

TRAFFIC CODE MODIFICATIONS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Traffic Code by amending traffic code provisions.

Highlighted Provisions:

This bill:

- ▶ defines free-flowing traffic;
- ▶ provides that in free-flowing traffic on a highway having more than one lane in the same direction, an operator of a vehicle shall, when changing to a different lane, avoid disrupting traffic flow by accelerating or decelerating with due regard for the speed and proximity of other vehicles in that lane;
- ▶ provides that in free-flowing traffic on a highway having more than one lane in the same direction, if a vehicle is following directly behind an operator's vehicle in the left general purpose lane at a distance so that less than three seconds elapse before reaching the location of the operator's vehicle, or if the operator's vehicle is passed by two or more vehicles in the next lane right, the operator:
 - shall move safely to a lane to the right; and
 - may not impede the movement or traffic in the left general purpose lane; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **41-6a-102**, as last amended by Laws of Utah 2013, Chapter 140

32 **41-6a-704**, as last amended by Laws of Utah 2008, Chapter 350

33 **41-6a-705**, as last amended by Laws of Utah 2013, Chapter 210

34

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

36 Section 1. Section **41-6a-102** is amended to read:

37 **41-6a-102. Definitions.**

38 As used in this chapter:

39 (1) "Alley" means a street or highway intended to provide access to the rear or side of
40 lots or buildings in urban districts and not intended for through vehicular traffic.

41 (2) "All-terrain type I vehicle" has the same meaning as defined in Section [41-22-2](#).

42 (3) "Authorized emergency vehicle" includes:

43 (a) fire department vehicles;

44 (b) police vehicles;

45 (c) ambulances; and

46 (d) other publicly or privately owned vehicles as designated by the commissioner of the
47 Department of Public Safety.

48 (4) (a) "Bicycle" means a wheeled vehicle:

49 (i) propelled by human power by feet or hands acting upon pedals or cranks;

50 (ii) with a seat or saddle designed for the use of the operator;

51 (iii) designed to be operated on the ground; and

52 (iv) whose wheels are not less than 14 inches in diameter.

53 (b) "Bicycle" includes an electric assisted bicycle.

54 (c) "Bicycle" does not include scooters and similar devices.

55 (5) (a) "Bus" means a motor vehicle:

56 (i) designed for carrying more than 15 passengers and used for the transportation of
57 persons; or

58 (ii) designed and used for the transportation of persons for compensation.

- 59 (b) "Bus" does not include a taxicab.
- 60 (6) (a) "Circular intersection" means an intersection that has an island, generally
- 61 circular in design, located in the center of the intersection where traffic passes to the right of
- 62 the island.
- 63 (b) "Circular intersection" includes:
- 64 (i) roundabouts;
- 65 (ii) rotaries; and
- 66 (iii) traffic circles.
- 67 (7) "Commissioner" means the commissioner of the Department of Public Safety.
- 68 (8) "Controlled-access highway" means a highway, street, or roadway:
- 69 (a) designed primarily for through traffic; and
- 70 (b) to or from which owners or occupants of abutting lands and other persons have no
- 71 legal right of access, except at points as determined by the highway authority having
- 72 jurisdiction over the highway, street, or roadway.
- 73 (9) "Crosswalk" means:
- 74 (a) that part of a roadway at an intersection included within the connections of the
- 75 lateral lines of the sidewalks on opposite sides of the highway measured from:
- 76 (i) (A) the curbs; or
- 77 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 78 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
- 79 included within the extension of the lateral lines of the existing sidewalk at right angles to the
- 80 centerline; or
- 81 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
- 82 pedestrian crossing by lines or other markings on the surface.
- 83 (10) "Department" means the Department of Public Safety.
- 84 (11) "Direct supervision" means oversight at a distance within which:
- 85 (a) visual contact is maintained; and
- 86 (b) advice and assistance can be given and received.
- 87 (12) "Divided highway" means a highway divided into two or more roadways by:
- 88 (a) an unpaved intervening space;
- 89 (b) a physical barrier; or

