

**MOTOR ASSISTED SCOOTER AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kirk A. Cullimore**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill addresses motor assisted scooters.

**Highlighted Provisions:**

This bill:

- ▶ addresses definitions;
- ▶ 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 the highway with a specified speed limit;
- ▶ exempts motor assisted scooters with respect to certain equipment required on vehicles; and
- ▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **41-1a-102**, as last amended by Laws of Utah 2018, Chapters 166 and 424

32 **41-6a-102**, as last amended by Laws of Utah 2018, Chapters 166 and 205

33 **41-6a-526**, as last amended by Laws of Utah 2018, Chapter 175

34 **41-6a-706.5**, as last amended by Laws of Utah 2015, Chapter 412

35 **41-6a-1115**, as last amended by Laws of Utah 2015, Chapter 412

36 **41-6a-1601**, as last amended by Laws of Utah 2017, Chapter 149

37 **79-5-102**, as last amended by Laws of Utah 2016, Chapter 173



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

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

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

42 As used in this chapter:

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

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

46 (3) "All-terrain type I vehicle" means the same as that term is defined in Section  
47 **41-22-2**.

48 (4) "All-terrain type II vehicle" means the same as that term is defined in Section  
49 **41-22-2**.

50 (5) "All-terrain type III vehicle" means the same as that term is defined in Section  
51 **41-22-2**.

52 (6) "Alternative fuel vehicle" means:

53 (a) an electric motor vehicle;

54 (b) a hybrid electric motor vehicle;

55 (c) a plug-in hybrid electric motor vehicle; or

56 (d) a motor vehicle powered by a fuel other than:

57 (i) motor fuel;

58 (ii) diesel fuel;

59 (iii) natural gas; or

60 (iv) propane.

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

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

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

66 (a) rebuilt and restored to operation;

67 (b) flooded and restored to operation; or

68 (c) not restored to operation.

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

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

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

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

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

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

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

84 (15) "Consumer price index" means the same as that term is defined in Section  
85 59-13-102.

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

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

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

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

95 (20) "Essential parts" means [a] the integral and body parts of a vehicle of a type  
96 required to be registered in this state, the removal, alteration, or substitution of which would  
97 tend to conceal the identity of the vehicle or substantially alter [its] the vehicle's appearance,  
98 model, type, or mode of operation.

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

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

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

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

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

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

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

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

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

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

120 (27) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion

121 energy from onboard sources of stored energy that are both:

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

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

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

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

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

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

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

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

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

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

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

150 (35) "Manufacturer" means a person engaged in the business of constructing,  
151 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or

152 outboard motors for the purpose of sale or trade.

153 (36) "Mobile home" means a transportable factory built housing unit built prior to June  
154 15, 1976, in accordance with a state mobile home code which existed prior to the Federal  
155 Manufactured Housing and Safety Standards Act (HUD Code).

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

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

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

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

161 (ii) a motor assisted scooter as defined in Section 41-6a-102.

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

163 (40) "Motorcycle" means:

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

166 (b) an autocytle.

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

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

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

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

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

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

182 (46) "Operate" means to drive or be in actual physical control of a vehicle or to

183 navigate a vessel.

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

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

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

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

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

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

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

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

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

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

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

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

211 (52) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that  
212 has the capability to charge the battery or batteries used for vehicle propulsion from an  
213 off-vehicle electric source, such that the off-vehicle source cannot be connected to the vehicle

214 while the vehicle is in motion.

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

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

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

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

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

230 (58) "Recreational vehicle" means the same as that term is defined in Section  
231 [13-14-102](#).

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

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

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

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

243 (62) "Replica vehicle" means:

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



245 (b) a custom vehicle that meets the requirements under Subsection  
246 41-6a-1507(1)(a)(i)(B).

