

Representative Johnny Anderson proposes the following substitute bill:

BICYCLE MODIFICATIONS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Johnny Anderson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Traffic Code by amending provisions relating to bicycles.

Highlighted Provisions:

This bill:

- ▶ amends the definition of a bicycle and an electric assisted bicycle;
- ▶ provides that equipping the operator of a bicycle, rather than the bicycle, with certain lamps and reflective material meets certain night time equipment requirements; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-102, as last amended by Laws of Utah 2009, Chapter 311

41-6a-1114, as renumbered and amended by Laws of Utah 2005, Chapter 2

41-6a-1634, as renumbered and amended by Laws of Utah 2005, Chapter 2



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

Section 1. 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" has the same meaning as 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) (a) "Bicycle" means ~~every device~~ a wheeled vehicle:

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

~~[(ii) upon which a person may ride; and]~~

~~[(iii) having two tandem wheels.]~~

(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.

~~[(b)] (c)~~ "Bicycle" does not include scooters and similar devices.

(5) (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.

(6) (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.

- 57 (b) "Circular intersection" includes:
- 58 (i) roundabouts;
- 59 (ii) rotaries; and
- 60 (iii) traffic circles.
- 61 (7) "Commissioner" means the commissioner of the Department of Public Safety.
- 62 (8) "Controlled-access highway" means a highway, street, or roadway:
- 63 (a) designed primarily for through traffic; and
- 64 (b) to or from which owners or occupants of abutting lands and other persons have no
- 65 legal right of access, except at points as determined by the highway authority having
- 66 jurisdiction over the highway, street, or roadway.
- 67 (9) "Crosswalk" means:
- 68 (a) that part of a roadway at an intersection included within the connections of the
- 69 lateral lines of the sidewalks on opposite sides of the highway measured from:
- 70 (i) (A) the curbs; or
- 71 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 72 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
- 73 included within the extension of the lateral lines of the existing sidewalk at right angles to the
- 74 centerline; or
- 75 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
- 76 pedestrian crossing by lines or other markings on the surface.
- 77 (10) "Department" means the Department of Public Safety.
- 78 (11) "Direct supervision" means oversight at a distance within which:
- 79 (a) visual contact is maintained; and
- 80 (b) advice and assistance can be given and received.
- 81 (12) "Divided highway" means a highway divided into two or more roadways by:
- 82 (a) an unpaved intervening space;
- 83 (b) a physical barrier; or
- 84 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 85 (13) "Electric assisted bicycle" means a moped:
- 86 (a) with an electric motor with a power output of not more than 1,000 watts; and
- 87 (b) which is not capable of:

88 (i) propelling the device at a speed of more than 20 miles per hour on level ground[;
89 and] when:

90 (A) powered solely by the electric motor; and

91 (B) operated by a person who weighs 170 pounds; and

92 (ii) increasing the speed of the device when human power is used to propel the device
93 at more than 20 miles per hour[-];

94 (c) has fully operable pedals on permanently affixed cranks; and

95 (d) weighs less than 75 pounds.

96 (14) (a) "Electric personal assistive mobility device" means a self-balancing device
97 with:

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

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

100 conditions;

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

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

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

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

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

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

114 (17) "Flammable liquid" means a liquid [~~which~~] that has a flashpoint of 100 degrees F.
115 or less, as determined by a tagliabue or equivalent closed-cup test device.

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

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

119 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
120 including similar areas between merging or splitting highways.

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

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

126 (22) "Highway authority" has the same meaning as defined in Section 72-1-102.

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

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

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

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

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

136 (24) "Island" means an area between traffic lanes or at an intersection for control of
137 vehicle movements or for pedestrian refuge designated by:

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

140 (b) channelizing devices;

141 (c) curbs;

142 (d) pavement edges; or

143 (e) other devices.

144 (25) "Law enforcement agency" has the same meaning as defined in Section 53-1-102.

145 (26) "Limited access highway" means a highway:

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

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

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

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

- 154 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
- 155 (ii) has a capacity of not more than four passengers, including the driver.

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

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

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

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

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

- 164 (i) designed for off-highway use; and
- 165 (ii) registered as an off-highway vehicle under Section 41-22-3.

166 (31) "Mobile home" means:

167 (a) a trailer or semitrailer [~~which~~] that is:

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

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

171 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
172 constructed for use as a mobile home, as defined in Subsection (31)(a), but [~~which~~] that is
173 instead used permanently or temporarily for:

- 174 (i) the advertising, sale, display, or promotion of merchandise or services; or
- 175 (ii) any other commercial purpose except the transportation of property for hire or the
176 transportation of property for distribution by a private carrier.

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

- 178 (i) pedals to permit propulsion by human power; and
- 179 (ii) a motor [~~which~~] that:

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

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

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

186 (c) "Moped" includes an electric assisted bicycle and a motor assisted scooter.

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

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

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

190 (c) a gas or electric motor not exceeding 40 cubic centimeters;

191 (d) either:

192 (i) a deck design for a person to stand while operating the device; or

193 (ii) a deck and seat designed for a person to sit, straddle, or stand while operating the
194 device; and

195 (e) a design for the ability to be propelled by human power alone.

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

199 (b) "Motor vehicle" does not include vehicles moved solely by human power,
200 motorized wheelchairs, or an electric personal assistive mobility device.