- 90 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 91 (13) "Electric assisted bicycle" means a moped:
- 92 (a) with an electric motor with a power output of not more than 1,000 watts; and
- 93 (b) which is not capable of:
- 94 (i) propelling the device at a speed of more than 20 miles per hour on level ground
- 95 when:
- 96 (A) powered solely by the electric motor; and
- 97 (B) operated by a person who weighs 170 pounds; and
- 98 (ii) increasing the speed of the device when human power is used to propel the device
- 99 at more than 20 miles per hour;
- 100 (c) has fully operable pedals on permanently affixed cranks; and
- 101 (d) weighs less than 75 pounds.
- 102 (14) (a) "Electric personal assistive mobility device" means a self-balancing device
- 103 with:
- 104 (i) two nontandem wheels in contact with the ground;
- 105 (ii) a system capable of steering and stopping the unit under typical operating
- 106 conditions;
- 107 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 108 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 109 (v) a deck design for a person to stand while operating the device.
- 110 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 111 (15) "Explosives" means any chemical compound or mechanical mixture commonly
- 112 used or intended for the purpose of producing an explosion and that contains any oxidizing and
- 113 combustive units or other ingredients in proportions, quantities, or packing so that an ignition
- 114 by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture
- 115 may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are
- 116 capable of producing destructive effects on contiguous objects or of causing death or serious
- 117 bodily injury.
- 118 (16) "Farm tractor" means a motor vehicle designed and used primarily as a farm
- 119 implement, for drawing plows, mowing machines, and other implements of husbandry.
- 120 (17) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,

121 as determined by a tagliabue or equivalent closed-cup test device.

122 (18) "Free-flowing traffic" means traffic density on a multilane highway that allows
123 space for a vehicle operator to safely move into an adjoining lane.

124 [~~18~~] (19) "Freeway" means a controlled-access highway that is part of the interstate
125 system as defined in Section 72-1-102.

126 [~~19~~] (20) "Gore area" means the area delineated by two solid white lines that is
127 between a continuing lane of a through roadway and a lane used to enter or exit the continuing
128 lane including similar areas between merging or splitting highways.

129 [~~20~~] (21) "Gross weight" means the weight of a vehicle without a load plus the
130 weight of any load on the vehicle.

131 [~~21~~] (22) "Highway" means the entire width between property lines of every way or
132 place of any nature when any part of it is open to the use of the public as a matter of right for
133 vehicular travel.

134 [~~22~~] (23) "Highway authority" has the same meaning as defined in Section 72-1-102.

135 [~~23~~] (24) (a) "Intersection" means the area embraced within the prolongation or
136 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways
137 of two or more highways which join one another.

138 (b) Where a highway includes two roadways 30 feet or more apart:

139 (i) every crossing of each roadway of the divided highway by an intersecting highway
140 is a separate intersection; and

141 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
142 every crossing of two roadways of the highways is a separate intersection.

143 (c) "Intersection" does not include the junction of an alley with a street or highway.

144 [~~24~~] (25) "Island" means an area between traffic lanes or at an intersection for control
145 of vehicle movements or for pedestrian refuge designated by:

146 (a) pavement markings, which may include an area designated by two solid yellow
147 lines surrounding the perimeter of the area;

148 (b) channelizing devices;

149 (c) curbs;

150 (d) pavement edges; or

151 (e) other devices.

152 [~~(25)~~] (26) "Law enforcement agency" has the same meaning as defined in Section
153 53-1-102.

154 [~~(26)~~] (27) "Limited access highway" means a highway:

155 (a) that is designated specifically for through traffic; and

156 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
157 persons have any right or easement, or have only a limited right or easement of access, light,
158 air, or view.

159 [~~(27)~~] (28) "Local highway authority" means the legislative, executive, or governing
160 body of a county, municipal, or other local board or body having authority to enact laws
161 relating to traffic under the constitution and laws of the state.

162 [~~(28)~~] (29) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

163 (i) is designed to be operated at speeds of not more than 25 miles per hour; and

164 (ii) has a capacity of not more than four passengers, including the driver.

165 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

166 [~~(29)~~] (30) "Metal tire" means a tire, the surface of which in contact with the highway
167 is wholly or partly of metal or other hard nonresilient material.

168 [~~(30)~~] (31) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
169 seat or saddle that is less than 24 inches from the ground as measured on a level surface with
170 properly inflated tires.

171 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

172 (c) "Mini-motorcycle" does not include a motorcycle that is:

173 (i) designed for off-highway use; and

174 (ii) registered as an off-highway vehicle under Section 41-22-3.

