

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 transportation.

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;
- ▶ addresses operation of a motor assisted scooter;
- ▶ exempts motor assisted scooters with respect to certain equipment required on vehicles;
- ▶ addresses scooter-share programs;
- ▶ addresses local ordinances regulating motor assisted scooters; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **41-1a-102**, as last amended by Laws of Utah 2018, Chapters 166 and 424

31 **41-6a-102**, as last amended by Laws of Utah 2018, Chapters 166 and 205

32 **41-6a-526**, as last amended by Laws of Utah 2018, Chapter 175

33 **41-6a-706.5**, as last amended by Laws of Utah 2015, Chapter 412

34 **41-6a-1115**, as last amended by Laws of Utah 2015, Chapter 412

35 **41-6a-1601**, as last amended by Laws of Utah 2017, Chapter 149

36 **41-6a-1702**, as renumbered and amended by Laws of Utah 2005, Chapter 2

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

38 ENACTS:

39 **41-6a-1115.1**, Utah Code Annotated 1953



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

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

43 **41-1a-102. Definitions.**

44 As used in this chapter:

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

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

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

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

52 (5) "All-terrain type III vehicle" means the same as that term is defined in Section
53 **41-22-2**.

54 (6) "Alternative fuel vehicle" means:

55 (a) an electric motor vehicle;

56 (b) a hybrid electric motor vehicle;

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

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

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

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

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

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

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

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

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

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

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

86 (15) "Consumer price index" means the same as that term is defined in Section
87 [59-13-102](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

145 (34) "Manufactured home" means a transportable factory built housing unit constructed
146 on or after June 15, 1976, according to the Federal Home Construction and Safety Standards
147 Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body
148 feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more
149 square feet, and which is built on a permanent chassis and designed to be used as a dwelling

150 with or without a permanent foundation when connected to the required utilities, and includes
151 the plumbing, heating, air-conditioning, and electrical systems.

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

155 (36) "Mobile home" means a transportable factory built housing unit built prior to June
156 15, 1976, in accordance with a state mobile home code which existed prior to the Federal
157 Manufactured Housing and Safety Standards Act (HUD Code).

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

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

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

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

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

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

165 (40) "Motorcycle" means:

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

168 (b) an autocycle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

211 (b) "Pickup truck" includes a motor ~~[vehicles]~~ vehicle with the open cargo area covered

212 with a camper, camper shell, tarp, removable top, or similar structure.

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

217 (53) "Pneumatic tire" means ~~every~~ a tire in which compressed air is designed to
218 support the load.

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

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

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

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

232 (58) "Recreational vehicle" means the same as that term is defined in Section
233 [13-14-102](#).

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

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

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

242 (61) "Repair or replacement" means the restoration of vehicles, vessels, or outboard

243 motors to a sound working condition by substituting any inoperative part of the vehicle, vessel,
244 or outboard motor, or by correcting the inoperative part.

245 (62) "Replica vehicle" means:

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

247 (b) a custom vehicle that meets the requirements under Subsection

248 41-6a-1507(1)(a)(i)(B).

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

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

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

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

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

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

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

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

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

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

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

271 (iii) a make or model of motor vehicle produced as an experimental vehicle or one
272 designed exclusively for educational purposes or museum display; or

273 (iv) a motor vehicle of any age or make that has not been substantially altered or

274 modified from original specifications of the manufacturer and because of its significance is
275 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a
276 leisure pursuit.

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

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

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

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

281 (b) "Special mobile equipment" includes:

282 (i) farm tractors;

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

285 (iii) ditch-digging apparatus.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

320 **41-6a-102. Definitions.**

321 As used in this chapter:

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

324 (2) "All-terrain type I vehicle" means the same as that term is defined in Section
325 41-22-2.

