

HB0101S01 compared with HB0101

~~deleted text~~ shows text that was in HB0101 but was deleted in HB0101S01.

Inserted text shows text that was not in HB0101 but was inserted into HB0101S01.

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Representative Robert M. Spendlove proposes the following substitute bill:

AUTONOMOUS VEHICLE REGULATIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions regarding traffic laws, licensing, and titling requirements, and adds provisions regarding the operation of autonomous vehicles.

Highlighted Provisions:

This bill:

- ▶ defines terms related to autonomous vehicles;
- ▶ allows the operation of a vehicle in the state by an automated driving system;
- ▶ exempts a vehicle with an engaged automated driving system from licensure;
- ▶ provides protocol in case of an accident involving an autonomous vehicle;
- ▶ requires a vehicle equipped with an automated driving system to be properly titled, registered, and insured;
- ▶ preempts political subdivisions from regulating autonomous vehicles in addition to

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regulation provided in state statute; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-51-102, as enacted by Laws of Utah 2015, Chapter 461

13-51-103, as last amended by Laws of Utah 2016, Chapter 359

41-1a-102, as last amended by Laws of Utah 2018, Chapters 166 and 424

41-1a-201, as last amended by Laws of Utah 2017, Chapter 149

41-1a-202, as last amended by Laws of Utah 2013, Chapter 463

~~{ 41-1a-209, as last amended by Laws of Utah 2005, Chapter 47~~

~~— 41-1a-213, as last amended by Laws of Utah 2017, Chapter 119~~

} 41-1a-1503, as enacted by Laws of Utah 2013, Chapter 189

41-6a-102, as last amended by Laws of Utah 2018, Chapters 166 and 205

41-6a-1641, as last amended by Laws of Utah 2015, Chapter 412

53-3-102, as last amended by Laws of Utah 2017, Chapter 297

53-3-104, as last amended by Laws of Utah 2018, Chapters 233 and 415

53-3-202, as last amended by Laws of Utah 2017, Chapter 297

ENACTS:

41-26-102.1, Utah Code Annotated 1953

41-26-103, Utah Code Annotated 1953

41-26-104, Utah Code Annotated 1953

41-26-105, Utah Code Annotated 1953

41-26-106, Utah Code Annotated 1953

41-26-107, Utah Code Annotated 1953

41-26-108, Utah Code Annotated 1953

~~{ 41-26-109, Utah Code Annotated 1953~~

}REPEALS:

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41-26-102, as enacted by Laws of Utah 2016, Chapter 212

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

Section 1. Section **13-51-102** is amended to read:

13-51-102. Definitions.

(1) "Division" means the Division of Consumer Protection within the Department of Commerce.

(2) "Prearranged ride" means a period of time that:

(a) begins when the transportation network driver has accepted a passenger's request for a ride through the transportation network company's software application; and

(b) ends when the passenger exits the transportation network driver's vehicle.

(3) "Software application" means an Internet-connected software platform, including a mobile application, that a transportation network company uses to:

(a) connect a transportation network driver to a passenger; and

(b) process passenger requests.

(4) "Transportation network company" means an entity that:

(a) uses a software application to connect a passenger to a transportation network driver providing transportation network services;

(b) is not:

(i) a taxicab, as defined in Section 53-3-102; or

(ii) a motor carrier, as defined in Section 72-9-102; and

(c) except in certain cases involving a motor vehicle with a level four or five automated driving system, as defined in Section 41-26-102.1, does not own, control, operate, or manage the vehicle used to provide the transportation network services.

(5) "Transportation network driver" means ~~[an individual who]~~:

(a) an individual who:

~~[(a)]~~ (i) pays a fee to a transportation network company, and, in exchange, receives a connection to a potential passenger from the transportation network company;

~~[(b)]~~ (ii) operates a motor vehicle that:

~~[(+)]~~ (A) the individual owns, leases, or is authorized to use; and

~~[(+)]~~ (B) the individual uses to provide transportation network services; and

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~~(c)~~ (iii) receives, in exchange for providing a passenger a ride, compensation that exceeds the individual's cost to provide the ride~~[-]; or~~

(b) a level four or five automated driving system, as defined in Section 41-26-102.1, when the automated driving system is operating the vehicle and used to provide a passenger a ride in exchange for compensation.

(6) "Transportation network services" means, for a transportation network driver providing services through a transportation network company:

- (a) providing a prearranged ride; or
- (b) being engaged in a waiting period.

(7) "Waiting period" means a period of time when:

- (a) a transportation network driver is logged into a transportation network company's software application; and
- (b) the transportation network driver is not engaged in a prearranged ride.

Section 2. Section **13-51-103** is amended to read:

13-51-103. Exemptions -- Transportation network company and transportation network driver.

(1) A transportation network company or a transportation network driver is not subject to the requirements applicable to:

- (a) a motor carrier, under Title 72, Chapter 9, Motor Carrier Safety Act;
- (b) a common carrier, under Title 59, Chapter 12, Sales and Use Tax Act; or
- (c) a taxicab, under Title 53, Chapter 3, Uniform Driver License Act.

(2) A transportation network driver is:

(a) (i) an independent contractor of a transportation network company; and

~~(b)~~ (ii) not an employee of a transportation network company~~[-]; or~~

(b) for a motor vehicle with a level four or five automated driving system as defined in Section 41-26-102.1, in driverless operation, an automated driving system if dispatched:

(i) at the direction of, on behalf of, or as an agent of a transportation network company;

or

(ii) at the direction of, on behalf of, or as an agent of a third party pursuant to an agreement between the third party and a transportation network company, operated on behalf of and as an agent of the transportation network company.

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Section 3. Section **41-1a-102** is amended to read:

41-1a-102. Definitions.

As used in this chapter:

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

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

(3) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.

(4) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.

(5) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.

(6) "Alternative fuel vehicle" means:

- (a) an electric motor vehicle;
- (b) a hybrid electric motor vehicle;
- (c) a plug-in hybrid electric motor vehicle; or
- (d) a motor vehicle powered by a fuel other than:
 - (i) motor fuel;
 - (ii) diesel fuel;
 - (iii) natural gas; or
 - (iv) propane.

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

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

(9) "Automated driving system" means the same as that term is defined in Section 41-26-102.1.

~~(9)~~ (10) "Branded title" means a title certificate that is labeled:

- (a) rebuilt and restored to operation;
- (b) flooded and restored to operation; or
- (c) not restored to operation.

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~~[(10)]~~ (11) "Camper" means any structure designed, used, and maintained primarily to be mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for camping.

~~[(11)]~~ (12) "Certificate of title" means a document issued by a jurisdiction to establish a record of ownership between an identified owner and the described vehicle, vessel, or outboard motor.

~~[(12)]~~ (13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a weighmaster.

~~[(13)]~~ (14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained for the transportation of persons or property that operates:

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

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

~~[(14)]~~ (15) "Commission" means the State Tax Commission.

~~[(15)]~~ (16) "Consumer price index" means the same as that term is defined in Section 59-13-102.

~~[(16)]~~ (17) "Dealer" means a person engaged or licensed to engage in the business of buying, selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

~~[(17)]~~ (18) "Diesel fuel" means the same as that term is defined in Section 59-13-102.

