1	ELECTRIC BIKE AMENDMENTS
2	2024 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Jeffrey D. Stenquist
5	Senate Sponsor: Ronald M. Winterton
6 7	LONG TITLE
8	Committee Note:
9	The Economic Development and Workforce Services Interim Committee recommended
10	this bill.
11	Legislative Vote: 9 voting for 0 voting against 5 absent
12	General Description:
13	This bill amends the definition of an electric assisted bicycle.
14	Highlighted Provisions:
15	This bill:
16	amends the definition of an electric assisted bicycle:
17	• to add a requirement that the cranks be installed at the time of original
18	manufacture; and
19	<ul> <li>to exclude certain other types of cycles from the definition; and</li> </ul>
20	makes technical changes.
21	Money Appropriated in this Bill:
22	None
23	Other Special Clauses:
24	None
25	Utah Code Sections Affected:
26	AMENDS:
27	41-6a-102, as last amended by Laws of Utah 2023, Chapters 219, 532



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29	Be it enacted by the Legislature of the state of Utah:
30	Section 1. Section 41-6a-102 is amended to read:
31	41-6a-102. Definitions.
32	As used in this chapter:
33	(1) "Alley" means a street or highway intended to provide access to the rear or side of
34	lots or buildings in urban districts and not intended for through vehicular traffic.
35	(2) "All-terrain type I vehicle" means the same as that term is defined in Section
36	41-22-2.
37	(3) "Authorized emergency vehicle" includes:
38	(a) fire department vehicles;
39	(b) police vehicles;
40	(c) ambulances; and
41	(d) other publicly or privately owned vehicles as designated by the commissioner of the
42	Department of Public Safety.
43	(4) "Autocycle" means the same as that term is defined in Section 53-3-102.
44	(5) (a) "Bicycle" means a wheeled vehicle:
45	(i) propelled by human power by feet or hands acting upon pedals or cranks;
46	(ii) with a seat or saddle designed for the use of the operator;
47	(iii) designed to be operated on the ground; and
48	(iv) whose wheels are not less than 14 inches in diameter.
49	(b) "Bicycle" includes an electric assisted bicycle.
50	(c) "Bicycle" does not include scooters and similar devices.
51	(6) (a) "Bus" means a motor vehicle:
52	(i) designed for carrying more than 15 passengers and used for the transportation of
53	persons; or
54	(ii) designed and used for the transportation of persons for compensation.
55	(b) "Bus" does not include a taxicab.
56	(7) (a) "Circular intersection" means an intersection that has an island, generally
57	circular in design, located in the center of the intersection where traffic passes to the right of
58	the island.

59	(b) "Circular intersection" includes:
60	(i) roundabouts;
61	(ii) rotaries; and
62	(iii) traffic circles.
63	(8) "Class 1 electric assisted bicycle" means an electric assisted bicycle [described in
64	Subsection (18)(d)(i).] equipped with a motor or electronics that:
65	(a) provides assistance only when the rider is pedaling; and
66	(b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
67	<u>hour.</u>
68	(9) "Class 2 electric assisted bicycle" means an electric assisted bicycle [described in
69	Subsection (18)(d)(ii).] equipped with a motor or electronics that:
70	(a) may be used exclusively to propel the bicycle; and
71	(b) is not capable of providing assistance when the bicycle reaches the speed of 20
72	miles per hour.
73	(10) "Class 3 electric assisted bicycle" means an electric assisted bicycle [described in
74	Subsection (18)(d)(iii).] equipped with a motor or electronics that:
75	(a) provides assistance only when the rider is pedaling;
76	(b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
77	hour; and
78	(c) is equipped with a speedometer.
79	(11) "Commissioner" means the commissioner of the Department of Public Safety.
80	(12) "Controlled-access highway" means a highway, street, or roadway:
81	(a) designed primarily for through traffic; and
82	(b) to or from which owners or occupants of abutting lands and other persons have no
83	legal right of access, except at points as determined by the highway authority having
84	jurisdiction over the highway, street, or roadway.
85	(13) "Crosswalk" means:
86	(a) that part of a roadway at an intersection included within the connections of the
87	lateral lines of the sidewalks on opposite sides of the highway measured from:
88	(i) (A) the curbs; or
89	(B) in the absence of curbs, from the edges of the traversable roadway; and