326 (3) "Authorized emergency vehicle" includes:

327 (a) fire department vehicles;

328 (b) police vehicles;

329 (c) ambulances; and

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

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

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

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

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

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

- 367 (i) (A) the curbs; or
- 368 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 369 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
- 370 included within the extension of the lateral lines of the existing sidewalk at right angles to the
- 371 centerline; or
- 372 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
- 373 pedestrian crossing by lines or other markings on the surface.
- 374 (14) "Department" means the Department of Public Safety.
- 375 (15) "Direct supervision" means oversight at a distance within which:
- 376 (a) visual contact is maintained; and
- 377 (b) advice and assistance can be given and received.
- 378 (16) "Divided highway" means a highway divided into two or more roadways by:
- 379 (a) an unpaved intervening space;
- 380 (b) a physical barrier; or
- 381 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 382 (17) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 383 (a) has a power output of not more than 750 watts;
- 384 (b) has fully operable pedals on permanently affixed cranks;
- 385 (c) is fully operable as a bicycle without the use of the electric motor; and
- 386 (d) is one of the following:
- 387 (i) an electric assisted bicycle equipped with a motor or electronics that:
- 388 (A) provides assistance only when the rider is pedaling; and
- 389 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
- 390 hour;
- 391 (ii) an electric assisted bicycle equipped with a motor or electronics that:
- 392 (A) may be used exclusively to propel the bicycle; and
- 393 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
- 394 miles per hour; or
- 395 (iii) an electric assisted bicycle equipped with a motor or electronics that:
- 396 (A) provides assistance only when the rider is pedaling;
- 397 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per

398 hour; and

399 (C) is equipped with a speedometer.

400 (18) (a) "Electric personal assistive mobility device" means a self-balancing device

401 with:

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

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

404 conditions;

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

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

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

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

409 (19) "Explosives" means ~~any~~ a chemical compound or mechanical mixture

410 commonly used or intended for the purpose of producing an explosion and that contains any

411 oxidizing and combustive units or other ingredients in proportions, quantities, or packing so

412 that an ignition by fire, friction, concussion, percussion, or detonator of any part of the

413 compound or mixture may cause a sudden generation of highly heated gases, and the resultant

414 gaseous pressures are capable of producing destructive effects on contiguous objects or of

415 causing death or serious bodily injury.

416 (20) "Farm tractor" means a motor vehicle designed and used primarily as a farm

417 implement, for drawing plows, mowing machines, and other implements of husbandry.

418 (21) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,

419 as determined by a tagliabue or equivalent closed-cup test device.

420 (22) "Freeway" means a controlled-access highway that is part of the interstate system

421 as defined in Section [72-1-102](#).

422 (23) "Gore area" means the area delineated by two solid white lines that is between a

423 continuing lane of a through roadway and a lane used to enter or exit the continuing lane

424 including similar areas between merging or splitting highways.

425 (24) "Gross weight" means the weight of a vehicle without a load plus the weight of

426 any load on the vehicle.

427 (25) "Highway" means the entire width between property lines of every way or place of

428 any nature when any part of it is open to the use of the public as a matter of right for vehicular

429 travel.

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

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

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

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

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

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

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

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

444 (b) channelizing devices;

445 (c) curbs;

446 (d) pavement edges; or

447 (e) other devices.

448 (29) "Law enforcement agency" means the same as that term is as defined in Section
449 53-1-102.

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

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

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

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

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

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

- 460 (ii) has a capacity of not more than [~~four~~] six passengers, including the driver.
- 461 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
- 462 (33) "Metal tire" means a tire, the surface of which in contact with the highway is
- 463 wholly or partly of metal or other hard nonresilient material.
- 464 (34) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or
- 465 saddle that is less than 24 inches from the ground as measured on a level surface with properly
- 466 inflated tires.
- 467 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.
- 468 (c) "Mini-motorcycle" does not include a motorcycle that is:
- 469 (i) designed for off-highway use; and
- 470 (ii) registered as an off-highway vehicle under Section [41-22-3](#).
- 471 (35) "Mobile home" means:
- 472 (a) a trailer or semitrailer that is:
- 473 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
- 474 place either permanently or temporarily; and
- 475 (ii) equipped for use as a conveyance on streets and highways; or
- 476 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
- 477 constructed for use as a mobile home, as defined in Subsection (35)(a), but that is instead used
- 478 permanently or temporarily for:
- 479 (i) the advertising, sale, display, or promotion of merchandise or services; or
- 480 (ii) any other commercial purpose except the transportation of property for hire or the
- 481 transportation of property for distribution by a private carrier.
- 482 (36) (a) "Moped" means a motor-driven cycle having:
- 483 (i) pedals to permit propulsion by human power; and
- 484 (ii) a motor that:
- 485 (A) produces not more than two brake horsepower; and
- 486 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
- 487 level ground.
- 488 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
- 489 centimeters and the moped shall have a power drive system that functions directly or
- 490 automatically without clutching or shifting by the operator after the drive system is engaged.