~~[(18)]~~ (19) "Division" means the Motor Vehicle Division of the commission, created in Section 41-1a-106.

(20) "Dynamic driving task" means the same as that term is defined in Section 41-26-102.1.

~~[(19)]~~ (21) "Electric motor vehicle" means a motor vehicle that is powered solely by an electric motor drawing current from a rechargeable energy storage system.

~~[(20)]~~ (22) "Essential parts" means all integral and body parts of a vehicle of a type required to be registered in this state, the removal, alteration, or substitution of which would

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tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

~~[(21)]~~ (23) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

~~[(22)]~~ (24) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for the owner's or operator's own use in the transportation of:

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

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

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

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

~~[(23)]~~ (25) "Fleet" means one or more commercial vehicles.

~~[(24)]~~ (26) "Foreign vehicle" means a vehicle of a type required to be registered, brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this state.

~~[(25)]~~ (27) "Gross laden weight" means the actual weight of a vehicle or combination of vehicles, equipped for operation, to which shall be added the maximum load to be carried.

~~[(26)]~~ (28) "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part of it is open to the public, as a matter of right, for purposes of vehicular traffic.

~~[(27)]~~ (29) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both:

(a) an internal combustion engine or heat engine using consumable fuel; and

(b) a rechargeable energy storage system where energy for the storage system comes solely from sources onboard the vehicle.

~~[(28)]~~ (30) (a) "Identification number" means the identifying number assigned by the manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard motor.

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

~~[(29)]~~ (31) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.

~~[(30)]~~ (32) (a) "In-state miles" means the total number of miles operated in this state during the preceding year by fleet power units.

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

~~[(31)]~~ (33) "Interstate vehicle" means any commercial vehicle operated in more than one state, province, territory, or possession of the United States or foreign country.

~~[(32)]~~ (34) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.

~~[(33)]~~ (35) "Lienholder" means a person with a security interest in particular property.

~~[(34)]~~ (36) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

~~[(35)]~~ (37) "Manufacturer" means a person engaged in the business of constructing, manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or outboard motors for the purpose of sale or trade.

~~[(36)]~~ (38) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

~~[(37)]~~ (39) "Motor fuel" means the same as that term is defined in Section 59-13-102.

~~[(38)]~~ (40) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the highways.

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

~~[(39)]~~ (41) "Motorboat" means the same as that term is defined in Section 73-18-2.

~~[(40)]~~ (42) "Motorcycle" means:

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

(b) an auticycle.

~~[(41)]~~ (43) "Natural gas" means a fuel of which the primary constituent is methane.

~~[(42)]~~ (44) (a) "Nonresident" means a person who is not a resident of this state as defined by Section 41-1a-202, and who does not engage in intrastate business within this state and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.

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

~~[(43)]~~ (45) "Odometer" means a device for measuring and recording the actual distance a vehicle travels while in operation, but does not include any auxiliary odometer designed to be periodically reset.

~~[(44)]~~ (46) "Off-highway implement of husbandry" means the same as that term is defined in Section 41-22-2.

~~[(45)]~~ (47) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.

~~[(46)]~~ (48) (a) "Operate" means ~~[to drive or be in actual physical control of a vehicle or]~~:

(i) to navigate a vessel[-]; or

(ii) collectively, the activities performed in order to perform the entire dynamic driving task for a given motor vehicle by:

(A) a human driver as defined in Section 41-26-102.1; or

(B) an engaged automated driving system.

(b) "Operate" includes testing of an automated driving system.

~~[(47)]~~ (49) "Outboard motor" means a detachable self-contained propulsion unit,

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excluding fuel supply, used to propel a vessel.

~~[(48)]~~ (50) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle, vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a security interest.

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

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

~~[(49)]~~ (51) "Park model recreational vehicle" means a unit that:

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

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

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

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

~~[(50)]~~ (52) "Personalized license plate" means a license plate that has displayed on it a combination of letters, numbers, or both as requested by the owner of the vehicle and assigned to the vehicle by the division.

~~[(51)]~~ (53) (a) "Pickup truck" means a two-axle motor vehicle with motive power manufactured, remanufactured, or materially altered to provide an open cargo area.

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

~~[(52)]~~ (54) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that has the capability to charge the battery or batteries used for vehicle propulsion from an off-vehicle electric source, such that the off-vehicle source cannot be connected to the vehicle while the vehicle is in motion.

~~[(53)]~~ (55) "Pneumatic tire" means every tire in which compressed air is designed to

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support the load.

~~[(54)]~~ (56) "Preceding year" means a period of 12 consecutive months fixed by the division that is within 16 months immediately preceding the commencement of the registration or license year in which proportional registration is sought. The division in fixing the period shall conform it to the terms, conditions, and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

~~[(55)]~~ (57) "Public garage" means every building or other place where vehicles or vessels are kept and stored and where a charge is made for the storage and keeping of vehicles and vessels.

~~[(56)]~~ (58) "Receipt of surrender of ownership documents" means the receipt of surrender of ownership documents described in Section 41-1a-503.

~~[(57)]~~ (59) "Reconstructed vehicle" means every vehicle of a type required to be registered in this state that is materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

~~[(58)]~~ (60) "Recreational vehicle" means the same as that term is defined in Section 13-14-102.

~~[(59)]~~ (61) "Registration" means a document issued by a jurisdiction that allows operation of a vehicle or vessel on the highways or waters of this state for the time period for which the registration is valid and that is evidence of compliance with the registration requirements of the jurisdiction.

~~[(60)]~~ (62) (a) "Registration year" means a 12 consecutive month period commencing with the completion of all applicable registration criteria.

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

~~[(61)]~~ (63) "Repair or replacement" means the restoration of vehicles, vessels, or outboard motors to a sound working condition by substituting any inoperative part of the vehicle, vessel, or outboard motor, or by correcting the inoperative part.

~~[(62)]~~ (64) "Replica vehicle" means:

(a) a street rod that meets the requirements under Subsection 41-21-1(3)(a)(i)(B); or

(b) a custom vehicle that meets the requirements under Subsection 41-6a-1507(1)(a)(i)(B).

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~~[(63)]~~ (65) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and constructed so it does not carry any load either independently or any part of the weight of a vehicle or load that is drawn.

~~[(64)]~~ (66) "Sailboat" means the same as that term is defined in Section 73-18-2.

~~[(65)]~~ (67) "Security interest" means an interest that is reserved or created by a security agreement to secure the payment or performance of an obligation and that is valid against third parties.

~~[(66)]~~ (68) "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and its load rests or is carried by another vehicle.

~~[(67)]~~ (69) "Special group license plate" means a type of license plate designed for a particular group of people or a license plate authorized and issued by the division in accordance with Section 41-1a-418.

~~[(68)]~~ (70) (a) "Special interest vehicle" means a vehicle used for general transportation purposes and that is:

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

(b) In making a determination under Subsection ~~[(68)]~~ (70)(a), the division director shall give special consideration to:

- (i) a make of motor vehicle that is no longer manufactured;
- (ii) a make or model of motor vehicle produced in limited or token quantities;
- (iii) a make or model of motor vehicle produced as an experimental vehicle or one designed exclusively for educational purposes or museum display; or
- (iv) a motor vehicle of any age or make that has not been substantially altered or modified from original specifications of the manufacturer and because of its significance is being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a leisure pursuit.

