

## Chapter 6a Traffic Code

### Part 1 General Provisions

#### 41-6a-101 Title.

This chapter is known as the "Traffic Code."

Renumbered and Amended by Chapter 2, 2005 General Session

#### 41-6a-102 Definitions.

As used in this chapter:

- (1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.
- (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- (3) "Authorized emergency vehicle" includes:
  - (a) fire department vehicles;
  - (b) police vehicles;
  - (c) ambulances; and
  - (d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.
- (4) "Autocycle" means the same as that term is defined in Section 53-3-102.
- (5)
  - (a) "Bicycle" means a wheeled vehicle:
    - (i) propelled by human power by feet or hands acting upon pedals or cranks;
    - (ii) with a seat or saddle designed for the use of the operator;
    - (iii) designed to be operated on the ground; and
    - (iv) whose wheels are not less than 14 inches in diameter.
  - (b) "Bicycle" includes an electric assisted bicycle.
  - (c) "Bicycle" does not include scooters and similar devices.
- (6)
  - (a) "Bus" means a motor vehicle:
    - (i) designed for carrying more than 15 passengers and used for the transportation of persons;
    - or
    - (ii) designed and used for the transportation of persons for compensation.
  - (b) "Bus" does not include a taxicab.
- (7)
  - (a) "Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection where traffic passes to the right of the island.
  - (b) "Circular intersection" includes:
    - (i) roundabouts;
    - (ii) rotaries; and
    - (iii) traffic circles.
- (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(i).

- (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(ii).
- (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(iii).
- (11) "Commissioner" means the commissioner of the Department of Public Safety.
- (12) "Controlled-access highway" means a highway, street, or roadway:
  - (a) designed primarily for through traffic; and
  - (b) to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the highway authority having jurisdiction over the highway, street, or roadway.
- (13) "Crosswalk" means:
  - (a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from:
    - (i)
      - (A) the curbs; or
      - (B) in the absence of curbs, from the edges of the traversable roadway; and
    - (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline; or
  - (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (14) "Department" means the Department of Public Safety.
- (15) "Direct supervision" means oversight at a distance within which:
  - (a) visual contact is maintained; and
  - (b) advice and assistance can be given and received.
- (16) "Divided highway" means a highway divided into two or more roadways by:
  - (a) an unpaved intervening space;
  - (b) a physical barrier; or
  - (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- (17) "Electric assisted bicycle" means a bicycle with an electric motor that:
  - (a) has a power output of not more than 750 watts;
  - (b) has fully operable pedals on permanently affixed cranks;
  - (c) is fully operable as a bicycle without the use of the electric motor; and
  - (d) is one of the following:
    - (i) an electric assisted bicycle equipped with a motor or electronics that:
      - (A) provides assistance only when the rider is pedaling; and
      - (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;
    - (ii) an electric assisted bicycle equipped with a motor or electronics that:
      - (A) may be used exclusively to propel the bicycle; and
      - (B) is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; or
    - (iii) an electric assisted bicycle equipped with a motor or electronics that:
      - (A) provides assistance only when the rider is pedaling;
      - (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour; and
      - (C) is equipped with a speedometer.
- (18)
  - (a) "Electric personal assistive mobility device" means a self-balancing device with:

- (i) two nontandem wheels in contact with the ground;
  - (ii) a system capable of steering and stopping the unit under typical operating conditions;
  - (iii) an electric propulsion system with average power of one horsepower or 750 watts;
  - (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
  - (v) a deck design for a person to stand while operating the device.
- (b) "Electric personal assistive mobility device" does not include a wheelchair.
- (19) "Explosives" means any chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustible units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.
- (20) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.
- (21) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as determined by a tagliabue or equivalent closed-cup test device.
- (22) "Freeway" means a controlled-access highway that is part of the interstate system as defined in Section 72-1-102.
- (23) "Gore area" means the area delineated by two solid white lines that is between a continuing lane of a through roadway and a lane used to enter or exit the continuing lane including similar areas between merging or splitting highways.
- (24) "Gross weight" means the weight of a vehicle without a load plus the weight of any load on the vehicle.
- (25) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel.
- (26) "Highway authority" means the same as that term is defined in Section 72-1-102.
- (27)
- (a) "Intersection" means the area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another.
  - (b) Where a highway includes two roadways 30 feet or more apart:
    - (i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and
    - (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection.
  - (c) "Intersection" does not include the junction of an alley with a street or highway.
- (28) "Island" means an area between traffic lanes or at an intersection for control of vehicle movements or for pedestrian refuge designated by:
- (a) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area;
  - (b) channelizing devices;
  - (c) curbs;
  - (d) pavement edges; or
  - (e) other devices.
- (29) "Law enforcement agency" means the same as that term is as defined in Section 53-1-102.
- (30) "Limited access highway" means a highway:
- (a) that is designated specifically for through traffic; and

- (b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light, air, or view.
- (31) "Local highway authority" means the legislative, executive, or governing body of a county, municipal, or other local board or body having authority to enact laws relating to traffic under the constitution and laws of the state.
- (32)
  - (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:
    - (i) is designed to be operated at speeds of not more than 25 miles per hour; and
    - (ii) has a capacity of not more than four passengers, including the driver.
  - (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
- (33) "Metal tire" means a tire, the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.
- (34)
  - (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or saddle that is less than 24 inches from the ground as measured on a level surface with properly inflated tires.
  - (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.
  - (c) "Mini-motorcycle" does not include a motorcycle that is:
    - (i) designed for off-highway use; and
    - (ii) registered as an off-highway vehicle under Section 41-22-3.
- (35) "Mobile home" means:
  - (a) a trailer or semitrailer that is:
    - (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping place either permanently or temporarily; and
    - (ii) equipped for use as a conveyance on streets and highways; or
  - (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a mobile home, as defined in Subsection (35)(a), but that is instead used permanently or temporarily for:
    - (i) the advertising, sale, display, or promotion of merchandise or services; or
    - (ii) any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.
- (36)
  - (a) "Moped" means a motor-driven cycle having:
    - (i) pedals to permit propulsion by human power; and
    - (ii) a motor that:
      - (A) produces not more than two brake horsepower; and
      - (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground.
  - (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.
  - (c) "Moped" includes a motor assisted scooter.
  - (d) "Moped" does not include an electric assisted bicycle.
- (37)
  - (a) "Motor assisted scooter" means a self-propelled device with:
    - (i) at least two wheels in contact with the ground;
    - (ii) a braking system capable of stopping the unit under typical operating conditions;
    - (iii) a gas or electric motor not exceeding 40 cubic centimeters;

- (iv) either:
    - (A) a deck design for a person to stand while operating the device; or
    - (B) a deck and seat designed for a person to sit, straddle, or stand while operating the device;and
  - (v) a design for the ability to be propelled by human power alone.
  - (b) "Motor assisted scooter" does not include an electric assisted bicycle.
- (38)
- (a) "Motor vehicle" means a vehicle that is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
  - (b) "Motor vehicle" does not include vehicles moved solely by human power, motorized wheelchairs, an electric personal assistive mobility device, an electric assisted bicycle, or a personal delivery device, as defined in Section 41-6a-1119.
- (39) "Motorcycle" means:
- (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground; or
  - (b) an autocycle.
- (40)
- (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped, motor assisted scooter, and every motorized bicycle having:
    - (i) an engine with less than 150 cubic centimeters displacement; or
    - (ii) a motor that produces not more than five horsepower.
  - (b) "Motor-driven cycle" does not include:
    - (i) an electric personal assistive mobility device; or
    - (ii) an electric assisted bicycle.
- (41) "Off-highway implement of husbandry" means the same as that term is defined under Section 41-22-2.
- (42) "Off-highway vehicle" means the same as that term is defined under Section 41-22-2.
- (43) "Operator" means a person who is in actual physical control of a vehicle.
- (44)
- (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is occupied or not.
  - (b) "Park" or "parking" does not include the standing of a vehicle temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.
- (45) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic laws.
- (46) "Pedestrian" means a person traveling:
- (a) on foot; or
  - (b) in a wheelchair.
- (47) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate pedestrians.
- (48) "Person" means every natural person, firm, copartnership, association, or corporation.
- (49) "Pole trailer" means every vehicle without motive power:
- (a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and
  - (b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.
- (50) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

- (51) "Railroad" means a carrier of persons or property upon cars operated on stationary rails.
- (52) "Railroad sign or signal" means a sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
- (53) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.
- (54) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed, and proximity that give rise to danger of collision unless one grants precedence to the other.
- (55)
  - (a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.
  - (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles.
  - (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.
- (56) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- (57)
  - (a) "School bus" means a motor vehicle that:
    - (i) complies with the color and identification requirements of the most recent edition of "Minimum Standards for School Buses"; and
    - (ii) is used to transport school children to or from school or school activities.
  - (b) "School bus" does not include a vehicle operated by a common carrier in transportation of school children to or from school or school activities.
- (58)
  - (a) "Semitrailer" means a vehicle with or without motive power:
    - (i) designed for carrying persons or property and for being drawn by a motor vehicle; and
    - (ii) constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.
  - (b) "Semitrailer" does not include a pole trailer.
- (59) "Shoulder area" means:
  - (a) that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices"; or
  - (b) that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and for lateral support.
- (60) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- (61) "Solid rubber tire" means a tire of rubber or other resilient material that does not depend on compressed air for the support of the load.
- (62) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied or not, for the purpose of and while actually engaged in receiving or discharging passengers.
- (63) "Stop" when required means complete cessation from movement.
- (64) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when:
  - (a) necessary to avoid conflict with other traffic; or

- (b) in compliance with the directions of a peace officer or traffic-control device.
- (65) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.
- (66) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.
- (67) "Traffic signal preemption device" means an instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.
- (68) "Traffic-control device" means a sign, signal, marking, or device not inconsistent with this chapter placed or erected by a highway authority for the purpose of regulating, warning, or guiding traffic.
- (69) "Traffic-control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
- (70)
  - (a) "Trailer" means a vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.
  - (b) "Trailer" does not include a pole trailer.
- (71) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.
- (72) "Truck tractor" means a motor vehicle:
  - (a) designed and used primarily for drawing other vehicles; and
  - (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck tractor.
- (73) "Two-way left turn lane" means a lane:
  - (a) provided for vehicle operators making left turns in either direction;
  - (b) that is not used for passing, overtaking, or through travel; and
  - (c) that has been indicated by a lane traffic-control device that may include lane markings.
- (74) "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.
- (75) "Vehicle" means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except devices used exclusively on stationary rails or tracks.

Amended by Chapter 166, 2018 General Session

Amended by Chapter 205, 2018 General Session

## **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; or

- (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.

Renumbered and Amended by Chapter 2, 2005 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.

Amended by Chapter 412, 2015 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 three warning citations 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:
        - (l) 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 461, 2015 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) 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.
- (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 133, 2018 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

**Part 3  
Traffic-Control Devices**

**41-6a-301 Standards and specifications for uniform system of traffic-control devices and school crossing guards.**

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation shall make rules consistent with this chapter adopting standards and establishing specifications for a uniform system of traffic-control devices used on a highway.
- (2) The standards and specifications adopted under Subsection (1) shall:
  - (a) include provisions for school crossing zones and use of school crossing guards; and
  - (b) correlate with, and where possible conform to, the system set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" and other standards issued or endorsed by the federal highway administrator.

Amended by Chapter 382, 2008 General Session

**41-6a-302 Placing and maintenance on state highways -- Restrictions on local authorities.**

In accordance with Section 72-3-109, a highway authority shall place and maintain traffic-control devices:

- (1) in conformance with the standards and specifications adopted under Section 41-6a-301 on all highways under the highway authority's jurisdiction; and
- (2) as the highway authority finds necessary to:
  - (a) carry out the provisions of:
    - (i) this chapter; or
    - (ii) a local traffic ordinance if the highway authority is a local highway authority; or
  - (b) regulate, warn, or guide traffic.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-303 Definition of reduced speed school zone -- Operation of warning lights -- School crossing guard requirements -- Responsibility provisions -- Rulemaking authority.**

- (1) As used in this section "reduced speed school zone" means a designated length of a highway extending from a school zone speed limit sign with warning lights operating to an end school zone sign.
- (2) The Department of Transportation for state highways and local highway authorities for highways under their jurisdiction:
  - (a) shall establish reduced speed school zones at elementary schools after written assurance by a local highway authority that the local highway authority complies with Subsections (3) and (4); and
  - (b) may establish reduced speed school zones for secondary schools at the request of the local highway authority.
- (3) For all reduced speed school zones on highways, including state highways within the jurisdictional boundaries of a local highway authority, the local highway authority shall:
  - (a)
    - (i) provide shuttle service across highways for school children; or
    - (ii) provide, train, and supervise school crossing guards in accordance with this section;
  - (b) provide for the:
    - (i) operation of reduced speed school zones, including providing power to warning lights and turning on and off the warning lights as required under Subsections (4) and (5); and
    - (ii) maintenance of reduced speed school zones except on state highways as provided in Section 41-6a-302; and



- (c) notify the Department of Transportation of reduced speed school zones on state highways that are in need of maintenance.
- (4) While children are going to or leaving school during opening and closing hours all reduced speed school zones shall have:
  - (a) the warning lights operating on each school zone speed limit sign; and
  - (b) a school crossing guard present if the reduced speed school zone is for an elementary school.
- (5) The warning lights on a school zone speed limit sign may not be operating except as provided under Subsection (4).
- (6)
  - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation shall make rules establishing criteria and specifications for the:
    - (i) establishment, location, and operation of school crosswalks, school zones, and reduced speed school zones;
    - (ii) training, use, and supervision of school crossing guards at elementary schools and secondary schools; and
    - (iii) content and implementation of child access routing plans under Section 53G-4-402.
  - (b) If a school crosswalk is established at a signalized intersection in accordance with the requirements of this section, a local highway authority may reduce the speed limit at the signalized intersection to 20 miles per hour for a highway under its jurisdiction.
- (7) Each local highway authority shall pay for providing, training, and supervising school crossing guards in accordance with this section.
- (8) Each local highway authority shall ensure that any training described in this section complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Amended by Chapter 200, 2018 General Session

Amended by Chapter 415, 2018 General Session

**41-6a-304 Obeying devices -- Effect of improper position, illegibility, or absence --  
Presumption of lawful placement and compliance with chapter.**

- (1)
  - (a) Except as otherwise directed by a peace officer or other authorized personnel under Section 41-6a-209 and except as provided under Section 41-6a-212 for authorized emergency vehicles, the operator of a vehicle shall obey the instructions of any traffic-control device placed or held in accordance with this chapter.
  - (b) A violation of Subsection (1)(a) is an infraction.
- (2)
  - (a) Any provision of this chapter, for which a traffic-control device is required, may not be enforced if at the time and place of the alleged violation the traffic-control device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.
  - (b) The provisions of this chapter are effective independently of the placement of a traffic-control device unless the provision requires the placement of a traffic-control device prior to its enforcement.
- (3) A traffic-control device placed or held in a position approximately conforming to the requirements of this chapter is presumed to have been placed or held by the official act or direction of a highway authority or other lawful authority, unless the contrary is established by competent evidence.

- (4) A traffic-control device placed or held under this chapter and purporting to conform to the lawful requirements of the device is presumed to comply with the requirements of this chapter, unless the contrary is established by competent evidence.

Amended by Chapter 412, 2015 General Session

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

- (1)
- (a) Green, red, and yellow are the only colors that may be used in a traffic-control signal, except for a:
    - (i) pedestrian traffic-control signal that may use white and orange; and
    - (ii) rail vehicle that may use white.
  - (b) Traffic-control signals apply to the operator of a vehicle and to a pedestrian as provided in this section.
- (2)
- (a)
    - (i) Except as provided in Subsection (2)(a)(ii), the operator of a vehicle facing a circular green signal may:
      - (A) proceed straight through the intersection;
      - (B) turn right; or
      - (C) turn left.
    - (ii) The operator of a vehicle facing a circular green signal, including an operator turning right or left:
      - (A) shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited; and
      - (B) may not turn right or left if a sign at the intersection prohibits the turn.
  - (b) The operator of a vehicle facing a green arrow signal shown alone or in combination with another indication:
    - (i) may cautiously enter the intersection only to make the movement indicated by the arrow or other indication shown at the same time; and
    - (ii) shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
  - (c) Unless otherwise directed by a pedestrian traffic-control signal under Section 41-6a-306, a pedestrian facing any green signal other than a green turn arrow may proceed across the roadway within any marked or unmarked crosswalk.
- (3)
- (a) The operator of a vehicle facing a steady circular yellow or yellow arrow signal is warned that the allowable movement related to a green signal is being terminated.
  - (b) Unless otherwise directed by a pedestrian traffic-control signal under Section 41-6a-306, a pedestrian facing a steady circular yellow or yellow arrow signal is advised that there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian may not start to cross the roadway.
- (4)
- (a) Except as provided in Subsection (4)(c), the operator of a vehicle facing a steady circular red or red arrow signal:
    - (i) may not enter the intersection unless entering the intersection to make a movement is permitted by another indication; and

- (ii) shall stop at a clearly marked stop line, but if none, before entering the marked or unmarked crosswalk on the near side of the intersection and shall remain stopped until an indication to proceed is shown.
- (b) Unless otherwise directed by a pedestrian traffic-control signal under Section 41-6a-306, a pedestrian facing a steady red signal alone may not enter the roadway.
- (c)
  - (i)
    - (A) The operator of a vehicle facing a steady circular red signal may cautiously enter the intersection to turn right, or may turn left from a one-way street into a one-way street, after stopping as required by Subsection (4)(a).
    - (B) If permitted by a traffic control device on the state highway system, the operator of a vehicle facing a steady red arrow signal may cautiously enter the intersection to turn left from a one-way street into a one-way street after stopping as required by Subsection (4)(a).
  - (ii) The operator of a vehicle under Subsection (4)(c)(i) shall yield the right-of-way to:
    - (A) another vehicle moving through the intersection in accordance with an official traffic-control signal; and
    - (B) a pedestrian lawfully within an adjacent crosswalk.
- (5)
  - (a) This section applies to a highway or rail line where a traffic-control signal is erected and maintained.
  - (b) Any stop required shall be made at a sign or marking on the highway pavement indicating where the stop shall be made, but, in the absence of any sign or marking, the stop shall be made at the signal.
- (6) The operator of a vehicle approaching an intersection that has an inoperative traffic-control signal shall:
  - (a) stop before entering the intersection; and
  - (b) yield the right-of-way to any vehicle as required under Section 41-6a-901.
- (7)
  - (a) For an operator of a motorcycle, moped, or bicycle who is 16 years of age or older, it is an affirmative defense to a violation of Subsection (4)(a) if the operator of a motorcycle, moped, or bicycle facing a steady circular red signal or red arrow:
    - (i) brings the motorcycle, moped, or bicycle to a complete stop at the intersection or stop line;
    - (ii) determines that:
      - (A) the traffic-control signal has not detected the operator's presence by waiting a reasonable period of time of not less than 90 seconds at the intersection or stop line before entering the intersection;
      - (B) no other vehicle that is entitled to have the right-of-way under applicable law is sitting at, traveling through, or approaching the intersection; and
      - (C) no pedestrians are attempting to cross at or near the intersection in the direction of travel of the operator; and
    - (iii) cautiously enters the intersection and proceeds across the roadway.
  - (b) The affirmative defense under this section does not apply at an active railroad grade crossing as defined in Section 41-6a-1005.
- (8) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-306 Pedestrian traffic-control signals -- Rights and duties.**

- (1) A pedestrian facing a steady "Walk" or symbol of "Walking Person" of a pedestrian traffic-control signal has the right-of-way and may proceed across the roadway in the direction of the signal.
- (2) A pedestrian facing a flashing "Don't Walk" or "Upraised Hand" of a pedestrian traffic-control signal may not start to cross the roadway in the direction of the signal, but a pedestrian who has partially completed crossing on the walk signal shall proceed to a sidewalk or safety island.
- (3) A pedestrian facing a steady "Don't Walk" or "Upraised Hand" of a pedestrian traffic-control signal may not enter the roadway in the direction of the signal.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-307 Flashing red or yellow signals -- Rights and duties of operators -- Railroad grade crossings excluded.**

- (1) Except as provided under Section 41-6a-1203 regarding railroad grade crossings, the:
  - (a) operator of a vehicle facing an illuminated flashing red stop signal used in a traffic-control signal or with a traffic sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the nearest side of the intersection, or if none, then at a point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering;
  - (b) right to proceed is subject to the rules applicable after making a stop at a stop sign; and
  - (c) operator of a vehicle facing an illuminated flashing yellow caution signal may cautiously proceed through the intersection or cautiously proceed past the signal.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-308 Lane use control signals -- Colors.**

- (1) The operator of a vehicle facing a traffic-control signal placed to control individual lane use shall obey the signal as follows:
  - (a) Green signal -- vehicular traffic may travel in any lane over which a green signal is shown.
  - (b) Steady yellow signal -- vehicular traffic is warned that a lane control change is being made.
  - (c) Steady red signal -- vehicular traffic may not enter or travel in any lane over which a red signal is shown.
  - (d) Flashing yellow signal -- vehicular traffic may use the lane only for the purpose of approaching and making a left turn.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-309 Prohibition of unauthorized signs, signals, lights, or markings -- Commercial advertising -- Public nuisance -- Removal.**

- (1) Except as provided in Section 41-6a-310, a person may not place, maintain, or display upon or in view of any highway any unauthorized sign, signal, light, marking, or device which:
  - (a) purports to be or which resembles a traffic-control device or railroad sign or signal, or authorized emergency vehicle flashing light;
  - (b) attempts to direct the movement of traffic;

- (c) hides from view or interferes with the effectiveness of a traffic-control device or any railroad sign or signal; or
  - (d) blinds or dazzles an operator on any adjacent highway.
- (2) Except as provided under Section 72-7-504 regarding logo advertising, a person may not place or maintain any commercial advertising on any traffic-control device.
  - (3) The provisions of Subsections (1) and (2) do not prohibit a sign on private property adjacent to a highway providing directional information in a manner that may not be mistaken for a traffic-control device.
  - (4) Every prohibited sign, signal, or light, or marking is a public nuisance and the highway authority having jurisdiction over the highway may remove it or cause it to be removed without notice.
  - (5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-310 Private vehicle as emergency vehicle -- Rules.**

- (1) The commissioner of the Department of Public Safety may make rules, consistent with this chapter, governing the use, in emergencies, of signal lights on privately owned vehicles.
- (2) The rules under Subsection (1) may authorize a privately owned vehicle to be designated for part-time emergency use.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-311 Interference with traffic-control devices prohibited -- Traffic signal preemption device prohibited -- Exceptions -- Defense.**

- (1) Except as provided in Subsection (3), a person may not alter, deface, damage, knock down, or remove any:
  - (a) traffic-control device;
  - (b) traffic-monitoring device; or
  - (c) railroad traffic-control device.
- (2) Except as provided in Subsection (3), a person may not:
  - (a) knowingly use a traffic signal preemption device to interfere with the authorized operation or the authorized cycle of a traffic-control signal; or
  - (b) operate a motor vehicle on a highway while in possession of a traffic signal preemption device.
- (3) The provisions of Subsections (1) and (2) do not apply to a person authorized by the highway authority or railroad authority with jurisdiction over the device.
- (4) A violation of Subsection (1) or (2) is a class C misdemeanor.
- (5) It is an affirmative defense to a charge under Subsection (2)(b) that the traffic signal preemption device was inoperative and could not be readily used at the time of the citation or arrest.

Amended by Chapter 412, 2015 General Session

**Part 4**  
**Accident Responsibilities**

**41-6a-401 Accident involving property damage -- Duties of operator, occupant, and owner -- Exchange of information -- Notification of law enforcement -- Penalties.**

- (1) As used in this section:
  - (a) "Knowledge" or "with knowledge" means, with respect to an individual's own conduct or to circumstances surrounding an individual's conduct, that the individual is aware of the nature of the conduct or the existing circumstances.
  - (b) "Reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.
- (2)
  - (a) The operator of a vehicle with knowledge that the operator was involved in, or who has reason to believe that the operator may have been involved in, an accident resulting only in damage to another vehicle or other property:
    - (i) may move the vehicle as soon as possible off the roadway or freeway main lines, shoulders, medians, or adjacent areas to the nearest safe location on an exit ramp shoulder, a frontage road, the nearest suitable cross street, or other suitable location that does not obstruct traffic; and
    - (ii) shall remain at the scene of the accident or the location described in Subsection (2)(a)(i) until the operator has fulfilled the requirements of this section.
  - (b) Moving a vehicle as required under Subsection (2)(a)(i) does not affect the determination of fault for an accident.
  - (c) If the operator has knowledge that the operator was involved in, or reason to believe that the operator may have been involved in, an accident resulting in damage to another vehicle or other property only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of this section.
- (3) Except as provided under Subsection (6), if the vehicle or other property is operated, occupied, or attended by any person or if the owner of the vehicle or property is present, the operator of the vehicle involved in the accident shall:
  - (a) give to the persons involved:
    - (i) the operator's name, address, and the registration number of the vehicle being operated; and
    - (ii) the name of the insurance provider covering the vehicle being operated including the phone number of the agent or provider; and
  - (b) upon request and if available, exhibit the operator's license to:
    - (i) any investigating peace officer present;
    - (ii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident; and
    - (iii) the owner of property damaged in the accident, if present.
- (4) The operator of a vehicle involved in an accident shall immediately and by the quickest means of communication available give notice or cause to give notice of the accident to the nearest office of a law enforcement agency if the accident resulted in property damage to an apparent extent of \$1,500 or more.
- (5) Except as provided under Subsection (6), if the vehicle or other property damaged in the accident is unattended, the operator of the vehicle involved in the accident shall:
  - (a) locate and notify the operator or owner of the vehicle or the owner of other property damaged in the accident of the operator's name, address, and the registration number of the vehicle causing the damage; or
  - (b) attach securely in a conspicuous place on the vehicle or other property a written notice giving the operator's name, address, and the registration number of the vehicle causing the damage.

- (6) The operator of a vehicle that provides the information required under this section to an investigating peace officer at the scene of the accident is exempt from providing the information to other persons required under this section.
- (7)
  - (a) An operator of a vehicle that has reason to believe that the operator may have been involved in an accident and fails to comply with the provisions of this section is guilty of a class C misdemeanor.
  - (b) An operator of a vehicle that has knowledge that the operator was involved in an accident and fails to comply with the provisions of this section is guilty of a class B misdemeanor.

Amended by Chapter 272, 2018 General Session

**41-6a-401.3 Accident involving injury -- Stop at accident -- Penalty.**

- (1) As used in this section:
  - (a) "Reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.
  - (b) "Serious bodily injury" means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- (2)
  - (a) The operator of a vehicle who has reason to believe that the operator may have been involved in an accident resulting in injury to a person shall:
    - (i) immediately stop the vehicle at the scene of the accident or as close to it as possible without obstructing traffic more than is necessary; and
    - (ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 41-6a-401.7.
  - (b) If the operator has reason to believe that the operator may have been involved in an accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of Section 41-6a-401.7.
- (3)
  - (a) Except as provided in Subsection (3)(b), a person who violates the provisions of Subsection (2):
    - (i) is guilty of a class A misdemeanor if the accident resulted in injury to any person; and
    - (ii) shall be fined not less than \$750.
  - (b) A person who violates the provisions of Subsection (2):
    - (i) is guilty of a third degree felony if the accident resulted in serious bodily injury to a person; and
    - (ii) shall be fined not less than \$750.

Amended by Chapter 241, 2011 General Session

**41-6a-401.5 Accident involving death -- Stop at accident -- Penalty.**

- (1) As used in this section, "reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.
- (2)
  - (a) The operator of a vehicle who has reason to believe that the operator may have been involved in an accident resulting in the death of a person shall:

- (i) immediately stop the vehicle at the scene of the accident or as close to it as possible without obstructing traffic more than is necessary; and
  - (ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 41-6a-401.7.
- (b) If the operator has reason to believe that the operator may have been involved in an accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of Section 41-6a-401.7.
- (3) A person who violates the provisions of Subsection (2) is guilty of a third degree felony and shall be fined not less than \$750.

Amended by Chapter 241, 2011 General Session

**41-6a-401.7 Accident involving injury, death, or property damage -- Duties of operator, occupant, and owner -- Exchange of information -- Notification of law enforcement -- Penalties.**

- (1) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or 41-6a-401.5 shall:
- (a) give to the persons involved:
    - (i) the operator's name, address, and the registration number of the vehicle being operated; and
    - (ii) the name of the insurance provider covering the vehicle being operated including the phone number of the agent or provider;
  - (b) upon request and if available, exhibit the operator's license to:
    - (i) any investigating peace officer present;
    - (ii) the person struck;
    - (iii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident; and
    - (iv) the owner of property damaged in the accident, if present; and
  - (c) render to any person injured in the accident reasonable assistance, including transporting or making arrangements for transporting, of the injured person to a physician or hospital for medical treatment if:
    - (i) it is apparent that treatment is necessary; or
    - (ii) transportation is requested by the injured person.
- (2) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or 41-6a-401.5 shall immediately and by the quickest means of communication available give notice or cause to give notice of the accident to the nearest office of a law enforcement agency.
- (3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3 or 41-6a-401.5 who is not the operator of the vehicle shall give or cause to give the immediate notice required under Subsection (2) if:
- (a) the operator of a vehicle involved in an accident is physically incapable of giving the notice; and
  - (b) the occupant is capable of giving an immediate notice.
- (4) Except as provided under Subsection (5), if a vehicle or other property damaged in the accident is unattended, the operator of the vehicle involved in the accident shall:
- (a) locate and notify the operator or owner of the vehicle or the owner of other property damaged in the accident of the operator's name, address, and the registration number of the vehicle causing the damage; or
  - (b) attach securely in a conspicuous place on the vehicle or other property a written notice giving the operator's name, address, and the registration number of the vehicle causing the damage.



- (5) The operator of a vehicle that provides the information required under this section to an investigating peace officer at the scene of the accident is exempt from providing the information to other persons required under this section.
- (6) A violation of Subsection (4) is a class C misdemeanor.

Amended by Chapter 1, 2015 Special Session 1  
Amended by Chapter 412, 2015 General Session

**41-6a-401.9 Authority to remove and dispose of vehicles and cargoes of vehicles involved in accidents.**

- (1) As a result of a motor vehicle accident, a law enforcement agency with jurisdiction may, without the consent of the owner or carrier, remove a vehicle, cargo, or other personal property that:
  - (a) has been damaged or spilled within the right-of-way or any portion of a roadway on the state highway system;
  - (b) is blocking the roadway; or
  - (c) is otherwise endangering public safety.
- (2) The Department of Transportation, a law enforcement agency, or an authorized tow truck motor carrier shall not be held responsible for any damages or claims that result from exercising any authority or the failure to exercise any authority granted under this section provided they are acting in good faith.

Amended by Chapter 363, 2011 General Session

**41-6a-402 Accident reports -- Duty of operator and investigative officer to file.**

- (1) The department may require any operator of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to the apparent extent of \$1,500 or more to file within 10 days after the request:
  - (a) a report of the accident to the department in a manner specified by the department; and
  - (b) a supplemental report when the original report is insufficient in the opinion of the department.
- (2) The department may require witnesses of accidents to file reports to the department.
- (3)
  - (a) An accident report is not required under this section from any person who is physically incapable of making a report, during the period of incapacity.
  - (b) If the operator is physically incapable of making an accident report under this section and the operator is not the owner of the vehicle, the owner of the vehicle involved in the accident shall within 15 days after becoming aware of the accident make the report required of the operator under this section.
- (4)
  - (a) The department shall, upon request, supply to law enforcement agencies, justice court judges, sheriffs, garages, and other appropriate agencies or individuals forms for accident reports required under this part.
  - (b) A request for an accident report form under Subsection (4)(a) shall be made in a manner specified by the division.
  - (c) The accident reports shall:
    - (i) provide sufficient detail to disclose the cause, conditions then existing, and the persons and vehicles involved in the accident; and
    - (ii) contain all of the information required that is available.
- (5)

- (a) A person shall file an accident report if required under this section.
  - (b) The department shall suspend the license or permit to operate a motor vehicle and any nonresident operating privileges of any person failing to file an accident report in accordance with this section.
  - (c) The suspension under Subsection (5)(b) shall be in effect until the report has been filed except that the department may extend the suspension not to exceed 30 days.
- (6)
- (a) A peace officer who, in the regular course of duty, investigates a motor vehicle accident described under Subsection (1) shall file an electronic copy of the report of the accident with the department within 10 days after completing the investigation.
  - (b) The accident report shall be made either at the time of and at the scene of the accident or later by interviewing participants or witnesses.
- (7) The accident reports required to be filed with the department under this section and the information in them are protected and confidential and may be disclosed only as provided in Section 41-6a-404.
- (8)
- (a) In addition to the reports required under this part, a local highway authority may, by ordinance, require that for each accident that occurs within its jurisdiction, the operator of a vehicle involved in an accident, or the owner of the vehicle involved in an accident, shall file with the local law enforcement agency a report of the accident or a copy of any report required to be filed with the department under this part.
  - (b) All reports are for the confidential use of the municipal department and are subject to the provisions of Section 41-6a-404.
- (9) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-403 Vehicle accidents -- Investigation and report of operator security -- Agency action if no security -- Surrender of plates -- Penalties.**

- (1)
- (a) Upon request of a peace officer investigating an accident involving a motor vehicle, the operator of the motor vehicle shall provide evidence of the owner's or operator's security required under Section 41-12a-301.
  - (b) The evidence of owner's or operator's security includes information specified under Section 41-12a-303.2.
- (2) The peace officer shall record on a form approved by the department:
- (a) the information provided by the operator;
  - (b) whether the operator provided insufficient or no information;
  - (c) whether the officer finds reasonable cause to believe that any information given is not correct; and
  - (d) whether other information available to the peace officer indicates that owner's or operator's security is in effect.
- (3) The peace officer shall deposit all completed forms with the peace officer's law enforcement agency, which shall forward the forms to the department no later than 10 days after receipt.
- (4)
- (a) The department shall within 10 days of receipt of the forms from the law enforcement agency take action as follows:

- (i) if the operator provided no information under Subsection (1) and other information available to the peace officer does not indicate that owner's or operator's security is in effect, the department shall take direct action under Subsection 53-3-221(13); or
- (ii) if the peace officer noted or the department determines that there is reasonable cause to believe that the information given under Subsection (1) is not correct, the department shall contact directly the insurance company or other provider of security as described in Section 41-12a-303.2 and request verification of the accuracy of the information submitted as of the date of the accident.
- (b) The department may require the verification under Subsection (4)(a)(ii) to be in a form specified by the department.
- (c) The insurance company or other provider of security shall return the verification to the department within 30 days of receipt of the request.
- (d) If the department does not receive verification within 35 days after sending the request, or within the 35 days receives notice that the information was not correct, the department shall take action under Subsection 53-3-221(13).
- (5)
  - (a) The owner of a vehicle with unexpired license plates for which security is not provided as required under this chapter shall return the plates for the vehicle to the Motor Vehicle Division unless specifically permitted by statute to retain them.
  - (b) If the owner fails to return the plates as required, the plates shall be confiscated under Section 53-3-226.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules for the enforcement of this section.
- (7) A person is guilty of a class B misdemeanor, and shall be fined not less than \$100, who:
  - (a) when requested to provide security information under Subsection (1), or Section 41-12a-303.2, provides false information;
  - (b) falsely represents to the department that security required under this chapter is in effect; or
  - (c) sells a vehicle to avoid the penalties of this section as applicable either to himself or a third party.

Amended by Chapter 382, 2008 General Session

**41-6a-404 Accident reports -- When confidential -- Insurance policy information -- Use as evidence -- Penalty for false information.**

- (1) As used in this section:
  - (a) "Accompanying data" means all materials gathered by the investigating peace officer in an accident investigation including:
    - (i) the identity of witnesses and, if known, contact information;
    - (ii) witness statements;
    - (iii) photographs and videotapes;
    - (iv) diagrams; and
    - (v) field notes.
  - (b) "Agent" means:
    - (i) a person's attorney;
    - (ii) a person's insurer;
    - (iii) a general acute hospital, as defined in Section 26-21-2, that:
      - (A) has an emergency room; and

- (B) is providing or has provided emergency services to the person in relation to the accident;  
or
  - (iv) any other individual or entity with signed permission from the person to receive the person's accident report.
- (2)
- (a) Except as provided in Subsections (3) and (7), all accident reports required in this part to be filed with the department:
    - (i) are without prejudice to the reporting individual;
    - (ii) are protected and for the confidential use of the department or other state, local, or federal agencies having use for the records for official governmental statistical, investigative, and accident prevention purposes; and
    - (iii) may be disclosed only in a statistical form that protects the privacy of any person involved in the accident.
  - (b) An investigating peace officer shall include in an accident report an indication as to whether the accident occurred on a highway designated as a livestock highway in accordance with Section 72-3-112 if the accident resulted in the injury or death of livestock.
- (3)
- (a) Subject to the provisions of this section, the department or the responsible law enforcement agency employing the peace officer that investigated the accident shall disclose an accident report to:
    - (i) a person involved in the accident, excluding a witness to the accident;
    - (ii) a person suffering loss or injury in the accident;
    - (iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i) and (ii);
    - (iv) subject to Subsection (3)(d), a member of the press or broadcast news media;
    - (v) a state, local, or federal agency that uses the records for official governmental, investigative, or accident prevention purposes;
    - (vi) law enforcement personnel when acting in their official governmental capacity; and
    - (vii) a licensed private investigator.
  - (b) The responsible law enforcement agency employing the peace officer that investigated the accident:
    - (i) shall in compliance with Subsection (3)(a):
      - (A) disclose an accident report; or
      - (B) upon written request disclose an accident report and its accompanying data within 10 business days from receipt of a written request for disclosure; or
    - (ii) may withhold an accident report, and any of its accompanying data if disclosure would jeopardize an ongoing criminal investigation or criminal prosecution.
  - (c) In accordance with Subsection (3)(a), the department or the responsible law enforcement agency employing the investigating peace officer shall disclose whether any person or vehicle involved in an accident reported under this section was covered by a vehicle insurance policy, and the name of the insurer.
  - (d) Information provided to a member of the press or broadcast news media under Subsection (3)(a)(iv) may only include:
    - (i) the name, age, sex, and city of residence of each person involved in the accident;
    - (ii) the make and model year of each vehicle involved in the accident;
    - (iii) whether or not each person involved in the accident was covered by a vehicle insurance policy;
    - (iv) the location of the accident; and

- (v) a description of the accident that excludes personal identifying information not listed in Subsection (3)(d)(i).
  - (e) The department shall disclose to any requesting person the following vehicle accident history information, excluding personal identifying information, in bulk electronic form:
    - (i) any vehicle identifying information that is electronically available, including the make, model year, and vehicle identification number of each vehicle involved in an accident;
    - (ii) the date of the accident; and
    - (iii) any electronically available data which describes the accident, including a description of any physical damage to the vehicle.
  - (f) The department may establish a fee under Section 63J-1-504 based on the fair market value of the information for providing bulk vehicle accident history information under Subsection (3)(e).
- (4)
- (a) Except as provided in Subsection (4)(b), accident reports filed under this section may not be used as evidence in any civil or criminal trial arising out of an accident.
  - (b)
    - (i) Upon demand of any party to the trial or upon demand of any court, the department shall furnish a certificate showing that a specified accident report has or has not been made to the department in compliance with law.
    - (ii) If the report has been made, the certificate furnished by the department shall show:
      - (A) the date, time, and location of the accident;
      - (B) the names and addresses of the drivers;
      - (C) the owners of the vehicles involved; and
      - (D) the investigating peace officers.
    - (iii) The reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of Subsection (5).
- (5) A person who gives information in reports as required in this part knowing or having reason to believe that the information is false is guilty of a class A misdemeanor.
- (6) The department and the responsible law enforcement agency employing the investigating peace officer may charge a reasonable fee determined by the department under Section 63J-1-504 for the cost incurred in disclosing an accident report or an accident report and any of its accompanying data under Subsections (3)(a) and (b).
- (7)
- (a) The Office of State Debt Collection may, in the performance of its regular duties, disclose an accident report to:
    - (i) a person involved in the accident, excluding a witness to the accident;
    - (ii) an owner of a vehicle involved in the accident; or
    - (iii) an agent, parent, or legal guardian of a person described in Subsection (7)(a)(i) or (ii).
  - (b) A disclosure under Subsection (7)(a) does not change the classification of the record as a protected record under Section 63G-2-305.

Amended by Chapter 162, 2018 General Session

**41-6a-405 Garage keeper to report damaged vehicle without damage sticker.**

- (1)
- (a) The person in charge of any garage or repair shop shall make a report to the nearest law enforcement agency within 24 hours of receiving a vehicle which shows evidence of having been:

- (i) involved in an accident for which an accident report may be requested under Section 41-6a-402; or
- (ii) struck by any bullet.
- (b) The report required under Subsection (1)(a) shall include the:
  - (i) vehicle identification number;
  - (ii) registration number; and
  - (iii) name and address of the owner or operator of the vehicle.
- (2) If a damaged vehicle sticker describing the damage is affixed to the vehicle by a peace officer, a report under Subsection (1) is not required.
- (3) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-406 Statistical information regarding accidents -- Annual publication.**

- (1) The department may analyze all accident reports.
- (2)
  - (a) The department shall tabulate and publish statistical information as to the number and circumstances of traffic accidents.
  - (b) The publication under Subsection (2)(a) shall be at least annually.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-407 Livestock on highway -- Restrictions -- Collision, action for damages.**

- (1)
  - (a) A person who owns or is in possession or control of any livestock may not willfully or negligently permit any of the livestock to stray or remain unaccompanied on a highway, if both sides of the highway are separated from adjoining property by a fence, wall, hedge, sidewalk, curb, lawn, or building.
  - (b) Subsection (1)(a) does not apply to range stock drifting onto any highway moving to or from their accustomed ranges.
- (2)
  - (a) A person may not drive any livestock upon, over, or across any highway during the period from half an hour after sunset to half an hour before sunrise.
  - (b) Subsection (2)(a) does not apply if the person has a sufficient number of herders with warning lights on continual duty to open the road to permit the passage of vehicles.
- (3) A violation of Subsection (1) or (2) is an infraction.
- (4) In any civil action brought for damages caused by collision with any domestic animal or livestock on a highway, there is no presumption that the collision was due to negligence on behalf of the owner or the person in possession of the domestic animal or livestock.

Amended by Chapter 412, 2015 General Session

**41-6a-408 Peace officer investigating accident to notify owner if livestock or broken fence involved -- Exempt from liability.**

- (1) A peace officer investigating an accident resulting in injury or death of any livestock shall make reasonable efforts as soon as possible to:
  - (a) locate the owner of the livestock;
  - (b) inform the owner of the injured or dead animal; and

- (c)
  - (i) make arrangements with the owner of the livestock to deliver, mail, email, fax, or otherwise provide the owner of the livestock a copy of the accident report prepared in accordance with Section 41-6a-404; or
  - (ii) advise the owner of the livestock where a copy of the accident report prepared in accordance with Section 41-6a-404 may be obtained.
- (2) A peace officer investigating an accident resulting in a broken fence, if it appears the fence contains or controls the movement of livestock, shall make reasonable efforts as soon as possible to locate the owner of the property and inform the owner of the broken fence.
- (3)
  - (a) Civil or criminal liability for claims does not arise against any peace officer for failure to locate the owner of the livestock or property.
  - (b) Subsection (3)(a) does not preclude disciplinary action by the law enforcement agency against a peace officer for failure to perform duties required by this section.

Amended by Chapter 220, 2010 General Session

**41-6a-409 Prohibition of flat response fee for motor vehicle accident.**

- (1) As used in this section, "government entity" means the Department of Transportation, the Utah Highway Patrol Division, or a local government entity or agency.
- (2) A government entity:
  - (a) may not impose a flat fee, or collect a flat fee, from an individual involved in a motor vehicle accident; and
  - (b) may only charge the individual for the actual cost or a reasonable estimate of the cost of services provided in responding to the motor vehicle accident, limited to:
    - (i) medical costs for transporting an individual from the scene of a motor vehicle accident or treating a person injured in a motor vehicle accident;
    - (ii) the cost for repair to damaged public property, if the individual is legally liable for the damage;
    - (iii) the cost of materials used in cleaning up the motor vehicle accident, if the individual is legally liable for the motor vehicle accident; and
    - (iv) towing costs.
- (3) If a government entity imposes a charge on more than one individual for the actual cost or a reasonable estimate of the cost of responding to a motor vehicle accident, the government entity shall apportion the charges so that the government entity does not receive more for responding to the motor vehicle accident than the actual response cost or a reasonable estimate of the cost.
- (4) Nothing in this section prohibits a government entity from contracting with an independent contractor to recover costs related to damage to public property.
- (5) If a government entity enters into a contract with an independent contractor to recover costs related to damage to public property, the government entity may only pay the independent contractor out of any recovery received from the person who caused the damage or the responsible party.

Amended by Chapter 142, 2017 General Session

## Part 5

### Driving Under the Influence and Reckless Driving

#### 41-6a-501 Definitions.

(1) As used in this part:

- (a) "Assessment" means an in-depth clinical interview with a licensed mental health therapist:
  - (i) used to determine if a person is in need of:
    - (A) substance abuse treatment that is obtained at a substance abuse program;
    - (B) an educational series; or
    - (C) a combination of Subsections (1)(a)(i)(A) and (B); and
  - (ii) that is approved by the Division of Substance Abuse and Mental Health in accordance with Section 62A-15-105.
- (b) "Driving under the influence court" means a court that is approved as a driving under the influence court by the Utah Judicial Council according to standards established by the Judicial Council.
- (c) "Drug" or "drugs" means:
  - (i) a controlled substance as defined in Section 58-37-2;
  - (ii) a drug as defined in Section 58-17b-102; or
  - (iii) any substance that, when knowingly, intentionally, or recklessly taken into the human body, can impair the ability of a person to safely operate a motor vehicle.
- (d) "Educational series" means an educational series obtained at a substance abuse program that is approved by the Division of Substance Abuse and Mental Health in accordance with Section 62A-15-105.
- (e) "Negligence" means simple negligence, the failure to exercise that degree of care that an ordinarily reasonable and prudent person exercises under like or similar circumstances.
- (f) "Novice learner driver" means an individual who:
  - (i) has applied for a Utah driver license;
  - (ii) has not previously held a driver license in this state or another state; and
  - (iii) has not completed the requirements for issuance of a Utah driver license.
- (g) "Screening" means a preliminary appraisal of a person:
  - (i) used to determine if the person is in need of:
    - (A) an assessment; or
    - (B) an educational series; and
  - (ii) that is approved by the Division of Substance Abuse and Mental Health in accordance with Section 62A-15-105.
- (h) "Serious bodily injury" means bodily injury that creates or causes:
  - (i) serious permanent disfigurement;
  - (ii) protracted loss or impairment of the function of any bodily member or organ; or
  - (iii) a substantial risk of death.
- (i) "Substance abuse treatment" means treatment obtained at a substance abuse program that is approved by the Division of Substance Abuse and Mental Health in accordance with Section 62A-15-105.
- (j) "Substance abuse treatment program" means a state licensed substance abuse program.
- (k)
  - (i) "Vehicle" or "motor vehicle" means a vehicle or motor vehicle as defined in Section 41-6a-102; and
  - (ii) "Vehicle" or "motor vehicle" includes:



- (A) an off-highway vehicle as defined under Section 41-22-2; and
  - (B) a motorboat as defined in Section 73-18-2.
- (2) As used in Section 41-6a-503:
- (a) "Conviction" means any conviction arising from a separate episode of driving for a violation of:
    - (i) driving under the influence under Section 41-6a-502;
    - (ii)
      - (A) for an offense committed before July 1, 2008, alcohol, any drug, or a combination of both-related reckless driving under:
        - (I) Section 41-6a-512; and
        - (II) Section 41-6a-528; or
      - (B) for an offense committed on or after July 1, 2008, impaired driving under Section 41-6a-502.5;
    - (iii) driving with any measurable controlled substance that is taken illegally in the body under Section 41-6a-517;
    - (iv) local ordinances similar to Section 41-6a-502, alcohol, any drug, or a combination of both-related reckless driving, or impaired driving under Section 41-6a-502.5 adopted in compliance with Section 41-6a-510;
    - (v) automobile homicide under Section 76-5-207;
    - (vi) Subsection 58-37-8(2)(g);
    - (vii) a violation described in Subsections (2)(a)(i) through (vi), which judgment of conviction is reduced under Section 76-3-402; or
    - (viii) statutes or ordinances previously in effect in this state or in effect in any other state, the United States, or any district, possession, or territory of the United States which would constitute a violation of Section 41-6a-502 or alcohol, any drug, or a combination of both-related reckless driving if committed in this state, including punishments administered under 10 U.S.C. Sec. 815.
  - (b) A plea of guilty or no contest to a violation described in Subsections (2)(a)(i) through (viii) which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement, for purposes of:
    - (i) enhancement of penalties under:
      - (A) this Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; and
      - (B) automobile homicide under Section 76-5-207; and
    - (ii) expungement under Title 77, Chapter 40, Utah Expungement Act.

Amended by Chapter 52, 2018 General Session

**41-6a-502 Driving under the influence of alcohol, drugs, or a combination of both or with specified or unsafe blood alcohol concentration -- Reporting of convictions.**

- (1) A person may not operate or be in actual physical control of a vehicle within this state if the person:
- (a) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .05 grams or greater at the time of the test;
  - (b) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle; or
  - (c) has a blood or breath alcohol concentration of .05 grams or greater at the time of operation or actual physical control.

- (2) Alcohol concentration in the blood shall be based upon grams of alcohol per 100 milliliters of blood, and alcohol concentration in the breath shall be based upon grams of alcohol per 210 liters of breath.
- (3) A violation of this section includes a violation under a local ordinance similar to this section adopted in compliance with Section 41-6a-510.
- (4) Beginning on July 1, 2012, a court shall, monthly, send to the Division of Occupational and Professional Licensing, created in Section 58-1-103, a report containing the name, case number, and, if known, the date of birth of each person convicted during the preceding month of a violation of this section for whom there is evidence that the person was driving under the influence, in whole or in part, of a prescribed controlled substance.

Amended by Chapter 283, 2017 General Session

**41-6a-502.5 Impaired driving -- Penalty -- Reporting of convictions -- Sentencing requirements.**

- (1) With the agreement of the prosecutor, a plea to a class B misdemeanor violation of Section 41-6a-502 committed on or after July 1, 2008, may be entered as a conviction of impaired driving under this section if:
  - (a) the defendant completes court ordered probation requirements; or
  - (b)
    - (i) the prosecutor agrees as part of a negotiated plea; and
    - (ii) the court finds the plea to be in the interest of justice.
- (2) A conviction entered under this section is a class B misdemeanor.
- (3)
  - (a)
    - (i) If the entry of an impaired driving plea is based on successful completion of probation under Subsection (1)(a), the court shall enter the conviction at the time of the plea.
    - (ii) If the defendant fails to appear before the court and establish successful completion of the court ordered probation requirements under Subsection (1)(a), the court shall enter an amended conviction of Section 41-6a-502.
    - (iii) The date of entry of the amended order under Subsection (3)(a)(ii) is the date of conviction.
  - (b) The court may enter a conviction of impaired driving immediately under Subsection (1)(b).
- (4) For purposes of Section 76-3-402, the entry of a plea to a class B misdemeanor violation of Section 41-6a-502 as impaired driving under this section is a reduction of one degree.
- (5)
  - (a) The court shall notify the Driver License Division of each conviction entered under this section.
  - (b) Beginning on July 1, 2012, a court shall, monthly, send to the Division of Occupational and Professional Licensing, created in Section 58-1-103, a report containing the name, case number, and, if known, the date of birth of each person convicted during the preceding month of a violation of this section for whom there is evidence that the person was driving while impaired, in whole or in part, by a prescribed controlled substance.
- (6)
  - (a) The provisions in Subsections 41-6a-505(1), (2), and (4) that require a sentencing court to order a convicted person to participate in a screening, an assessment, or an educational series, or obtain substance abuse treatment or do a combination of those things, apply to a conviction entered under this section.

- (b) The court shall render the same order regarding screening, assessment, an educational series, or substance abuse treatment in connection with a first, second, or subsequent conviction under this section as the court would render in connection with applying respectively, the first, second, or subsequent conviction requirements of Subsection 41-6a-505(1), (2), or (4).
- (7)
- (a) Except as provided in Subsection (7)(b), a report authorized by Section 53-3-104 may not contain any evidence of a conviction for impaired driving in this state if the reporting court notifies the Driver License Division that the defendant is participating in or has successfully completed the program of a driving under the influence court.
  - (b) The provisions of Subsection (7)(a) do not apply to a report concerning:
    - (i) a CDL license holder; or
    - (ii) a violation that occurred in a commercial motor vehicle.
- (8) The provisions of this section are not available to a person who has a prior conviction as that term is defined in Subsection 41-6a-501(2).

Amended by Chapter 438, 2015 General Session

**41-6a-503 Penalties for driving under the influence violations.**

- (1) A person who violates for the first or second time Section 41-6a-502 is guilty of a:
- (a) class B misdemeanor; or
  - (b) class A misdemeanor if the person:
    - (i) has also inflicted bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner;
    - (ii) had a passenger under 16 years of age in the vehicle at the time of the offense;
    - (iii) was 21 years of age or older and had a passenger under 18 years of age in the vehicle at the time of the offense; or
    - (iv) at the time of the violation of Section 41-6a-502, also violated Section 41-6a-714.
- (2) A person who violates Section 41-6a-502 is guilty of a third degree felony if:
- (a) the person has also inflicted serious bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner;
  - (b) the person has two or more prior convictions as defined in Subsection 41-6a-501(2), each of which is within 10 years of:
    - (i) the current conviction under Section 41-6a-502; or
    - (ii) the commission of the offense upon which the current conviction is based; or
  - (c) the conviction under Section 41-6a-502 is at any time after a conviction of:
    - (i) automobile homicide under Section 76-5-207 that is committed after July 1, 2001;
    - (ii) a felony violation of Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502 that is committed after July 1, 2001; or
    - (iii) any conviction described in Subsection (2)(c)(i) or (ii) which judgment of conviction is reduced under Section 76-3-402.
- (3) A person is guilty of a separate offense for each victim suffering bodily injury or serious bodily injury as a result of the person's violation of Section 41-6a-502 or death as a result of the person's violation of Section 76-5-207 whether or not the injuries arise from the same episode of driving.

Amended by Chapter 138, 2018 General Session

**41-6a-504 Defense not available for driving under the influence violation.**

The fact that a person charged with violating Section 41-6a-502 is or has been legally entitled to use alcohol or a drug is not a defense against any charge of violating Section 41-6a-502.

Enacted by Chapter 2, 2005 General Session

**41-6a-505 Sentencing requirements for driving under the influence of alcohol, drugs, or a combination of both violations.**

(1) As part of any sentence for a first conviction of Section 41-6a-502:

(a) the court shall:

(i)

(A) impose a jail sentence of not less than 48 consecutive hours; or

(B) require the individual to work in a compensatory-service work program for not less than 48 hours;

(ii) order the individual to participate in a screening;

(iii) order the individual to participate in an assessment, if it is found appropriate by a screening under Subsection (1)(a)(ii);

(iv) order the individual to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (1)(b);

(v) impose a fine of not less than \$700;

(vi) order probation for the individual in accordance with Section 41-6a-507, if there is admissible evidence that the individual had a blood alcohol level of .16 or higher;

(vii)

(A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or

(B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(5)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; or

(viii)

(A) order the individual to pay the towing and storage fees described in Section 72-9-603; or

(B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(5)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and

(b) the court may:

(i) order the individual to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate;

(ii) order probation for the individual in accordance with Section 41-6a-507;

(iii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years of age or older; or

(iv) order a combination of Subsections (1)(b)(i) through (iii).

(2) If an individual has a prior conviction as defined in Subsection 41-6a-501(2) that is within 10 years of the current conviction under Section 41-6a-502 or the commission of the offense upon which the current conviction is based:

(a) the court shall:

(i)

(A) impose a jail sentence of not less than 240 hours; or

- (B) impose a jail sentence of not less than 120 hours in addition to home confinement of not fewer than 720 consecutive hours through the use of electronic monitoring that includes a substance abuse testing instrument in accordance with Section 41-6a-506;
- (ii) order the individual to participate in a screening;
- (iii) order the individual to participate in an assessment, if it is found appropriate by a screening under Subsection (2)(a)(ii);
- (iv) order the individual to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (2)(b);
- (v) impose a fine of not less than \$800;
- (vi) order probation for the individual in accordance with Section 41-6a-507;
- (vii)
  - (A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
  - (B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(5)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; or
- (viii)
  - (A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
  - (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(5)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and
- (b) the court may:
  - (i) order the individual to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate;
  - (ii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years of age or older; or
  - (iii) order a combination of Subsections (2)(b)(i) and (ii).
- (3) Under Subsection 41-6a-503(2), if the court suspends the execution of a prison sentence and places the defendant on probation, the court shall impose:
  - (a) a fine of not less than \$1,500;
  - (b) a jail sentence of not less than 1,500 hours; and
  - (c) supervised probation.
- (4) For Subsection (3)(a) or Subsection 41-6a-503(2)(b), the court:
  - (a) shall impose an order requiring the individual to obtain a screening and assessment for alcohol and substance abuse, and treatment as appropriate; and
  - (b) may impose an order requiring the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years of age or older.
- (5) The requirements of Subsections (1)(a), (2)(a), (3), and (4) may not be suspended.
- (6) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible evidence that the individual had a blood alcohol level of .16 or higher, the court shall order the following, or describe on record why the order or orders are not appropriate:
  - (a) treatment as described under Subsection (1)(b), (2)(b), or (4); and
  - (b) one or more of the following:
    - (i) the installation of an ignition interlock system as a condition of probation for the individual in accordance with Section 41-6a-518;
    - (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring device as a condition of probation for the individual; or

- (iii) the imposition of home confinement through the use of electronic monitoring in accordance with Section 41-6a-506.

Amended by Chapter 334, 2018 General Session

**41-6a-506 Electronic monitoring requirements for certain driving under the influence violations.**

- (1) If the court orders a person to participate in home confinement through the use of electronic monitoring, the electronic monitoring shall alert the appropriate corrections, probation monitoring agency, law enforcement units, or contract provider of the defendant's whereabouts.
- (2) The electronic monitoring device shall be used under conditions which require:
  - (a) the person to wear an electronic monitoring device at all times;
  - (b) that a device be placed in the home or other specified location of the person, so that the person's compliance with the court's order may be monitored; and
  - (c) the person to pay the costs of the electronic monitoring.
- (3) The court shall order the appropriate entity described in Subsection (5) to place an electronic monitoring device on the person and install electronic monitoring equipment in the residence of the person or other specified location.
- (4) The court may:
  - (a) require the person's electronic home monitoring device to include a substance abuse testing instrument;
  - (b) restrict the amount of alcohol the person may consume during the time the person is subject to home confinement;
  - (c) set specific time and location conditions that allow the person to attend school educational classes, or employment and to travel directly between those activities and the person's home; and
  - (d) waive all or part of the costs associated with home confinement if the person is determined to be indigent by the court.
- (5) The electronic monitoring described in this section may either be administered directly by the appropriate corrections agency, probation monitoring agency, or by contract with a private provider.
- (6) The electronic monitoring provider shall cover the costs of waivers by the court under Subsection (4)(d).

Enacted by Chapter 2, 2005 General Session

**41-6a-507 Supervised probation for certain driving under the influence violations.**

- (1) If supervised probation is ordered under Section 41-6a-505 or 41-6a-517:
  - (a) the court shall specify the period of the probation;
  - (b) the person shall pay all of the costs of the probation; and
  - (c) the court may order any other conditions of the probation.
- (2) The court shall provide the probation described in this section by contract with a probation monitoring agency or a private probation provider.
- (3) The probation provider described in Subsection (2) shall monitor the person's compliance with all conditions of the person's sentence, conditions of probation, and court orders received under this part and shall notify the court of any failure to comply with or complete that sentence or those conditions or orders.
- (4)

- (a) The court may waive all or part of the costs associated with probation if the person is determined to be indigent by the court.
- (b) The probation provider described in Subsection (2) shall cover the costs of waivers by the court under Subsection (4)(a).

Enacted by Chapter 2, 2005 General Session

**41-6a-508 Arrest without a warrant for a driving under the influence violation.**

A peace officer may, without a warrant, arrest a person for a violation of Section 41-6a-502 when the peace officer has probable cause to believe the violation has occurred, although not in the peace officer's presence, and if the peace officer has probable cause to believe that the violation was committed by the person.

Enacted by Chapter 2, 2005 General Session

**41-6a-509 Driver license suspension or revocation for a driving under the influence violation.**

- (1) The Driver License Division shall, if the person is 21 years of age or older at the time of arrest:
  - (a) suspend for a period of 120 days the operator's license of a person convicted for the first time under Section 41-6a-502 of an offense committed on or after July 1, 2009; or
  - (b) revoke for a period of two years the license of a person if:
    - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
    - (ii) the current driving under the influence violation under Section 41-6a-502 is committed:
      - (A) within a period of 10 years from the date of the prior violation; and
      - (B) on or after July 1, 2009.
- (2) The Driver License Division shall, if the person is 19 years of age or older but under 21 years of age at the time of arrest:
  - (a) suspend the person's driver license until the person is 21 years of age or for a period of one year, whichever is longer, if the person is convicted for the first time of a driving under the influence violation under Section 41-6a-502 of an offense that was committed on or after July 1, 2011;
  - (b) deny the person's application for a license or learner's permit until the person is 21 years of age or for a period of one year, whichever is longer, if the person:
    - (i) is convicted for the first time of a driving under the influence violation under Section 41-6a-502 of an offense committed on or after July 1, 2011; and
    - (ii) has not been issued an operator license;
  - (c) revoke the person's driver license until the person is 21 years of age or for a period of two years, whichever is longer, if:
    - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
    - (ii) the current driving under the influence violation under Section 41-6a-502 is committed on or after July 1, 2009, and within a period of 10 years from the date of the prior violation; or
  - (d) deny the person's application for a license or learner's permit until the person is 21 years of age or for a period of two years, whichever is longer, if:
    - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
    - (ii) the current driving under the influence violation under Section 41-6a-502 is committed on or after July 1, 2009, and within a period of 10 years from the date of the prior violation; and
    - (iii) the person has not been issued an operator license.
- (3) The Driver License Division shall, if the person is under 19 years of age at the time of arrest:

- (a) suspend the person's driver license until the person is 21 years of age if the person is convicted for the first time of a driving under the influence violation under Section 41-6a-502 of an offense that was committed on or after July 1, 2009;
- (b) deny the person's application for a license or learner's permit until the person is 21 years of age if the person:
  - (i) is convicted for the first time of a driving under the influence violation under Section 41-6a-502 of an offense committed on or after July 1, 2009; and
  - (ii) has not been issued an operator license;
- (c) revoke the person's driver license until the person is 21 years of age if:
  - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
  - (ii) the current driving under the influence violation under Section 41-6a-502 is committed on or after July 1, 2009, and within a period of 10 years from the date of the prior violation; or
- (d) deny the person's application for a license or learner's permit until the person is 21 years of age if:
  - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
  - (ii) the current driving under the influence violation under Section 41-6a-502 is committed on or after July 1, 2009, and within a period of 10 years from the date of the prior violation; and
  - (iii) the person has not been issued an operator license.
- (4) The Driver License Division shall suspend or revoke the license of a person as ordered by the court under Subsection (10).
- (5) The Driver License Division shall:
  - (a) deny, suspend, or revoke the operator's license of a person convicted under Section 41-6a-502 of an offense that was committed prior to July 1, 2009, for the denial, suspension, or revocation periods in effect prior to July 1, 2009; or
  - (b) deny, suspend, or revoke the operator's license of a person for the denial, suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:
    - (i) the person was 20 years of age or older but under 21 years of age at the time of arrest; and
    - (ii) the conviction under Section 41-6a-502 is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011.
- (6) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.
- (7) If a conviction recorded as impaired driving is amended to a driving under the influence conviction under Section 41-6a-502 in accordance with Subsection 41-6a-502.5(3)(a)(ii), the Driver License Division:
  - (a) may not subtract from any suspension or revocation any time for which a license was previously suspended or revoked under Section 53-3-223 or 53-3-231; and
  - (b) shall start the suspension or revocation time under Subsection (1) on the date of the amended conviction.
- (8) A court that reported a conviction of a violation of Section 41-6a-502 for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b) prior to completion of the suspension period if the person:
  - (a) completes at least six months of the license suspension;
  - (b) completes a screening;
  - (c) completes an assessment, if it is found appropriate by a screening under Subsection (8)(b);



- (d) completes substance abuse treatment if it is found appropriate by the assessment under Subsection (8)(c);
- (e) completes an educational series if substance abuse treatment is not required by an assessment under Subsection (8)(c) or the court does not order substance abuse treatment;
- (f) has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b);
- (g) has complied with all the terms of the person's probation or all orders of the court if not ordered to probation; and
- (h)
  - (i) is 18 years of age or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or
  - (ii) is under 18 years of age and has the person's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not unlawfully consumed alcohol during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).
- (9) If the court shortens a person's license suspension period in accordance with the requirements of Subsection (8), the court shall forward the order shortening the person's suspension period prior to the completion of the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b) to the Driver License Division.
- (10)
  - (a)
    - (i) In addition to any other penalties provided in this section, a court may order the operator's license of a person who is convicted of a violation of Section 41-6a-502 to be suspended or revoked for an additional period of 90 days, 120 days, 180 days, one year, or two years to remove from the highways those persons who have shown they are safety hazards.
    - (ii) The additional suspension or revocation period provided in this Subsection (10) shall begin the date on which the individual would be eligible to reinstate the individual's driving privilege for a violation of Section 41-6a-502.
  - (b) If the court suspends or revokes the person's license under this Subsection (10), the court shall prepare and send to the Driver License Division an order to suspend or revoke that person's driving privileges for a specified period of time.
- (11)
  - (a) The court shall notify the Driver License Division if a person fails to:
    - (i) complete all court ordered:
      - (A) screening;
      - (B) assessment;
      - (C) educational series;
      - (D) substance abuse treatment; and
      - (E) hours of work in a compensatory-service work program; or
    - (ii) pay all fines and fees, including fees for restitution and treatment costs.
  - (b) Upon receiving the notification described in Subsection (11)(a), the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).
- (12)
  - (a) A court that reported a conviction of a violation of Section 41-6a-502 to the Driver License Division may shorten the suspension period imposed under Subsection (1) before completion

of the suspension period if the person is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

- (b) If the court shortens a person's license suspension period in accordance with the requirements of this Subsection (12), the court shall forward to the Driver License Division the order shortening the person's suspension period.
- (c) The court shall notify the Driver License Division if a person fails to complete all requirements of a 24-7 sobriety program.
- (d) Upon receiving the notification described in Subsection (12)(c), the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

Amended by Chapter 446, 2017 General Session

**41-6a-510 Local DUI and related ordinances and reckless driving and impaired driving ordinances -- Consistent with code.**

- (1) An ordinance adopted by a local authority that governs the following matters shall be consistent with the provisions in this code which govern the following matters:
  - (a) a person's operating or being in actual physical control of a motor vehicle while having alcohol in the blood or while under the influence of alcohol or any drug or the combined influence of alcohol and any drug; or
  - (b) in relation to any of the matters described in Subsection (1)(a), the use of:
    - (i) a chemical test or chemical tests;
    - (ii) evidentiary presumptions;
    - (iii) penalties; or
    - (iv) any combination of the matters described in Subsection (1).
- (2) An ordinance adopted by a local authority that governs reckless driving, impaired driving, or operating a vehicle in willful or wanton disregard for the safety of persons or property shall be consistent with the provisions of this code which govern those matters.

Amended by Chapter 226, 2008 General Session

**41-6a-511 Courts to collect and maintain data.**

- (1) The state courts shall collect and maintain data necessary to allow sentencing and enhancement decisions to be made in accordance with this part.
- (2)
  - (a) Each justice court shall transmit dispositions electronically to the Department of Public Safety in accordance with the requirement for recertification established by the Judicial Council.
  - (b) Immediately upon filling the requirements under Subsection (2)(a), a justice court shall collect and report the same DUI related data elements collected and maintained by the state courts under Subsection (1).
- (3) The department shall maintain an electronic data base for DUI related records and data including the data elements received or collected from the courts under this section.
- (4)
  - (a) The Commission on Criminal and Juvenile Justice shall prepare an annual report of DUI related data including the following:
    - (i) the data collected by the courts under Subsections (1) and (2); and
    - (ii) any measures for which data are available to evaluate the profile and impacts of DUI recidivism and to evaluate the DUI related processes of:
      - (A) law enforcement;

- (B) adjudication;
  - (C) sanctions;
  - (D) driver license control; and
  - (E) alcohol education, assessment, and treatment.
- (b) The report shall be provided in writing to the Judiciary and Transportation Interim Committees no later than the last day of October following the end of the fiscal year for which the report is prepared.

Amended by Chapter 51, 2011 General Session

**41-6a-512 Factual basis for alcohol or drug-related reckless driving plea.**

- (1)
- (a) The prosecution shall state for the record a factual basis for a plea, including whether or not there had been consumption of alcohol, drugs, or a combination of both, by the defendant in connection with the violation when the prosecution agrees to a plea of guilty or no contest to a charge of a violation of the following in satisfaction of, or as a substitute for, an original charge of a violation of Section 41-6a-502 for an offense committed before July 1, 2008:
    - (i) reckless driving under Section 41-6a-528; or
    - (ii) an ordinance enacted under Section 41-6a-510.
  - (b) The statement under Subsection (1)(a) is an offer of proof of the facts that shows whether there was consumption of alcohol, drugs, or a combination of both, by the defendant, in connection with the violation.
- (2) The court shall advise the defendant before accepting the plea offered under this section of the consequences of a violation of Section 41-6a-528.
- (3) The court shall notify the Driver License Division of each conviction of Section 41-6a-528 entered under this section.
- (4)
- (a) The provisions in Subsections 41-6a-505(1), (2), and (4) that require a sentencing court to order a convicted person to participate in a screening, an assessment, or an educational series or obtain substance abuse treatment or do a combination of those things, apply to a conviction for a violation of Section 41-6a-528 under Subsection (1).
  - (b) The court shall render the same order regarding screening, assessment, an educational series, or substance abuse treatment in connection with a first, second, or subsequent conviction under Section 41-6a-528 under Subsection (1), as the court would render in connection with applying respectively, the first, second, or subsequent conviction requirements of Subsections 41-6a-505(1), (2), and (4).

Amended by Chapter 438, 2015 General Session

**41-6a-513 Acceptance of plea of guilty to DUI -- Restrictions -- Verification of prior violations -- Prosecutor to examine defendant's record.**

- (1) A court may not accept a plea of guilty or no contest to a charge under Section 41-6a-502 unless:
- (a) 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) the charge is filed by information as defined under Section 77-1-3; or
  - (c) the court receives verification from a law enforcement agency that the defendant's driver license record contains no record of a conviction, arrest, or charge for:
    - (i) more than one prior violation within the previous 10 years of any offense which, if the defendant were convicted, would qualify as a "conviction" as defined under Subsection 41-6a-501(2);
    - (ii) a felony violation of Section 41-6a-502; or
    - (iii) automobile homicide under Section 76-5-207.
- (2) A verification under Subsection (1)(c) may be made by:
- (a) a written indication on the citation;
  - (b) a separate written document; or
  - (c) any other means which the court finds adequate to record the law enforcement agency's verification.
- (3)
- (a) Prior to agreeing to a plea of guilty or no contest or to filing an information under Subsection (1), the prosecutor shall examine the criminal history or driver license record of the defendant.
  - (b) If the defendant's record contains a conviction or unresolved arrest or charge for an offense listed in Subsections (1)(c)(i) through (iii), a plea may only be accepted if:
    - (i) approved by:
      - (A) a district attorney;
      - (B) a deputy district attorney;
      - (C) a county attorney;
      - (D) a deputy county attorney;
      - (E) the attorney general; or
      - (F) an assistant attorney general; and
    - (ii) the attorney giving approval under Subsection (3)(b)(i) has felony jurisdiction over the case.
- (4) A plea of guilty or no contest is not made invalid by the failure of the court, prosecutor, or law enforcement agency to comply with this section.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-514 Procedures -- Adjudicative proceedings.**

The department shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 382, 2008 General Session

**41-6a-515 Standards for chemical breath or oral fluids analysis -- Evidence.**

- (1) The commissioner of the department shall establish standards for the administration and interpretation of chemical analysis of a person's breath or oral fluids, including standards of training.
- (2) In any action or proceeding in which it is material to prove that a person was operating or in actual physical control of a vehicle while under the influence of alcohol or any drug or operating with a blood or breath alcohol content statutorily prohibited, documents offered as memoranda or records of acts, conditions, or events to prove that the analysis was made and the instrument used was accurate, according to standards established in Subsection (1), are admissible if:
  - (a) the judge finds that they were made in the regular course of the investigation at or about the time of the act, condition, or event; and

- (b) the source of information from which made and the method and circumstances of their preparation indicate their trustworthiness.
- (3) If the judge finds that the standards established under Subsection (1) and the conditions of Subsection (2) have been met, there is a presumption that the test results are valid and further foundation for introduction of the evidence is unnecessary.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-515.5 Sobriety program for DUI.**

- (1) As used in this section:
  - (a) "24-7 sobriety program" means a 24 hours a day, seven days a week sobriety and drug monitoring program that:
    - (i) requires an individual to abstain from alcohol or drugs for a period of time;
    - (ii) requires an individual to submit to random drug testing; and
    - (iii) requires the individual to be subject to testing to determine the presence of alcohol:
      - (A) twice a day at a central location where timely sanctions may be applied;
      - (B) by continuous remote sensing or transdermal alcohol monitoring by means of an electronic monitoring device that allows timely sanctions to be applied; or
      - (C) by an alternate method that is approved by the National Highway Traffic Safety Administration.
  - (b)
    - (i) "Testing" means a procedure for determining the presence and level of alcohol or a drug in an individual's breath or body fluid, including blood, urine, saliva, or perspiration.
    - (ii) "Testing" includes any combination of the use of:
      - (A) remote and in-person breath testing;
      - (B) drug patch testing;
      - (C) urinalysis testing;
      - (D) saliva testing;
      - (E) continuous remote sensing;
      - (F) transdermal alcohol monitoring; or
      - (G) alternate body fluids approved for testing by the commissioner of the department.
- (2)
  - (a) The department shall establish and administer a 24-7 sobriety program as a pilot program.
  - (b) The department shall establish one pilot program with a law enforcement agency that is able to meet the 24-7 sobriety program qualifications and requirements under this section.
- (3)
  - (a) The 24-7 sobriety program shall include use of multiple testing methodologies for the presence of alcohol or drugs that:
    - (i) best facilitates the ability to apply timely sanctions for noncompliance;
    - (ii) is available at an affordable cost; and
    - (iii) provides for positive, behavioral reinforcement for program compliance.
  - (b) The commissioner shall consider the following factors to determine which testing methodologies are best suited for each participant:
    - (i) whether a device is available;
    - (ii) whether the participant is capable of paying the fees and costs associated with each testing methodology;
    - (iii) travel requirements based on each testing methodology and the participant's circumstances;

- (iv) the substance or substances for which testing will be required; and
  - (v) other factors the commissioner considers relevant.
- (4)
- (a) The 24-7 sobriety program shall be supported by evidence of effectiveness and satisfy at least two of the following categories:
    - (i) the program is included in the federal registry of evidence-based programs and practices;
    - (ii) the program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome; or
    - (iii) the program has been documented as effective by informed experts and other sources.
  - (b) If a law enforcement agency participates in a 24-7 sobriety program, the department shall assist in the creation and administration of the program in the manner provided in this section.
  - (c) A 24-7 sobriety program shall have at least one testing location and two daily testing times approximately 12 hours apart.
  - (d) If a person who is ordered by a judge to participate in the 24-7 sobriety program has a prior conviction as defined in Subsection 41-6a-501(2) that is within 10 years of the current conviction under Section 41-6a-502 or the commission of the offense upon which the current conviction is based, the person shall be required to participate in a 24-7 sobriety program for at least one year.
- (5)
- (a) If a law enforcement agency participates in a 24-7 sobriety program, the law enforcement agency may designate an entity to provide the testing services or to take any other action required or authorized to be provided by the law enforcement agency pursuant to this section, except that the law enforcement agency's designee may not determine whether an individual is required to participate in the 24-7 sobriety program.
  - (b) Subject to the requirement in Subsection (4)(c), the law enforcement agency shall establish the testing locations and times for the county.
- (6)
- (a) The commissioner of the department shall establish a data management technology plan for data collection on 24-7 sobriety program participants.
  - (b) All required data related to participants in the 24-7 sobriety program shall be received into the data management technology plan.
  - (c) The data collected under this Subsection (6) is owned by the state.
- (7)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to implement this section.
  - (b) The rules under Subsection (7)(a) shall:
    - (i) provide for the nature and manner of testing and the procedures and apparatus to be used for testing;
    - (ii) establish reasonable participation and testing fees for the program, including the collection of fees to pay the cost of installation, monitoring, and deactivation of any testing device;
    - (iii) require and provide for the approval of a 24-7 sobriety program data management technology plan that shall be used by the department and participating law enforcement agencies to manage testing, data access, fees and fee payments, and any required reports;
    - (iv) establish a model sanctioning schedule for program noncompliance; and
    - (v) establish a process for piloting alternate components of the 24-7 sobriety program.

Amended by Chapter 135, 2018 General Session

**41-6a-515.6 Field sobriety test training.**

Each law enforcement agency shall ensure that each peace officer receives training on the current standard field sobriety testing guidelines established by the National Highway Traffic Safety Administration.

Enacted by Chapter 283, 2017 General Session

**41-6a-516 Admissibility of chemical test results in actions for driving under the influence -- Weight of evidence.**

- (1)
  - (a) In any civil or criminal action or proceeding in which it is material to prove that a person was operating or in actual physical control of a vehicle while under the influence of alcohol or drugs or with a blood or breath alcohol content statutorily prohibited, the results of a chemical test or tests as authorized in Section 41-6a-520 are admissible as evidence.
  - (b)
    - (i) In a criminal proceeding, noncompliance with Section 41-6a-520 does not render the results of a chemical test inadmissible.
    - (ii) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when prohibited by Rules of Evidence or the constitution.
- (2) This section does not prevent a court from receiving otherwise admissible evidence as to a defendant's blood or breath alcohol level or drug level at the time relevant to the alleged offense.

Renumbered and Amended by Chapter 2, 2005 General Session

***Superseded 7/1/2019***

**41-6a-517 Definitions -- Driving with any measurable controlled substance in the body -- Penalties -- Arrest without warrant.**

- (1) As used in this section:
  - (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.
  - (b) "Practitioner" means the same as that term is defined in Section 58-37-2.
  - (c) "Prescribe" means the same as that term is defined in Section 58-37-2.
  - (d) "Prescription" means the same as that term is defined in Section 58-37-2.
- (2) In cases not amounting to a violation of Section 41-6a-502, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.
- (3) It is an affirmative defense to prosecution under this section that the controlled substance was:
  - (a) involuntarily ingested by the accused;
  - (b) prescribed by a practitioner for use by the accused;
  - (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act; or
  - (d) otherwise legally ingested.
- (4)
  - (a) A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.
  - (b) A person who violates this section is subject to conviction and sentencing under both this section and any applicable offense under Section 58-37-8.