90	(ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
91	included within the extension of the lateral lines of the existing sidewalk at right angles to the
92	centerline; or
93	(b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
94	pedestrian crossing by lines or other markings on the surface.
95	(14) "Department" means the Department of Public Safety.
96	(15) "Direct supervision" means oversight at a distance within which:
97	(a) visual contact is maintained; and
98	(b) advice and assistance can be given and received.
99	(16) "Divided highway" means a highway divided into two or more roadways by:
100	(a) an unpaved intervening space;
101	(b) a physical barrier; or
102	(c) a clearly indicated dividing section constructed to impede vehicular traffic.
103	(17) "Echelon formation" means the operation of two or more snowplows arranged
104	side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to clear snow
105	from two or more lanes at once.
106	(18) (a) "Electric assisted bicycle" means a bicycle with an electric motor that:
107	$[\frac{a}{a}]$ (i) has a power output of not more than 750 watts;
108	[(b)] (ii) has fully operable pedals on permanently affixed cranks[;] that were installed
109	at the time of original manufacture;
110	[(e)] (iii) is fully operable as a bicycle without the use of the electric motor; and
111	[ <del>(d)</del> ] <u>(iv)</u> is one of the following:
112	(A) a class 1 assisted bicycle;
113	(B) a class 2 assisted bicycle; or
114	(C) a class 3 assisted bicycle.
115	[(i) an electric assisted bicycle equipped with a motor or electronics that:]
116	[(A) provides assistance only when the rider is pedaling; and]
117	[(B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
118	hour;]
119	[(ii) an electric assisted bicycle equipped with a motor or electronics that:]
120	[(A) may be used exclusively to propel the bicycle; and]

121	[(B) is not capable of providing assistance when the bicycle reaches the speed of 20
122	miles per hour; or]
123	[(iii) an electric assisted bicycle equipped with a motor or electronics that:]
124	[(A) provides assistance only when the rider is pedaling;]
125	[(B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
126	hour; and]
127	[(C) is equipped with a speedometer.]
128	(b) "Electric assisted bicycle" does not include a moped, motor assisted scooter,
129	motorcycle, or motor-driven cycle.
130	(19) (a) "Electric personal assistive mobility device" means a self-balancing device
131	with:
132	(i) two nontandem wheels in contact with the ground;
133	(ii) a system capable of steering and stopping the unit under typical operating
134	conditions;
135	(iii) an electric propulsion system with average power of one horsepower or 750 watts;
136	(iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
137	(v) a deck design for a person to stand while operating the device.
138	(b) "Electric personal assistive mobility device" does not include a wheelchair.
139	(20) "Explosives" means a chemical compound or mechanical mixture commonly used
140	or intended for the purpose of producing an explosion and that contains any oxidizing and
141	combustive units or other ingredients in proportions, quantities, or packing so that an ignition
142	by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture
143	may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are
144	capable of producing destructive effects on contiguous objects or of causing death or serious
145	bodily injury.
146	(21) "Farm tractor" means a motor vehicle designed and used primarily as a farm
147	implement, for drawing plows, mowing machines, and other implements of husbandry.
148	(22) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,
149	as determined by a Tagliabue or equivalent closed-cup test device.
150	(23) "Freeway" means a controlled-access highway that is part of the interstate system
151	as defined in Section 72-1-102.

152	(24) (a) "Golf cart" means a device that:
153	(i) is designed for transportation by players on a golf course;
154	(ii) has not less than three wheels in contact with the ground;
155	(iii) has an unladen weight of less than 1,800 pounds;
156	(iv) is designed to operate at low speeds; and
157	(v) is designed to carry not more than six persons including the driver.
158	(b) "Golf cart" does not include:
159	(i) a low-speed vehicle or an off-highway vehicle;
160	(ii) a motorized wheelchair;
161	(iii) an electric personal assistive mobility device;
162	(iv) an electric assisted bicycle;
163	(v) a motor assisted scooter;
164	(vi) a personal delivery device, as defined in Section 41-6a-1119; or
165	(vii) a mobile carrier, as defined in Section 41-6a-1120.
166	(25) "Gore area" means the area delineated by two solid white lines that is between a
167	continuing lane of a through roadway and a lane used to enter or exit the continuing lane
168	including similar areas between merging or splitting highways.
169	(26) "Gross weight" means the weight of a vehicle without a load plus the weight of
170	any load on the vehicle.
171	(27) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
172	(a) manufactured to meet Federal Motor Vehicle Safety Standards; and
173	(b) equipped with retractable flanged wheels that allow the vehicle to travel on a
174	highway or railroad tracks.
175	(28) "Highway" means the entire width between property lines of every way or place of
176	any nature when any part of it is open to the use of the public as a matter of right for vehicular
177	travel.
178	(29) "Highway authority" means the same as that term is defined in Section 72-1-102.
179	(30) (a) "Intersection" means the area embraced within the prolongation or connection
180	of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or
181	more highways that join one another.
182	(b) Where a highway includes two roadways 30 feet or more apart:

12-28-23 3:28 PM 183 (i) every crossing of each roadway of the divided highway by an intersecting highway 184 is a separate intersection; and 185 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then 186 every crossing of two roadways of the highways is a separate intersection. 187 (c) "Intersection" does not include the junction of an alley with a street or highway. 188 (31) "Island" means an area between traffic lanes or at an intersection for control of 189 vehicle movements or for pedestrian refuge designated by: 190 (a) pavement markings, which may include an area designated by two solid yellow 191 lines surrounding the perimeter of the area; 192 (b) channelizing devices; 193 (c) curbs; 194 (d) pavement edges; or 195 (e) other devices.

