

**ELECTRIC ASSISTED BICYCLE AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: Johnny Anderson

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**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:**

None

**Utah Code Sections Affected:**

AMENDS:

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

**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

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

29 Section 1. Section **41-6a-102** is amended to read:

30 **41-6a-102. Definitions.**

31 As used in this chapter:

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

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

35 (3) "Authorized emergency vehicle" includes:

36 (a) fire department vehicles;

37 (b) police vehicles;

38 (c) ambulances; and

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

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

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

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

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

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

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

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

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

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

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

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

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

56 (b) "Circular intersection" includes:

57 (i) roundabouts;

58 (ii) rotaries; and

- 59 (iii) traffic circles.
- 60 (7) "Commissioner" means the commissioner of the Department of Public Safety.
- 61 (8) "Controlled-access highway" means a highway, street, or roadway:
  - 62 (a) designed primarily for through traffic; and
  - 63 (b) to or from which owners or occupants of abutting lands and other persons have no
  - 64 legal right of access, except at points as determined by the highway authority having
  - 65 jurisdiction over the highway, street, or roadway.
- 66 (9) "Crosswalk" means:
  - 67 (a) that part of a roadway at an intersection included within the connections of the
  - 68 lateral lines of the sidewalks on opposite sides of the highway measured from:
    - 69 (i) (A) the curbs; or
    - 70 (B) in the absence of curbs, from the edges of the traversable roadway; and
    - 71 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
    - 72 included within the extension of the lateral lines of the existing sidewalk at right angles to the
    - 73 centerline; or
    - 74 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
    - 75 pedestrian crossing by lines or other markings on the surface.
  - 76 (10) "Department" means the Department of Public Safety.
  - 77 (11) "Direct supervision" means oversight at a distance within which:
    - 78 (a) visual contact is maintained; and
    - 79 (b) advice and assistance can be given and received.
  - 80 (12) "Divided highway" means a highway divided into two or more roadways by:
    - 81 (a) an unpaved intervening space;
    - 82 (b) a physical barrier; or
    - 83 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
  - 84 (13) "Electric assisted bicycle" [~~means a moped~~] means a bicycle with an electric
  - 85 motor that:
    - 86 (a) [~~with an electric motor with~~] has a power output of not more than 1,000 watts;
    - 87 [~~and~~]
    - 88 (b) [~~which~~] is not capable of:
      - 89 (i) [~~propelling the device~~] traveling at a speed of more than 20 miles per hour on level

90 ground when:

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

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

93 [~~(ii) increasing the speed of the device when human power is used to propel the device~~

94 ~~at more than 20 miles per hour;]~~

95 (ii) traveling at a speed of more than 28 miles per hour on level ground when powered

96 simultaneously by the electric motor and an operator who weighs 170 pounds;

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

98 [~~(d) weighs less than 75 pounds;]~~

99 (d) is fully operable as a bicycle without the use of the electric motor.

100 (14) (a) "Electric personal assistive mobility device" means a self-balancing device

101 with:

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

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

104 conditions;

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

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

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

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

109 (15) "Explosives" means any chemical compound or mechanical mixture commonly

110 used or intended for the purpose of producing an explosion and that contains any oxidizing and

111 combustive units or other ingredients in proportions, quantities, or packing so that an ignition

112 by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture

113 may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are

114 capable of producing destructive effects on contiguous objects or of causing death or serious

115 bodily injury.

116 (16) "Farm tractor" means a motor vehicle designed and used primarily as a farm

117 implement, for drawing plows, mowing machines, and other implements of husbandry.

118 (17) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,

119 as determined by a tagliabue or equivalent closed-cup test device.

120 (18) "Freeway" means a controlled-access highway that is part of the interstate system

121 as defined in Section [72-1-102](#).

122 (19) (a) "Full-sized all-terrain vehicle" means any recreational vehicle designed for and  
123 capable of travel over unimproved terrain:

124 (i) traveling on four or more tires;

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

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

127 (B) does not exceed 92 inches;

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

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

131 (v) having a steering wheel for control.

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

133 (i) all-terrain type I vehicle;

134 (ii) a utility type vehicle;

135 (iii) a motorcycle; or

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

137 (20) "Gore area" means the area delineated by two solid white lines that is between a  
138 continuing lane of a through roadway and a lane used to enter or exit the continuing lane  
139 including similar areas between merging or splitting highways.