~~[(69)]~~ (71) (a) "Special mobile equipment" means every vehicle:

- (i) not designed or used primarily for the transportation of persons or property;
- (ii) not designed to operate in traffic; and

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(iii) only incidentally operated or moved over the highways.

(b) "Special mobile equipment" includes:

(i) farm tractors;

(ii) off-road motorized construction or maintenance equipment including backhoes, bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

(iii) ditch-digging apparatus.

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

~~[(70)]~~ (72) "Specially constructed vehicle" means every vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles, and not materially altered from its original construction.

~~[(71)]~~ (73) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

~~[(72)]~~ (74) (a) "Total fleet miles" means the total number of miles operated in all jurisdictions during the preceding year by power units.

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

~~[(73)]~~ (75) "Trailer" means a vehicle 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.

~~[(74)]~~ (76) "Transferee" means a person to whom the ownership of property is conveyed by sale, gift, or any other means except by the creation of a security interest.

~~[(75)]~~ (77) "Transferor" means a person who transfers the person's ownership in property by sale, gift, or any other means except by creation of a security interest.

~~[(76)]~~ (78) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

~~[(77)]~~ (79) "Truck tractor" means a motor vehicle designed and used primarily for

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drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load that is drawn.

~~[(78)]~~ (80) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle, camper, park model recreational vehicle, manufactured home, and mobile home.

~~[(79)]~~ (81) "Vessel" means the same as that term is defined in Section 73-18-2.

~~[(80)]~~ (82) "Vintage vehicle" means the same as that term is defined in Section 41-21-1.

~~[(81)]~~ (83) "Waters of this state" means the same as that term is defined in Section 73-18-2.

~~[(82)]~~ (84) "Weighmaster" means a person, association of persons, or corporation permitted to weigh vehicles under this chapter.

Section 4. Section **41-1a-201** is amended to read:

41-1a-201. Function of registration -- Registration required -- Penalty.

~~{ (1) For purposes of this section, "automated driving system" means the same as that term is defined in Section 41-26-102.1.~~

~~{~~ ~~{(1)}~~ ~~{(2)}~~ Unless exempted, a person or automated driving system may not operate and an owner may not engage an automated driving system, give another person permission to engage an automated driving system, or give another person permission to operate a motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, off-highway vehicle, vessel, or park model recreational vehicle in this state unless it has been registered in accordance with this chapter, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act.

~~{(2)}~~ ~~{(3)}~~ Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

Section 5. Section **41-1a-202** is amended to read:

41-1a-202. Definitions -- Vehicles exempt from registration -- Registration of vehicles after establishing residency.

(1) In this section:

(a) "Domicile" means the place:

(i) where an individual has a fixed permanent home and principal establishment;

(ii) to which the individual if absent, intends to return; and

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(iii) in which the individual and his family voluntarily reside, not for a special or temporary purpose, but with the intention of making a permanent home.

(b) (i) "Resident" means any of the following:

(A) an individual who:

(I) has established a domicile in this state;

(II) regardless of domicile, remains in this state for an aggregate period of six months or more during any calendar year;

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

(IV) declares himself to be a resident of this state for the purpose of obtaining a driver license or motor vehicle registration; or

(V) declares himself a resident of Utah to obtain privileges not ordinarily extended to nonresidents, including going to school, or placing children in school without paying nonresident tuition or fees; or

(B) any individual, partnership, limited liability company, firm, corporation, association, or other entity that:

(I) maintains a main office, branch office, or warehouse facility in this state and that bases and operates a motor vehicle in this state; or

(II) operates a motor vehicle in intrastate transportation for other than seasonal work.

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

(A) a member of the military temporarily stationed in Utah;

(B) an out-of-state student, as classified by the institution of higher education, enrolled with the equivalent of seven or more quarter hours, regardless of whether the student engages in a trade, profession, or occupation in this state or accepts employment in this state; and

(C) an individual domiciled in another state or a foreign country that:

(I) is engaged in public, charitable, educational, or religious services for a government agency or an organization that qualifies for tax-exempt status under Internal Revenue Code Section 501(c)(3);

(II) is not compensated for services rendered other than expense reimbursements; and

(III) is temporarily in Utah for a period not to exceed 24 months.

(iii) Notwithstanding Subsections (1)(b)(i) and (ii), "resident" includes the owner of a

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vehicle equipped with an automated driving system as defined in Section 41-26-102.1 if the vehicle is physically present in the state for more than 30 consecutive days in a calendar year.

(2) Registration under this chapter is not required for any:

(a) vehicle registered in another state and owned by a nonresident of the state or operating under a temporary registration permit issued by the division or a dealer authorized by this chapter, driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lien holders, or interstate vehicles;

(b) vehicle driven or moved upon a highway only for the purpose of crossing the highway from one property to another;

(c) implement of husbandry, whether of a type otherwise subject to registration or not, that is only incidentally operated or moved upon a highway;

(d) special mobile equipment;

(e) vehicle owned or leased by the federal government;

(f) motor vehicle not designed, used, or maintained for the transportation of passengers for hire or for the transportation of property if the motor vehicle is registered in another state and is owned and operated by a nonresident of this state;

(g) vehicle or combination of vehicles designed, used, or maintained for the transportation of persons for hire or for the transportation of property if the vehicle or combination of vehicles is registered in another state and is owned and operated by a nonresident of this state and if the vehicle or combination of vehicles has a gross laden weight of 26,000 pounds or less;

(h) trailer of 750 pounds or less unladen weight and not designed, used, and maintained for hire for the transportation of property or person;

(i) manufactured home or mobile home;

(j) off-highway vehicle currently registered under Section 41-22-3 if the off-highway vehicle is:

(i) being towed;

(ii) operated on a street or highway designated as open to off-highway vehicle use; or

(iii) operated in the manner prescribed in Subsections 41-22-10.3(1) through (3);

(k) off-highway implement of husbandry operated in the manner prescribed in Subsections 41-22-5.5(3) through (5);

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(l) modular and prebuilt homes conforming to the uniform building code and presently regulated by the United States Department of Housing and Urban Development that are not constructed on a permanent chassis;

(m) electric assisted bicycle defined under Section 41-6a-102;

(n) motor assisted scooter defined under Section 41-6a-102; or

(o) electric personal assistive mobility device defined under Section 41-6a-102.

(3) Unless otherwise exempted under Subsection (2), registration under this chapter is required for any motor vehicle, combination of vehicles, trailer, semitrailer, or vintage vehicle within 60 days of the owner establishing residency in this state.

(4) A motor vehicle that is registered under Section 41-3-306 is exempt from the registration requirements of this part for the time period that the registration under Section 41-3-306 is valid.

(5) A vehicle that has been issued a nonrepairable certificate may not be registered under this chapter.