- (5) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer's presence, and if the officer has probable cause to believe that the violation was committed by the person.
- (6) The Driver License Division shall, if the person is 21 years of age or older on the date of arrest:
  - (a) suspend, for a period of 120 days, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or
  - (b) revoke, for a period of two years, the driver license of a person if:
    - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
    - (ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.
- (7) The Driver License Division shall, if the person is 19 years of age or older but under 21 years of age on the date of arrest:
  - (a) suspend, until the person is 21 years of age or for a period of one year, whichever is longer, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2011; or
  - (b) revoke, until the person is 21 years of age or for a period of two years, whichever is longer, the driver license of a person if:
    - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
    - (ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.
- (8) The Driver License Division shall, if the person is under 19 years of age on the date of arrest:
  - (a) suspend, until the person is 21 years of age, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or
  - (b) revoke, until the person is 21 years of age, the driver license of a person if:
    - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
    - (ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.
- (9) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.
- (10) The Driver License Division shall:
  - (a) deny, suspend, or revoke a person's license for the denial and suspension periods in effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was committed prior to July 1, 2009; or
  - (b) deny, suspend, or revoke the operator's license of a person for the denial, suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:
    - (i) the person was 20 years of age or older but under 21 years of age at the time of arrest; and
    - (ii) the conviction under Subsection (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011.
- (11) A court that reported a conviction of a violation of this section for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period if the person:
  - (a) completes at least six months of the license suspension;
  - (b) completes a screening;
  - (c) completes an assessment, if it is found appropriate by a screening under Subsection (11)(b);



- (d) completes substance abuse treatment if it is found appropriate by the assessment under Subsection (11)(c);
- (e) completes an educational series if substance abuse treatment is not required by the assessment under Subsection (11)(c) or the court does not order substance abuse treatment;
- (f) has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle during the suspension period imposed under Subsection (7)(a) or (8)(a);
- (g) has complied with all the terms of the person's probation or all orders of the court if not ordered to probation; and
- (h)
  - (i) is 18 years of age or older and provides a sworn statement to the court that the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a); or
  - (ii) is under 18 years of age and has the person's parent or legal guardian provide an affidavit or other sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a).
- (12) If the court shortens a person's license suspension period in accordance with the requirements of Subsection (11), the court shall forward the order shortening the person's license suspension period prior to the completion of the suspension period imposed under Subsection (7)(a) or (8)(a) to the Driver License Division.
- (13)
  - (a) The court shall notify the Driver License Division if a person fails to:
    - (i) complete all court ordered screening and assessment, educational series, and substance abuse treatment; or
    - (ii) pay all fines and fees, including fees for restitution and treatment costs.
  - (b) Upon receiving the notification, the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).
- (14) The court:
  - (a) shall order supervised probation in accordance with Section 41-6a-507 for a person convicted under Subsection (2); and
  - (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.
- (15)
  - (a) A court that reported a conviction of a violation of this section to the Driver License Division may shorten the suspension period imposed under Subsection (6) before completion of the suspension period if the person is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5.
  - (b) If the court shortens a person's license suspension period in accordance with the requirements of this Subsection (15), the court shall forward to the Driver License Division the order shortening the person's suspension period.
  - (c) The court shall notify the Driver License Division if a person fails to complete all requirements of a 24-7 sobriety program.
  - (d) Upon receiving the notification described in Subsection (15)(c), the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

Amended by Chapter 1, 2018 Special Session 3

**Effective 7/1/2019**

**41-6a-517 Definitions -- Driving with any measurable controlled substance in the body -- Penalties -- Arrest without warrant.**

- (1) As used in this section:
  - (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.
  - (b) "Practitioner" means the same as that term is defined in Section 58-37-2.
  - (c) "Prescribe" means the same as that term is defined in Section 58-37-2.
  - (d) "Prescription" means the same as that term is defined in Section 58-37-2.
- (2) In cases not amounting to a violation of Section 41-6a-502, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.
- (3) It is an affirmative defense to prosecution under this section that the controlled substance was:
  - (a) involuntarily ingested by the accused;
  - (b) prescribed by a practitioner for use by the accused;
  - (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act; or
  - (d) otherwise legally ingested.
- (4)
  - (a) A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.
  - (b) A person who violates this section is subject to conviction and sentencing under both this section and any applicable offense under Section 58-37-8.
- (5) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer's presence, and if the officer has probable cause to believe that the violation was committed by the person.
- (6) The Driver License Division shall, if the person is 21 years of age or older on the date of arrest:
  - (a) suspend, for a period of 120 days, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or
  - (b) revoke, for a period of two years, the driver license of a person if:
    - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
    - (ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.
- (7) The Driver License Division shall, if the person is 19 years of age or older but under 21 years of age on the date of arrest:
  - (a) suspend, until the person is 21 years of age or for a period of one year, whichever is longer, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2011; or
  - (b) revoke, until the person is 21 years of age or for a period of two years, whichever is longer, the driver license of a person if:
    - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
    - (ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.
- (8) The Driver License Division shall, if the person is under 19 years of age on the date of arrest:
  - (a) suspend, until the person is 21 years of age, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or

- (b) revoke, until the person is 21 years of age, the driver license of a person if:
  - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
  - (ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.
- (9) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.
- (10) The Driver License Division shall:
  - (a) deny, suspend, or revoke a person's license for the denial and suspension periods in effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was committed prior to July 1, 2009; or
  - (b) deny, suspend, or revoke the operator's license of a person for the denial, suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:
    - (i) the person was 20 years of age or older but under 21 years of age at the time of arrest; and
    - (ii) the conviction under Subsection (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011.
- (11) A court that reported a conviction of a violation of this section for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period if the person:
  - (a) completes at least six months of the license suspension;
  - (b) completes a screening;
  - (c) completes an assessment, if it is found appropriate by a screening under Subsection (11)(b);
  - (d) completes substance abuse treatment if it is found appropriate by the assessment under Subsection (11)(c);
  - (e) completes an educational series if substance abuse treatment is not required by the assessment under Subsection (11)(c) or the court does not order substance abuse treatment;
  - (f) has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle during the suspension period imposed under Subsection (7)(a) or (8)(a);
  - (g) has complied with all the terms of the person's probation or all orders of the court if not ordered to probation; and
  - (h)
    - (i) is 18 years of age or older and provides a sworn statement to the court that the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a); or
    - (ii) is under 18 years of age and has the person's parent or legal guardian provide an affidavit or other sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a).
- (12) If the court shortens a person's license suspension period in accordance with the requirements of Subsection (11), the court shall forward the order shortening the person's license suspension period prior to the completion of the suspension period imposed under Subsection (7)(a) or (8)(a) to the Driver License Division.
- (13)
  - (a) The court shall notify the Driver License Division if a person fails to:

- (i) complete all court ordered screening and assessment, educational series, and substance abuse treatment; or
  - (ii) pay all fines and fees, including fees for restitution and treatment costs.
  - (b) Upon receiving the notification, the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).
- (14) The court:
- (a) shall order supervised probation in accordance with Section 41-6a-507 for a person convicted under Subsection (2); and
  - (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.
- (15)
- (a) A court that reported a conviction of a violation of this section to the Driver License Division may shorten the suspension period imposed under Subsection (6) before completion of the suspension period if the person is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5.
  - (b) If the court shortens a person's license suspension period in accordance with the requirements of this Subsection (15), the court shall forward to the Driver License Division the order shortening the person's suspension period.
  - (c) The court shall notify the Driver License Division if a person fails to complete all requirements of a 24-7 sobriety program.
  - (d) Upon receiving the notification described in Subsection (15)(c), the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

Amended by Chapter 1, 2018 Special Session 3

**41-6a-518 Ignition interlock devices -- Use -- Probationer to pay cost -- Impecuniosity -- Fee.**

- (1) As used in this section:
- (a) "Commissioner" means the commissioner of the Department of Public Safety.
  - (b) "Employer verification" means written verification from the employer that:
    - (i) the employer is aware that the employee is an interlock restricted driver;
    - (ii) the vehicle the employee is operating for employment purposes is not made available to the employee for personal use;
    - (iii) the business entity that employs the employee is not entirely or partly owned or controlled by the employee;
    - (iv) the employer's auto insurance company is aware that the employee is an interlock restricted driver; and
    - (v) the employee has been added to the employer's auto insurance policy as an operator of the vehicle.
  - (c) "Ignition interlock system" or "system" means a constant monitoring device or any similar device certified by the commissioner that prevents a motor vehicle from being started or continuously operated without first determining the driver's breath alcohol concentration.
  - (d) "Probation provider" means the supervisor and monitor of the ignition interlock system required as a condition of probation who contracts with the court in accordance with Subsections 41-6a-507(2) and (3).
- (2)
- (a) In addition to any other penalties imposed under Sections 41-6a-503 and 41-6a-505, and in addition to any requirements imposed as a condition of probation, the court may require that any person who is convicted of violating Section 41-6a-502 and who is granted probation

may not operate a motor vehicle during the period of probation unless that motor vehicle is equipped with a functioning, certified ignition interlock system installed and calibrated so that the motor vehicle will not start or continuously operate if the operator's blood alcohol concentration exceeds a level ordered by the court.

- (b) If a person convicted of violating Section 41-6a-502 was under the age of 21 when the violation occurred, the court shall order the installation of the ignition interlock system as a condition of probation.
- (c)
  - (i) If a person is convicted of a violation of Section 41-6a-502 within 10 years of a prior conviction as defined in Subsection 41-6a-501(2), the court shall order the installation of the interlock ignition system, at the person's expense, for all motor vehicles registered to that person and all motor vehicles operated by that person.
  - (ii) A person who operates a motor vehicle without an ignition interlock device as required under this Subsection (2)(c) is in violation of Section 41-6a-518.2.
- (d) The division shall post the ignition interlock restriction on the electronic record available to law enforcement.
- (e) This section does not apply to a person convicted of a violation of Section 41-6a-502 whose violation does not involve alcohol.
- (3) If the court imposes the use of an ignition interlock system as a condition of probation, the court shall:
  - (a) stipulate on the record the requirement for and the period of the use of an ignition interlock system;
  - (b) order that an ignition interlock system be installed on each motor vehicle owned or operated by the probationer, at the probationer's expense;
  - (c) immediately notify the Driver License Division and the person's probation provider of the order; and
  - (d) require the probationer to provide proof of compliance with the court's order to the probation provider within 30 days of the order.
- (4)
  - (a) The probationer shall provide timely proof of installation within 30 days of an order imposing the use of a system or show cause why the order was not complied with to the court or to the probationer's probation provider.
  - (b) The probation provider shall notify the court of failure to comply under Subsection (4)(a).
  - (c) For failure to comply under Subsection (4)(a) or upon receiving the notification under Subsection (4)(b), the court shall order the Driver License Division to suspend the probationer's driving privileges for the remaining period during which the compliance was imposed.
  - (d) Cause for failure to comply means any reason the court finds sufficiently justifiable to excuse the probationer's failure to comply with the court's order.
- (5)
  - (a) Any probationer required to install an ignition interlock system shall have the system monitored by the manufacturer or dealer of the system for proper use and accuracy at least semiannually and more frequently as the court may order.
  - (b)
    - (i) A report of the monitoring shall be issued by the manufacturer or dealer to the court or the person's probation provider.
    - (ii) The report shall be issued within 14 days following each monitoring.
- (6)

- (a) If an ignition interlock system is ordered installed, the probationer shall pay the reasonable costs of leasing or buying and installing and maintaining the system.
  - (b) A probationer may not be excluded from this section for inability to pay the costs, unless:
    - (i) the probationer files an affidavit of impecuniosity; and
    - (ii) the court enters a finding that the probationer is impecunious.
  - (c) In lieu of waiver of the entire amount of the cost, the court may direct the probationer to make partial or installment payments of costs when appropriate.
  - (d) The ignition interlock provider shall cover the costs of waivers by the court under this Subsection (6).
- (7)
- (a) If a probationer is required in the course and scope of employment to operate a motor vehicle owned by the probationer's employer, the probationer may operate that motor vehicle without installation of an ignition interlock system only if:
    - (i) the motor vehicle is used in the course and scope of employment;
    - (ii) the employer has been notified that the employee is restricted; and
    - (iii) the employee has employer verification in the employee's possession while operating the employer's motor vehicle.
  - (b)
    - (i) To the extent that an employer-owned motor vehicle is made available to a probationer subject to this section for personal use, no exemption under this section shall apply.
    - (ii) A probationer intending to operate an employer-owned motor vehicle for personal use and who is restricted to the operation of a motor vehicle equipped with an ignition interlock system shall notify the employer and obtain consent in writing from the employer to install a system in the employer-owned motor vehicle.
  - (c) A motor vehicle owned by a business entity that is all or partly owned or controlled by a probationer subject to this section is not a motor vehicle owned by the employer and does not qualify for an exemption under this Subsection (7).
- (8)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules setting standards for the certification of ignition interlock systems.
  - (b) The standards under Subsection (8)(a) shall require that the system:
    - (i) not impede the safe operation of the motor vehicle;
    - (ii) have features that make circumventing difficult and that do not interfere with the normal use of the motor vehicle;
    - (iii) require a deep lung breath sample as a measure of breath alcohol concentration;
    - (iv) prevent the motor vehicle from being started if the driver's breath alcohol concentration exceeds a specified level;
    - (v) work accurately and reliably in an unsupervised environment;
    - (vi) resist tampering and give evidence if tampering is attempted;
    - (vii) operate reliably over the range of motor vehicle environments; and
    - (viii) be manufactured by a party who will provide liability insurance.
  - (c) The commissioner may adopt in whole or in part, the guidelines, rules, studies, or independent laboratory tests relied upon in certification of ignition interlock systems by other states.
  - (d) A list of certified systems shall be published by the commissioner and the cost of certification shall be borne by the manufacturers or dealers of ignition interlock systems seeking to sell, offer for sale, or lease the systems.

- (e)
  - (i) In accordance with Section 63J-1-504, the commissioner may establish an annual dollar assessment against the manufacturers of ignition interlock systems distributed in the state for the costs incurred in certifying.
  - (ii) The assessment under Subsection (8)(e)(i) shall be apportioned among the manufacturers on a fair and reasonable basis.
- (f) The commissioner shall require a provider of an ignition interlock system certified in accordance with this section to comply with the requirements of Title 53, Chapter 3, Part 10, Ignition Interlock System Program Act.
- (9) A violation of this section is a class C misdemeanor.
- (10) There shall be no liability on the part of, and no cause of action of any nature shall arise against, the state or its employees in connection with the installation, use, operation, maintenance, or supervision of an interlock ignition system as required under this section.

Amended by Chapter 41, 2018 General Session

**41-6a-518.1 Tampering with an ignition interlock system.**

- (1) As used in this section:
  - (a) "ignition interlock system" has the same meaning as defined in Section 41-6a-518; and
  - (b) "interlock restricted driver" has the same meaning as defined in Section 41-6a-518.2.
- (2)
  - (a) A person may not:
    - (i) circumvent or tamper with the operation of an ignition interlock system;
    - (ii) knowingly furnish an interlock restricted driver a motor vehicle without an ignition interlock system unless authorized under Subsection 41-6a-518(7);
    - (iii) blow into an ignition interlock system or start a motor vehicle equipped with an ignition interlock system for the purpose of allowing an interlock restricted driver to operate a motor vehicle; or
    - (iv) advertise for sale, offer for sale, sell, or lease an ignition interlock system unless the system has been certified by the commissioner as required under Subsection 41-6a-518(8).
  - (b) An interlock restricted driver may not:
    - (i) rent, lease, or borrow a motor vehicle without an ignition interlock system; or
    - (ii) request another person to blow into an ignition interlock system in order to allow the interlock restricted driver to operate the motor vehicle.
  - (c) A violation of any provision under this Subsection (2) is a class B misdemeanor.
- (3) It is an affirmative defense to a charge of a violation of this section if:
  - (a) the starting of a motor vehicle, or the request to start a motor vehicle, that is equipped with an ignition interlock system is done for the purpose of safety or mechanical repair of the system or the motor vehicle; and
  - (b) the interlock restricted driver does not operate the motor vehicle.

Enacted by Chapter 341, 2006 General Session

**41-6a-518.2 Interlock restricted driver -- Penalties for operation without ignition interlock system.**

- (1) As used in this section:
  - (a) "Ignition interlock system" means a constant monitoring device or any similar device that:
    - (i) is in working order at the time of operation or actual physical control; and

- (ii) is certified by the Commissioner of Public Safety in accordance with Subsection 41-6a-518(8).
- (b)
  - (i) "Interlock restricted driver" means a person who:
    - (A) has been ordered by a court or the Board of Pardons and Parole as a condition of probation or parole not to operate a motor vehicle without an ignition interlock system;
    - (B) within the last 18 months has been convicted of a driving under the influence violation under Section 41-6a-502 that was committed on or after July 1, 2009;
    - (C)
      - (I) within the last three years has been convicted of an offense that occurred after May 1, 2006 which would be a conviction as defined under Section 41-6a-501; and
      - (II) the offense described under Subsection (1)(b)(i)(C)(I) is committed within 10 years from the date that one or more prior offenses was committed if the prior offense resulted in a conviction as defined in Subsection 41-6a-501(2);
    - (D) within the last three years has been convicted of a violation of this section;
    - (E) within the last three years has had the person's driving privilege revoked for refusal to submit to a chemical test under Section 41-6a-520, which refusal occurred after May 1, 2006;
    - (F) within the last three years has been convicted of a violation of Section 41-6a-502 and was under the age of 21 at the time the offense was committed;
    - (G) within the last six years has been convicted of a felony violation of Section 41-6a-502 for an offense that occurred after May 1, 2006; or
    - (H) within the last 10 years has been convicted of automobile homicide under Section 76-5-207 for an offense that occurred after May 1, 2006.
  - (ii) " Interlock restricted driver" does not include a person:
    - (A) whose conviction described in Subsection (1)(b)(i)(C)(I) is a conviction under Section 41-6a-517 and whose prior convictions described in Subsection (1)(b)(i)(C)(II) are all convictions under Section 41-6a-517; or
    - (B) whose conviction described in Subsection (1)(b)(i)(B) or (F) does not involve alcohol and the convicting court notifies the Driver License Division at the time of sentencing that the conviction does not involve alcohol.
- (2) The division shall post the ignition interlock restriction on a person's electronic record that is available to law enforcement.
- (3) For purposes of this section, a plea of guilty or no contest to a violation of Section 41-6a-502 which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.
- (4) An interlock restricted driver who operates or is in actual physical control of a vehicle in the state without an ignition interlock system is guilty of a class B misdemeanor.
- (5) It is an affirmative defense to a charge of a violation of Subsection (4) if:
  - (a) the interlock restricted driver operated or was in actual physical control of a vehicle owned by the interlock restricted driver's employer;
  - (b) the interlock restricted driver had given written notice to the employer of the interlock restricted driver's interlock restricted status prior to the operation or actual physical control under Subsection (5)(a);
  - (c) the interlock restricted driver had on the interlock restricted driver's person, or in the vehicle, at the time of operation or physical control employer verification, as defined in Subsection 41-6a-518(1); and



- (d) the operation or actual physical control described in Subsection (5)(a) was in the scope of the interlock restricted driver's employment.
- (6) The affirmative defense described in Subsection (5) does not apply to:
  - (a) an employer-owned motor vehicle that is made available to an interlock restricted driver for personal use; or
  - (b) a motor vehicle owned by a business entity that is entirely or partly owned or controlled by the interlock restricted driver.

Amended by Chapter 41, 2018 General Session

**41-6a-519 Municipal attorneys for specified offenses may prosecute for certain DUI offenses and driving while license is suspended or revoked.**

The following class A misdemeanors may be prosecuted by attorneys of cities and towns and other prosecutors authorized elsewhere in this code to prosecute these alleged violations:

- (1) alleged class A misdemeanor violations of Section 41-6a-502; and
- (2) alleged violations of Section 53-3-227, which consist of the person operating a vehicle while the person's driving privilege is suspended or revoked for:
  - (a) a violation of Section 41-6a-502;
  - (b) a local ordinance which complies with the requirements of Section 41-6a-510, 41-6a-520, or 76-5-207; or
  - (c) a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of the sections or ordinances identified in Subsection (2)(a) or (b).

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-520 Implied consent to chemical tests for alcohol or drug -- Number of tests -- Refusal -- Warning, report.**

- (1)
  - (a) A person operating a motor vehicle in this state is considered to have given the person's consent to a chemical test or tests of the person's breath, blood, urine, or oral fluids for the purpose of determining whether the person was operating or in actual physical control of a motor vehicle while:
    - (i) having a blood or breath alcohol content statutorily prohibited under Section 41-6a-502, 41-6a-530, or 53-3-231;
    - (ii) under the influence of alcohol, any drug, or combination of alcohol and any drug under Section 41-6a-502; or
    - (iii) having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517.
  - (b) A test or tests authorized under this Subsection (1) must be administered at the direction of a peace officer having grounds to believe that person to have been operating or in actual physical control of a motor vehicle while in violation of any provision under Subsections (1)(a)(i) through (iii).
  - (c)
    - (i) The peace officer determines which of the tests are administered and how many of them are administered.

- (ii) If a peace officer requests more than one test, refusal by a person to take one or more requested tests, even though the person does submit to any other requested test or tests, is a refusal under this section.
- (d)
  - (i) A person who has been requested under this section to submit to a chemical test or tests of the person's breath, blood, or urine, or oral fluids may not select the test or tests to be administered.
  - (ii) The failure or inability of a peace officer to arrange for any specific chemical test is not a defense to taking a test requested by a peace officer, and it is not a defense in any criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.
- (2)
  - (a) A peace officer requesting a test or tests shall warn a person that refusal to submit to the test or tests may result in revocation of the person's license to operate a motor vehicle, a five or 10 year prohibition of driving with any measurable or detectable amount of alcohol in the person's body depending on the person's prior driving history, and a three-year prohibition of driving without an ignition interlock device if the person:
    - (i) has been placed under arrest;
    - (ii) has then been requested by a peace officer to submit to any one or more of the chemical tests under Subsection (1); and
    - (iii) refuses to submit to any chemical test requested.
  - (b)
    - (i) Following the warning under Subsection (2)(a), if the person does not immediately request that the chemical test or tests as offered by a peace officer be administered, a peace officer shall, on behalf of the Driver License Division and within 24 hours of the arrest, give notice of the Driver License Division's intention to revoke the person's privilege or license to operate a motor vehicle.
    - (ii) When a peace officer gives the notice on behalf of the Driver License Division, the peace officer shall:
      - (A) take the Utah license certificate or permit, if any, of the operator;
      - (B) issue a temporary license certificate effective for only 29 days from the date of arrest; and
      - (C) supply to the operator, in a manner specified by the Driver License Division, basic information regarding how to obtain a hearing before the Driver License Division.
  - (c) A citation issued by a peace officer may, if provided in a manner specified by the Driver License Division, also serve as the temporary license certificate.
  - (d) As a matter of procedure, the peace officer shall submit a signed report, within 10 calendar days after the day on which notice is provided under Subsection (2)(b), that:
    - (i) the peace officer had grounds to believe the arrested person was in violation of any provision under Subsections (1)(a)(i) through (iii); and
    - (ii) the person had refused to submit to a chemical test or tests under Subsection (1).
- (3) Upon the request of the person who was tested, the results of the test or tests shall be made available to the person.
- (4)
  - (a) The person to be tested may, at the person's own expense, have a physician of the person's own choice administer a chemical test in addition to the test or tests administered at the direction of a peace officer.

- (b) The failure or inability to obtain the additional test does not affect admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer.
- (c) The additional test shall be subsequent to the test or tests administered at the direction of a peace officer.
- (5) For the purpose of determining whether to submit to a chemical test or tests, the person to be tested does not have the right to consult an attorney or have an attorney, physician, or other person present as a condition for the taking of any test.
- (6) Notwithstanding the provisions in this section, a blood test taken under this section is subject to Section 77-23-213.

Amended by Chapter 35, 2018 General Session

**41-6a-521 Revocation hearing for refusal -- Appeal.**

- (1)
  - (a) A person who has been notified of the Driver License Division's intention to revoke the person's license under Section 41-6a-520 is entitled to a hearing.
  - (b) A request for the hearing shall be made in writing within 10 calendar days after the day on which notice is provided.
  - (c) Upon request in a manner specified by the Driver License Division, the Driver License Division shall grant to the person an opportunity to be heard within 29 days after the date of arrest.
  - (d) If the person does not make a request for a hearing before the Driver License Division under this Subsection (1), the person's privilege to operate a motor vehicle in the state is revoked beginning on the 30th day after the date of arrest:
    - (i) for a person 21 years of age or older on the date of arrest, for a period of:
      - (A) 18 months, unless Subsection (1)(d)(i)(B) applies; or
      - (B) 36 months, if the arrest was made on or after July 1, 2009, and the person has had a previous:
        - (I) license sanction for an offense that occurred within the previous 10 years from the date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231; or
        - (II) conviction for an offense that occurred within the previous 10 years from the date of arrest under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
    - (ii) for a person under 21 years of age on the date of arrest:
      - (A) until the person is 21 years of age or for a period of two years, whichever is longer, if the arrest was made on or after July 1, 2011, unless Subsection (1)(d)(ii)(B) applies; or
      - (B) until the person is 21 years of age or for a period of 36 months, whichever is longer, if the arrest was made on or after July 1, 2009, and the person has had a previous:
        - (I) license sanction for an offense that occurred within the previous 10 years from the date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231; or
        - (II) conviction for an offense that occurred within the previous 10 years from the date of arrest under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502; or
    - (iii) for a person that was arrested prior to July 1, 2009, for the suspension periods in effect prior to July 1, 2009.

(2)

- (a) Except as provided in Subsection (2)(b), if a hearing is requested by the person, the hearing shall be conducted by the Driver License Division in:
  - (i) the county in which the offense occurred; or
  - (ii) a county which is adjacent to the county in which the offense occurred.
- (b) The Driver License Division may hold a hearing in some other county if the Driver License Division and the person both agree.
- (3) The hearing shall be documented and shall cover the issues of:
  - (a) whether a peace officer had reasonable grounds to believe that a person was operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 41-6a-530, or 53-3-231; and
  - (b) whether the person refused to submit to the test or tests under Section 41-6a-520.
- (4)
  - (a) In connection with the hearing, the division or its authorized agent:
    - (i) may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers; and
    - (ii) shall issue subpoenas for the attendance of necessary peace officers.
  - (b) The Driver License Division shall pay witness fees and mileage from the Transportation Fund in accordance with the rates established in Section 78B-1-119.
- (5)
  - (a) If after a hearing, the Driver License Division determines that the person was requested to submit to a chemical test or tests and refused to submit to the test or tests, or if the person fails to appear before the Driver License Division as required in the notice, the Driver License Division shall revoke the person's license or permit to operate a motor vehicle in Utah beginning on the date the hearing is held:
    - (i) for a person 21 years of age or older on the date of arrest, for a period of:
      - (A) 18 months unless Subsection (5)(a)(i)(B) applies; or
      - (B) 36 months, if the arrest was made on or after July 1, 2009, and the person has had a previous:
        - (I) license sanction for an offense that occurred within the previous 10 years from the date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231; or
        - (II) conviction for an offense that occurred within the previous 10 years from the date of arrest under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
    - (ii) for a person under 21 years of age on the date of arrest:
      - (A) until the person is 21 years of age or for a period of two years, whichever is longer, for an arrest that was made on or after July 1, 2011, and unless Subsection (5)(a)(ii)(B) applies; or
      - (B) until the person is 21 years of age or for a period of 36 months, whichever is longer, if the arrest was made on or after July 1, 2009, and the person has had a previous:
        - (I) license sanction for an offense that occurred within the previous 10 years from the date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231; or
        - (II) conviction for an offense that occurred within the previous 10 years from the date of arrest under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502; or
    - (iii) for a person that was arrested prior to July 1, 2009, for the revocation periods in effect prior to July 1, 2009.
  - (b) The Driver License Division shall also assess against the person, in addition to any fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover administrative costs.

- (c) The fee shall be cancelled if the person obtains an unappealed court decision following a proceeding allowed under Subsection (2) that the revocation was improper.
- (6)
- (a) Any person whose license has been revoked by the Driver License Division under this section following an administrative hearing may seek judicial review.
  - (b) Judicial review of an informal adjudicative proceeding is a trial.
  - (c) Venue is in the district court in the county in which the offense occurred.

Amended by Chapter 181, 2017 General Session

**41-6a-522 Person incapable of refusal.**

Subject to Section 77-23-213 for blood tests, a person who is dead, unconscious, or in any other condition rendering the person incapable of refusal to submit to any chemical test or tests is considered to not have withdrawn the consent provided for in Subsection 41-6a-520(1), and the test or tests may be administered whether the person has been arrested or not.

Amended by Chapter 35, 2018 General Session

**41-6a-523 Persons authorized to draw blood -- Immunity from liability.**

- (1)
- (a) Only the following, acting at the request of a peace officer, may draw blood to determine its alcohol or drug content:
    - (i) a physician;
    - (ii) a registered nurse;
    - (iii) a licensed practical nurse;
    - (iv) a paramedic;
    - (v) as provided in Subsection (1)(b), emergency medical service personnel other than paramedics; or
    - (vi) a person with a valid permit issued by the Department of Health under Section 26-1-30.
  - (b) The Department of Health may designate by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency medical service personnel, as defined in Section 26-8a-102, are authorized to draw blood under Subsection (1)(a)(v), based on the type of license under Section 26-8a-302.
  - (c) Subsection (1)(a) does not apply to taking a urine, breath, or oral fluid specimen.
- (2) The following are immune from civil or criminal liability arising from drawing a blood sample from a person whom a peace officer has reason to believe is driving in violation of this chapter, if the sample is drawn in accordance with standard medical practice:
- (a) a person authorized to draw blood under Subsection (1)(a); and
  - (b) if the blood is drawn at a hospital or other medical facility, the medical facility.

Amended by Chapter 326, 2017 General Session

**41-6a-524 Refusal as evidence.**

If a person under arrest refuses to submit to a chemical test or tests or any additional test under Section 41-6a-520, evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while:

- (1) under the influence of:

- (a) alcohol;
  - (b) any drug; or
  - (c) a combination of alcohol and any drug;
- (2) having any measurable controlled substance or metabolite of a controlled substance in the person's body; or
- (3) having any measurable or detectable amount of alcohol in the person's body if the person is an alcohol restricted driver as defined under Section 41-6a-529.

Amended by Chapter 181, 2017 General Session

**41-6a-525 Reporting test results -- Immunity from liability.**

- (1) As used in this section, "health care provider" means a person licensed under:
- (a) Title 58, Chapter 31b, Nurse Practice Act;
  - (b) Title 58, Chapter 67, Utah Medical Practice Act; or
  - (c) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- (2) A health care provider who is providing medical care to any person involved in a motor vehicle crash may notify, as soon as reasonably possible, the nearest peace officer or law enforcement agency if the health care provider has reason to believe, as a result of any test performed in the course of medical treatment, that the:
- (a) person's blood alcohol concentration meets or exceeds the limits under Subsection 41-6a-502(1)(a);
  - (b) person is younger than 21 years of age and has any measurable blood, breath, or urine alcohol concentration in the person's body; or
  - (c) person has any measurable controlled substance or metabolite of a controlled substance in the person's body which could be a violation of Subsection 41-6a-502(1)(b) or Section 41-6a-517.
- (3) The report under Subsection (2) shall consist of the:
- (a) name of the person being treated;
  - (b) date and time of the administration of the test; and
  - (c) results disclosed by the test.
- (4) A health care provider participating in good faith in making a report or assisting an investigator from a law enforcement agency pursuant to this section is immune from any liability, civil or criminal, that otherwise might result by reason of those actions.
- (5) A report under Subsection (2) may not be used to support a finding of probable cause that a person who is not a driver of a vehicle has committed an offense.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-526 Drinking alcoholic beverage and open containers in motor vehicle prohibited -- Definitions -- Exceptions.**

- (1) As used in this section:
- (a) "Alcoholic beverage" has the same meaning as defined in Section 32B-1-102.
  - (b) "Chartered bus" has the same meaning as defined in Section 32B-1-102.
  - (c) "Limousine" has the same meaning as defined in Section 32B-1-102.
  - (d)
  - (i) "Passenger compartment" means the area of the vehicle normally occupied by the operator and passengers.

- (ii) "Passenger compartment" includes areas accessible to the operator and passengers while traveling, including a utility or glove compartment.
- (iii) "Passenger compartment" does not include a separate front or rear trunk compartment or other area of the vehicle not accessible to the operator or passengers while inside the vehicle.
- (e) "Waters of the state" has the same meaning as defined in Section 73-18-2.
- (2) A person may not drink any alcoholic beverage while operating a motor vehicle or a class 2 electric assisted bicycle, or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any highway or waters of the state.
- (3) A person may not keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle, or a class 2 electric assisted bicycle, when the vehicle is on any highway or waters of the state, any container which contains any alcoholic beverage if the container has been opened, its seal broken, or the contents of the container partially consumed.
- (4) Subsections (2) and (3) do not apply to a passenger:
  - (a) in the living quarters of a motor home or camper;
  - (b) who has carried an alcoholic beverage onto a limousine or chartered bus that is in compliance with Subsections 32B-4-415(4)(b) and (c); or
  - (c) in a motorboat on the waters of the state.
- (5) Subsection (3) does not apply to passengers traveling in any licensed taxicab or bus.
- (6) A violation of Subsection (2) or (3) is a class C misdemeanor.

Amended by Chapter 175, 2018 General Session

**41-6a-527 Seizure and impoundment of vehicles by peace officers -- Impound requirements -- Removal of vehicle by owner.**

- (1) If a peace officer arrests, cites, or refers for administrative action the operator of a vehicle for violating Section 41-6a-502, 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530, 41-6a-606, 53-3-231, Subsections 53-3-227(3)(a)(i) through (vi), Subsection 53-3-227(3)(a)(ix), or a local ordinance similar to Section 41-6a-502 which complies with Subsection 41-6a-510(1), the peace officer shall seize and impound the vehicle in accordance with Section 41-6a-1406, except as provided under Subsection (2).
- (2) If a registered owner of the vehicle, other than the operator, is present at the time of arrest, the peace officer may release the vehicle to that registered owner, but only if:
  - (a) the registered owner:
    - (i) requests to remove the vehicle from the scene; and
    - (ii) presents to the peace officer sufficient identification to prove ownership of the vehicle or motorboat;
  - (b) the registered owner identifies a driver with a valid operator's license who:
    - (i) complies with all restrictions of his operator's license; and
    - (ii) would not, in the judgment of the officer, be in violation of Section 41-6a-502, 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530, 53-3-231, or a local ordinance similar to Section 41-6a-502 which complies with Subsection 41-6a-510(1) if permitted to operate the vehicle; and
  - (c) the vehicle itself is legally operable.
- (3) If necessary for transportation of a motorboat for impoundment under this section, the motorboat's trailer may be used to transport the motorboat.

Amended by Chapter 181, 2017 General Session

**41-6a-528 Reckless driving -- Penalty.**

- (1) A person is guilty of reckless driving who operates a vehicle:
  - (a) in willful or wanton disregard for the safety of persons or property; or
  - (b) while committing three or more moving traffic violations under Title 41, Chapter 6a, Traffic Code, in a series of acts occurring within a single continuous period of driving covering three miles or less in total distance.
- (2) A person who violates Subsection (1) is guilty of a class B misdemeanor.

Amended by Chapter 292, 2009 General Session

**41-6a-529 Definitions -- Alcohol restricted drivers.**

- (1) As used in this section and Section 41-6a-530, "alcohol restricted driver" means a person who:
  - (a) within the last two years:
    - (i) has been convicted of:
      - (A) a misdemeanor violation of Section 41-6a-502;
      - (B) alcohol, any drug, or a combination of both-related reckless driving under Section 41-6a-512;
      - (C) impaired driving under Section 41-6a-502.5;
      - (D) local ordinances similar to Section 41-6a-502, alcohol, any drug, or a combination of both-related reckless driving, or impaired driving adopted in compliance with Section 41-6a-510;
      - (E) a violation described in Subsections (1)(a)(i)(A) through (D), which judgment of conviction is reduced under Section 76-3-402; or
      - (F) statutes or ordinances previously in effect in this state or in effect in any other state, the United States, or any district, possession, or territory of the United States which would constitute a violation of Section 41-6a-502, alcohol, any drug, or a combination of both-related reckless driving, or impaired driving if committed in this state, including punishments administered under 10 U.S.C. Sec. 815; or
    - (ii) has had the person's driving privilege suspended under Section 53-3-223 for an alcohol-related offense based on an arrest which occurred on or after July 1, 2005;
  - (b) within the last three years has been convicted of a violation of this section or Section 41-6a-518.2;
  - (c) within the last five years:
    - (i) has had the person's driving privilege revoked for refusal to submit to a chemical test under Section 41-6a-520, which refusal occurred on or after July 1, 2005; or
    - (ii) has been convicted of a class A misdemeanor violation of Section 41-6a-502 committed on or after July 1, 2008;
  - (d) within the last 10 years:
    - (i) has been convicted of an offense described in Subsection (1)(a)(i) which offense was committed within 10 years of the commission of a prior offense described in Subsection (1)(a)(i) for which the person was convicted; or
    - (ii) has had the person's driving privilege revoked for refusal to submit to a chemical test and the refusal is within 10 years after:
      - (A) a prior refusal to submit to a chemical test under Section 41-6a-520; or
      - (B) a prior conviction for an offense described in Subsection (1)(a)(i) which is not based on the same arrest as the refusal;



- (e) at any time has been convicted of:
    - (i) automobile homicide under Section 76-5-207 for an offense that occurred on or after July 1, 2005; or
    - (ii) a felony violation of Section 41-6a-502 for an offense that occurred on or after July 1, 2005;
  - (f) at the time of operation of a vehicle is under 21 years of age; or
  - (g) is a novice learner driver.
- (2) For purposes of this section and Section 41-6a-530, a plea of guilty or no contest to a violation described in Subsection (1)(a)(i) which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

Amended by Chapter 52, 2018 General Session

**41-6a-530 Alcohol restricted drivers -- Prohibited from operating a vehicle while having any measurable or detectable amount of alcohol in the person's body -- Penalties.**

- (1) An alcohol restricted driver who operates or is in actual physical control of a vehicle in this state with any measurable or detectable amount of alcohol in the person's body is guilty of a class B misdemeanor.
- (2) A "measurable or detectable amount" of alcohol in the person's body may be established by:
  - (a) a chemical test;
  - (b) evidence other than a chemical test; or
  - (c) a combination of Subsections (2)(a) and (b).
- (3) For any person convicted of a violation of this section, the court shall order the installation of an ignition interlock system as a condition of probation in accordance with Section 41-6a-518 or describe on the record or in a minute entry why the order would not be appropriate.

Amended by Chapter 261, 2007 General Session

## **Part 6 Speed Restrictions**

**41-6a-601 Speed regulations -- Safe and appropriate speeds at certain locations -- Prima facie speed limits -- Emergency power of the governor.**

- (1) A person may not operate a vehicle at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing, including when:
  - (a) approaching and crossing an intersection or railroad grade crossing;
  - (b) approaching and going around a curve;
  - (c) approaching a hill crest;
  - (d) traveling upon any narrow or winding roadway; and
  - (e) approaching other hazards that exist due to pedestrians, other traffic, weather, or highway conditions.
- (2) Subject to Subsections (1) and (4) and Sections 41-6a-602 and 41-6a-603, the following speeds are lawful:
  - (a) 20 miles per hour in a reduced speed school zone as defined in Section 41-6a-303;

- (b) 25 miles per hour in any urban district; and
- (c) 55 miles per hour in other locations.
- (3) Except as provided in Section 41-6a-604, any speed in excess of the limits provided in this section or established under Sections 41-6a-602 and 41-6a-603 is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.
- (4) A violation of Subsection (1) is an infraction.
- (5) The governor by proclamation in time of war or emergency may change the speed limits on the highways of the state.

Amended by Chapter 303, 2016 General Session

**41-6a-602 Speed limits established on state highways.**

- (1)
  - (a) The Department of Transportation shall determine the reasonable and safe speed limit for each highway or section of highway under its jurisdiction.
  - (b) For each highway or section of highway, each speed limit shall be based on a traffic engineering and safety study consistent with the requirements and recommendations in the most current version of the "Manual on Uniform Traffic Control Devices."
  - (c) The traffic engineering and safety studies shall include:
    - (i) the design speed;
    - (ii) prevailing vehicle speeds;
    - (iii) accident history;
    - (iv) highway, traffic, and roadside conditions; and
    - (v) other highway safety factors.
- (2) In addition to the provisions of Subsection (1), the Department of Transportation may establish different speed limits on a highway or section of highway based on:
  - (a) time of day;
  - (b) highway construction;
  - (c) type of vehicle;
  - (d) weather conditions; and
  - (e) other highway safety factors.
- (3)
  - (a) Except as provided in Subsection (3)(b) and (c), a posted speed limit may not exceed 65 miles per hour.
  - (b) Except as provided in Subsection (3)(c), a posted speed limit on a freeway or other limited access highway may not exceed 75 miles per hour.
  - (c)
    - (i) The Department of Transportation may establish a posted speed limit on a freeway or other limited access highway that exceeds the maximum speed limit in Subsection (3)(b) if the speed limit is based on a highway traffic engineering and safety study.
    - (ii) If the Department of Transportation establishes a posted speed limit that exceeds the limit under Subsection (3)(b), the Department of Transportation shall evaluate the results and impacts of increasing a speed limit under this Subsection (3)(c).
  - (d) This Subsection (3) is an exception to the provisions of Subsections (1) and (2).
- (4) When establishing or changing a speed limit, the Department of Transportation shall consult with the following entities prior to erecting or changing a speed limit sign:
  - (a) the county for state highways in an unincorporated area of the county;
  - (b) the municipality for state highways within the municipality's incorporated area;

- (c) the Department of Public Safety; and
- (d) the Transportation Commission.
- (5) The speed limit is effective when appropriate signs giving notice are erected along the highway or section of the highway.

Amended by Chapter 137, 2016 General Session

**41-6a-603 Speed limits established by counties and municipalities.**

- (1) A county or municipality may determine the reasonable and safe speed limit for each highway or section of highway under its jurisdiction as specified under Title 72, Chapter 3, Highway Jurisdiction and Classification Act.
- (2) Each speed limit shall be established in accordance with the provisions of Subsections 41-6a-602(1), (2), (3), and (5).

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-604 Maximum speed in a school zone -- Penalty -- Minimum fines -- Compensatory service -- Waiver -- Recordkeeping.**

- (1) A person may not operate a vehicle at a speed greater than 20 miles per hour in a reduced speed school zone as defined in Section 41-6a-303.

