

## Title 41, Chapter 6 Traffic Code Recodification Summary

Title 41, Chapter 6, Traffic Rules and Regulations includes the primary traffic laws of the state. Citizens, law enforcement, and the judicial system daily rely on these traffic laws. Many of these state statutes have not been updated since 1979 and some are as old as 1955. In its April 2004 meeting the Transportation Interim Committee unanimously voted to support, prioritize, and proceed with the recodification of this chapter.

“Traffic Code Recodification and Revisions” updates statutory language and is meant to improve organization and readability, and reduce ambiguities, inconsistencies, and conflicts. Several state and local agencies and industry representatives were involved in reviewing the changes and in making suggestions. These included:

- Driver License Division
- Utah Department of Transportation
- Utah State Tax Commission
- Statewide Association of Prosecutors
- Office of the Court Administrator
- American Automobile Association
- Utah Highway Patrol
- Utah Association of Counties
- Utah League of Cities and Towns
- Chief’s of Police Association
- Utah Sheriffs’ Association
- State Farm Insurance

Substantive issues have been prepared in separate legislation for consideration by the Committee.

The following is a breakdown of the major changes:

### I. Sections

Utah Code Sections Affected

Amends	Enacts	Renumber and Amends	Repeals	Total
92	14	209	24	339

**Amends** — Sections that reference a section within the old Chapter 6 are included in the bill to update the cross reference accounting for almost all of the amended sections.

**Enacts** — The enacted sections are overwhelmingly rewrites of existing driving under the influence and reckless driving provisions which involved a split into several sections of the old Section 41-6-44 DUI law.

**Re numbers and Amends** —Title 41, Chapter 6, Traffic Rule and Regulations, is renumbered and amended to Chapter 6a, Traffic Code. The 18 articles in the old Chapter 6 are changed and reorganized into 18 parts and placed into Chapter 6a.

**Repeals** — Repealed sections include sections that were combined into other sections or sections that

were clearly considered outdated.

## II. Parts

- Part 1, Title and Definitions** — provides 68 definitions which includes 12 new definitions.
- Part 2, Applicability and Obedience to Traffic Laws** — provides who is subject to the chapter and the relationship of provisions of federal and local governments including authorized emergency vehicles.
- Part 3, Traffic-control Devices** — provides for uniformity of traffic control devices, maintenance, placement, reduced speed school zones, meaning of light colors and signals, and unauthorized use.
- Part 4, Accident Responsibilities** — several sections are consolidated to provide operator duties in the event of an accident and provides investigation procedures, reports, statistics, and collision with livestock provisions.
- Part 5, Driving Under the Influence and Reckless Driving** — the primary DUI section is split to provide a section each for definitions, elements of the offense, penalties, defense limitations, sentencing, electronic monitoring, supervised probation, arrest without a warrant, and driver license suspensions. The part also covers local DUI and reckless driving ordinances, court maintenance of data, factual basis and acceptance of a plea, adjudicative proceedings, standard for chemical tests, not a drop, ignition interlock devices, prosecution, implied consent, hearings for refusal, withdrawal of blood, reporting test results, open containers, vehicle impounds, and reckless driving.
- Part 6, Speed Restrictions** — Repealed Section 41-6-50 special speeds for bridges since bridges are part of a highway and are included under highway speed. The part provides for speeding restrictions, establishment on highways, maximum speed limit in reduced speed school zones, minimum speed restrictions, speed contests prohibition, speed violations, photo radar restrictions, and radar jamming device restrictions.
- Part 7, Driving on Right Side of Highway and Passing** — provides for driving on the right side of the road, lane restrictions, passing restrictions, one-way traffic, divided highways, following to close, gore and island restrictions, and controlled access highways.
- Part 8, Turning and Signaling for Turns** — provides for turning, turning around, moving from a stopped position, and changing lanes.
- Part 9, Right-of-Way** — provides for right-of-way between vehicles, stopping and yielding, merging lanes, approaching emergency vehicles, workers on a highway, and designation of through highways.
- Part 10, Pedestrians' Rights and Duties** — provides for pedestrian are subject to traffic control devices, right-of-way, yielding right-of-way, railroad area restrictions for pedestrians, due care to avoid pedestrians, use of roadway, unmarked crosswalks, and pedestrian vehicles.
- Part 11, Bicycles, Regulation of Operation** — provides for parent responsibility for children violating chapter, bicycle subject to chapter, carrying persons, attaching to moving vehicles, operation on roadway, yielding to pedestrians, parking on sidewalks, turns and designated lanes, inspections, racing when approved, carrying packages, equipment, lamps, motor assisted scooter restrictions, and personal motorized mobility devices.

