

Senator Kirk A. Cullimore proposes the following substitute bill:

MOTOR ASSISTED TRANSPORTATION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: Adam Robertson

LONG TITLE

General Description:

This bill addresses motor assisted scooters.

Highlighted Provisions:

This bill:

- ▶ addresses definitions, including the definition of low-speed vehicle;
- ▶ prohibits certain activities with regard to an alcohol product and a motor assisted scooter;
- ▶ clarifies that a motor assisted scooter is a vulnerable user of a highway;
- ▶ provides that a motor assisted scooter is subject to provisions for a bicycle, and not a moped or a motor-driven cycle;
- ▶ prohibits operating a motor assisted scooter on public property posted as an area prohibiting bicycles and not skateboards;
- ▶ permits a motor assisted scooter to operate on a sidewalk;
- ▶ exempts motor assisted scooters with respect to certain equipment required on vehicles;
- ▶ addresses scooters for hire;
- ▶ addresses local ordinances regulating motor assisted scooters; and
- ▶ makes technical and conforming amendments.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **41-1a-102**, as last amended by Laws of Utah 2018, Chapters 166 and 424

33 **41-6a-102**, as last amended by Laws of Utah 2018, Chapters 166 and 205

34 **41-6a-526**, as last amended by Laws of Utah 2018, Chapter 175

35 **41-6a-706.5**, as last amended by Laws of Utah 2015, Chapter 412

36 **41-6a-1115**, as last amended by Laws of Utah 2015, Chapter 412

37 **41-6a-1601**, as last amended by Laws of Utah 2017, Chapter 149

38 **41-6a-1702**, as renumbered and amended by Laws of Utah 2005, Chapter 2

39 **79-5-102**, as last amended by Laws of Utah 2016, Chapter 173

40 ENACTS:

41 **41-6a-1115.1**, Utah Code Annotated 1953



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

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

45 **41-1a-102. Definitions.**

46 As used in this chapter:

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

48 (2) "Actual weight" means the actual unladen weight of a vehicle or combination of

49 vehicles as operated and certified to by a weighmaster.

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

51 **41-22-2**.

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

53 **41-22-2**.

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

55 **41-22-2**.

56 (6) "Alternative fuel vehicle" means:

- 57 (a) an electric motor vehicle;
- 58 (b) a hybrid electric motor vehicle;
- 59 (c) a plug-in hybrid electric motor vehicle; or
- 60 (d) a motor vehicle powered by a fuel other than:
 - 61 (i) motor fuel;
 - 62 (ii) diesel fuel;
 - 63 (iii) natural gas; or
 - 64 (iv) propane.

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

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

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

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

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

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

80 (12) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
81 weighmaster.

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

- 84 (a) as a carrier for hire, compensation, or profit; or
- 85 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the
86 owner's commercial enterprise.

87 (14) "Commission" means the State Tax Commission.

88 (15) "Consumer price index" means the same as that term is defined in Section
89 59-13-102.

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

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

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

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

99 (20) "Essential parts" means ~~all~~ the integral and body parts of a vehicle of a type
100 required to be registered in this state, the removal, alteration, or substitution of which would
101 tend to conceal the identity of the vehicle or substantially alter ~~its~~ the vehicle's appearance,
102 model, type, or mode of operation.

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

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

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

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

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

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

115 (23) "Fleet" means one or more commercial vehicles.

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

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

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

124 (27) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion
125 energy from onboard sources of stored energy that are both:

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

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

129 (28) (a) "Identification number" means the identifying number assigned by the
130 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard
131 motor.

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

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

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

139 (b) If [~~fleets are~~] a fleet is composed entirely of trailers or semitrailers, "in-state miles"
140 means the total number of miles that those vehicles were towed on Utah highways during the
141 preceding year.

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

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

146 (33) "Lienholder" means a person with a security interest in particular property.

147 (34) "Manufactured home" means a transportable factory built housing unit constructed
148 on or after June 15, 1976, according to the Federal Home Construction and Safety Standards
149 Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body

150 feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more
151 square feet, and which is built on a permanent chassis and designed to be used as a dwelling
152 with or without a permanent foundation when connected to the required utilities, and includes
153 the plumbing, heating, air-conditioning, and electrical systems.