- 196 (32) "Lane filtering" means, when operating a motorcycle other than an autocycle, the 197 act of overtaking and passing another vehicle that is stopped in the same direction of travel in 198 the same lane.
- 199 (33) "Law enforcement agency" means the same as that term is as defined in Section 200 53-1-102.
  - (34) "Limited access highway" means a highway:

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- (a) that is designated specifically for through traffic; and
- (b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light, air, or view.
- (35) "Local highway authority" means the legislative, executive, or governing body of a county, municipal, or other local board or body having authority to enact laws relating to traffic under the constitution and laws of the state.
  - (36) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:
  - (i) is designed to be operated at speeds of not more than 25 miles per hour; and
- 211 (ii) has a capacity of not more than six passengers, including a conventional driver or 212 fallback-ready user if on board the vehicle, as those terms are defined in Section 41-26-102.1.
  - (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

214 (37) "Metal tire" means a tire, the surface of which in contact with the highway is 215 wholly or partly of metal or other hard nonresilient material. 216 (38) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or 217 saddle that is less than 24 inches from the ground as measured on a level surface with properly 218 inflated tires. 219 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter. (c) "Mini-motorcycle" does not include a motorcycle that is: 220 221 (i) designed for off-highway use; and 222 (ii) registered as an off-highway vehicle under Section 41-22-3. 223 (39) "Mobile home" means: 224 (a) a trailer or semitrailer that is: 225 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping 226 place either permanently or temporarily; and 227 (ii) equipped for use as a conveyance on streets and highways; or 228 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and 229 constructed for use as a mobile home, as defined in Subsection (39)(a), but that is instead used 230 permanently or temporarily for: 231 (i) the advertising, sale, display, or promotion of merchandise or services; or 232 (ii) any other commercial purpose except the transportation of property for hire or the 233 transportation of property for distribution by a private carrier. 234 (40) "Mobility disability" means the inability of a person to use one or more of the person's extremities or difficulty with motor skills, that may include limitations with walking, 235 236 grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other condition. 237 (41) (a) "Moped" means a motor-driven cycle having: 238 (i) pedals to permit propulsion by human power; and 239 (ii) a motor that: 240 (A) produces not more than two brake horsepower; and 241 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on 242 level ground. 243 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic 244 centimeters and the moped shall have a power drive system that functions directly or

245	automatically without clutching or shifting by the operator after the drive system is engaged.
246	(c) "Moped" does not include:
247	(i) an electric assisted bicycle; or
248	(ii) a motor assisted scooter.
249	(42) (a) "Motor assisted scooter" means a self-propelled device with:
250	(i) at least two wheels in contact with the ground;
251	(ii) a braking system capable of stopping the unit under typical operating conditions;
252	(iii) an electric motor not exceeding 2,000 watts;
253	(iv) either:
254	(A) handlebars and a deck design for a person to stand while operating the device; or
255	(B) handlebars and a seat designed for a person to sit, straddle, or stand while operating
256	the device;
257	(v) a design for the ability to be propelled by human power alone; and
258	(vi) a maximum speed of 20 miles per hour on a paved level surface.
259	(b) "Motor assisted scooter" does not include:
260	(i) an electric assisted bicycle; or
261	(ii) a motor-driven cycle.
262	(43) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
263	propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
264	(b) "Motor vehicle" does not include:
265	(i) vehicles moved solely by human power;
266	(ii) motorized wheelchairs;
267	(iii) an electric personal assistive mobility device;
268	(iv) an electric assisted bicycle;
269	(v) a motor assisted scooter;
270	(vi) a personal delivery device, as defined in Section 41-6a-1119; or
271	(vii) a mobile carrier, as defined in Section 41-6a-1120.
272	(44) "Motorcycle" means:
273	(a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
274	and designed to travel with not more than three wheels in contact with the ground; or
275	(b) an autocycle.

