

## **Part 2**

### **Applicability and Obedience to Traffic Laws**

#### **41-6a-201 Chapter relates to vehicles on highways -- Exceptions.**

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways, except:

- (1) when a different place is specifically identified;
- (2) under the provisions of Section 41-6a-210, Part 4, Accident Responsibilities, and Part 5, Driving Under the Influence and Reckless Driving, which apply upon highways and elsewhere throughout the state; or
- (3) on private roads within the confines of a campus of a private institution of higher education that has a certified private law enforcement agency, as authorized by Subsection 53-19-202(1)(b).

Amended by Chapter 517, 2024 General Session

#### **41-6a-202 Violations of chapter -- Penalties -- Acceptance of plea of guilty.**

- (1) As used in this section, "serious bodily injury" is as defined in Section 41-6a-401.3.
- (2) A violation of any provision of this chapter is an infraction, unless otherwise provided.
- (3) A violation of any provision of Part 2, Applicability and Obedience to Traffic Laws, Part 11, Bicycles and Other Vehicles, Regulation of Operation, Part 17, Miscellaneous Rules, and Part 18, Motor Vehicle Safety Belt Usage Act, of this chapter is an infraction, unless otherwise provided.
- (4)
  - (a) If a person has received a citation for a moving traffic violation under this chapter that resulted in a collision and any person involved in the collision sustained serious bodily injury or death as a proximate result of the collision, a court may not accept a plea of guilty or no contest to a charge for the moving traffic violation unless the prosecutor agrees to the plea:
    - (i) in open court;
    - (ii) in writing; or
    - (iii) by another means of communication which the court finds adequate to record the prosecutor's agreement.
  - (b) A peace officer that issues a citation for a moving traffic violation under this chapter shall record on the citation whether the moving traffic violation resulted in a collision in which any person involved in the collision sustained serious bodily injury or death as a proximate result of the traffic collision.
- (5)
  - (a) If a person receives a citation for a violation described in Subsection (5)(b), the person is not guilty of an infraction and is not required to pay a fee or fine if the person presents to the court clerk evidence that the person did not own the vehicle at the time of the alleged violation.
  - (b) Subsection (5)(a) applies to a person accused of a violation under this chapter or a violation of a traffic ordinance of a political subdivision for which the sole method of identifying the person alleged to be responsible for the violation is through registration or title records of the Division of Motor Vehicles.
  - (c) The court shall consider a bill of sale for the vehicle in question as evidence described in Subsection (5)(a) if the bill of sale:
    - (i) is executed by both the buyer and the seller; and

- (ii) indicates that the vehicle was sold on a date before the date of the citation described in Subsection (5)(a).

Amended by Chapter 416, 2023 General Session

**41-6a-203 Attempt, conspiracy, or other violations of chapter.**

- (1) A person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of an act that is a crime under this chapter, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, is guilty of the offense.
- (2) A person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate a provision of this chapter is guilty of the offense.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-204 Requiring or knowingly permitting driver to unlawfully operate vehicle.**

A person employing or otherwise directing the operator of a vehicle may not require or knowingly permit the operation of the vehicle on a highway in a manner contrary to law.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-205 Government-owned vehicles subject to chapter.**

Except as specifically exempted, the provisions of this chapter applicable to an operator of a vehicle on the highway apply to an operator of a vehicle owned or operated by the United States, this state or any county, city, town, district or any other political subdivision of the state.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-206 Conflict with Federal Motor Carrier Safety Regulations.**

Federal Motor Carrier Safety Regulations supercede any conflicting provisions of this chapter pertaining to commercial motor carriers.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-207 Uniform application of chapter -- Effect of local ordinances.**

- (1) The provisions of this chapter are applicable throughout this state and in all of its political subdivisions and municipalities.
- (2) A local highway authority may not enact or enforce any rule or ordinance in conflict with the provisions of this chapter.
- (3) A local highway authority may adopt:
  - (a) ordinances consistent with this chapter; and
  - (b) additional traffic ordinances not in conflict with this chapter.

