

ELECTRIC ASSISTED BICYCLE USE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to electric assisted bicycle definitions and accessibility.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ allows a person with certain disabilities to apply for a trail accessibility card to allow the person to operate an electric assisted bicycle on a trail open to the use of a bicycle;
- ▶ outlines the application requirements for a trail accessibility card;
- ▶ limits the use of certain electric assisted bicycles on certain trails based on power output of the electric assisted bicycle;
- ▶ amends the definition of an off-highway vehicle to include a class 1 electric assisted bicycle with a power output of 251 watts or more; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **41-6a-102**, as last amended by Laws of Utah 2020, Chapters 84 and 354

30 **41-6a-1115.5**, as last amended by Laws of Utah 2018, Chapter 175

31 **41-22-2**, as last amended by Laws of Utah 2021, Chapter 280

32 **63I-1-241**, as last amended by Laws of Utah 2020, Chapters 84 and 154

33 ENACTS:

34 **41-6a-1115.6**, Utah Code Annotated 1953

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

37 Section 1. Section **41-6a-102** is amended to read:

38 **41-6a-102. Definitions.**

39 As used in this chapter:

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

42 (2) "All-terrain type I vehicle" means the same as that term is defined in Section
43 **41-22-2**.

44 (3) "Authorized emergency vehicle" includes:

45 (a) fire department vehicles;

46 (b) police vehicles;

47 (c) ambulances; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

66 (b) "Circular intersection" includes:

67 (i) roundabouts;

68 (ii) rotaries; and

69 (iii) traffic circles.

70 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in
71 Subsection ~~[(17)]~~ (18)(d)(i).

72 (9) "Class 1 electric assisted mountain bicycle" means a class 1 electric assisted bicycle
73 with a power output of 250 watts or less.

74 ~~[(9)]~~ (10) "Class 2 electric assisted bicycle" means an electric assisted bicycle
75 described in Subsection ~~[(17)]~~ (18)(d)(ii).

76 ~~[(10)]~~ (11) "Class 3 electric assisted bicycle" means an electric assisted bicycle
77 described in Subsection ~~[(17)]~~ (18)(d)(iii).

78 ~~[(11)]~~ (12) "Commissioner" means the commissioner of the Department of Public
79 Safety.

80 ~~[(12)]~~ (13) "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)]~~ (14) "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)~~] (15) "Department" means the Department of Public Safety.

96 [~~(15)~~] (16) "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)~~] (17) "Divided highway" means a highway divided into two or more roadways

100 by:

101 (a) an unpaved intervening space;

102 (b) a physical barrier; or

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

104 [~~(17)~~] (18) "Electric assisted bicycle" means a bicycle with an electric motor that:

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

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

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

108 (d) is one of the following:

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

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

111 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per

112 hour;

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

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

115 (B) is not capable of providing assistance when the bicycle reaches the speed of 20

116 miles per hour; or

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

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

119 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per

120 hour; and

121 (C) is equipped with a speedometer.

122 [~~(18)~~] (19) (a) "Electric personal assistive mobility device" means a self-balancing
123 device with:

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

125 (ii) a system capable of steering and stopping the unit under typical operating
126 conditions;

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

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

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

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

131 [~~(19)~~] (20) "Explosives" means a chemical compound or mechanical mixture
132 commonly used or intended for the purpose of producing an explosion and that contains any
133 oxidizing and combustive units or other ingredients in proportions, quantities, or packing so
134 that an ignition by fire, friction, concussion, percussion, or detonator of any part of the
135 compound or mixture may cause a sudden generation of highly heated gases, and the resultant
136 gaseous pressures are capable of producing destructive effects on contiguous objects or of
137 causing death or serious bodily injury.

138 [~~(20)~~] (21) "Farm tractor" means a motor vehicle designed and used primarily as a farm
139 implement, for drawing plows, mowing machines, and other implements of husbandry.

140 [~~(21)~~] (22) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or
141 less, as determined by a tagliabue or equivalent closed-cup test device.

142 [~~(22)~~] (23) "Freeway" means a controlled-access highway that is part of the interstate
143 system as defined in Section [72-1-102](#).