140 (21) "Gross weight" means the weight of a vehicle without a load plus the weight of  
141 any load on the vehicle.

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

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

146 (24) (a) "Intersection" means the area embraced within the prolongation or connection  
147 of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or  
148 more highways which join one another.

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

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

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

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

155 (25) "Island" means an area between traffic lanes or at an intersection for control of  
156 vehicle movements or for pedestrian refuge designated by:

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

159 (b) channelizing devices;

160 (c) curbs;

161 (d) pavement edges; or

162 (e) other devices.

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

164 (27) "Limited access highway" means a highway:

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

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

169 (28) "Local highway authority" means the legislative, executive, or governing body of  
170 a county, municipal, or other local board or body having authority to enact laws relating to  
171 traffic under the constitution and laws of the state.

172 (29) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

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

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

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

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

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

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

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

- 183 (i) designed for off-highway use; and
- 184 (ii) registered as an off-highway vehicle under Section 41-22-3.
- 185 (32) "Mobile home" means:
- 186 (a) a trailer or semitrailer that is:
- 187 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
- 188 place either permanently or temporarily; and
- 189 (ii) equipped for use as a conveyance on streets and highways; or
- 190 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
- 191 constructed for use as a mobile home, as defined in Subsection (32)(a), but that is instead used
- 192 permanently or temporarily for:
- 193 (i) the advertising, sale, display, or promotion of merchandise or services; or
- 194 (ii) any other commercial purpose except the transportation of property for hire or the
- 195 transportation of property for distribution by a private carrier.
- 196 (33) (a) "Moped" means a motor-driven cycle having:
- 197 (i) pedals to permit propulsion by human power; and
- 198 (ii) a motor that:
- 199 (A) produces not more than two brake horsepower; and
- 200 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
- 201 level ground.
- 202 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
- 203 centimeters and the moped shall have a power drive system that functions directly or
- 204 automatically without clutching or shifting by the operator after the drive system is engaged.
- 205 (c) "Moped" includes ~~[an electric assisted bicycle and]~~ a motor assisted scooter.
- 206 (d) "Moped" does not include an electric assisted bicycle.
- 207 (34) (a) "Motor assisted scooter" means a self-propelled device with:
- 208 ~~[(a)]~~ (i) at least two wheels in contact with the ground;
- 209 ~~[(b)]~~ (ii) a braking system capable of stopping the unit under typical operating
- 210 conditions;
- 211 ~~[(c)]~~ (iii) a gas or electric motor not exceeding 40 cubic centimeters;
- 212 ~~[(d)]~~ (iv) either:
- 213 ~~[(i)]~~ (A) a deck design for a person to stand while operating the device; or

214 [(f)] (B) a deck and seat designed for a person to sit, straddle, or stand while operating  
215 the device; and

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

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

218 (35) "Motorcycle" means a motor vehicle, other than a tractor, having a seat or saddle  
219 for the use of the rider and designed to travel with not more than three wheels in contact with  
220 the ground.

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

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

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

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

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

228 (ii) an electric assisted bicycle.

229 (37) (a) "Motor vehicle" means a vehicle that is self-propelled and every vehicle which  
230 is propelled by electric power obtained from overhead trolley wires, but not operated upon  
231 rails.

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

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

237 (39) "Off-highway vehicle" has the same meaning as defined under Section [41-22-2](#).

238 (40) "Operator" means a person who is in actual physical control of a vehicle.

239 (41) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is  
240 occupied or not.

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

243 (42) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace  
244 Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic

245 laws.

246 (43) "Pedestrian" means a person traveling:

247 (a) on foot; or

248 (b) in a wheelchair.

249 (44) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate  
250 pedestrians.

251 (45) "Person" means every natural person, firm, copartnership, association, or  
252 corporation.

253 (46) "Pole trailer" means every vehicle without motive power:

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

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

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

262 (48) "Railroad" means a carrier of persons or property upon cars operated on stationary  
263 rails.

264 (49) "Railroad sign or signal" means a sign, signal, or device erected by authority of a  
265 public body or official or by a railroad and intended to give notice of the presence of railroad  
266 tracks or the approach of a railroad train.

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

269 (51) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful  
270 manner in preference to another vehicle or pedestrian approaching under circumstances of  
271 direction, speed, and proximity that give rise to danger of collision unless one grants  
272 precedence to the other.

273 (52) (a) "Roadway" means that portion of highway improved, designed, or ordinarily  
274 used for vehicular travel.