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

157 (36) "Mobile home" means a transportable factory built housing unit built prior to June
158 15, 1976, in accordance with a state mobile home code which existed prior to the Federal
159 Manufactured Housing and Safety Standards Act (HUD Code).

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

161 (38) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and
162 operation on the highways.

163 (b) "Motor vehicle" does not include:

164 (i) an off-highway vehicle[-]; or

165 (ii) a motor assisted scooter as defined in Section [41-6a-102](#).

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

167 (40) "Motorcycle" means:

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

170 (b) an auticycle.

171 (41) "Natural gas" means a fuel of which the primary constituent is methane.

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

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

180 (43) "Odometer" means a device for measuring and recording the actual distance a

181 vehicle travels while in operation, but does not include any auxiliary odometer designed to be
182 periodically reset.

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

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

186 (46) "Operate" means to drive or be in actual physical control of a vehicle or to
187 navigate a vessel.

188 (47) "Outboard motor" means a detachable self-contained propulsion unit, excluding
189 fuel supply, used to propel a vessel.

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

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

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

201 (49) "Park model recreational vehicle" means a unit that:

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

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

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

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

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

211 (51) (a) "Pickup truck" means a two-axle motor vehicle with motive power

212 manufactured, remanufactured, or materially altered to provide an open cargo area.

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

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

219 (53) "Pneumatic tire" means [~~every~~] a tire in which compressed air is designed to
220 support the load.

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

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

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

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

234 (58) "Recreational vehicle" means the same as that term is defined in Section
235 [13-14-102](#).

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

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

242 (b) For administration of a multistate agreement for proportional registration the

243 division may prescribe a different 12-month period.

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

247 (62) "Replica vehicle" means:

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

249 (b) a custom vehicle that meets the requirements under Subsection
250 41-6a-1507(1)(a)(i)(B).

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

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

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

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

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

264 (68) (a) "Special interest vehicle" means a vehicle used for general transportation
265 purposes and that is:

266 (i) 20 years or older from the current year; or

267 (ii) a make or model of motor vehicle recognized by the division director as having
268 unique interest or historic value.

269 (b) In making a determination under Subsection (68)(a), the division director shall give
270 special consideration to:

271 (i) a make of motor vehicle that is no longer manufactured;

272 (ii) a make or model of motor vehicle produced in limited or token quantities;

273 (iii) a make or model of motor vehicle produced as an experimental vehicle or one

274 designed exclusively for educational purposes or museum display; or

275 (iv) a motor vehicle of any age or make that has not been substantially altered or
276 modified from original specifications of the manufacturer and because of its significance is
277 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a
278 leisure pursuit.

279 (69) (a) "Special mobile equipment" means ~~every~~ a vehicle:

280 (i) not designed or used primarily for the transportation of persons or property;

281 (ii) not designed to operate in traffic; and

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

283 (b) "Special mobile equipment" includes:

284 (i) farm tractors;

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

287 (iii) ditch-digging apparatus.

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

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

294 (71) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

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

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

300 (73) "Trailer" means a vehicle without motive power designed for carrying persons or
301 property and for being drawn by a motor vehicle and constructed so that no part of its weight
302 rests upon the towing vehicle.

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

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

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

311 (77) "Truck tractor" means a motor vehicle designed and used primarily for drawing
312 other vehicles and not constructed to carry a load other than a part of the weight of the vehicle
313 and load that is drawn.

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

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

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

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

319 (82) "Weighmaster" means a person, association of persons, or corporation permitted
320 to weigh vehicles under this chapter.

321 Section 2. Section 41-6a-102 is amended to read:

322 **41-6a-102. Definitions.**

323 As used in this chapter:

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

326 (2) "All-terrain type I vehicle" means the same as that term is defined in Section
327 41-22-2.