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

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

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

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

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

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

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

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

- 267 (i) a make of motor vehicle that is no longer manufactured;
- 268 (ii) a make or model of motor vehicle produced in limited or token quantities;
- 269 (iii) a make or model of motor vehicle produced as an experimental vehicle or one  
270 designed exclusively for educational purposes or museum display; or

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

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

- 276 (i) not designed or used primarily for the transportation of persons or property;
- 277 (ii) not designed to operate in traffic; and
- 278 (iii) only incidentally operated or moved over the highways.

279 (b) "Special mobile equipment" includes:

- 280 (i) farm tractors;
- 281 (ii) off-road motorized construction or maintenance equipment including backhoes,
- 282 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
- 283 (iii) ditch-digging apparatus.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

318 **41-6a-102. Definitions.**

319 As used in this chapter:

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

322 (2) "All-terrain type I vehicle" means the same as that term is defined in Section  
323 41-22-2.

324 (3) "Authorized emergency vehicle" includes:

325 (a) fire department vehicles;

326 (b) police vehicles;

327 (c) ambulances; and

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

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

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

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

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

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

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

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

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

- 338 (6) (a) "Bus" means a motor vehicle:
- 339 (i) designed for carrying more than 15 passengers and used for the transportation of
- 340 persons; or
- 341 (ii) designed and used for the transportation of persons for compensation.
- 342 (b) "Bus" does not include a taxicab.
- 343 (7) (a) "Circular intersection" means an intersection that has an island, generally
- 344 circular in design, located in the center of the intersection where traffic passes to the right of
- 345 the island.
- 346 (b) "Circular intersection" includes:
- 347 (i) roundabouts;
- 348 (ii) rotaries; and
- 349 (iii) traffic circles.
- 350 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in
- 351 Subsection (17)(d)(i).
- 352 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in
- 353 Subsection (17)(d)(ii).
- 354 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in
- 355 Subsection (17)(d)(iii).
- 356 (11) "Commissioner" means the commissioner of the Department of Public Safety.
- 357 (12) "Controlled-access highway" means a highway, street, or roadway:
- 358 (a) designed primarily for through traffic; and
- 359 (b) to or from which owners or occupants of abutting lands and other persons have no
- 360 legal right of access, except at points as determined by the highway authority having
- 361 jurisdiction over the highway, street, or roadway.
- 362 (13) "Crosswalk" means:
- 363 (a) that part of a roadway at an intersection included within the connections of the
- 364 lateral lines of the sidewalks on opposite sides of the highway measured from:
- 365 (i) (A) the curbs; or
- 366 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 367 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
- 368 included within the extension of the lateral lines of the existing sidewalk at right angles to the

369 centerline; or

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

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

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

374 (a) visual contact is maintained; and

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

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

377 (a) an unpaved intervening space;

378 (b) a physical barrier; or

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

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

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

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

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

384 (d) is one of the following:

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

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

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

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

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

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

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

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

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

397 (C) is equipped with a speedometer.

398 (18) (a) "Electric personal assistive mobility device" means a self-balancing device  
399 with:

- 400 (i) two nontandem wheels in contact with the ground;
- 401 (ii) a system capable of steering and stopping the unit under typical operating
- 402 conditions;
- 403 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 404 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 405 (v) a deck design for a person to stand while operating the device.

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

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

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

416 (21) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,  
417 as determined by a tagliabue or equivalent closed-cup test device.

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

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

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

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

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

429 (27) (a) "Intersection" means the area embraced within the prolongation or connection  
430 of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or

431 more highways [~~which~~] that join one another.

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

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

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

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

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

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

442 (b) channelizing devices;

443 (c) curbs;

444 (d) pavement edges; or

445 (e) other devices.

446 (29) "Law enforcement agency" means the same as that term is as defined in Section  
447 [53-1-102](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

469 (35) "Mobile home" means:

470 (a) a trailer or semitrailer that is:

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

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

474 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and

475 constructed for use as a mobile home, as defined in Subsection (35)(a), but that is instead used  
476 permanently or temporarily for:

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

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

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

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

482 (ii) a motor that:

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

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

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

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

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

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

492 (ii) a motor assisted scooter.



