

1 **LIMITATION ON LOCAL HIGHWAY**

2 **AUTHORITIES**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Wayne A. Harper**

6 Senate Sponsor: Michael G. Waddoups

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Motor Vehicles Code by prohibiting a local highway authority
11 from enacting certain provisions.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides that a local highway authority may not prohibit or restrict the use of a
15 cellular phone by the operator or passenger of a motor vehicle; and
16 ▶ makes technical changes.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **41-6a-208**, as renumbered and amended by Chapter 2, Laws of Utah 2005

24

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

26 Section 1. Section **41-6a-208** is amended to read:

27 **41-6a-208. Regulatory powers of local highway authorities -- Traffic-control**



28 **device affecting state highway -- Necessity of erecting traffic-control devices.**

29 (1) The provisions of this chapter do not prevent a local highway authority for a
30 highway under its jurisdiction and within the reasonable exercise of police power, from:

- 31 (a) regulating or prohibiting stopping, standing, or parking;
- 32 (b) regulating traffic by means of a peace officer or a traffic-control device;
- 33 (c) regulating or prohibiting processions or assemblages on a highway;
- 34 (d) designating particular highways or roadways for use by traffic moving in one
35 direction under Section 41-6a-709;
- 36 (e) establishing speed limits for vehicles in public parks, which supersede Section
37 41-6a-603 regarding speed limits;
- 38 (f) designating any highway as a through highway or designating any intersection or
39 junction of roadways as a stop or yield intersection or junction;
- 40 (g) restricting the use of a highway under Section 72-7-408;
- 41 (h) regulating the operation of a bicycle and requiring the registration and inspection of
42 bicycles, including requiring a registration fee;
- 43 (i) regulating or prohibiting:
 - 44 (i) certain turn movements of a vehicle; or
 - 45 (ii) specified types of vehicles;
- 46 (j) altering or establishing speed limits under Section 41-6a-603;
- 47 (k) requiring written accident reports under Section 41-6a-403;
- 48 (l) designating no-passing zones under Section 41-6a-708;
- 49 (m) prohibiting or regulating the use of controlled-access [~~roadways~~] highways by any
50 class or kind of traffic under Section 41-6a-715;
- 51 (n) prohibiting or regulating the use of heavily traveled streets by any class or kind of
52 traffic found to be incompatible with the normal and safe movement of traffic;
- 53 (o) establishing minimum speed limits under Subsection 41-6a-605(3);
- 54 (p) prohibiting pedestrians from crossing a highway in a business district or any
55 designated highway except in a crosswalk under Section 41-6a-1001;
- 56 (q) restricting pedestrian crossings at unmarked crosswalks under Section 41-6a-1010;
- 57 (r) regulating persons upon skates, coasters, sleds, skateboards, and other toy vehicles;
- 58 (s) adopting and enforcing temporary or experimental ordinances as necessary to cover

59 emergencies or special conditions;

60 (t) prohibiting drivers of ambulances from exceeding maximum speed limits; or

61 (u) adopting other traffic ordinances as specifically authorized by this chapter.

62 (2) ~~[m]~~ A local highway authority may not:

63 (a) in accordance with Title 72, Chapter 3, Part 1, Highways in General, [a local
64 ~~highway authority may not]~~ erect or maintain any official traffic-control device at any location
65 which regulates the traffic on a highway not under the local highway authority's jurisdiction,
66 unless written approval is obtained from the highway authority having jurisdiction over the
67 highway~~[-];~~ or

68 (b) prohibit or restrict the use of a cellular phone by the operator or passenger of a
69 motor vehicle.

70 (3) An ordinance enacted under Subsection (1) (d), (e), (f), (g), (i), (j), (l), (m), (n), or
71 (q) is not effective until official traffic-control devices giving notice of the local traffic
72 ordinances are erected upon or at the entrances to the highway or part of it affected as is
73 appropriate.

Legislative Review Note
as of 2-1-06 9:38 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0423

Limitation on Local Highway Authorities

03-Feb-06

3:03 PM

State Impact

Provisions of this bill can be enacted within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst