

The Insurance Federation of Pennsylvania, Inc.

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April 18, 2019

To: The Honorable Members of the House Transportation Committee

From: Samuel R. Marshall, Jonathan C. Greer and Noah K. Karn

Re: House Bill 631 – regulating electric scooters

Thank you for the opportunity to be here today. We appreciate the appeal of these scooters – although given that they go up to 20 miles per hour and may be used on streets and sidewalks, “low speed” may be an understatement. We don’t want to be wet blankets, but we have some safety and liability concerns that should be addressed.

The bill provides that the use of these scooters be regulated “consistent with the regulation of pedalcycles.” Those operating them would be of legal driving age but – consistent with the regulation of bicycles - wouldn’t need a license, training, a helmet or insurance. The bill also seems to limit how localities can regulate the operation of these scooters – they can do so, but only if they treat the scooters as bikes.

This raises safety concerns. We hear these scooters are as safe as bicycles and need no training to operate. Maybe that’s true, but it is worth checking before classifying them as bicycles – because our experience is that wheels powered by motors present a different risk than wheels powered only by feet or hands.

- We were impressed by the recent demonstration of these scooters in the Capitol. It was a good-looking scooter – wide handlebars and a substantial floorboard (it was also being ridden with no traffic on a clear day). You may want to consider upgrading the standards in this bill to that level.

And is their impact – whether on roads, sidewalks or bike paths – really the same as bicycles? Why not allow a locality to have different “rules of the road” for these scooters than for bicycles? It is too soon to tell whether these scooters will be used in the same way as bicycles, in numbers, hours and ways of usage.

We have bike paths across Pennsylvania that, thankfully, don't allow for any motorized vehicles – just walkers, joggers and bicyclists sharing a quiet moment and a little exercise. Will these paths now have to be open to these scooters?

The bill also raises insurance concerns:

First, if a person rents one of these scooters – which we understand will be the most common way they will be used – and then causes an accident, as with hitting a pedestrian or a car, is there any insurance? You may want to consider that at the state level rather than leaving this to local authorities.


- The outfits looking to rent these scooters say they will provide insurance coverage for defects in them. That won't mean much. The danger is in how they are used.

Second, the bill should clarify that while these scooters may be subject to Title 75's rules (or lack of them) for bicycles, they aren't considered bicycles for the purpose of insurance coverage. We cover bicycles in auto, homeowner and RV policies, but we distinguish between regular bikes and motorized ones, and between bikes and scooters. Those distinctions should not be compromised here. The state may be satisfied that these scooters are the same as bikes - but our experience is that the moment you put an engine on something with wheels, it becomes a much different vehicle.

We're all interested in better ways to move people around, especially in urban areas, and electric scooters may play a role in that.

But before you invite these scooters to share our roads, sidewalks, bike lanes and bike paths with cars, trucks, pedestrians, mopeds, motorcycles and bikes, you should have a good understanding of how these work; how they can be monitored; what their dangers might be, to their riders and the public; and how we can assure that the fun and convenience of these scooters not come at the expense of safety and coverage for their riders and others.

Back  

Added: Green underlined text
Deleted: Dark red text with a strikethrough
Vetoed: Red text
 Links to affected code section



Track
 Priority
 Suppress

2019 UT S 139

Author: Cullimore
Version: Enacted
Version Date: 03/27/2019

S.B. 139 Enrolled

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

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 41-1a-102**, as last amended by Laws of Utah 2018, Chapters 166 and 424
- 41-6a-102**, as last amended by Laws of Utah 2018, Chapters 166 and 205
- 41-6a-526**, as last amended by Laws of Utah 2018, Chapter 175
- 41-6a-706** .5, as last amended by Laws of Utah 2015, Chapter 412
- 41-6a-1115**, as last amended by Laws of Utah 2015, Chapter 412
- 41-6a-1601**, as last amended by Laws of Utah 2017, Chapter 149
- 41-6a-1702**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 79-5-102**, as last amended by Laws of Utah 2016, Chapter 173

ENACTS:

41-6a-1115.1, Utah Code Annotated 1953

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

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

41-1a-102. Definitions.