- 491 ~~[(c) "Moped" includes a motor assisted scooter.]~~
- 492 ~~[(c)]~~ (c) "Moped" does not include:
- 493 (i) an electric assisted bicycle[-]; or
- 494 (ii) a motor assisted scooter.
- 495 (37) (a) "Motor assisted scooter" means a self-propelled device with:
- 496 (i) at least two wheels in contact with the ground;
- 497 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 498 (iii) ~~[a gas or]~~ an electric motor not exceeding [40 cubic centimeters] 2,000 watts;
- 499 (iv) either:
- 500 (A) handlebars and a deck design for a person to stand while operating the device; ~~[or]~~
- 501 (B) ~~[a deck and]~~ handle bars and a seat designed for a person to sit, straddle, or stand
- 502 while operating the device; ~~[and]~~
- 503 (v) a design for the ability to be propelled by human power alone[-]; and
- 504 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 505 (b) "Motor assisted scooter" does not include:
- 506 (i) an electric assisted bicycle[-]; or
- 507 (ii) a motor-driven cycle.
- 508 (38) (a) "Motor vehicle" means a vehicle that is self-propelled and ~~[every]~~ a vehicle
- 509 ~~[which]~~ that is propelled by electric power obtained from overhead trolley wires, but not
- 510 operated upon rails.
- 511 (b) "Motor vehicle" does not include:
- 512 (i) vehicles moved solely by human power[-];
- 513 (ii) motorized wheelchairs[-];
- 514 (iii) an electric personal assistive mobility device[-];
- 515 (iv) an electric assisted bicycle[-or];
- 516 (v) a motor assisted scooter; or
- 517 (vi) a personal delivery device, as defined in Section 41-6a-1119.
- 518 (39) "Motorcycle" means:
- 519 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 520 and designed to travel with not more than three wheels in contact with the ground; or
- 521 (b) an auticycle.

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

- 524 (i) an engine with less than 150 cubic centimeters displacement; or
- 525 (ii) a motor that produces not more than five horsepower.

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

- 527 (i) an electric personal assistive mobility device; ~~[or]~~
- 528 (ii) a motor assisted scooter; or
- 529 ~~[(it)]~~ (iii) an electric assisted bicycle.

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

532 (42) "Off-highway vehicle" means the same as that term is defined under Section
533 [41-22-2](#).

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

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

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

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

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

- 543 (a) on foot; or
- 544 (b) in a wheelchair.

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

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

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

- 550 (a) designed to be drawn by another vehicle and attached to the towing vehicle by
551 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and
- 552 (b) that is ordinarily used for transporting long or irregular shaped loads including

553 poles, pipes, or structural members generally capable of sustaining themselves as beams
554 between the supporting connections.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 584 (58) (a) "Semitrailer" means a vehicle with or without motive power:
585 (i) designed for carrying persons or property and for being drawn by a motor vehicle;
586 and
587 (ii) constructed so that some part of its weight and that of its load rests on or is carried
588 by another vehicle.
589 (b) "Semitrailer" does not include a pole trailer.
- 590 (59) "Shoulder area" means:
591 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
592 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";
593 or
594 (b) that portion of the road contiguous to the roadway for accommodation of stopped
595 vehicles, for emergency use, and for lateral support.
- 596 (60) "Sidewalk" means that portion of a street between the curb lines, or the lateral
597 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- 598 (61) "Solid rubber tire" means a tire of rubber or other resilient material that does not
599 depend on compressed air for the support of the load.
- 600 (62) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied
601 or not, for the purpose of and while actually engaged in receiving or discharging passengers.
- 602 (63) "Stop" when required means complete cessation from movement.
- 603 (64) "Stop" or "stopping" when prohibited means any halting even momentarily of a
604 vehicle, whether occupied or not, except when:
605 (a) necessary to avoid conflict with other traffic; or
606 (b) in compliance with the directions of a peace officer or traffic-control device.
- 607 (65) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
608 vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the
609 requirements of Section [41-6a-1509](#) to operate on highways in the state in accordance with
610 Section [41-6a-1509](#).
- 611 (66) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
612 conveyances either singly or together while using any highway for the purpose of travel.
- 613 (67) "Traffic signal preemption device" means an instrument or mechanism designed,
614 intended, or used to interfere with the operation or cycle of a traffic-control signal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