- 493 (37) (a) "Motor assisted scooter" means a self-propelled device with:
- 494 (i) at least two wheels in contact with the ground;
- 495 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 496 (iii) ~~a gas or~~ an electric motor not exceeding ~~[40 cubic centimeters]~~ 750 watts;
- 497 ~~[(iv) either:]~~
- 498 ~~[(A)]~~ (iv) handlebars and a deck design for a person to stand while operating the
- 499 device; [or]
- 500 ~~[(B) a deck and seat designed for a person to sit, straddle, or stand while operating the~~
- 501 ~~device; and]~~
- 502 (v) a design for the ability to be propelled by human power alone~~[:];~~ and
- 503 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 504 (b) "Motor assisted scooter" does not include:
- 505 (i) an electric assisted bicycle[:]; or
- 506 (ii) a motor-driven cycle.
- 507 (38) (a) "Motor vehicle" means a vehicle that is self-propelled and ~~[every]~~ a vehicle
- 508 ~~[which]~~ that is propelled by electric power obtained from overhead trolley wires, but not
- 509 operated upon rails.
- 510 (b) "Motor vehicle" does not include:
- 511 (i) vehicles moved solely by human power[:];
- 512 (ii) motorized wheelchairs[:];
- 513 (iii) an electric personal assistive mobility device[:];
- 514 (iv) an electric assisted bicycle~~[:or];~~
- 515 (v) a motor assisted scooter; or
- 516 (vi) a personal delivery device, as defined in Section [41-6a-1119](#).
- 517 (39) "Motorcycle" means:
- 518 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 519 and designed to travel with not more than three wheels in contact with the ground; or
- 520 (b) an auticycle.
- 521 (40) (a) "Motor-driven cycle" means ~~[every]~~ a motorcycle, ~~[motor scooter,]~~ moped,
- 522 ~~[motor assisted scooter,]~~ and ~~[every]~~ a motorized bicycle having:
- 523 (i) an engine with less than 150 cubic centimeters displacement; or

- 524 (ii) a motor that produces not more than five horsepower.
- 525 (b) "Motor-driven cycle" does not include:
- 526 (i) an electric personal assistive mobility device; [~~or~~]
- 527 (ii) a motor assisted scooter; or
- 528 [~~(ii)~~] (iii) an electric assisted bicycle.
- 529 (41) "Off-highway implement of husbandry" means the same as that term is defined
- 530 under Section [41-22-2](#).
- 531 (42) "Off-highway vehicle" means the same as that term is defined under Section
- 532 [41-22-2](#).
- 533 (43) "Operator" means a person who is in actual physical control of a vehicle.
- 534 (44) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
- 535 occupied or not.
- 536 (b) "Park" or "parking" does not include the standing of a vehicle temporarily for the
- 537 purpose of and while actually engaged in loading or unloading property or passengers.
- 538 (45) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace
- 539 Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic
- 540 laws.
- 541 (46) "Pedestrian" means a person traveling:
- 542 (a) on foot; or
- 543 (b) in a wheelchair.
- 544 (47) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
- 545 pedestrians.
- 546 (48) "Person" means [~~every~~] a natural person, firm, copartnership, association, or
- 547 corporation.
- 548 (49) "Pole trailer" means [~~every~~] a vehicle without motive power:
- 549 (a) designed to be drawn by another vehicle and attached to the towing vehicle by
- 550 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and
- 551 (b) that is ordinarily used for transporting long or irregular shaped loads including
- 552 poles, pipes, or structural members generally capable of sustaining themselves as beams
- 553 between the supporting connections.
- 554 (50) "Private road or driveway" means every way or place in private ownership and

555 used for vehicular travel by the owner and those having express or implied permission from the  
556 owner, but not by other persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

585 and

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

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

589 (59) "Shoulder area" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

641 **41-6a-526. Drinking alcoholic beverage and open containers in motor vehicle**  
642 **prohibited -- Definitions -- Exceptions.**

643 (1) As used in this section:

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

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

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

647 (d) (i) "Passenger compartment" means the area of the vehicle normally occupied by

648 the operator and passengers.