As used in this chapter:

- (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.
- (2) "Actual weight" means the actual unladen weight of a vehicle or combination of vehicles as operated and certified to by a weighmaster.
- (3) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- (4) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- (5) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.
- (6) "Alternative fuel vehicle" means:
 - (a) an electric motor vehicle;
 - (b) a hybrid electric motor vehicle;
 - (c) a plug-in hybrid electric motor vehicle; or
 - (d) a motor vehicle powered by a fuel other than:
 - (i) motor fuel;
 - (ii) diesel fuel;
 - (iii) natural gas; or
 - (iv) propane.
- (7) "Amateur radio operator" means ~~any~~ a person licensed by the Federal Communications Commission to engage in private and experimental two-way radio operation on the amateur band radio frequencies.
- (8) "Autocycle" means the same as that term is defined in Section 53-3-102.
- (9) "Branded title" means a title certificate that is labeled:
 - (a) rebuilt and restored to operation;
 - (b) flooded and restored to operation; or
 - (c) not restored to operation.
- (10) "Camper" means ~~any~~ a structure designed, used, and maintained primarily to be mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for camping.
- (11) "Certificate of title" means a document issued by a jurisdiction to establish a record of ownership between an identified owner and the described vehicle, vessel, or outboard motor.
- (12) "Certified scale weigh ticket" means a weigh ticket that has been issued by a weighmaster.
- (13) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained for the transportation of persons or property that operates:
 - (a) as a carrier for hire, compensation, or profit; or
 - (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.
- (14) "Commission" means the State Tax Commission.
- (15) "Consumer price index" means the same as that term is defined in Section 59-13-102.
- (16) "Dealer" means a person engaged or licensed to engage in the business of buying, selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.
- (17) "Diesel fuel" means the same as that term is defined in Section 59-13-102.
- (18) "Division" means the Motor Vehicle Division of the commission, created in Section 41-1a-106.
- (19) "Electric motor vehicle" means a motor vehicle that is powered solely by an electric motor drawing current from a rechargeable energy storage system.
- (20) "Essential parts" means ~~all~~ the integral and body parts of a vehicle of a type required to be registered in this state, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter ~~its~~ the vehicle's appearance, model, type, or mode of operation.
- (21) "Farm tractor" means ~~every~~ a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

- of:
- (22) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for the owner's or operator's own use in the transportation of:
- (i) farm products, including livestock and its products, poultry and its products, floricultural and horticultural products;
 - (ii) farm supplies, including tile, fence, and ~~every~~ any other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production; and
 - (iii) livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of a farm.
- (b) "Farm truck" does not include the operation of trucks by commercial processors of agricultural products.
- (23) "Fleet" means one or more commercial vehicles.
- (24) "Foreign vehicle" means a vehicle of a type required to be registered, brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this state.
- (25) "Gross laden weight" means the actual weight of a vehicle or combination of vehicles, equipped for operation, to which shall be added the maximum load to be carried.
- (26) "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part of it is open to the public, as a matter of right, for purposes of vehicular traffic.
- (27) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both:
- (a) an internal combustion engine or heat engine using consumable fuel; and
 - (b) a rechargeable energy storage system where energy for the storage system comes solely from sources onboard the vehicle.
- (28) (a) "Identification number" means the identifying number assigned by the manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard motor.
- (b) "Identification number" includes a vehicle identification number, state assigned identification number, hull identification number, and motor serial number.
- (29) "Implement of husbandry" means ~~every~~ a vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.
- (30) (a) "In-state miles" means the total number of miles operated in this state during the preceding year by fleet power units.
- (b) ~~If fleets are a fleet is~~ composed entirely of trailers or semitrailers, "in-state miles" means the total number of miles that those vehicles were towed on Utah highways during the preceding year.
- (31) "Interstate vehicle" means ~~any~~ a commercial vehicle operated in more than one state, province, territory, or possession of the United States or foreign country.
- (32) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.
- (33) "Lienholder" means a person with a security interest in particular property.
- (34) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.
- (35) "Manufacturer" means a person engaged in the business of constructing, manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or outboard motors for the purpose of sale or trade.
- (36) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).
- (37) "Motor fuel" means the same as that term is defined in Section 59-13-102.
- (38) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the highways.
- (b) "Motor vehicle" does not include:
- (i) an off-highway vehicle; or
 - (ii) a motor assisted scooter as defined in Section 41-6a-102.
- (39) "Motorboat" means the same as that term is defined in Section 73-18-2.
- (40) "Motorcycle" means:
- (a) a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; or
 - (b) an auticycle.
- (41) "Natural gas" means a fuel of which the primary constituent is methane.
- (42) (a) "Nonresident" means a person who is not a resident of this state as defined by Section 41-1a-202, and who does not engage in intrastate business within this state and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.
- (b) A person who engages in intrastate business within this state and operates in that business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in interstate commerce, maintains ~~any~~ a vehicle in this state as the home station of that vehicle is considered a

resident of this state, insofar as that vehicle is concerned in administering this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(62) "Replica vehicle" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) not designed to operate in traffic; and

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

(b) "Special mobile equipment" includes:

(i) farm tractors;

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

(iii) ditch-digging apparatus.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41-6a-102. Definitions.

