

1 **TRAFFIC AMENDMENTS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Johnny Anderson**

5 Senate Sponsor: Stephen H. Urquhart

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions relating to the Traffic Code.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ provides that a governing body of a city or town may not prohibit or regulate certain
13 conduct ~~§~~→ **[in the streets] on a highway** ←~~§~~ if the prohibition or regulation is inconsistent with or
13a conflicts

14 with any provision in Title 41, Chapter 6a, Traffic Code;

15 ▶ prohibits a local highway authority from enacting an ordinance that:

16 • is inconsistent with the provisions of Title 41, Chapter 6a, Traffic Code; or
17 • prohibits the use of a bicycle on any public street or highway, except as allowed
18 under current law, without having first documented that the local highway
19 authority has reviewed the safety history of the highway and considered other
20 reasonable alternatives, including signage and routes, and clearly marks a safe
21 alternative route for the prohibited section of highway;

22 ▶ ~~§~~→ **until July 1, 2014, and for an operator of a motorcycle, moped, or bicycle who is**
22a **16 years of age or older,** ←~~§~~ establishes an affirmative defense to a red light or red arrow

22b violation for ~~§~~→ **[an] the** ←~~§~~
23 operator of a motorcycle, moped, or bicycle in certain circumstances; and

24 ▶ makes technical corrections.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **10-8-69**, Utah Code Annotated 1953

32 **41-6a-208**, as last amended by Laws of Utah 2012, Chapter 396

33 **41-6a-305**, as renumbered and amended by Laws of Utah 2005, Chapter 2

34

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

36 Section 1. Section **10-8-69** is amended to read:

37 **10-8-69. ~~§~~ → [Annoying pastimes in streets] Conduct that interferes with or impedes**
 37a **traffic ~~←§~~ .**

38 [~~They~~] (1) Except as provided in Subsection (2), the governing body of a city or town
 39 may prohibit or regulate [the] conduct ~~§~~ → [in the streets that annoys a person passing in the streets
 40 or on sidewalks;] on a highway or sidewalk if the conduct ~~←§~~ interferes with ~~§~~ → or impedes
 40a ~~←§~~ traffic ~~§~~ → [; or frightens horses] ~~←§~~ . including:

41 (a) rolling [of hoops;] a hoop;

42 (b) playing [of] ball[;];

43 (c) flying [of kites;] a kite;

44 (d) riding [of bicycles or tricycles;] a bicycle or tricycle; or

45 (e) any other [amusements or practices having a tendency to annoy persons passing in
 46 the streets or on sidewalks, or to frighten teams of horses, or to interfere with traffic]

47 **~~§~~ → [amusement or practice] conduct or activity that interferes with traffic ~~←§~~ .**

48 (2) A governing body of a city or town may not prohibit or regulate conduct under
 49 Subsection (1) if the prohibition or regulation is inconsistent with or conflicts with any
 50 provision in Title 41, Chapter 6a, Traffic Code.

51 Section 2. Section **41-6a-208** is amended to read:

52 **41-6a-208. Regulatory powers of local highway authorities -- Traffic-control**
 53 **device affecting state highway -- Necessity of erecting traffic-control devices.**

54 (1) As used in this section:

55 (a) (i) "Ground transportation vehicle" means a motor vehicle used for the
 56 transportation of persons, used in ride or shared ride, on demand, or for hire transportation of
 57 passengers or baggage over public highways.

58 (ii) "Ground transportation vehicle" includes a:

- 59 (A) shared ride vehicle;
60 (B) bus;
61 (C) courtesy vehicle;
62 (D) hotel vehicle;
63 (E) limousine;
64 (F) minibus;
65 (G) special transportation vehicle;
66 (H) specialty vehicle;
67 (I) taxicab;
68 (J) van; or
69 (K) trailer being towed by a ground transportation vehicle.
- 70 (b) "Idle" means the operation of a vehicle engine while the vehicle is stationary or not
71 in the act of performing work or its normal function.
- 72 (2) The provisions of this chapter do not prevent a local highway authority for a
73 highway under its jurisdiction and within the reasonable exercise of police power, from:
- 74 (a) regulating or prohibiting stopping, standing, or parking;
75 (b) regulating traffic by means of a peace officer or a traffic-control device;
76 (c) regulating or prohibiting processions or assemblages on a highway;
77 (d) designating particular highways or roadways for use by traffic moving in one
78 direction under Section 41-6a-709;
- 79 (e) establishing speed limits for vehicles in public parks, which supersede Section
80 41-6a-603 regarding speed limits;
- 81 (f) designating any highway as a through highway or designating any intersection or
82 junction of roadways as a stop or yield intersection or junction;
- 83 (g) restricting the use of a highway under Section 72-7-408;
- 84 (h) ~~regulating the operation of a bicycle and~~ requiring the registration and inspection
85 of bicycles, including requiring a registration fee;
- 86 (i) regulating or prohibiting:
87 (i) certain turn movements of a vehicle; or
88 (ii) specified types of vehicles;
89 (j) altering or establishing speed limits under Section 41-6a-603;

