

ELECTRIC ASSISTED BICYCLE AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Johnny Anderson

LONG TITLE

General Description:

This bill amends provisions related to electric assisted bicycles.

Highlighted Provisions:

This bill:

- ▶ modifies the definition of an electric assisted bicycle and related definitions;
 - ▶ amends and enacts provisions related to the operation of an electric assisted bicycle;
- and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

41-6a-102, as last amended by Laws of Utah 2014, Chapters 104 and 229

41-6a-1505, as last amended by Laws of Utah 2015, Chapter 412

53-3-202, as last amended by Laws of Utah 2015, Chapters 331 and 412

79-5-102, as renumbered and amended by Laws of Utah 2009, Chapter 344

ENACTS:

41-6a-1115.5, Utah Code Annotated 1953

Utah Code Sections Affected by Coordination Clause:

41-6a-1505, as last amended by Laws of Utah 2015, Chapter 412

30

31 *Be it enacted by the Legislature of the state of Utah:*32 Section 1. Section **41-6a-102** is amended to read:33 **41-6a-102. Definitions.**

34 As used in this chapter:

35 (1) "Alley" means a street or highway intended to provide access to the rear or side of
36 lots or buildings in urban districts and not intended for through vehicular traffic.37 (2) "All-terrain type I vehicle" has the same meaning as defined in Section [41-22-2](#).

38 (3) "Authorized emergency vehicle" includes:

39 (a) fire department vehicles;

40 (b) police vehicles;

41 (c) ambulances; and

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

44 (4) (a) "Bicycle" means a wheeled vehicle:

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

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

47 (iii) designed to be operated on the ground; and

48 (iv) whose wheels are not less than 14 inches in diameter.

49 (b) "Bicycle" includes an electric assisted bicycle.

50 (c) "Bicycle" does not include scooters and similar devices.

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

52 (i) designed for carrying more than 15 passengers and used for the transportation of
53 persons; or

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

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

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

58 the island.

59 (b) "Circular intersection" includes:

60 (i) roundabouts;

61 (ii) rotaries; and

62 (iii) traffic circles.

63 (7) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in

64 Subsection (16)(d)(i).

65 (8) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in

66 Subsection (16)(d)(ii).

67 (9) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in

68 Subsection (16)(d)(iii).

69 [~~7~~] (10) "Commissioner" means the commissioner of the Department of Public
70 Safety.

71 [~~8~~] (11) "Controlled-access highway" means a highway, street, or roadway:

72 (a) designed primarily for through traffic; and

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

76 [~~9~~] (12) "Crosswalk" means:

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

79 (i) (A) the curbs; or

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

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

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

86 ~~[(10)]~~ (13) "Department" means the Department of Public Safety.

87 ~~[(11)]~~ (14) "Direct supervision" means oversight at a distance within which:

88 (a) visual contact is maintained; and

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

90 ~~[(12)]~~ (15) "Divided highway" means a highway divided into two or more roadways

91 by:

92 (a) an unpaved intervening space;

93 (b) a physical barrier; or

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

95 ~~[(13)]~~ (16) "Electric assisted bicycle" ~~[means a moped]~~ means a bicycle with an
96 electric motor that:

97 (a) ~~[with an electric motor with]~~ has a power output of not more than ~~[1,000]~~ 750
98 watts; [and]

99 ~~[(b) which is not capable of:]~~

100 ~~[(i) propelling the device at a speed of more than 20 miles per hour on level ground~~
101 ~~when:]~~

102 ~~[(A) powered solely by the electric motor; and]~~

103 ~~[(B) operated by a person who weighs 170 pounds; and]~~

104 ~~[(ii) increasing the speed of the device when human power is used to propel the device~~
105 ~~at more than 20 miles per hour;]~~

106 ~~[(c)]~~ (b) has fully operable pedals on permanently affixed cranks; ~~[and]~~

107 ~~[(d) weighs less than 75 pounds:]~~

108 (c) is fully operable as a bicycle without the use of the electric motor; and

109 (d) is one of the following:

110 (i) an electric assisted bicycle equipped with a motor or electronics that:

111 (A) provides assistance only when the rider is pedaling; and

112 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
113 hour;

114 (ii) an electric assisted bicycle equipped with a motor or electronics that:
115 (A) may be used exclusively to propel the bicycle; and
116 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
117 miles per hour; or

118 (iii) an electric assisted bicycle equipped with a motor or electronics that:
119 (A) provides assistance only when the rider is pedaling;
120 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
121 hour; and

122 (C) is equipped with a speedometer.