328 (3) "Authorized emergency vehicle" includes:

329 (a) fire department vehicles;

330 (b) police vehicles;

331 (c) ambulances; and

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

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

335 (5) (a) "Bicycle" means a wheeled vehicle:

- 336 (i) propelled by human power by feet or hands acting upon pedals or cranks;
- 337 (ii) with a seat or saddle designed for the use of the operator;
- 338 (iii) designed to be operated on the ground; and
- 339 (iv) whose wheels are not less than 14 inches in diameter.
- 340 (b) "Bicycle" includes an electric assisted bicycle.
- 341 (c) "Bicycle" does not include scooters and similar devices.
- 342 (6) (a) "Bus" means a motor vehicle:
- 343 (i) designed for carrying more than 15 passengers and used for the transportation of
- 344 persons; or
- 345 (ii) designed and used for the transportation of persons for compensation.
- 346 (b) "Bus" does not include a taxicab.
- 347 (7) (a) "Circular intersection" means an intersection that has an island, generally
- 348 circular in design, located in the center of the intersection where traffic passes to the right of
- 349 the island.
- 350 (b) "Circular intersection" includes:
- 351 (i) roundabouts;
- 352 (ii) rotaries; and
- 353 (iii) traffic circles.
- 354 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in
- 355 Subsection (17)(d)(i).
- 356 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in
- 357 Subsection (17)(d)(ii).
- 358 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in
- 359 Subsection (17)(d)(iii).
- 360 (11) "Commissioner" means the commissioner of the Department of Public Safety.
- 361 (12) "Controlled-access highway" means a highway, street, or roadway:
- 362 (a) designed primarily for through traffic; and
- 363 (b) to or from which owners or occupants of abutting lands and other persons have no
- 364 legal right of access, except at points as determined by the highway authority having
- 365 jurisdiction over the highway, street, or roadway.
- 366 (13) "Crosswalk" means:

367 (a) that part of a roadway at an intersection included within the connections of the
368 lateral lines of the sidewalks on opposite sides of the highway measured from:
369 (i) (A) the curbs; or
370 (B) in the absence of curbs, from the edges of the traversable roadway; and
371 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
372 included within the extension of the lateral lines of the existing sidewalk at right angles to the
373 centerline; or

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

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

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

378 (a) visual contact is maintained; and

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

380 (16) "Divided highway" means a highway divided into two or more roadways by:

381 (a) an unpaved intervening space;

382 (b) a physical barrier; or

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

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

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

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

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

388 (d) is one of the following:

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

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

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

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

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

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

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

- 398 (A) provides assistance only when the rider is pedaling;
- 399 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
400 hour; and
- 401 (C) is equipped with a speedometer.
- 402 (18) (a) "Electric personal assistive mobility device" means a self-balancing device
403 with:
- 404 (i) two nontandem wheels in contact with the ground;
- 405 (ii) a system capable of steering and stopping the unit under typical operating
406 conditions;
- 407 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 408 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 409 (v) a deck design for a person to stand while operating the device.
- 410 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 411 (19) "Explosives" means ~~any~~ a chemical compound or mechanical mixture
412 commonly used or intended for the purpose of producing an explosion and that contains any
413 oxidizing and combustive units or other ingredients in proportions, quantities, or packing so
414 that an ignition by fire, friction, concussion, percussion, or detonator of any part of the
415 compound or mixture may cause a sudden generation of highly heated gases, and the resultant
416 gaseous pressures are capable of producing destructive effects on contiguous objects or of
417 causing death or serious bodily injury.
- 418 (20) "Farm tractor" means a motor vehicle designed and used primarily as a farm
419 implement, for drawing plows, mowing machines, and other implements of husbandry.
- 420 (21) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,
421 as determined by a tagliabue or equivalent closed-cup test device.
- 422 (22) "Freeway" means a controlled-access highway that is part of the interstate system
423 as defined in Section [72-1-102](#).
- 424 (23) "Gore area" means the area delineated by two solid white lines that is between a
425 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
426 including similar areas between merging or splitting highways.
- 427 (24) "Gross weight" means the weight of a vehicle without a load plus the weight of
428 any load on the vehicle.