Section 6. Section ~~{41-1a-209}~~; 41-1a-1503 is amended to read:

~~{~~ ~~41-1a-209.~~ ~~Application for registration -- Contents.~~

~~(1) An owner of a vehicle subject to registration under this part shall apply to the division for registration on forms furnished by the division.~~

~~(2) The application for registration shall include:~~

~~(a) the signature of an owner of the vehicle to be registered;~~

~~(b) the name, bona fide residence and mailing address of the owner, or business address of the owner if the owner is a firm, association, or corporation;~~

~~(c) a description of the vehicle including the make, model, type of body, the model year as specified by the manufacturer, the number of cylinders, and the identification number of the vehicle; [and]~~

~~(d) other information required by the division to enable it to determine whether the owner is lawfully entitled to register the vehicle[.]; and~~

~~(e) for a vehicle equipped with an automated driving system as defined in Section 41-26-102.1:~~

~~(i) the level of the automated driving system of the vehicle as defined in Section 41-26-102.1; and~~

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~~(ii) the certifications described in Section 41-26-109.~~

~~Section 7. Section 41-1a-213 is amended to read:~~

~~41-1a-213. Contents of registration cards.~~

~~(1) The registration card shall be delivered to the owner and shall contain:~~

~~(a) the date issued;~~

~~(b) the name of the owner;~~

~~(c) a description of the vehicle registered including the year, the make, the identification number, and the license plate assigned to the vehicle;~~

~~(d) the expiration date; [and]~~

~~(e) for a vehicle equipped with an automated driving system as defined in Section 41-26-102.1, the level of the automated driving system; and~~

~~[(c)] (f) other information as determined by the commission.~~

~~(2) If a vehicle is leased for a period in excess of 45 days, the registration shall contain:~~

~~(a) the owner's name; and~~

~~(b) the name of the lessee.~~

~~(3) On all vehicles registered under Subsections 41-1a-1206(1)(d) and (1)(e), the registration card shall also contain the gross laden weight as given in the application for registration.~~

~~(4) (a) Except as provided in Subsection (4)(b), a new registration card issued by the commission on or after November 1, 2013, may not display the address of the owner or the lessee on the registration card.~~

~~(b) A new registration card issued by the commission under one of the following provisions shall display the address of the owner or the lessee on the registration card:~~

~~(i) Section 41-1a-301 for a vehicle; or~~

~~(ii) Section 73-18-7 for a vessel.~~

~~Section 8. Section 41-1a-1503 is amended to read:~~

‡ **41-1a-1503. Event data recorders -- Retrieval or disclosure of event data.**

(1) (a) Event data that is recorded on an event data recorder:

(i) is private;

(ii) is the personal information of the motor vehicle's owner; and

(iii) except as provided in Subsection (2), may not be retrieved by a person who is not

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the owner of the motor vehicle.

(b) If a motor vehicle is owned by more than one person, only one owner is required to consent to the retrieval or use of the data from a motor vehicle event data recorder.

(2) Event data that is recorded on an event data recorder may be retrieved, obtained, or used by a person who is not the owner of the motor vehicle in the following circumstances:

(a) the owner of the motor vehicle or the owner's agent has consented to the retrieval of the data relating to an accident;

(b) the data is retrieved by a motor vehicle dealer, motor vehicle manufacturer, or by an automotive technician to diagnose, service, or repair the motor vehicle at the request of the owner or the owner's agent;

(c) the data is subject to discovery in a criminal prosecution or pursuant to the rules of civil procedure in a claim arising out of a motor vehicle accident;

(d) a court or administrative agency having jurisdiction orders the data to be retrieved;

(e) a peace officer retrieves the data pursuant to a court order as part of an investigation of a suspected violation of a law that has caused, or contributed to the cause of, an accident resulting in damage of property or injury to a person; [or]

(f) to facilitate or determine the need for emergency medical care for the driver or passenger of a motor vehicle that is involved in a motor vehicle crash or other emergency, including the retrieval of data from a company that provides subscription services to the owner of a motor vehicle for in-vehicle safety and security communications[-]; or

(g) for purposes of improving motor vehicle safety, security, ~~insurability,~~ or traffic management, including medical research on the human body's reaction to motor vehicle crashes, as long as the identity of the owner, passenger, or human driver is not disclosed in connection with the retrieved data.

(3) Except as provided in Subsection (4), a person who has retrieved, obtained, or used event data under Subsection (2) may not release event data that is recorded on an event data recorder.

(4) A person may release event data that is recorded on an event data recorder in the following circumstances:

(a) the owner of the motor vehicle or the owner's agent has consented to the release of the data;

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(b) the data is subject to discovery in a criminal prosecution or pursuant to the rules of civil procedure in a claim arising out of a motor vehicle accident;

(c) the data is released pursuant to a court order as part of an investigation of a suspected violation of a law that has caused, or contributed to the cause of, an accident resulting in damage of property or injury to a person; or

(d) if the identity of the owner or driver is not disclosed~~[, the data is released to a motor vehicle safety and medical research entity or data processor in order to advance motor vehicle safety, security, or traffic management]~~ in connection with the retrieved data, the data is released for purposes of improving motor vehicle safety, security, ~~insurability,~~ or traffic management, including medical research on the human body's reaction to a motor vehicle crash.

(5) (a) If a motor vehicle is equipped with an event data recorder that is capable of recording or transmitting event data and that capability is part of a subscription service, the fact that the event data may be recorded or transmitted shall be disclosed in the subscription service agreement.

(b) Notwithstanding the provisions of this section, event data from an event data recorder may be retrieved, obtained, and used by a subscription service provider for subscription services meeting the requirement of Subsection (5)(a).

Section ~~9~~7. 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" means the same as that term is 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.

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- (4) "Autocycle" means the same as that term is defined in Section 53-3-102.
- (5) (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.
- (c) "Bicycle" does not include scooters and similar devices.
- (6) (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.
- (7) (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.
- (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(i).
- (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(ii).
- (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(iii).
- (11) "Commissioner" means the commissioner of the Department of Public Safety.
- (12) "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

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jurisdiction over the highway, street, or roadway.

(13) "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

(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.

(14) "Department" means the Department of Public Safety.

(15) "Direct supervision" means oversight at a distance within which:

(a) visual contact is maintained; and

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

(16) "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.

(17) "Electric assisted bicycle" means a bicycle with an electric motor that:

(a) has a power output of not more than 750 watts;

(b) has fully operable pedals on permanently affixed cranks;

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

(d) is one of the following:

(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

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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.

(18) (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.

(19) "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 combustive 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.

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

(21) "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.

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

(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.

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

(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.

(26) "Highway authority" means the same as that term is defined in Section 72-1-102.

(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.

(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.

(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.

(29) "Law enforcement agency" means the same as that term is as defined in Section 53-1-102.

(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.

(31) "Local highway authority" means the legislative, executive, or governing body of

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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.

(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~~ a

conventional driver or fallback-ready user if on board the vehicle, as those terms are defined in Section 41-26-102.1.

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

(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.

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

(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 (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.

(36) (a) "Moped" means a motor-driven cycle having:

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

(ii) a motor that:

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(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 a motor assisted scooter.

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

(37) (a) "Motor assisted scooter" means a self-propelled device with:

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

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

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

(iv) either:

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

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

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

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

(38) (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, an electric personal assistive mobility device, an electric assisted bicycle, or a personal delivery device, as defined in Section 41-6a-1119.

(39) "Motorcycle" means:

(a) 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; or

(b) an auticycle.

(40) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped, motor assisted scooter, and every motorized bicycle having:

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

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

(b) "Motor-driven cycle" does not include:

(i) an electric personal assistive mobility device; or

(ii) an electric assisted bicycle.