201 (35) "Motorcycle" means a motor vehicle, other than a tractor, having a seat or saddle
202 for the use of the rider and designed to travel with not more than three wheels in contact with
203 the ground.

204 (36) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped, electric
205 assisted bicycle, motor assisted scooter, and every motorized bicycle having:

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

207 (ii) a motor [~~which~~] that produces not more than five horsepower.

208 (b) "Motor-driven cycle" does not include an electric personal assistive mobility
209 device.

210 (37) "Off-highway implement of husbandry" has the same meaning as defined under
211 Section 41-22-2.

212 (38) "Off-highway vehicle" has the same meaning as defined under Section 41-22-2.

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

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

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

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

221 (42) "Pedestrian" means a person traveling:

222 (a) on foot; or

223 (b) in a wheelchair.

224 (43) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
225 pedestrians.

226 (44) "Person" means every natural person, firm, copartnership, association, or
227 corporation.

228 (45) "Pole trailer" means every vehicle without motive power:

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

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

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

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

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

242 (49) "Railroad train" means a locomotive propelled by any form of energy, coupled

243 with or operated without cars, and operated upon rails.

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

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

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

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

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

257 (53) (a) "School bus" means a motor vehicle that:

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

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

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

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

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

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

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

269 (55) "Shoulder area" means:

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

273 (b) that portion of the road contiguous to the roadway for accommodation of stopped

274 vehicles, for emergency use, and for lateral support.

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

277 (57) "Solid rubber tire" means a tire of rubber or other resilient material [~~which~~] that
278 does not depend on compressed air for the support of the load.

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

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

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

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

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

286 (61) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
287 vehicle or utility type vehicle that is modified to meet the requirements of Section 41-6a-1509
288 to operate on highways in the state in accordance with Section 41-6a-1509.

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

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

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

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

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

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

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

304 (68) "Truck tractor" means a motor vehicle:

305 (a) designed and used primarily for drawing other vehicles; and
306 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
307 tractor.

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

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

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

316 (71) (a) "Utility type vehicle" means any recreational vehicle designed for and capable
317 of travel over unimproved terrain:

- 318 (i) traveling on four or more tires;
- 319 (ii) having a width of 30 to 70 inches;
- 320 (iii) having an unladen dry weight of 2,200 pounds or less;
- 321 (iv) having a seat height of 25 to 40 inches when measured at the forward edge of the
322 seat bottom; and

323 (v) having side-by-side seating with a steering wheel for control.

324 (b) "Utility type vehicle" does not include:

- 325 (i) an all-terrain type I vehicle;
- 326 (ii) an all-terrain type II vehicle;
- 327 (iii) a motorcycle; or
- 328 (iv) a snowmobile as defined in Section 41-22-2.

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

332 Section 2. Section **41-6a-1114** is amended to read:

333 **41-6a-1114. Bicycles -- Lamps and reflective material required.**

334 (1) [~~Every~~] A bicycle in use or a person operating a bicycle at the times described in
335 Section 41-6a-1603 shall be equipped with a:

336 (a) ~~[lamp of a type approved by the department which is on the front emitting]~~ forward
337 facing lamp that emits a white light visible from a distance of at least 500 feet to the front; and

338 (b) (i) rear facing red reflector ~~[of a type approved by the department which]~~ that is
339 visible for 500 feet ~~[to the rear]~~ when directly in front of lawful lower beams of head lamps on
340 a motor vehicle; or

341 (ii) ~~[red taillight]~~ rear facing red lamp that is designed for use on a bicycle and
342 ~~[emitting]~~ that emits flashing or nonflashing light visible from a distance of 500 feet to the rear.

343 (2) ~~[Every]~~ A bicycle when in use or a person operating a bicycle at the times described
344 in Section 41-6a-1603 shall be equipped with:

345 (a) reflective material of sufficient size and reflectivity to be visible from both sides for
346 500 feet when directly in front of lawful lower beams of head lamps on a motor vehicle; or

347 (b) ~~[in lieu of reflective material, a lighted lamp]~~ a lamp that emits light visible from
348 both sides from a distance of at least 500 feet.

349 (3) A bicycle or ~~[its rider]~~ a person operating a bicycle may be equipped with ~~[lights]~~
350 lamps or reflectors in addition to those required by Subsections (1) and (2).

351 Section 3. Section **41-6a-1634** is amended to read:

352 **41-6a-1634. Safety chains on towed vehicles required -- Exceptions.**

353 (1) A towed vehicle shall be coupled by means of a safety chain, cable or equivalent
354 device, in addition to the regular trailer hitch or coupling.

355 (2) Except as provided under Subsection (3), a safety chain, cable or equivalent device
356 shall be:

357 (a) securely connected with the chassis of the towing vehicle, the towed vehicle, and
358 the drawbar;

359 (b) of sufficient material and strength to prevent the two vehicles from becoming
360 separated; and

361 (c) attached to:

362 (i) have no more slack than is necessary for proper turning;

363 (ii) the trailer drawbar to prevent it from dropping to the ground; and

364 (iii) assure the towed vehicle follows substantially in the course of the towing vehicle
365 in case the vehicles become separated.

366 (3) The provisions of Subsection (2) do not apply to a:

- 367 (a) semitrailer having a connecting device composed of a fifth wheel and king pin
368 assembly; [~~or~~]
369 (b) pole trailer[-]; or
370 (c) trailer being towed by a bicycle.