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

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

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

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

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

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

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

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

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

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

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

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

672 **41-6a-706.5. Definitions -- Operation of motor vehicle near a vulnerable user of a**  
673 **highway prohibited -- Endangering a vulnerable user of a highway prohibited.**

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

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

678 (b) a person riding an animal; or

- 679 (c) a person operating any of the following on a highway:
- 680 (i) a farm tractor or implement of husbandry, without an enclosed shell;
- 681 (ii) a skateboard;
- 682 (iii) roller skates;
- 683 (iv) in-line skates;
- 684 (v) a bicycle;
- 685 (vi) an electric-assisted bicycle;
- 686 (vii) an electric personal assistive mobility device;
- 687 (viii) a moped;
- 688 (ix) a motor assisted scooter;
- 689 [~~(ix)~~] (x) a motor-driven cycle;
- 690 [~~(x) a motorized scooter;~~]
- 691 (xi) a motorcycle; or
- 692 (xii) a manual wheelchair.

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

- 694 (a) operate a motor vehicle within three feet of a vulnerable user of a highway;
- 695 (b) distract or attempt to distract a vulnerable user of a highway for the purpose of
- 696 causing violence or injury to the vulnerable user of a highway; or
- 697 (c) force or attempt to force a vulnerable user of a highway off of the roadway for a
- 698 purpose unrelated to public safety.

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

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

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

704 **41-6a-1115. Motor assisted scooters -- Conflicting provisions -- Restrictions --**  
705 **Penalties.**

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

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

- 710 (i) seating positions under Section 41-6a-1501;
- 711 (ii) required lights, horns, and mirrors under Section 41-6a-1506;
- 712 (iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and
- 713 (iv) driver licensing requirements under Section 53-3-202.

714 (c) A person may operate a motor assisted scooter across a roadway in a crosswalk,  
 715 except that the person may not operate the motor assisted scooter in a negligent manner in the  
 716 crosswalk:

- 717 (i) so as to collide with a:
- 718 (A) pedestrian; or
- 719 (B) person operating a bicycle or vehicle or device propelled by human power; or
- 720 (ii) at a speed greater than is reasonable and prudent under the existing conditions,  
 721 giving regard to the actual and potential hazards then existing.

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

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

- 726 (4) A person may not operate a motor assisted scooter:
- 727 (a) in a public parking structure;
- 728 (b) on public property posted as an area prohibiting ~~[skateboards]~~ bicycles;
- 729 ~~[(c) on a highway consisting of a total of four or more lanes designated for regular~~  
 730 ~~vehicular traffic;]~~

- 731 ~~[(d)]~~ (c) on a highway with a posted speed limit greater than ~~[25]~~ 35 miles per hour;
- 732 ~~[(e)]~~ (d) while carrying more persons at one time than the number for which it is  
 733 designed; or

734 ~~[(f)]~~ (e) that has been structurally or mechanically altered from the original  
 735 manufacturer's design, except for an alteration by, or done at the request of, a person who rents  
 736 the motor assisted scooter to lower the maximum speed for the motor assisted scooter.

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

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



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

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

743 **41-6a-1601. Operation of unsafe or improperly equipped vehicles on public**  
744 **highways -- Exceptions.**

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

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

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

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

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

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

757 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
758 and in coordination with the rules made under Section [53-8-204](#), the department shall make  
759 rules setting minimum standards covering the design, construction, condition, and operation of  
760 vehicle equipment for safely operating a motor vehicle on the highway as required under this  
761 part.