As used in this chapter:

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

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

(3) "Authorized emergency vehicle" includes:

(a) fire department vehicles;

(b) police vehicles;

(c) ambulances; and

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

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

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

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

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

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

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

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

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

(6) (a) "Bus" means a motor vehicle:

(i) designed for carrying more than 15 passengers and used for the transportation of persons; or

(ii) designed and used for the transportation of persons for compensation.

(b) "Bus" does not include a taxicab.

(7) (a) "Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection where traffic passes to the right of the island.

(b) "Circular intersection" includes:

(i) roundabouts;

(ii) rotaries; and

(iii) traffic circles.

(8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(i).

(9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(ii).

(10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(iii).

(11) "Commissioner" means the commissioner of the Department of Public Safety.

(12) "Controlled-access highway" means a highway, street, or roadway:

(a) designed primarily for through traffic; and

(b) to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the highway authority having jurisdiction over the highway, street, or roadway.

(13) "Crosswalk" means:

(a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from:

(i) (A) the curbs; or

(B) in the absence of curbs, from the edges of the traversable roadway; and

(ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline; or

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

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

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

(a) visual contact is maintained; and

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

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

(a) an unpaved intervening space;

- (b) a physical barrier; or
- (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- (17) "Electric assisted bicycle" means a bicycle with an electric motor that:
 - (a) has a power output of not more than 750 watts;
 - (b) has fully operable pedals on permanently affixed cranks;
 - (c) is fully operable as a bicycle without the use of the electric motor; and
 - (d) is one of the following:
 - (i) an electric assisted bicycle equipped with a motor or electronics that:
 - (A) provides assistance only when the rider is pedaling; and
 - (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;
 - (ii) an electric assisted bicycle equipped with a motor or electronics that:
 - (A) may be used exclusively to propel the bicycle; and
 - (B) is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; or
 - (iii) an electric assisted bicycle equipped with a motor or electronics that:
 - (A) provides assistance only when the rider is pedaling;
 - (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour; and
 - (C) is equipped with a speedometer.
- (18) (a) "Electric personal assistive mobility device" means a self-balancing device with:
 - (i) two nontandem wheels in contact with the ground;
 - (ii) a system capable of steering and stopping the unit under typical operating conditions;
 - (iii) an electric propulsion system with average power of one horsepower or 750 watts;
 - (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
 - (v) a deck design for a person to stand while operating the device.
- (b) "Electric personal assistive mobility device" does not include a wheelchair.

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

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

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

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

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

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

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

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

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

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

- (i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and
- (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection.

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

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

by:

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

- (b) channelizing devices;
- (c) curbs;
- (d) pavement edges; or
- (e) other devices.

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) designed for off-highway use; and

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

(35) "Mobile home" means:

(a) a trailer or semitrailer that is:

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

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

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

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

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

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

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

(ii) a motor that:

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

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

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

~~(e) "Moped" includes a motor assisted scooter.~~

~~(c)~~ (c) "Moped" does not include:

(i) an electric assisted bicycle; ~~or~~

(ii) a motor assisted scooter.

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

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

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

(iii) ~~a gas or~~ an electric motor not exceeding ~~40 cubic centimeters~~ 2,000 watts;

(iv) either:

- (A) handlebars and a deck design for a person to stand while operating the device; ~~or~~
- (B) ~~a deck and~~ handle bars and a seat designed for a person to sit, straddle, or stand while operating the device; ~~and~~
- (v) a design for the ability to be propelled by human power alone; ~~and~~
- (vi) a maximum speed of 20 miles per hour on a paved level surface.
- (b) "Motor assisted scooter" does not include:
- (i) an electric assisted bicycle; or
- (ii) a motor-driven cycle.