644 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

676 (a) a pedestrian, including a person engaged in work upon a highway or upon utilities

677 facilities along a highway or providing emergency services within the right-of-way of a
678 highway;

679 (b) a person riding an animal; or

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

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

682 (ii) a skateboard;

683 (iii) roller skates;

684 (iv) in-line skates;

685 (v) a bicycle;

686 (vi) an electric-assisted bicycle;

687 (vii) an electric personal assistive mobility device;

688 (viii) a moped;

689 (ix) a motor assisted scooter;

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

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

692 (xi) a motorcycle; or

693 (xii) a manual wheelchair.

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

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

696 (b) distract or attempt to distract a vulnerable user of a highway for the purpose of

697 causing violence or injury to the vulnerable user of a highway; or

698 (c) force or attempt to force a vulnerable user of a highway off of the roadway for a

699 purpose unrelated to public safety.

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

701 infraction.

702 (b) A violation of Subsection (2) that results in bodily injury to the vulnerable user of a

703 highway is a class C misdemeanor.

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

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

706 **Penalties.**

707 (1) (a) Except as otherwise provided in this section, a motor assisted scooter is subject

708 to the provisions under this chapter for a bicycle~~[-, moped, or a motor-driven cycle].~~

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

711 (i) seating positions under Section 41-6a-1501;

712 (ii) required lights, horns, and mirrors under Section 41-6a-1506;

713 (iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and

714 (iv) driver licensing requirements under Section 53-3-202.

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

718 (i) so as to collide with a:

719 (A) pedestrian; or

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

721 (ii) at a speed greater than is reasonable and prudent under the existing conditions,

722 giving regard to the actual and potential hazards then existing.

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

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

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

728 (a) in a public parking structure;

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

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

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

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

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

738 (e) at a speed of greater than 15 miles per hour or in violation of Subsection

739 [41-6a-1115.1\(3\)](#).

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

742 (6) An owner may not authorize or knowingly permit a person under the age of 18 to
743 operate a motor assisted scooter in violation of this section.

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

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

746 **41-6a-1115.1. Scooter-share programs -- Local ordinances regulating motor**
747 **assisted scooters.**

748 (1) For the purposes of this section:

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

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

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

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

753 (2) A local authority may regulate the operation of a motor assisted scooter within its
754 jurisdiction.

755 (3) A local authority may authorize the operation of a motor assisted scooter on
756 sidewalks and regulate the operation, including the maximum speed on the sidewalks.

757 (4) A regulation adopted by a local authority pursuant to this section regarding the
758 operation of a motor assisted scooter shall be consistent with the regulation of bicycles and this
759 title.

760 (5) (a) A local authority may regulate the operation of a scooter-share program within
761 its jurisdiction. Regulation of scooter-share programs shall be consistent with this Subsection
762 (5).

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

766 (c) A scooter-share operator shall maintain the following insurance coverage dedicated
767 exclusively for operation of shared scooters:

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

770 (ii) automobile insurance coverage with a limit of at least \$1,000,000 each occurrence
771 and \$1,000,000 aggregate;

772 (iii) umbrella or excess liability coverage with a limit of at least \$5,000,000 each
773 occurrence and \$5,000,000 aggregate; and

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

776 (d) Penalties for a moving or parking violation involving a motor assisted scooter or a
777 shared scooter shall be assessed to the person responsible for the violation, and may not exceed
778 penalties assessed to a rider of a bicycle.

779 (e) A scooter-share operator may be required to pay fees, provided that the total
780 amount of the fees collected may not exceed the reasonable and necessary cost to the local
781 authority of administering scooter-share programs, including a reasonable fee for the use of the
782 right-of-way, commensurate and proportional to fees charged for similar uses.

783 (f) A scooter-share operator may be required to indemnify the local authority for
784 claims, demands, costs, including reasonable attorney fees, losses, or damages brought against
785 the local authority, and arising out of a negligent act, error, omission, or willful misconduct by
786 the scooter-share operator or the scooter-share operator's employees, except to the extent the
787 claims, demands, costs, losses, or damages arise out of such local authority's negligence or
788 willful misconduct.

789 (g) In the interests of safety and right-of-way management, a local authority may
790 designate locations where scooter-share operators may not stage shared scooters, provided that
791 at least one location shall be permitted on each side of each city block in commercial zones and
792 business districts.

