

SB0121S02 compared with SB0121S01

~~deleted text~~ shows text that was in SB0121S01 but was deleted in SB0121S02.

inserted text shows text that was not in SB0121S01 but was inserted into SB0121S02.

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~~Senator Todd Weiler~~ Representative Johnny Anderson proposes the following substitute bill:

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:

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~~{ None }~~ 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

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

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

41-6a-102. Definitions.

As used in this chapter:

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

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

(3) "Authorized emergency vehicle" includes:

(a) fire department vehicles;

(b) police vehicles;

(c) ambulances; and

(d) other publicly or privately owned vehicles as designated by the commissioner of the

Department of Public Safety.

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

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

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

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

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

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

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

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

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

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

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

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

(b) "Circular intersection" includes:

(i) roundabouts;

(ii) rotaries; and

(iii) traffic circles.

(7) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in Subsection (16)(~~f~~~~e~~~~r~~~~d~~)(i).

(8) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in Subsection (16)(~~f~~~~e~~~~r~~~~d~~)(ii).

(9) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in Subsection (16)(~~f~~~~e~~~~r~~~~d~~)(iii).

~~(7)~~ (10) "Commissioner" means the commissioner of the Department of Public Safety.

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

(a) designed primarily for through traffic; and

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

~~(9)~~ (12) "Crosswalk" means:

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

(i) (A) the curbs; or

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

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

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

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

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

(a) visual contact is maintained; and

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

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

(a) an unpaved intervening space;

(b) a physical barrier; or

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

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

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

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

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

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

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

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

~~{(ii) traveling at a speed of more than 28 miles per hour on level ground when powered simultaneously by the electric motor and an operator who weighs 170 pounds;~~

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

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

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

~~(~~(c)~~(d) is one of the following:~~

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

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

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

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

(A) may be used exclusively to propel the bicycle; and

(B) is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; or

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

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

(B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour; and

(C) is equipped with a speedometer.

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

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

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

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

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

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

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

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

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

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~~[(17)]~~ (20) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as determined by a tagliabue or equivalent closed-cup test device.

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

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

(i) traveling on four or more tires;

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

(A) is not less than 55 inches; or

(B) does not exceed 92 inches;

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

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

(v) having a steering wheel for control.

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

(i) all-terrain type I vehicle;

(ii) a utility type vehicle;

(iii) a motorcycle; or

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

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

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

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

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

~~[(24)]~~ (27) (a) "Intersection" means the area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another.

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

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

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

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

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

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

(b) channelizing devices;

(c) curbs;

(d) pavement edges; or

(e) other devices.

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

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

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

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

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

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

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

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

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

~~(30)~~ (33) "Metal tire" means a tire, the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

~~(31)~~ (34) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a

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seat or saddle that is less than 24 inches from the ground as measured on a level surface with properly inflated tires.

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

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

(i) designed for off-highway use; and

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

~~[(32)]~~ (35) "Mobile home" means:

(a) a trailer or semitrailer that is:

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

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

(b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a mobile home, as defined in Subsection ~~[(32)]~~ (35)(a), but that is instead used permanently or temporarily for:

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

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

~~[(33)]~~ (36) (a) "Moped" means a motor-driven cycle having:

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

(ii) a motor that:

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

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

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

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

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

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

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

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

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conditions;

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

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

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

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

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

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

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

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

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

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

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

(i) an electric personal assistive mobility device; or

(ii) an electric assisted bicycle.

~~[(37)]~~ (40) (a) "Motor vehicle" means a vehicle that is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

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

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

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

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

~~[(41)]~~ (44) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle

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is occupied or not.

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

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

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

(a) on foot; or

(b) in a wheelchair.

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

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

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

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

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

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

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

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

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

~~[(51)]~~ (54) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances

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of direction, speed, and proximity that give rise to danger of collision unless one grants precedence to the other.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(62)]~~ (65) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I vehicle, utility type vehicle, or full-sized all-terrain vehicle that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.

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

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

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

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

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

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

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

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

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

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

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

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

markings.

~~[(71)]~~ (74) "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.

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

- (i) traveling on four or more tires;
- (ii) having a width that, when measured at the widest point of the vehicle:
 - (A) is not less than 30 inches; or
 - (B) does not exceed 70 inches;
- (iii) having an unladen dry weight of 2,200 pounds or less;
- (iv) having a seat height of 20 to 40 inches when measured at the forward edge of the

seat bottom; and

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

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

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

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

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

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

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

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

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

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

(5) An individual under ~~15~~14 years of age may not operate an electric assisted bicycle with the electric motor engaged on any public property, highway, path, or sidewalk unless the individual is under the direct supervision of the individual's parent or guardian.

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

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

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

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

(i) appropriate electric assisted bicycle classification number described in Section 41-6a-102;

(ii) top assisted speed; and

(iii) wattage of the motor.

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

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

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

(1) A person under the age of 18 may not operate or ride ~~[on a motorcycle {} or {}.a] motor-driven cycle~~ [, or an electric assisted bicycle] any of the following on a highway unless

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the person is wearing protective headgear ~~[which]~~ that complies with specifications adopted under Subsection (3) ~~[-]:~~

(a) a motorcycle;

(b) a motor-driven cycle; or

(c) a class 3 electric assisted bicycle.

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

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

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

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

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

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

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

(5) The failure to wear protective headgear:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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or

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

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

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

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

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

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

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

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

79-5-102. Definitions.

As used in this chapter:

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

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

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

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

(a) muscle-powered activities, including:

(i) bicycling;

(ii) cross-country skiing;

(iii) walking;

(iv) jogging; and

(v) horseback riding; and

(b) uses compatible with the uses described in Subsection (4)(a), including the use of an electric assisted bicycle, as defined in Section 41-6a-102.

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

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amendments.

If this S.B. 121 and H.B. 38, Unconventional Vehicle Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by amending Subsection 41-6a-1505(1) to read:

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

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