123 ~~[(14)]~~ (17) (a) "Electric personal assistive mobility device" means a self-balancing
124 device with:

- 125 (i) two nontandem wheels in contact with the ground;
- 126 (ii) a system capable of steering and stopping the unit under typical operating
127 conditions;
- 128 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 129 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 130 (v) a deck design for a person to stand while operating the device.

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

132 ~~[(15)]~~ (18) "Explosives" means any chemical compound or mechanical mixture
133 commonly used or intended for the purpose of producing an explosion and that contains any
134 oxidizing and combustive units or other ingredients in proportions, quantities, or packing so
135 that an ignition by fire, friction, concussion, percussion, or detonator of any part of the
136 compound or mixture may cause a sudden generation of highly heated gases, and the resultant
137 gaseous pressures are capable of producing destructive effects on contiguous objects or of
138 causing death or serious bodily injury.

139 ~~[(16)]~~ (19) "Farm tractor" means a motor vehicle designed and used primarily as a farm
140 implement, for drawing plows, mowing machines, and other implements of husbandry.

141 ~~[(17)]~~ (20) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or

142 less, as determined by a tagliabue or equivalent closed-cup test device.

143 ~~[(18)]~~ (21) "Freeway" means a controlled-access highway that is part of the interstate
144 system as defined in Section 72-1-102.

145 ~~[(19)]~~ (22) (a) "Full-sized all-terrain vehicle" means any recreational vehicle designed
146 for and capable of travel over unimproved terrain:

147 (i) traveling on four or more tires;

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

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

150 (B) does not exceed 92 inches;

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

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

154 (v) having a steering wheel for control.

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

156 (i) all-terrain type I vehicle;

157 (ii) a utility type vehicle;

158 (iii) a motorcycle; or

159 (iv) a snowmobile as defined in Section 41-22-2.

160 ~~[(20)]~~ (23) "Gore area" means the area delineated by two solid white lines that is
161 between a continuing lane of a through roadway and a lane used to enter or exit the continuing
162 lane including similar areas between merging or splitting highways.

163 ~~[(21)]~~ (24) "Gross weight" means the weight of a vehicle without a load plus the
164 weight of any load on the vehicle.

165 ~~[(22)]~~ (25) "Highway" means the entire width between property lines of every way or
166 place of any nature when any part of it is open to the use of the public as a matter of right for
167 vehicular travel.

168 ~~[(23)]~~ (26) "Highway authority" has the same meaning as defined in Section 72-1-102.

169 ~~[(24)]~~ (27) (a) "Intersection" means the area embraced within the prolongation or

170 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways
171 of two or more highways which join one another.

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

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

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

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

178 ~~[(25)]~~ (28) "Island" means an area between traffic lanes or at an intersection for control
179 of vehicle movements or for pedestrian refuge designated by:

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

182 (b) channelizing devices;

183 (c) curbs;

184 (d) pavement edges; or

185 (e) other devices.

186 ~~[(26)]~~ (29) "Law enforcement agency" has the same meaning as defined in Section
187 [53-1-102](#).

188 ~~[(27)]~~ (30) "Limited access highway" means a highway:

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

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

193 ~~[(28)]~~ (31) "Local highway authority" means the legislative, executive, or governing
194 body of a county, municipal, or other local board or body having authority to enact laws
195 relating to traffic under the constitution and laws of the state.

196 ~~[(29)]~~ (32) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

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

- 198 (ii) has a capacity of not more than four passengers, including the driver.
- 199 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
- 200 ~~[(30)]~~ (33) "Metal tire" means a tire, the surface of which in contact with the highway
201 is wholly or partly of metal or other hard nonresilient material.
- 202 ~~[(31)]~~ (34) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
203 seat or saddle that is less than 24 inches from the ground as measured on a level surface with
204 properly inflated tires.
- 205 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.
- 206 (c) "Mini-motorcycle" does not include a motorcycle that is:
- 207 (i) designed for off-highway use; and
- 208 (ii) registered as an off-highway vehicle under Section [41-22-3](#).
- 209 ~~[(32)]~~ (35) "Mobile home" means:
- 210 (a) a trailer or semitrailer that is:
- 211 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
212 place either permanently or temporarily; and
- 213 (ii) equipped for use as a conveyance on streets and highways; or
- 214 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
215 constructed for use as a mobile home, as defined in Subsection ~~[(32)]~~ (35)(a), but that is
216 instead used permanently or temporarily for:
- 217 (i) the advertising, sale, display, or promotion of merchandise or services; or
- 218 (ii) any other commercial purpose except the transportation of property for hire or the
219 transportation of property for distribution by a private carrier.
- 220 ~~[(33)]~~ (36) (a) "Moped" means a motor-driven cycle having:
- 221 (i) pedals to permit propulsion by human power; and
- 222 (ii) a motor that:
- 223 (A) produces not more than two brake horsepower; and
- 224 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
225 level ground.