- Part 12,**     **Railroad Trains, Railroad Grade Crossings, and Safety Zones** — Moved Sections 41-6-95, 41-6-95.5, 41-6-97, and 41-6-98 from Article 13, Special Stops Required, to Part 12, Railroad Trains, Railroad Grade Crossings, and Safety Zones. The part provides for driving on tracks limitations, railroad grade crossing duties, and interference with vehicle restrictions.
- Part 13,**     **School Buses and School Bus Parking Zones** — provides for standards and specifications of lights and warning devices, flashing light provisions, passing a school bus restrictions, complaint procedures, rules for design and operation, violations, removal from service, repainting, and parking zones.
- Part 14,**     **Stopping, Standing, and Parking** — provides for stopping, standing, and parking restrictions, angle parking, unattended vehicle requirements, business or residential district restrictions, moving vehicle by a peace officer, impoundment of vehicles, removal of unattended vehicles, and abandoned vehicles.
- Part 15,**     **Special Vehicles** — created new Part 15, Special Vehicles for provisions for motorcycles, motor driven cycles, replica vehicles, and low speed vehicles.
- Part 16,**     **Vehicle Equipment** — eliminated provisions making it a criminal penalty to violate an administrative rule “Gallion squarely held that crime definition and penalty powers are essential legislative functions” that cannot be delegated (see State v. Gallion, 572 p. 2d. 683 Utah 1977). Clarify penalties in old Section 41-6-117 to conform to other chapter provisions. Added specific rulemaking provisions since rulemaking is implied. Put in statute current UHP rules adopting specific federal standards. Combined several sections regarding lighting into one section. The part provides that vehicles on the highway must be in safe condition, display of lights based on conditions, head lamps, tail lamps, stop lamps, load extensions beyond rear of vehicle, parking lamps, slow-moving vehicles, spot lamps, hazard warning lamps, back-up lamps, dimming of lights, red and blue lights restrictions, flashing lights, highway maintenance vehicles lighting, sale and use of unapproved equipment, department approval, hearings, purchase and testing, braking systems, repair of deployed airbag, horns, mufflers, mirrors, safety belts, frame height, restrictions, bumpers, mudguards, safety chains, windshield and tinting, tires, flares, warning signals around disabled vehicles, hazardous materials rules, air conditioning, video display restrictions, emissions inspection, and diesel emissions program.
- Part 17,**     **Miscellaneous Rules** — Clarifies that only authorized emergency vehicles can follow fire apparatus closer than 500 feet in old Section 41-6-112. The part provides for backing, driving on sidewalk prohibitions, passenger in improper portion of a vehicle, door opening restrictions, passenger limitations, occupancy of a moving trailer prohibitions, obstructing traffic, control of vehicle in canyons, coasting prohibited, following a fire truck, driving over a firehose, littering, and warning signs.
- Part 18 ,**     **Motor Vehicle Safety Belt Usage** — provides for definitions, wearing safety belt and child restrain requirements, exceptions, penalties, and civil litigation.

### III. Other Changes

Moved needed provisions related to arrests for traffic offenses to Title 77, Chapter 7, Arrest, By Whom,

and How Made including:

- Section 41-6-166 and combine provisions into 77-7-23
- Section 41-6-167 move to new Section 77-7-24
- Repeal Section 41-6-168 covered under 77-7-22
- Repeal 41-6-169 covered under 77-7-23
- Repealed Sections 41-6-170 and 41-6-171 “are clearly inappropriate remnants of a pre-judicial article revision approach to the rules of evidence. Admissibility and credibility are determined by rules of procedure and evidence promulgated by the Supreme Court.
- Section 41-6-172, moved to new 77-7-26
- Section 41-6-173, move to new 77-7-25 and delete the term “court of record”

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