

TRAFFIC SIGNAL PREEMPTION DEVICE

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: John Dougall

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code to amend traffic provisions related to interfering with traffic-control devices.

Highlighted Provisions:

This bill:

- ▶ defines "traffic signal preemption device";
- ▶ prohibits a person from:
 - altering, damaging, or removing an official traffic-monitoring device;
 - knowingly using a traffic signal preemption device to interfere with the authorized operation or cycle of a traffic-control signal; or
 - operating a motor vehicle on a highway with a traffic signal preemption device in the vehicle;
- ▶ provides an exception for persons authorized by a highway authority or a railroad authority; and
- ▶ provides an affirmative defense if the traffic signal preemption device is inoperative.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6-28, as last amended by Chapter 138, Laws of Utah 1987

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

Section 1. Section **41-6-28** is amended to read:

41-6-28. Interference with traffic-control devices prohibited -- Traffic signal preemption device prohibited -- Exceptions -- Defense.

[A] (1) As used in this section:

(a) "Highway authority" has the same meaning as provided in Section 72-1-102.

(b) "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.

(2) Except as provided in Subsection (4), a person may not [without lawful authority attempt to or in fact] alter, deface, [injure] damage, knock down, or remove any:

(a) official traffic-control device [or any];

(b) official traffic-monitoring device; or

(c) official railroad [sign or signal or any inscription, shield, or insignia on it, or any other part of it] traffic-control device.

(3) Except as provided in Subsection (4), 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.

(4) The provisions of Subsections (2) and (3) do not apply to a person authorized by the highway authority or railroad authority with jurisdiction over the device.

(5) It is an affirmative defense to a charge under Subsection (3)(b) that the traffic signal preemption device was inoperative and could not be readily used at the time of the citation or arrest.