144 [~~(23)~~] (24) (a) "Golf cart" means a device that:

145 (i) is designed for transportation by players on a golf course;

146 (ii) has not less than three wheels in contact with the ground;

147 (iii) has an unladen weight of less than 1,800 pounds;

148 (iv) is designed to operate at low speeds; and

149 (v) is designed to carry not more than six persons including the driver.

150 (b) "Golf cart" does not include:

151 (i) a low-speed vehicle or an off-highway vehicle;

- 152 (ii) a motorized wheelchair;
- 153 (iii) an electric personal assistive mobility device;
- 154 (iv) an electric assisted bicycle;
- 155 (v) a motor assisted scooter;
- 156 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 157 (vii) a mobile carrier, as defined in Section 41-6a-1120.

158 [~~24~~] (25) "Gore area" means the area delineated by two solid white lines that is
159 between a continuing lane of a through roadway and a lane used to enter or exit the continuing
160 lane including similar areas between merging or splitting highways.

161 [~~25~~] (26) "Gross weight" means the weight of a vehicle without a load plus the
162 weight of any load on the vehicle.

163 [~~26~~] (27) "Highway" means the entire width between property lines of every way or
164 place of any nature when any part of it is open to the use of the public as a matter of right for
165 vehicular travel.

166 [~~27~~] (28) "Highway authority" means the same as that term is defined in Section
167 72-1-102.

168 [~~28~~] (29) (a) "Intersection" means the area embraced within the prolongation or
169 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways
170 of two or more highways that join one another.

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

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

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

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

177 [~~29~~] (30) "Island" means an area between traffic lanes or at an intersection for control
178 of vehicle movements or for pedestrian refuge designated by:

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

181 (b) channelizing devices;

182 (c) curbs;

183 (d) pavement edges; or

184 (e) other devices.

185 ~~[(30)]~~ (31) "Lane filtering" means, when operating a motorcycle other than an
186 autocycle, the act of overtaking and passing another vehicle that is stopped in the same
187 direction of travel in the same lane.

188 ~~[(31)]~~ (32) "Law enforcement agency" means the same as that term is as defined in
189 Section [53-1-102](#).

190 ~~[(32)]~~ (33) "Limited access highway" means a highway:

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

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

195 ~~[(33)]~~ (34) "Local highway authority" means the legislative, executive, or governing
196 body of a county, municipal, or other local board or body having authority to enact laws
197 relating to traffic under the constitution and laws of the state.

198 ~~[(34)]~~ (35) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

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

200 (ii) has a capacity of not more than six passengers, including a conventional driver or
201 fallback-ready user if on board the vehicle, as those terms are defined in Section [41-26-102.1](#).

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

203 ~~[(35)]~~ (36) "Metal tire" means a tire, the surface of which in contact with the highway
204 is wholly or partly of metal or other hard nonresilient material.

205 ~~[(36)]~~ (37) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
206 seat or saddle that is less than 24 inches from the ground as measured on a level surface with
207 properly inflated tires.

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

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

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

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

212 ~~[(37)]~~ (38) "Mobile home" means:

213 (a) a trailer or semitrailer that is:

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

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

217 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
218 constructed for use as a mobile home, as defined in Subsection [~~(37)~~] (38)(a), but that is
219 instead used permanently or temporarily for:

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

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

223 [~~(38)~~] (39) (a) "Moped" means a motor-driven cycle having:

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

225 (ii) a motor that:

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

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

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

232 (c) "Moped" does not include:

233 (i) an electric assisted bicycle; or

234 (ii) a motor assisted scooter.

235 [~~(39)~~] (40) (a) "Motor assisted scooter" means a self-propelled device with:

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

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

238 (iii) an electric motor not exceeding 2,000 watts;

239 (iv) either:

240 (A) handlebars and a deck design for a person to stand while operating the device; or

241 (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating
242 the device;

243 (v) a design for the ability to be propelled by human power alone; and

244 (vi) a maximum speed of 20 miles per hour on a paved level surface.

245 (b) "Motor assisted scooter" does not include:

246 (i) an electric assisted bicycle; or

247 (ii) a motor-driven cycle.

248 ~~[(40)]~~ (41) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that
249 is propelled by electric power obtained from overhead trolley wires, but not operated upon
250 rails.