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

229 (c) "Moped" includes ~~[an electric assisted bicycle and]~~ a motor assisted scooter.

230 (d) "Moped" does not include an electric assisted bicycle.

231 ~~[(34)]~~ (37) (a) "Motor assisted scooter" means a self-propelled device with:

232 ~~[(a)]~~ (i) at least two wheels in contact with the ground;

233 ~~[(b)]~~ (ii) a braking system capable of stopping the unit under typical operating
234 conditions;

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

236 ~~[(d)]~~ (iv) either:

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

238 ~~[(ii)]~~ (B) a deck and seat designed for a person to sit, straddle, or stand while operating
239 the device; and

240 ~~[(e)]~~ (v) a design for the ability to be propelled by human power alone.

241 (b) "Motor assisted scooter" does not include an electric assisted bicycle.

242 ~~[(35)]~~ (38) "Motorcycle" means a motor vehicle, other than a tractor, having a seat or
243 saddle for the use of the rider and designed to travel with not more than three wheels in contact
244 with the ground.

245 ~~[(36)]~~ (39) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped,
246 ~~[electric assisted bicycle,]~~ motor assisted scooter, and every motorized bicycle having:

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

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

249 (b) "Motor-driven cycle" does not include ~~[an electric personal assistive mobility~~
250 ~~device.];~~

251 (i) an electric personal assistive mobility device; or

252 (ii) an electric assisted bicycle.

253 ~~[(37)]~~ (40) (a) "Motor vehicle" means a vehicle that is self-propelled and every vehicle

254 which is propelled by electric power obtained from overhead trolley wires, but not operated
255 upon rails.

256 (b) "Motor vehicle" does not include vehicles moved solely by human power,
257 motorized wheelchairs, ~~[or]~~ an electric personal assistive mobility device, or an electric
258 assisted bicycle.

259 ~~[(38)]~~ (41) "Off-highway implement of husbandry" has the same meaning as defined
260 under Section 41-22-2.

261 ~~[(39)]~~ (42) "Off-highway vehicle" has the same meaning as defined under Section
262 41-22-2.

263 ~~[(40)]~~ (43) "Operator" means a person who is in actual physical control of a vehicle.

264 ~~[(41)]~~ (44) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle
265 is occupied or not.

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

268 ~~[(42)]~~ (45) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
269 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of
270 traffic laws.

271 ~~[(43)]~~ (46) "Pedestrian" means a person traveling:

272 (a) on foot; or

273 (b) in a wheelchair.

274 ~~[(44)]~~ (47) "Pedestrian traffic-control signal" means a traffic-control signal used to
275 regulate pedestrians.

276 ~~[(45)]~~ (48) "Person" means every natural person, firm, copartnership, association, or
277 corporation.

278 ~~[(46)]~~ (49) "Pole trailer" means every vehicle without motive power:

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

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

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

284 ~~[(47)]~~ (50) "Private road or driveway" means every way or place in private ownership
285 and used for vehicular travel by the owner and those having express or implied permission
286 from the owner, but not by other persons.

287 ~~[(48)]~~ (51) "Railroad" means a carrier of persons or property upon cars operated on
288 stationary rails.

289 ~~[(49)]~~ (52) "Railroad sign or signal" means a sign, signal, or device erected by
290 authority of a public body or official or by a railroad and intended to give notice of the presence
291 of railroad tracks or the approach of a railroad train.

292 ~~[(50)]~~ (53) "Railroad train" means a locomotive propelled by any form of energy,
293 coupled with or operated without cars, and operated upon rails.

294 ~~[(51)]~~ (54) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
295 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
296 of direction, speed, and proximity that give rise to danger of collision unless one grants
297 precedence to the other.