- (2) (a) A violation of Subsection (1) is a class C misdemeanor and the minimum fine:

- (i) for a first offense shall be calculated according to the following schedule:

	Vehicle Speed	Minimum Fine	
	21 - 29 MPH		\$ 50
	30 - 39 MPH		\$ 125
	40 MPH and greater		\$ 125

- (ii) for a second and subsequent offense within three years of a previous conviction or bail forfeiture shall be calculated according to the following schedule:

	Vehicle Speed	Minimum Fine	
	21 - 29 MPH		\$ 50
	30 - 39 MPH		\$ 225
	40 MPH and greater		\$ 525

- (b) (i) Except as provided under Subsection (2)(a)(ii), the court may order the person to perform compensatory service in lieu of the fine or any portion of the fine.
- (ii) The court shall order the person to perform compensatory service observing a crossing guard if the conviction is for a:
  - (A) first offense with a vehicle speed of 30 miles per hour or more; or
  - (B) second and subsequent offense within three years of a previous conviction or bail forfeiture.
- (iii) The court may waive the compensatory service required under Subsection (2)(b)(ii) if the court makes the reasons for the waiver part of the record.
- (3) The Driver License Division shall develop and implement a record system to distinguish:

- (a) a conviction or bail forfeiture under this section from other convictions; and
  - (b) between a first and subsequent conviction or bail forfeiture under this section.
- (4) The provisions of this section take precedence over the provisions of Sections 41-6a-601, 41-6a-602, 41-6a-603, and 76-3-301.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-604.5 Speeding in a school zone complaint procedure.**

- (1)
- (a) A school crossing guard who observes an operator of a vehicle violating Section 41-6a-604 may prepare a report of the alleged violation, in a manner specified by the law enforcement agency with jurisdiction, for the law enforcement agency no more than two working days after the alleged violation occurred.
  - (b) The report under Subsection (1)(a) shall contain:
    - (i) the date, time, and location of the violation;
    - (ii) the license plate number and state;
    - (iii) a description of the offending vehicle;
    - (iv) as much as practical, a description of the operator of the offending vehicle;
    - (v) a description of the incident involving the violation;
    - (vi) information on how to contact the school crossing guard who witnessed the offense; and
    - (vii) the signature of the school crossing guard who witnessed the offense attesting to the accuracy of the report.
- (2)
- (a) Upon receiving a report in accordance with Subsection (1), the law enforcement agency shall promptly send a notification letter to the last-known registered owner of the vehicle.
  - (b) The notification letter shall include:
    - (i) the applicable information on the school crossing guard's report stating that the vehicle was observed speeding in a reduced speed school zone in violation of state law;
    - (ii) a complete explanation of the applicable provisions of Section 41-6a-604; and
    - (iii) an explanation that the notification letter is not a peace officer citation but is an effort to call attention to the seriousness of the incident.
  - (c) A law enforcement agency shall make reporting forms for a report under Subsection (1) available:
    - (i) to a school crossing guard; and
    - (ii) in school administrative offices.
- (3) A law enforcement agency that receives a report under Subsection (1) may have a peace officer initiate an investigation of the reported violation.

Enacted by Chapter 124, 2009 General Session

**41-6a-605 Minimum speed regulations.**

- (1) A person may not operate a motor vehicle at a speed so slow as to impede or block the normal and reasonable movement of traffic except when:
- (a) a reduced speed is necessary for safe operation;
  - (b) upon a grade; or
  - (c) in compliance with a traffic-control device.

- (2) Operating a motor vehicle on a limited access highway at less than the speed limit side by side with and at the same speed as a vehicle operated in the adjacent right lane is evidence of a violation of Subsection (1).
- (3)
  - (a) If, based on an engineering and traffic investigation, a highway authority determines that slow speeds on any part of a highway under its jurisdiction consistently impede the normal and reasonable movement of traffic, the highway authority may post a minimum speed limit.
  - (b) If a minimum speed limit is posted under this Subsection (3), a person may not operate a vehicle at a speed below the posted minimum speed limit except:
    - (i) when necessary for safe operation; or
    - (ii) in accordance with Section 41-6a-205.
  - (c) The minimum speed limit is effective when appropriate signs giving notice are erected along the highway or section of the highway.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-606 Speed contest or exhibition on highway -- Barricade or obstruction.**

- (1) A person may not engage in any motor vehicle speed contest or exhibition of speed on a highway.
- (2) A person may not, in any manner, obstruct or place any barricade or obstruction or assist or participate in placing any barricade or obstruction upon any highway for any purpose prohibited under Subsection (1).
- (3) A person who violates Subsection (1) is guilty of a class B misdemeanor.
- (4)
  - (a) In addition to the penalty provided under this section or any other section, a person who violates Subsection (1) shall have the person's driver license suspended under Subsection 53-3-220(1)(a)(xv) for a period of:
    - (i) 60 days for a first offense; and
    - (ii) 90 days for a second offense within three years of a prior offense.
  - (b) The court shall forward the report of the conviction to the Driver License Division in accordance with Section 53-3-218.

Amended by Chapter 181, 2017 General Session

**41-6a-607 Speed violation -- Complaint -- Civil negligence.**

- (1) For a charge of violation of a speed provision under this part, the citation or information shall specify the:
  - (a) speed at which the defendant is alleged to have operated a vehicle; and
  - (b) speed limit applicable to the section of the highway where the violation is alleged to have occurred.
- (2) The provisions of this part declaring prima facie speed limitations do not relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-608 Photo radar -- Restrictions on use.**

- (1) "Photo radar" means a device used primarily for highway speed limit enforcement substantially consisting of a low power doppler radar unit and camera mounted in or on a vehicle, which automatically produces a photograph of a vehicle traveling in excess of the legal speed limit, with the vehicle's speed, the date, time of day, and location of the violation printed on the photograph.
- (2) Photo radar may not be used except:
  - (a)
    - (i) in school zones; or
    - (ii) in other areas that have a posted speed limit of 30 miles per hour or less;
  - (b) when a peace officer is present with the photo radar unit;
  - (c) when signs are posted on the highway providing notice to a motorist that photo radar may be used;
  - (d) when use of photo radar by a local highway authority is approved by the local highway authority's governing body; and
  - (e) when the citation is accompanied by the photograph produced by photo radar.
- (3) The restrictions under Subsection (2) on the use of photo radar do not apply when the information gathered is used for highway safety research or to issue warning citations not involving a fine, court appearance, or a person's driving record.
- (4) A contract or agreement regarding the purchase, lease, rental, or use of photo radar by the department or by a local highway authority may not specify any condition for issuing a citation.
- (5) The department and any local highway authority using photo radar, upon request, shall make the following information available for public inspection during regular office hours:
  - (a) the terms of any contract regarding the purchase, lease, rental, or use of photo radar;
  - (b) the total fine revenue generated by using photo radar;
  - (c) the number of citations issued by the use of photo radar; and
  - (d) the amount paid to the person providing the photo radar unit.
- (6) A moving traffic violation obtained through the use of photo radar is not a reportable violation as defined under Section 53-3-102, and points may not be assessed against a person for the violation.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-609 Radar jamming devices and jamming radar prohibited -- Defense -- Exceptions -- Penalties.**

- (1) As used in this section, "radar jamming device" means any instrument or mechanism designed or intended to interfere with the radar or any laser that is used by law enforcement personnel to measure the speed of a motor vehicle on a highway.
- (2)
  - (a) A person may not operate a motor vehicle on a highway with a radar jamming device in the motor vehicle.
  - (b) A person may not knowingly use a radar jamming device to interfere with the radar signals or lasers used by law enforcement personnel to measure the speed of a motor vehicle on a highway.
- (3) It is an affirmative defense to a charge under Subsection (2)(a) that the radar jamming device was in an inoperative condition or could not be readily used at the time of the arrest or citation.
- (4) This section does not apply to law enforcement personnel acting in their official capacity.
- (5) A person who violates this section is guilty of an infraction.

Amended by Chapter 303, 2016 General Session

**Part 7**  
**Driving on Right Side of Highway and Passing**

**41-6a-701 Duty to operate vehicle on right side of roadway -- Exceptions.**

- (1) On all roadways of sufficient width, a person operating a vehicle shall operate the vehicle on the right half of the roadway, except:
  - (a) when overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement;
  - (b) when an obstruction requires operating the vehicle to the left of the center of the roadway subject to the provisions of Subsection (2);
  - (c) when overtaking and passing a bicycle or moped proceeding in the same direction at a speed less than the reasonable speed of traffic that is present requires operating the vehicle to the left of the center of the roadway subject to the provisions of Subsection (2);
  - (d) on a roadway divided into three marked lanes for traffic under the applicable rules; or
  - (e) on a roadway designed and signposted for one-way traffic.
- (2)
  - (a) A person operating a vehicle as described under Subsection (1) shall yield the right-of-way to a vehicle:
    - (i) traveling in the proper direction on a roadway; and
    - (ii) that is within a distance constituting an immediate hazard.
  - (b) When overtaking and passing a bicycle or moped under Subsection (1)(c), a person operating a vehicle shall not pass a bicycle or moped proceeding in the same direction if the pass cannot be made safely, including under any of the following conditions:
    - (i) when approaching or upon the crest of a grade or upon a curve in the highway where the operator's view is in any way obstructed;
    - (ii) when approaching within 100 feet of, or traversing, any intersection or railroad grade crossing unless otherwise indicated by an official traffic control device;
    - (iii) when the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel; or
    - (iv) when the pass cannot be made in accordance with Section 41-6a-706.5.
- (3) A person operating a vehicle on a roadway at less than the normal speed of traffic shall operate the vehicle in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when:
  - (a) overtaking and passing another vehicle proceeding in the same direction;
  - (b) preparing to turn left; or
  - (c) taking a different highway or an exit on the left.

Amended by Chapter 293, 2013 General Session

**41-6a-702 Left lane restrictions -- Exceptions -- Other lane restrictions -- Penalties.**

- (1) As used in this section and Section 41-6a-704, "general purpose lane" means a highway lane open to vehicular traffic but does not include a designated:
  - (a) high occupancy vehicle (HOV) lane; or

- (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway off-ramp.
- (2) On a freeway or section of a freeway which has three or more general purpose lanes in the same direction, a person may not operate a vehicle in the left most general purpose lane if the person's:
  - (a) vehicle is drawing a trailer or semitrailer regardless of size; or
  - (b) vehicle or combination of vehicles has a gross vehicle weight of 12,001 or more pounds.
- (3) Subsection (2) does not apply to a person operating a vehicle who is:
  - (a) preparing to turn left or taking a different highway split or an exit on the left;
  - (b) responding to emergency conditions;
  - (c) avoiding actual or potential traffic moving onto the highway from an acceleration or merging lane; or
  - (d) following direction signs that direct use of a designated lane.
- (4)
  - (a) A highway authority may designate a specific lane or lanes of travel for any type of vehicle on a highway or portion of a highway under its jurisdiction for the:
    - (i) safety of the public;
    - (ii) efficient maintenance of a highway; or
    - (iii) use of high occupancy vehicles.
  - (b) The lane designation under Subsection (4)(a) is effective when appropriate signs giving notice are erected on the highway or portion of the highway.
- (5)
  - (a) Subject to Subsection (5)(b) and beginning on July 1, 2011, the lane designation under Subsection (4)(a)(iii) shall allow a vehicle with a clean fuel vehicle decal issued in accordance with Section 72-6-121 to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants as permitted by federal law or federal regulation.
  - (b)
    - (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation may make rules to allow a vehicle with a clean fuel vehicle decal to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants as permitted by federal law or federal regulation.
    - (ii) Except as provided in Subsection (5)(b)(iii), the Department of Transportation may not issue more than 6,000 clean fuel vehicle decals under Section 72-6-121.
    - (iii) The Department of Transportation may, through rules made under Subsection (5)(b)
      - (i), increase the number of clean fuel vehicle decals issued in accordance with Section 72-6-121 beyond the minimum described in Subsection (5)(b)(ii) if the increased issuance will allow the Department of Transportation to continue to meet its goals for operational management of the lane designated under Subsection (4)(a)(iii).
- (6) A person who operates a vehicle in violation of Subsection (2) or in violation of the restrictions made under Subsection (4) is guilty of an infraction.

Amended by Chapter 137, 2016 General Session

**41-6a-703 Passing vehicles proceeding in opposite directions.**

- (1) In accordance with Section 41-6a-701, a person operating a vehicle proceeding in an opposite direction from another vehicle shall pass the other vehicle to the right.



- (2) On a roadway having width for not more than one line of traffic in each direction, the operator of a vehicle shall, as nearly as possible, give to the other at least 1/2 of the main traveled portion of the roadway.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-704 Overtaking and passing vehicles proceeding in same direction.**

- (1)
  - (a) On any highway:
    - (i) the operator of a vehicle overtaking another vehicle proceeding in the same direction shall:
      - (A) except as provided under Section 41-6a-705, promptly pass the overtaken vehicle on the left at a safe distance; and
      - (B) enter a right-hand lane or the right side of the roadway only when safely clear of the overtaken vehicle;
    - (ii) the operator of an overtaken vehicle:
      - (A) shall give way to the right in favor of the overtaking vehicle; and
      - (B) may not increase the speed of the vehicle until completely passed by the overtaking vehicle.
  - (b) The exemption from the minimum speed regulations for a vehicle operating on a grade under Section 41-6a-605 does not exempt the vehicle from promptly passing a vehicle as required under Subsection (1)(a)(i)(A).
- (2) On a highway having more than one lane in the same direction, the operator of a vehicle traveling in the left general purpose lane:
  - (a) shall, upon being overtaken by another vehicle in the same lane, yield to the overtaking vehicle by moving safely to a lane to the right; and
  - (b) may not impede the movement or free flow of traffic in the left general purpose lane.
- (3) An operator of a vehicle traveling in the left general purpose lane that has a vehicle following directly behind the operator's vehicle at a distance so that less than two seconds elapse before reaching the location of the operator's vehicle when space is available for the operator to yield to the overtaking vehicle by traveling in the right-hand lane is prima facie evidence that the operator is violating Subsection (2).
- (4) The provisions of Subsection (2) do not apply to an operator of a vehicle traveling in the left general purpose lane when:
  - (a) overtaking and passing another vehicle proceeding in the same direction in accordance with Subsection (1)(a)(i);
  - (b) preparing to turn left or taking a different highway or an exit on the left;
  - (c) responding to emergency conditions;
  - (d) avoiding actual or potential traffic moving onto the highway from an acceleration or merging lane; or
  - (e) following the direction of a traffic-control device that directs the use of a designated lane.
- (5) A violation of Subsection (1) or (2) is an infraction.

Amended by Chapter 412, 2015 General Session

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

- (1) The operator of a vehicle may overtake and pass on the right of another vehicle only:
  - (a) when the vehicle overtaken is making or preparing to make a left turn; or

- (b) on a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
- (2) The operator of a vehicle may overtake and pass another vehicle on the right only under conditions permitting the movement with safety.
- (3) Except for a person operating a bicycle, the operator of a vehicle may not overtake and pass another vehicle if the movement is made by driving off the roadway.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-706 Limitation on passing -- Prohibitions.**

- (1) Subject to the provisions of Section 41-6a-707, on a two-way highway, a person may not operate a vehicle to the left side of the center of the roadway to pass another vehicle proceeding in the same direction unless the left side is:
  - (a) clearly visible; and
  - (b) free of oncoming traffic for a sufficient distance to permit the passing movement to be completed without interfering with the operation of any vehicle approaching from the opposite direction in accordance with Subsection (2).
- (2) The person operating the overtaking vehicle shall return the vehicle to an authorized lane of travel:
  - (a) as soon as practical; and
  - (b) if the passing movement involves the use of a lane authorized for vehicles approaching in the opposite direction, before coming within 200 feet of any vehicle approaching from the opposite direction.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-706.5 Definitions -- Operation of motor vehicle near a vulnerable user of a highway prohibited -- Endangering a vulnerable user of a highway prohibited.**

- (1) As used in this section, "vulnerable user of a highway" means:
  - (a) a pedestrian, including a person engaged in work upon a highway or upon utilities facilities along a highway or providing emergency services within the right-of-way of a highway;
  - (b) a person riding an animal; or
  - (c) a person operating any of the following on a highway:
    - (i) a farm tractor or implement of husbandry, without an enclosed shell;
    - (ii) a skateboard;
    - (iii) roller skates;
    - (iv) in-line skates;
    - (v) a bicycle;
    - (vi) an electric-assisted bicycle;
    - (vii) an electric personal assistive mobility device;
    - (viii) a moped;
    - (ix) a motor-driven cycle;
    - (x) a motorized scooter;
    - (xi) a motorcycle; or
    - (xii) a manual wheelchair.
- (2) An operator of a motor vehicle may not knowingly, intentionally, or recklessly:

- (a) operate a motor vehicle within three feet of a vulnerable user of a highway;
  - (b) distract or attempt to distract a vulnerable user of a highway for the purpose of causing violence or injury to the vulnerable user of a highway; or
  - (c) force or attempt to force a vulnerable user of a highway off of the roadway for a purpose unrelated to public safety.
- (3)
- (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is an infraction.
  - (b) A violation of Subsection (2) that results in bodily injury to the vulnerable user of a highway is a class C misdemeanor.

Amended by Chapter 412, 2015 General Session

**41-6a-707 Limitations on driving on left side of road -- Exceptions.**

- (1) A person may not operate a vehicle on the left side of the roadway:
- (a) when approaching or on a crest of a grade or a curve on the highway where the person's view is obstructed within a distance which creates a hazard if another vehicle approached from the opposite direction;
  - (b) when approaching within 100 feet of or traversing any intersection or railroad grade crossing unless otherwise indicated by a traffic-control device or a peace officer; or
  - (c) when the view is obstructed while approaching within 100 feet of any bridge, viaduct, or tunnel.
- (2) Subsection (1) does not apply:
- (a) on a one-way roadway;
  - (b) under the conditions described in Subsection 41-6a-701(1)(b); or
  - (c) to a person operating a vehicle turning left onto or from an alley, private road, or driveway.
- (3) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-708 Signs and markings on roadway -- No-passing zones -- Exceptions.**

- (1)
- (a) A highway authority may designate no-passing zones on any portion of a highway under its jurisdiction if the highway authority determines passing is especially hazardous.
  - (b) A highway authority shall designate a no-passing zone under Subsection (1)(a) by placing appropriate traffic-control devices on the highway.
- (2) A person operating a vehicle may not drive on the left side of:
- (a) the roadway within the no-passing zone; or
  - (b) any pavement striping designed to mark the no-passing zone.
- (3) Subsection (2) does not apply:
- (a) under the conditions described under Subsections 41-6a-701(1)(b) and (c); or
  - (b) to a person operating a vehicle turning left onto or from an alley, private road, or driveway.
- (4) A violation of Subsection (2) is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-709 One-way traffic.**

- (1) A highway authority may designate any highway, roadway, part of a roadway, or specific lanes under the highway authority's jurisdiction for one direction of vehicle travel at all times as indicated by traffic-control devices.
- (2) On a roadway designated for one-way traffic, a person operating a vehicle shall operate the vehicle in the direction indicated by traffic-control devices.
- (3) A person operating a vehicle in a roundabout shall operate the vehicle only to the right of the roundabout island.
- (4) A violation of Subsection (2) or (3) is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-710 Roadway divided into marked lanes -- Provisions -- Traffic-control devices.**

On a roadway divided into two or more clearly marked lanes for traffic the following provisions apply and any violation of this section is an infraction:

- (1)
  - (a) A person operating a vehicle:
    - (i) shall keep the vehicle as nearly as practical entirely within a single lane; and
    - (ii) may not move the vehicle from the lane until the operator has reasonably determined the movement can be made safely.
  - (b) A determination under Subsection (1)(a)(ii) is reasonable if a reasonable person acting under the same conditions and having regard for actual and potential hazards then existing would determine that the movement could be made safely.
- (2)
  - (a) On a roadway divided into three or more lanes and providing for two-way movement of traffic, a person operating a vehicle may not drive in the center lane except:
    - (i) when overtaking and passing another vehicle traveling in the same direction, and when the center lane is:
      - (A) clear of traffic within a safe distance; and
      - (B) not a two-way left turn lane;
    - (ii) in preparation of making or completing a left turn in compliance with Section 41-6a-801; or
    - (iii) where the center lane is allocated exclusively to traffic moving in the same direction that the vehicle is proceeding as indicated by traffic-control devices.
  - (b) Notwithstanding Subsection (2)(a)(i) and in accordance with Subsection (1)(a), a person operating a vehicle may drive in a center lane that is a two-way left turn lane if:
    - (i) the center lane is:
      - (A) on a roadway divided into three or more lanes that provides for two-way movement of traffic; and
      - (B) clear of traffic within a safe distance;
    - (ii) there is only one lane of travel in the direction the person operating the vehicle is traveling; and
    - (iii) the person operating the vehicle is overtaking and passing a bicycle or moped that is moving at less than the reasonable speed of traffic that is present.
- (3)
  - (a) A highway authority may erect traffic-control devices directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway.
  - (b) An operator of a vehicle shall obey the directions of a traffic-control device erected under Subsection (3)(a).

Amended by Chapter 412, 2015 General Session

**41-6a-711 Following another vehicle -- Safe distance -- Exceptions -- Penalty.**

- (1) As used in this section, "connected platooning system" means a system that uses vehicle-to-vehicle communication to electronically coordinate the speed and braking of a lead vehicle with the speed and braking of one or more following vehicles.
- (2) The operator of a vehicle:
  - (a) may not follow another vehicle more closely than is reasonable and prudent, having regard for the:
    - (i) speed of the vehicles;
    - (ii) traffic upon the highway; and
    - (iii) condition of the highway; and
  - (b) shall follow at a distance so that at least two seconds elapse before reaching the location of the vehicle directly in front of the operator's vehicle.
- (3) Subsection (2)(b) does not apply to:
  - (a) funeral processions or to congested traffic conditions resulting in prevailing vehicle speeds of less than 35 miles per hour; or
  - (b) the operator of a vehicle that is:
    - (i) part of a connected platooning system; and
    - (ii) not the lead vehicle.
- (4) A violation of Subsection (2) is an infraction.

Amended by Chapter 263, 2018 General Session

**41-6a-712 Divided highway -- Use of right-hand side -- Crossing only where permitted.**

- (1) A person operating a vehicle on a divided highway shall use the right-hand roadway unless directed or permitted to use another roadway by a traffic-control device or a peace officer.
- (2) A person operating a vehicle may not operate the vehicle over, across, or within any dividing space, median, or barrier of a divided highway, except when:
  - (a) authorized by a traffic-control device or a peace officer; or
  - (b) operating a tow truck in response to a customer service call and the tow truck motor carrier has already received authorization from the local law enforcement agency in the jurisdiction where the vehicle to be towed is located.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-713 Driving over gore area or island prohibited -- Exceptions -- Penalties.**

- (1)
  - (a) A person may not operate a vehicle over, across, or within any part of a gore area or an island.
  - (b) Subsection (1)(a) does not apply to:
    - (i) a person operating a vehicle that is disabled; or
    - (ii) an operator of an authorized emergency vehicle under conditions described under Section 41-6a-208.
- (2) A person who violates Subsection (1) is guilty of an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-714 Freeway and controlled-access highways -- Driving onto and from highways where permitted.**

- (1) A person may not operate a vehicle onto or from any freeway or other controlled-access highway except at entrances and exits established by the highway authority having jurisdiction over the highway.
- (2) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-715 Controlled-access highways -- Prohibiting use by class or kind of traffic -- Traffic-control devices.**

- (1) A highway authority may regulate or prohibit the use of any controlled-access highway within its respective jurisdiction by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.
- (2) The highway authority shall erect and maintain traffic-control devices on the controlled-access highway on which the regulations or prohibitions are applicable.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-716 Driving on tollway without paying toll prohibited.**

- (1) As used in this section, "tollway" has the same meaning as defined in Section 72-6-118.
- (2) The operator of a vehicle traveling on a tollway shall pay the toll imposed by the department or other entity for that tollway under Section 72-6-118.
- (3) A person who violates Subsection (2) is guilty of an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-717 Use of runaway vehicle ramps.**

- (1) A person may not use a runaway vehicle ramp unless the person is in an emergency situation requiring the use of the ramp to stop the person's vehicle.
- (2) A person may not stop, stand, or park a vehicle on a runaway vehicle ramp or in the pathway of the runaway vehicle ramp.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**Part 8  
Turning and Signaling for Turns**

**41-6a-801 Turning -- Manner -- Traffic-control devices.**

The operator of a vehicle shall make turns as follows, and a violation of this section is an infraction:

- (1) Right turns: both a right turn and an approach for a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

(2) Left turns:

- (a) the operator of a vehicle intending to turn left shall approach the turn from the extreme left-hand lane for traffic moving in the same direction;
- (b) whenever practicable, shall be made by turning onto the roadway being entered in the extreme left-hand lane for traffic moving in the new direction, unless otherwise directed by a traffic-control device; and
- (c) may be made on a highway across solid double yellow line pavement markings indicating a two-direction, no-passing zone.

(3) Two-way left turn lanes:

- (a) where a two-way left turn lane is provided, a left turn may not be made from any other lane;
- (b) a vehicle may not be driven in the two-way left turn lane except when preparing for or making:
  - (i) a left turn from or into the roadway; or
  - (ii) a U-turn except when prohibited by a traffic-control device;
- (c)
  - (i) except as provided under Subsection (3)(c)(ii), the operator of a vehicle intending to turn left may not enter a two-way left turn lane more than 500 feet prior to making the turn;
  - (ii) if traffic in the two-way left turn lane extends beyond 500 feet, the operator of a vehicle intending to turn left may enter the two-way left turn lane immediately upon reaching the last vehicle in the two-way left turn lane;
- (d) the operator of a vehicle that has turned left into the two-way left turn lane may not travel in the lane more than 500 feet unless the operator intends to turn left and Subsection (3)(c)(ii) applies; and
- (e) the operator of a vehicle may not travel straight through an intersection in a two-way left turn lane.

(4)

- (a) A highway authority in its jurisdiction may provide exceptions to the provisions of this section by erecting traffic-control devices directing a different course to be traveled by turning vehicles.
- (b) The operator of a vehicle may not turn a vehicle in violation of a traffic-control device erected under Subsection (4)(a).

Amended by Chapter 412, 2015 General Session

**41-6a-802 Turning around -- Where prohibited -- Visibility.**

- (1) As used in this section, "railroad grade crossing" means the area between the passive or active warning signs where a railroad track and roadway intersect.
- (2) The operator of a vehicle may not make a U-turn or turn the vehicle to proceed in the opposite direction:
  - (a) unless the movement can be made safely and without interfering with other traffic;
  - (b) on any curve, or upon the approach to, or near the crest of a grade, if the vehicle is not visible at a distance of 500 feet by the operator of any other vehicle approaching from either direction; and
  - (c) on a railroad track or railroad grade crossing.
- (3) A violation of Subsection (2) is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-803 Moving a vehicle -- Safety.**

- (1) A person may not move a vehicle which is stopped, standing, or parked until the movement may be made with reasonable safety.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-804 Turning or changing lanes -- Safety -- Signals -- Stopping or sudden decrease in speed -- Signal flashing -- Where prohibited.**

- (1)
  - (a) A person may not turn a vehicle or move right or left on a roadway or change lanes until:
    - (i) the movement can be made with reasonable safety; and
    - (ii) an appropriate signal has been given as provided under this section.
  - (b) A signal of intention to turn right or left or to change lanes shall be given continuously for at least the last two seconds preceding the beginning of the movement.
- (2) A person may not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the operator of any vehicle immediately to the rear when there is opportunity to give a signal.
- (3)
  - (a) A stop or turn signal when required shall be given either by the hand and arm or by signal lamps.
  - (b) If hand and arm signals are used, a person operating a vehicle shall give the required hand and arm signals from the left side of the vehicle as follows:
    - (i) left turn: hand and arm extended horizontally;
    - (ii) right turn: hand and arm extended upward; and
    - (iii) stop or decrease speed: hand and arm extended downward.
  - (c)
    - (i) A person operating a bicycle or device propelled by human power may give the required hand and arm signals for a right turn by extending the right hand and arm horizontally to the right.
    - (ii) This Subsection (3)(c) is an exception to the provision of Subsection (3)(b)(ii).
- (4) A person required to make a signal under this section may not flash a signal:
  - (a) on one side only on a disabled vehicle;
  - (b) as a courtesy or "do pass" to operators of other vehicles approaching from the rear; or
  - (c) on one side only of a parked vehicle.
- (5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**Part 9  
Right-of-Way**

**41-6a-901 Right-of-way between vehicles -- Unregulated intersection.**

- (1) The operator of a vehicle approaching an intersection not regulated by a traffic-control device shall yield the right-of-way to any vehicle that has entered the intersection from a different highway.



- (2) Except as specified in Subsection (3) and unless otherwise directed by a peace officer, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right when:
  - (a) more than one vehicle enters or approaches an intersection from different highways at approximately the same time; and
  - (b) the intersection:
    - (i) is not regulated by a traffic-control device;
    - (ii) is not regulated because the traffic-control signal is inoperative; or
    - (iii) is regulated from all directions by stop signs.
- (3) The operator of a vehicle approaching an intersection not regulated by a traffic-control device:
  - (a) from a highway that does not continue beyond the intersection, shall yield the right-of-way to the operator of any vehicle on the intersecting highway; and
  - (b) from a highway that is not paved, shall yield the right-of-way to the operator of any vehicle on a paved intersecting highway.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-902 Right-of-way -- Stop or yield signals -- Yield -- Collisions at intersections or junctions of roadways -- Evidence.**

- (1) Preferential right-of-way may be indicated by stop signs or yield signs under Section 41-6a-906.
- (2)
  - (a) Except when directed to proceed by a peace officer, every operator of a vehicle approaching a stop sign shall stop:
    - (i) at a clearly marked stop line;
    - (ii) before entering the crosswalk on the near side of the intersection if there is not a clearly marked stop line; or
    - (iii) at a point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it if there is not a clearly marked stop line or a crosswalk.
  - (b) After having stopped at a stop sign, the operator of a vehicle shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard.
  - (c) The operator of a vehicle approaching a stop sign shall yield the right-of-way to pedestrians within an adjacent crosswalk.
- (3)
  - (a) The operator of a vehicle approaching a yield sign shall:
    - (i) slow down to a speed reasonable for the existing conditions; and
    - (ii) if required for safety, stop as provided under Subsection (2).
  - (b)
    - (i) After slowing or stopping at a yield sign, the operator of a vehicle shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the operator is moving across or within the intersection or junction of roadways.
    - (ii) The operator of a vehicle approaching a yield sign shall yield to pedestrians within an adjacent crosswalk.
- (4)
  - (a) A collision is prima facie evidence of an operator's failure to yield the right-of-way after passing a yield sign without stopping if the operator is involved in a collision:

- (i) with a vehicle in the intersection or junction of roadways; or
  - (ii) with a pedestrian at an adjacent crosswalk.
  - (b) A collision under Subsection (4)(a) is not considered negligence per se in determining liability for the accident.
- (5) A violation of Subsection (2) or (3) is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-903 Yield right-of-way -- Vehicle turning left -- Entering or crossing highway other than from another roadway -- Merging lanes.**

- (1) The operator of a vehicle:
- (a) intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close to the turning vehicle as to constitute an immediate hazard;
  - (b) about to enter or cross a highway from any place other than another highway shall yield the right-of-way to all vehicles approaching on the highway to be entered or crossed; and
  - (c) traveling in a lane that is about to merge into a continuing lane, shall yield the right-of-way to all vehicles traveling in the continuing lane and which are so close as to be an immediate hazard.
- (2) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-904 Approaching emergency vehicle -- Necessary signals -- Stationary emergency vehicle -- Duties of respective operators.**

- (1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon the immediate approach of an authorized emergency vehicle using audible or visual signals under Section 41-6a-212 or 41-6a-1625, shall:
- (a) yield the right-of-way and immediately move to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway, clear of any intersection; and
  - (b) then stop and remain stopped until the authorized emergency vehicle has passed.
- (2)
- (a) The operator of a vehicle, upon approaching a stationary authorized emergency vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:
    - (i) reduce the speed of the vehicle;
    - (ii) provide as much space as practical to the stationary authorized emergency vehicle; and
    - (iii) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if practical, with due regard to safety and traffic conditions, make a lane change into a lane not adjacent to the authorized emergency vehicle.
  - (b)
    - (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a stationary authorized emergency vehicle that is displaying alternately flashing red, red and white, or red and blue lights, the requirements in Subsection (2)(a) apply.
    - (ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary authorized emergency vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall, if practical, with due regard to safety and traffic conditions, make a lane change out of the HOV lane into a lane not adjacent to the authorized emergency vehicle.

- (3)
  - (a) The operator of a vehicle, upon approaching a stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall:
    - (i) reduce the speed of the vehicle; and
    - (ii) provide as much space as practical to the stationary tow truck or highway maintenance vehicle.
  - (b) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall, if practical, with due regard to safety and traffic conditions, make a lane change out of the HOV lane into a lane not adjacent to the tow truck or highway maintenance vehicle.
- (4) This section does not relieve the operator of an authorized emergency vehicle, tow truck, or highway maintenance vehicle from the duty to drive with regard for the safety of all persons using the highway.
- (5)
  - (a)
    - (i) In addition to the penalties prescribed under Subsection (7), a person who violates this section shall attend a four hour live classroom defensive driving course approved by:
      - (A) the Driver License Division; or
      - (B) a court in this state.
    - (ii) Upon completion of the four hour live classroom course under Subsection (5)(a)(i), the person shall provide to the Driver License Division a certificate of attendance of the classroom course.
  - (b) The Driver License Division shall suspend a person's driver license for a period of 90 days if the person:
    - (i) violates a provision of Subsections (1) through (3); and
    - (ii) fails to meet the requirements of Subsection (5)(a)(i) within 90 days of sentencing for or pleading guilty to a violation of this section.
  - (c) Notwithstanding the provisions of Subsection (5)(b), the Driver License Division shall shorten the 90-day suspension period imposed under Subsection (5)(b) effective immediately upon receiving a certificate of attendance of the four hour live classroom course required under Subsection (5)(a)(i) if the certificate of attendance is received before the completion of the suspension period.
  - (d) A person whose license is suspended under Subsection (5)(b) and a person whose suspension is shortened as described under Subsection (5)(c) shall pay the license reinstatement fees under Subsection 53-3-105(24).
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Driver License Division shall make rules to implement the provisions of this part.
- (7) A violation of Subsection (1), (2), or (3) is an infraction.

Amended by Chapter 417, 2018 General Session

**41-6a-905 Vehicle or pedestrian working upon highway -- Right-of-way.**

The operator of a vehicle shall yield the right-of-way to an:

- (1) authorized vehicle or pedestrian actually engaged in work on a highway within a highway construction or maintenance area indicated by a traffic-control device; or
- (2) authorized vehicle obviously and actually engaged in work on a highway when the vehicle displays lights in accordance with Section 41-6a-1617.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-906 Designation of through highways -- Stop signs, yield signs, and traffic-control devices -- Designation of intersections as locations for preferential right-of-way treatment.**

- (1) A highway authority, with reference to highways under its jurisdiction, may erect and maintain stop signs, yield signs, or other traffic-control devices to designate:
  - (a) through highways; or
  - (b) intersections or other roadway junctions at which vehicular traffic on one or more of the roadways should yield or stop and yield before entering the intersection or junction.
- (2) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-907 Vehicles emerging from alleys, buildings, private roads, or driveways must stop prior to sidewalk area or street.**

- (1) The operator of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop:
  - (a) the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building, private road, or driveway; or
  - (b) if there is no sidewalk area, at the point nearest the street to be entered where the operator has a view of approaching traffic.
- (2) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

**Part 10  
Pedestrians' Rights and Duties**

**41-6a-1001 Pedestrians subject to traffic-control devices -- Other controls.**

- (1) A pedestrian shall obey the instructions of a traffic-control device specifically applicable to the pedestrian unless otherwise directed by a peace officer.
- (2) A pedestrian is subject to traffic and pedestrian-control signals under Sections 41-6a-305 and 41-6a-306.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1002 Pedestrians' right-of-way -- Duty of pedestrian.**

- (1)
  - (a) Except as provided under Subsection (2), the operator of a vehicle shall yield the right-of-way by slowing down or stopping if necessary:
    - (i) to a pedestrian crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway upon which the vehicle is traveling; or
    - (ii) when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
  - (b) Subsection (1)(a) does not apply under conditions of Subsection 41-6a-1003(2).

- (c) A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.
- (2) The operator of a vehicle approaching a school crosswalk shall come to a complete stop at the school crosswalk if the crosswalk is occupied by a person.
- (3) If a vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.

Amended by Chapter 122, 2018 General Session

**41-6a-1003 Pedestrians yielding right-of-way -- Limits on pedestrians.**

- (1) A pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles on the roadway.
- (2) A pedestrian crossing a roadway at a point where there is a pedestrian tunnel or overhead pedestrian crossing shall yield the right-of-way to all vehicles on the roadway.
- (3) Between adjacent intersections at which traffic-control signals are in operation, a pedestrian may not cross at any place except in a marked crosswalk.
- (4)
  - (a) A pedestrian may not cross a roadway intersection diagonally unless authorized by a traffic-control device.
  - (b) If a pedestrian is authorized to cross diagonally under Subsection (4)(a), the pedestrian shall cross only as directed by the appropriate traffic-control device.
- (5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1004 Emergency vehicle -- Necessary signals -- Duties of operator -- Pedestrian to yield.**

- (1) A pedestrian shall yield the right-of-way to an authorized emergency vehicle upon the immediate approach of an authorized emergency vehicle using audible or visual signals in accordance with Section 41-6a-212 or 41-6a-1625.
- (2) This section does not relieve the operator of an authorized emergency vehicle from:
  - (a) the duty to drive with regard for the safety of all persons using the highway; nor
  - (b) from the duty to exercise care to avoid colliding with a pedestrian.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1005 Limitation on pedestrians related to railroad grade crossings or bridges.**

- (1) As used in this section, "active railroad grade crossing" means a railroad grade crossing when:
  - (a) the gate or barrier is closed or is being opened or closed;
  - (b) warning lights are flashing;
  - (c) audible warning devices are being sounded; or
  - (d) other traffic control devices signal the approach of a railroad train.
- (2) A pedestrian may not pass through, around, over, or under or remain on a crossing gate or barrier at an active railroad grade crossing or bridge.

- (3) A pedestrian may not enter or remain within the area between a railroad track and a railroad sign or signal if the railroad grade crossing is active.
- (4) A pedestrian may not occupy or remain on a railroad grade crossing when the railroad sign or signal is not active except to cross the railroad crossing on a designated walkway.
- (5) A pedestrian may not remain in an area between railroad signs or signals, railroad gates, or railroad crossing arms if the railroad grade crossing is active.
- (6) A violation of Subsection (2), (3), (4), or (5) is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1006 Vehicles to exercise due care to avoid pedestrians -- Audible signals and caution.**

- (1) The operator of a vehicle shall:
  - (a) exercise care to avoid colliding with a pedestrian;
  - (b) give an audible signal when necessary; and
  - (c) exercise appropriate precaution if the operator of the vehicle observes a child or an obviously confused, incapacitated, or intoxicated person.
- (2) This section supersedes any conflicting provision of:
  - (a) this chapter; or
  - (b) a local ordinance in accordance with Section 41-6a-208.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1007 Operators to yield right-of-way to blind pedestrian -- Duties of blind pedestrian -- Use of cane -- Failure to yield -- Liability.**

- (1)
  - (a) The operator of a vehicle shall yield the right-of-way to a blind or visually impaired pedestrian:
    - (i) carrying a clearly visible white cane; or
    - (ii) accompanied by a guide dog specially trained for that purpose and equipped with a harness.
  - (b)
    - (i) Except as provided in Subsection (1)(b)(ii), a person who fails to yield the right-of-way is liable for any loss or damage which results as a proximate cause of the failure to yield the right-of-way to blind or visually impaired persons.
    - (ii) Blind or visually impaired persons shall:
      - (A) exercise due care in approaching and crossing roadways; and
      - (B) yield the right-of-way to authorized emergency vehicles giving an audible warning signal.
- (2) A pedestrian other than a blind or visually impaired person may not carry a cane as described in Subsection (1).

