle or sit astride
747 the vehicle.748 [~~(1)~~] (2) "Cancellation" means the termination by the division of a license issued
749 through error or fraud or for which consent under Section 53-3-211 has been withdrawn.750 [~~(2)~~] (3) "Class D license" means the class of license issued to drive motor vehicles not
751 defined as commercial motor vehicles or motorcycles under this chapter.752 [~~(3)~~] (4) "Commercial driver instruction permit" or "CDIP" means a commercial
753 learner permit:

754 (a) issued under Section 53-3-408; or

755 (b) issued by a state or other jurisdiction of domicile in compliance with the standards
756 contained in 49 C.F.R. Part 383.757 [~~(4)~~] (5) "Commercial driver license" or "CDL" means a license:758 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.
759 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
760 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
761 commercial motor vehicle; and762 (b) that was obtained by providing evidence of lawful presence in the United States
763 with one of the document requirements described in Subsection 53-3-410(1)(i)(i).764 [~~(5)~~] (6) (a) "Commercial driver license motor vehicle record" or "CDL MVR" means a
765 driving record that:766 (i) applies to a person who holds or is required to hold a commercial driver instruction
767 permit or a CDL license; and

768 (ii) contains the following:

769 (A) information contained in the driver history, including convictions, pleas held in
770 abeyance, disqualifications, and other licensing actions for violations of any state or local law
771 relating to motor vehicle traffic control, committed in any type of vehicle;

772 (B) driver self-certification status information under Section 53-3-410.1; and
773 (C) information from medical certification record keeping in accordance with 49
774 C.F.R. Sec. 383.73(o).

775 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a
776 motor vehicle record described in Subsection 53-3-102(28).

777 ~~[(6)]~~ (7) (a) "Commercial motor vehicle" means a motor vehicle or combination of
778 motor vehicles designed or used to transport passengers or property if the motor vehicle:

779 (i) has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as
780 determined by federal regulation;

781 (ii) is designed to transport 16 or more passengers, including the driver; or

782 (iii) is transporting hazardous materials and is required to be placarded in accordance
783 with 49 C.F.R. Part 172, Subpart F.

784 (b) The following vehicles are not considered a commercial motor vehicle for purposes
785 of Part 4, Uniform Commercial Driver License Act:

786 (i) equipment owned and operated by the United States Department of Defense when
787 driven by any active duty military personnel and members of the reserves and national guard on
788 active duty including personnel on full-time national guard duty, personnel on part-time
789 training, and national guard military technicians and civilians who are required to wear military
790 uniforms and are subject to the code of military justice;

791 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm
792 machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation
793 as a motor carrier for hire;

794 (iii) firefighting and emergency vehicles;

795 (iv) recreational vehicles that are not used in commerce and are driven solely as family
796 or personal conveyances for recreational purposes; and

797 (v) vehicles used to provide transportation network services, as defined in Section
798 13-51-102.

799 ~~[(7)]~~ (8) "Conviction" means any of the following:

800 (a) an unvacated adjudication of guilt or a determination that a person has violated or
801 failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

802 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's

803 appearance in court;

804 (c) a plea of guilty or nolo contendere accepted by the court;

805 (d) the payment of a fine or court costs; or

806 (e) violation of a condition of release without bail, regardless of whether the penalty is
807 rebated, suspended, or probated.

808 ~~[(8)]~~ (9) "Denial" or "denied" means the withdrawal of a driving privilege by the
809 division to which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or
810 Operator's Security, do not apply.

811 ~~[(9)]~~ (10) "Director" means the division director appointed under Section 53-3-103.

812 ~~[(10)]~~ (11) "Disqualification" means either:

813 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state
814 of a person's privileges to drive a commercial motor vehicle;

815 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
816 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
817 391; or

818 (c) the loss of qualification that automatically follows conviction of an offense listed in
819 49 C.F.R. Part 383.51.

820 ~~[(11)]~~ (12) "Division" means the Driver License Division of the department created in
821 Section 53-3-103.

822 ~~[(12)]~~ (13) "Downgrade" means to obtain a lower license class than what was
823 originally issued during an existing license cycle.

824 ~~[(13)]~~ (14) "Drive" means:

825 (a) to operate or be in physical control of a motor vehicle upon a highway; and

826 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
827 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
828 the state.

829 ~~[(14)]~~ (15) (a) "Driver" means any person who drives, or is in actual physical control of
830 a motor vehicle in any location open to the general public for purposes of vehicular traffic.

831 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person
832 who is required to hold a CDL under Part 4, Uniform Commercial Driver License Act, or
833 federal law.

