

**MOBILE CARRIER AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stewart E. Barlow**

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

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**LONG TITLE****General Description:**

This bill defines a mobile carrier and enacts provisions related to the operation of a mobile carrier.

**Highlighted Provisions:**

This bill:

- ▶ defines "mobile carrier";
- ▶ allows an individual to operate a mobile carrier on a sidewalk or crosswalk;
- ▶ requires an individual to operate a mobile carrier in a safe manner, and to yield to pedestrians; 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 2018, Chapters 166 and 205

**41-6a-1119**, as enacted by Laws of Utah 2018, Chapter 205

**ENACTS:**

**41-6a-1120**, Utah Code Annotated 1953



*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" 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 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 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 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:

- 183 (a) a trailer or semitrailer that is:
- 184 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
- 185 place either permanently or temporarily; and
- 186 (ii) equipped for use as a conveyance on streets and highways; or
- 187 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
- 188 constructed for use as a mobile home, as defined in Subsection (35)(a), but that is instead used
- 189 permanently or temporarily for:
- 190 (i) the advertising, sale, display, or promotion of merchandise or services; or
- 191 (ii) any other commercial purpose except the transportation of property for hire or the
- 192 transportation of property for distribution by a private carrier.
- 193 (36) (a) "Moped" means a motor-driven cycle having:
- 194 (i) pedals to permit propulsion by human power; and
- 195 (ii) a motor that:
- 196 (A) produces not more than two brake horsepower; and
- 197 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
- 198 level ground.
- 199 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
- 200 centimeters and the moped shall have a power drive system that functions directly or
- 201 automatically without clutching or shifting by the operator after the drive system is engaged.
- 202 (c) "Moped" includes a motor assisted scooter.
- 203 (d) "Moped" does not include an electric assisted bicycle.
- 204 (37) (a) "Motor assisted scooter" means a self-propelled device with:
- 205 (i) at least two wheels in contact with the ground;
- 206 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 207 (iii) a gas or electric motor not exceeding 40 cubic centimeters;
- 208 (iv) either:
- 209 (A) a deck design for a person to stand while operating the device; or
- 210 (B) a deck and seat designed for a person to sit, straddle, or stand while operating the
- 211 device; and
- 212 (v) a design for the ability to be propelled by human power alone.
- 213 (b) "Motor assisted scooter" does not include an electric assisted bicycle.

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

(b) "Motor vehicle" does not include vehicles moved solely by human power, motorized wheelchairs, an electric personal assistive mobility device, an electric assisted bicycle, ~~or~~ a personal delivery device, as defined in Section [41-6a-1119](#), or a mobile carrier, as defined in Section [41-6a-1120](#).

(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 motorcycle, motor scooter, moped, motor assisted scooter, and every 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) 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:



245 (a) on foot; or

246 (b) in a wheelchair.

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

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

251 (49) "Pole trailer" means every vehicle without motive power:

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

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

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

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

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

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

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

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

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

275 (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]~~ a mobile carrier, as defined in Section 41-6a-1120, or a device used exclusively on stationary rails or tracks.

Section 2. Section **41-6a-1119** is amended to read:

**41-6a-1119. Personal delivery device.**

(1) As used in this section:

(a) "Eligible entity" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.

(b) "Hazardous material" means any substance defined, regulated, or listed as a hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant, or toxic substance, or identified as hazardous to human health or the environment, under state or federal law or regulation.

(c) (i) "Personal delivery device" means an electrically powered device to which all of the following apply:

~~[(i)]~~ (A) the device is intended primarily to transport property on a sidewalk or crosswalk;

~~[(ii)]~~ (B) the device weighs less than 150 pounds excluding any property being carried in the device, except that a local highway authority may allow a device within the local highway authority's jurisdiction to exceed this weight limit through a local permit or local ordinance;

~~[(iii)]~~ (C) the device has a maximum speed of 10 miles per hour; and

~~[(iv)]~~ (D) the device is equipped with technology that enables the operation of the device~~[:]~~ with or without active control or monitoring by a person.

