

**AUTOCYCLE AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kay J. Christofferson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the definition of an autocycle.

**Highlighted Provisions:**

This bill:

▶ amends the definition of an autocycle to include a motor vehicle that is equipped with a steering mechanism and seat belts.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-3-102**, as last amended by Laws of Utah 2021, Chapter 120

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

Section 1. Section **53-3-102** is amended to read:

**53-3-102. Definitions.**

As used in this chapter:

(1) "Autocycle" means a motor vehicle that:

(a) is designed to travel with three or fewer wheels in contact with the ground; and



28 ~~[(b) is equipped with a steering wheel; and]~~  
29 ~~[(c) is equipped with seating that does not require the operator to straddle or sit astride~~  
30 ~~the vehicle.]~~

31 (b) is equipped with:

32 (i) a steering mechanism;

33 (ii) seat belts; and

34 (iii) seating that does not require the operator to straddle or sit astride the motor  
35 vehicle.

36 (2) "Cancellation" means the termination by the division of a license issued through  
37 error or fraud or for which consent under Section 53-3-211 has been withdrawn.

38 (3) "Class D license" means the class of license issued to drive motor vehicles not  
39 defined as commercial motor vehicles or motorcycles under this chapter.

40 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner  
41 permit:

42 (a) issued under Section 53-3-408; or

43 (b) issued by a state or other jurisdiction of domicile in compliance with the standards  
44 contained in 49 C.F.R. Part 383.

45 (5) "Commercial driver license" or "CDL" means a license:

46 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.  
47 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
48 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
49 commercial motor vehicle; and

50 (b) that was obtained by providing evidence of lawful presence in the United States  
51 with one of the document requirements described in Subsection 53-3-410(1)(i)(i).

52 (6) (a) "Commercial driver license motor vehicle record" or "CDL MVR" means a  
53 driving record that:

54 (i) applies to a person who holds or is required to hold a commercial driver instruction  
55 permit or a CDL license; and

56 (ii) contains the following:

57 (A) information contained in the driver history, including convictions, pleas held in  
58 abeyance, disqualifications, and other licensing actions for violations of any state or local law

59 relating to motor vehicle traffic control, committed in any type of vehicle;

60 (B) driver self-certification status information under Section 53-3-410.1; and

61 (C) information from medical certification record keeping in accordance with 49  
62 C.F.R. Sec. 383.73(o).

63 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a  
64 motor vehicle record described in Subsection (30).

65 (7) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor  
66 vehicles designed or used to transport passengers or property if the motor vehicle:

67 (i) has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as  
68 determined by federal regulation;

69 (ii) is designed to transport 16 or more passengers, including the driver; or

70 (iii) is transporting hazardous materials and is required to be placarded in accordance  
71 with 49 C.F.R. Part 172, Subpart F.

72 (b) The following vehicles are not considered a commercial motor vehicle for purposes  
73 of Part 4, Uniform Commercial Driver License Act:

74 (i) equipment owned and operated by the United States Department of Defense when  
75 driven by any active duty military personnel and members of the reserves and national guard on  
76 active duty including personnel on full-time national guard duty, personnel on part-time  
77 training, and national guard military technicians and civilians who are required to wear military  
78 uniforms and are subject to the code of military justice;

79 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm  
80 machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation  
81 as a motor carrier for hire;

82 (iii) firefighting and emergency vehicles;

83 (iv) recreational vehicles that are not used in commerce and are driven solely as family  
84 or personal conveyances for recreational purposes; and

85 (v) vehicles used to provide transportation network services, as defined in Section  
86 13-51-102.

87 (8) "Conviction" means any of the following:

88 (a) an unvacated adjudication of guilt or a determination that a person has violated or  
89 failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

- 90 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's
- 91 appearance in court;
- 92 (c) a plea of guilty or nolo contendere accepted by the court;
- 93 (d) the payment of a fine or court costs; or
- 94 (e) violation of a condition of release without bail, regardless of whether the penalty is
- 95 rebated, suspended, or probated.

96 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to  
97 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security,  
98 do not apply.

99 (10) "Director" means the division director appointed under Section [53-3-103](#).

100 (11) "Disqualification" means either:

101 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state  
102 of a person's privileges to drive a commercial motor vehicle;

103 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,  
104 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part  
105 391; or

106 (c) the loss of qualification that automatically follows conviction of an offense listed in  
107 49 C.F.R. Part 383.51.

108 (12) "Division" means the Driver License Division of the department created in  
109 Section [53-3-103](#).

110 (13) "Downgrade" means to obtain a lower license class than what was originally  
111 issued during an existing license cycle.

112 (14) "Drive" means:

113 (a) to operate or be in physical control of a motor vehicle upon a highway; and

114 (b) in Subsections [53-3-414](#)(1) through (3), Subsection [53-3-414](#)(5), and Sections  
115 [53-3-417](#) and [53-3-418](#), the operation or physical control of a motor vehicle at any place within  
116 the state.

117 (15) (a) "Driver" means an individual who drives, or is in actual physical control of a  
118 motor vehicle in any location open to the general public for purposes of vehicular traffic.

119 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person  
120 who is required to hold a CDL under Part 4, Uniform Commercial Driver License Act, or

121 federal law.

122 (16) "Driving privilege card" means the evidence of the privilege granted and issued  
123 under this chapter to drive a motor vehicle to a person whose privilege was obtained without  
124 providing evidence of lawful presence in the United States.

125 (17) "Electronic license certificate" means the evidence, in an electronic format as  
126 described in Section 53-3-235, of a privilege granted under this chapter to drive a motor  
127 vehicle.

128 (18) "Extension" means a renewal completed in a manner specified by the division.

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

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

133 (21) "Human driver" means the same as that term is defined in Section 41-26-102.1.