762 (b) The rules under Subsection (2)(a):

763 (i) shall conform as nearly as practical to Federal Motor Vehicle Safety Standards and  
764 Regulations;

765 (ii) may incorporate by reference, in whole or in part, the federal standards under  
766 Subsection (2)(b)(i) and nationally recognized and readily available standards and codes on  
767 motor vehicle safety;

768 (iii) shall include provisions for the issuance of a permit under Section [41-6a-1602](#);

769 (iv) shall include standards for the emergency lights of authorized emergency vehicles;

770 (v) may provide standards and specifications applicable to lighting equipment on  
771 school buses consistent with:

- 772 (A) this part;
- 773 (B) federal motor vehicle safety standards; and
- 774 (C) current specifications of the Society of Automotive Engineers;
- 775 (vi) shall provide procedures for the submission, review, approval, disapproval,
- 776 issuance of an approval certificate, and expiration or renewal of approval of any part as
- 777 required under Section 41-6a-1620;
- 778 (vii) shall establish specifications for the display or etching of a vehicle identification
- 779 number on a vehicle;
- 780 (viii) shall establish specifications in compliance with this part for a flare, fusee,
- 781 electric lantern, warning flag, or portable reflector used in compliance with this part;
- 782 (ix) shall establish approved safety and law enforcement purposes when video display
- 783 is visible to the motor vehicle operator; and
- 784 (x) shall include standards and specifications for both original equipment and parts
- 785 included when a vehicle is manufactured and aftermarket equipment and parts included after
- 786 the original manufacture of a vehicle.
- 787 (c) The following standards and specifications for vehicle equipment are adopted:
- 788 (i) 49 C.F.R. 571.209 related to safety belts;
- 789 (ii) 49 C.F.R. 571.213 related to child restraint devices;
- 790 (iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles
- 791 and trailers operated in interstate commerce;
- 792 (iv) 49 C.F.R. 571 Standard 108 related to lights and illuminating devices; and
- 793 (v) 40 C.F.R. 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related
- 794 to air conditioning equipment.
- 795 (3) Nothing in this chapter or the rules made by the department prohibit:
- 796 (a) equipment required by the United States Department of Transportation; or
- 797 (b) the use of additional parts and accessories on a vehicle not inconsistent with the
- 798 provisions of this chapter or the rules made by the department.
- 799 (4) Except as specifically made applicable, ~~[the provisions of]~~ this chapter and rules of
- 800 the department with respect to equipment required on vehicles do not apply to:
- 801 (a) implements of husbandry;
- 802 (b) road machinery;

803 (c) road rollers;  
804 (d) farm tractors;  
805 (e) motorcycles;  
806 (f) motor-driven cycles;  
807 (g) motor assisted scooters;  
808 ~~[(g)]~~ (h) vehicles moved solely by human power;  
809 ~~[(h)]~~ (i) off-highway vehicles registered under Section 41-22-3 either:  
810 (i) on a highway designated as open for off-highway vehicle use; or  
811 (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or  
812 ~~[(i)]~~ (j) off-highway implements of husbandry when operated in the manner prescribed  
813 by Subsections 41-22-5.5(3) through (5).

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

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

819 (ii) Federal motor vehicle safety standards do not supersede the provisions of Section  
820 41-6a-1509 governing the requirements for and use of street-legal all-terrain vehicles on  
821 highways.

822 (b) The department:

823 (i) shall report any conflict found under Subsection (6)(a) to the appropriate  
824 committees or officials of the Legislature; and

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

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

827 Section 7. Section 79-5-102 is amended to read:

828 **79-5-102. Definitions.**

829 As used in this chapter:

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

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

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

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

834 (a) muscle-powered activities, including:  
835 (i) bicycling;  
836 (ii) cross-country skiing;  
837 (iii) walking;  
838 (iv) jogging; and  
839 (v) horseback riding; and  
840 (b) uses compatible with the uses described in Subsection (4)(a), including the use of  
841 an electric assisted bicycle or motor assisted scooter, as defined in Section [41-6a-102](#).