175 [~~(31)~~] (32) "Mobile home" means:

176 (a) a trailer or semitrailer that is:

177 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
178 place either permanently or temporarily; and

179 (ii) equipped for use as a conveyance on streets and highways; or

180 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
181 constructed for use as a mobile home, as defined in Subsection [~~(31)~~] (32)(a), but that is
182 instead used permanently or temporarily for:

- 183 (i) the advertising, sale, display, or promotion of merchandise or services; or
184 (ii) any other commercial purpose except the transportation of property for hire or the
185 transportation of property for distribution by a private carrier.

186 [~~(32)~~] (33) (a) "Moped" means a motor-driven cycle having:

- 187 (i) pedals to permit propulsion by human power; and
188 (ii) a motor that:
189 (A) produces not more than two brake horsepower; and
190 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
191 level ground.

192 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
193 centimeters and the moped shall have a power drive system that functions directly or
194 automatically without clutching or shifting by the operator after the drive system is engaged.

195 (c) "Moped" includes an electric assisted bicycle and a motor assisted scooter.

196 [~~(33)~~] (34) "Motor assisted scooter" means a self-propelled device with:

- 197 (a) at least two wheels in contact with the ground;
198 (b) a braking system capable of stopping the unit under typical operating conditions;
199 (c) a gas or electric motor not exceeding 40 cubic centimeters;
200 (d) either:
201 (i) a deck design for a person to stand while operating the device; or
202 (ii) a deck and seat designed for a person to sit, straddle, or stand while operating the
203 device; and
204 (e) a design for the ability to be propelled by human power alone.

205 (35) "Motorcycle" means a motor vehicle, other than a tractor, having a seat or saddle
206 for the use of the rider and designed to travel with not more than three wheels in contact with
207 the ground.

208 (36) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped, electric
209 assisted bicycle, motor assisted scooter, and every motorized bicycle having:

- 210 (i) an engine with less than 150 cubic centimeters displacement; or
211 (ii) a motor that produces not more than five horsepower.
212 (b) "Motor-driven cycle" does not include an electric personal assistive mobility
213 device.

214 [~~(34)~~] (37) (a) "Motor vehicle" means a vehicle that is self-propelled and every vehicle
215 which is propelled by electric power obtained from overhead trolley wires, but not operated
216 upon rails.

217 (b) "Motor vehicle" does not include vehicles moved solely by human power,
218 motorized wheelchairs, or an electric personal assistive mobility device.

219 [~~(37)~~] (38) "Off-highway implement of husbandry" has the same meaning as defined
220 under Section [41-22-2](#).

221 [~~(38)~~] (39) "Off-highway vehicle" has the same meaning as defined under Section
222 [41-22-2](#).

223 [~~(39)~~] (40) "Operator" means a person who is in actual physical control of a vehicle.

224 [~~(40)~~] (41) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle
225 is occupied or not.

226 (b) "Park" or "parking" does not include the standing of a vehicle temporarily for the
227 purpose of and while actually engaged in loading or unloading property or passengers.

228 [~~(41)~~] (42) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
229 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of
230 traffic laws.

231 [~~(42)~~] (43) "Pedestrian" means a person traveling:

232 (a) on foot; or

233 (b) in a wheelchair.

234 [~~(43)~~] (44) "Pedestrian traffic-control signal" means a traffic-control signal used to
235 regulate pedestrians.

236 [~~(44)~~] (45) "Person" means every natural person, firm, copartnership, association, or
237 corporation.

238 [~~(45)~~] (46) "Pole trailer" means every vehicle without motive power:

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

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

244 [~~(46)~~] (47) "Private road or driveway" means every way or place in private ownership

245 and used for vehicular travel by the owner and those having express or implied permission
246 from the owner, but not by other persons.

247 [~~(47)~~] (48) "Railroad" means a carrier of persons or property upon cars operated on
248 stationary rails.

249 [~~(48)~~] (49) "Railroad sign or signal" means a sign, signal, or device erected by
250 authority of a public body or official or by a railroad and intended to give notice of the presence
251 of railroad tracks or the approach of a railroad train.

252 [~~(49)~~] (50) "Railroad train" means a locomotive propelled by any form of energy,
253 coupled with or operated without cars, and operated upon rails.

254 [~~(50)~~] (51) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
255 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
256 of direction, speed, and proximity that give rise to danger of collision unless one grants
257 precedence to the other.

258 [~~(51)~~] (52) (a) "Roadway" means that portion of highway improved, designed, or
259 ordinarily used for vehicular travel.