834 ~~[(15)]~~ (16) "Driving privilege card" means the evidence of the privilege granted and
835 issued under this chapter to drive a motor vehicle to a person whose privilege was obtained
836 without providing evidence of lawful presence in the United States.

837 ~~[(16)]~~ (17) "Extension" means a renewal completed in a manner specified by the
838 division.

839 ~~[(17)]~~ (18) "Farm tractor" means every motor vehicle designed and used primarily as a
840 farm implement for drawing plows, mowing machines, and other implements of husbandry.

841 ~~[(18)]~~ (19) "Highway" means the entire width between property lines of every way or
842 place of any nature when any part of it is open to the use of the public, as a matter of right, for
843 traffic.

844 ~~[(19)]~~ (20) "Identification card" means a card issued under Part 8, Identification Card
845 Act, to a person for identification purposes.

846 ~~[(20)]~~ (21) "Indigent" means that a person's income falls below the federal poverty
847 guideline issued annually by the U.S. Department of Health and Human Services in the Federal
848 Register.

849 ~~[(21)]~~ (22) "License" means the privilege to drive a motor vehicle.

850 ~~[(22)]~~ (23) (a) "License certificate" means the evidence of the privilege issued under
851 this chapter to drive a motor vehicle.

852 (b) "License certificate" evidence includes a:

853 (i) regular license certificate;

854 (ii) limited-term license certificate;

855 (iii) driving privilege card;

856 (iv) CDL license certificate;

857 (v) limited-term CDL license certificate;

858 (vi) temporary regular license certificate; and

859 (vii) temporary limited-term license certificate.

860 ~~[(23)]~~ (24) "Limited-term commercial driver license" or "limited-term CDL" means a
861 license:

862 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.
863 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
864 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of

865 commercial motor vehicle; and

866 (b) that was obtained by providing evidence of lawful presence in the United States
867 with one of the document requirements described in Subsection 53-3-410(1)(i)(ii).

868 ~~[(24)]~~ (25) "Limited-term identification card" means an identification card issued under
869 this chapter to a person whose card was obtained by providing evidence of lawful presence in
870 the United States with one of the document requirements described in Subsection
871 53-3-804(2)(i)(ii).

872 ~~[(25)]~~ (26) "Limited-term license certificate" means the evidence of the privilege
873 granted and issued under this chapter to drive a motor vehicle to a person whose privilege was
874 obtained providing evidence of lawful presence in the United States with one of the document
875 requirements described in Subsection 53-3-205(8)(a)(ii)(B).

876 ~~[(26)]~~ (27) "Motorboat" ~~[has the same meaning as provided under]~~ means the same as
877 that term is defined in Section 73-18-2.

878 ~~[(27)]~~ (28) "Motorcycle" means every motor vehicle, other than a tractor, having a seat
879 or saddle for the use of the rider and designed to travel with not more than three wheels in
880 contact with the ground.

881 (29) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.

882 ~~[(28)]~~ (30) "Motor vehicle record" or "MVR" means a driving record under Subsection
883 53-3-109(6)(a).

884 ~~[(29)]~~ (31) "Office of Recovery Services" means the Office of Recovery Services,
885 created in Section 62A-11-102.

886 ~~[(30)]~~ (32) (a) "Owner" means a person other than a lien holder having an interest in
887 the property or title to a vehicle.

888 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to
889 a security interest in another person but excludes a lessee under a lease not intended as security.

890 ~~[(31)]~~ (33) "Regular identification card" means an identification card issued under this
891 chapter to a person whose card was obtained by providing evidence of lawful presence in the
892 United States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

893 ~~[(32)]~~ (34) "Regular license certificate" means the evidence of the privilege issued
894 under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence
895 of lawful presence in the United States with one of the document requirements described in

896 Subsection [53-3-205](#)(8)(a)(ii)(A).

897 ~~[(33)]~~ [\(35\)](#) "Renewal" means to validate a license certificate so that it expires at a later
898 date.

899 ~~[(34)]~~ [\(36\)](#) "Reportable violation" means an offense required to be reported to the
900 division as determined by the division and includes those offenses against which points are
901 assessed under Section [53-3-221](#).

902 ~~[(35)]~~ [\(37\)](#) (a) "Resident" means an individual who:

903 (i) has established a domicile in this state, as defined in Section [41-1a-202](#), or
904 regardless of domicile, remains in this state for an aggregate period of six months or more
905 during any calendar year;

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

908 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
909 license certificate or motor vehicle registration; or

910 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended
911 to nonresidents, including going to school, or placing children in school without paying
912 nonresident tuition or fees.

