

1 **BICYCLE AND ELECTRIC ASSISTED BICYCLE**

2 **AMENDMENTS**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Todd Weiler**

6 House Sponsor: Carol Spackman Moss

7

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to the operation of bicycles and electric assisted
11 bicycles.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ amends a restriction on operating a bicycle on a sidewalk where prohibited by a
- 15 traffic control device to apply only to an individual over 18 years of age;
- 16 ▶ amends provisions to prohibit the operation of a class 2 electric assisted bicycle
- 17 with an open container of alcohol; and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **41-6a-526**, as last amended by Laws of Utah 2015, Chapter 412

26 **41-6a-1106**, as renumbered and amended by Laws of Utah 2005, Chapter 2

27 **41-6a-1115.5**, as enacted by Laws of Utah 2016, Chapter 173



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

Section 1. Section **41-6a-526** is amended to read:

41-6a-526. Drinking alcoholic beverage and open containers in motor vehicle prohibited -- Definitions -- Exceptions.

(1) As used in this section:

(a) "Alcoholic beverage" has the same meaning as defined in Section [32B-1-102](#).

(b) "Chartered bus" has the same meaning as defined in Section [32B-1-102](#).

(c) "Limousine" has the same meaning as defined in Section [32B-1-102](#).

(d) (i) "Passenger compartment" means the area of the vehicle normally occupied by the operator and passengers.

(ii) "Passenger compartment" includes areas accessible to the operator and passengers while traveling, including a utility or glove compartment.

(iii) "Passenger compartment" does not include a separate front or rear trunk compartment or other area of the vehicle not accessible to the operator or passengers while inside the vehicle.

(e) "Waters of the state" has the same meaning as defined in Section [73-18-2](#).

(2) A person may not drink any alcoholic beverage while operating a motor vehicle or a class 2 electric assisted bicycle, or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any highway or waters of the state.

(3) A person may not keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle, or a class 2 electric assisted bicycle, when the vehicle is on any highway or waters of the state, any container which contains any alcoholic beverage if the container has been opened, its seal broken, or the contents of the container partially consumed.

(4) Subsections (2) and (3) do not apply to a passenger:

(a) in the living quarters of a motor home or camper;

(b) who has carried an alcoholic beverage onto a limousine or chartered bus that is in compliance with Subsections [32B-4-415](#)(4)(b) and (c); or

(c) in a motorboat on the waters of the state.

(5) Subsection (3) does not apply to passengers traveling in any licensed taxicab or bus.

59 (6) A violation of Subsection (2) or (3) is a class C misdemeanor.

60 Section 2. Section 41-6a-1106 is amended to read:

61 **41-6a-1106. Bicycles and human powered vehicle or device to yield right-of-way**
62 **to pedestrians on sidewalks, paths, or trails -- Uses prohibited -- Negligent collision**
63 **prohibited -- Speed restrictions -- Rights and duties same as pedestrians.**

64 (1) A person operating a bicycle or a vehicle or device propelled by human power
65 shall:

- 66 (a) yield the right-of-way to any pedestrian; and
- 67 (b) give an audible signal before overtaking and passing a pedestrian.

68 (2) A person ~~Ŝ→ [over the age of]~~ ←Ŝ 18 Ŝ→ years of age or older ←Ŝ may not operate a
68a bicycle or a vehicle or device
69 propelled by human power on a sidewalk, path, or trail, or across a roadway in a crosswalk,
70 where prohibited by a traffic-control device or ordinance.

71 (3) A person may not operate a bicycle or a vehicle or device propelled by human
72 power in a negligent manner so as to collide with a:

- 73 (a) pedestrian; or
- 74 (b) person operating a:
 - 75 (i) bicycle; or
 - 76 (ii) vehicle or device propelled by human power.

77 (4) A person operating a bicycle or a vehicle or device propelled by human power on a
78 sidewalk, path, or trail, or across a driveway, or across a roadway on a crosswalk may not
79 operate at a speed greater than is reasonable and prudent under the existing conditions, giving
80 regard to the actual and potential hazards then existing.

81 (5) Except as provided under Subsections (1) and (4), a person operating a bicycle or a
82 vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway
83 on a crosswalk, has all the rights and duties applicable to a pedestrian under the same
84 circumstances.

85 Section 3. Section 41-6a-1115.5 is amended to read:

86 **41-6a-1115.5. Electric assisted bicycles -- Restrictions -- Penalties.**

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

89 (2) An individual may operate an electric assisted bicycle on a path or trail designated

90 for the use of a bicycle.

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

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

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

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

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

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

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

109 (i) appropriate electric assisted bicycle classification number described in Section
110 [41-6a-102](#);

111 (ii) top assisted speed; and

112 (iii) wattage of the motor.

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

114 (10) A class 2 electric assisted bicycle is subject to the restrictions of Section
115 [41-6a-526](#).