(41) "Off-highway implement of husbandry" means the same as that term is defined under Section 41-22-2.

(42) "Off-highway vehicle" means the same as that term is defined under Section 41-22-2.

(43) "Operate" means the same as that term is defined in Section 41-1a-102.

~~[(43)]~~ (44) "Operator" means [a person who is in actual physical control of a vehicle]:

(a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or

(b) an automated driving system, as defined in Section 41-26-102.1, that operates a vehicle.

~~[(44)]~~ (45) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is occupied or not.

(b) "Park" or "parking" does not include:

(i) the standing of a vehicle temporarily for the purpose of and while actually engaged in loading or unloading property or passengers[-]; or

(ii) a motor vehicle with an engaged automated driving system that has achieved a minimal risk condition, as those terms are defined in Section 41-26-102.1.

~~[(45)]~~ (46) "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.

~~[(46)]~~ (47) "Pedestrian" means a person traveling:

(a) on foot; or

(b) in a wheelchair.

~~[(47)]~~ (48) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate pedestrians.

~~[(48)]~~ (49) "Person" means [every] a natural person, firm, copartnership, association, [or] corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

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~~[(49)]~~ (50) "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.

~~[(50)]~~ (51) "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.

~~[(51)]~~ (52) "Railroad" means a carrier of persons or property upon cars operated on stationary rails.

~~[(52)]~~ (53) "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.

~~[(53)]~~ (54) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.

~~[(54)]~~ (55) "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 of direction, speed, and proximity that give rise to danger of collision unless one grants precedence to the other.

~~[(55)]~~ (56) (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.

~~[(56)]~~ (57) "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.

~~[(57)]~~ (58) (a) "School bus" means a motor vehicle that:

(i) complies with the color and identification requirements of the most recent edition of

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"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.

~~[(58)]~~ (59) (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.

~~[(59)]~~ (60) "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.

~~[(60)]~~ (61) "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.

~~[(61)]~~ (62) "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.

~~[(62)]~~ (63) "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.

~~[(63)]~~ (64) "Stop" when required means complete cessation from movement.

~~[(64)]~~ (65) "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.

~~[(65)]~~ (66) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with

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Section 41-6a-1509.

~~[(66)]~~ (67) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.

~~[(67)]~~ (68) "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.

~~[(68)]~~ (69) "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.

~~[(69)]~~ (70) "Traffic-control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

~~[(70)]~~ (71) (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.

~~[(71)]~~ (72) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

~~[(72)]~~ (73) "Truck tractor" means a motor vehicle:

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

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

~~[(73)]~~ (74) "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.

~~[(74)]~~ (75) "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.

~~[(75)]~~ (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.

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Section ~~{10}~~8. Section **41-6a-1641** is amended to read:

41-6a-1641. Video display in motor vehicles prohibited if visible to driver --

Exceptions.

(1) A motor vehicle may not be operated on a highway if the motor vehicle is equipped with a video display located so that the display is visible to the [~~operator~~] conventional driver of the vehicle as that term is defined in Section 41-26-102.1.

(2) This section does not prohibit the use of a video display used exclusively for:

(a) safety or law enforcement purposes if the use is approved by rule of the department under Section 41-6a-1601;

(b) motor vehicle navigation; [~~or~~]

(c) monitoring of equipment and operating systems of the motor vehicle[~~;~~]; or

(d) operation of a vehicle in a connected platooning system.

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

Section ~~{11}~~9. Section **41-26-102.1** is enacted to read:

41-26-102.1. Definitions.

(1) "ADS-dedicated vehicle" means a vehicle designed to be operated exclusively by a level four or five ADS for all trips within the given operational design domain limitations of the ADS, if any.

(2) (a) "Automated driving system" or "ADS" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the ADS is limited to a specific operational design domain, if any.

(b) "Automated driving system" or "ADS" is used specifically to describe a level three, four, or five driving automation system.

(3) "Commission" means the State Tax Commission as defined in Section 59-1-101.

(4) "Conventional driver" means a human driver who is onboard the motor vehicle and manually performs some or all of the following actions in order to operate a vehicle:

(a) braking;

(b) accelerating;

(c) steering; and

(d) transmission gear selection input devices.

(5) (a) "Dispatch" means to place an ADS-equipped vehicle into service in driverless

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operation by engaging the ADS.

(b) "Dispatch" includes software-enabled dispatch of multiple ADS-equipped motor vehicles in driverless operation that may complete multiple trips involving pick-up and drop-off of passengers or goods throughout a day or other pre-defined periods of service, and which may involve multiple agents performing various tasks related to the dispatch function.

(6) "Division" means the Motor Vehicle Division of the commission, created in Section 41-1a-106.

(7) "Driverless operation" means the operation of an ADS-equipped vehicle in which:

(a) no on-board user is present; or

(b) ~~an~~no on-board user is ~~not~~ a human driver or fallback-ready user.

(8) "Driverless operation dispatcher" means a user who dispatches an ADS-equipped vehicle in driverless operation.

(9) "Driving automation system" means the hardware and software collectively capable of performing part or all of the dynamic driving task on a sustained basis.

(10) "Driving automation system feature" means a specific function of a driving automation system.

(11) (a) "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a motor vehicle in on-road traffic, including:

(i) lateral vehicle motion control through steering;

(ii) longitudinal motion control through acceleration and deceleration;

(iii) monitoring the driving environment through object and event detection, recognition, classification, and response preparation;

(iv) object and event response execution;

(v) maneuver planning; and

(vi) enhancing conspicuity with lighting, signaling, and gesturing.

(b) "Dynamic driving task" does not include strategic functions such as trip scheduling and selection of destinations and waypoints.

(12) "Engage" as it pertains to the operation of a vehicle by a driving automation system means to cause a driving automation system feature to perform part or all of the dynamic driving task on a sustained basis.

(13) "External event" is a situation in the driving environment that necessitates a

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response by a human driver or driving automation system.

(14) "Fallback-ready user" means the user of a vehicle equipped with an engaged level three ADS who is:

- (a) a human driver; and
- (b) ready to operate the vehicle if:
 - (i) a system failure occurs; or
 - (ii) the ADS issues a request to intervene.

(15) (a) "Human driver" means a natural person:

(i) with a valid license to operate a motor vehicle of the proper class for the motor vehicle being operated; and

(ii) who performs in real-time all or part of the dynamic driving task.

(b) "Human driver" includes a:

- (i) conventional driver; and
- (ii) remote driver.

(16) "Level five automated driving system" or "level five ADS" means an ADS feature that has the capability to perform on a sustained basis the entire dynamic driving task under all conditions that can reasonably be managed by a human driver, as well as any maneuvers necessary to respond to a system failure, without any expectation that a human user will respond to a request to intervene.

(17) "Level four automated driving system" or "level four ADS" means an ADS feature that, without any expectation that a human user will respond to a request to intervene, has:

(a) the capability to perform on a sustained basis the entire dynamic driving task within its operational design domain; and

(b) the ~~capacity~~ capability to perform any maneuvers necessary to achieve a minimal risk condition in response to:

- (i) an exit from the operational design domain of the ADS; or
- (ii) a system failure.