276	(45) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle
277	having:
278	(i) an engine with less than 150 cubic centimeters displacement; or
279	(ii) a motor that produces not more than five horsepower.
280	(b) "Motor-driven cycle" does not include:
281	(i) an electric personal assistive mobility device;
282	(ii) a motor assisted scooter; or
283	(iii) an electric assisted bicycle.
284	(46) "Off-highway implement of husbandry" means the same as that term is defined
285	under Section 41-22-2.
286	(47) "Off-highway vehicle" means the same as that term is defined under Section
287	41-22-2.
288	(48) "Operate" means the same as that term is defined in Section 41-1a-102.
289	(49) "Operator" means:
290	(a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
291	(b) an automated driving system, as defined in Section 41-26-102.1, that operates a
292	vehicle.
293	(50) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or
294	other device operated, alone or coupled with another device, on stationary rails.
295	(51) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
296	occupied or not.
297	(b) "Park" or "parking" does not include:
298	(i) the standing of a vehicle temporarily for the purpose of and while actually engaged
299	in loading or unloading property or passengers; or
300	(ii) a motor vehicle with an engaged automated driving system that has achieved a
301	minimal risk condition, as those terms are defined in Section 41-26-102.1.
302	(52) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace
303	Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic
304	laws.
305	(53) "Pedestrian" means a person traveling:
306	(a) on foot; or

(b) in a wheelchair.

- 308 (54) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate pedestrians.
  - (55) "Person" means a natural person, firm, copartnership, association, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.
    - (56) "Pole trailer" means a vehicle without motive power:
  - (a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and
  - (b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.
  - (57) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
  - (58) "Railroad" means a carrier of persons or property upon cars operated on stationary rails.
  - (59) "Railroad sign or signal" means a sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
  - (60) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.
  - (61) "Restored-modified vehicle" means the same as the term defined in Section 41-1a-102.
  - (62) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed, and proximity that give rise to danger of collision unless one grants precedence to the other.
  - (63) (a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.
- 337 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of

them are used by persons riding bicycles or other human-powered vehicles.

- (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.
- (64) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
  - (65) (a) "School bus" means a motor vehicle that:
- 345 (i) complies with the color and identification requirements of the most recent edition of 346 "Minimum Standards for School Buses"; and
  - (ii) is used to transport school children to or from school or school activities.
  - (b) "School bus" does not include a vehicle operated by a common carrier in transportation of school children to or from school or school activities.
    - (66) (a) "Semitrailer" means a vehicle with or without motive power:
- 351 (i) designed for carrying persons or property and for being drawn by a motor vehicle; 352 and
- 353 (ii) constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.
  - (b) "Semitrailer" does not include a pole trailer.
  - (67) "Shoulder area" means:

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- (a) that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices"; or
- (b) that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and for lateral support.
- (68) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- (69) (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt that is designated for the use of a bicycle.
  - (b) "Soft-surface trail" does not mean a trail:
- 367 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a 368 federal law, regulation, or rule; or

(ii) located in whole or in part on land granted to the state or a political subdivision subject to a conservation easement that prohibits the use of a motorized vehicle.

- (70) "Solid rubber tire" means a tire of rubber or other resilient material that does not depend on compressed air for the support of the load.
- (71) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied or not, for the purpose of and while actually engaged in receiving or discharging passengers.
  - (72) "Stop" when required means complete cessation from movement.
- (73) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when:
  - (a) necessary to avoid conflict with other traffic; or

- (b) in compliance with the directions of a peace officer or traffic-control device.
- (74) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.
  - (75) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
- (76) "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.
- (77) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.
- (78) "Traffic signal preemption device" means an instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.
- (79) "Traffic-control device" means a sign, signal, marking, or device not inconsistent with this chapter placed or erected by a highway authority for the purpose of regulating, warning, or guiding traffic.
- (80) "Traffic-control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
- (81) (a) "Trailer" means a vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.
  - (b) "Trailer" does not include a pole trailer.

400	(82) "Truck" means a motor vehicle designed, used, or maintained primarily for the
401	transportation of property.
402	(83) "Truck tractor" means a motor vehicle:
403	(a) designed and used primarily for drawing other vehicles; and
404	(b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
405	tractor.
406	(84) "Two-way left turn lane" means a lane:
407	(a) provided for vehicle operators making left turns in either direction;
408	(b) that is not used for passing, overtaking, or through travel; and
409	(c) that has been indicated by a lane traffic-control device that may include lane
410	markings.
411	(85) "Urban district" means the territory contiguous to and including any street, in
412	which structures devoted to business, industry, or dwelling houses are situated at intervals of
413	less than 100 feet, for a distance of a quarter of a mile or more.
414	(86) "Vehicle" means a device in, on, or by which a person or property is or may be
415	transported or drawn on a highway, except a mobile carrier, as defined in Section 41-6a-1120,
416	or a device used exclusively on stationary rails or tracks.
417	Section 2. Effective date.
418	This bill takes effect on May 1, 2024.