~~[(A) with active control or monitoring by a person;]~~

~~[(B) without active control or monitoring by a person; or]~~

~~[(C) both with or without active control or monitoring by a person.]~~

(ii) A mobile carrier as defined in Section 41-6a-1120 is not a personal delivery device.

(d) (i) "Personal delivery device operator" means an employee or agent of an eligible entity who exercises active physical control over, or monitoring of, the navigation and

operation of a personal delivery device.

(ii) "Personal delivery device operator" does not include:

(A) with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service; or

(B) a person who only arranges for and dispatches a personal delivery device for a delivery or other service.

(2) An eligible entity may operate a personal delivery device on a sidewalk or crosswalk so long as all of the following requirements are met:

(a) the personal delivery device is operated in accordance with the local ordinances, if any, established by the local highway authority governing where the personal delivery device is operated;

(b) a personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device;

(c) the eligible entity maintains an insurance policy that includes general liability coverage of not less than \$100,000 for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity; and

(d) the personal delivery device is equipped with all of the following:

(i) a marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;

(ii) a braking system that enables the personal delivery device to come to a controlled stop; and

(iii) if the personal delivery device is being operated between sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible on all sides of the personal delivery device in clear weather from a distance of at least 500 feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.

(3) A personal delivery device operator may not allow a personal delivery device to do any of the following:

(a) fail to comply with traffic or pedestrian control devices and signals;

(b) unreasonably interfere with pedestrians or traffic;

(c) transport hazardous material; or

(d) operate on a street or highway, except when crossing the street or highway within a crosswalk.

(4) A personal delivery device has the rights and obligations applicable to a pedestrian under the same circumstances, except that a personal delivery device shall yield the right-of-way to a pedestrian on a sidewalk or crosswalk.

(5) A person may not operate a personal delivery device unless the person complies with this section.

(6) An eligible entity is responsible for both of the following:

(a) a violation of this section that is committed by a personal delivery device operator operated for the benefit of the eligible entity; and

(b) any other circumstance, including a technological malfunction, in which a personal delivery device operates in a manner prohibited by Subsection (3).

(7) A violation of this section is an infraction.

Section 3. Section **41-6a-1120** is enacted to read:

**41-6a-1120. Mobile carrier device.**

(1) "Mobile carrier" means an electrically powered device that:

(a) is operated on a sidewalk or crosswalk;

(b) is intended primarily for the transport of property while remaining within 25 feet of the human operator;

(c) weighs less than 150 pounds, excluding cargo;

(d) has a maximum speed of 12.5 miles per hour;

(e) is equipped with a technology to transport personal property with the active monitoring of a personal property owner; and

(f) is primarily designed to remain within 25 feet of the personal property owner.

(2) A mobile carrier is not a vehicle or personal delivery device as defined in Section [41-6a-1119](#).

(3) A mobile carrier may be operated on a sidewalk or crosswalk if all of the following requirements are met:

(a) the mobile carrier is operated in accordance with the local ordinances, if any, established by the local highway authority;

(b) the mobile carrier remains at all times within 25 feet of the human operator while

431 the mobile carrier is in motion;

432 (c) the mobile carrier is equipped with a braking system that enables the mobile carrier  
433 to come to a controlled stop; and

434 (d) if the mobile carrier is being operated between sunset and sunrise, a light on both  
435 the front and rear of the mobile carrier that is visible on all sides of the mobile carrier in clear  
436 weather from a distance of at least 500 feet to the front and rear of the mobile carrier when  
437 directly in front of low beams of headlights on a motor vehicle.

438 (4) A personal property owner monitoring the mobile carrier may not allow a mobile  
439 carrier to:

440 (a) fail to comply with a traffic or pedestrian control device or signal;

441 (b) unreasonably interfere with a pedestrian or traffic;

442 (c) transport hazardous material; or

443 (d) operate on a street or highway, except when crossing the street or highway within a  
444 crosswalk.

445 (5) A mobile carrier has the rights and obligations applicable to a pedestrian under the  
446 same circumstances, except that a mobile carrier shall yield the right-of-way to a pedestrian on  
447 a sidewalk or crosswalk.

448 (6) A personal property owner may not operate a mobile carrier unless the person  
449 complies with this section.

450 (7) A violation of this section is an infraction.