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

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

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

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

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

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

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

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

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

446 (b) channelizing devices;

447 (c) curbs;

448 (d) pavement edges; or

449 (e) other devices.

450 (29) "Law enforcement agency" means the same as that term is as defined in Section
451 53-1-102.

452 (30) "Limited access highway" means a highway:

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

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

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

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

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

462 (ii) has a capacity of not more than [~~four~~] six passengers, including the driver.

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

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

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

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

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

471 (i) designed for off-highway use; and

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

473 (35) "Mobile home" means:

474 (a) a trailer or semitrailer that is:

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

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

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

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

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

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

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

486 (ii) a motor that:

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

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

490 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic

491 centimeters and the moped shall have a power drive system that functions directly or
492 automatically without clutching or shifting by the operator after the drive system is engaged.

493 ~~[(c) "Moped" includes a motor assisted scooter.]~~

494 ~~[(d)]~~ (c) "Moped" does not include:

495 (i) an electric assisted bicycle~~[-];~~ or

496 (ii) a motor assisted scooter.

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

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

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

500 (iii) ~~[a gas or]~~ an electric motor not exceeding ~~[40 cubic centimeters]~~ $\hat{S} \rightarrow$ [750] 2,000 $\leftarrow \hat{S}$

500a watts;

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

502 ~~[(A)]~~ (iv) handlebars and a deck design for a person to stand while operating the

503 device; ~~[or]~~

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

505 ~~device; and]~~

506 (v) a design for the ability to be propelled by human power alone~~[-];~~ and

507 (vi) a maximum speed of 20 miles per hour on a paved level surface.

508 (b) "Motor assisted scooter" does not include:

509 (i) an electric assisted bicycle~~[-];~~ or

510 (ii) a motor-driven cycle.

511 (38) (a) "Motor vehicle" means a vehicle that is self-propelled and ~~[every]~~ a vehicle

512 ~~[which]~~ that is propelled by electric power obtained from overhead trolley wires, but not

513 operated upon rails.

514 (b) "Motor vehicle" does not include:

515 (i) vehicles moved solely by human power~~[-];~~

516 (ii) motorized wheelchairs~~[-];~~

517 (iii) an electric personal assistive mobility device~~[-];~~

518 (iv) an electric assisted bicycle~~[-or];~~

519 (v) a motor assisted scooter; or

520 (vi) a personal delivery device, as defined in Section [41-6a-1119](#).

521 (39) "Motorcycle" means:

522 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
523 and designed to travel with not more than three wheels in contact with the ground; or

524 (b) an autocyce.

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

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

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

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

530 (i) an electric personal assistive mobility device; [~~or~~]

531 (ii) a motor assisted scooter; or

532 [~~(ii)~~] (iii) an electric assisted bicycle.

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

535 (42) "Off-highway vehicle" means the same as that term is defined under Section
536 [41-22-2](#).

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

538 (44) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
539 occupied or not.

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

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

545 (46) "Pedestrian" means a person traveling:

546 (a) on foot; or

547 (b) in a wheelchair.

548 (47) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
549 pedestrians.

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

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

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

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

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

561 (51) "Railroad" means a carrier of persons or property upon cars operated on stationary
562 rails.

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

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

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

572 (55) (a) "Roadway" means that portion of highway improved, designed, or ordinarily
573 used for vehicular travel.

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

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

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

581 (57) (a) "School bus" means a motor vehicle that:

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

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

585 (b) "School bus" does not include a vehicle operated by a common carrier in

586 transportation of school children to or from school or school activities.

587 (58) (a) "Semitrailer" means a vehicle with or without motive power:

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

589 and

590 (ii) constructed so that some part of its weight and that of its load rests on or is carried

591 by another vehicle.

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

593 (59) "Shoulder area" means:

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

596 or

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

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

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

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

605 (63) "Stop" when required means complete cessation from movement.

606 (64) "Stop" or "stopping" when prohibited means any halting even momentarily of a
607 vehicle, whether occupied or not, except when:

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

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

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

614 (66) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other

615 conveyances either singly or together while using any highway for the purpose of travel.