(18) "Level three automated driving system" or "level three ADS" means an ADS feature that:

(a) has the capability to perform on a sustained basis the entire dynamic driving task within its operational design domain; and

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(b) requires a fallback-ready user to operate the vehicle after receiving a request to intervene or in response to a system failure.

(19) "Minimal risk condition" means a condition to which a user or an ADS may bring a motor vehicle in order to reduce the risk of a crash when a given trip cannot or should not be completed.

(20) "Object and event detection and response" means the subtasks of the dynamic driving task that include:

(a) monitoring the driving environment; and

(b) executing an appropriate response in order to perform the dynamic driving task.

(21) "On-demand autonomous vehicle network" means a transportation service network that uses a software application or other digital means to dispatch or otherwise enable the prearrangement of transportation with motor vehicles that have a level four or five ADS in driverless operation for purposes of transporting persons, including for-hire transportation and transportation for compensation.

(22) "Operate" means the same as that term is defined in Section 41-1a-102.

(23) "Operational design domain" means the operating conditions under which a given ADS or feature thereof is specifically designed to function, including:

(a) speed range, environmental, geographical, and time-of-day restrictions; or

(b) the requisite presence or absence of certain traffic or roadway characteristics.

(24) "Operator" means the same as that term is defined in Section 41-6a-102.

(25) "Passenger" means a user on board a vehicle who has no role in the operation of that vehicle.

(26) "Person" means the same as that term is defined in Section 41-6a-102.

(27) "Remote driver" means a human driver who is not located in a position to manually exercise in-vehicle braking, accelerating, steering, or transmission gear selection input devices, but operates the vehicle.

(28) "Request to intervene" means the notification by an ADS to a fallback-ready user indicating that the fallback-ready user should promptly begin or resume operation of the vehicle.

(29) "Sustained operation of a motor vehicle" means the performance of part or all of the dynamic driving task both between and across external events, including response to

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external events and continued performance of part or all of the dynamic driving task in the absence of external events.

(30) "System failure" means a malfunction in a driving automation system or other vehicle system that prevents the ADS from reliably performing the portion of the dynamic driving task on a sustained basis, including the complete dynamic driving task, that the ADS would otherwise perform.

(31) "User" means a:

(a) human driver;

(b) passenger;

(c) fallback-ready user; or

(d) driverless operation dispatcher.

Section ~~{12}~~10. Section **41-26-103** is enacted to read:

41-26-103. Operation of motor vehicles equipped with an automated driving system.

(1) A motor vehicle equipped with a level three ~~{through five}~~ ADS may operate on a highway in this state if:

(a) the motor vehicle is operated, whether by the ADS or human driver, in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state, unless an exemption has been granted;

(b) ~~when required by federal law,~~ the motor vehicle ~~{meets}~~;

~~(i) has been certified as being in compliance with~~ all applicable ~~{federal}~~ motor vehicle safety standards ~~{and regulations unless an exemption has been granted}~~;

~~—— (c) when operated by an ADS;~~

~~—— (i) the ADS complies with all federal law and federal motor vehicle safety standards ~~and~~; and~~

~~(ii) bears the required certification label,~~ including reference to any exemption granted under ~~{applicable}~~ federal law; ~~{and}~~

~~(iii)c) when operated by an ADS,~~ if a system failure occurs that renders the ADS unable to perform the entire dynamic driving task relevant to the intended operational design domain of the ADS, the ADS will achieve a minimal risk condition or make a request to intervene; and

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(d) the motor vehicle is titled and registered in compliance with Section 41-26-107.

(2) A motor vehicle equipped with a level four or level five ADS may operate in driverless operation on a highway in this state if:

(a) the ADS is capable of operating in compliance with applicable traffic and motor vehicle laws and regulations of this state, unless an exemption has been granted;

(b) when required by federal law, the motor vehicle:

(i) has been certified as being in compliance with all applicable Federal Motor Vehicle Safety Standards and regulations; and

(ii) bears the required certification label including reference to any exemption granted under federal law;

(c) a system failure occurs that renders the ADS unable to perform the entire dynamic driving task relevant to the intended operational design domain of the ADS, a minimal risk condition will be achieved; and

(d) the motor vehicle is titled and registered in compliance with Section 41-26-107.

{2}3) A vehicle being operated by an ADS or a remote driver is not considered unattended.

{3}4) The division may revoke ~~or limit~~ the registration and privilege for a vehicle equipped with an ADS to operate ~~a motor vehicle~~ on a highway of the state if the Department of Transportation or the Department of Public Safety determines and notifies the division that:

~~{~~ (a) the ADS is operating one or more motor vehicles in an unsafe manner; or

~~}~~ {b}a) the ADS is ~~being engaged~~ operating in an unsafe manner; or

(b) the vehicle's ADS is being engaged in an unsafe manner.

{4}5) Special mobile equipment, as defined in Section 41-1a-102, equipped with a level three, four, or five ADS, may be moved or operated incidentally over a highway.

(6) Nothing in this chapter prohibits or restricts a human driver from operating a vehicle equipped with an ADS and equipped with controls that allow for the human driver to perform all or part of the dynamic driving task.

Section {13}11. Section **41-26-104** is enacted to read:

41-26-104. Licensing -- Responsibility for compliant operation of ADS-equipped vehicles.

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For the purpose of assessing compliance with applicable traffic or motor vehicle laws:

(1) (a) When an ADS is operating a motor vehicle, the ADS is the operator, and shall satisfy electronically all physical acts required by a conventional driver in operation of the vehicle.

(b) The ADS is responsible for the compliant operation of the vehicle and is not required to be licensed to operate the vehicle.

(2) (a) If a vehicle with an engaged level three ADS issues a request to intervene, the ADS is responsible for the compliant operation of the vehicle until disengagement of the ADS.

(b) If a vehicle with an engaged level four or five ADS issues a request to intervene, the ADS is responsible for the compliant operation of the vehicle until or unless a human user begins to operate the vehicle.

(3) The ADS is responsible for compliant operation of an ADS-dedicated vehicle.

Section ~~(14)~~12. Section **41-26-105** is enacted to read:

41-26-105. Duties following crashes involving motor vehicles equipped with an automated driving system.

(1) In the event of a crash involving a vehicle with the ADS engaged:

(a) the ADS-equipped vehicle shall remain on the scene of the crash when required to do so under Section 41-6a-401, consistent with the vehicle's ability to achieve a minimal risk condition as described in Section 41-26-103; and

(b) the owner of the ADS-equipped vehicle, or a person on behalf of the vehicle owner, shall report any crashes or collisions consistent with Chapter 6a, Part 4, Accident Responsibilities.

(2) If the owner or person on behalf of the owner is not on board the vehicle at the time of the crash, the owner shall ensure that the following information is immediately communicated or made available to the persons involved or to a peace officer upon request:

(a) the contents of the vehicle's registration card; and

(b) the name of the insurance provider for the vehicle, including the phone number of the agent or provider.

(3) The department may require that an accident report filed under Section 41-6a-402 include:

(a) whether a vehicle equipped with an ADS was involved in the accident; and

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(b) whether the ADS was engaged at the time of the accident.

Section ~~{15}~~13. Section **41-26-106** is enacted to read:

41-26-106. On-demand autonomous vehicle network.