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

262 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if
263 a highway includes two or more separate roadways.

264 [~~(52)~~] (53) "Safety zone" means the area or space officially set apart within a roadway
265 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
266 signs as to be plainly visible at all times while set apart as a safety zone.

267 [~~(53)~~] (54) (a) "School bus" means a motor vehicle that:

268 (i) complies with the color and identification requirements of the most recent edition of
269 "Minimum Standards for School Buses"; and

270 (ii) is used to transport school children to or from school or school activities.

271 (b) "School bus" does not include a vehicle operated by a common carrier in
272 transportation of school children to or from school or school activities.

273 [~~(54)~~] (55) (a) "Semitrailer" means a vehicle with or without motive power:

274 (i) designed for carrying persons or property and for being drawn by a motor vehicle;

275 and

276 (ii) constructed so that some part of its weight and that of its load rests on or is carried
277 by another vehicle.

278 (b) "Semitrailer" does not include a pole trailer.

279 [~~55~~] (56) "Shoulder area" means:

280 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
281 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";
282 or

283 (b) that portion of the road contiguous to the roadway for accommodation of stopped
284 vehicles, for emergency use, and for lateral support.

285 [~~56~~] (57) "Sidewalk" means that portion of a street between the curb lines, or the
286 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

287 [~~57~~] (58) "Solid rubber tire" means a tire of rubber or other resilient material that
288 does not depend on compressed air for the support of the load.

289 [~~58~~] (59) "Stand" or "standing" means the temporary halting of a vehicle, whether
290 occupied or not, for the purpose of and while actually engaged in receiving or discharging
291 passengers.

292 [~~59~~] (60) "Stop" when required means complete cessation from movement.

293 [~~60~~] (61) "Stop" or "stopping" when prohibited means any halting even momentarily
294 of a vehicle, whether occupied or not, except when:

295 (a) necessary to avoid conflict with other traffic; or

296 (b) in compliance with the directions of a peace officer or traffic-control device.

297 [~~61~~] (62) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain
298 type I vehicle or utility type vehicle that is modified to meet the requirements of Section
299 [41-6a-1509](#) to operate on highways in the state in accordance with Section [41-6a-1509](#).

300 [~~62~~] (63) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
301 conveyances either singly or together while using any highway for the purpose of travel.

302 [~~63~~] (64) "Traffic-control device" means a sign, signal, marking, or device not
303 inconsistent with this chapter placed or erected by a highway authority for the purpose of
304 regulating, warning, or guiding traffic.

305 [~~64~~] (65) "Traffic-control signal" means a device, whether manually, electrically, or
306 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

307 [~~(65)~~] (66) "Traffic signal preemption device" means an instrument or mechanism
308 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

309 [~~(66)~~] (67) (a) "Trailer" means a vehicle with or without motive power designed for
310 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
311 part of its weight rests upon the towing vehicle.

312 (b) "Trailer" does not include a pole trailer.

313 [~~(67)~~] (68) "Truck" means a motor vehicle designed, used, or maintained primarily for
314 the transportation of property.

315 [~~(68)~~] (69) "Truck tractor" means a motor vehicle:

316 (a) designed and used primarily for drawing other vehicles; and

317 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
318 tractor.

319 [~~(69)~~] (70) "Two-way left turn lane" means a lane:

320 (a) provided for vehicle operators making left turns in either direction;

321 (b) that is not used for passing, overtaking, or through travel; and

322 (c) that has been indicated by a lane traffic-control device that may include lane
323 markings.

324 [~~(70)~~] (71) "Urban district" means the territory contiguous to and including any street,
325 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
326 less than 100 feet, for a distance of a quarter of a mile or more.

327 [~~(71)~~] (72) (a) "Utility type vehicle" means any recreational vehicle designed for and
328 capable of travel over unimproved terrain:

329 (i) traveling on four or more tires;

330 (ii) having a width of 30 to 70 inches;

331 (iii) having an unladen dry weight of 2,200 pounds or less;

332 (iv) having a seat height of 25 to 40 inches when measured at the forward edge of the
333 seat bottom; and

334 (v) having side-by-side seating with a steering wheel for control.

335 (b) "Utility type vehicle" does not include:

336 (i) an all-terrain type I vehicle;

337 (ii) an all-terrain type II vehicle;

338 (iii) a motorcycle; or

339 (iv) a snowmobile as defined in Section 41-22-2.