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

252 (i) vehicles moved solely by human power;

253 (ii) motorized wheelchairs;

254 (iii) an electric personal assistive mobility device;

255 (iv) an electric assisted bicycle;

256 (v) a motor assisted scooter;

257 (vi) a personal delivery device, as defined in Section 41-6a-1119; or

258 (vii) a mobile carrier, as defined in Section 41-6a-1120.

259 ~~[(41)]~~ (42) "Motorcycle" means:

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

262 (b) an auticycle.

263 ~~[(42)]~~ (43) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized
264 bicycle having:

265 (i) an engine with less than 150 cubic centimeters displacement; or

266 (ii) a motor that produces not more than five horsepower.

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

268 (i) an electric personal assistive mobility device;

269 (ii) a motor assisted scooter; or

270 (iii) an electric assisted bicycle.

271 ~~[(43)]~~ (44) "Off-highway implement of husbandry" means the same as that term is
272 defined under Section 41-22-2.

273 ~~[(44)]~~ (45) "Off-highway vehicle" means the same as that term is defined under Section
274 41-22-2.

275 ~~[(45)]~~ (46) "Operate" means the same as that term is defined in Section 41-1a-102.

276 [~~(46)~~] (47) "Operator" means:

277 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or

278 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a
279 vehicle.

280 [~~(47)~~] (48) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle
281 is occupied or not.

282 (b) "Park" or "parking" does not include:

283 (i) the standing of a vehicle temporarily for the purpose of and while actually engaged
284 in loading or unloading property or passengers; or

285 (ii) a motor vehicle with an engaged automated driving system that has achieved a
286 minimal risk condition, as those terms are defined in Section 41-26-102.1.

287 [~~(48)~~] (49) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
288 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of
289 traffic laws.

290 [~~(49)~~] (50) "Pedestrian" means a person traveling:

291 (a) on foot; or

292 (b) in a wheelchair.

293 [~~(50)~~] (51) "Pedestrian traffic-control signal" means a traffic-control signal used to
294 regulate pedestrians.

295 [~~(51)~~] (52) "Person" means a natural person, firm, copartnership, association,
296 corporation, business trust, estate, trust, partnership, limited liability company, association,
297 joint venture, governmental agency, public corporation, or any other legal or commercial entity.

298 [~~(52)~~] (53) "Pole trailer" means a vehicle without motive power:

299 (a) designed to be drawn by another vehicle and attached to the towing vehicle by
300 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

301 (b) that is ordinarily used for transporting long or irregular shaped loads including
302 poles, pipes, or structural members generally capable of sustaining themselves as beams
303 between the supporting connections.

304 [~~(53)~~] (54) "Private road or driveway" means every way or place in private ownership
305 and used for vehicular travel by the owner and those having express or implied permission
306 from the owner, but not by other persons.

307 [~~(54)~~] (55) "Railroad" means a carrier of persons or property upon cars operated on
308 stationary rails.

309 [~~(55)~~] (56) "Railroad sign or signal" means a sign, signal, or device erected by
310 authority of a public body or official or by a railroad and intended to give notice of the presence
311 of railroad tracks or the approach of a railroad train.

312 [~~(56)~~] (57) "Railroad train" means a locomotive propelled by any form of energy,
313 coupled with or operated without cars, and operated upon rails.

314 [~~(57)~~] (58) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
315 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
316 of direction, speed, and proximity that give rise to danger of collision unless one grants
317 precedence to the other.

318 [~~(58)~~] (59) (a) "Roadway" means that portion of highway improved, designed, or
319 ordinarily used for vehicular travel.

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

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

324 [~~(59)~~] (60) "Safety zone" means the area or space officially set apart within a roadway
325 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
326 signs as to be plainly visible at all times while set apart as a safety zone.

327 [~~(60)~~] (61) (a) "School bus" means a motor vehicle that:

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

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

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

333 [~~(61)~~] (62) (a) "Semitrailer" means a vehicle with or without motive power:

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

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

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

339 [~~(62)~~] (63) "Shoulder area" means:

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

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

345 [~~(63)~~] (64) "Sidewalk" means that portion of a street between the curb lines, or the
346 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

347 [~~(64)~~] (65) "Solid rubber tire" means a tire of rubber or other resilient material that
348 does not depend on compressed air for the support of the load.