(1) Subject to Subsection (2), an on-demand autonomous vehicle network may only operate pursuant to state laws governing the operation of ground transportation for-hire under state law, including:

(a) a transportation network company pursuant to Title 13, Chapter 51, Transportation Network Company Registration Act;

(b) a public transit district as defined in Section 17B-2a-802; or

(c) a private passenger carrier as defined in Section 53-3-102.

(2) Any provision of state law described in Subsection (1) that reasonably applies only to a human driver, including Subsection 13-51-105(5)(b), shall not apply to the operation of a vehicle by an engaged level four or five ADS that is part of an on-demand autonomous vehicle network.

Section ~~{16}~~14. Section **41-26-107** is enacted to read:

41-26-107. Registration, title, and insurance of motor vehicles equipped with an automated driving system.

(1) If the owner of a vehicle equipped with an ADS is a resident of this state, the owner shall:

~~— (a) —~~ properly register the vehicle in accordance with Title 41, Chapter 1a, Part 2, Registration, and

~~— (b) have immediately available in the vehicle the certifications obtained in accordance with Section 41-26-109.~~

(2) If the owner of a vehicle equipped with an ADS is a resident of this state, the owner shall properly title the vehicle in accordance with Title 41, Chapter 1a, Part 5, Titling Requirement.

(3) Before an ADS may operate a vehicle on a highway in this state, the owner of the vehicle shall ensure that the vehicle complies with Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act.

Section ~~{17}~~15. Section **41-26-108** is enacted to read:

41-26-108. Controlling authority.

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No local agency, political subdivision, or other entity may prohibit the operation of a vehicle equipped with a driving automation system, an ADS, or an on-demand autonomous vehicle network, or otherwise enact or keep in force a rule or ordinance that would impose a tax, fee, performance standard, or other requirement specific to the operation of a vehicle equipped with a driving automation system, an ADS, or an on-demand autonomous vehicle network in addition to the requirements of this title.

Section ~~{18}~~16. Section ~~{41-26-109}~~53-3-102 is ~~{enacted}~~amended to read:

~~{~~**41-26-109. Certification of ADS-equipped vehicles required -- Vehicles exempt from certification.**

~~_____ (1) For a vehicle required to be registered in this state with an ADS as original equipment as defined in Section 41-6a-1629, the vehicle manufacturer or developer shall, on forms prescribed by the division, certify that:~~

~~_____ (a) the vehicle complies with all applicable federal laws and regulations; and~~

~~_____ (b) the ADS complies with all applicable federal laws and regulations.~~

~~_____ (2) For a vehicle required to be registered in this state with an ADS that is not original equipment as defined in Section 41-6a-1629, the ADS manufacturer shall, on forms prescribed by the division, certify that the ADS complies with all applicable federal laws and regulations.~~

~~_____ (3) Nothing in this section exempts a vehicle manufacturer, owner, or dealer from requirements imposed by state or federal laws or regulations pertaining to a vehicle not equipped with an ADS.~~

~~_____ Section 19. Section 53-3-102 is amended to read:~~

~~‡~~ **53-3-102. Definitions.**

As used in this chapter:

(1) "Autocycle" means a motor vehicle that:

(a) is designed to travel with three or fewer wheels in contact with the ground;

(b) is equipped with a steering wheel; and

(c) is equipped with seating that does not require the operator to straddle or sit astride the vehicle.

(2) "Cancellation" means the termination by the division of a license issued through error or fraud or for which consent under Section 53-3-211 has been withdrawn.

(3) "Class D license" means the class of license issued to drive motor vehicles not

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defined as commercial motor vehicles or motorcycles under this chapter.

(4) "Commercial driver instruction permit" or "CDIP" means a commercial learner permit:

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

(b) issued by a state or other jurisdiction of domicile in compliance with the standards contained in 49 C.F.R. Part 383.

(5) "Commercial driver license" or "CDL" means a license:

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

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

(6) (a) "Commercial driver license motor vehicle record" or "CDL MVR" means a driving record that:

(i) applies to a person who holds or is required to hold a commercial driver instruction permit or a CDL license; and

(ii) contains the following:

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

(B) driver self-certification status information under Section 53-3-410.1; and

(C) information from medical certification record keeping in accordance with 49 C.F.R. Sec. 383.73(o).

(b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a motor vehicle record described in Subsection [~~(30)~~] (29).

(7) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:

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

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

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

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

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

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

(iii) firefighting and emergency vehicles;

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

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

(8) "Conviction" means any of the following:

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

(b) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court;

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

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

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

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

(10) "Director" means the division director appointed under Section 53-3-103.

(11) "Disqualification" means either:

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

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

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

(12) "Division" means the Driver License Division of the department created in Section 53-3-103.

(13) "Downgrade" means to obtain a lower license class than what was originally issued during an existing license cycle.

(14) "Drive" means:

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

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

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

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

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

(17) "Extension" means a renewal completed in a manner specified by the division.

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

(19) "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 traffic.

(20) "Human driver" means the same as that term is defined in Section 41-26-102.1.

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~~[(20)]~~ (21) "Identification card" means a card issued under Part 8, Identification Card Act, to a person for identification purposes.

~~[(21)]~~ (22) "Indigent" means that a person's income falls below the federal poverty guideline issued annually by the U.S. Department of Health and Human Services in the Federal Register.

~~[(22)]~~ (23) "License" means the privilege to drive a motor vehicle.

~~[(23)]~~ (24) (a) "License certificate" means the evidence of the privilege issued under this chapter to drive a motor vehicle.

(b) "License certificate" evidence includes a:

- (i) regular license certificate;
- (ii) limited-term license certificate;
- (iii) driving privilege card;
- (iv) CDL license certificate;
- (v) limited-term CDL license certificate;
- (vi) temporary regular license certificate; and
- (vii) temporary limited-term license certificate.

~~[(24)]~~ (25) "Limited-term commercial driver license" or "limited-term CDL" means a license:

(a) issued substantially in accordance with the requirements of Title XII, Pub. L. No. 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor vehicle; and

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

~~[(25)]~~ (26) "Limited-term identification card" means an identification card issued under this chapter to a person whose card was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-804(2)(i)(ii).

~~[(26)]~~ (27) "Limited-term license certificate" means the evidence of the privilege granted and issued under this chapter to drive a motor vehicle to a person whose privilege was obtained providing evidence of lawful presence in the United States with one of the document

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requirements described in Subsection 53-3-205(8)(a)(ii)(B).

~~[(27) "Motorboat" means the same as that term is defined in Section 73-18-2.]~~

~~[(28) "Motorcycle" means every 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.]~~

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

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

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

(29) "Motor vehicle record" or "MVR" means a driving record under Subsection 53-3-109(6)(a).

(30) "Motorboat" means the same as that term is defined in Section 73-18-2.

(31) "Motorcycle" means every 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.

~~[(31)]~~ (32) "Office of Recovery Services" means the Office of Recovery Services, created in Section 62A-11-102.

(33) "Operate" means the same as that term is defined in Section 41-1a-102.

~~[(32)]~~ (34) (a) "Owner" means a person other than a lien holder having an interest in the property or title to a vehicle.

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

~~[(33)]~~ (35) (a) "Private passenger carrier" means any motor vehicle for hire that is:

- (i) designed to transport 15 or fewer passengers, including the driver; and
- (ii) operated to transport an employee of the person that hires the motor vehicle.