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

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

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

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

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

627 (71) "Truck" means a motor vehicle designed, used, or maintained primarily for the
628 transportation of property.

629 (72) "Truck tractor" means a motor vehicle:

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

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

633 (73) "Two-way left turn lane" means a lane:

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

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

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

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

641 (75) "Vehicle" means a device in, on, or by which a person or property is or may be
642 transported or drawn on a highway, except devices used exclusively on stationary rails or
643 tracks.

644 Section 3. Section **41-6a-526** is amended to read:

645 **41-6a-526. Drinking alcoholic beverage and open containers in motor vehicle**

646 **prohibited -- Definitions -- Exceptions.**

647 (1) As used in this section:

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

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

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

651 (d) (i) "Passenger compartment" means the area of the vehicle normally occupied by
652 the operator and passengers.653 (ii) "Passenger compartment" includes areas accessible to the operator and passengers
654 while traveling, including a utility or glove compartment.655 (iii) "Passenger compartment" does not include a separate front or rear trunk
656 compartment or other area of the vehicle not accessible to the operator or passengers while
657 inside the vehicle.

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

659 (2) A person may not drink [~~any~~] an alcoholic beverage while operating a motor
660 vehicle, a motor assisted scooter, or a class 2 electric assisted bicycle, or while a passenger in a
661 motor vehicle, whether the vehicle is moving, stopped, or parked on any highway or waters of
662 the state.663 (3) A person may not keep, carry, possess, transport, or allow another to keep, carry,
664 possess, or transport in the passenger compartment of a motor vehicle, on a motor assisted
665 scooter, or on a class 2 electric assisted bicycle, when the vehicle is on any highway or waters
666 of the state, any container [~~which~~] that contains [~~any~~] an alcoholic beverage if the container has
667 been opened, its seal broken, or the contents of the container partially consumed.

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

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

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

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

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

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

675 Section 4. Section 41-6a-706.5 is amended to read:

676 **41-6a-706.5. Definitions -- Operation of motor vehicle near a vulnerable user of a**

677 **highway prohibited -- Endangering a vulnerable user of a highway prohibited.**

678 (1) As used in this section, "vulnerable user of a highway" means:

679 (a) a pedestrian, including a person engaged in work upon a highway or upon utilities
680 facilities along a highway or providing emergency services within the right-of-way of a

681 highway;

682 (b) a person riding an animal; or

683 (c) a person operating any of the following on a highway:

684 (i) a farm tractor or implement of husbandry, without an enclosed shell;

685 (ii) a skateboard;

686 (iii) roller skates;

687 (iv) in-line skates;

688 (v) a bicycle;

689 (vi) an electric-assisted bicycle;

690 (vii) an electric personal assistive mobility device;

691 (viii) a moped;

692 (ix) a motor assisted scooter;

693 ~~[(ix)]~~ (x) a motor-driven cycle;

694 ~~[(x) a motorized scooter;]~~

695 (xi) a motorcycle; or

696 (xii) a manual wheelchair.

697 (2) An operator of a motor vehicle may not knowingly, intentionally, or recklessly:

698 (a) operate a motor vehicle within three feet of a vulnerable user of a highway;

699 (b) distract or attempt to distract a vulnerable user of a highway for the purpose of
700 causing violence or injury to the vulnerable user of a highway; or

701 (c) force or attempt to force a vulnerable user of a highway off of the roadway for a
702 purpose unrelated to public safety.

703 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is an
704 infraction.

705 (b) A violation of Subsection (2) that results in bodily injury to the vulnerable user of a
706 highway is a class C misdemeanor.

707 Section 5. Section **41-6a-1115** is amended to read:

708 **41-6a-1115. Motor assisted scooters -- Conflicting provisions -- Restrictions --**
709 **Penalties.**

710 (1) (a) Except as otherwise provided in this section, a motor assisted scooter is subject
711 to the provisions under this chapter for a bicycle ~~[, moped, or a motor-driven cycle]~~.