- 90 (k) requiring written accident reports under Section 41-6a-403;
- 91 (l) designating no-passing zones under Section 41-6a-708;
- 92 (m) prohibiting or regulating the use of controlled-access highways by any class or
93 kind of traffic under Section 41-6a-715;
- 94 (n) prohibiting or regulating the use of heavily traveled streets by any class or kind of
95 traffic found to be incompatible with the normal and safe movement of traffic;
- 96 (o) establishing minimum speed limits under Subsection 41-6a-605(3);
- 97 (p) prohibiting pedestrians from crossing a highway in a business district or any
98 designated highway except in a crosswalk under Section 41-6a-1001;
- 99 (q) restricting pedestrian crossings at unmarked crosswalks under Section 41-6a-1010;
- 100 (r) regulating persons upon skates, coasters, sleds, skateboards, and other toy vehicles;
- 101 (s) adopting and enforcing temporary or experimental ordinances as necessary to cover
102 emergencies or special conditions;
- 103 (t) prohibiting drivers of ambulances from exceeding maximum speed limits;
- 104 (u) adopting other traffic ordinances as specifically authorized by this chapter; or
- 105 (v) adopting an ordinance that requires a ground transportation vehicle to conform to
106 state safety standards and reasonable annual appearance requirements, in consultation with a
107 transportation advisory board of the local highway authority.
- 108 (3) A local highway authority may not:
 - 109 (a) in accordance with Title 72, Chapter 3, Part 1, Highways in General, erect or
110 maintain any official traffic-control device at any location which regulates the traffic on a
111 highway not under the local highway authority's jurisdiction, unless written approval is
112 obtained from the highway authority having jurisdiction over the highway;
 - 113 (b) prohibit or restrict the use of a cellular phone by the operator or passenger of a
114 motor vehicle;
 - 115 (c) enact an ordinance that prohibits or restricts an owner or operator of a vehicle from
116 causing or permitting the vehicle's engine to idle unless the ordinance:
 - 117 (i) is primarily educational;
 - 118 (ii) provides that a person must be issued at least three warning citations before
119 imposing a fine;
 - 120 (iii) has the same fine structure as a parking violation;

121 (iv) provides for the safety of law enforcement personnel who enforce the ordinance;
122 and

123 (v) provides that the ordinance may be enforced on:

124 (A) public property; or

125 (B) private property that is open to the general public unless the private property
126 owner:

127 (I) has a private business that has a drive-through service as a component of the private
128 property owner's business operations and posts a sign provided by or acceptable to the local
129 highway authority informing its customers and the public of the local highway authority's time
130 limit for idling vehicle engines; or

131 (II) adopts an idle reduction education policy approved by the local highway authority;

132 (d) enact an ordinance that prohibits a vehicle from being licensed as a ground
133 transportation vehicle:

134 (i) if the vehicle to be licensed otherwise passes all state safety inspection requirements
135 established by the Utah Highway Patrol Division in accordance with Section 53-8-204; and

136 (ii) (A) based on the manufacture date of the vehicle; or

137 (B) based on the number of miles the vehicle has accumulated[-]; or

138 (e) enact an ordinance that:

139 (i) is inconsistent with the provisions of this chapter; or

140 (ii) prohibits the use of a bicycle on any public street or highway, except as allowed by
141 Section 41-6a-714, unless the local highway authority has:

142 (A) documented that the local highway authority has reviewed the safety history of the
143 highway and considered other reasonable alternatives, including signage and routes; and

144 (B) clearly marked a safe alternative route for the prohibited section of highway.

145 (4) An ordinance enacted under Subsection (2)(d), (e), (f), (g), (i), (j), (l), (m), (n), or
146 (q) is not effective until official traffic-control devices giving notice of the local traffic
147 ordinances are erected upon or at the entrances to the highway or part of it affected as is
148 appropriate.

149 (5) An ordinance enacted by a local highway authority that violates Subsection (3) is
150 not effective.

151 Section 3. Section **41-6a-305** is amended to read:

152 **41-6a-305. Traffic-control signal -- At intersections -- At place other than**
153 **intersection -- Color of light signal -- Inoperative traffic-control signals.**

154 (1) (a) Green, red, and yellow are the only colors that may be used in a traffic-control
155 signal, except for a:

- 156 (i) pedestrian traffic-control signal that may use white and orange; and
- 157 (ii) rail vehicle that may use white.