298 ~~[(52)]~~ (55) (a) "Roadway" means that portion of highway improved, designed, or
299 ordinarily used for vehicular travel.

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

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

304 ~~[(53)]~~ (56) "Safety zone" means the area or space officially set apart within a roadway
305 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
306 signs as to be plainly visible at all times while set apart as a safety zone.

307 ~~[(54)]~~ (57) (a) "School bus" means a motor vehicle that:

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

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

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

313 [~~55~~] (58) (a) "Semitrailer" means a vehicle with or without motive power:

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

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

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

319 [~~56~~] (59) "Shoulder area" means:

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

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

325 [~~57~~] (60) "Sidewalk" means that portion of a street between the curb lines, or the
326 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

327 [~~58~~] (61) "Solid rubber tire" means a tire of rubber or other resilient material that
328 does not depend on compressed air for the support of the load.

329 [~~59~~] (62) "Stand" or "standing" means the temporary halting of a vehicle, whether
330 occupied or not, for the purpose of and while actually engaged in receiving or discharging
331 passengers.

332 [~~60~~] (63) "Stop" when required means complete cessation from movement.

333 [~~61~~] (64) "Stop" or "stopping" when prohibited means any halting even momentarily
334 of a vehicle, whether occupied or not, except when:

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

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

337 [~~62~~] (65) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain

338 type I vehicle, utility type vehicle, or full-sized all-terrain vehicle that is modified to meet the
339 requirements of Section 41-6a-1509 to operate on highways in the state in accordance with
340 Section 41-6a-1509.

341 ~~[(63)]~~ (66) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
342 conveyances either singly or together while using any highway for the purpose of travel.

343 ~~[(64)]~~ (67) "Traffic-control device" means a sign, signal, marking, or device not
344 inconsistent with this chapter placed or erected by a highway authority for the purpose of
345 regulating, warning, or guiding traffic.

346 ~~[(65)]~~ (68) "Traffic-control signal" means a device, whether manually, electrically, or
347 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

348 ~~[(66)]~~ (69) "Traffic signal preemption device" means an instrument or mechanism
349 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

350 ~~[(67)]~~ (70) (a) "Trailer" means a vehicle with or without motive power designed for
351 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
352 part of its weight rests upon the towing vehicle.

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

354 ~~[(68)]~~ (71) "Truck" means a motor vehicle designed, used, or maintained primarily for
355 the transportation of property.

356 ~~[(69)]~~ (72) "Truck tractor" means a motor vehicle:

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

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

360 ~~[(70)]~~ (73) "Two-way left turn lane" means a lane:

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

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

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

365 ~~[(71)]~~ (74) "Urban district" means the territory contiguous to and including any street,

366 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
367 less than 100 feet, for a distance of a quarter of a mile or more.

368 ~~[(72)]~~ (75) (a) "Utility type vehicle" means any recreational vehicle designed for and
369 capable of travel over unimproved terrain:

- 370 (i) traveling on four or more tires;
- 371 (ii) having a width that, when measured at the widest point of the vehicle:
 - 372 (A) is not less than 30 inches; or
 - 373 (B) does not exceed 70 inches;
- 374 (iii) having an unladen dry weight of 2,200 pounds or less;
- 375 (iv) having a seat height of 20 to 40 inches when measured at the forward edge of the
376 seat bottom; and
- 377 (v) having side-by-side seating with a steering wheel for control.

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

- 379 (i) an all-terrain type I vehicle;
- 380 (ii) a motorcycle; or
- 381 (iii) a snowmobile as defined in Section 41-22-2.

382 ~~[(73)]~~ (76) "Vehicle" means a device in, on, or by which a person or property is or may
383 be transported or drawn on a highway, except devices used exclusively on stationary rails or
384 tracks.

385 Section 2. Section 41-6a-1115.5 is enacted to read:

386 **41-6a-1115.5. Electric assisted bicycles -- Restrictions -- Penalties.**

387 (1) Except as otherwise provided in this section, an electric assisted bicycle is subject
388 to the provisions under this chapter for a bicycle.

389 (2) An individual may operate an electric assisted bicycle on a path or trail designated
390 for the use of a bicycle.

391 (3) A local authority or state agency may adopt an ordinance or rule to regulate or
392 restrict the use of an electric assisted bicycle, or a specific classification of an electric assisted
393 bicycle, on a sidewalk, path, or trail within the jurisdiction of the local authority or state

394 agency.