Renumbered and Amended by Chapter 2, 2005 General Session

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

- (1) As used in this section:
  - (a)

- (i) "Ground transportation vehicle" means a motor vehicle used for the transportation of persons, used in ride or shared ride, on demand, or for hire transportation of passengers or baggage over public highways.
  - (ii) "Ground transportation vehicle" includes a:
    - (A) shared ride vehicle;
    - (B) bus;
    - (C) courtesy vehicle;
    - (D) hotel vehicle;
    - (E) limousine;
    - (F) minibus;
    - (G) special transportation vehicle;
    - (H) specialty vehicle;
    - (I) taxicab;
    - (J) van; or
    - (K) trailer being towed by a ground transportation vehicle.
  - (b) "Idle" means the operation of a vehicle engine while the vehicle is stationary or not in the act of performing work or its normal function.
- (2) The provisions of this chapter do not prevent a local highway authority for a highway under its jurisdiction and within the reasonable exercise of police power, from:
- (a) regulating or prohibiting stopping, standing, or parking;
  - (b) regulating traffic by means of a peace officer or a traffic-control device;
  - (c) regulating or prohibiting processions or assemblages on a highway;
  - (d) designating particular highways or roadways for use by traffic moving in one direction under Section 41-6a-709;
  - (e) establishing speed limits for vehicles in public parks, which supersede Section 41-6a-603 regarding speed limits;
  - (f) designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction;
  - (g) restricting the use of a highway under Section 72-7-408;
  - (h) requiring the registration and inspection of bicycles, including requiring a registration fee;
  - (i) regulating or prohibiting:
    - (i) certain turn movements of a vehicle; or
    - (ii) specified types of vehicles;
  - (j) altering or establishing speed limits under Section 41-6a-603;
  - (k) requiring written accident reports under Section 41-6a-403;
  - (l) designating no-passing zones under Section 41-6a-708;
  - (m) prohibiting or regulating the use of controlled-access highways by any class or kind of traffic under Section 41-6a-715;
  - (n) prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
  - (o) establishing minimum speed limits under Subsection 41-6a-605(3);
  - (p) prohibiting pedestrians from crossing a highway in a business district or any designated highway except in a crosswalk under Section 41-6a-1001;
  - (q) restricting pedestrian crossings at unmarked crosswalks under Section 41-6a-1010;
  - (r) regulating persons upon skates, coasters, sleds, skateboards, and other toy vehicles;
  - (s) adopting and enforcing temporary or experimental ordinances as necessary to cover emergencies or special conditions;
  - (t) prohibiting drivers of ambulances from exceeding maximum speed limits;

- (u) adopting other traffic ordinances as specifically authorized by this chapter; or
  - (v) adopting an ordinance that requires a ground transportation vehicle to conform to state safety standards and reasonable annual appearance requirements, in consultation with a transportation advisory board of the local highway authority.
- (3) A local highway authority may not:
- (a) in accordance with Title 72, Chapter 3, Part 1, Highways in General, erect or maintain any official traffic-control device at any location which regulates the traffic on a highway not under the local highway authority's jurisdiction, unless written approval is obtained from the highway authority having jurisdiction over the highway;
  - (b) prohibit or restrict the use of a cellular phone by the operator or passenger of a motor vehicle;
  - (c) enact an ordinance that prohibits or restricts an owner or operator of a vehicle from causing or permitting the vehicle's engine to idle unless the ordinance:
    - (i) is primarily educational;
    - (ii) provides that a person must be issued at least one warning citation before imposing a fine;
    - (iii) has the same fine structure as a parking violation;
    - (iv) provides for the safety of law enforcement personnel who enforce the ordinance; and
    - (v) provides that the ordinance may be enforced on:
      - (A) public property; or
      - (B) private property that is open to the general public unless the private property owner:
        - (I) has a private business that has a drive-through service as a component of the private property owner's business operations and posts a sign provided by or acceptable to the local highway authority informing its customers and the public of the local highway authority's time limit for idling vehicle engines; or
        - (II) adopts an idle reduction education policy approved by the local highway authority;
  - (d) enact an ordinance that prohibits a vehicle from being licensed as a ground transportation vehicle:
    - (i) if the vehicle to be licensed otherwise passes all state safety inspection requirements established by the Utah Highway Patrol Division in accordance with Section 53-8-204; and
    - (ii)
      - (A) based on the manufacture date of the vehicle; or
      - (B) based on the number of miles the vehicle has accumulated;
  - (e) enact an ordinance, regulation, rule, fee, or criminal or civil fine pertaining to a registration violation under Section 41-1a-201 or a registration decal issued under Section 41-1a-402 that conflicts with or is more stringent than the registration requirements under Title 41, Motor Vehicles;
  - (f) enact an ordinance that:
    - (i) is inconsistent with the provisions of this chapter; or
    - (ii) prohibits the use of a bicycle on any public street or highway, except as allowed by Section 41-6a-714, unless the local highway authority has:
      - (A) documented that the local highway authority has reviewed the safety history of the highway and considered other reasonable alternatives, including signage and routes; and
      - (B) clearly marked a safe alternative route for the prohibited section of highway; or
  - (g) enact an ordinance, regulation, or rule that requires the owner or driver of a ground transportation vehicle to maintain liability insurance coverage in an amount that is greater than the minimum amount of liability coverage a transportation network company or transportation network driver is required to maintain under Subsection 13-51-108(1)(b).