349 [~~(65)~~] (66) "Stand" or "standing" means the temporary halting of a vehicle, whether
350 occupied or not, for the purpose of and while actually engaged in receiving or discharging
351 passengers.

352 [~~(66)~~] (67) "Stop" when required means complete cessation from movement.

353 [~~(67)~~] (68) "Stop" or "stopping" when prohibited means any halting even momentarily
354 of a vehicle, whether occupied or not, except when:

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

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

357 [~~(68)~~] (69) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain
358 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet
359 the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with
360 Section 41-6a-1509.

361 [~~(69)~~] (70) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
362 conveyances either singly or together while using any highway for the purpose of travel.

363 [~~(70)~~] (71) "Traffic signal preemption device" means an instrument or mechanism
364 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

365 [~~(71)~~] (72) "Traffic-control device" means a sign, signal, marking, or device not
366 inconsistent with this chapter placed or erected by a highway authority for the purpose of
367 regulating, warning, or guiding traffic.

368 [~~(72)~~] (73) "Traffic-control signal" means a device, whether manually, electrically, or

369 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

370 ~~[(73)]~~ (74) (a) "Trailer" means a vehicle with or without motive power designed for
 371 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
 372 part of its weight rests upon the towing vehicle.

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

374 ~~[(74)]~~ (75) "Truck" means a motor vehicle designed, used, or maintained primarily for
 375 the transportation of property.

376 ~~[(75)]~~ (76) "Truck tractor" means a motor vehicle:

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

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

380 ~~[(76)]~~ (77) "Two-way left turn lane" means a lane:

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

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

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

385 ~~[(77)]~~ (78) "Urban district" means the territory contiguous to and including any street,
 386 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
 387 less than 100 feet, for a distance of a quarter of a mile or more.

388 ~~[(78)]~~ (79) "Vehicle" means a device in, on, or by which a person or property is or may
 389 be transported or drawn on a highway, except a mobile carrier, as defined in Section
 390 [41-6a-1120](#), or a device used exclusively on stationary rails or tracks.

391 Section 2. Section **41-6a-1115.5** is amended to read:

392 **41-6a-1115.5. Electric assisted bicycles -- Restrictions -- Penalties.**

393 (1) Except as otherwise provided in this section, an electric assisted bicycle is subject
 394 to the provisions under this chapter for a bicycle.

395 (2) (a) ~~[An]~~ Except as provided in Subsection (2)(b), an individual may operate an
 396 electric assisted bicycle on a path or trail designated for the use of a bicycle.

397 (b) Except as provided in Subsection (2)(c), an individual may not operate an electric
 398 assisted bicycle other than a class 1 electric assisted mountain bicycle on a dirt trail.

399 (c) In accordance with Section [41-6a-1115.6](#), an individual with a valid trail

400 accessibility card may operate an electric assisted bicycle on any path or trail designated for the
401 use of a bicycle.

402 (3) (a) [~~A~~] Except as provided in Subsection (3)(b), a local authority or state agency
403 may adopt an ordinance or rule to regulate or restrict the use of an electric assisted bicycle, or a
404 specific classification of an electric assisted bicycle, on a sidewalk, path, or trail within the
405 jurisdiction of the local authority or state agency.

406 (b) A local authority or a state agency may not adopt an ordinance or rule to regulate or
407 restrict a person from using an electric assisted bicycle on a sidewalk, path, or trail within the
408 jurisdiction of the local authority or state agency if the person has a trail accessibility card
409 issued in accordance with Section [41-6a-1115.6](#).

410 (4) An individual under 16 years [~~of age~~] old may not operate a class 3 electric assisted
411 bicycle.

412 (5) An individual under 14 years [~~of age~~] old may not operate an electric assisted
413 bicycle with the electric motor engaged on any public property, highway, path, or sidewalk
414 unless the individual is under the direct supervision of the individual's parent or guardian.

415 (6) An individual under eight years [~~of age~~] old may not operate an electric assisted
416 bicycle with the electric motor engaged on any public property, highway, path, or sidewalk.

