

Effective 5/13/2014

Superseded 5/12/2015

41-6a-1009 Use of roadway by pedestrians -- Prohibited activities.

- (1) Where there is a sidewalk provided and its use is practicable, a pedestrian may not walk along or on an adjacent roadway.
- (2) Where a sidewalk is not provided, a pedestrian walking along or on a highway shall walk only on the shoulder, as far as practicable from the edge of the roadway.
- (3) Where a sidewalk or a shoulder is not available, a pedestrian walking along or on a highway shall:
 - (a) walk as near as practicable to the outside edge of the roadway; and
 - (b) if on a two-way roadway, walk only on the left side of the roadway facing traffic.
- (4)
 - (a) An individual may not engage in conduct that impedes or blocks traffic within any of the following:
 - (i) an interstate system, as defined in Section 72-1-102;
 - (ii) a freeway, as defined in Section 41-6a-102;
 - (iii) a state highway, as defined in Title 72, Chapter 4, Designation of State Highways Act; or
 - (iv) a state route, or "SR," as defined in Section 72-1-102.
 - (b) The locations described in Subsection (4)(a) include:
 - (i) shoulder areas, as defined in Section 41-6a-102;
 - (ii) on-ramps;
 - (iii) off-ramps; and
 - (iv) an area between the roadways of a divided highway, as defined in Section 41-6a-102.
 - (c) The locations described in Subsection (4)(a) do not include sidewalks, as defined in Section 41-6a-102.
 - (d) Conduct that impedes or blocks traffic may include:
 - (i) loitering;
 - (ii) demonstrating or picketing;
 - (iii) distributing materials;
 - (iv) gathering signatures;
 - (v) holding signs; or
 - (vi) soliciting rides, contributions, or other business.
 - (e) Conduct that impedes or blocks traffic does not include the conduct described in Section 41-6a-209.
 - (f) A county or municipality may adopt a resolution, ordinance, or regulation prohibiting conduct in locations described in Subsections (4)(a) and (b) within any of the roadways under its jurisdiction.
 - (g)
 - (i) The state, a county, or a municipality shall create a permitting process for granting a person an exemption from this Subsection (4).
 - (ii) Upon receipt of a valid permit application, the state, a county, or a municipality shall grant a person a temporary exemption from this Subsection (4) for a specified location or time.
 - (h) Nothing in this section prohibits a temporary spontaneous demonstration.
- (5) A pedestrian who is under the influence of alcohol or any drug to a degree which renders the pedestrian a hazard may not walk or be on a highway except on a sidewalk or sidewalk area.
- (6) Except as otherwise provided in this chapter, a pedestrian on a roadway shall yield the right-of-way to all vehicles on the roadway.

(7) A pedestrian may not walk along or on a no-access freeway facility except during an emergency.

(8)

(a) As used in this Subsection (8):

(i) "Aggressive manner" means intentionally:

(A) persisting in approaching or following an individual after the individual has negatively responded to the solicitation;

(B) engaging in conduct that would cause a reasonable individual to fear imminent bodily harm;

(C) engaging in conduct that would intimidate a reasonable individual into giving money or goods;

(D) blocking the path of an individual; or

(E) physically contacting an individual or the individual's personal property without that individual's consent.

(ii) "Bank" is as defined in Section 13-42-102.

(iii) "Sidewalk" is as defined in Section 41-6a-102.

(b) An individual may not solicit money or goods from another individual in an aggressive manner:

(i) during the business hours of a bank if either the individual soliciting, or the individual being solicited, is on the portion of a sidewalk that is within 10 feet of the bank's entrance or exit;
or

(ii) on the portion of a sidewalk that is within 10 feet of an automated teller machine.