- (4) An ordinance enacted under Subsection (2)(d), (e), (f), (g), (i), (j), (l), (m), (n), or (q) is not effective until official traffic-control devices giving notice of the local traffic ordinances are erected upon or at the entrances to the highway or part of it affected as is appropriate.
- (5) An ordinance enacted by a local highway authority that violates Subsection (3) is not effective.

Amended by Chapter 294, 2019 General Session

**41-6a-209 Obedience to peace officer or other traffic controllers -- Speeding in construction zones.**

- (1) A person may not willfully fail or willfully refuse to comply with any lawful order or direction of a:
  - (a) peace officer;
  - (b) firefighter;
  - (c) flagger at a highway construction or maintenance site using devices and procedures conforming to the standards adopted under Section 41-6a-301; or
  - (d) uniformed adult school crossing guard invested by law with authority to direct, control, or regulate traffic.
- (2)
  - (a) If a person commits a speeding violation in a highway construction or maintenance site where workers are present, the court shall impose a fine for the offense that is at least double the fine in the uniform recommended fine schedule established under Section 76-3-301.5.
  - (b) The highway construction or maintenance site under Subsection (2)(a) shall be clearly marked and have signs posted that warn of the doubled fine.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-210 Failure to respond to officer's signal to stop -- Fleeing -- Causing property damage or bodily injury -- Suspension of driver's license -- Forfeiture of vehicle -- Penalties.**

- (1)
  - (a) An operator who receives a visual or audible signal from a law enforcement officer to bring the vehicle to a stop may not:
    - (i) operate the vehicle in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vehicle or person; or
    - (ii) knowingly or intentionally attempt to flee or elude a law enforcement officer by vehicle or other means.
  - (b)
    - (i) A person who violates Subsection (1)(a) is guilty of a felony of the third degree.
    - (ii) The court shall, as part of any sentence under this Subsection (1), impose a fine of not less than \$1,000.
  - (c) A law enforcement officer may impound a vehicle of a person who violates Subsection (1)(a).
- (2)
  - (a) An operator who violates Subsection (1) and while so doing causes death or serious bodily injury to another person, under circumstances not amounting to murder or aggravated murder, is guilty of a felony of the second degree.
  - (b) The court shall, as part of any sentence under this Subsection (2), impose a fine of not less than \$5,000.
- (3)

- (a) In addition to the penalty provided under this section or any other section, a person who violates Subsection (1)(a) or (2)(a) shall have the person's driver license revoked under Subsection 53-3-220(1)(a)(ix) for a period of one year.
- (b)
  - (i) The court shall forward the report of the conviction to the division.
  - (ii) If the person is the holder of a driver license from another jurisdiction, the division shall notify the appropriate officials in the licensing state.