712 (b) For a person operating a motor assisted scooter, the following provisions do not
713 apply:

714 (i) seating positions under Section [41-6a-1501](#);

715 (ii) required lights, horns, and mirrors under Section [41-6a-1506](#);

716 (iii) entitlement to full use of a lane under Subsection [41-6a-1502\(1\)](#); and

717 (iv) driver licensing requirements under Section [53-3-202](#).

718 (c) A person may operate a motor assisted scooter across a roadway in a crosswalk,
719 except that the person may not operate the motor assisted scooter in a negligent manner in the
720 crosswalk:

721 (i) so as to collide with a:

722 (A) pedestrian; or

723 (B) person operating a bicycle or vehicle or device propelled by human power; or

724 (ii) at a speed greater than is reasonable and prudent under the existing conditions,
725 giving regard to the actual and potential hazards then existing.

726 (2) A person under 15 years of age may not operate a motor assisted scooter using the
727 motor unless the person is under the direct supervision of the person's parent or guardian.

728 (3) A person under eight years of age may not operate a motor assisted scooter with the
729 motor running on any public property, highway, path, or sidewalk.

730 (4) A person may not operate a motor assisted scooter:

731 (a) in a public parking structure;

732 (b) on public property posted as an area prohibiting ~~[skateboards]~~ bicycles;

733 ~~[(c) on a highway consisting of a total of four or more lanes designated for regular~~
734 ~~vehicular traffic;]~~

735 ~~[(d) on a highway with a posted speed limit greater than 25 miles per hour;]~~

736 ~~[(e)]~~ (c) while carrying more persons at one time than the number for which it is
737 designed; or

738 ~~[(f)]~~ (d) that has been structurally or mechanically altered from the original

739 manufacturer's design, except for an alteration by, or done at the request of, a person who rents
740 the motor assisted scooter to lower the maximum speed for the motor assisted scooter.

741 (5) Except where posted or prohibited by local ordinance, a motor assisted scooter is
742 considered a nonmotorized vehicle if it is being used with the motor turned off.

743 (6) An owner may not authorize or knowingly permit a person to operate a motor
744 assisted scooter in violation of this section.

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

746 Section 6. Section **41-6a-1115.1** is enacted to read:

747 **41-6a-1115.1. Scooter-share programs -- Local ordinances regulating motor**
748 **assisted scooters.**

749 (1) For the purposes of this section:

750 (a) "Local authority" means a county, city, town, or metro township.

751 (b) "Scooter-share operator" means a person offering a shared scooter for hire.

752 (c) "Scooter-share program" means the offering of a shared scooter for hire.

753 (d) "Shared scooter" means a motor assisted scooter offered for hire.

754 (2) A shared scooter shall bear a single unique alphanumeric identification visible from
755 a distance of five feet, that may not be obfuscated by branding or other markings, and that shall
756 be used throughout the state, including by local authorities, to identify the shared scooter.

757 (3) A scooter-share operator may offer shared scooters for hire if the scooter-share
758 operator maintains the following insurance coverage dedicated exclusively for operation of
759 shared scooters:

760 (a) commercial general liability insurance coverage with a limit of at least \$1,000,000
761 each occurrence and \$5,000,000 aggregate;

762 (b) automobile insurance coverage with a limit of at least \$1,000,000 each occurrence
763 and \$1,000,000 aggregate;

764 (c) umbrella or excess liability coverage with a limit of at least \$5,000,000 each
765 occurrence and \$5,000,000 aggregate; and

766 (d) when the scooter-share operator employs an individual, workers' compensation
767 coverage of no less than required by law.

768 (4) A local authority may regulate the operation of a motor assisted scooter within the
769 local authority's jurisdiction by:

770 (a) restricting the maximum speed a person may operate an motor assisted scooter in
771 pedestrian zones, such as a plaza or promenade; or

772 (b) establishing and assessing penalties for a moving or parking violation involving a
773 motor assisted scooter to the person responsible for the violation, that may not exceed penalties
774 assessed to a rider of a bicycle.