417 (7) The owner of an electric assisted bicycle may not authorize or knowingly permit an
418 individual to operate an electric assisted bicycle in violation of this section.

419 (8) (a) Beginning January 1, 2017, each Utah-based manufacturer of an electric assisted
420 bicycle and each distributor of an electric assisted bicycle in Utah shall permanently affix a
421 label in a prominent location on the electric assisted bicycle.

422 (b) Each manufacturer and each distributor shall ensure that the label is printed in Arial
423 font, in 9-point type or larger, and includes the:

424 (i) appropriate electric assisted bicycle classification number described in Section
425 [41-6a-102](#);

426 (ii) top assisted speed; and

427 (iii) wattage of the motor.

428 (9) An individual who violates this section is guilty of an infraction.

429 (10) A class 2 electric assisted bicycle is subject to the restrictions of Section
430 [41-6a-526](#).

431 Section 3. Section **41-6a-1115.6** is enacted to read:

432 **41-6a-1115.6. Electric assisted bicycle use by a person with a disability.**

433 (1) For purposes of Section [41-6a-1115.5](#) and this section:

434 (a) "Advanced practice registered nurse" means a person licensed to practice as an
435 advanced practice registered nurse in this state under Title 58, Chapter 31b, Nurse Practice Act.

436 (b) "Cycling disability" means a physical disability that in the opinion of a medical
437 advisor reduces a person's mobility to a degree that may require mechanical assistance in order
438 for the person to benefit from cycling.

439 (c) "Medical advisor" means an advanced practice registered nurse, a nurse
440 practitioner, a physician, or a physician assistant.

441 (d) "Nurse practitioner" means an advanced practice registered nurse specializing as a
442 nurse practitioner.

443 (e) "Physician" means a person licensed to practice as a physician or osteopath in this
444 state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
445 Osteopathic Medical Practice Act.

446 (f) "Physician assistant" means an individual licensed to practice as a physician
447 assistant in the state under Title 58, Chapter 70a, Utah Physician Assistant Act.

448 (g) "Trail accessibility card" means a credential issued by the Department of Natural
449 Resources certifying that a person is a person with a cycling disability.

450 (2) Notwithstanding Subsection [41-6a-1115.5\(2\)\(b\)](#), a person with a valid trail
451 accessibility card may operate any electric assisted bicycle on a path or trail designated for the
452 use of a bicycle.

453 (3) (a) A person may apply to the Department of Natural Resources for a trail
454 accessibility card.

455 (b) An applicant for a trail accessibility card shall ensure that an application contains
456 the certification of the applicant's medical advisor that the applicant:

457 (i) has a cycling disability; or

458 (ii) meets the definition of a person with a disability that limits or impairs the ability to
459 walk as defined in the federal Uniform System for Parking for Persons with Disabilities, 23
460 C.F.R. Chapter II, Subchapter B, Pt. 1235.2 (1991).

461 Section 4. Section **41-22-2** is amended to read:

462 **41-22-2. Definitions.**

463 As used in this chapter:

464 (1) "Advisory council" means the Off-highway Vehicle Advisory Council appointed by
465 the Division of Recreation.466 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width,
467 having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure
468 tires, having a seat designed to be straddled by the operator, and designed for or capable of
469 travel over unimproved terrain.470 (3) (a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width,
471 traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a
472 rollover protection system, and designed for or capable of travel over unimproved terrain, and
473 is:

474 (i) an electric-powered vehicle; or

475 (ii) a vehicle powered by an internal combustion engine and has an unladen dry weight
476 of 2,500 pounds or less.477 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to
478 carry a person with a disability, any vehicle not specifically designed for recreational use, or
479 farm tractors as defined under Section [41-1a-102](#).480 (4) (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in
481 Subsection (2), (3), [~~12~~] [\(13\)](#), or [~~22~~] [\(23\)](#), designed for or capable of travel over
482 unimproved terrain.483 (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to
484 carry a person with a disability, any vehicle not specifically designed for recreational use, or
485 farm tractors as defined under Section [41-1a-102](#).486 (5) "Class 1 electric assisted bicycle" means the same as that term is defined in Section
487 [41-6a-102](#).488 [~~5~~] [\(6\)](#) "Commission" means the Outdoor Adventure Commission.489 [~~6~~] [\(7\)](#) "Cross-country" means across natural terrain and off an existing highway,
490 road, route, or trail.491 [~~7~~] [\(8\)](#) "Dealer" means a person engaged in the business of selling off-highway
492 vehicles at wholesale or retail.