Amended by Chapter 134, 2024 General Session

**41-6a-212 Emergency vehicles -- Policy regarding vehicle pursuits -- Applicability of traffic law to highway work vehicles -- Exemptions.**

- (1) As used in this section, "marked authorized emergency vehicle" means an authorized emergency vehicle that:
  - (a) has emergency lights that comply with Section 41-6a-1601 affixed to the top of the vehicle; or
  - (b) is displaying an identification mark designating the vehicle as the property of an entity that is authorized to operate emergency vehicles in a conspicuous place on both sides of the vehicle.
- (2) Subject to Subsections (3) through (6), the operator of an authorized emergency vehicle may exercise the privileges granted under this section when:
  - (a) responding to an emergency call;
  - (b) in the pursuit of an actual or suspected violator of the law; or
  - (c) responding to but not upon returning from a fire alarm.
- (3) The operator of an authorized emergency vehicle may:
  - (a) park or stand, irrespective of the provisions of this chapter;
  - (b) proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
  - (c) exceed the maximum speed limits, unless prohibited by a local highway authority under Section 41-6a-208; or
  - (d) disregard regulations governing direction of movement or turning in specified directions.
- (4)
  - (a) Except as provided in Subsection (4)(b), privileges granted under this section to the operator of an authorized emergency vehicle, who is not involved in a vehicle pursuit, apply only when:
    - (i) the operator of the vehicle sounds an audible signal under Section 41-6a-1625; or
    - (ii) uses a visual signal with emergency lights in accordance with rules made under Section 41-6a-1601, which is visible from in front of the vehicle.
  - (b) An operator of an authorized emergency vehicle may exceed the maximum speed limit when engaged in normal patrolling activities with the purpose of identifying and apprehending violators.
- (5)
  - (a) Privileges granted under this section to the operator of an authorized emergency vehicle involved in any vehicle pursuit apply only when:
    - (i) the operator of the vehicle:
      - (A) sounds an audible signal under Section 41-6a-1625; and
      - (B) uses a visual signal with emergency lights in accordance with rules made under Section 41-6a-1601, which is visible from in front of the vehicle;
    - (ii) the operator of the authorized emergency vehicle has been trained in accordance with the written policy described in Subsection (5)(b); and

- (iii) the pursuit policy of the public agency described in Subsection (5)(b) is in conformance with standards established under Subsection (6).
- (b)
  - (i) Each public agency that owns, operates, or causes to be operated an authorized emergency vehicle shall have a written policy that describes the manner and circumstances in which an operator of an authorized emergency vehicle shall engage, conduct, and terminate vehicle pursuit.
  - (ii) The policy described in Subsection (5)(b)(i) shall conform with the minimum standards set forth pursuant to Subsection (6).
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Public Safety shall make rules providing minimum standards for all emergency pursuit policies that are adopted by public agencies authorized to operate emergency pursuit vehicles.
- (7)
  - (a) Except as provided in Subsection (7)(b), the privileges granted under this section do not relieve the operator of an authorized emergency vehicle of the duty to act as a reasonably prudent emergency vehicle operator under the circumstances.
  - (b) The operator of a marked authorized emergency vehicle owes no duty of care under this Subsection (7) to a person who is:
    - (i)
      - (A) a suspect in the commission of a crime; and
      - (B) evading, fleeing, or otherwise attempting to elude the operator of a marked authorized emergency vehicle; or
    - (ii) in a motor vehicle with the suspect described in Subsection (7)(b)(i), unless it is proven by a preponderance of the evidence that:
      - (A) the person's presence in the vehicle was involuntary; and
      - (B) the person's participation in evading, fleeing, or attempting to elude was involuntary.
  - (c)
    - (i) Notwithstanding Subsection (7)(b), an operator of a marked authorized emergency vehicle may be held liable for a fleeing suspect's injuries if the operator of a marked authorized emergency vehicle had actual intent to cause harm to the fleeing suspect in an act that was unrelated to the legitimate object of the arrest.
    - (ii) "Actual intent" under this Subsection (7)(c) means a malicious motive to cause injury, not merely an intent to do the act resulting in the injury.
  - (d) If an operator of a marked authorized emergency vehicle complies with the requirements described in Subsections (5) and (6) while operating the marked authorized emergency vehicle, the operator shall be deemed to have met the operator's duty to act as a reasonably prudent emergency vehicle operator under the circumstances.
- (8)
  - (a) For each instance involving an authorized emergency vehicle in pursuit that results in injury or property damage, the head of the law enforcement agency involved in the pursuit shall evaluate the situation to determine whether the operator of the authorized emergency vehicle complied with the agency's policies.
  - (b) After the evaluation described in Subsection (8)(a), the head of the law enforcement agency shall document and appropriately remedy through agency administrative action any violations of the agency's policies.
  - (c) Any document produced under Subsection (8)(b) shall be subject to Title 63G, Chapter 2, Government Records Access and Management Act.

- (9) Except for Sections 41-6a-210, 41-6a-502, and 41-6a-528, this chapter does not apply to persons, motor vehicles, and other equipment while actually engaged in work on the surface of a highway.

Amended by Chapter 151, 2018 General Session

**41-6a-213 Persons riding or driving animals subject to chapter -- Exceptions.**

- (1) Except as provided under Subsection (2), a person who is riding an animal or who is driving an animal-drawn vehicle on a roadway is subject to this chapter.
- (2) Driver license sanctions for alcohol or drug related traffic offenses do not apply to a person specified under Subsection (1).

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-214 Quasi-public roads and parking areas -- Local ordinances.**

- (1) As used in this section, "quasi-public road or parking area" means a privately owned and maintained road or parking area that is generally held open for use of the public for purposes of vehicular travel or parking.
- (2)
- (a) Any municipality or county may by ordinance provide that a quasi-public road or parking area within the municipality or county is subject to this chapter.
- (b) An ordinance may not be enacted under this section without:
- (i) a public hearing; and
- (ii) the agreement of a majority of the owners of the quasi-public road or parking area involved.
- (3) This section:
- (a) supercedes conflicting provisions under Section 41-6a-215;
- (b) does not require a peace officer to patrol or enforce any provisions of this chapter on any quasi-public road or parking area; or
- (c) does not affect the duty of a peace officer to enforce those provisions of this chapter applicable to private property other than under this section.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-215 Right of real property owner to regulate traffic.**

Except as provided under Section 41-6a-214, this chapter does not prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from:

- (1) prohibiting the use;
- (2) requiring other conditions not specified in this chapter; or
- (3) otherwise regulating the use as preferred by the owner.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-216 Removal of plants or other obstructions impairing view -- Notice to owner -- Penalty.**

- (1) The owner of real property shall remove from his property any tree, plant, shrub, or other obstruction, or part of it that constitutes a traffic hazard by obstructing the view of an operator of a vehicle on a highway.



- (2) When a highway authority determines on the basis of an engineering and traffic investigation that a traffic hazard exists, it shall notify the owner and order that the hazard be removed within 10 days.
- (3) The failure of the owner to remove the traffic hazard within 10 days is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-217 Volunteers may be authorized to enforce certain parking provisions.**

- (1) Any law enforcement agency authorized to enforce parking laws in this state may appoint volunteers to issue citations for violations of:
  - (a) the provisions of Subsections 41-1a-414(3) and (4) related to parking for a person with a disability;
  - (b) any municipal or county accessible parking privileges ordinance for a person with a disability; or
  - (c) the provisions of Subsection 41-6a-1307(4) related to parking in a school bus parking zone.
- (2) A volunteer appointed under this section must be at least 21 years of age.
- (3) The law enforcement agency appointing a volunteer may establish any other qualification for the volunteer that the agency finds desirable.
- (4) A volunteer may not issue citations until the volunteer has received training from the appointing law enforcement agency.
- (5) A citation issued by a volunteer under this section has the same force and effect as a citation issued by a peace officer for the same offense.

Renumbered and Amended by Chapter 2, 2005 General Session