340 ~~[(72)]~~ (73) "Vehicle" means a device in, on, or by which a person or property is or may
341 be transported or drawn on a highway, except devices used exclusively on stationary rails or
342 tracks.

343 Section 2. Section 41-6a-704 is amended to read:

344 **41-6a-704. Changing lanes -- Overtaking and passing vehicles proceeding in same**
345 **direction.**

346 ~~[(1)(a) On any highway:]~~

347 (1) In free-flowing traffic on a highway having more than one lane in the same
348 direction, an operator of a vehicle shall, when changing to a different lane, avoid disrupting
349 traffic flow by accelerating or decelerating with due regard for the speed and proximity of other
350 vehicles in that lane.

351 (2) (a) In free-flowing traffic:

352 (i) the operator of a vehicle overtaking another vehicle proceeding in the same
353 direction shall:

354 ~~[(A) except as provided under Section 41-6a-705;]~~

355 (A) promptly pass the overtaken vehicle on the left at a safe distance; and

356 (B) enter a right-hand lane or the right side of the roadway ~~[only]~~ when safely clear of
357 the overtaken vehicle; and

358 (ii) the operator of an overtaken vehicle:

359 (A) shall give way to the right in favor of the overtaking vehicle; and

360 (B) may not increase the speed of the vehicle until completely passed by the overtaking
361 vehicle.

362 (b) The exemption from the minimum speed regulations for a vehicle operating on a
363 grade under Section 41-6a-605 does not exempt the vehicle from promptly passing a vehicle as
364 required under Subsection ~~[(1)]~~ (2)(a)(i)(A).

365 ~~[(2) On]~~ (3) In free-flowing traffic on a highway having more than one lane in the
366 same direction, ~~[the operator of a vehicle traveling in the left general purpose lane]~~ if a vehicle
367 is following directly behind an operator's vehicle in the left general purpose lane at a distance
368 so that less than three seconds elapse before reaching the location of the operator's vehicle, or if

369 the operator's vehicle is passed by two or more vehicles in the next lane right, the operator:

370 (a) shall~~[-, upon being overtaken by another vehicle in the same lane, yield to the~~
371 ~~overtaking vehicle by moving]~~ move safely to a lane to the right; and

372 (b) may not impede the movement [~~or free flow]~~ of traffic in the left general purpose
373 lane.

374 [~~(3) An operator of a vehicle traveling in the left general purpose lane that has a vehicle~~
375 ~~following directly behind the operator's vehicle at a distance so that less than two seconds~~
376 ~~elapse before reaching the location of the operator's vehicle when space is available for the~~
377 ~~operator to yield to the overtaking vehicle by traveling in the right-hand lane is prima facie~~
378 ~~evidence that the operator is violating Subsection (2).]~~

379 (4) The provisions of Subsection [~~(2)~~] (3) do not apply to an operator of a vehicle
380 traveling in the left general purpose lane when:

381 [~~(a) overtaking and passing another vehicle proceeding in the same direction in~~
382 ~~accordance with Subsection (1)(a)(i);]~~

383 [~~(b)~~] (a) preparing to turn left or taking a different highway or an exit on the left;

384 [~~(c)~~] (b) responding to emergency conditions;

385 [~~(d)~~] (c) avoiding actual or potential traffic moving onto the highway from an
386 acceleration or merging lane; or

387 [~~(e)~~] (d) following the direction of a traffic-control device that directs the use of a
388 designated lane.

389 Section 3. Section **41-6a-705** is amended to read:

390 **41-6a-705. Passing upon right -- When permissible.**

391 (1) The operator of a vehicle may overtake and pass on the right of another vehicle
392 only:

393 (a) when the vehicle overtaken is making or preparing to make a left turn; [~~or]~~

394 (b) on a roadway with unobstructed pavement of sufficient width for two or more lines
395 of vehicles moving lawfully in the direction being traveled by the overtaking vehicle~~[-];~~ or

396 [~~(2) The operator of a vehicle may overtake and pass another vehicle on the right only]~~

397 (c) under conditions permitting the movement with safety.

398 [~~(3)~~] (2) Except for a person operating a bicycle, the operator of a vehicle may not
399 overtake [~~and pass]~~ another vehicle if the movement is made by driving off the roadway.

Legislative Review Note
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Office of Legislative Research and General Counsel