158 (b) Traffic-control signals apply to the operator of a vehicle and to a pedestrian as
159 provided in this section.

160 (2) (a) (i) Except as provided in Subsection (2)(a)(ii), the operator of a vehicle facing a
161 circular green signal may:

- 162 (A) proceed straight through the intersection;
- 163 (B) turn right; or
- 164 (C) turn left.

165 (ii) The operator of a vehicle facing a circular green signal, including an operator
166 turning right or left:

- 167 (A) shall yield the right-of-way to other vehicles and to pedestrians lawfully within the
168 intersection or an adjacent crosswalk at the time the signal is exhibited; and
- 169 (B) may not turn right or left if a sign at the intersection prohibits the turn.

170 (b) The operator of a vehicle facing a green arrow signal shown alone or in
171 combination with another indication:

- 172 (i) may cautiously enter the intersection only to make the movement indicated by the
173 arrow or other indication shown at the same time; and
- 174 (ii) shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk
175 and to other traffic lawfully using the intersection.

176 (c) Unless otherwise directed by a pedestrian traffic-control signal under Section
177 41-6a-306, a pedestrian facing any green signal other than a green turn arrow may proceed
178 across the roadway within any marked or unmarked crosswalk.

179 (3) (a) The operator of a vehicle facing a steady circular yellow or yellow arrow signal
180 is warned that the allowable movement related to a green signal is being terminated.

181 (b) Unless otherwise directed by a pedestrian traffic-control signal under Section
182 41-6a-306, a pedestrian facing a steady circular yellow or yellow arrow signal is advised that

183 there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian
184 may not start to cross the roadway.

185 (4) (a) Except as provided in Subsection (4)(c), the operator of a vehicle facing a
186 steady circular red or red arrow signal:

187 (i) may not enter the intersection unless entering the intersection to make a movement
188 is permitted by another indication; and

189 (ii) shall stop at a clearly marked stop line, but if none, before entering the marked or
190 unmarked crosswalk on the near side of the intersection and shall remain stopped until an
191 indication to proceed is shown.

192 (b) Unless otherwise directed by a pedestrian traffic-control signal under Section
193 41-6a-306, a pedestrian facing a steady red signal alone may not enter the roadway.

194 (c) (i) Except when facing a red arrow signal or when a sign is in place prohibiting a
195 turn, the operator of a vehicle facing any steady circular red signal may cautiously enter the
196 intersection to turn right, or may turn left from a one-way street into a one-way street, after
197 stopping as required by Subsection (4)(a).

198 (ii) The operator of a vehicle shall yield the right-of-way to:

199 (A) another vehicle moving through the intersection in accordance with an official
200 traffic-control signal; and

201 (B) a pedestrian lawfully within an adjacent crosswalk.

202 (5) (a) This section applies to a highway or rail line where a traffic-control signal is
203 erected and maintained.

204 (b) Any stop required shall be made at a sign or marking on the highway pavement
205 indicating where the stop shall be made, but, in the absence of any sign or marking, the stop
206 shall be made at the signal.

207 (6) The operator of a vehicle approaching an intersection that has an inoperative
208 traffic-control signal shall:

209 (a) stop before entering the intersection; and

210 (b) yield the right-of-way to any vehicle as required under Section 41-6a-901.

211 **(7) (a) ~~§~~ → [H] Until July 1, 2014, and for an operator of a motorcycle, moped, or**
211a **bicycle who is 16 years of age or older, it ~~←~~§ is an affirmative defense to a violation of**
211b **Subsection (4)(a) if ~~§~~ → [an] the ~~←~~§ operator of a**
212 **motorcycle, moped, or bicycle facing a steady circular red signal or red arrow:**

213 (i) brings the motorcycle, moped, or bicycle to a complete stop at the intersection or

214 stop line;

215 (ii) determines that:

216 (A) the traffic-control signal has not detected the operator's presence by waiting a

217 reasonable period of time ~~H→~~ of not less than 90 seconds ~~←H~~ at the intersection or stop line

217a before entering the intersection;

218 (B) no other vehicle that is entitled to have the right-of-way under applicable law is

219 sitting at, traveling through, or approaching the intersection; and

220 (C) no pedestrians are attempting to cross at or near the intersection in the direction of

221 travel of the operator; and

222 (iii) cautiously enters the intersection and proceeds across the roadway.

223 (b) The affirmative defense under this section does not apply at an active railroad grade

224 crossing as defined in Section 41-6a-1005.

Legislative Review Note

as of 2-13-13 8:59 AM

Office of Legislative Research and General Counsel