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

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

801 specification;

802 (ii) provided shall be treated as trade secret and proprietary business information, and
803 may not be shared to third parties without the scooter-share operator's consent, and may not be
804 treated as owned by the local authority; and

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

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

811 (i) requiring operation below cost; or

812 (ii) subjecting riders of shared scooters to requirements more restrictive than those
813 applicable to riders of privately owned motor assisted scooters or bicycles.

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

815 **41-6a-1601. Operation of unsafe or improperly equipped vehicles on public**
816 **highways -- Exceptions.**

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

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

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

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

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

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

829 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
830 and in coordination with the rules made under Section [53-8-204](#), the department shall make
831 rules setting minimum standards covering the design, construction, condition, and operation of

832 vehicle equipment for safely operating a motor vehicle on the highway as required under this
833 part.

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

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

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

840 (iii) shall include provisions for the issuance of a permit under Section 41-6a-1602;

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

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

844 (A) this part;

845 (B) federal motor vehicle safety standards; and

846 (C) current specifications of the Society of Automotive Engineers;

847 (vi) shall provide procedures for the submission, review, approval, disapproval,
848 issuance of an approval certificate, and expiration or renewal of approval of any part as
849 required under Section 41-6a-1620;

850 (vii) shall establish specifications for the display or etching of a vehicle identification
851 number on a vehicle;

852 (viii) shall establish specifications in compliance with this part for a flare, fusee,
853 electric lantern, warning flag, or portable reflector used in compliance with this part;

854 (ix) shall establish approved safety and law enforcement purposes when video display
855 is visible to the motor vehicle operator; and

856 (x) shall include standards and specifications for both original equipment and parts
857 included when a vehicle is manufactured and aftermarket equipment and parts included after
858 the original manufacture of a vehicle.

859 (c) The following standards and specifications for vehicle equipment are adopted:

860 (i) 49 C.F.R. 571.209 related to safety belts;

861 (ii) 49 C.F.R. 571.213 related to child restraint devices;

862 (iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles

863 and trailers operated in interstate commerce;

864 (iv) 49 C.F.R. 571 Standard 108 related to lights and illuminating devices; and

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

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

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

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

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

873 (a) implements of husbandry;

874 (b) road machinery;

875 (c) road rollers;

876 (d) farm tractors;

877 (e) motorcycles;

878 (f) motor-driven cycles;

879 (g) motor assisted scooters;

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

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

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

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

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

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

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

891 (ii) Federal motor vehicle safety standards do not supersede the provisions of Section
892 41-6a-1509 governing the requirements for and use of street-legal all-terrain vehicles on
893 highways.

894 (b) The department:
895 (i) shall report any conflict found under Subsection (6)(a) to the appropriate
896 committees or officials of the Legislature; and
897 (ii) may adopt a rule to replace the superseded provision.
898 (7) Subject to Subsection 53-8-209(3), a violation of this section is an infraction.
899 Section 8. Section 41-6a-1702 is amended to read:
900 **41-6a-1702. Sidewalk -- Driving prohibited -- Exception.**
901 (1) Except for a bicycle ~~[or]~~, a device propelled by human power, or a motor assisted
902 scooter, a person may not operate a vehicle on a sidewalk or sidewalk area. A motor assisted
903 scooter may be operated on a sidewalk only if permitted pursuant to Subsection
904 41-6a-1115.1(3).
905 (2) ~~[The provisions of]~~ Subsection (1) ~~[do]~~ does not apply on a driveway.
906 Section 9. Section 79-5-102 is amended to read:
907 **79-5-102. Definitions.**
908 As used in this chapter:
909 (1) "Board" means the Board of Parks and Recreation.
910 (2) "Council" means the Recreational Trails Advisory Council.
911 (3) "Division" means the Division of Parks and Recreation.
912 (4) "Recreational trail" or "trail" means a multi-use path used for:
913 (a) muscle-powered activities, including:
914 (i) bicycling;
915 (ii) cross-country skiing;
916 (iii) walking;
917 (iv) jogging; and
918 (v) horseback riding; and
919 (b) uses compatible with the uses described in Subsection (4)(a), including the use of
920 an electric assisted bicycle or motor assisted scooter, as defined in Section 41-6a-102.