(38) (a) "Motor vehicle" means a vehicle that is self-propelled and ~~every~~ a vehicle ~~which~~ that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

- (b) "Motor vehicle" does not include:
- (i) vehicles moved solely by human power; ;
- (ii) motorized wheelchairs; ;
- (iii) an electric personal assistive mobility device; ;
- (iv) an electric assisted bicycle; ~~or~~ ;
- (v) a motor assisted scooter; or
- (vi) a personal delivery device, as defined in Section 41-6a-1119.

(39) "Motorcycle" means:

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

(b) an auticycle.

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

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

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

- (i) an electric personal assistive mobility device; ~~or~~
- (ii) a motor assisted scooter; or
- ~~(iii)~~ (iii) an electric assisted bicycle.

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

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

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

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

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

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

(46) "Pedestrian" means a person traveling:

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

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

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

(49) "Pole trailer" means ~~every~~ 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(59) "Shoulder area" means:

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

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

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

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

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

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

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

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

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

(65) "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.

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

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

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

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

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

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

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

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

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

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

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

- (a) provided for vehicle operators making left turns in either direction;
- (b) that is not used for passing, overtaking, or through travel; and
- (c) that has been indicated by a lane traffic-control device that may include lane markings.

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

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

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

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

(1) As used in this section:

- (a) "Alcoholic beverage" has the same meaning as defined in Section 32B-1-102.
- (b) "Chartered bus" has the same meaning as defined in Section 32B-1-102.
- (c) "Limousine" has the same meaning as defined in Section 32B-1-102.
- (d) (i) "Passenger compartment" means the area of the vehicle normally occupied by the operator and passengers.

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

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

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

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

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

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

- (a) in the living quarters of a motor home or camper;
- (b) who has carried an alcoholic beverage onto a limousine or chartered bus that is in compliance with Subsections 32B-4-415(4)(b) and (c);
- or
- (c) in a motorboat on the waters of the state.

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

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

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

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

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

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

(b) a person riding an animal; or

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

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

(ii) a skateboard;

(iii) roller skates;

(iv) in-line skates;

(v) a bicycle;

(vi) an electric-assisted bicycle;

(vii) an electric personal assistive mobility device;

(viii) a moped;

(ix) a motor assisted scooter;

~~(ix)~~ (x) a motor-driven cycle;

~~(x) a motorized scooter;~~

(xi) a motorcycle; or

(xii) a manual wheelchair.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) so as to collide with a:

(A) pedestrian; or

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

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

~~(2) A person under 16 years of age may not operate a motor assisted scooter using the motor unless the person is under the direct supervision of the person's parent or guardian.~~

~~(3) (2) A person under eight years of age may not operate a motor assisted scooter with the motor running on any public property, highway, path, or sidewalk.~~

~~(4) (3) A person may not operate a motor assisted scooter:~~

~~(a) in a public parking structure;~~

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

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

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

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

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

~~(e) at a speed of greater than 15 miles per hour or in violation of Subsection 41-6a-1115.1(3).~~

~~(5) (4) Except where posted or prohibited by local ordinance, a motor assisted scooter is considered a nonmotorized vehicle if it is being used with the motor turned off.~~

~~(6) (5) An owner may not authorize or knowingly permit a person under the age of 18 to operate a motor assisted scooter in violation of this section.~~

~~(7) (6) A person who violates this section is guilty of an infraction.~~

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

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

(1) For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) requiring operation below cost; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) this part;

(B) federal motor vehicle safety standards; and

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

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

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

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

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

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

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

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

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

(iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles and trailers operated in interstate commerce;

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

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

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

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

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

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

(a) implements of husbandry;

(b) road machinery;

(c) road rollers;

(d) farm tractors;

(e) motorcycles;

(f) motor-driven cycles;

(g) motor assisted scooters;

~~(h)~~ (h) vehicles moved solely by human power;

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

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

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

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

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

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

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

(b) The department:

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

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

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

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

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

(1) Except for a bicycle or a device propelled by human power, or a motor assisted scooter, a person may not operate a vehicle on a sidewalk or sidewalk area. A motor assisted scooter may be operated on a sidewalk only if permitted pursuant to Subsection 41-6a-1115.1(3).

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

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

79-5-102. Definitions.

As used in this chapter:

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

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

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

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

(a) muscle-powered activities, including:

(i) bicycling;

(ii) cross-country skiing;

(iii) walking;

(iv) jogging; and

(v) horseback riding; and

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

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