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1008 Vehicle crossing sidewalk -- Operator to yield.**

The operator of a vehicle crossing a sidewalk shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1009 Use of roadway by pedestrians -- Prohibited activities.**

- (1) Where there is a sidewalk provided and its use is practicable, a pedestrian may not walk along or on an adjacent roadway.
- (2) Where a sidewalk is not provided, a pedestrian walking along or on a highway shall walk only on the shoulder, as far as practicable from the edge of the roadway.
- (3) Where a sidewalk or a shoulder is not available, a pedestrian walking along or on a highway shall:
  - (a) walk as near as practicable to the outside edge of the roadway; and
  - (b) if on a two-way roadway, walk only on the left side of the roadway facing traffic.
- (4)
  - (a) An individual may not impede or block traffic within any of the following:
    - (i) an interstate system, as defined in Section 72-1-102;
    - (ii) a freeway, as defined in Section 41-6a-102;
    - (iii) a state highway, as defined in Title 72, Chapter 4, Designation of State Highways Act;
    - (iv) a state route, or "SR," as defined in Section 72-1-102; or
    - (v) a highway, as defined in Section 72-1-102, that:
      - (A) is paved and has a speed limit of 35 miles per hour or higher;
      - (B) has a median, whether elevated or flat; or
      - (C) has a fixed guideway as defined in Section 59-12-102 or any other railway that shares the highway right-of-way.
  - (b) The locations described in Subsection (4)(a) include:
    - (i) shoulder areas, as defined in Section 41-6a-102;
    - (ii) on-ramps;
    - (iii) off-ramps; and
    - (iv) an area between the roadways of a divided highway, as defined in Section 41-6a-102.
  - (c) The locations described in Subsection (4)(a) do not include sidewalks, as defined in Section 41-6a-102.
  - (d) Conduct that may impede or block traffic includes:
    - (i) while a pedestrian, accepting, transacting, exchanging, or otherwise taking possession or control of money or property from a person within a motor vehicle while that motor vehicle is within an area described in Subsection (4)(a); or
    - (ii) while a driver or passenger of a motor vehicle within an area described in Subsection (4)(a), accepting, transacting, exchanging, or otherwise taking possession or control of money or property from a pedestrian.
  - (e) Conduct that impedes or blocks traffic does not include:
    - (i) the conduct described in Section 41-6a-209 or other lawful direction of a peace officer;
    - (ii) conduct or actions resulting from a traffic accident, medical emergency, or similar exigent circumstance, including:
      - (A) exchanging insurance information; or
      - (B) exchanging contact information; or
    - (iii) conduct or actions that occur while the motor vehicle is legally parked.
  - (f) A county or municipality may adopt a resolution, ordinance, or regulation prohibiting conduct in locations described in Subsections (4)(a) and (b) within any of the roadways under its jurisdiction.
  - (g)
    - (i) The state, a county, or a municipality shall create a permitting process for granting a person an exemption from this Subsection (4).
    - (ii) Upon receipt of a valid permit application, the state, a county, or a municipality shall grant a person a temporary exemption from this Subsection (4) for a specified location or time.

- (h) Nothing in this section prohibits a temporary spontaneous demonstration.
- (5) A pedestrian who is under the influence of alcohol or any drug to a degree which renders the pedestrian a hazard may not walk or be on a highway except on a sidewalk or sidewalk area.
- (6) Except as otherwise provided in this chapter, a pedestrian on a roadway shall yield the right-of-way to all vehicles on the roadway.
- (7) A pedestrian may not walk along or on a no-access freeway facility except during an emergency.
- (8)
  - (a) As used in this Subsection (8):
    - (i) "Aggressive manner" means intentionally:
      - (A) persisting in approaching or following an individual after the individual has negatively responded to the solicitation;
      - (B) engaging in conduct that would cause a reasonable individual to fear imminent bodily harm;
      - (C) engaging in conduct that would intimidate a reasonable individual into giving money or goods;
      - (D) blocking the path of an individual; or
      - (E) physically contacting an individual or the individual's personal property without that individual's consent.
    - (ii) "Bank" is as defined in Section 13-42-102.
    - (iii) "Sidewalk" is as defined in Section 41-6a-102.
  - (b) An individual may not solicit money or goods from another individual in an aggressive manner:
    - (i) during the business hours of a bank if either the individual soliciting, or the individual being solicited, is on the portion of a sidewalk that is within 10 feet of the bank's entrance or exit;  
or
    - (ii) on the portion of a sidewalk that is within 10 feet of an automated teller machine.
- (9)
  - (a) Except as provided in Subsection (9)(b), a violation of this section is an infraction.
  - (b) A third or subsequent violation of Subsection (4) in a one-year period is a class C misdemeanor.

Amended by Chapter 122, 2018 General Session

**41-6a-1010 Unmarked crosswalk locations -- Restrictions on pedestrian.**

- (1) A highway authority in its respective jurisdiction may, after an engineering and traffic investigation, designate unmarked crosswalk locations where:
  - (a) pedestrian crossing is prohibited; or
  - (b) pedestrians shall yield the right-of-way to vehicles.
- (2) The restrictions in Subsection (1) are effective only when traffic-control devices indicating the restrictions are in place.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1011 Pedestrian vehicles.**

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



- (i) "Pedestrian vehicle" means a self-propelled conveyance designed, manufactured, and intended for the exclusive use of a person with a physical disability.
- (ii) A "pedestrian vehicle" may not:
  - (A) exceed 48 inches in width;
  - (B) have an engine or motor with more than 300 cubic centimeters displacement or with more than 12 brake horsepower; and
  - (C) be capable of developing a speed in excess of 30 miles per hour.
- (b) "Physical disability" means any bodily impairment which precludes a person from walking or otherwise moving about as a pedestrian.
- (2) A pedestrian vehicle operated by a person with a physical disability is exempt from vehicle registration, inspection, and operator license requirements.
- (3)
  - (a) A person with a physical disability may operate a pedestrian vehicle with a motor of not more than .5 brake horsepower capable of developing a speed of not more than eight miles per hour:
    - (i) on the sidewalk; and
    - (ii) in all places where pedestrians are allowed.
  - (b) A permit, license, registration, authority, application, or restriction may not be required or imposed on a person with a physical disability who operates a pedestrian vehicle under this Subsection (3).
  - (c) The provisions of this Subsection (3) supercede the provision of Subsection (2).

Amended by Chapter 258, 2015 General Session

## **Part 11**

### **Bicycles and Other Vehicles, Regulation of Operation**

#### **41-6a-1101 Parents and guardians may not authorize child's violation of chapter.**

The parent or guardian of a child may not authorize or knowingly permit the child to violate any of the provisions of this chapter.

Renumbered and Amended by Chapter 2, 2005 General Session

#### **41-6a-1102 Bicycle and device propelled by human power and moped riders subject to chapter -- Exception.**

- (1) Except as provided under Subsection (2) or as otherwise specified under this part, a person operating a bicycle, a vehicle or device propelled by human power, or a moped has all the rights and is subject to the provisions of this chapter applicable to the operator of any other vehicle.
- (2) A person operating a nonmotorized bicycle or a vehicle or device propelled by human power is not subject to the penalties related to operator licenses under alcohol and drug-related traffic offenses.

Renumbered and Amended by Chapter 2, 2005 General Session

#### **41-6a-1103 Carrying more persons than design permits prohibited -- Exception.**

- (1) Except as provided in Subsection (2), a bicycle or moped may not be used to carry more persons at one time than the number for which it is designed or equipped.
- (2) An adult rider may carry a child securely attached to the adult rider's person in a back pack or sling.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1104 Persons on bicycles, mopeds, skates, and sleds not to attach to moving vehicles -- Exception.**

- (1) A person riding a bicycle, moped, coaster, skate board, roller skates, sled, or toy vehicle may not attach it or a person to any moving vehicle on a highway.
- (2) This section does not prohibit attaching a trailer or semitrailer to a bicycle or moped if that trailer or semitrailer has been designed for attachment.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1105 Operation of bicycle or moped on and use of roadway -- Duties, prohibitions.**

- (1) A person operating a bicycle or a moped on a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near as practicable to the right-hand edge of the roadway except when:
  - (a) overtaking and passing another bicycle or vehicle proceeding in the same direction;
  - (b) preparing to make a left turn at an intersection or into a private road or driveway;
  - (c) traveling straight through an intersection that has a right-turn only lane that is in conflict with the straight through movement; or
  - (d) reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand edge of the roadway including:
    - (i) fixed or moving objects;
    - (ii) parked or moving vehicles;
    - (iii) bicycles;
    - (iv) pedestrians;
    - (v) animals;
    - (vi) surface hazards; or
    - (vii) a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.
- (2) A person operating a bicycle or moped on a highway shall operate in the designated direction of traffic.
- (3)
  - (a) A person riding a bicycle or moped on a roadway may not ride more than two abreast with another person except on paths or parts of roadways set aside for the exclusive use of bicycles.
  - (b) If allowed under Subsection (3)(a), a person riding two abreast with another person may not impede the normal and reasonable movement of traffic and shall ride within a single lane.
- (4) If a usable path for bicycles has been provided adjacent to a roadway, a bicycle rider may be directed by a traffic-control device to use the path and not the roadway.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1106 Bicycles and human powered vehicle or device to yield right-of-way to pedestrians on sidewalks, paths, or trails -- Uses prohibited -- Negligent collision prohibited -- Speed restrictions -- Rights and duties same as pedestrians.**

- (1) A person operating a bicycle or a vehicle or device propelled by human power shall:
  - (a) yield the right-of-way to any pedestrian; and
  - (b) give an audible signal before overtaking and passing a pedestrian.
- (2) A person 18 years of age or older may not operate a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway in a crosswalk, where prohibited by a traffic-control device or ordinance.
- (3) A person may not operate a bicycle or a vehicle or device propelled by human power in a negligent manner so as to collide with a:
  - (a) pedestrian; or
  - (b) person operating a:
    - (i) bicycle; or
    - (ii) vehicle or device propelled by human power.
- (4) A person operating a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a driveway, or across a roadway on a crosswalk may not operate at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing.
- (5) Except as provided under Subsections (1) and (4), a person operating a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway on a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.

Amended by Chapter 175, 2018 General Session

**41-6a-1107 Bicycles -- Parking on sidewalk, roadway -- Prohibitions.**

- (1) A person may park a bicycle on a sidewalk unless prohibited or restricted by a traffic-control device.
- (2) A bicycle parked on a sidewalk may not impede the normal and reasonable movement of pedestrian or other traffic.
- (3) A bicycle may be parked on the roadway at any location where parking is allowed:
  - (a) at any angle to the curb or edge of the roadway; and
  - (b) abreast of another bicycle or bicycles near the side of the roadway.
- (4) A bicycle may not be parked on a roadway in a manner as to obstruct the movement of a legally parked motor vehicle.
- (5) In all other respects, bicycles parked anywhere on a highway shall conform with the provisions of Part 14, Stopping, Standing, and Parking, regarding the parking of vehicles.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1108 Bicycles and mopeds -- Turns -- Designated lanes.**

- (1) A person riding a bicycle or moped and intending to turn left shall comply with Section 41-6a-801 or Subsection (2).
- (2)
  - (a) A person riding a bicycle or moped intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway.

- (b) After proceeding across the intersecting roadway, to the far corner of the curb or intersection of the roadway edges, the bicyclist or moped operator shall stop, as far out of the way of traffic as practical.
  - (c) After stopping, the bicyclist or moped operator shall yield to any traffic proceeding in either direction along the roadway he had been using.
  - (d) After yielding and complying with any traffic-control device or peace officer regulating traffic, the bicyclist or moped operator may proceed in the new direction.
- (3)
- (a) Notwithstanding Subsections (1) and (2), a highway authority in its respective jurisdiction may place traffic-control devices that require and direct turning bicyclists and moped operators to travel a specific course.
  - (b) When the devices are placed under Subsection (3)(a), a person may not turn a bicycle other than as directed by the devices.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1109 Bicycles and mopeds -- Turn signals -- Exceptions.**

- (1) Except as provided in this section, a person riding a bicycle or moped shall comply with Section 41-6a-804 regarding turn signals and turning.
- (2) A person is not required to signal by hand and arm continuously if the hand is needed in the control or operation of the bicycle or moped.
- (3) A person operating a bicycle or moped who is stopped in a lane designated for turning traffic only is not required to signal prior to making the turning movement.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1110 Bicycle and moped inspections -- At request of officer.**

A peace officer may at any time require a person riding a bicycle or moped to stop and submit the bicycle or moped to an inspection and a test as appropriate if the officer has reasonable cause to believe that:

- (1) the bicycle or moped is unsafe or not equipped as required by law; or
- (2) the bicycle or moped's equipment is not in proper adjustment or repair.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1111 Bicycle racing -- When approved -- Prohibitions -- Exceptions -- Authorized exemptions from traffic laws.**

- (1) Bicycle racing on highways is prohibited under Section 41-6a-606, except as authorized in this section.
- (2)
  - (a) Bicycle racing on a highway is permitted when a racing event is approved by a highway authority on a highway under its jurisdiction.
  - (b) Approval of bicycle highway racing events may be granted only under conditions:
    - (i) which assure reasonable safety for all race participants, spectators, and other highway users; and
    - (ii) which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

- (3) Participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable:
- (a) by agreement with the approving highway authority; and
  - (b) if traffic control is adequate to assure the safety of all highway users.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1112 Bicycles and mopeds -- Carrying bundle -- One hand on handlebars.**

- (1) A person operating a bicycle or moped may not carry any package, bundle, or article which prevents the use of both hands in the control and operation of the bicycle or moped.
- (2) A person operating a bicycle or moped shall keep at least one hand on the handlebars at all times.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1113 Bicycle -- Prohibited equipment -- Brakes required.**

- (1) A bicycle may not be equipped with, and a person may not use on a bicycle, a siren or whistle.
- (2) Every bicycle shall be equipped with a brake or brakes which enable its driver to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1114 Bicycles -- Lamps and reflective material required.**

- (1) A bicycle in use or a person operating a bicycle at the times described in Section 41-6a-1603 shall be equipped with a:
  - (a) forward facing lamp that emits a white light visible from a distance of at least 500 feet to the front; and
  - (b)
    - (i) rear facing red reflector that is visible for 500 feet when directly in front of lawful lower beams of head lamps on a motor vehicle; or
    - (ii) rear facing red lamp that is designed for use on a bicycle and that emits flashing or nonflashing light visible from a distance of 500 feet to the rear.
- (2) A bicycle when in use or a person operating a bicycle at the times described in Section 41-6a-1603 shall be equipped with:
  - (a) reflective material of sufficient size and reflectivity to be visible from both sides for 500 feet when directly in front of lawful lower beams of head lamps on a motor vehicle; or
  - (b) a lamp that emits light visible from both sides from a distance of at least 500 feet.
- (3) A bicycle or a person operating a bicycle may be equipped with lamps or reflectors in addition to those required by Subsections (1) and (2).

Amended by Chapter 140, 2013 General Session

**41-6a-1115 Motor assisted scooters -- Conflicting provisions -- Restrictions -- Penalties.**

- (1)
  - (a) Except as otherwise provided in this section, a motor assisted scooter is subject to the provisions under this chapter for a bicycle, moped, or a motor-driven cycle.
  - (b) For a person operating a motor assisted scooter, the following provisions do not apply:
    - (i) seating positions under Section 41-6a-1501;

- (ii) required lights, horns, and mirrors under Section 41-6a-1506;
  - (iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and
  - (iv) driver licensing requirements under Section 53-3-202.
- (2) A person under 15 years of age may not operate a motor assisted scooter using the motor unless the person is under the direct supervision of the person's parent or guardian.
  - (3) A person under eight years of age may not operate a motor assisted scooter with the motor running on any public property, highway, path, or sidewalk.
  - (4) A person may not operate a motor assisted scooter:
    - (a) in a public parking structure;
    - (b) on public property posted as an area prohibiting skateboards;
    - (c) on a highway consisting of a total of four or more lanes designated for regular vehicular traffic;
    - (d) on a highway with a posted speed limit greater than 25 miles per hour;
    - (e) while carrying more persons at one time than the number for which it is designed; or
    - (f) that has been structurally or mechanically altered from the original manufacturer's design.
  - (5) Except where posted or prohibited by local ordinance, a motor assisted scooter is considered a nonmotorized vehicle if it is being used with the motor turned off.
  - (6) An owner may not authorize or knowingly permit a person to operate a motor assisted scooter in violation of this section.
  - (7) A person who violates this section is guilty of an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1115.5 Electric assisted bicycles -- Restrictions -- Penalties.**

- (1) Except as otherwise provided in this section, an electric assisted bicycle is subject to the provisions under this chapter for a bicycle.
- (2) An individual may operate an electric assisted bicycle on a path or trail designated for the use of a bicycle.
- (3) A local authority or state agency may adopt an ordinance or rule to regulate or restrict the use of an electric assisted bicycle, or a specific classification of an electric assisted bicycle, on a sidewalk, path, or trail within the jurisdiction of the local authority or state agency.
- (4) An individual under 16 years of age may not operate a class 3 electric assisted bicycle.
- (5) An individual under 14 years of age may not operate an electric assisted bicycle with the electric motor engaged on any public property, highway, path, or sidewalk unless the individual is under the direct supervision of the individual's parent or guardian.
- (6) An individual under eight years of age may not operate an electric assisted bicycle with the electric motor engaged on any public property, highway, path, or sidewalk.
- (7) The owner of an electric assisted bicycle may not authorize or knowingly permit an individual to operate an electric assisted bicycle in violation of this section.
- (8)
  - (a) Beginning January 1, 2017, each Utah-based manufacturer of an electric assisted bicycle and each distributor of an electric assisted bicycle in Utah shall permanently affix a label in a prominent location on the electric assisted bicycle.
  - (b) Each manufacturer and each distributor shall ensure that the label is printed in Arial font, in 9-point type or larger, and includes the:
    - (i) appropriate electric assisted bicycle classification number described in Section 41-6a-102;
    - (ii) top assisted speed; and
    - (iii) wattage of the motor.
- (9) An individual who violates this section is guilty of an infraction.

(10) A class 2 electric assisted bicycle is subject to the restrictions of Section 41-6a-526.

Amended by Chapter 175, 2018 General Session

**41-6a-1116 Electric personal assistive mobility devices -- Conflicting provisions -- Restrictions -- Penalties.**

- (1)
  - (a) Except as otherwise provided in this section, an electric personal assistive mobility device is subject to the provisions under this chapter for a bicycle, moped, or a motor-driven cycle.
  - (b) For a person operating an electric personal assistive mobility device, the following provisions do not apply:
    - (i) seating positions under Section 41-6a-1501;
    - (ii) required lights, horns, and mirrors under Section 41-6a-1506;
    - (iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and
    - (iv) driver licensing requirements under Section 53-3-202.
- (2) A person under 15 years of age may not operate an electric personal assistive mobility device using the motor unless the person is under the direct supervision of the person's parent or guardian.
- (3) A person may not operate an electric personal assistive mobility device:
  - (a) on a highway consisting of a total of four or more lanes designated for regular vehicular traffic;
  - (b) on a highway with a posted speed limit greater than 35 miles per hour; or
  - (c) that has been structurally or mechanically altered from the original manufacturer's design.
- (4) An owner may not authorize or knowingly permit a person to operate an electric personal assistive mobility device in violation of this section.
- (5) A person may operate an electric personal assistive mobility device on a sidewalk if the operation does not:
  - (a) exceed a speed which is greater than is reasonable or prudent having due regard for weather, visibility, and pedestrians; or
  - (b) endanger the safety of other persons or property.
- (6) A person operating an electric personal assistive mobility device shall yield to a pedestrian or other person using a mobility aid.
- (7)
  - (a) An electric personal assistive mobility device may be operated on:
    - (i) a path or trail designed for the use of a bicycle; or
    - (ii) on a highway where a bicycle is allowed if the speed limit on the highway does not exceed 35 miles per hour.
  - (b) A person operating an electric personal assistive mobility device in an area described in Subsection (7)(a)(i) or (ii) is subject to the laws governing bicycles.
- (8) A person may operate an electric personal assistive mobility device at night if the device is equipped with or the operator is wearing:
  - (a) a lamp pointing to the front that emits a white light visible from a distance of not less than 300 feet in front of the device; and
  - (b) front, rear, and side reflectors.
- (9) A person may not operate an electric personal assistive mobility device while carrying an article that prevents the person from keeping both hands on the handlebars or interferes with the person's ability to safely operate the electric personal assistive mobility device.
- (10) Only one person may operate an electric personal assistive mobility device at a time.

- (11) A person may not park an electric personal assistive mobility device on a highway or sidewalk in a manner that obstructs vehicular or pedestrian traffic.
- (12) A person who violates this section is guilty of an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1116.5 Local ordinances regulating electric personal assistive mobility devices.**

A local authority may adopt an ordinance to regulate or restrict the use of electric personal assistive mobility devices.

Enacted by Chapter 86, 2007 General Session

**41-6a-1117 Mini-motorcycle restrictions -- Exceptions.**

- (1) A person may not operate a mini-motorcycle on any public property, highway, path, or sidewalk unless:
  - (a) the mini-motorcycle is registered for highway use in accordance with Title 41, Chapter 1a, Motor Vehicle Act; and
  - (b) the operator is licensed to operate a motorcycle in accordance with Title 53, Chapter 3, Uniform Driver License Act.
- (2) An owner may not authorize or knowingly permit a person to operate a mini-motorcycle in violation of this section.
- (3) A person who violates this section is guilty of an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1118 Mobility vehicles.**

- (1) As used in this section:
  - (a) "Division" means the Driver License Division created in Section 53-3-103.
  - (b) "Mobility vehicle" means a vehicle that:
    - (i) is certified by the division for use by a person with a physical disability; and
    - (ii) complies with the requirements specified by the division in rules made under Subsection (3).
  - (c) "Mobility vehicle certification" means evidence that a vehicle meets the requirements for certification by the division as a mobility vehicle.
  - (d) "Mobility vehicle permit" means a permit issued by the division granting authority and specifying the conditions for a person with a physical disability to operate a mobility vehicle on a public highway.
  - (e) "Physical disability" means a substantial impairment in one or more major life activities that prevents an individual from qualifying to obtain a license certificate.
- (2) A person may operate a mobility vehicle on a public highway in accordance with rules made by the division under Subsection (3).
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:
  - (a) establishing procedures for certification of a vehicle to be operated as a mobility vehicle;
  - (b) specifying the vehicle requirements for a vehicle to qualify as a mobility vehicle;
  - (c) for acceptable documentation of a mobility vehicle permit applicant's identity, Social Security number if applicable, Utah resident status, and Utah residence address;
  - (d) establishing procedures for the issuance of a mobility vehicle permit to an individual with a physical disability;



- (e) for examining applicants for a mobility vehicle permit, as necessary for the safety and welfare of the applicant and the traveling public; and
  - (f) granting authority and specifying the conditions and restrictions for a person to operate a mobility vehicle on a public highway.
- (4) An application for a mobility vehicle permit shall be:
- (a) made upon a form furnished by the division;
  - (b) accompanied by a nonrefundable fee set under Section 53-3-105; and
  - (c) accompanied by a medical questionnaire form that includes information:
    - (i) that establishes the applicant has a physical disability as defined under Subsection (1)(e); and
    - (ii) to determine whether it would be a public safety hazard to permit the applicant to drive a mobility vehicle on a public highway.
- (5) An application and fee for a mobility vehicle permit entitle the applicant to:
- (a) not more than three attempts to pass both the knowledge and skills tests within six months of the date of application; and
  - (b) a mobility vehicle permit after all tests are passed and requirements are completed.
- (6) A mobility vehicle permit expires on the birth date of the applicant in the fifth year following the year the mobility vehicle permit was issued.
- (7) A person may not hold both a license certificate and a mobility vehicle permit.

Enacted by Chapter 225, 2014 General Session

**41-6a-1119 Personal delivery device.**

- (1) As used in this section:
- (a) "Eligible entity" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.
  - (b) "Hazardous material" means any substance defined, regulated, or listed as a hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant, or toxic substance, or identified as hazardous to human health or the environment, under state or federal law or regulation.
  - (c) "Personal delivery device" means an electrically powered device to which all of the following apply:
    - (i) the device is intended primarily to transport property on a sidewalk or crosswalk;
    - (ii) the device weighs less than 150 pounds excluding any property being carried in the device, except that a local highway authority may allow a device within the local highway authority's jurisdiction to exceed this weight limit through a local permit or local ordinance;
    - (iii) the device has a maximum speed of 10 miles per hour; and
    - (iv) the device is equipped with technology that enables the operation of the device:
      - (A) with active control or monitoring by a person;
      - (B) without active control or monitoring by a person; or
      - (C) both with or without active control or monitoring by a person.
  - (d)
    - (i) "Personal delivery device operator" means an employee or agent of an eligible entity who exercises active physical control over, or monitoring of, the navigation and operation of a personal delivery device.
    - (ii) "Personal delivery device operator" does not include:
      - (A) with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service; or

- (B) a person who only arranges for and dispatches a personal delivery device for a delivery or other service.
- (2) An eligible entity may operate a personal delivery device on a sidewalk or crosswalk so long as all of the following requirements are met:
- (a) the personal delivery device is operated in accordance with the local ordinances, if any, established by the local highway authority governing where the personal delivery device is operated;
  - (b) a personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device;
  - (c) the eligible entity maintains an insurance policy that includes general liability coverage of not less than \$100,000 for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity; and
  - (d) the personal delivery device is equipped with all of the following:
    - (i) a marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;
    - (ii) a braking system that enables the personal delivery device to come to a controlled stop; and
    - (iii) if the personal delivery device is being operated between sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible on all sides of the personal delivery device in clear weather from a distance of at least 500 feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.
- (3) A personal delivery device operator may not allow a personal delivery device to do any of the following:
- (a) fail to comply with traffic or pedestrian control devices and signals;
  - (b) unreasonably interfere with pedestrians or traffic;
  - (c) transport hazardous material; or
  - (d) operate on a street or highway, except when crossing the street or highway within a crosswalk.
- (4) A personal delivery device has the rights and obligations applicable to a pedestrian under the same circumstances, except that a personal delivery device shall yield the right-of-way to a pedestrian on a sidewalk or crosswalk.
- (5) A person may not operate a personal delivery device unless the person complies with this section.
- (6) An eligible entity is responsible for both of the following:
- (a) a violation of this section that is committed by a personal delivery device operator operated for the benefit of the eligible entity; and
  - (b) any other circumstance, including a technological malfunction, in which a personal delivery device operates in a manner prohibited by Subsection (3).
- (7) A violation of this section is an infraction.

Enacted by Chapter 205, 2018 General Session

## **Part 12**

### **Railroad Trains, Railroad Grade Crossings, and Safety Zones**

#### **41-6a-1201 Driving on tracks.**

- (1) The operator of a vehicle proceeding on any track in front of a railroad train on a highway shall remove the vehicle from the track as soon as practicable after signal from the operator of the train.
- (2) When a railroad train has started to cross an intersection, an operator of a vehicle may not drive:
  - (a) on or across the tracks; or
  - (b) in the path of the train within the intersection in front of the train.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1202 Driving through safety zone.**

- (1) The operator of a vehicle may not drive through or within a safety zone.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1203 Railroad grade crossing -- Duty to stop -- Malfunctions and school buses -- Driving through, around, or under gate or barrier prohibited.**

- (1) As used in this section, "active railroad grade crossing" has the same meaning as defined in Section 41-6a-1005.
- (2) Whenever a person operating a vehicle approaches a railroad grade crossing, the operator of the vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad track and may not proceed if:
  - (a) a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;
  - (b) a crossing gate is lowered, or when a human flagman gives or continues to give a signal of the approach or passage of a train;
  - (c) a railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible and the train by reason of its speed or nearness to the crossing is an immediate hazard;
  - (d) an approaching train is plainly visible and is in hazardous proximity to the crossing; or
  - (e) there is any other condition that makes it unsafe to proceed through the crossing.
- (3)
  - (a) An operator of a vehicle who suspects a false activation or malfunction of a railroad grade crossing signal device where there is no gate or barrier may drive a vehicle through the railroad grade crossing after stopping if:
    - (i) the operator of a vehicle has a clear line of sight of at least one mile of the railroad tracks in all directions;
    - (ii) there is no evidence of an approaching train;
    - (iii) the vehicle can cross over the tracks safely; and
    - (iv) the operator of a school bus is compliant with written district policy.
  - (b) As soon as is reasonably possible, the operator of a school bus shall notify the driver's dispatcher and the dispatcher shall notify the owner of the railroad track where the grade crossing signal device is located of the false activation or malfunction.
- (4)
  - (a) A person may not drive a vehicle through, around, or under a crossing gate or barrier at a railroad grade crossing if the railroad grade crossing is active.

- (b) A person may not cause a non-rail vehicle, whether or not occupied, to pass through, around, over, or under or remain on a gate or barrier at a railroad grade crossing if the railroad grade crossing is active.
  - (c) A person may not cause a non-rail vehicle, whether or not occupied, to pass around, through, over, or under or remain in a rail or fixed guideway right-of-way in a manner that would cause a railroad train or other rail vehicle to make contact with the non-rail vehicle.
- (5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1204 Trains -- Interference with vehicles limited.**

- (1) A person or government agency may not operate a train in a manner to prevent vehicular use of a roadway for a period of time in excess of five consecutive minutes except:
- (a) when necessary to comply with signals affecting the safety of the movement of trains;
  - (b) when necessary to avoid striking any object or person on the track;
  - (c) when the train is disabled;
  - (d) when the train is in motion or while engaged in switching operations;
  - (e) when there is no vehicular traffic waiting to use the crossing;
  - (f) when necessary to comply with a governmental safety regulation; or
  - (g) as determined by a highway authority.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1205 Railroad grade crossings -- Certain vehicles must stop -- Exceptions -- Rules.**

- (1) An operator of a commercial motor vehicle, as defined under Section 53-3-102, shall upon approaching a railroad grade crossing:
- (a) unless Subsection (2) applies, slow down and check that the tracks are clear of an approaching train;
  - (b) stop within 50 feet, but not closer than 15 feet, from the nearest rail of the railroad track before reaching the crossing if the tracks are not clear;
  - (c) obey all traffic control devices or the directions of a peace officer, or other crossing official at the crossing; and
  - (d) before proceeding over a railroad grade crossing:
    - (i) ensure that the vehicle has sufficient space to drive completely through a railroad grade crossing without stopping; and
    - (ii) ensure that the vehicle has sufficient undercarriage clearance to safely and completely pass through the crossing.
- (2)
- (a) Except as provided in Subsection (3), the operator of a vehicle described in 49 CFR 392.10 shall stop within 50 feet, but not closer than 15 feet, from the nearest rail of the railroad track before crossing, at grade, any track of a railroad.
  - (b) While stopped, the operator shall look in both directions along the track for any sign of an approaching train and look and listen for signals indicating the approach of any train.
  - (c) The operator may proceed across the railroad track only when the movement may be made with reasonable safety.

- (d) After stopping as required and upon safely proceeding, the operator shall only cross the railroad track in a gear that ensures no necessity for manually changing gears while traversing the crossing.
- (e) The operator may not manually shift gears while crossing the railroad track.
- (3) This section does not apply at a:
  - (a) railroad grade crossing where traffic is controlled by a peace officer or other crossing official;
  - (b) railroad grade crossing where traffic is regulated by a traffic-control signal;
  - (c) railroad grade crossing where a traffic-control device gives notice that the stopping requirements of this section are not applicable; or
  - (d) other railroad grade crossings excluded under 49 CFR 392.10.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1206 Railroad crossing duties respecting crawler type tractor, power shovel, derrick, or other equipment or structure.**

- (1) A person may not operate or move the following on or across any tracks at a railroad grade crossing without first complying with this section:
  - (a) a crawler type tractor;
  - (b) a power shovel;
  - (c) a derrick;
  - (d) a roller; or
  - (e) any equipment or structure having:
    - (i) normal operating speed of 10 or less miles per hour; or
    - (ii) a vertical body or load clearance of less than:
      - (A) 1/2 inch per foot of the distance between any two adjacent axles; or
      - (B) in any event, nine inches measured above the level surface of a roadway.
- (2) Notice of an intended crossing under this section shall be given to the railroad and a reasonable time shall be given to the railroad to provide proper protection at the crossing.
- (3)
  - (a) Before making a crossing under this section the person operating or moving the vehicle or equipment shall first stop within 50 feet but not closer than 15 feet from the nearest rail of the railway.
  - (b) While stopped, the operator of the vehicle shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a railroad train.
  - (c) The operator may proceed across the track only when the crossing can be made safely.
- (4) The operator of a vehicle shall obey all traffic control devices or the directions of a peace officer or other crossing official at the crossing.
- (5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**Part 13**  
**School Buses and School Bus Parking Zones**

**41-6a-1301 Standards and specifications for lighting and special warning devices on school buses.**

- (1)
  - (a) A school bus shall be equipped with red signal lamps mounted as high and as widely spaced laterally as practicable.
  - (b) The red signal lamps shall display two alternately flashing red lights, located at the same level, to the front and rear of the school bus.
  - (c) The red signal lamps shall be visible at 500 feet in normal sunlight.
- (2)
  - (a) A school bus shall be equipped with yellow signal lamps mounted near each of the four red signal lamps and at the same level but closer to the vertical centerline of the bus.
  - (b) The yellow signal lamps shall display two alternately flashing yellow lights to the front and rear of the school bus.
  - (c) The yellow signal lamps shall be visible at 500 feet in normal sunlight.
- (3) A school bus driver shall activate the yellow signal lamps at least 100 feet, but not more than 500 feet, before every stop at which the alternately flashing red lights are activated.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1302 School bus -- Signs and light signals -- Flashing amber lights -- Flashing red lights -- Passing school bus -- Duty to stop -- Travel in opposite direction -- Penalties.**

- (1) A school bus, when operated for the transportation of school children, shall:
  - (a) bear on the front and rear of the bus a plainly visible sign containing the words "school bus" in letters not less than eight inches in height, which shall be removed or covered when the vehicle is not in use for the transportation of school children; and
  - (b) be equipped with alternating flashing amber and red light signals visible from the front and rear, of a type approved and mounted as required under Section 41-6a-1301 and prescribed by the department under Section 41-6a-1601.
- (2) The operator of a vehicle on a highway, upon meeting or overtaking a school bus equipped with signals required under this section which is displaying alternating flashing:
  - (a) amber warning light signals, shall slow the vehicle, but may proceed past the school bus using due care and caution at a speed not greater than specified in Subsection 41-6a-601(2) for school zones for the safety of the school children that may be in the vicinity; or
  - (b) red light signals visible from the front or rear, shall stop immediately before reaching the bus and may not proceed until the flashing red light signals cease operation.
- (3) The operator of a vehicle need not stop upon meeting or passing a school bus displaying alternating flashing red light signals if the school bus is traveling in the opposite direction when:
  - (a) traveling on a divided highway;
  - (b) the bus is stopped at an intersection or other place controlled by a traffic-control signal or by a peace officer; or
  - (c) on a highway of five or more lanes, which may include a left-turn lane or two-way left turn lane.
- (4)
  - (a) The operator of a school bus shall operate alternating flashing red light signals at all times when:
    - (i) children are unloading from a school bus to cross a highway;

- (ii) a school bus is stopped for the purpose of loading children who must cross a highway to board the bus; or
- (iii) it would be hazardous for vehicles to proceed past the stopped school bus.
- (b) The alternating flashing red light signals may not be operated except:
  - (i) when the school bus is stopped for loading or unloading school children; or
  - (ii) for an emergency purpose.
- (5) The operator of a school bus being operated on a highway shall have the headlights of the school bus lighted.
- (6)
  - (a) A violation of Subsection (2) or (3) is a class C misdemeanor and the minimum fine is:
    - (i) \$100 for a first offense;
    - (ii) \$200 for a second offense within three years of a previous conviction or bail forfeiture; and
    - (iii) \$500 for a third or subsequent offense within three years of a previous conviction or bail forfeiture.
  - (b) A violation of Subsection (5) is an infraction and the fine is \$50.
  - (c) The court may order the person to perform compensatory service in lieu of the fine or any portion of the fine if the court makes the reasons for the waiver part of the record.
  - (d) In accordance with Section 78A-5-110, 78A-6-210, or 78A-7-120, as applicable, if a photograph or video image obtained from an automated traffic enforcement safety device described in Section 41-6a-1310 was used as evidence of a violation of Subsection (2) or (3), 20% of the fine collected under Subsection (6)(a) shall be deposited with the school district or private school that owns or contracts for the operation of the bus to offset the costs of the automated traffic enforcement safety device.
- (7) A violation of Subsection (1) or (4) is an infraction.
- (8) The Driver License Division shall develop and implement a record system to distinguish:
  - (a) a conviction or bail forfeiture under this section from other convictions; and
  - (b) between a first and subsequent conviction or bail forfeiture under this section.

Amended by Chapter 186, 2017 General Session

**41-6a-1303 Passing a school bus complaint procedure.**

- (1)
  - (a) An operator of a school bus who observes a violation of Subsection 41-6a-1302(2) or (3) may prepare a report, in a manner specified by the school district, to the school district transportation coordinator no more than two working days after the alleged violation occurred.
  - (b)
    - (i) The report under Subsection (1)(a) shall contain:
      - (A) the date, time, and location of the violation;
      - (B) the license plate number and state and description of the offending vehicle;
      - (C) as much as practical, a description of the operator of the offending vehicle;
      - (D) a description of the incident involving the violation;
      - (E) information on how to contact the school bus operator who witnessed the offense; and
      - (F) the signature of the operator of the school bus who witnessed the offense attesting to the accuracy of the report.
    - (ii) The report under Subsection (1)(a) may contain photographs or video images produced by an automated traffic enforcement safety device described in Section 41-6a-1310.
- (2)

- (a) Upon receipt of a report in accordance with Subsection (1), the school district transportation coordinator shall promptly send a notification letter to the last-known registered owner of the vehicle.
  - (b) The notification letter shall include:
    - (i) the applicable information on the school bus operator's report stating that the vehicle was observed passing a school bus displaying alternating flashing red lights in violation of state law;
    - (ii) a complete explanation of the applicable provisions of Section 41-6a-1302; and
    - (iii) an explanation that the notification letter is not a peace officer citation but is an effort to call attention to the seriousness of the incident.
  - (c) The school district transportation coordinator may file the report with the local law enforcement agency that has jurisdiction for the alleged violation.
- (3) A law enforcement agency that receives a report in accordance with Subsection (2) may have a peace officer initiate an investigation of the reported violation.

Amended by Chapter 186, 2017 General Session

**41-6a-1304 School buses -- Rules regarding design and operation.**

- (1)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation by and with the advice of the State Board of Education and the Department of Public Safety shall adopt and enforce rules, not inconsistent with this chapter, to govern the design and operation of all school buses in this state when:
    - (i) owned and operated by any school district;
    - (ii) privately owned and operated under contract with a school district; or
    - (iii) privately owned for use by a private school.
  - (b) The rules under this Subsection (1) shall by reference be made a part of any contract with a school district or private school to operate a school bus.
- (2) Every school district or private school, its officers and employees, and every person employed under contract by a school district or private school shall be subject to the rules under Subsection (1).

Amended by Chapter 382, 2008 General Session

**41-6a-1305 Violation of rules -- Penalty.**

- (1) An officer or employee of a school district who violates any of the rules provided under Section 41-6a-1304 or fails to include the obligation to comply with the rules in a contract executed by that person on behalf of a school district is guilty of misconduct and subject to removal from office or employment.
- (2) A person operating a school bus under contract with a school district who fails to comply with any rules provided under Section 41-6a-1304 is guilty of breach of contract, and the contract shall be canceled after notice and hearing by the responsible officers of the school district.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1306 School buses removed from service -- Removal of markings -- Repainting -- School district not to bear expense -- Infraction.**

- (1)



- (a) As used in this section, "old school bus" means a school bus that has been removed from service and is operated on the highways, streets, or roads of this state for a nonschool permanent commercial use.
  - (b) A person who acquires an old school bus shall cause:
    - (i) identifying markings be removed; and
    - (ii) the bus be painted a color other than school-bus yellow.
  - (c) The school districts may not be charged any expense related to removing markings from the school bus removed from service.
- (2) A person who violates this section is guilty of an infraction.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1307 School bus parking zones -- Establishment -- Uniform markings -- Penalty.**

- (1) As used in this section, "school bus parking zone" means a parking space that is clearly identified as reserved for use by a school bus.
- (2) A highway authority for highways under its jurisdiction and school boards for roadways located on school property may establish and locate school bus parking zones in accordance with specifications established under Subsection (3).
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation, after consultation with local highway authorities and school boards which may include input from school traffic safety committees established under Section 53G-4-402, shall make rules establishing specifications for uniform signage or markings to clearly identify school bus parking zones.
- (4) A person may not stop, stand, or park a vehicle other than a school bus, whether occupied or not, in a clearly identified school bus parking zone.
- (5)
  - (a) A violation of Subsection (4) is an infraction.
  - (b) A person who violates Subsection (4) shall pay a minimum fine of \$75.

Amended by Chapter 415, 2018 General Session

**41-6a-1308 School bus idling standards.**

The State Board of Education shall, in consultation with local school districts and the Air Quality Board:

- (1) implement an idling reduction program for all school bus drivers in the state; and
- (2) adopt idling reduction standards in the Utah Standards for Utah School Buses and Operations, 2008 edition.

Enacted by Chapter 68, 2008 General Session

**41-6a-1309 Advertising on a school bus.**

- (1) A local school board or charter school governing board may sell advertising space on the exterior of a school bus in accordance with this section.
- (2)
  - (a) A local school board or charter school governing board that sells advertising space on the exterior of a school bus shall adopt guidelines for the type of advertising that will be permitted.
  - (b) Advertising on a school bus:
    - (i) shall be age appropriate;

- (ii) shall be consistent with the instructional requirements of Section 53G-10-402;
  - (iii) may not contain:
    - (A) promotion of any substance or activity that is illegal for minors, such as alcohol, tobacco, drugs, or gambling;
    - (B) promotion of any political party, candidate, or issue; or
    - (C) sexual material; and
  - (iv) may not resemble a traffic-control device as defined in Section 41-6a-102.
- (3)
- (a) The Department of Transportation shall make and enforce rules pursuant to Section 41-6a-1304 governing the placement and size of an advertisement on a school bus.
  - (b) Rules made under Subsection (3)(a) shall:
    - (i) prohibit the placement of an advertisement on the back or the front of a school bus; and
    - (ii) limit the size of an advertisement to no more than 35% of the area of the side of a school bus.
- (4)
- (a) A school bus advertisement shall be painted or affixed by decal on a school bus in a manner that complies with rules adopted under Subsection (3).
  - (b) A commercial advertiser that contracts with a school district for the use of space for an advertisement shall pay:
    - (i) the cost of placing the advertisement on a school bus; and
    - (ii) for the removal of the advertisement after the term of the contract has expired.
- (5) A school district or charter school shall use revenue from the sale of advertising space on a school bus for expenditures made within accounting function classification 2700, School Transportation Services, of the Financial Accounting for Local and State School Systems guidelines developed by the National Center for Education Statistics.

Amended by Chapter 415, 2018 General Session

**41-6a-1310 School bus traffic safety devices.**

- (1) For purposes of this section, "automated traffic enforcement safety device" means a device that:
  - (a) is affixed to a school bus;
  - (b) is capable of detecting a vehicle unlawfully overtaking or passing a school bus;
  - (c) is capable of producing a photograph or video image of the rear of a vehicle, including an image of the vehicle's license plate; and
  - (d) produces a time stamp on the photograph or video image described in Subsection (1)(c).
- (2) A school district or private school may install an automated traffic enforcement safety device on a school bus.
- (3) A photograph, video image, or other record produced by an automated traffic enforcement safety device may not be used for any purpose other than evidence for a violation of Section 41-6a-1302.
- (4) A photograph, video image, or other record produced by an automated traffic enforcement safety device is subject to Title 63G, Chapter 2, Government Records Access and Management Act.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education may make rules to address student privacy concerns that may arise from the use of an automated traffic enforcement safety device authorized in this section.

Enacted by Chapter 186, 2017 General Session

## Part 14 Stopping, Standing, and Parking

### **41-6a-1401 Standing or parking vehicles -- Restrictions and exceptions.**

- (1) Except when necessary to avoid conflict with other traffic, or in compliance with law, the directions of a peace officer, or a traffic-control device, a person may not:
  - (a) stop, stand, or park a vehicle:
    - (i) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
    - (ii) on a sidewalk;
    - (iii) within an intersection;
    - (iv) on a crosswalk;
    - (v) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
    - (vi) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
    - (vii) on any bridge or other elevated structure, on a highway, or within a highway tunnel;
    - (viii) on any railroad tracks;
    - (ix) on any controlled-access highway;
    - (x) in the area between roadways of a divided highway, including crossovers; or
    - (xi) any place where a traffic-control device prohibits stopping, standing, or parking;
  - (b) stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
    - (i) in front of a public or private driveway;
    - (ii) within 15 feet of a fire hydrant;
    - (iii) within 20 feet of a crosswalk;
    - (iv) within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
    - (v) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted;
    - (vi) at any place where a traffic-control device prohibits standing; or
    - (vii) at the capitol hill complex as defined in Section 63C-9-102 in a parking space identified as reserved for specific users, without:
      - (A) approval by the executive director of the State Capitol Preservation Board created in Section 63C-9-201; and
      - (B) a properly displayed placard or other identifying marker approved by the executive director of the State Capitol Preservation Board to indicate this approval; or
  - (c) park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
    - (i) within 50 feet of the nearest rail of a railroad crossing; or
    - (ii) at any place where traffic-control devices prohibit parking.
- (2) A person may not move a vehicle that is not lawfully under the person's control into any prohibited area or into an unlawful distance from the curb.

- (3) This section does not apply to a tow truck motor carrier responding to a customer service call if the tow truck motor carrier has already received authorization from the local law enforcement agency in the jurisdiction where the vehicle to be towed is located.

Amended by Chapter 245, 2016 General Session

**41-6a-1402 Stopping or parking on roadways -- Angle parking -- Traffic-control devices prohibiting or restricting.**

- (1) Except as otherwise provided in this section, a vehicle stopped or parked on a two-way roadway shall be stopped or parked with the right-hand wheels:
- (a) parallel to and within 12 inches of the right-hand curb; or
  - (b) as close as practicable to the right edge of the right-hand shoulder.
- (2) Except when otherwise provided by local ordinance, a vehicle stopped or parked on a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement with its:
- (a) right-hand wheels:
    - (i) within 12 inches of the right-hand curb; or
    - (ii) as close as practicable to the right edge of the right-hand shoulder; or
  - (b) left-hand wheels:
    - (i) within 12 inches of the left-hand curb; or
    - (ii) as close as practicable to the left edge of the left-hand shoulder.
- (3)
- (a) Except as provided in Subsection (3)(b), local highway authorities may by ordinance permit angle parking on any roadway.
  - (b) Angle parking is not permitted on any federal-aid or state highway unless the Department of Transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- (4)
- (a) The Department of Transportation, with respect to highways under its jurisdiction, may place traffic-control devices prohibiting or restricting the stopping, standing, or parking of vehicles on a highway where:
    - (i) the stopping, standing, or parking is dangerous to those using the highway; or
    - (ii) the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic.
  - (b) A person may not stop, stand, or park a vehicle in violation of the restriction indicated by the devices under Subsection (4)(a).
- (5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1403 Motor vehicle left unattended -- Requirements.**

- (1) A person operating or in charge of a motor vehicle may not permit the vehicle to stand unattended without:
- (a) stopping the engine;
  - (b) locking the ignition and removing the key;
  - (c) placing the transmission in "park" or the gears in "low" or "reverse" if the vehicle has a manual shift; or
  - (d) effectively setting the brakes thereon.

- (2) A person shall turn the front wheels to the curb or side of the highway when standing a vehicle on any perceptible grade.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1404 Stopping or parking on roadway outside business or residential district.**

- (1) Outside a business or residence district, a person may not stop, park, or leave standing a vehicle, whether attended or unattended, on the roadway when it is practical to stop, park, or leave the vehicle off the roadway.
- (2) A person who stops, parks, or leaves a vehicle standing on a roadway shall:
  - (a) leave an unobstructed width of the highway opposite the vehicle for the free passage of other vehicles; and
  - (b) leave the vehicle so that other vehicle operators have a clear view of the stopped vehicle from a distance of 200 feet in each direction on the roadway.
- (3) This section and Sections 41-6a-1401 and 41-6a-1402 do not apply to the operator of a vehicle if the vehicle becomes disabled while on the paved or main traveled portion of a roadway in a manner and to the extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle on the paved or main traveled portion of the roadway.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1405 Peace officer authorized to move vehicle.**

- (1) If a peace officer finds a vehicle in violation of Section 41-6a-1404, the officer may move the vehicle, cause the vehicle to be moved, or require the operator or other person responsible for the vehicle to move the vehicle to a safe position off the highway.
- (2) A peace officer may remove or cause to be removed to a place of safety an unattended vehicle left standing on a highway in:
  - (a) violation of this part; or
  - (b) a position or under circumstances that the vehicle obstructs the normal movement of traffic.
- (3) In accordance with Section 41-6a-1406, a peace officer may remove or cause to be removed to the nearest garage or other place of safety a vehicle found on a highway when:
  - (a) the vehicle has been reported stolen or taken without the consent of its owner;
  - (b) the person responsible for the vehicle is unable to provide for its custody or removal; or
  - (c) the person operating the vehicle is arrested for an alleged offense for which the peace officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1406 Removal and impoundment of vehicles -- Reporting and notification requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

- (1) If a vehicle, vessel, or outboard motor is removed or impounded as provided under Section 41-1a-1101, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order of a peace officer or by an order of a person acting on behalf of a law enforcement agency or highway authority, the removal or impoundment of the vehicle, vessel, or outboard motor shall be at the expense of the owner.
- (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be removed or impounded to:

- (a) a state impound yard; or
  - (b) if none, a garage, docking area, or other place of safety.
- (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be removed by a tow truck motor carrier that meets standards established:
- (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and
  - (b) by the department under Subsection (10).
- (4)
- (a) Immediately after the removal of the vehicle, vessel, or outboard motor, a report of the removal shall be sent to the Motor Vehicle Division by:
    - (i) the peace officer or agency by whom the peace officer is employed; and
    - (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck operator is employed.
  - (b) The report shall be in a form specified by the Motor Vehicle Division and shall include:
    - (i) the operator's name, if known;
    - (ii) a description of the vehicle, vessel, or outboard motor;
    - (iii) the vehicle identification number or vessel or outboard motor identification number;
    - (iv) the license number, temporary permit number, or other identification number issued by a state agency;
    - (v) the date, time, and place of impoundment;
    - (vi) the reason for removal or impoundment;
    - (vii) the name of the tow truck motor carrier who removed the vehicle, vessel, or outboard motor; and
    - (viii) the place where the vehicle, vessel, or outboard motor is stored.
  - (c) Until the tow truck operator or tow truck motor carrier reports the removal as required under this Subsection (4), a tow truck motor carrier or impound yard may not:
    - (i) collect any fee associated with the removal; and
    - (ii) begin charging storage fees.
- (5)
- (a) Except as provided in Subsection (5)(e) and upon receipt of the report, the Motor Vehicle Division shall give notice, in the manner described in Section 41-1a-114, to the following parties with an interest in the vehicle, vessel, or outboard motor, as applicable:
    - (i) the registered owner;
    - (ii) any lien holder; or
    - (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor is currently operating under a temporary permit issued by the dealer, as described in Section 41-3-302.
  - (b) The notice shall:
    - (i) state the date, time, and place of removal, the name, if applicable, of the person operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal, and the place where the vehicle, vessel, or outboard motor is stored;
    - (ii) state that the registered owner is responsible for payment of towing, impound, and storage fees charged against the vehicle, vessel, or outboard motor;
    - (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard motor is released; and
    - (iv) inform the parties described in Subsection (5)(a) of the division's intent to sell the vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal or impoundment under this section, one of the parties fails to make a claim for release of the vehicle, vessel, or outboard motor.

- (c) Except as provided in Subsection (5)(e) and if the vehicle, vessel, or outboard motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort to notify the parties described in Subsection (5)(a) of the removal and the place where the vehicle, vessel, or outboard motor is stored.
  - (d) The Motor Vehicle Division shall forward a copy of the notice to the place where the vehicle, vessel, or outboard motor is stored.
  - (e) The Motor Vehicle Division is not required to give notice under this Subsection (5) if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck service in accordance with Subsection 72-9-603(1)(a)(i).
- (6)
- (a) The vehicle, vessel, or outboard motor shall be released after a party described in Subsection (5)(a):
    - (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of the State Tax Commission;
    - (ii) presents identification sufficient to prove ownership of the impounded vehicle, vessel, or outboard motor;
    - (iii) completes the registration, if needed, and pays the appropriate fees;
    - (iv) if the impoundment was made under Section 41-6a-527, pays an administrative impound fee of \$400; and
    - (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard motor is stored.
  - (b)
    - (i) Twenty-nine dollars of the administrative impound fee assessed under Subsection (6)(a)(iv) shall be dedicated credits to the Motor Vehicle Division;
    - (ii) \$147 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall be deposited in the Department of Public Safety Restricted Account created in Section 53-3-106;
    - (iii) \$20 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall be deposited in the Spinal Cord and Brain Injury Rehabilitation Fund; and
    - (iv) the remainder of the administrative impound fee assessed under Subsection (6)(a)(iv) shall be deposited in the General Fund.
  - (c) The administrative impound fee assessed under Subsection (6)(a)(iv) shall be waived or refunded by the State Tax Commission if the registered owner, lien holder, or owner's agent presents written evidence to the State Tax Commission that:
    - (i) the Driver License Division determined that the arrested person's driver license should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter or other report from the Driver License Division presented within 180 days after the day on which the Driver License Division mailed the final notification; or
    - (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the stolen vehicle report presented within 180 days after the day of the impoundment.
  - (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a removal or impoundment under Subsection (1) or any service rendered, performed, or supplied in connection with a removal or impoundment under Subsection (1).
  - (e) The owner of an impounded vehicle may not be charged a fee for the storage of the impounded vehicle, vessel, or outboard motor if:
    - (i) the vehicle, vessel, or outboard motor is being held as evidence; and

- (ii) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection 5(a), even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under this Subsection (6).
- (7)
- (a) An impounded vehicle, vessel, or outboard motor not claimed by a party described in Subsection (5)(a) within the time prescribed by Section 41-1a-1103 shall be sold in accordance with that section and the proceeds, if any, shall be disposed of as provided under Section 41-1a-1104.
  - (b) The date of impoundment is considered the date of seizure for computing the time period provided under Section 41-1a-1103.
- (8) A party described in Subsection (5)(a) that pays all fees and charges incurred in the impoundment of the owner's vehicle, vessel, or outboard motor has a cause of action for all the fees and charges, together with damages, court costs, and attorney fees, against the operator of the vehicle, vessel, or outboard motor whose actions caused the removal or impoundment.
- (9) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel, or outboard motor.
- (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules setting the performance standards for towing companies to be used by the department.
- (11)
- (a) The Motor Vehicle Division may specify that a report required under Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and retrieval of the information.
  - (b)
    - (i) Unless otherwise provided by statute, the Motor Vehicle Division or the administrator of the database may adopt a schedule of fees assessed for utilizing the database.
    - (ii) The fees under this Subsection (11)(b) shall:
      - (A) be reasonable and fair; and
      - (B) reflect the cost of administering the database.

Amended by Chapter 100, 2017 General Session

Amended by Chapter 261, 2017 General Session

**41-6a-1407 Removal of unattended vehicles prohibited without authorization -- Penalties.**

- (1) In cases not amounting to burglary or theft of a vehicle, a person may not remove an unattended vehicle without prior authorization of:
- (a) a peace officer;
  - (b) a law enforcement agency;
  - (c) a highway authority having jurisdiction over the highway on which there is an unattended vehicle; or
  - (d) the owner or person in lawful possession or control of the real property.
- (2)
- (a) An authorization from a person specified under Subsection (1)(a), (b), or (c) shall be in a form specified by the Motor Vehicle Division.
  - (b) The removal of the unattended vehicle shall comply with requirements of Section 41-6a-1406.
- (3) The removal of the unattended vehicle authorized under Subsection (1)(d) shall comply with the requirements of Section 72-9-603.
- (4) A person who violates Subsection (1) or (3) is guilty of an infraction.



Amended by Chapter 298, 2017 General Session

**41-6a-1408 Abandoned vehicles -- Removal by peace officer -- Report -- Vehicle identification.**

- (1) As used in this section, "abandoned vehicle, vessel, or outboard motor" means a vehicle, vessel, or outboard motor that is left unattended:
  - (a) on a highway or on or in the waters of the state for a period in excess of 48 hours; or
  - (b) on public or private property for a period in excess of seven days without express or implied consent of the owner or person in lawful possession or control of the property.
- (2) A person may not abandon a vehicle, vessel, or outboard motor on a highway or on or in the waters of the state.
- (3) A person may not abandon a vehicle, vessel, or outboard motor on public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.
- (4) A peace officer who has reasonable grounds to believe that a vehicle, vessel, or outboard motor has been abandoned may remove the vehicle, vessel, or outboard motor or cause it to be removed in accordance with Section 41-6a-1406 or 73-18-20.1.
- (5) If the motor number, manufacturer's number or identification mark of the abandoned vehicle, vessel, or outboard motor has been defaced, altered or obliterated, the vehicle, vessel, or outboard motor may not be released or sold until:
  - (a) the original motor number, manufacturer's number or identification mark has been replaced; or
  - (b) a new number assigned by the Motor Vehicle Division has been stamped on the vehicle, vessel, or outboard motor.
- (6) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1409 Vehicle immobilization devices -- Definitions -- Notice requirements -- Maximum removal fee.**

- (1) As used in this section:
  - (a) "Immobilize" means to affix and lock a vehicle immobilization device to the exterior of a motor vehicle.
  - (b) "Vehicle immobilization device" means a device that may be affixed and locked to the exterior of a motor vehicle for the purpose of prohibiting the movement or removal of the vehicle from its location.
  - (c) "Vehicle immobilizer" means a person who or entity that uses or causes to be used a vehicle immobilization device for the purpose of enforcing parking restrictions with prior authorization from the owner or person in lawful possession or control of the real property.
- (2)
  - (a) A vehicle immobilizer may not immobilize a vehicle without the motor vehicle owner's knowledge at either of the following locations without signage that meets the requirements of Subsection (2)(b):
    - (i) a mobile home park as defined in Section 57-16-3; or
    - (ii) a multifamily dwelling of more than eight units.
  - (b) Signage under Subsection (2)(a) shall display:
    - (i) where parking is subject to being immobilized; and

- (ii) one of the following:
    - (A) the name and phone number of the vehicle immobilizer that immobilizes a vehicle for the locations listed under Subsection (2)(a)(i); or
    - (B) the name of the mobile home park or multifamily dwelling and the phone number of the mobile home park or multifamily dwelling manager or management office that authorized the vehicle immobilizer to immobilize the motor vehicle.
  - (c) Signage is not required under Subsection (2)(b) for parking in a location:
    - (i) that is prohibited by law; or
    - (ii) if it is reasonably apparent that the location is not open to parking.
  - (d) Nothing in Subsection (2)(b) restricts the ability of a mobile home park as defined in Section 57-16-3 or a multifamily dwelling from instituting and enforcing regulations on parking.
- (3)
- (a) Upon immobilizing a vehicle, the vehicle immobilizer shall affix a notice to the immobilized vehicle in a conspicuous place so as to be plainly visible to a person seeking to operate the vehicle.
  - (b) The notice under Subsection (3)(a) shall include:
    - (i) the name and phone number of the vehicle immobilizer;
    - (ii) a phone number that the owner of the vehicle may call to arrange for release of the vehicle; and
    - (iii) applicable fees.
- (4)
- (a) The maximum fee that a vehicle immobilizer may charge to remove a vehicle immobilization device may not exceed:
    - (i) \$75 for the first 24-hour period a vehicle is immobilized; plus
    - (ii) \$25 for each additional 24-hour period a vehicle is immobilized.
  - (b) Notwithstanding Subsection (4)(a), the maximum fee that a vehicle immobilizer may charge to remove a vehicle immobilization device may not exceed \$150 for each instance.
  - (c) A vehicle immobilizer may not charge a fee for the removal of a vehicle immobilization device or any service rendered, performed, or supplied in connection with the removal of the immobilization device in addition to the fees specified under this Subsection (4).
  - (d) A vehicle immobilizer may not charge a fee under this Subsection (4) for the immobilization of a vehicle for any period in which the vehicle has been towed and custody of the vehicle has been transferred to a vehicle impound yard.
  - (e) A vehicle immobilizer shall accept payment by cash and debit or credit card for the removal of a vehicle immobilization device or any service rendered, performed, or supplied in connection with the removal of the immobilization device.
- (5) A county or municipal legislative or governing body may not enact or enforce any ordinance, regulation, rule, or fee pertaining to a vehicle immobilization device that conflicts with this part.

Amended by Chapter 249, 2014 General Session

## **Part 15 Special Vehicles**

**41-6a-1501 Motorcycle or motor-driven cycle -- Place for operator to ride -- Passengers.**

- (1) A person operating a motorcycle or motor-driven cycle shall ride only on the permanent and regular seat attached to the motorcycle or motor-driven cycle.
- (2)
  - (a) Except as provided in Subsection (2)(b):
    - (i) a person operating a motorcycle or motor-driven cycle may not carry any other person on the motorcycle or motor-driven cycle; and
    - (ii) a passenger may not ride on a motorcycle or a motor-driven cycle.
  - (b) If a motorcycle or motor-driven cycle is designed to carry more than one person, a passenger may ride on:
    - (i) the permanent and regular seat, if designed for two persons; or
    - (ii) another seat firmly attached to the motorcycle or motor-driven cycle at the rear or side of the operator.
- (3) A person shall ride on a motorcycle or motor-driven cycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle or motor-driven cycle.
- (4) A person may not operate a motorcycle or motor-driven cycle while carrying a package, bundle, or other article which prevents the person from keeping both hands on the handlebars.
- (5) An operator of a motorcycle or motor-driven cycle may not carry a person and a person may not ride in a position that interferes with:
  - (a) the operation or control of the motorcycle or motor-driven cycle; or
  - (b) the view of the operator.
- (6) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1502 Motorcycles, motor-driven cycles, or all-terrain type I vehicles -- Operation on public highways.**

- (1)
  - (a) A motorcycle or a motor-driven cycle is entitled to full use of a lane.
  - (b) A person may not operate a motor vehicle in a manner that deprives a motorcycle or motor-driven cycle of the full use of a lane.
  - (c) This Subsection (1) does not apply to motorcycles or motor-driven cycles operated two abreast in a single lane.
- (2) The operator of a motorcycle or motor-driven cycle may not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (3) A person may not operate a motorcycle or motor-driven cycle between:
  - (a) lanes of traffic; or
  - (b) adjacent lines or rows of vehicles.
- (4) Motorcycles or motor-driven cycles may not be operated more than two abreast in a single lane.
- (5) Subsections (2) and (3) do not apply to peace officers acting in the peace officers' official capacities.
- (6) The provisions of this section also apply to all-terrain type I vehicles.
- (7) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1503 Motorcycle or motor-driven cycle -- Attaching to another vehicle prohibited.**

- (1) A person riding on a motorcycle or motor-driven cycle may not attach himself to any other vehicle on a roadway.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1504 Motorcycle or motor-driven cycle -- Footrests for passenger -- Height of handlebars limited.**

- (1) A motorcycle or motor-driven vehicle carrying a passenger on a public highway, other than in a sidecar or enclosed cab, shall be equipped with footrests for the passenger.
- (2) A person may not operate a motorcycle or motor-driven cycle with handlebars above shoulder height.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1505 Motorcycle or motor-driven cycle -- Protective headgear -- Closed cab excepted -- Electric assisted bicycles, motor assisted scooters, electric personal assistive mobility devices.**

- (1) A person under the age of 21 may not operate or ride any of the following on a highway unless the person is wearing protective headgear that complies with specifications adopted under Subsection (3):
  - (a) a motorcycle;
  - (b) a motor-driven cycle;
  - (c) a class 3 electric assisted bicycle; or
  - (d) an auticycle that is not fully enclosed.
- (2) This section does not apply to persons riding within an enclosed cab.
- (3) The following standards and specifications for protective headgear are adopted:
  - (a) 49 C.F.R. 571.218 related to protective headgear for motorcycles; and
  - (b) 16 C.F.R. Part 1203 related to protective headgear for bicycles, motor assisted scooters, and electric personal assistive mobility devices.
- (4) A court shall waive \$8 of a fine charged to a person operating a vehicle described in Subsection (1) for a moving traffic violation if the person was:
  - (a) 21 years of age or older at the time of operation; and
  - (b) wearing protective headgear that complies with the specifications adopted under Subsection (3) at the time of operation.
- (5) The failure to wear protective headgear:
  - (a) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
  - (b) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.
- (6) Notwithstanding Subsection (4), a court may not waive \$8 of a fine charged to a person operating a motorcycle or motor-driven cycle for a driving under the influence violation of Section 41-6a-502.
- (7) A violation of this section is an infraction.

Amended by Chapter 369, 2017 General Session

**41-6a-1506 Motorcycles -- Required equipment -- Brakes.**

- (1) A motorcycle and a motor-driven cycle shall be equipped with the following items:
  - (a) one head lamp that, when factory equipped with an automatic lighting ignition system, may not be disconnected;
  - (b) one tail lamp;
  - (c) either a tail lamp or a separate lamp which illuminates the rear license plate with a white light;
  - (d) one red reflector on the rear, either separate or as part of the tail lamp;
  - (e) one stop lamp;
  - (f) a braking system, other than parking brake, in accordance with Section 41-6a-1623;
  - (g) a horn or warning device in accordance with Section 41-6a-1625;
  - (h) a muffler and emission control system in accordance with Section 41-6a-1626;
  - (i) a mirror in accordance with Section 41-6a-1627; and
  - (j) tires in accordance with Section 41-6a-1636.
- (2) An autocycle shall be equipped with the following items:
  - (a) a seatbelt for each seat installed in the autocycle in accordance with Section 41-6a-1628;
  - (b) at least one head lamp that, when factory equipped with an automatic lighting ignition system, may not be disconnected;
  - (c) at least one tail lamp;
  - (d) either a tail lamp or a separate lamp that illuminates the rear license plate with a white light;
  - (e) at least one red reflector, either separate or as part of the tail lamp or tail lamps;
  - (f) at least one stop lamp;
  - (g) a braking system, other than a parking brake, in accordance with Section 41-6a-1623;
  - (h) a horn or warning device in accordance with Section 41-6a-1625;
  - (i) a muffler and emission control system in accordance with Section 41-6a-1626 that, when factory equipped, may not be removed ;
  - (j) a mirror in accordance with Section 41-6a-1627; and
  - (k) tires in accordance with Section 41-6a-1636.
- (3) The department may require an inspection of the braking system on a motor-driven cycle and disapprove a braking system that is not designed or constructed as to insure reasonable and reliable performance in actual use in accordance with Section 41-6a-1623.
- (4) A person may not operate a motor-driven cycle on a highway if the department has disapproved the braking system on the motor-driven cycle.
- (5)
  - (a) Upon notice to the party to whom the motor-driven cycle is registered, the department may suspend the registration of a motor-driven cycle if the department has disapproved the braking system under this section.
  - (b) The Motor Vehicle Division shall, under Subsection 41-1a-109(1)(e) or (2), refuse to register a motor-driven cycle if it has reason to believe the motor-driven cycle has a braking system disapproved under this section.
- (6) A violation of this section is an infraction.

Amended by Chapter 40, 2016 General Session

**41-6a-1507 Custom vehicles -- Defined -- Compliance with all laws and standards -- Exceptions -- Revocation -- Signed statement required.**

- (1)
  - (a) As used in this section, "custom vehicle" means a motor vehicle that:
    - (i)

- (A) is at least 25 years old and of a model year after 1948; or
- (B)
  - (I) was manufactured to resemble a vehicle that is at least 25 years old and of a model year after 1948; and
  - (II)
    - (Aa) has been altered from the manufacturer's original design; or
    - (Bb) has a body constructed of non-original materials; and
  - (ii) is primarily a collector's item that is used for:
    - (A) club activities;
    - (B) exhibitions;
    - (C) tours;
    - (D) parades;
    - (E) occasional transportation; and
    - (F) other similar uses.
- (b) A custom vehicle does not include:
  - (i) a motor vehicle that is used for general, daily transportation;
  - (ii) a vintage vehicle as defined in Section 41-21-1; or
  - (iii) a special interest vehicle as defined in Section 41-1a-102.
- (2) Except as specified under this section, a custom vehicle shall meet all safety, registration, insurance, fees, and taxes required under this title.
- (3)
  - (a) Except as provided in Subsection (3)(b), all safety equipment of a custom vehicle shall at least meet the safety standards applicable to the model year of the vehicle being replicated. Any replacement equipment shall comply with the design standards of the replacement equipment's manufacture.
  - (b) A custom vehicle shall comply with current vehicle brake and stopping standards.
- (4) A custom vehicle is exempt from motor vehicle emissions inspection and maintenance program requirements under Section 41-6a-1642.
- (5) The tax commission may revoke or deny the registration of a custom vehicle for failure to comply with this section.
- (6) The owner of a custom vehicle shall provide a signed statement certifying that the custom vehicle is owned and operated for the purposes enumerated in this section to the safety inspection station in order to qualify for the exceptions provided under this section.

Amended by Chapter 171, 2009 General Session

**41-6a-1508 Low-speed vehicle.**

- (1) Except as otherwise provided in this section, a low-speed vehicle is considered a motor vehicle for purposes of the Utah Code including requirements for:
  - (a) traffic rules under Title 41, Chapter 6a, Traffic Code;
  - (b) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;
  - (c) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;
  - (d) vehicle registration, titling, vehicle identification numbers, license plates, and registration fees under Title 41, Chapter 1a, Motor Vehicle Act;
  - (e) vehicle taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act, and fee in lieu of property taxes or in lieu fees under Section 59-2-405;

- (f) motor vehicle dealer licensing under Title 41, Chapter 3, Motor Vehicle Business Regulation Act; and
  - (g) safety belt requirements under Part 18, Motor Vehicle Safety Belt Usage Act.
- (2)
- (a) The owner of a low-speed vehicle shall ensure that the low-speed vehicle:
    - (i) complies with federal safety standards established in 49 C.F.R. 571.500; and
    - (ii) is equipped with:
      - (A) headlamps;
      - (B) front and rear turn signals, tail lamps, and stop lamps;
      - (C) turn signal lamps;
      - (D) reflex reflectors one on the rear of the vehicle and one on the left and right side and as far to the rear of the vehicle as practical;
      - (E) a parking brake;
      - (F) a windshield that meets the standards under Section 41-6a-1635, including a device for cleaning rain, snow, or other moisture from the windshield; and
      - (G) an exterior rearview mirror on the driver's side and either an interior rearview mirror or an exterior rearview mirror on the passenger side.
  - (b) A low-speed vehicle that complies with this Subsection (2) and Subsection (3) and that is not altered from the manufacturer is considered to comply with equipment requirements under Part 16, Vehicle Equipment.
- (3) A person may not operate a low-speed vehicle that has been structurally altered from the original manufacturer's design.
- (4) A low-speed vehicle is exempt from a motor vehicle emissions inspection and maintenance program requirements under Section 41-6a-1642.
- (5)
- (a) Except to cross a highway at an intersection, a low-speed vehicle may not be operated on a highway with a posted speed limit of more than 35 miles per hour.
  - (b) In addition to the restrictions under Subsection (5)(a), a highway authority may prohibit or restrict the operation of a low-speed vehicle on any highway under its jurisdiction, if the highway authority determines the prohibition or restriction is necessary for public safety.
- (6) A person may not operate a low-speed vehicle on a highway without displaying on the rear of the low-speed vehicle, a slow-moving vehicle identification emblem that complies with the Society of Automotive Engineers standard SAE J943.
- (7) A person who violates Subsection (2), (3), (5), or (6) is guilty of an infraction.

Amended by Chapter 406, 2017 General Session

**41-6a-1509 Street-legal all-terrain vehicle -- Operation on highways -- Registration and licensing requirements -- Equipment requirements.**

- (1)
- (a) An all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that meets the requirements of this section may be operated as a street-legal ATV on a street or highway unless:
    - (i) the highway is an interstate freeway as defined in Section 41-6a-102; or
    - (ii)
      - (A) the highway is in a county of the first class;
      - (B) the highway is near a grade separated portion of the highway;
      - (C) the highway has a posted speed limit of 50 miles per hour or greater; and

- (D) the highway authority with jurisdiction over the highway has designated a portion of a highway as closed to street-legal ATVs.
- (b) The restriction to street-legal ATVs described in Subsection (1)(a)(ii) is effective when appropriate signs giving notice are erected on the highway or portion of the highway.
- (c) Nothing in this section authorizes the operation of a street-legal ATV in an area that is not open to motor vehicle use.
- (2) A street-legal ATV shall comply with Section 59-2-405.2, Subsection 41-1a-205(1), Subsection 53-8-205(1)(b), and the same requirements as:
- (a) a motorcycle for:
- (i) traffic rules under Title 41, Chapter 6a, Traffic Code;
  - (ii) titling, odometer statement, vehicle identification, license plates, and registration, excluding registration fees, under Title 41, Chapter 1a, Motor Vehicle Act; and
  - (iii) the county motor vehicle emissions inspection and maintenance programs under Section 41-6a-1642;
- (b) a motor vehicle for:
- (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and
  - (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act; and
- (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business Regulation Act, unless otherwise specified in this section.
- (3)
- (a) The owner of an all-terrain type I vehicle being operated as a street-legal ATV shall ensure that the vehicle is equipped with:
- (i) one or more headlamps that meet the requirements of Section 41-6a-1603;
  - (ii) one or more tail lamps;
  - (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;
  - (iv) one or more red reflectors on the rear;
  - (v) one or more stop lamps on the rear;
  - (vi) amber or red electric turn signals, one on each side of the front and rear;
  - (vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;
  - (viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;
  - (ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;
  - (x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;
  - (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
  - (xii) a speedometer, illuminated for nighttime operation;
  - (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers, including a footrest and handhold for each passenger; and
  - (xiv) tires that:
    - (A) are not larger than the tires that the all-terrain vehicle manufacturer made available for the all-terrain vehicle model; and
    - (B) have at least 2/32 inches or greater tire tread.
- (b) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being operated as a street-legal all-terrain vehicle shall ensure that the vehicle is equipped with:
- (i) two headlamps that meet the requirements of Section 41-6a-1603;



- (ii) two tail lamps;
  - (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;
  - (iv) one or more red reflectors on the rear;
  - (v) two stop lamps on the rear;
  - (vi) amber or red electric turn signals, one on each side of the front and rear;
  - (vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;
  - (viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;
  - (ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;
  - (x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;
  - (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
  - (xii) a speedometer, illuminated for nighttime operation;
  - (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers;
  - (xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle occupant;
  - (xv) a seat with a height between 20 and 40 inches when measured at the forward edge of the seat bottom; and
  - (xvi) tires that:
    - (A) do not exceed 44 inches in height; and
    - (B) have at least 2/32 inches or greater tire tread.
  - (c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle with wheel covers, mudguards, flaps, or splash aprons.
- (4)
- (a) Subject to the requirements of Subsection (4)(b), an operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not exceed the lesser of:
    - (i) the posted speed limit; or
    - (ii) 50 miles per hour.
  - (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:
    - (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the roadway; and
    - (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the front and back of both sides of the vehicle.
- (5)
- (a) A nonresident operator of an off-highway vehicle that is authorized to be operated on the highways of another state has the same rights and privileges as a street-legal ATV that is granted operating privileges on the highways of this state, subject to the restrictions under this section and rules made by the Board of Parks and Recreation, if the other state offers reciprocal operating privileges to Utah residents.
  - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Board of Parks and Recreation shall establish eligibility requirements for reciprocal operating privileges for nonresident users granted under Subsection (5)(a).
- (6) Nothing in this chapter restricts the owner of an off-highway vehicle from operating the off-highway vehicle in accordance with Section 41-22-10.5.
- (7) A violation of this section is an infraction.

Amended by Chapter 166, 2018 General Session

Amended by Chapter 373, 2018 General Session

## Part 16 Vehicle Equipment

### **41-6a-1601 Operation of unsafe or improperly equipped vehicles on public highways -- Exceptions.**

- (1)
- (a) A person may not operate or move and an owner may not cause or knowingly permit to be operated or moved on a highway a vehicle or combination of vehicles which:
    - (i) is in an unsafe condition that may endanger any person;
    - (ii) does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter;
    - (iii) is equipped in any manner in violation of this chapter; or
    - (iv) emits pollutants in excess of the limits allowed under the rules of the Air Quality Board created under Title 19, Chapter 2, Air Conservation Act, or under rules made by local health departments.
  - (b) A person may not do any act forbidden or fail to perform any act required under this chapter.
- (2)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in coordination with the rules made under Section 53-8-204, the department shall make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under this part.
  - (b) The rules under Subsection (2)(a):
    - (i) shall conform as nearly as practical to Federal Motor Vehicle Safety Standards and Regulations;
    - (ii) may incorporate by reference, in whole or in part, the federal standards under Subsection (2)(b)(i) and nationally recognized and readily available standards and codes on motor vehicle safety;
    - (iii) shall include provisions for the issuance of a permit under Section 41-6a-1602;
    - (iv) shall include standards for the emergency lights of authorized emergency vehicles;
    - (v) may provide standards and specifications applicable to lighting equipment on school buses consistent with:
      - (A) this part;
      - (B) federal motor vehicle safety standards; and
      - (C) current specifications of the Society of Automotive Engineers;
    - (vi) shall provide procedures for the submission, review, approval, disapproval, issuance of an approval certificate, and expiration or renewal of approval of any part as required under Section 41-6a-1620;
    - (vii) shall establish specifications for the display or etching of a vehicle identification number on a vehicle;
    - (viii) shall establish specifications in compliance with this part for a flare, fusee, electric lantern, warning flag, or portable reflector used in compliance with this part;

- (ix) shall establish approved safety and law enforcement purposes when video display is visible to the motor vehicle operator; and
  - (x) shall include standards and specifications for both original equipment and parts included when a vehicle is manufactured and aftermarket equipment and parts included after the original manufacture of a vehicle.
- (c) The following standards and specifications for vehicle equipment are adopted:
- (i) 49 C.F.R. 571.209 related to safety belts;
  - (ii) 49 C.F.R. 571.213 related to child restraint devices;
  - (iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles and trailers operated in interstate commerce;
  - (iv) 49 C.F.R. 571 Standard 108 related to lights and illuminating devices; and
  - (v) 40 C.F.R. 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related to air conditioning equipment.
- (3) Nothing in this chapter or the rules made by the department prohibit:
- (a) equipment required by the United States Department of Transportation; or
  - (b) the use of additional parts and accessories on a vehicle not inconsistent with the provisions of this chapter or the rules made by the department.
- (4) Except as specifically made applicable, the provisions of this chapter and rules of the department with respect to equipment required on vehicles do not apply to:
- (a) implements of husbandry;
  - (b) road machinery;
  - (c) road rollers;
  - (d) farm tractors;
  - (e) motorcycles;
  - (f) motor-driven cycles;
  - (g) vehicles moved solely by human power;
  - (h) off-highway vehicles registered under Section 41-22-3 either:
    - (i) on a highway designated as open for off-highway vehicle use; or
    - (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or
  - (i) off-highway implements of husbandry when operated in the manner prescribed by Subsections 41-22-5.5(3) through (5).
- (5) The vehicles referred to in Subsections (4)(h) and (i) are subject to the equipment requirements of Title 41, Chapter 22, Off-Highway Vehicles, and the rules made under that chapter.
- (6)
- (a)
    - (i) Except as provided in Subsection (6)(a)(ii), a federal motor vehicle safety standard supersedes any conflicting provision of this chapter.
    - (ii) Federal motor vehicle safety standards do not supersede the provisions of Section 41-6a-1509 governing the requirements for and use of street-legal all-terrain vehicles on highways.
  - (b) The department:
    - (i) shall report any conflict found under Subsection (6)(a) to the appropriate committees or officials of the Legislature; and
    - (ii) may adopt a rule to replace the superseded provision.
- (7) Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

Amended by Chapter 149, 2017 General Session

**41-6a-1602 Permit to operate vehicle in violation of equipment regulations.**

- (1) The department may issue a permit which will allow temporary operation of a vehicle in violation of the provisions of this chapter or in violation of rules made by the department.
- (2) The permit shall be carried in the vehicle and shall be displayed upon demand of a magistrate or peace officer.
- (3)
  - (a) The department may limit the time, manner, or duration of operation and may otherwise prescribe conditions of operation that are necessary to protect the safety of highway users or efficient movement of traffic.
  - (b) Any conditions shall be stated on the permit and a person may not violate them.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1603 Lights and illuminating devices -- Duty to display -- Time.**

- (1)
  - (a) The operator of a vehicle shall turn on the lamps or lights of the vehicle on a highway at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead.
  - (b) The lights, lighted lamps, and other lamps and illuminating devices under Subsection (1)
    - (a) shall be lighted as respectively required for different classes of vehicles, subject to the exceptions for parked vehicles under Section 41-6a-1607.
- (2) Whenever a requirement is made as to distance from which certain lamps and devices shall render objects visible or within which the lamps or devices shall be visible, the provisions apply during the times specified under Subsection (1)(a) for a vehicle without load on a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.
- (3) Whenever a requirement is made as to the mounted height of lamps or devices it shall mean from the center of the lamp or device to the level ground upon which the vehicle stands when the vehicle is without a load.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1604 Motor vehicle head lamps, tail lamps, stop lamps, and other lamps -- Requirements -- Penalty.**

- (1) A motor vehicle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle.
- (2)
  - (a) A motor vehicle, trailer, semitrailer, pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps and two or more red reflectors mounted on the rear.
  - (b)
    - (i) Except as provided under Subsections (2)(b)(ii), (2)(c), and Section 41-6a-1612, all stop lamps or other lamps and reflectors mounted on the rear of a vehicle shall display or reflect a red color.
    - (ii) A turn signal or hazard warning light may be red or yellow.

