

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:



28 AMENDS:

29 **41-6-28**, as last amended by Chapter 138, Laws of Utah 1987



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

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

33 **41-6-28. Interference with traffic-control devices prohibited -- Traffic signal**
34 **preemption device prohibited -- Exceptions -- Defense.**

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

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

37 (b) "Traffic signal preemption device" means an instrument or mechanism designed,
38 intended, or used to interfere with the operation or cycle of a traffic-control signal.

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

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

42 (b) official traffic-monitoring device; or

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

45 (3) Except as provided in Subsection (4), a person may not:

46 (a) knowingly use a traffic signal preemption device to interfere with the authorized
47 operation or the authorized cycle of a traffic-control signal; or

48 (b) operate a motor vehicle on a highway while in possession of a traffic signal
49 preemption device.

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

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

Legislative Review Note
as of 1-6-04 3:59 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel