

**Effective 5/14/2019**

**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