275 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of

276 them are used by persons riding bicycles or other human-powered vehicles.

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

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

282 (54) (a) "School bus" means a motor vehicle that:

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

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

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

288 (55) (a) "Semitrailer" means a vehicle with or without motive power:

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

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

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

294 (56) "Shoulder area" means:

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

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

300 (57) "Sidewalk" means that portion of a street between the curb lines, or the lateral  
301 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

302 (58) "Solid rubber tire" means a tire of rubber or other resilient material that does not  
303 depend on compressed air for the support of the load.

304 (59) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied  
305 or not, for the purpose of and while actually engaged in receiving or discharging passengers.

306 (60) "Stop" when required means complete cessation from movement.

307 (61) "Stop" or "stopping" when prohibited means any halting even momentarily of a  
308 vehicle, whether occupied or not, except when:

- 309 (a) necessary to avoid conflict with other traffic; or
- 310 (b) in compliance with the directions of a peace officer or traffic-control device.

311 (62) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I  
312 vehicle, utility type vehicle, or full-sized all-terrain vehicle that is modified to meet the  
313 requirements of Section 41-6a-1509 to operate on highways in the state in accordance with  
314 Section 41-6a-1509.

315 (63) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other  
316 conveyances either singly or together while using any highway for the purpose of travel.

317 (64) "Traffic-control device" means a sign, signal, marking, or device not inconsistent  
318 with this chapter placed or erected by a highway authority for the purpose of regulating,  
319 warning, or guiding traffic.

320 (65) "Traffic-control signal" means a device, whether manually, electrically, or  
321 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

322 (66) "Traffic signal preemption device" means an instrument or mechanism designed,  
323 intended, or used to interfere with the operation or cycle of a traffic-control signal.

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

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

328 (68) "Truck" means a motor vehicle designed, used, or maintained primarily for the  
329 transportation of property.

330 (69) "Truck tractor" means a motor vehicle:

- 331 (a) designed and used primarily for drawing other vehicles; and
- 332 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck  
333 tractor.

334 (70) "Two-way left turn lane" means a lane:

- 335 (a) provided for vehicle operators making left turns in either direction;
- 336 (b) that is not used for passing, overtaking, or through travel; and
- 337 (c) that has been indicated by a lane traffic-control device that may include lane

338 markings.

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

342 (72) (a) "Utility type vehicle" means any recreational vehicle designed for and capable  
343 of travel over unimproved terrain:

344 (i) traveling on four or more tires;

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

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

347 (B) does not exceed 70 inches;

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

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

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

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

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

354 (ii) a motorcycle; or

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

356 (73) "Vehicle" means a device in, on, or by which a person or property is or may be  
357 transported or drawn on a highway, except devices used exclusively on stationary rails or  
358 tracks.

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

360 **41-6a-1115.5. Electric assisted bicycles -- Restrictions -- Penalties.**

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

363 (2) An individual under 15 years of age may not operate an electric assisted bicycle  
364 with the electric motor engaged on any public property, highway, path, or sidewalk unless the  
365 individual is under the direct supervision of the individual's parent or guardian.

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

368 (4) The owner of an electric assisted bicycle may not authorize or knowingly permit an

369 individual to operate an electric assisted bicycle in violation of this section.

370 (5) An individual who violates this section is guilty of an infraction.

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

372 **53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.**

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

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

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

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

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

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

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

392 (f) driving under a learner permit in accordance with Section [53-3-210.5](#);

393 (g) driving with a temporary license certificate issued in accordance with Section  
394 [53-3-207](#); or

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

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

399 (a) holds a valid license issued under this chapter for the type or class of motor vehicle

400 being towed; or

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

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

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

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

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

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

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

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

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

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

421 (ii) operating an electric personal assistive mobility device, as defined in Section  
422 41-6a-102, in accordance with Section 41-6a-1116.

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

424 Section 4. Section 79-5-102 is amended to read:

425 **79-5-102. Definitions.**

426 As used in this chapter:

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

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

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

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

- 431 (a) muscle-powered activities, including:
- 432 (i) bicycling;
- 433 (ii) cross-country skiing;
- 434 (iii) walking;
- 435 (iv) jogging; and
- 436 (v) horseback riding; and
- 437 (b) uses compatible with the uses described in Subsection (4)(a), including the use of
- 438 an electric assisted bicycle, as defined in Section [41-6a-102](#).

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**