- (c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate.
- (3)
  - (a) A motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with two or more stop lamps and flashing turn signals.
  - (b) A supplemental stop lamp may be mounted on the rear of a vehicle, if the supplemental stop lamp:
    - (i) emits a red light;
    - (ii) is mounted:
      - (A) and constructed so that no light emitted from the device, either direct or reflected, is visible to the driver;
      - (B) not lower than 15 inches above the roadway; and
      - (C) on the vertical center line of the vehicle; and
    - (iii) is the size, design, and candle power that conforms to federal standards regulating stop lamps.
- (4)
  - (a) Each head lamp, tail lamp, supplemental stop lamp, flashing turn lamp, other lamp, or reflector required under this part shall comply with the requirements and limitations established under Section 41-6a-1601.
  - (b) The department, by rules made under Section 41-6a-1601, may require trucks, buses, motor homes, motor vehicles with truck-campers, trailers, semitrailers, and pole trailers to have additional lamps and reflectors.
- (5) The department, by rules made under Section 41-6a-1601, may allow:
  - (a) one tail lamp on any vehicle equipped with only one when it was made;
  - (b) one stop lamp on any vehicle equipped with only one when it was made; and
  - (c) passenger cars and trucks with a width less than 80 inches and manufactured or assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps.
- (6)
  - (a) As used in this section, "continuously flashing light system" means a light system for a supplemental stop lamp described in Subsection (3)(b) in which the stop lamp or reflector pulses rapidly for no more than five seconds when the brake is applied and then converts to a continuous light as a normal stop lamp or reflector until the time that the brake is released.
  - (b) A motor vehicle, trailer, semitrailer, and pole trailer may be equipped with a continuously flashing light system.
- (7) A violation of this section is an infraction.

Amended by Chapter 83, 2017 General Session

**41-6a-1605 Vehicles operated in combination.**

If a motor vehicle and other vehicles are operated in combination during the time that lights are required under Section 41-6a-1603, a lamp that is obscured by another vehicle of the combination is not required to be lighted.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1606 Load extending beyond rear of vehicle -- Duty to display lamps and reflectors or flags.**

- (1) If a load on a vehicle extends to the rear four feet or more beyond the bed or body of the vehicle, the operator shall display lamps, reflectors, or flags at the extreme rear end of the load in accordance with this section.
- (2) During hours of darkness as specified in Section 41-6a-1603, the following shall be displayed:
  - (a) two red reflectors located so as to indicate maximum width; and
  - (b) two red lamps, one on each side with one red lamp located so as to indicate maximum overhang.
- (3)
  - (a) At a time other than the time indicated under Subsection (2), on a vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red flags shall be displayed marking the extremities of the load, at each point where a lamp or reflector is required under Subsection (2).
  - (b) The red flags shall be at least 12 inches square.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1607 Parking lamps required -- Use when vehicle parked at night -- Head lamps dimmed.**

- (1)
  - (a) A vehicle shall be equipped with one or more parking lamps.
  - (b) The parking lamps shall comply with requirements established under Section 41-6a-1601.
- (2) A vehicle parked or stopped on a roadway or shoulder, whether attended or unattended, shall display lighted parking lamps if conditions exist as specified under Subsection 41-6a-1603(1)
  - (a).
- (3) Any lighted head lamps on a parked vehicle shall be dimmed.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1608 Farm tractors and equipment -- Lamps and reflectors -- Slow-moving vehicle emblem.**

- (1)
  - (a) A farm tractor and a self-propelled implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with hazard warning lights of a type described in Section 41-6a-1611.
  - (b) The hazard warning lights shall be:
    - (i) visible from a distance of not less than 1,000 feet to the front and rear in normal sunlight; and
    - (ii) displayed whenever a farm tractor or self-propelled implement of husbandry is operated on a highway.
- (2)
  - (a) A farm tractor and a self-propelled implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with lamps and reflectors as required under this section.
  - (b) A farm tractor and a self-propelled implement of husbandry manufactured or assembled prior to January 1, 1970 shall be equipped with lamps and reflectors as required in this section if operated on a highway under the conditions specified under Subsection 41-6a-1603(1)(a).
- (3) Subject to the provisions of Subsection (2), a farm tractor and an implement of husbandry shall be equipped with:

- (a) at least two head lamps;
  - (b) at least one red lamp visible when lighted from a distance of not less than 1,000 feet to the rear mounted as far to the left of the center of the vehicle as practicable; and
  - (c) at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.
- (4) Towed farm equipment or a towed implement of husbandry shall be equipped with lamps and reflectors as provided under this Subsection (4), if operated on a highway under the conditions specified under Subsection 41-6a-1603(1)(a).
- (a) If the towed unit or its load extends more than four feet to the rear of the tractor or obscures any light on a tractor, the towed unit shall be equipped on the rear with at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.
  - (b)
    - (i) If the towed unit extends more than four feet to the left of the center line of the tractor, the towed unit shall be equipped on the front with an amber reflector visible from all distances within 600 feet to 100 feet to the front when directly in front of lawful lower beams of head lamps.
    - (ii) The reflector under Subsection (4)(b)(i) shall be positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit.
  - (c) If the towed unit or its load obscures either of the vehicle hazard warning lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in Subsection (1).
- (5)
- (a) The two red reflectors required under Subsections (3) and (4) shall be positioned to show, as nearly as practicable, the extreme width of the vehicle or combination of vehicles as viewed from the rear of the vehicle or combination of vehicles.
  - (b) Reflective tape or paint may be used in lieu of the reflectors required under this section.
- (6)
- (a) A slow-moving vehicle emblem mounted on the rear is required on:
    - (i) a farm tractor and a self-propelled implement of husbandry designed for operation at speeds not in excess of 25 miles per hour; or
    - (ii) towed farm equipment or a towed implement of husbandry if the towed unit or any load on it obscures the slow-moving vehicle emblem on the farm tractor or self-propelled implement of husbandry.
  - (b) The slow-moving vehicle emblem's design, size, mounting, and position on the vehicle required under this Subsection (6), shall:
    - (i) comply with current standards and specifications of the American Society of Agricultural Engineers; and
    - (ii) be approved by the department.
  - (c) A slow-moving vehicle identification emblem may not be:
    - (i) used except as required under this section and Sections 41-6a-1508 and 41-6a-1609; or
    - (ii) displayed on a vehicle traveling at a speed in excess of 25 miles per hour.
- (7) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1609 Lamps and reflectors on vehicles not otherwise specified -- Slow-moving vehicle identification emblems on animal-drawn vehicles.**

- (1) An animal-drawn vehicle, a vehicle under Section 41-6a-1604, and a vehicle not specifically required by the provisions of other sections in this chapter to be equipped with lamps or other lighting devices, shall be equipped with lamps or other lighting devices if operated on a highway under the conditions specified under Subsection 41-6a-1603(1)(a) as follows:
  - (a) at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle; and
  - (b)
    - (i) two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle; or
    - (ii) one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the lawful lower beams of head lamps.
- (2) An animal-drawn vehicle shall at all times be equipped with a slow-moving vehicle identification emblem as provided under Section 41-6a-1608.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1610 Spot lamps.**

- (1) A motor vehicle may not be equipped with more than two spot lamps.
- (2) A lighted spot lamp may not be aimed or used so that any part of the high intensity portion of the beam strikes the windshield, or any windows, mirror, or occupant of another vehicle in use.
- (3) This section does not apply to spot lamps on an authorized emergency vehicle.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1611 Hazard warning lamps.**

- (1) A vehicle manufactured with hazard warning lights shall be equipped with hazard warning lights for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.
- (2) In addition to the requirements of Subsection (1), a bus, truck, truck-tractor, trailer, semitrailer, or pole trailer shall be equipped with hazard warning lights if the bus, truck, truck-tractor, trailer, semitrailer, or pole trailer is 80 inches or more in overall width or 30 feet or more in overall length.
- (3) The hazard warning lights required under this section shall comply with rules made by the department under Section 41-6a-1601.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1612 Back-up lamps -- Side marker lamps.**

- (1)
  - (a) A motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps.
  - (b) A back-up lamp or lamps may not be lighted when the motor vehicle is in forward motion.
  - (c) A lighted back-up lamp shall emit a white light.



- (2) A vehicle may be equipped with one or more side marker lamps that may be flashed in conjunction with turn or vehicular hazard warning signals.
- (3) A back-up lamp and side marker lamp under this section shall comply with rules made by the department under Section 41-6a-1601.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1613 Lamp required for operation of vehicle on highway or adjacent shoulder -- Dimming of lights.**

- (1)
  - (a) If a vehicle is operated on a highway or shoulder adjacent to the highway under the conditions specified under Subsection 41-6a-1603(1)(a), the operator of a vehicle shall use a high or low beam distribution of light or composite beam except as provided under Subsection (1)(c).
  - (b) Except as provided under Subsection (1)(c), the distribution of light or composite beam shall be directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle.
  - (c) The operator of a vehicle shall use a low beam distribution of light or composite beam if the vehicle approaches:
    - (i) an oncoming vehicle within 500 feet; or
    - (ii) another vehicle from the rear within 300 feet.
- (2)
  - (a) The low beam distribution of light or composite beam shall be aimed to avoid projecting glaring rays into the:
    - (i) eyes of an oncoming operator; or
    - (ii) rearview mirror of a vehicle approached from the rear.
  - (b) A vehicle is not in violation of Subsection (2)(a) if:
    - (i) the vehicle has not been significantly altered from the original vehicle manufacturer's specifications; or
    - (ii) the glaring rays result from road contour or a temporary load on the vehicle.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1614 Head lamps on farm tractors -- Motor vehicles sold prior to certain date.**

- (1) Head lamp systems which provide only a single distribution of light shall be permitted on:
  - (a) a farm tractor; and
  - (b) other motor vehicles manufactured and sold prior to July 1, 1980.
- (2) Head lamp systems authorized under this section shall comply with rules made by the department under Section 41-6a-1601.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1616 High intensity beams -- Red or blue lights -- Flashing lights -- Color of rear lights and reflectors.**

- (1)
  - (a) Except as provided under Subsection (1)(b), under the conditions specified under Subsection 41-6a-1603(1)(a), a lighted lamp or illuminating device on a vehicle, which projects a beam of

light of an intensity greater than 300 candlepower, shall be directed so that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

- (b) The provisions of Subsection (1)(a) do not apply to head lamps, spot lamps, auxiliary lamps, flashing turn signals, hazard warning lamps, and school bus warning lamps.
  - (c) A motor vehicle on a highway may not have more than a total of four lamps lighted on the front of the vehicle including head lamps, auxiliary lamps, spot lamps, or any other lamp if the lamp projects a beam of an intensity greater than 300 candlepower.
- (2)
- (a) Except for an authorized emergency vehicle described in Section 41-6a-1601, a school bus described in Section 41-6a-1302, or a simulated emergency vehicle used in accordance with Section 41-6a-1718, a person may not operate or move any vehicle or equipment on a highway with a lamp or device capable of displaying a red light that is visible from directly in front of the center of the vehicle.
  - (b) Except for a law enforcement vehicle, or a simulated emergency vehicle used in accordance with Section 41-6a-1718, a person may not operate or move any vehicle or equipment on a highway with a lamp or device capable of displaying a blue light that is visible from directly in front of the center of the vehicle.
- (3) A person may not use flashing lights on a vehicle except for:
- (a) taillights of bicycles described in Section 41-6a-1114;
  - (b) authorized emergency vehicles described in Section 41-6a-1601;
  - (c) turn signals described in Section 41-6a-1604;
  - (d) hazard warning lights described in Sections 41-6a-1608 and 41-6a-1611;
  - (e) school bus flashing lights described in Section 41-6a-1302;
  - (f) vehicles engaged in highway construction or maintenance described in Section 41-6a-1617;
  - (g) a simulated emergency vehicle used in accordance with Section 41-6a-1718; and
  - (h) a continuously flashing light system under Section 41-6a-1604.
- (4) Except for an authorized emergency vehicle described in Section 41-6a-1601, or a media production vehicle used in accordance with Section 41-6a-1718, a person may not use a rotating light on any vehicle.
- (5) A violation of this section is an infraction.

Amended by Chapter 348, 2016 General Session

**41-6a-1617 Highway construction and maintenance vehicles -- Transportation department to adopt rules for lighting.**

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation shall make rules providing specifications governing the design and use of special flashing lights on vehicles engaged in highway construction or maintenance operations.
- (2) The standards and specifications adopted under Subsection (1) shall correlate with, and where possible conform to, the standards set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" and other standards issued or endorsed by the federal highway administrator.
- (3) The operator of a vehicle engaged in highway construction or maintenance operations shall comply with rules adopted under this section.

Amended by Chapter 382, 2008 General Session

**41-6a-1618 Sale or use of unapproved lighting equipment or devices prohibited.**

- (1) Except as provided under Subsection (2), a person may not use, have for sale, sell, or offer for sale for use on or as a part of the equipment of a motor vehicle, trailer, semitrailer, or pole trailer any head lamp, auxiliary fog lamp, rear lamp, signal lamp, required reflector, or any parts of that equipment which tend to change the original design or performance, unless the part or equipment complies with the specifications adopted under Section 41-6a-1601.
- (2) The provisions of Subsection (1) do not apply to equipment in actual use prior to July 1, 1979 or to replacement parts of this equipment.
- (3) A person may not use on a motor vehicle, trailer, semitrailer, or pole trailer any lamps under this section unless the lamps are mounted, adjusted, and aimed in accordance with this part.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1619 Sale of unapproved equipment prohibited -- Trademark or brand name.**

- (1) A person shall not sell or offer for sale any equipment or parts that do not comply with the standards adopted under Section 41-6a-1601 including any lamp, reflector, hydraulic brake fluid, seat belt, safety glass, emergency disablement warning device, studded tire, motorcycle helmet, eye protection device for motorists, or red rear bicycle reflector.
- (2) Any equipment described under Subsection (1) or Section 41-6a-1618 or any package containing the equipment shall bear the manufacturer's trademark or brand name unless it complies with identification requirements of the United States Department of Transportation or other federal agencies.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1620 Departmental approval of lighting devices or safety equipment.**

- (1)
  - (a) The department shall approve or disapprove any lighting device or other safety equipment, component or assembly of a type for which approval is specifically required under this part.
  - (b) The department shall consider the part for approval within a reasonable time after approval has been requested.
- (2)
  - (a) The department shall establish a procedure for the submission, review, approval, disapproval, issuance of an approval certificate, and the expiration or renewal of approval for any part under Subsection (1).
  - (b)
    - (i) The procedure may provide for submission of the part to the American Association of Motor Vehicle Administrators as the agent of the department.
    - (ii) Approval issued by the association under Subsection (2)(b)(i) shall have the same force and effect as if it has been issued by the department.
  - (c) The department shall maintain and publish lists of all parts, devices, components, or assemblies which have been approved by the department.
  - (d) A part approved under this section is valid unless revoked under Section 41-6a-1621 or unless the department requires it to be renewed under rules made under Section 41-6a-1601.

Amended by Chapter 258, 2015 General Session

**41-6a-1621 Departmental hearings -- Compliance of approved devices -- Revocation of approval -- Reapproval.**

- (1) If the department has reason to believe that a part approved under Section 41-6a-1620 should no longer be approved, the department shall, upon 30 days' notice to the applicant to whom approval was issued, conduct a hearing on the question of whether the part should remain approved.
- (2)
  - (a) After the hearing, the department shall determine whether the device meets the requirements of the applicable standard.
  - (b) If the device does not meet those requirements, the department shall give notice to the applicant to whom the approval was issued of the department's intention to revoke the approval.
  - (c) If the applicant to whom the approval was issued fails to satisfy the department that the device being sold or offered for sale meets the applicable standard within 90 days of the notice of the department's intention to revoke the approval, the department shall revoke the approval.
- (3) When an approval has been revoked under this section:
  - (a) the department:
    - (i) shall require the withdrawal of all the parts from the market; and
    - (ii) may require that all devices sold since the notification of the department's intention to revoke the approval be replaced by parts that are approved.
  - (b) A part that has been revoked under this section may not be approved again unless a new application and approval is received.
  - (c) The department may require that as a condition for a new approval of the same or similar part all previously revoked parts are effectively recalled and removed from the market.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1622 Purchase and testing of equipment by department -- Prohibition against sale of substandard devices -- Injunction -- Review -- Appeal.**

- (1) The department may purchase and test equipment described in Section 41-6a-1619 to determine whether it complies with the standards under this part.
- (2) Upon identification of unapproved or substandard devices being sold or offered for sale, the department shall give notice to the person selling them that the person is in violation of Section 41-6a-1619 and that selling or offering them for sale is prohibited.
- (3)
  - (a) In order to enforce the prohibition against the sale or offer for sale of unapproved or substandard devices, the department may file a petition in the district court of the county in which the person maintains a place of business to enjoin any further sale or offer of sale of the unapproved or substandard part.
  - (b) An injunction under Subsection (3)(a) shall be issued upon a prima facie showing that:
    - (i) the part is of a type required to be approved by the department under this part;
    - (ii) the part has not been approved; and
    - (iii) the part is being sold or offered for sale.
- (4)
  - (a) Any person enjoined under Subsection (3) may file a petition for a review of the court's order in the county in which the injunction was issued.

- (b) A copy of the petition shall be served on the department and the department shall have 30 days after the service to file an answer, but the petition shall not act as a stay of the injunction.
  - (c) At the hearing on the petition, the judge shall sit without intervention of a jury and shall only receive evidence as to whether the parts in question:
    - (i) are of a type for which approval by the department is required;
    - (ii) have not been approved; and
    - (iii) are being sold or offered for sale in violation of Section 41-6a-1619.
  - (d) Following a hearing under Subsection (4)(c), the injunction shall be continued if the court finds that each condition under Subsection (4)(c) has been met.
- (5) Either party may appeal the decision of the court in the same manner as in other civil appeals from the district court.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1623 Braking systems required -- Adoption of performance requirements by department.**

- (1) A motor vehicle and a combination of vehicles shall have a service braking system which will stop the motor vehicle or combination of vehicles within:
  - (a) 40 feet from an initial speed of 20 miles per hour on a level, dry, smooth, hard surface; or
  - (b) a shorter distance as may be specified by the department in accordance with federal standards.
- (2) A motor vehicle and a combination of vehicles shall have a parking brake system:
  - (a) adequate to hold the motor vehicle or combination of vehicles on any grade on which it is operated under all conditions of loading on a surface free from snow, ice or loose material; or
  - (b) which complies with performance standards issued by the department in accordance with federal standards.
- (3) In addition to the requirements of Subsections (1) and (2), if necessary for safe operation, the department may by rule require additional braking systems in accordance with federal standards.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1624 Failure to repair a damaged or deployed airbag -- Penalty.**

- (1) As used in this section, "person" includes the owner or lessee of a motor vehicle, a body shop, dealer, remanufacturer, salvage rebuilder, vehicle service maintenance facility, or any entity or individual engaged in the repair or replacement of motor vehicles or airbag passive restraint systems.
- (2) Except as provided under Subsection (3), if a repair to a vehicle to be used on a highway is initiated, a person who has actual knowledge that a motor vehicle's airbag passive restraint system is damaged or has been deployed may not fail or cause another person to fail to fully restore, arm, and return to original operating condition, the motor vehicle's airbag passive restraint system.
- (3) In the course of repairing a motor vehicle, a person who has actual knowledge that the motor vehicle's airbag passive restraint system is damaged or has been deployed shall notify the owner or lessee of the vehicle, in a form approved by the Department of Public Safety, that the

failure to repair and fully restore the motor vehicle's airbag passive restraint system is a class B misdemeanor.

- (4) Unless acting under a dismantling permit under Section 41-1a-1010, a person may not remove or modify a motor vehicle's airbag passive restraint system with the intent of rendering the motor vehicle's airbag passive restraint system inoperable.
- (5) A person who violates this section is guilty of a class C misdemeanor.

Amended by Chapter 412, 2015 General Session

**41-6a-1625 Horns and warning devices -- Emergency vehicles.**

- (1)
  - (a) A motor vehicle operated on a highway shall be equipped with a horn or other warning device in good working order.
  - (b) The horn or other warning device:
    - (i) shall be capable of emitting sound audible under normal conditions from a distance of not less than 200 feet; and
    - (ii) may not emit an unreasonably loud or harsh sound or a whistle.
  - (c) The operator of a motor vehicle:
    - (i) when reasonably necessary to insure safe operation, shall give audible warning with the horn; and
    - (ii) except as provided under Subsection (1)(c)(i), may not use the horn on a highway.
- (2) Except as provided under this section, a vehicle may not be equipped with and a person may not use on a vehicle a siren, whistle, or bell.
- (3)
  - (a) A vehicle may be equipped with a theft alarm signal device if it is arranged so that it cannot be used by the operator as an ordinary warning signal.
  - (b) A theft alarm signal device may:
    - (i) use a whistle, bell, horn or other audible signal; and
    - (ii) not use a siren.
- (4)
  - (a) An authorized emergency vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet.
  - (b) The type of sound shall be approved by the department based on standards adopted by rules under Section 41-6a-1601.
  - (c) The siren on an authorized emergency vehicle may not be used except:
    - (i) when the vehicle is operated in response to an emergency call; or
    - (ii) in the immediate pursuit of an actual or suspected violator of the law.
  - (d) The operator of an authorized emergency vehicle shall sound the siren in accordance with this section when reasonably necessary to warn pedestrians and other vehicle operators of the approach of the authorized emergency vehicle.
- (5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1626 Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution control devices.**

- (1)
  - (a) A vehicle shall be equipped, maintained, and operated to prevent excessive or unusual noise.

- (b) A motor vehicle shall be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation.
  - (c) A person may not use a muffler cut-out, bypass, or similar device on a vehicle.
- (2)
- (a) Except while the engine is being warmed to the recommended operating temperature, the engine and power mechanism of a gasoline-powered motor vehicle may not emit visible contaminants during operation.
  - (b)
    - (i) As used in this Subsection (2)(b), "heavy tow" means a tow that exceeds the vehicle's maximum tow weight.
    - (ii) A diesel engine manufactured on or after January 1, 2008, may not emit visible contaminants during operation:
      - (A) except while the engine is being warmed to the recommended operating temperature or under a heavy tow; or
      - (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight rating in excess of 26,000 pounds.
    - (iii) A diesel engine manufactured before January 1, 2008, may not emit visible contaminants of a shade or density that obscures a contrasting background by more than 20%, for more than five consecutive seconds:
      - (A) except while the engine is being warmed to the recommended operating temperature or under a heavy tow; or
      - (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight rating in excess of 26,000 pounds.
  - (c) A person who violates the provisions of Subsection (2)(a) is guilty of an infraction and shall be fined:
    - (i) not less than \$50 for a violation; or
    - (ii) not less than \$100 for a second or subsequent violation within three years of a previous violation of this section.
- (3)
- (a) If a motor vehicle is equipped by a manufacturer with air pollution control devices, the devices shall be maintained in good working order and in constant operation.
  - (b) For purposes of the first sale of a vehicle at retail, an air pollution control device may be substituted for the manufacturer's original device if the substituted device is at least as effective in the reduction of emissions from the vehicle motor as the air pollution control device furnished by the manufacturer of the vehicle as standard equipment for the same vehicle class.
  - (c) A person who renders inoperable an air pollution control device on a motor vehicle is guilty of an infraction.
- (4) Subsection (3) does not apply to a motor vehicle altered and modified to use clean fuel, as defined under Section 59-13-102, when the emissions from the modified or altered motor vehicle are at levels that comply with existing state or federal standards for the emission of pollutants from a motor vehicle of the same class.
- (5) A violation of Subsection (1), (2), or (3) is an infraction.

Amended by Chapter 303, 2016 General Session

**41-6a-1627 Mirrors.**

- (1)

- (a) A motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle.
  - (b) A mirror under Subsection (1)(a) shall be located to reflect to the driver a view of the highway to the rear of the vehicle.
- (2)
- (a) Except for a motorcycle, in addition to the mirror required under Subsection (1), a motor vehicle shall be equipped with a mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side.
  - (b) The mirror under Subsection (2)(a) shall be located to reflect to the driver a view of the highway to the rear of the vehicle.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1628 Seat belts -- Design and installation -- Specifications or requirements.**

- (1) A safety belt installed in a vehicle to accommodate an adult person shall be designed and installed to prevent or materially reduce the movement of the person using the safety belt in the event of collision or upset of the vehicle.
- (2) A person may not sell, offer, or keep for sale a safety belt or attachments for use in a vehicle that does not comply with the specifications under Section 41-6a-1601.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1629 Vehicles subject to Sections 41-6a-1629 through 41-6a-1633 -- Definitions.**

- (1) As used in Sections 41-6a-1629 through 41-6a-1633:
  - (a) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest longitudinal structural member of the body of the vehicle.
  - (b) "Frame height" means the vertical distance between the ground and the lowest point on the frame. The distance is measured when the vehicle is unladen and on a level surface.
  - (c) "Gross vehicle weight rating (GVWR)" means the original manufacturer's gross vehicle weight rating, whether or not the vehicle is modified by use of parts not originally installed by the original manufacturer.
  - (d) "Manufacturer" means any person engaged in manufacturing or assembling new motor vehicles utilizing new parts or components, or a person defined as a manufacturer in current applicable Federal Motor Vehicle Safety Standards and Regulations.
  - (e) "Mechanical alteration" or "mechanical lift" means modification or alteration of the axles, chassis, suspension, or body by any means, including tires and wheels, and excluding any load, which affects the frame height of the motor vehicle.
  - (f) "O.E.M." means original equipment manufacturer.
  - (g) "Original equipment" means an item of motor vehicle equipment, including tires, which were installed in or on a motor vehicle or available as an option for the particular vehicle from the original manufacturer at the time of its delivery to the first purchaser.
  - (h) "Wheel track" means the shortest distance between the center of the tire treads on the same axle. On vehicles having dissimilar axle widths, the axle with the widest distance is used for all calculations.
- (2)



- (a) Except as provided in Subsections (2)(b) and (c), the provisions of Sections 41-6a-1629 through 41-6a-1633 apply to all motor vehicles operated or parked on a highway.
- (b) The provisions of Sections 41-6a-1629 through 41-6a-1633 do not apply to the following vehicles:
  - (i) implements of husbandry;
  - (ii) farm tractors;
  - (iii) road machinery;
  - (iv) road rollers; and
  - (v) historical vehicles or horseless carriages that have been restored as near to original condition as is reasonably possible.
- (c) The provisions of Subsection 41-6a-1631(2) and Sections 41-6a-1632 and 41-6a-1633 do not apply to a street-legal all-terrain vehicle operated in accordance with Section 41-6a-1509.

Amended by Chapter 229, 2014 General Session

**41-6a-1630 Standards applicable to vehicles.**

- (1) The following standards apply to vehicles under Sections 41-6a-1629 through 41-6a-1633:
  - (a) A replacement part and equipment used in a mechanical alteration shall be:
    - (i) designed and capable of performing the function for which they are intended; and
    - (ii) equal to or greater in strength and durability than the original parts provided by the original manufacturer.
  - (b) Except for original equipment, a person may not use spacers to increase wheel track width of a vehicle.
  - (c) A person may not use axle blocks to alter the suspension on the front axle of a vehicle.
  - (d) A person may not stack two or more axle blocks of a vehicle.
- (2)
  - (a) In doubtful or unusual cases, or to meet specific industrial requirements, personnel of the Utah Highway Patrol shall inspect the vehicle to determine:
    - (i) the road worthiness and safe condition of the vehicle; and
    - (ii) whether it complies with Sections 41-6a-1629 through 41-6a-1633.
  - (b) If the vehicle complies, the Utah Highway Patrol shall issue a permit of approval that shall be carried in the vehicle.
- (3)
  - (a) Upon notice to the party to whom the motor vehicle is registered, the department shall suspend the registration of any motor vehicle equipped, altered, or modified in violation of Sections 41-6a-1629 through 41-6a-1633.
  - (b) The Motor Vehicle Division shall, under Subsection 41-1a-109(1)(e) or (2), refuse to register any motor vehicle it has reason to believe is equipped, altered, or modified in violation of Sections 41-6a-1629 through 41-6a-1633.
- (4) A violation of this section is an infraction.

Amended by Chapter 303, 2016 General Session

**41-6a-1631 Prohibitions.**

- (1) A person may not operate on a highway a motor vehicle that is mechanically altered or changed:
  - (a) in any way that may under normal operation:
    - (i) cause the motor vehicle body or chassis to come in contact with the roadway;

- (ii) expose the fuel tank to damage from collision; or
  - (iii) cause the wheels to come in contact with the body;
  - (b) in any manner that may impair the safe operation of the vehicle;
  - (c) so that any part of the vehicle other than tires, rims, and mudguards are less than three inches above the ground;
  - (d) to a frame height of more than 24 inches for a motor vehicle with a gross vehicle weight rating of less than 4,500 pounds;
  - (e) to a frame height of more than 26 inches for a motor vehicle with a gross vehicle weight rating of at least 4,500 pounds and less than 7,500 pounds;
  - (f) to a frame height of more than 28 inches for a motor vehicle with a gross vehicle weight rating of at least 7,500 pounds;
  - (g) by stacking or attaching vehicle frames (one from on top of or beneath another frame); or
  - (h) so that the lowest portion of the body floor is raised more than three inches above the top of the frame.
- (2) If the wheel track is increased beyond the O.E.M. specification, the top 50% of the tires shall be covered by the original fenders, by rubber, or other flexible fender extenders under any loading condition.
- (3) A violation of this section is an infraction.

Amended by Chapter 303, 2016 General Session

**41-6a-1632 Bumpers.**

- (1) A motor vehicle shall be equipped with a bumper on both front and rear of the motor vehicle, except a motor vehicle that was not originally designed or manufactured with a bumper or bumpers.
- (2)
- (a) On a motor vehicle required to have bumpers under Subsection (1), a bumper shall be:
    - (i) at least 4.5 inches in vertical height;
    - (ii) centered on the vehicle's center line; and
    - (iii) extend no less than the width of the respective wheel track distance.
  - (b) A bumper shall be securely mounted, horizontal load bearing, and attached to the motor vehicle's frame to effectively transfer impact when engaged.
- (3) If a motor vehicle is originally or later equipped with a bumper, the bumper shall:
- (a) be maintained in operational condition; and
  - (b) comply with this section.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1633 Mudguards or flaps at rear wheels of trucks, trailers, truck tractors, or altered motor vehicles -- Exemptions.**

- (1)
- (a) Except as provided in Subsection (2), when operated on a highway, the following vehicles shall be equipped with wheel covers, mudguards, flaps, or splash aprons behind the rearmost wheels to prevent, as far as practicable, the wheels from throwing dirt, water, or other materials on other vehicles:
    - (i) a vehicle that has been altered:
      - (A) from the original manufacturer's frame height; or

- (B) in any other manner so that the motor vehicle's wheels may throw dirt, water, or other materials on other vehicles;
  - (ii) any truck with a gross vehicle weight rating of 10,500 pounds or more;
  - (iii) any truck tractor; and
  - (iv) any trailer or semitrailer with an unladen weight of 750 pounds or more.
- (b) The wheel covers, mudguards, flaps, or splash aprons shall:
- (i) be at least as wide as the tires they are protecting;
  - (ii) be directly in line with the tires; and
  - (iii) have a ground clearance of not more than 50% of the diameter of a rear-axle wheel, under any conditions of loading of the motor vehicle.
- (2) Wheel covers, mudguards, flaps, or splash aprons are not required:
- (a) if the motor vehicle, trailer, or semitrailer is designed and constructed so that the requirements of Subsection (1) are accomplished by means of fenders, body construction, or other means of enclosure;
  - (b) on a vehicle operated or driven during fair weather on well-maintained, hard-surfaced roads if the motor vehicle:
    - (i) was made in America prior to 1935;
    - (ii) is registered as a vintage vehicle; or
    - (iii) is a custom vehicle as defined under Section 41-6a-1507; or
  - (c) on a street-legal all-terrain vehicle.
- (3) Except as provided in Subsection (2)(b), rear wheels not covered at the top by fenders, bodies, or other parts of the vehicle shall be covered at the top by protective means extending rearward at least to the center line of the rearmost axle.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

Amended by Chapter 454, 2015 General Session

**41-6a-1634 Safety chains on towed vehicles required -- Exceptions.**

- (1) A towed vehicle shall be coupled by means of a safety chain, cable or equivalent device, in addition to the regular trailer hitch or coupling.
- (2) Except as provided under Subsection (4), a safety chain, cable or equivalent device shall be:
  - (a) securely connected with the chassis of the towing vehicle, the towed vehicle, and the drawbar;
  - (b) of sufficient material and strength to prevent the two vehicles from becoming separated; and
  - (c) attached to:
    - (i) have no more slack than is necessary for proper turning;
    - (ii) the trailer drawbar to prevent it from dropping to the ground; and
    - (iii) assure the towed vehicle follows substantially in the course of the towing vehicle in case the vehicles become separated.
- (3) A violation of Subsection (1) or (2) is an infraction.
- (4) The provisions of Subsection (2) do not apply to a:
  - (a) semitrailer having a connecting device composed of a fifth wheel and king pin assembly;
  - (b) pole trailer; or
  - (c) trailer being towed by a bicycle.

Amended by Chapter 412, 2015 General Session

**41-6a-1635 Windshields and windows -- Tinting -- Obstructions reducing visibility -- Wipers -- Prohibitions.**

- (1) Except as provided in Subsections (2) and (3), a person may not operate a motor vehicle with:
  - (a) a windshield that allows less than 70% light transmittance;
  - (b) a front side window that allows less than 43% light transmittance;
  - (c) any windshield or window that is composed of, covered by, or treated with any material or component that presents a metallic or mirrored appearance; or
  - (d) any sign, poster, or other nontransparent material on the windshield or side windows of the motor vehicle except:
    - (i) a certificate or other paper required to be so displayed by law; or
    - (ii) the vehicle's identification number displayed or etched in accordance with rules made by the department under Section 41-6a-1601.
- (2) Nontransparent materials may be used:
  - (a) along the top edge of the windshield if the materials do not extend downward more than four inches from the top edge of the windshield or beyond the AS-1 line whichever is lowest;
  - (b) in the lower left-hand corner of the windshield provided they do not extend more than three inches to the right of the left edge or more than four inches above the bottom edge of the windshield; or
  - (c) on the rear windows including rear side windows located behind the vehicle operator.
- (3) A windshield or other window is considered to comply with the requirements of Subsection (1) if the windshield or other window meets the federal statutes and regulations for motor vehicle window composition, covering, light transmittance, and treatment.
- (4) Except for material used on the windshield in compliance with Subsections (2)(a) and (b), a motor vehicle with tinting or nontransparent material on any window shall be equipped with rear-view mirrors mounted on the left side and on the right side of the motor vehicle to reflect to the driver a view of the highway to the rear of the motor vehicle.
- (5)
  - (a)
    - (i) The windshield on a motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield.
    - (ii) The device shall be constructed to be operated by the operator of the motor vehicle.
  - (b) A windshield wiper on a motor vehicle shall be maintained in good working order.
- (6) A person may not have for sale, sell, offer for sale, install, cover, or treat a windshield or window in violation of this section.
- (7) Notwithstanding this section, any person subject to the federal Motor Vehicle Safety Standards, including motor vehicle manufacturers, distributors, dealers, importers, and repair businesses, shall comply with the federal standards on motor vehicle window tinting.
- (8) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1636 Tires which are prohibited -- Regulatory powers of state transportation department -- Winter use of studs -- Special permits -- Tread depth.**

- (1) A solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
- (2) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a metal tire in contact with the roadway.

- (3) Except as otherwise provided in this section, a person may not have a tire on a vehicle that is moved on a highway that has on the tire's periphery a block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation may make rules to permit the use of tires on a vehicle having protuberances other than rubber, if the department concludes that protuberances do not:
  - (a) damage the highway significantly; or
  - (b) constitute a hazard to life, health, or property.
- (5) Notwithstanding any other provision of this section, a person may use:
  - (a) a tire with protuberances consisting of tungsten carbide studs on a vehicle if the studs:
    - (i) are only used during the winter periods of October 15 through December 31 and January 1 through March 31 of each year;
    - (ii) do not project beyond the tread of the traction surface of the tire more than .050 inches; and
    - (iii) are not used on a vehicle with a maximum gross weight in excess of 9,000 pounds unless the vehicle is an emergency vehicle or school bus;
  - (b) farm machinery with tires having protuberances which will not injure the highway; and
  - (c) tire chains of reasonable proportions on a vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.
- (6) Notwithstanding any other provision of this chapter, a highway authority, for a highway under its jurisdiction, may issue special permits authorizing the operation on a highway of:
  - (a) farm tractors;
  - (b) other farm machinery; or
  - (c) traction engines or tractors having movable tracks with transverse corrugations on the periphery of the movable tracks.
- (7)
  - (a) A person may not operate a vehicle if one or more of the tires in use on the vehicle:
    - (i) is in an unsafe operating condition; or
    - (ii) has a tread depth less than 2/32 inch measured in any two adjacent tread grooves at three equally spaced intervals around the circumference of the tire.
  - (b) The measurement under Subsection (7)(a) may not be made at the location of any tread wear indicator, tie bar, hump, or fillet.
- (8) A person in the business of selling tires may not sell or offer for sale for highway use any tire prohibited for use under Subsection (7).
- (9) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1637 Flares, fusees, or electric lanterns and flags -- Alternative reflector units -- Duty to carry in trucks and buses -- Requirements.**

- (1) Except as provided under Subsection (2) and unless the vehicle is carrying the equipment required under this section, a person may not operate a truck, bus or truck-tractor, or a motor vehicle towing a house trailer:
  - (a) on a highway outside an urban district; or
  - (b) on a divided highway during hours of darkness specified under Section 41-6a-1603.
- (2)
  - (a) The vehicle shall carry at least:
    - (i) three flares;

- (ii) three red electric lanterns;
  - (iii) three portable red emergency reflectors; or
  - (iv) three red-burning fuses.
- (b) The equipment required under Subsections (2)(a)(i) and (ii) shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions during the hours of darkness.
- (c) The equipment required under Subsection (2)(a)(iii) shall be capable of reflecting red light clearly visible from a distance of not less than 600 feet under normal atmospheric conditions during the hours of darkness when directly in front of lawful lower beams of head lamps.
- (3) A flare, fusee, electric lantern, warning flag, or portable reflector used under this section or Section 41-6a-1638 shall comply with specifications adopted under Section 41-6a-1601.
- (4)
- (a) A person may not operate a motor vehicle used for the transportation of explosives or any cargo tank truck used for the transportation of flammable liquids or compressed gases under the conditions specified under Subsections (1)(a) and (b) unless there is carried in the vehicle:
    - (i) three red electric lanterns; or
    - (ii) three portable red emergency reflectors.
  - (b) A person operating a vehicle specified under Subsection (4)(a) or a vehicle using compressed gas as a motor fuel may not carry in the vehicle a flare, fusee, or signal produced by flame.
- (5) A person may not operate a vehicle described under this section on a highway outside of an urban district or on a divided highway during daylight hours unless at least two red flags, not less than 12 inches square, with standards to support the flags are carried in the vehicle.
- (6) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1638 Warning signal around disabled vehicle -- Time and place.**

- (1)
- (a) When a truck, bus, truck-tractor, trailer, semitrailer, or pole trailer 80 inches or more in over-all width or 30 feet or more in over-all length is stopped on a roadway or adjacent shoulder, the operator shall immediately actuate vehicular hazard warning signal lamps meeting the requirements of Section 41-6a-1611.
  - (b) The signal lights need not be displayed by a vehicle:
    - (i) parked lawfully in an urban district;
    - (ii) stopped lawfully to receive or discharge passengers;
    - (iii) stopped to avoid conflict with other traffic or to comply with the directions of a peace officer or an official traffic-control device; or
    - (iv) while the devices specified in Subsections (2) through (6) are in place.
- (2)
- (a) Except as provided in Subsection (3), if a vehicle of a type specified under Subsection (1) is disabled or stopped for more than 10 minutes on a roadway outside of an urban district under the conditions specified under Subsection 41-6a-1603(1), the operator of the vehicle shall display the following warning devices:
    - (i) a lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic; and

- (ii) as soon as possible after placing the warning devices under Subsection (2)(a)(i) but within the burning period of the fusee (15 minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns, or three portable red emergency reflectors on the roadway in the following order:
  - (A) one approximately 100 feet from the disabled vehicle in the center of the lane occupied by the vehicle and toward traffic approaching in that lane;
  - (B) one approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by the vehicle; and
  - (C) one at the traffic side of the disabled vehicle not less than 10 feet rearward or forward of the disabled vehicle in the direction of the nearest approaching traffic.
- (b) If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with Subsection (2)(a)(ii)(A), a rearward lantern or reflector under Subsection (2)(a)(ii)(C) is not required.
- (3) If a vehicle specified under this section is disabled, or stopped for more than 10 minutes:
  - (a) within 500 feet of a curve, hillcrest, or other obstruction to view, the warning device in that direction shall be placed to afford ample warning to other users of the highway, but in no case less than 100 feet or more than 500 feet from the disabled vehicle;
  - (b) on a roadway of a divided highway under the conditions specified under Subsection 41-6a-1603(1), the appropriate warning devices required under Subsections (2) and (4) shall be placed as follows:
    - (i) one at a distance of approximately 200 feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;
    - (ii) one at a distance of approximately 100 feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and
    - (iii) one at the traffic side of the vehicle and approximately 10 feet from the vehicle in the direction of the nearest approaching traffic; or
  - (c) on a roadway outside of an urban district or on the roadway of a divided highway not under the conditions specified under Subsection 41-6a-1603(1), the driver of the vehicle shall display two red flags as follows:
    - (i) if traffic on the roadway moves in two directions, one flag shall be placed approximately 100 feet to the rear and one flag approximately 100 feet in advance of the vehicle in the center of the lane occupied by the vehicle; or
    - (ii) on a one-way roadway, one flag shall be placed approximately 100 feet and one flag approximately 200 feet to the rear of the vehicle in the center of the lane occupied by the vehicle.
- (4) When a motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed gas is disabled, or stopped for more than 10 minutes, at any time and place specified under Subsection (2) or (3), the operator of the vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner as specified in Subsection (2) or (3).
- (5) The warning devices specified under Subsections (2) through (4) are not required to be displayed where there is sufficient light to reveal persons and vehicles within a distance of 1,000 feet.
- (6) If a vehicle described under this section is stopped entirely off the roadway and on an adjacent shoulder, the warning devices shall be placed, as nearly as practicable, on the shoulder near the edge of the roadway.
- (7) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1639 Hazardous materials -- Transportation regulations -- Fire extinguishers.**

- (1)
  - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation shall make rules for the safe transportation of hazardous materials.
  - (b) The rules shall adopt by reference or be consistent with current Hazardous Materials Regulations of the United States Department of Transportation.
  - (c) An adoption by reference under Subsection (1)(b) shall be construed to incorporate amendments thereto as may be made from time to time.
- (2) A person operating a vehicle transporting any hazardous material as a cargo or part of a cargo on a highway shall at all times comply with rules made by the Department of Transportation under this section including being:
  - (a) marked or placarded; and
  - (b) equipped with fire extinguishers:
    - (i) of a type, size, and number approved by rule; and
    - (ii) that are filled, ready for immediate use, and placed at a convenient point on the vehicle.
  - (c) A violation of Subsection (2)(a) or (b) is an infraction.