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

914 (i) a member of the military, temporarily stationed in this state;

915 (ii) an out-of-state student, as classified by an institution of higher education,
916 regardless of whether the student engages in any type of employment in this state;

917 (iii) a person domiciled in another state or country, who is temporarily assigned in this
918 state, assigned by or representing an employer, religious or private organization, or a
919 governmental entity; or

920 (iv) an immediate family member who resides with or a household member of a person
921 listed in Subsections ~~[(35)]~~ [\(37\)](#)(b)(i) through (iii).

922 ~~[(36)]~~ [\(38\)](#) "Revocation" means the termination by action of the division of a licensee's
923 privilege to drive a motor vehicle.

924 ~~[(37)]~~ [\(39\)](#) (a) "School bus" means a commercial motor vehicle used to transport
925 pre-primary, primary, or secondary school students to and from home and school, or to and
926 from school sponsored events.

927 (b) "School bus" does not include a bus used as a common carrier as defined in Section
928 59-12-102.

929 [~~38~~] (40) "Suspension" means the temporary withdrawal by action of the division of a
930 licensee's privilege to drive a motor vehicle.

931 [~~39~~] (41) "Taxicab" means any class D motor vehicle transporting any number of
932 passengers for hire and that is subject to state or federal regulation as a taxi.

933 Section 7. Section **53-3-202** is amended to read:

934 **53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.**

935 (1) A person may not drive a motor vehicle or an autocycle on a highway in this state
936 unless the person is:

937 (a) granted the privilege to operate a motor vehicle by being licensed as a driver by the
938 division under this chapter;

939 (b) driving an official United States Government class D motor vehicle with a valid
940 United States Government driver permit or license for that type of vehicle;

941 (c) (i) driving a road roller, road machinery, or any farm tractor or implement of
942 husbandry temporarily drawn, moved, or propelled on the highways; and

943 (ii) driving the vehicle described in Subsection (1)(c)(i) in conjunction with a
944 construction or agricultural activity;

945 (d) a nonresident who is at least 16 years of age and younger than 18 years of age who
946 has in the nonresident's immediate possession a valid license certificate issued to the
947 nonresident in the nonresident's home state or country and is driving in the class or classes
948 identified on the home state license certificate, except those persons referred to in Part 6,
949 Drivers' License Compact, of this chapter;

950 (e) a nonresident who is at least 18 years of age and who has in the nonresident's
951 immediate possession a valid license certificate issued to the nonresident in the nonresident's
952 home state or country if driving in the class or classes identified on the home state license
953 certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

954 (f) driving under a learner permit in accordance with Section 53-3-210.5;

955 (g) driving with a temporary license certificate issued in accordance with Section
956 53-3-207; or

957 (h) exempt under Title 41, Chapter 22, Off-Highway Vehicles.

958 (2) A person may not drive or, while within the passenger compartment of a motor
959 vehicle, exercise any degree or form of physical control of a motor vehicle being towed by a
960 motor vehicle upon a highway unless the person:

961 (a) holds a valid license issued under this chapter for the type or class of motor vehicle
962 being towed; or

963 (b) is exempted under either Subsection (1)(b) or (1)(c).

964 (3) A person may not drive a motor vehicle as a taxicab on a highway of this state
965 unless the person has a taxicab endorsement issued by the division on his license certificate.

966 (4) (a) Except as provided in Subsections (4)(b) [~~and~~], (c), and (d) a person may not
967 operate:

968 (i) a motorcycle unless the person has a valid class D driver license and a motorcycle
969 endorsement issued under this chapter;

970 (ii) a street legal all-terrain vehicle unless the person has a valid class D driver license;
971 or

972 (iii) a motor-driven cycle unless the person has a valid class D driver license and a
973 motorcycle endorsement issued under this chapter.

974 (b) A person operating a moped, as defined in Section [41-6a-102](#), or an electric assisted
975 bicycle, as defined in Section [41-6a-102](#), is not required to have a motorcycle endorsement
976 issued under this chapter.

977 (c) A person is not required to have a valid class D driver license if the person is:

978 (i) operating a motor assisted scooter, as defined in Section [41-6a-102](#), in accordance
979 with Section [41-6a-1115](#); or

980 (ii) operating an electric personal assistive mobility device, as defined in Section
981 [41-6a-102](#), in accordance with Section [41-6a-1116](#).

982 (d) A person operating an auticycle is not required to have a motorcycle endorsement
983 issued under this chapter.

984 (5) A person who violates this section is guilty of an infraction.