

TRAFFIC SAFETY AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill enacts provisions related to allocation of law and traffic enforcement responsibilities on state highways.

Highlighted Provisions:

This bill:

- ▶ requires the Department of Public Safety and Utah Highway Patrol to:
 - annually evaluate enforcement responsibilities on state highways;
 - coordinate with local law enforcement agencies regarding enforcement responsibilities; and
 - report to the Legislature each year with any significant changes in patrol responsibilities that may require budgetary changes;
- ▶ enacts a provision requiring the Department of Transportation coordinate with the Department of Public Safety and Utah Highway Patrol regarding changes to the state highway system, traffic and law enforcement, and incident management services; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-8-105, as last amended by Laws of Utah 2022, Chapter 447

72-1-201, as last amended by Laws of Utah 2022, Chapter 80

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

Section 1. Section **53-8-105** is amended to read:

53-8-105. Duties of Highway Patrol.

(1) In addition to the duties in this chapter, the Highway Patrol shall:

~~[(1)]~~ (a) enforce the state laws and rules governing use of the state highways;

~~[(2)]~~ (b) regulate traffic on all highways and roads of the state;

~~[(3)]~~ (c) assist the governor in an emergency or at other times at his discretion;

~~[(4)]~~ (d) in cooperation with federal, state, and local agencies, enforce and assist in the enforcement of all state and federal laws related to the operation of a motor carrier on a highway, including all state and federal rules and regulations;

~~[(5)]~~ (e) inspect certain vehicles to determine road worthiness and safe condition as provided in Section 41-6a-1630;

~~[(6)]~~ (f) upon request, assist with any condition of unrest existing or developing on a campus or related facility of an institution of higher education;

~~[(7)]~~ (g) assist the Alcoholic Beverage Services Commission in an emergency to enforce the state liquor laws;

~~[(8)]~~ (h) provide security and protection for both houses of the Legislature while in session as the speaker of the House of Representatives and the president of the Senate find necessary;

~~[(9)]~~ (i) enforce the state laws and rules governing use of the capitol hill complex as defined in Section 63C-9-102; and

~~[(10)]~~ (j) carry out the following for the Supreme Court and the Court of Appeals:

~~[(a)]~~ (i) provide security and protection to those courts when in session in the capital city of the state;

~~[(b)]~~ (ii) execute orders issued by the courts; and

~~[(c)]~~ (iii) carry out duties as directed by the courts.

(2) (a) The division and the department shall annually:

(i) evaluate the inventory of new and existing state highways, in coordination with relevant local law enforcement agencies, to determine which law enforcement agency is best suited to patrol and enforce state laws and regulate traffic on each state highway; and

(ii) before October 1 of each year, report to the Transportation Interim Committee and the Executive Offices and Criminal Justice Appropriations Subcommittee regarding:

(A) significant changes to the patrol and enforcement responsibilities resulting from

64 the evaluation described in Subsection (2)(a)(i); and

65 (B) any budget request necessary to accommodate additional patrol and enforcement
66 responsibilities.

67 (b) The division and the department shall, before July 1 of each year, coordinate with
68 the Department of Transportation created in Section 72-1-201 regarding patrol and
69 enforcement responsibilities described in Subsection (2)(a) and incident management services
70 on state highways.

71 Section 2. Section **72-1-201** is amended to read:

72 **72-1-201. Creation of Department of Transportation -- Functions, powers, duties,**
73 **rights, and responsibilities.**

74 (1) There is created the Department of Transportation which shall:

75 (a) have the general responsibility for planning, research, design, construction,
76 maintenance, security, and safety of state transportation systems;

77 (b) provide administration for state transportation systems and programs;

78 (c) implement the transportation policies of the state;

79 (d) plan, develop, construct, and maintain state transportation systems that are safe,
80 reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and
81 industry;

82 (e) establish standards and procedures regarding the technical details of administration
83 of the state transportation systems as established by statute and administrative rule;

84 (f) advise the governor and the Legislature about state transportation systems needs;

85 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective
86 installation, maintenance, operation, relocation, and upgrade of utilities within state highway
87 rights-of-way;

88 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
89 make rules for the administration of the department, state transportation systems, and
90 programs;

91 (i) jointly with the commission annually report to the Transportation Interim
92 Committee, by November 30 of each year, as to the operation, maintenance, condition,
93 mobility, safety needs, and wildlife and livestock mitigation for state transportation systems;

94 (j) ensure that any training or certification required of a public official or public

employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:

(i) under this title;

(ii) by the department; or

(iii) by an agency or division within the department; ~~and~~

(k) study and make recommendations to the Legislature on potential managed lane use and implementation on selected transportation systems within the state~~[-]; and~~

(l) before July 1 of each year, coordinate with the Utah Highway Patrol Division created in Section 53-8-103 regarding:

(i) future highway projects that will add additional capacity to the state transportation system;

(ii) potential changes in law enforcement responsibilities due to future highway projects; and

(iii) incident management services on state highways.

(2) (a) The department shall exercise reasonable care in designing, constructing, and maintaining a state highway in a reasonably safe condition for travel.

(b) Nothing in this section shall be construed as:

(i) creating a private right of action; or

(ii) expanding or changing the department's common law duty as described in

Subsection (2)(a) for liability purposes.