Amended by Chapter 412, 2015 General Session

**41-6a-1640 Air conditioning equipment -- Requirements.**

- (1) As used in this section, "air conditioning equipment" means mechanical vapor compression refrigeration equipment used to cool the operator or passenger compartment of a motor vehicle.
- (2) Air conditioning equipment shall:
  - (a) be manufactured, installed, and maintained with due regard for the safety of the occupants of the vehicle and the public; and
  - (b) not contain any refrigerant which is toxic to persons or which is flammable.
- (3) A person may not have for sale, offer for sale, sell, or equip any motor vehicle with air conditioning equipment unless it complies with the specifications adopted under Section 41-6a-1601 and this section.
- (4) A person may not operate a motor vehicle on a highway if the motor vehicle is equipped with air conditioning equipment unless the air conditioning equipment complies with the specifications adopted under Section 41-6a-1601 and this section.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1641 Video display in motor vehicles prohibited if visible to driver -- Exceptions.**

- (1) A motor vehicle may not be operated on a highway if the motor vehicle is equipped with a video display located so that the display is visible to the operator of the vehicle.
- (2) This section does not prohibit the use of a video display used exclusively for:
  - (a) safety or law enforcement purposes if the use is approved by rule of the department under Section 41-6a-1601;
  - (b) motor vehicle navigation; or
  - (c) monitoring of equipment and operating systems of the motor vehicle.
- (3) A violation of this section is an infraction.



Amended by Chapter 412, 2015 General Session

**41-6a-1642 Emissions inspection -- County program.**

- (1) The legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard shall require:
  - (a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle is exempt from emissions inspection and maintenance program requirements be presented:
    - (i) as a condition of registration or renewal of registration; and
    - (ii) at other times as the county legislative body may require to enforce inspection requirements for individual motor vehicles, except that the county legislative body may not routinely require a certificate of emissions inspection, or waiver of the certificate, more often than required under Subsection (9); and
  - (b) compliance with this section for a motor vehicle registered or principally operated in the county and owned by or being used by a department, division, instrumentality, agency, or employee of:
    - (i) the federal government;
    - (ii) the state and any of its agencies; or
    - (iii) a political subdivision of the state, including school districts.
- (2) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions inspection and maintenance program certificate of emissions inspection as described in Subsection (1), but the program may not deny vehicle registration based solely on the presence of a defeat device covered in the Volkswagen partial consent decrees or a United States Environmental Protection Agency-approved vehicle modification in the following vehicles:
  - (a) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state pursuant to a partial consent decree, including:
    - (i) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;
    - (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and 2014;
    - (iii) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;
    - (iv) Volkswagen Golf Sportwagen, model year 2015;
    - (v) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;
    - (vi) Volkswagen Beetle, model years 2013, 2014, and 2015;
    - (vii) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
    - (viii) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and
  - (b) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state to a settlement, including:
    - (i) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
    - (ii) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
    - (iii) Audi A6 Quattro, model years 2014, 2015, and 2016;
    - (iv) Audi A7 Quattro, model years 2014, 2015, and 2016;
    - (v) Audi A8, model years 2014, 2015, and 2016;
    - (vi) Audi A8L, model years 2014, 2015, and 2016;
    - (vii) Audi Q5, model years 2014, 2015, and 2016; and
    - (viii) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.
- (3)

- (a) The legislative body of a county identified in Subsection (1), in consultation with the Air Quality Board created under Section 19-1-106, shall make regulations or ordinances regarding:
  - (i) emissions standards;
  - (ii) test procedures;
  - (iii) inspections stations;
  - (iv) repair requirements and dollar limits for correction of deficiencies; and
  - (v) certificates of emissions inspections.
- (b) In accordance with Subsection (3)(a), a county legislative body:
  - (i) shall make regulations or ordinances to attain or maintain ambient air quality standards in the county, consistent with the state implementation plan and federal requirements;
  - (ii) may allow for a phase-in of the program by geographical area; and
  - (iii) shall comply with the analyzer design and certification requirements contained in the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.
- (c) The county legislative body and the Air Quality Board shall give preference to an inspection and maintenance program that:
  - (i) is decentralized, to the extent the decentralized program will attain and maintain ambient air quality standards and meet federal requirements;
  - (ii) is the most cost effective means to achieve and maintain the maximum benefit with regard to ambient air quality standards and to meet federal air quality requirements as related to vehicle emissions; and
  - (iii) provides a reasonable phase-out period for replacement of air pollution emission testing equipment made obsolete by the program.
- (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:
  - (i) may be accomplished in accordance with applicable federal requirements; and
  - (ii) does not otherwise interfere with the attainment and maintenance of ambient air quality standards.
- (4) The following vehicles are exempt from an emissions inspection program and the provisions of this section:
  - (a) an implement of husbandry as defined in Section 41-1a-102;
  - (b) a motor vehicle that:
    - (i) meets the definition of a farm truck under Section 41-1a-102; and
    - (ii) has a gross vehicle weight rating of 12,001 pounds or more;
  - (c) a vintage vehicle as defined in Section 41-21-1;
  - (d) a custom vehicle as defined in Section 41-6a-1507;
  - (e) to the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor vehicle that is less than two years old on January 1 based on the age of the vehicle as determined by the model year identified by the manufacturer;
  - (f) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of 12,000 pounds or less, if the registered owner of the pickup truck provides a signed statement to the legislative body stating the truck is used:
    - (i) by the owner or operator of a farm located on property that qualifies as land in agricultural use under Sections 59-2-502 and 59-2-503; and
    - (ii) exclusively for the following purposes in operating the farm:
      - (A) for the transportation of farm products, including livestock and its products, poultry and its products, floricultural and horticultural products; and

- (B) in the transportation of farm supplies, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production and maintenance;
  - (g) a motorcycle as defined in Section 41-1a-102;
  - (h) a motor vehicle powered solely by electric power; and
  - (i) a motor vehicle with a model year of 1967 or older.
- (5) The county shall issue to the registered owner who signs and submits a signed statement under Subsection (4)(f) a certificate of exemption from emissions inspection requirements for purposes of registering the exempt vehicle.
- (6) A legislative body of a county described in Subsection (1) may exempt from an emissions inspection program a diesel-powered motor vehicle with a:
- (a) gross vehicle weight rating of more than 14,000 pounds; or
  - (b) model year of 1997 or older.
- (7)
- (a) The legislative body of a county described in Subsection (1) that does not require an emissions inspection for diesel-powered motor vehicles as of December 31, 2017, shall implement a three-year pilot program as described in Subsection (7)(b).
  - (b) Beginning on January 1, 2019, and ending on December 31, 2021, the legislative body of a county described in Subsection (7)(a) shall require:
    - (i) a computerized emissions inspection for a diesel-powered motor vehicle that has:
      - (A) a model year of 2007 or newer;
      - (B) a gross vehicle weight rating of 14,000 pounds or less; and
      - (C) a model year that is five years old or older; and
    - (ii) a visual inspection of emissions equipment for a diesel-powered motor vehicle:
      - (A) with a gross vehicle weight rating of 14,000 pounds or less;
      - (B) that has a model year of 1997 or newer; and
      - (C) that has a model year that is five years old or older.
  - (c)
    - (i) The legislative body of a county that participates in the pilot program described in this Subsection (7) shall prepare a report including:
      - (A) the total number of diesel-powered vehicles inspected as part of the pilot program using computerized technology;
      - (B) the passage and failure rates of the diesel-powered motor vehicles inspected as part of the pilot program using computerized technology, shown by model year;
      - (C) the total number of diesel-powered vehicles visually inspected as part of the pilot program;
      - (D) the passage and failure rates of the diesel-powered motor vehicles visually inspected as part of the pilot program, shown by model year;
      - (E) the total number of diesel-powered vehicles visually inspected as part of the pilot program where tampering with emissions equipment was found, shown by model year; and
      - (F) any other information the executive body or individual considers relevant.
    - (ii) The legislative body of a county that participates in the pilot program described in this Subsection (7) shall present the report described in Subsection (7)(c)(i) to the Natural Resources, Agriculture, and Environment Interim Committee:
      - (A) one time after January 1, 2020, but before August 31, 2020; and
      - (B) one time after January 1, 2021, but before August 31, 2021.
  - (d) After each report described in Subsection (7)(c), the Division of Air Quality created in Section 19-1-105 shall provide to the Natural Resources, Agriculture, and Environment Interim

Committee and the legislative body of a county participating in the pilot program an estimate of the tons of pollution emitted due to the failure rate of the diesel-powered motor vehicles in the pilot program.

- (8)
- (a) Subject to Subsection (8)(c), the legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard may require each college or university located in a county subject to this section to require its students and employees who park a motor vehicle not registered in a county subject to this section to provide proof of compliance with an emissions inspection accepted by the county legislative body if the motor vehicle is parked on the college or university campus or property.
  - (b) College or university parking areas that are metered or for which payment is required per use are not subject to the requirements of this Subsection (8).
  - (c) The legislative body of a county shall make the reasons for implementing the provisions of this Subsection (8) part of the record at the time that the county legislative body takes its official action to implement the provisions of this Subsection (8).
- (9)
- (a) An emissions inspection station shall issue a certificate of emissions inspection for each motor vehicle that meets the inspection and maintenance program requirements established in rules made under Subsection (3).
  - (b) The frequency of the emissions inspection shall be determined based on the age of the vehicle as determined by model year and shall be required annually subject to the provisions of Subsection (9)(c).
  - (c)
    - (i) To the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative body of a county identified in Subsection (1) shall only require the emissions inspection every two years for each vehicle.
    - (ii) The provisions of Subsection (9)(c)(i) apply only to a vehicle that is less than six years old on January 1.
    - (iii) For a county required to implement a new vehicle emissions inspection and maintenance program on or after December 1, 2012, under Subsection (1), but for which no current federally approved state implementation plan exists, a vehicle shall be tested at a frequency determined by the county legislative body, in consultation with the Air Quality Board created under Section 19-1-106, that is necessary to comply with federal law or attain or maintain any national ambient air quality standard.
    - (iv) If a county legislative body establishes or changes the frequency of a vehicle emissions inspection and maintenance program under Subsection (9)(c)(iii), the establishment or change shall take effect on January 1 if the State Tax Commission receives notice meeting the requirements of Subsection (9)(c)(v) from the county before October 1.
    - (v) The notice described in Subsection (9)(c)(iv) shall:
      - (A) state that the county will establish or change the frequency of the vehicle emissions inspection and maintenance program under this section;
      - (B) include a copy of the ordinance establishing or changing the frequency; and
      - (C) if the county establishes or changes the frequency under this section, state how frequently the emissions testing will be required.

- (d) If an emissions inspection is only required every two years for a vehicle under Subsection (9)(c), the inspection shall be required for the vehicle in:
  - (i) odd-numbered years for vehicles with odd-numbered model years; or
  - (ii) in even-numbered years for vehicles with even-numbered model years.
- (10)
  - (a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection required under this section may be made no more than two months before the renewal of registration.
  - (b)
    - (i) If the title of a used motor vehicle is being transferred, the owner may use an emissions inspection certificate issued for the motor vehicle during the previous 11 months to satisfy the requirement under this section.
    - (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner may use an emissions inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle dealer's name during the previous 11 months to satisfy the requirement under this section.
  - (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the lessee may use an emissions inspection certificate issued during the previous 11 months to satisfy the requirement under this section.
  - (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not use an emissions inspection made more than 11 months before the renewal of registration to satisfy the requirement under this section.
  - (e) If the application for renewal of registration is for a six-month registration period under Section 41-1a-215.5, the owner may use an emissions inspection certificate issued during the previous eight months to satisfy the requirement under this section.
- (11)
  - (a) A county identified in Subsection (1) shall collect information about and monitor the program.
  - (b) A county identified in Subsection (1) shall supply this information to an appropriate legislative committee, as designated by the Legislative Management Committee, at times determined by the designated committee to identify program needs, including funding needs.
- (12) If approved by the county legislative body, a county that had an established emissions inspection fee as of January 1, 2002, may increase the established fee that an emissions inspection station may charge by \$2.50 for each year that is exempted from emissions inspections under Subsection (9)(c) up to a \$7.50 increase.
- (13)
  - (a) A county identified in Subsection (1) may impose a local emissions compliance fee on each motor vehicle registration within the county in accordance with the procedures and requirements of Section 41-1a-1223.
  - (b) A county that imposes a local emissions compliance fee may use revenues generated from the fee for the establishment and enforcement of an emissions inspection and maintenance program in accordance with the requirements of this section.
  - (c) A county that imposes a local emissions compliance fee may use revenues generated from the fee to promote programs to maintain a local, state, or national ambient air quality standard.

Amended by Chapter 323, 2018 General Session

**41-6a-1643 Development of standardized emissions inspection and maintenance program.**

- (1) The county legislative body of each county in which an emissions inspection and maintenance program for motor vehicles is implemented to meet National Ambient Air Quality Standards may enter into an agreement under Title 11, Chapter 13, Interlocal Cooperation Act, to develop an emissions inspection and maintenance program that:
  - (a) requires standardized, computerized testing equipment;
  - (b) provides for reciprocity, so that a person required to submit an emissions certificate for vehicle registration may obtain an emissions certificate from any county in which a vehicle emissions inspection and maintenance program is in operation; and
  - (c) requires standardized emissions standards for all counties entering into an agreement under this section.
- (2) Emissions standards set under Subsection (1) shall allow all counties identified in Subsection (1) to meet the National Ambient Air Quality Standards.
- (3) Each county legislative body entering into an agreement under Subsection (1) shall make regulations or ordinances to implement the emissions inspection and maintenance program developed under Subsection (1).

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1644 Diesel emissions program -- Implementation -- Monitoring -- Exemptions.**

- (1) The legislative body of each county required by the comprehensive plan for air pollution control developed by the director of the Division of Air Quality in accordance with Subsection 19-2-107(2)(a)(i) to use an emissions opacity inspection and maintenance program for diesel-powered motor vehicles shall:
  - (a) make regulations or ordinances to implement and enforce the requirement established by the Air Quality Board;
  - (b) collect information about and monitor the program; and
  - (c) by August 1 of each year, supply written information to the Department of Environmental Quality to identify program status.
- (2) The following vehicles are exempt from an emissions opacity inspection and maintenance program for diesel-powered motor vehicles established by a legislative body of a county under Subsection (1):
  - (a) an implement of husbandry; and
  - (b) a motor vehicle that:
    - (i) meets the definition of a farm truck under Section 41-1a-102; and
    - (ii) has a gross vehicle weight rating of 12,001 pounds or more.
- (3)
  - (a) The legislative body of a county identified in Subsection (1) shall exempt a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight of 12,000 pounds or less from the emissions opacity inspection and maintenance program requirements of this section, if the registered owner of the pickup truck provides a signed statement to the legislative body stating the truck is used:
    - (i) by the owner or operator of a farm located on property that qualifies as land in agricultural use under Sections 59-2-502 and 59-2-503; and
    - (ii) exclusively for the following purposes in operating the farm:
      - (A) for the transportation of farm products, including livestock and its products, poultry and its products, and floricultural and horticultural products; and

(B) for the transportation of farm supplies, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production and maintenance.

- (b) The county shall provide to the registered owner who signs and submits a signed statement under this section a certificate of exemption from emissions opacity inspection and maintenance program requirements for purposes of registering the exempt vehicle.

Amended by Chapter 360, 2012 General Session

## **Part 17 Miscellaneous Rules**

### **41-6a-1701 Backing -- When permissible.**

- (1) The operator of a vehicle may not back the vehicle unless the movement can be made with safety and without interfering with other traffic.
- (2) The operator of a vehicle may not back the vehicle on a shoulder or roadway of a limited-access roadway.

Renumbered and Amended by Chapter 2, 2005 General Session

### **41-6a-1702 Sidewalk -- Driving prohibited -- Exception.**

- (1) Except for a bicycle or device propelled by human power, a person may not operate a vehicle on a sidewalk or sidewalk area.
- (2) The provisions of Subsection (1) do not apply on a driveway.

Renumbered and Amended by Chapter 2, 2005 General Session

### **41-6a-1703 Prohibition as to passenger riding on improper portion of motor vehicle -- Exceptions.**

- (1) A person may not ride and a person operating a motor vehicle may not knowingly permit a person to ride on any portion of a vehicle not designed or intended for the use of passengers.
- (2) This provision does not apply to:
- (a) a vehicle that is not being operated on a highway;
  - (b) an employee engaged in the necessary discharge of the employee's duty; or
  - (c) a person riding within or on a motor vehicle in a space intended for a load on the vehicle.

Renumbered and Amended by Chapter 2, 2005 General Session

### **41-6a-1704 Vehicle door -- Prohibited opening.**

- (1) A person may not open the door of a motor vehicle on a side available to moving traffic unless it can be done safely and without interfering with the movement of other traffic.
- (2) A person may not leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1705 Obstruction to driver's view or driving mechanism.**

- (1) A person may not operate a vehicle when it is loaded or when there are in the front seat more than three persons that:
  - (a) obstruct the view of the operator to the front or sides of the vehicle;
  - (b) interfere with the operator's control over the driving mechanism of the vehicle.
- (2) A passenger in a vehicle may not ride in a position that interferes with the operator's:
  - (a) view ahead or to the sides; or
  - (b) control over the driving mechanism of the vehicle.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1706 Occupancy of a trailer or semitrailer while being moved on highway prohibited.**

- (1) A person may not occupy a trailer or semitrailer while it is being drawn by a motor vehicle on a public highway.
- (2) This section does not apply to a:
  - (a) livestock trailer or livestock semitrailer;
  - (b) trailer or semitrailer being used for participation in a parade; or
  - (c) trailer or semitrailer being used in an agricultural operation.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1707 Entering intersection, crosswalk, or railroad grade -- Sufficient space required.**

The operator of a vehicle may not enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle without obstructing the passage of other vehicles, pedestrians, or railroad trains notwithstanding any traffic-control signal indication to proceed.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1710 Following near an authorized emergency vehicle or parking near fire apparatus prohibited.**

- Except for a person operating an authorized emergency vehicle, the operator of a vehicle may not:
- (1) follow closer than 500 feet any authorized emergency vehicle traveling in response to an emergency; or
  - (2) stop the vehicle within 500 feet of a fire apparatus which has stopped in answer to a fire alarm.

Amended by Chapter 96, 2012 General Session

**41-6a-1711 Driving over firehose.**

The operator of a vehicle may not drive over an unprotected hose of a fire department when laid down on a street, private road, or driveway to be used at a fire or alarm of fire, without the consent of the fire department official in command.

Renumbered and Amended by Chapter 2, 2005 General Session



**41-6a-1712 Destructive or injurious materials on highways -- Throwing lighted material from moving vehicle -- Enforcement officers.**

- (1) A person may not throw, deposit, or discard, or permit to be dropped, thrown, deposited, or discarded on any public road or highway in the state, whether under state, county, municipal, or federal ownership, any plastic container, glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could:
  - (a) create a safety or health hazard on the public road or highway; or
  - (b) mar or impair the scenic aspect or beauty of the public road or highway.
- (2) A person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, on any public road or highway any destructive, injurious, or unsightly material shall:
  - (a) immediately remove the material or cause it to be removed; and
  - (b) deposit the material in a receptacle designed to receive the material.
- (3) A person distributing commercial handbills, leaflets, or other advertising shall take whatever measures are reasonably necessary to keep the material from littering public roadways or highways.
- (4) A person removing a wrecked or damaged vehicle from a public road or highway shall remove any glass or other injurious substance dropped from the vehicle on the road or highway.
- (5) A person may not throw any lighted material from a moving vehicle.
- (6) Except as provided in Section 72-7-409, any person transporting loose cargo by truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to prevent the cargo from littering or spilling on both public and private property or public roadways.
- (7) A law enforcement officer as defined in Section 53-13-103, within the law enforcement officer's jurisdiction:
  - (a) shall enforce the provisions of this section;
  - (b) may issue citations to a person who violates any of the provisions of this section; and
  - (c) may serve and execute all warrants, citations, and other process issued by any court in enforcing this section.
- (8) A municipality within its corporate limits and a county outside of incorporated municipalities may enact local ordinances to carry out the provisions of this section.

Amended by Chapter 22, 2008 General Session

**41-6a-1713 Penalty for littering on a highway.**

- (1) A person who violates any of the provisions of Section 41-6a-1712 is guilty of an infraction and shall be fined:
  - (a) not less than \$200 for a violation; or
  - (b) not less than \$500 for a second or subsequent violation within three years of a previous violation of this section.
- (2) The sentencing judge may require that the offender devote at least eight hours in cleaning up:
  - (a) litter caused by the offender; and
  - (b) existing litter from a safe area designated by the sentencing judge.

Amended by Chapter 412, 2015 General Session

**41-6a-1714 Warning signs.**

The Department of Transportation shall place adequate warning signs wherever it considers proper within the state notifying all persons using the public roads, highways, parks, or recreation areas of the provisions of Sections 41-6a-1712 and 41-6a-1713.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1715 Careless driving defined and prohibited.**

- (1) A person operating a motor vehicle is guilty of careless driving if the person:
  - (a) commits two or more moving traffic violations under this chapter in a series of acts within a single continuous period of driving covering three miles or less in total distance; or
  - (b) commits a moving traffic violation under this chapter other than a moving traffic violation under Part 6, Speed Restrictions, while being distracted by one or more activities taking place within the vehicle that are not related to the operation of a motor vehicle, including:
    - (i) searching for an item in the vehicle; or
    - (ii) attending to personal hygiene or grooming.
- (2) A violation of this section is a class C misdemeanor.
- (3) In addition to the penalty provided under this section or any other section, a judge may order the revocation of the convicted person's driver license if the violation causes or results in the death of another person in accordance with Subsection 53-3-218(6).

Amended by Chapter 416, 2014 General Session

**41-6a-1716 Prohibition on using a handheld wireless communication device while operating a moving motor vehicle -- Exceptions -- Penalties.**

- (1) As used in this section:
  - (a) "Handheld wireless communication device" means a handheld device used for the transfer of information without the use of electrical conductors or wires.
  - (b) "Handheld wireless communication device" includes a:
    - (i) wireless telephone;
    - (ii) text messaging device;
    - (iii) laptop; or
    - (iv) any substantially similar communication device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input.
- (2) Except as provided in Subsection (3), a person may not use a handheld wireless communication device while operating a moving motor vehicle on a highway in this state to manually:
  - (a) write, send, or read a written communication, including:
    - (i) a text message;
    - (ii) an instant message; or
    - (iii) electronic mail;
  - (b) dial a phone number;
  - (c) access the Internet;
  - (d) view or record video; or
  - (e) enter data into a handheld wireless communication device.
- (3) Subsection (2) does not prohibit a person from using a handheld wireless communication device while operating a moving motor vehicle:
  - (a) when using a handheld communication device for voice communication;

- (b) to view a global positioning or navigation device or a global positioning or navigation application;
  - (c) during a medical emergency;
  - (d) when reporting a safety hazard or requesting assistance relating to a safety hazard;
  - (e) when reporting criminal activity or requesting assistance relating to a criminal activity;
  - (f) when used by a law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment; or
  - (g) to operate:
    - (i) hands-free or voice operated technology; or
    - (ii) a system that is physically or electronically integrated into the motor vehicle.
- (4) A person convicted of a violation of this section is guilty of a:
- (a) class C misdemeanor with a maximum fine of \$100; or
  - (b) class B misdemeanor if the person:
    - (i) has also inflicted serious bodily injury upon another as a proximate result of using a handheld wireless communication device in violation of this section while operating a moving motor vehicle on a highway in this state; or
    - (ii) has a prior conviction under this section, that is within three years of:
      - (A) the current conviction under this section; or
      - (B) the commission of the offense upon which the current conviction is based.

Amended by Chapter 416, 2014 General Session

**41-6a-1717 Smoking in a vehicle prohibited when child is present -- Penalty -- Enforcement.**

- (1) As used in this section, "smoking" has the same meaning as defined in Section 26-38-2.
- (2)
  - (a) Except as provided in Subsection (2)(b), smoking is prohibited in a motor vehicle if a child who is 15 years of age or younger is a passenger in the vehicle.
  - (b) A person may smoke in a motor vehicle while a child who is 15 years of age or younger is a passenger in the vehicle if the person:
    - (i) is operating a convertible or open-body type motor vehicle; and
    - (ii) the roof on the convertible or open-body type motor vehicle is in the open-air mode.
- (3) A person who violates this section is guilty of an infraction and is subject to a maximum fine of \$45.
- (4) Until July 1, 2014, a peace officer may not issue a citation to an individual for a violation of this section but shall issue the individual a warning informing the individual that smoking is prohibited in a motor vehicle if a child who is 15 years of age or younger is a passenger in the vehicle.
- (5) The court may suspend the fine for a violation of this section if:
  - (a) the person has not previously been convicted of a violation of this section; and
  - (b) the person proves to the court that the person has enrolled in a smoking cessation program.
- (6) Enforcement of this section by a state or local law enforcement officer shall be only as a secondary action when the vehicle has been detained for a suspected violation by any person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.
- (7) A violation of this section may not be used as a basis for or evidence of child abuse or neglect.

Enacted by Chapter 251, 2013 General Session

**41-6a-1718 Simulated emergency vehicle -- Definition -- Exemption -- Identification.**

- (1) As used in this section:
  - (a) "Media production" means the making of a motion picture, television show, video, commercial, Internet video, or other viewable programming provided to viewers via a movie theater or transmitted through broadcast radio wave, cable, satellite, wireless, or Internet.
  - (b) " Simulated emergency vehicle" means a vehicle used:
    - (i) exclusively for media production; and
    - (ii) to simulate an authorized emergency vehicle.
- (2) If a media production entity using a simulated emergency vehicle provides reasonable advance written notice as described in Subsection (3) to the law enforcement agency having jurisdiction of the highway being used by the simulated emergency vehicle, the simulated emergency vehicle is exempt from the restrictions of Section 41-6a-1616 while the vehicle is:
  - (a) being used to simulate an authorized emergency vehicle in the media production; or
  - (b) being driven in transit between the media production location and the simulated emergency vehicle storage location if, during transit, the vehicle displays a sign prominently on each front-side door of the simulated emergency vehicle stating " Simulated Emergency Vehicle."
- (3) The written notice required in Subsection (2) shall include:
  - (a) the date;
  - (b) the time;
  - (c) the designated route of travel and location of use;
  - (d) a description of the simulated emergency vehicle; and
  - (e) contact information for a person who is employed by, or has contracted with, the media production entity to whom the law enforcement agency may direct questions or concerns about the simulated emergency vehicle's use or the notice.

Amended by Chapter 206, 2016 General Session

**Part 18**  
**Motor Vehicle Safety Belt Usage Act**

**41-6a-1801 Short title.**

This part is known as the "Motor Vehicle Safety Belt Usage Act."

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1802 Definitions.**

As used in this part:

- (1) "Child restraint device" means a child restraint device that meets standards adopted under Section 41-6a-1601.
- (2) "Motor vehicle" means a vehicle defined in Section 41-1a-102, except vehicles that are not equipped with safety belts by the manufacturer.
- (3) "Safety belt" means a safety belt or seat belt system that meets standards adopted under Section 41-6a-1601.
- (4) "Seating position" means any area within the passenger compartment of a motor vehicle in which the manufacturer has installed a safety belt.

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1803 Driver and passengers -- Seat belt or child restraint device required.**

- (1)
  - (a) The operator of a motor vehicle operated on a highway shall:
    - (i) wear a properly adjusted and fastened safety belt;
    - (ii) provide for the protection of each person younger than eight years of age by using a child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; and
    - (iii) provide for the protection of each person eight years of age up to 16 years of age by securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.
  - (b) Notwithstanding the requirement under Subsection (1)(a)(ii), a child under eight years of age who is 57 inches tall or taller:
    - (i) is exempt from the requirement in Subsection (1)(a)(ii) to be in a child restraint device; and
    - (ii) shall use a properly adjusted and fastened safety belt as required in Subsection (1)(a)(iii).
- (2) A person 16 years of age or older who is a passenger in a motor vehicle operated on a highway shall wear a properly adjusted and fastened safety belt.
- (3) If more than one person is not using a child restraint device or wearing a safety belt in violation of Subsection (1), it is considered only one offense, and the driver may receive only one citation for that offense.

Amended by Chapter 406, 2017 General Session

**41-6a-1804 Exceptions.**

- (1) This part does not apply to an operator or passenger of:
  - (a) a motor vehicle manufactured before July 1, 1966;
  - (b) a motor vehicle in which the operator or passengers possess a written verification from a licensed physician that the person is unable to wear a safety belt for physical or medical reasons; or
  - (c) a motor vehicle or seating position which is not required to be equipped with a safety belt system under federal law.
- (2) This part does not apply to a passenger if all seating positions are occupied by other passengers.
- (3) This part does not apply to a passenger of a public transit vehicle with a gross vehicle weight rating exceeding 10,000 pounds.

Amended by Chapter 113, 2018 General Session

**41-6a-1805 Penalty for violation.**

- (1)
  - (a) A person who violates Section 41-6a-1803 is guilty of an infraction and shall be fined a maximum of \$45.
  - (b) Until July 1, 2018, a peace officer may not issue a citation to an individual for a violation of Section 41-6a-1803 if the person has not previously been warned for a violation of Section 41-6a-1803 but shall issue the individual a warning informing the individual that operating or being a passenger in a vehicle without wearing a properly adjusted and fastened safety belt is prohibited.

- (c) The court shall waive all of the fine for a first violation of Subsection 41-6a-1803(1)(a)(ii) if the person submits proof of acquisition, rental, or purchase of a child restraint device.
- (2) Points for a motor vehicle reportable violation, as defined under Section 53-3-102, may not be assessed against a person for a violation of Section 41-6a-1803.

Amended by Chapter 320, 2018 General Session

**41-6a-1806 Compliance -- Civil litigation.**

The failure to use a child restraint device or to wear a safety belt:

- (1) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
- (2) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.

Renumbered and Amended by Chapter 2, 2005 General Session

**Part 19**  
**Traffic Violations by Diplomats**

**41-6a-1901 Applicability -- Law enforcement officer duties -- Documents and records -- Notice to Department of State.**

- (1) As used in this section, "diplomat" means an individual who:
  - (a) has a driver license issued by the United States Department of State; or
  - (b) claims immunities or privileges under 22 U.S.C. Sections 254a through 258a with respect to:
    - (i) a moving traffic violation under this title or a moving traffic violation of an ordinance of a local authority; or
    - (ii) operating a motor vehicle while committing any of the following offenses:
      - (A) automobile homicide under Section 76-5-207;
      - (B) manslaughter under Section 76-5-205;
      - (C) negligent homicide under Section 76-5-206;
      - (D) aggravated assault under Section 76-5-103; or
      - (E) reckless endangerment under Section 76-5-112.
- (2) A law enforcement officer who stops a motor vehicle and has probable cause to believe that the driver is a diplomat that has committed a violation described under Subsection (1)(b)(i) or (ii) shall:
  - (a) as soon as practicable, contact the United States Department of State in order to verify the driver's status and immunity, if any;
  - (b) record all relevant information from any driver license or identification card, including a driver license or identification card issued by the United States Department of State; and
  - (c) within five working days after the date the officer stops the driver, forward all of the following to the Department of Public Safety:
    - (i) if the driver is involved in a vehicle accident, the vehicle accident report;
    - (ii) if a citation or other charging document was issued to the driver, a copy of the citation or other charging document; and
    - (iii) if a citation or other charging document was not issued to the driver, a written report of the incident.

- (3) The Department of Public Safety shall:
  - (a) file each vehicle accident report, citation or other charging document, and incident report that the Department of Public Safety receives under this section;
  - (b) keep convenient records or make suitable notations showing each:
    - (i) conviction;
    - (ii) finding of responsibility; and
    - (iii) vehicle accident; and
  - (c) within five working days after receipt, send a copy of each document and record described in Subsection (3) to the Bureau of Diplomatic Security, Office of Foreign Missions, of the United States Department of State.
- (4) This section does not prohibit or limit the application of any law to a criminal or motor vehicle violation committed by a diplomat.

Enacted by Chapter 127, 2005 General Session

## **Part 20**

### **Automatic License Plate Reader System Act**

#### **41-6a-2001 Title.**

This part is known as the "Automatic License Plate Reader System Act."

Enacted by Chapter 447, 2013 General Session

#### **41-6a-2002 Definitions.**

As used in this section:

- (1) "Automatic license plate reader system" means a system of one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert an image of a license plate into computer-readable data.
- (2) "Captured plate data" means the global positioning system coordinates, date and time, photograph, license plate number, and any other data captured by or derived from an automatic license plate reader system.
- (3)
  - (a) "Governmental entity" means:
    - (i) executive department agencies of the state;
    - (ii) the offices of the governor, the lieutenant governor, the state auditor, the attorney general, and the state treasurer;
    - (iii) the Board of Pardons and Parole;
    - (iv) the Board of Examiners;
    - (v) the National Guard;
    - (vi) the Career Service Review Office;
    - (vii) the State Board of Education;
    - (viii) the State Board of Regents;
    - (ix) the State Archives;
    - (x) the Office of the Legislative Auditor General;
    - (xi) the Office of Legislative Fiscal Analyst;
    - (xii) the Office of Legislative Research and General Counsel;

- (xiii) the Legislature;
  - (xiv) legislative committees, except any political party, group, caucus, or rules or sifting committee of the Legislature;
  - (xv) courts, the Judicial Council, the Administrative Office of the Courts, and similar administrative units in the judicial branch;
  - (xvi) any state-funded institution of higher education or public education; or
  - (xvii) any political subdivision of the state.
- (b) "Governmental entity" includes:
- (i) every office, agency, board, bureau, committee, department, advisory board, or commission of an entity listed in Subsections (3)(a)(i) through (xvii) that is funded or established by the government to carry out the public's business; or
  - (ii) a person acting as an agent of a governmental entity or acting on behalf of a governmental entity.
- (4) "Secured area" means an area, enclosed by clear boundaries, to which access is limited and not open to the public and entry is only obtainable through specific access-control points.

Amended by Chapter 25, 2018 General Session

**41-6a-2003 Automatic license plate reader systems -- Restrictions.**

- (1) Except as provided in Subsection (2), a governmental entity may not use an automatic license plate reader system.
- (2) An automatic license plate reader system may be used:
- (a) by a law enforcement agency for the purpose of protecting public safety, conducting criminal investigations, or ensuring compliance with local, state, and federal laws;
  - (b) by a governmental parking enforcement entity for the purpose of enforcing state and local parking laws;
  - (c) by a parking enforcement entity for regulating the use of a parking facility;
  - (d) for the purpose of controlling access to a secured area;
  - (e) for the purpose of collecting an electronic toll;
  - (f) for the purpose of enforcing motor carrier laws; or
  - (g) by a public transit district for the purpose of assessing parking needs and conducting a travel pattern analysis.

Amended by Chapter 276, 2014 General Session

Amended by Chapter 377, 2014 General Session

**41-6a-2004 Captured plate data -- Preservation and disclosure.**

- (1) Captured plate data obtained for the purposes described in Section 41-6a-2003:
- (a) in accordance with Section 63G-2-305, is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act, if the captured plate data is maintained by a governmental entity;
  - (b) may not be used or shared for any purpose other than the purposes described in Section 41-6a-2003;
  - (c) except as provided in Subsection (3), may not be preserved for more than nine months by a governmental entity except pursuant to:
    - (i) a preservation request under Section 41-6a-2005;
    - (ii) a disclosure order under Subsection 41-6a-2005(2); or



- (iii) a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant; and
- (d) may only be disclosed:
  - (i) in accordance with the disclosure requirements for a protected record under Section 63G-2-202;
  - (ii) pursuant to a disclosure order under Subsection 41-6a-2005(2); or
  - (iii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant.
- (2)
  - (a) A governmental entity that is authorized to use an automatic license plate reader system under this part may not sell captured plate data for any purpose.
  - (b) A governmental entity that is authorized to use an automatic license plate reader system under this part may not share captured plate data for a purpose not authorized under Subsection 41-6a-2003(2).
  - (c) Notwithstanding the provisions of this section, a governmental entity may preserve and disclose aggregate captured plate data for planning and statistical purposes if the information identifying a specific license plate is not preserved or disclosed.
- (3) Plate data collected in accordance with Section 72-6-118 may be preserved so long as necessary to collect the payment of a toll or penalty imposed in accordance with Section 72-6-118 and the nine-month preservation limitation described in Subsection (1)(c) shall not apply.

Amended by Chapter 269, 2018 General Session

**41-6a-2005 Preservation request.**

- (1) A person or governmental entity using an automatic license plate reader system shall take all steps necessary to preserve captured plate data in its possession for 14 days after the date the data is captured pending the issuance of a court order requiring the disclosure of the captured plate data if a governmental entity or defendant in a criminal case requesting the captured plate data submits a written statement to the person or governmental entity using an automatic license plate reader system:
  - (a) requesting the person or governmental entity to preserve the captured plate data;
  - (b) identifying:
    - (i) the camera or cameras for which captured plate data shall be preserved;
    - (ii) the license plate for which captured plate data shall be preserved; or
    - (iii) the dates and time frames for which captured plate data shall be preserved; and
  - (c) notifying the person or governmental entity maintaining the captured plate data that the governmental entity or defendant in a criminal case is applying for a court order for disclosure of the captured plate data.
- (2)
  - (a) A governmental entity or defendant in a criminal case may apply for a court order for the disclosure of captured plate data.
  - (b) A court that is a court of competent jurisdiction shall issue a court order requiring the disclosure of captured plate data if the governmental entity or defendant in a criminal case offers specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data is relevant and material to an ongoing criminal or missing person investigation.

- (3) Captured plate data that is the subject of an application for a disclosure order under Subsection (2) may be destroyed at the later of:
  - (a) the date that an application for an order under Subsection (2) is denied and any appeal exhausted;
  - (b) the end of 14 days, if the person or governmental entity does not otherwise preserve the captured plate data; or
  - (c) the end of the period described in Subsection 41-6a-2004(1)(c).
- (4) A governmental entity may obtain, receive, or use privately held captured plate data only:
  - (a)
    - (i) pursuant to a warrant issued using the procedures described in the Utah Rules of Criminal Procedure or an equivalent federal warrant; or
    - (ii) using the procedure described in Subsection (2); and
  - (b) if the private automatic license plate reader system retains captured plate data for 30 days or fewer.

Amended by Chapter 276, 2014 General Session

**41-6a-2006 Penalties.**

A person who violates a provision under this part is guilty of a class B misdemeanor.

Enacted by Chapter 447, 2013 General Session