395 (4) An individual under 16 years of age may not operate a class 3 electric assisted
396 bicycle.

397 (5) An individual under 14 years of age may not operate an electric assisted bicycle
398 with the electric motor engaged on any public property, highway, path, or sidewalk unless the
399 individual is under the direct supervision of the individual's parent or guardian.

400 (6) An individual under eight years of age may not operate an electric assisted bicycle
401 with the electric motor engaged on any public property, highway, path, or sidewalk.

402 (7) The owner of an electric assisted bicycle may not authorize or knowingly permit an
403 individual to operate an electric assisted bicycle in violation of this section.

404 (8) (a) Beginning January 1, 2017, each Utah-based manufacturer of an electric assisted
405 bicycle and each distributor of an electric assisted bicycle in Utah shall permanently affix a
406 label in a prominent location on the electric assisted bicycle.

407 (b) Each manufacturer and each distributor shall ensure that the label is printed in Arial
408 font, in 9-point type or larger, and includes the:

409 (i) appropriate electric assisted bicycle classification number described in Section
410 [41-6a-102](#);

411 (ii) top assisted speed; and

412 (iii) wattage of the motor.

413 (9) An individual who violates this section is guilty of an infraction.

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

415 **41-6a-1505. Motorcycle or motor-driven cycle -- Protective headgear -- Closed**
416 **cab excepted -- Electric assisted bicycles, motor assisted scooters, electric personal**
417 **assistive mobility devices.**

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

421 (a) a motorcycle;

422 (b) a motor-driven cycle; or

423 (c) a class 3 electric assisted bicycle.

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

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

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

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

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

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

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

434 (5) The failure to wear protective headgear:

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

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

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

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

443 Section 4. Section **53-3-202** is amended to read:

444 **53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.**

445 (1) A person may not drive a motor vehicle on a highway in this state unless the person
446 is:

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

449 (b) driving an official United States Government class D motor vehicle with a valid

450 United States Government driver permit or license for that type of vehicle;

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

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

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

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

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

465 (g) driving with a temporary license certificate issued in accordance with Section
466 53-3-207; or

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

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

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

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

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

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

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

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

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

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

487 (c) A person operating an electric assisted bicycle, as defined in Section 41-6a-102, is
488 not required to have a valid class D driver license or a motorcycle endorsement issued under
489 this chapter.

490 ~~[(c)]~~ (d) A person is not required to have a valid class D driver license if the person is:

491 (i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance
492 with Section 41-6a-1115; or

493 (ii) operating an electric personal assistive mobility device, as defined in Section
494 41-6a-102, in accordance with Section 41-6a-1116.

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

496 Section 5. Section 79-5-102 is amended to read:

497 **79-5-102. Definitions.**

498 As used in this chapter:

499 (1) "Board" means the Board of Parks and Recreation.

500 (2) "Council" means the Recreational Trails Advisory Council.

501 (3) "Division" means the Division of Parks and Recreation.

502 (4) "Recreational trail" or "trail" means a multi-use path used for:

503 (a) muscle-powered activities, including:

504 (i) bicycling;

505 (ii) cross-country skiing;

- 506 (iii) walking;
- 507 (iv) jogging; and
- 508 (v) horseback riding; and
- 509 (b) uses compatible with the uses described in Subsection (4)(a), including the use of
- 510 an electric assisted bicycle, as defined in Section [41-6a-102](#).

511 Section 6. **Coordinating S.B. 121 with H.B. 38 -- Substantive and technical**

512 **amendments.**

513 If this S.B. 121 and H.B. 38, Unconventional Vehicle Amendments, both pass and

514 become law, it is the intent of the Legislature that the Office of Legislative Research and

515 General Counsel prepare the Utah Code database for publication by amending Subsection

516 [41-6a-1505](#)(1) to read:

517 "(1) A person under the age of 18 may not operate or ride [~~on a motorcycle or~~

518 ~~motor-driven cycle~~] any of the following on a highway unless the person is wearing protective

519 headgear [~~which~~] that complies with specifications adopted under Subsection (3)[~~-~~];

- 520 (a) a motorcycle;
- 521 (b) a motor-driven cycle;
- 522 (c) a class 3 electric assisted bicycle; or
- 523 (d) an autocytle that is not fully enclosed."