(b) "Private passenger carrier" does not include:

- (i) a taxicab;
- (ii) a motor vehicle driven by a transportation network driver as defined in Section 13-51-102;

(iii) a motor vehicle driven for transportation network services as defined in Section 13-51-102; and

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(iv) a motor vehicle driven for a transportation network company as defined in Section 13-51-102 and registered with the Division of Consumer Protection as described in Section 13-51-104.

~~[(34)]~~ (36) "Regular identification card" means an identification card issued under this chapter to a person whose card was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

~~[(35)]~~ (37) "Regular license certificate" means the evidence of the privilege issued under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-205(8)(a)(ii)(A).

~~[(36)]~~ (38) "Renewal" means to validate a license certificate so that it expires at a later date.

~~[(37)]~~ (39) "Reportable violation" means an offense required to be reported to the division as determined by the division and includes those offenses against which points are assessed under Section 53-3-221.

~~[(38)]~~ (40) (a) "Resident" means an individual who:

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

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

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

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

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

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

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

(iii) a person domiciled in another state or country, who is temporarily assigned in this

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state, assigned by or representing an employer, religious or private organization, or a governmental entity; or

(iv) an immediate family member who resides with or a household member of a person listed in Subsections ~~[(38)]~~ (40)(b)(i) through (iii).

~~[(39)]~~ (41) "Revocation" means the termination by action of the division of a licensee's privilege to drive a motor vehicle.

~~[(40)]~~ (42) (a) "School bus" means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students to and from home and school, or to and from school sponsored events.

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

~~[(41)]~~ (43) "Suspension" means the temporary withdrawal by action of the division of a licensee's privilege to drive a motor vehicle.

~~[(42)]~~ (44) "Taxicab" means any class D motor vehicle transporting any number of passengers for hire and that is subject to state or federal regulation as a taxi.

Section ~~20~~ 17. Section 53-3-104 is amended to read:

53-3-104. Division duties.

The division shall:

(1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules:

(a) for examining applicants for a license, as necessary for the safety and welfare of the traveling public;

(b) for acceptable documentation of an applicant's identity, Social Security number, Utah resident status, Utah residence address, proof of legal presence, proof of citizenship in the United States, honorable or general discharge from the United States military, and other proof or documentation required under this chapter;

(c) regarding the restrictions to be imposed on ~~[a person]~~ an individual driving a motor vehicle with a temporary learner permit or learner permit;

(d) for exemptions from licensing requirements as authorized in this chapter;

(e) establishing procedures for the storage and maintenance of applicant information provided in accordance with Section 53-3-205, 53-3-410, or 53-3-804; and

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(f) to provide educational information to each applicant for a license, which information shall be based on data provided by the Division of Air Quality, including:

- (i) ways drivers can improve air quality; and
- (ii) the harmful effects of vehicle emissions;
- (2) examine each applicant according to the class of license applied for;
- (3) license motor vehicle drivers;
- (4) file every application for a license received by [it] the division and shall maintain

indices containing:

- (a) all applications denied and the reason each was denied;
- (b) all applications granted; and
- (c) the name of every licensee whose license has been suspended, disqualified, or revoked by the division and the reasons for the action;
- (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this chapter;
- (6) file all accident reports and abstracts of court records of convictions received by [it] the division under state law;
- (7) maintain a record of each licensee showing the licensee's convictions and the traffic accidents in which the licensee has been involved where a conviction has resulted;
- (8) consider the record of a licensee upon an application for renewal of a license and at other appropriate times;
- (9) search the license files, compile, and furnish a report on the driving record of any [person] individual licensed in the state in accordance with Section 53-3-109;
- (10) develop and implement a record system as required by Section 41-6a-604;
- (11) in accordance with Section 53G-10-507, establish:
 - (a) procedures and standards to certify teachers of driver education classes to administer knowledge and skills tests;
 - (b) minimal standards for the tests; and
 - (c) procedures to enable school districts to administer or process any tests for students to receive a class D operator's license;
- (12) in accordance with Section 53-3-510, establish:
 - (a) procedures and standards to certify licensed instructors of commercial driver

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training school courses to administer the skills test;

(b) minimal standards for the test; and

(c) procedures to enable licensed commercial driver training schools to administer or process skills tests for students to receive a class D operator's license;

(13) provide administrative support to the Driver License Medical Advisory Board created in Section 53-3-303;

(14) upon request by the lieutenant governor, provide the lieutenant governor with a digital copy of the driver license or identification card signature of [~~a person~~] an individual who is an applicant for voter registration under Section 20A-2-206; and

(15) in accordance with Section 53-3-407.1, establish:

(a) procedures and standards to license a commercial driver license third party tester or commercial driver license third party examiner to administer the commercial driver license skills tests;

(b) minimum standards for the commercial driver license skills test; and

(c) procedures to enable a licensed commercial driver license third party tester or commercial driver license third party examiner to administer a commercial driver license skills test for an applicant to receive a commercial driver license.

Section ~~{21}~~18. Section **53-3-202** is amended to read:

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

(1) A [~~person~~] human driver may not drive a motor vehicle or an autocycle on a highway in this state unless the [~~person~~] human driver 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 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

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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:]~~

(2) A human driver may not drive a motor vehicle or perform lateral or longitudinal vehicle motion control for a vehicle being towed by another motor vehicle upon a highway unless the human driver:

(a) ~~[holds a valid license issued under this chapter for]~~ is licensed under this chapter to drive a motor vehicle of the type or class of motor vehicle being towed; or

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

(3) (a) A ~~[person]~~ human driver may not drive a motor vehicle as a taxicab on a highway of this state unless the person has a valid class D driver license issued by the division.

(b) A ~~[person]~~ human driver may not drive a motor vehicle as a private passenger carrier on a highway of this state unless the ~~[person]~~ human driver has:

(i) a taxicab endorsement issued by the division on the ~~[person's]~~ human driver's license certificate; or

(ii) a commercial driver license with:

(A) a taxicab endorsement;

(B) a passenger endorsement; or

(C) a school bus endorsement.

(c) Nothing in Subsection (3)(b) is intended to exempt a ~~[person]~~ human driver driving

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a motor vehicle as a private passenger carrier from regulation under other statutory and regulatory schemes, including:

(i) 49 C.F.R. Parts 350-399, Federal Motor Carrier Safety Regulations;

(ii) Title 34, Chapter 36, Transportation of Workers, and rules adopted by the Labor Commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) Title 72, Chapter 9, Motor Carrier Safety Act, and rules adopted by the Motor Carrier Division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

(i) a motorcycle unless the ~~[person]~~ human driver 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]~~ human driver has a valid class D driver license; or

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

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

(c) ~~[A person]~~ An individual 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.

(d) ~~[A person]~~ An individual 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.

(e) A ~~[person]~~ human driver operating an auticycle is not required to have a motorcycle endorsement issued under this chapter.

(5) An automated driving system as defined in Section 41-26-102.1 is not required to

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have a driver license.

[~~(5)~~] (6) A person who violates this section is guilty of an infraction.

Section ~~{22}~~ 19. **Repealer.**

This bill repeals:

Section **41-26-102, Autonomous motor vehicle study.**