493 ~~[(8)]~~ (9) "Division" means the Division of Recreation.

494 ~~[(9)]~~ (10) "Low pressure tire" means any pneumatic tire six inches or more in width
495 designed for use on wheels with rim diameter of 14 inches or less and utilizing an operating
496 pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

497 ~~[(10)]~~ (11) "Manufacturer" means a person engaged in the business of manufacturing
498 off-highway vehicles.

499 ~~[(11)]~~ (12) (a) "Motor vehicle" means every vehicle which is self-propelled.

500 (b) "Motor vehicle" includes an off-highway vehicle.

501 ~~[(12)]~~ (13) "Motorcycle" means every motor vehicle having a saddle for the use of the
502 operator and designed to travel on not more than two tires.

503 ~~[(13)]~~ (14) "Off-highway implement of husbandry" means every all-terrain type I
504 vehicle, all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is
505 used by the owner or the owner's agent for agricultural operations.

506 ~~[(14)]~~ (15) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,
507 all-terrain type II vehicle, all-terrain type III vehicle, ~~[(or)]~~ motorcycle, or a class 1 electric
508 assisted bicycle with a power output of 251 watts or more.

509 ~~[(15)]~~ (16) "Operate" means to control the movement of or otherwise use an
510 off-highway vehicle.

511 ~~[(16)]~~ (17) "Operator" means the person who is in actual physical control of an
512 off-highway vehicle.

513 ~~[(17)]~~ (18) "Organized user group" means an off-highway vehicle organization
514 incorporated as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised
515 Nonprofit Corporation Act, for the purpose of promoting the interests of off-highway vehicle
516 recreation.

517 ~~[(18)]~~ (19) "Owner" means a person, other than a person with a security interest,
518 having a property interest or title to an off-highway vehicle and entitled to the use and
519 possession of that vehicle.

520 ~~[(19)]~~ (20) "Public land" means land owned or administered by any federal or state
521 agency or any political subdivision of the state.

522 ~~[(20)]~~ (21) "Register" means the act of assigning a registration number to an
523 off-highway vehicle.

524 [~~(21)~~] (22) "Roadway" is used as defined in Section 41-6a-102.

525 [~~(22)~~] (23) "Snowmobile" means any motor vehicle designed for travel on snow or ice
526 and steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure
527 tires.

528 [~~(23)~~] (24) "Street or highway" means the entire width between boundary lines of every
529 way or place of whatever nature, when any part of it is open to the use of the public for
530 vehicular travel.

531 [~~(24)~~] (25) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same
532 meaning as defined in Section 41-6a-102.

533 Section 5. Section 63I-1-241 is amended to read:

534 **63I-1-241. Repeal dates, Title 41.**

535 (1) Subsection 41-1a-1201(9), related to the Spinal Cord and Brain Injury
536 Rehabilitation Fund, is repealed January 1, 2025.

537 (2) Section 41-3-106, which creates an advisory board related to motor vehicle
538 business regulation, is repealed July 1, 2024.

539 (3) The following subsections addressing lane filtering are repealed on July 1, 2022:

540 (a) Subsection 41-6a-102~~[(30)]~~ (31) that defines "lane filtering";

541 (b) Subsection 41-6a-704(5); and

542 (c) Subsection 41-6a-710(1)(c).

543 (4) Subsection 41-6a-1406(6)(b)(iii), related to the Spinal Cord and Brain Injury
544 Rehabilitation Fund, is repealed January 1, 2025.

545 (5) Subsections 41-22-2(1) and 41-22-10(1)(a), which create the Off-highway Vehicle
546 Advisory Council, are repealed July 1, 2027.

547 (6) Subsection 41-22-8(3), related to the Spinal Cord and Brain Injury Rehabilitation
548 Fund, is repealed January 1, 2025.