775 (5) A local authority may regulate the operation of shared scooters within its
776 jurisdiction by:

777 (a) requiring a scooter-share operator to pay fees, provided that the total amount of the
778 fees collected may not exceed the reasonable and necessary cost to the local authority of
779 administering scooter-share programs;

780 (b) requiring a scooter-share operator to indemnify the local authority for claims,
781 demands, costs, including reasonable attorney fees, losses, or damages brought against the local
782 authority, and arising out of a negligent act, error, omission, or willful misconduct by the
783 scooter-share operator or the scooter-share operator's officers or employees, except to the
784 extent the claims, demands, costs, losses, or damages arise out of such local authority's
785 negligence;

786 (c) in the interests of safety and right-of-way management, designating locations where
787 scooter-share operators may not stage shared scooters, provided that at least one location shall
788 be permitted on each side of each city block in commercial zones and business districts; or

789 (d) establishing and assessing penalties for a moving or parking violation involving
790 shared scooters to the person responsible for the violation, that may not exceed penalties
791 assessed to riders of bicycles.

792 (6) A local authority may require scooter-share operators, as a condition for operating a
793 scooter-share program, to provide to the local authority anonymized fleet and ride activity data
794 for the trips starting or ending within the jurisdiction of the local authority on a vehicle of the
795 scooter-share operator or of any person or company controlled by, controlling, or under
796 common control with the scooter-share operator, provided that, to ensure individual privacy:

797 (a) the data is provided via an application programming interface, subject to the
798 scooter-share operator's license agreement for such interface, in compliance with a national
799 data format specification;

800 (b) the data provided shall be treated as trade secret and proprietary business

801 information, and may not be shared to third parties without the scooter-share operator's
802 consent, and may not be treated as owned by the local authority; and

803 (c) the data shall be considered personally identifiable information, and may not be
804 disclosed under Title 63G, Chapter 2, Government Records Access and Management Act,
805 pursuant to a public records request received by the local authority without prior aggregation or
806 obfuscation to protect individual privacy.

807 (7) In regulating a shared scooter or a scooter-share program, a local authority may not
808 impose any unduly restrictive requirement on a scooter-share operator, including:

809 (a) requiring operation below cost; or

810 (b) subjecting riders of shared scooters to requirements more restrictive than those
811 applicable to riders of privately owned motor assisted scooters or bicycles.

812 Section 7. Section **41-6a-1601** is amended to read:

813 **41-6a-1601. Operation of unsafe or improperly equipped vehicles on public**
814 **highways -- Exceptions.**

815 (1) (a) A person may not operate or move and an owner may not cause or knowingly
816 permit to be operated or moved on a highway a vehicle or combination of vehicles [~~which~~]
817 that:

818 (i) is in an unsafe condition that may endanger any person;

819 (ii) does not contain those parts or is not at all times equipped with lamps and other
820 equipment in proper condition and adjustment as required in this chapter;

821 (iii) is equipped in any manner in violation of this chapter; or

822 (iv) emits pollutants in excess of the limits allowed under the rules of the Air Quality
823 Board created under Title 19, Chapter 2, Air Conservation Act, or under rules made by local
824 health departments.

825 (b) A person may not do any act forbidden or fail to perform any act required under this
826 chapter.

827 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
828 and in coordination with the rules made under Section **53-8-204**, the department shall make
829 rules setting minimum standards covering the design, construction, condition, and operation of
830 vehicle equipment for safely operating a motor vehicle on the highway as required under this
831 part.