134 (22) "Identification card" means a card issued under Part 8, Identification Card Act, to  
135 a person for identification purposes.

136 (23) "Indigent" means that a person's income falls below the federal poverty guideline  
137 issued annually by the U.S. Department of Health and Human Services in the Federal Register.

138 (24) "License" means the privilege to drive a motor vehicle.

139 (25) (a) "License certificate" means the evidence of the privilege issued under this  
140 chapter to drive a motor vehicle.

141 (b) "License certificate" evidence includes:

142 (i) a regular license certificate;

143 (ii) a limited-term license certificate;

144 (iii) a driving privilege card;

145 (iv) a CDL license certificate;

146 (v) a limited-term CDL license certificate;

147 (vi) a temporary regular license certificate;

148 (vii) a temporary limited-term license certificate; and

149 (viii) an electronic license certificate created in Section 53-3-235.

150 (26) "Limited-term commercial driver license" or "limited-term CDL" means a license:

151 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.

152 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
153 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
154 commercial motor vehicle; and

155 (b) that was obtained by providing evidence of lawful presence in the United States  
156 with one of the document requirements described in Subsection 53-3-410(1)(i)(ii).

157 (27) "Limited-term identification card" means an identification card issued under this  
158 chapter to a person whose card was obtained by providing evidence of lawful presence in the  
159 United States with one of the document requirements described in Subsection  
160 53-3-804(2)(i)(ii).

161 (28) "Limited-term license certificate" means the evidence of the privilege granted and  
162 issued under this chapter to drive a motor vehicle to a person whose privilege was obtained  
163 providing evidence of lawful presence in the United States with one of the document  
164 requirements described in Subsection 53-3-205(8)(a)(ii)(B).

165 (29) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.

166 (30) "Motor vehicle record" or "MVR" means a driving record under Subsection  
167 53-3-109(6)(a).

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

169 (32) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or  
170 saddle for the use of the rider and designed to travel with not more than three wheels in contact  
171 with the ground.

172 (33) "Office of Recovery Services" means the Office of Recovery Services, created in  
173 Section 62A-11-102.

174 (34) "Operate" means the same as that term is defined in Section 41-1a-102.

175 (35) (a) "Owner" means a person other than a lien holder having an interest in the  
176 property or title to a vehicle.

177 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to  
178 a security interest in another person but excludes a lessee under a lease not intended as security.

179 (36) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge,  
180 or other financial penalty imposed on an individual by a court or other government entity.

181 (37) (a) "Private passenger carrier" means any motor vehicle for hire that is:

182 (i) designed to transport 15 or fewer passengers, including the driver; and

- 183 (ii) operated to transport an employee of the person that hires the motor vehicle.
- 184 (b) "Private passenger carrier" does not include:
- 185 (i) a taxicab;
- 186 (ii) a motor vehicle driven by a transportation network driver as defined in Section
- 187 [13-51-102](#);
- 188 (iii) a motor vehicle driven for transportation network services as defined in Section
- 189 [13-51-102](#); and
- 190 (iv) a motor vehicle driven for a transportation network company as defined in Section
- 191 [13-51-102](#) and registered with the Division of Consumer Protection as described in Section
- 192 [13-51-104](#).
- 193 (38) "Regular identification card" means an identification card issued under this
- 194 chapter to a person whose card was obtained by providing evidence of lawful presence in the
- 195 United States with one of the document requirements described in Subsection [53-3-804\(2\)\(i\)\(i\)](#).
- 196 (39) "Regular license certificate" means the evidence of the privilege issued under this
- 197 chapter to drive a motor vehicle whose privilege was obtained by providing evidence of lawful
- 198 presence in the United States with one of the document requirements described in Subsection
- 199 [53-3-205\(8\)\(a\)\(ii\)\(A\)](#).
- 200 (40) "Renewal" means to validate a license certificate so that it expires at a later date.
- 201 (41) "Reportable violation" means an offense required to be reported to the division as
- 202 determined by the division and includes those offenses against which points are assessed under
- 203 Section [53-3-221](#).
- 204 (42) (a) "Resident" means an individual who:
- 205 (i) has established a domicile in this state, as defined in Section [41-1a-202](#), or
- 206 regardless of domicile, remains in this state for an aggregate period of six months or more
- 207 during any calendar year;
- 208 (ii) engages in a trade, profession, or occupation in this state, or who accepts
- 209 employment in other than seasonal work in this state, and who does not commute into the state;
- 210 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
- 211 license certificate or motor vehicle registration; or
- 212 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended
- 213 to nonresidents, including going to school, or placing children in school without paying

214 nonresident tuition or fees.

215 (b) "Resident" does not include any of the following:

216 (i) a member of the military, temporarily stationed in this state;

217 (ii) an out-of-state student, as classified by an institution of higher education,

218 regardless of whether the student engages in any type of employment in this state;

219 (iii) a person domiciled in another state or country, who is temporarily assigned in this

220 state, assigned by or representing an employer, religious or private organization, or a

221 governmental entity; or

222 (iv) an immediate family member who resides with or a household member of a person

223 listed in Subsections (42)(b)(i) through (iii).

224 (43) "Revocation" means the termination by action of the division of a licensee's

225 privilege to drive a motor vehicle.

226 (44) (a) "School bus" means a commercial motor vehicle used to transport pre-primary,

227 primary, or secondary school students to and from home and school, or to and from school

228 sponsored events.

229 (b) "School bus" does not include a bus used as a common carrier as defined in Section

230 [59-12-102](#).

231 (45) "Suspension" means the temporary withdrawal by action of the division of a

232 licensee's privilege to drive a motor vehicle.

233 (46) "Taxicab" means any class D motor vehicle transporting any number of

234 passengers for hire and that is subject to state or federal regulation as a taxi.