- 832 (b) The rules under Subsection (2)(a):
- 833 (i) shall conform as nearly as practical to Federal Motor Vehicle Safety Standards and
- 834 Regulations;
- 835 (ii) may incorporate by reference, in whole or in part, the federal standards under
- 836 Subsection (2)(b)(i) and nationally recognized and readily available standards and codes on
- 837 motor vehicle safety;
- 838 (iii) shall include provisions for the issuance of a permit under Section [41-6a-1602](#);
- 839 (iv) shall include standards for the emergency lights of authorized emergency vehicles;
- 840 (v) may provide standards and specifications applicable to lighting equipment on
- 841 school buses consistent with:
- 842 (A) this part;
- 843 (B) federal motor vehicle safety standards; and
- 844 (C) current specifications of the Society of Automotive Engineers;
- 845 (vi) shall provide procedures for the submission, review, approval, disapproval,
- 846 issuance of an approval certificate, and expiration or renewal of approval of any part as
- 847 required under Section [41-6a-1620](#);
- 848 (vii) shall establish specifications for the display or etching of a vehicle identification
- 849 number on a vehicle;
- 850 (viii) shall establish specifications in compliance with this part for a flare, fusee,
- 851 electric lantern, warning flag, or portable reflector used in compliance with this part;
- 852 (ix) shall establish approved safety and law enforcement purposes when video display
- 853 is visible to the motor vehicle operator; and
- 854 (x) shall include standards and specifications for both original equipment and parts
- 855 included when a vehicle is manufactured and aftermarket equipment and parts included after
- 856 the original manufacture of a vehicle.
- 857 (c) The following standards and specifications for vehicle equipment are adopted:
- 858 (i) 49 C.F.R. 571.209 related to safety belts;
- 859 (ii) 49 C.F.R. 571.213 related to child restraint devices;
- 860 (iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles
- 861 and trailers operated in interstate commerce;
- 862 (iv) 49 C.F.R. 571 Standard 108 related to lights and illuminating devices; and

863 (v) 40 C.F.R. 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related
864 to air conditioning equipment.

865 (3) Nothing in this chapter or the rules made by the department prohibit:

866 (a) equipment required by the United States Department of Transportation; or

867 (b) the use of additional parts and accessories on a vehicle not inconsistent with the
868 provisions of this chapter or the rules made by the department.

869 (4) Except as specifically made applicable, ~~[the provisions of]~~ this chapter and rules of
870 the department with respect to equipment required on vehicles do not apply to:

871 (a) implements of husbandry;

872 (b) road machinery;

873 (c) road rollers;

874 (d) farm tractors;

875 (e) motorcycles;

876 (f) motor-driven cycles;

877 (g) motor assisted scooters;

878 ~~[(g)]~~ (h) vehicles moved solely by human power;

879 ~~[(h)]~~ (i) off-highway vehicles registered under Section 41-22-3 either:

880 (i) on a highway designated as open for off-highway vehicle use; or

881 (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or

882 ~~[(i)]~~ (j) off-highway implements of husbandry when operated in the manner prescribed
883 by Subsections 41-22-5.5(3) through (5).

884 (5) The vehicles referred to in Subsections (4)~~[(h) and (i)]~~ (i) and (j) are subject to the
885 equipment requirements of Title 41, Chapter 22, Off-Highway Vehicles, and the rules made
886 under that chapter.

887 (6) (a) (i) Except as provided in Subsection (6)(a)(ii), a federal motor vehicle safety
888 standard supersedes any conflicting provision of this chapter.

889 (ii) Federal motor vehicle safety standards do not supersede the provisions of Section
890 41-6a-1509 governing the requirements for and use of street-legal all-terrain vehicles on
891 highways.

892 (b) The department:

893 (i) shall report any conflict found under Subsection (6)(a) to the appropriate

894 committees or officials of the Legislature; and

895 (ii) may adopt a rule to replace the superseded provision.

896 (7) Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

897 Section 8. Section 41-6a-1702 is amended to read:

898 **41-6a-1702. Sidewalk -- Driving prohibited -- Exception.**

899 (1) Except for a bicycle ~~[or]~~, a device propelled by human power, or a motor assisted
900 scooter, a person may not operate a vehicle on a sidewalk or sidewalk area.

901 (2) ~~[The provisions of]~~ Subsection (1) ~~[do]~~ does not apply on a driveway.

902 Section 9. Section 79-5-102 is amended to read:

903 **79-5-102. Definitions.**

904 As used in this chapter:

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

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

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

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

909 (a) muscle-powered activities, including:

910 (i) bicycling;

911 (ii) cross-country skiing;

912 (iii) walking;

913 (iv) jogging; and

914 (v) horseback riding; and

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