

Senator Scott K. Jenkins proposes the following substitute bill:

TRAFFIC CODE AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending traffic code provisions.

Highlighted Provisions:

This bill:

- ▶ provides that an unmarked vehicle may be used for routine enforcement of certain violations;
- ▶ provides that an authorized emergency vehicle may violate certain provisions while engaged in routine patrolling activities;
- ▶ requires the Department of Transportation to establish the safe and prudent speed limit on each section of highway under its jurisdiction and requires that each speed limit be based on a traffic and engineering study;
- ~~▶ provides that an operator of a vehicle traveling in the left lane may not impede the free flow of traffic and shall, upon being overtaken by a vehicle in the same lane, yield to the vehicle;~~
- ▶ provides that if an operator is being followed by a vehicle in the left lane within a certain distance, it is prima facie evidence that the operator is impeding the free flow of traffic;



26 ▶ provides that an operator of a vehicle shall follow another vehicle so that at least
27 two seconds elapse before reaching the location of the vehicle directly in front of
28 the operator's vehicle;

29 ▶ provides that a signal of intention to turn right or left shall be given continuously for
30 two rather than three seconds before making the indicated action;

31 ~~Ĥ→ [→ provides that an operator of a vehicle that observes another operator indicating the
32 operator's intention to turn shall adjust the vehicle as necessary to accommodate the
33 other operator's intended action;]~~

34 ~~[→ defines and prohibits careless driving;]~~ ←Ĥ and

35 ▶ makes technical changes.

36 **Monies Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 **AMENDS:**

42 **41-1a-407**, as last amended by Chapter 2, Laws of Utah 2005

43 **41-6a-212**, as renumbered and amended by Chapter 2, Laws of Utah 2005

44 **41-6a-602**, as renumbered and amended by Chapter 2, Laws of Utah 2005

45 **41-6a-704**, as renumbered and amended by Chapter 2, Laws of Utah 2005

46 **41-6a-711**, as renumbered and amended by Chapter 2, Laws of Utah 2005

47 **41-6a-804**, as renumbered and amended by Chapter 2, Laws of Utah 2005

48 **ENACTS:**

49 ~~Ĥ→ [→ **41-6a-1715**, Utah Code Annotated 1953]~~ ←Ĥ



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

52 Section 1. Section **41-1a-407** is amended to read:

53 **41-1a-407. Plates issued to political subdivisions or state -- Use of "EX" letters --**

54 **Confidential information.**

55 (1) Except as provided in Subsection (2), each municipality, board of education, school
56 district, state institution of learning, county, other governmental division, subdivision, or

57 district, and the state shall:

58 (a) place a license plate displaying the letters, "EX" on every vehicle owned and
59 operated by it or leased for its exclusive use; and

60 (b) display an identification mark designating the vehicle as the property of the entity
61 in a conspicuous place on both sides of the vehicle.

62 (2) The entity need not display the "EX" license plate or the identification mark
63 required by Subsection (1) if:

64 (a) the vehicle is in the direct service of the governor, lieutenant governor, attorney
65 general, state auditor, or state treasurer of Utah;

66 (b) the vehicle is used in official investigative work where secrecy is essential;

67 (c) the vehicle is used in an organized Utah Highway Patrol operation that is:

68 (i) conducted within a county of the first or second class as defined under Section
69 17-50-501, unless no more than one unmarked vehicle is used for the operation;

70 (ii) approved by the Commissioner of Public Safety;

71 (iii) of a duration of 14 consecutive days or less; and

72 (iv) targeted toward careless driving, aggressive driving, and accidents involving:

73 (A) violations of Title 41, Chapter 6a, Part 5, Driving Under the Influence and
74 Reckless Driving;

75 (B) speeding violations for exceeding the posted speed limit by 21 or more miles per
76 hour;

77 (C) speeding violations in a reduced speed school zone under Section 41-6a-604;

78 (D) violations of Section 41-6a-1002 related to pedestrian crosswalks; or

79 (E) violations of Section 41-6a-702 related to lane restrictions;

80 (d) the vehicle is provided to an official of the entity as part of a compensation package
81 allowing unlimited personal use of that vehicle; ~~or~~

82 (e) the personal security of the occupants of the vehicle would be jeopardized if the
83 "EX" license plate were in place~~[-];~~ or

84 (f) the vehicle is used in routine enforcement on a state highway with four or more
85 lanes involving:

86 (i) violations of Section 41-6a-701 related to operating a vehicle on the right side of a
87 roadway;

- 88 (ii) violations of Section 41-6a-702 related to left lane restrictions;
- 89 (iii) violations of Section 41-6a-704 related to overtaking and passing vehicles
- 90 proceeding in the same direction;
- 91 (iv) violations of Section 41-6a-711 related to following a vehicle at a safe distance;
- 92 and
- 93 (v) violations of Section 41-6a-804 related to turning and changing lanes.

94 (3) Plates issued to Utah Highway Patrol vehicles may bear the capital letters "UHP," a
95 beehive logo, and the call number of the trooper to whom the vehicle is issued.

96 (4) (a) The commission shall issue "EX" and "UHP" plates.

97 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
98 commission shall make rules establishing the procedure for application for and distribution of
99 the plates.

100 (5) For a vehicle that qualifies for "EX" or "UHP" license plates, the entity is not
101 required to display an annual registration decal.

102 (6) (a) Information shall be confidential for vehicles that are not required to display the
103 "EX" license plate or the identification mark under Subsections (2)(a), (b), (d), and (e).

104 (b) (i) If a law enforcement officer's identity must be kept secret, his agency head may
105 request in writing that the division remove the license plate information of the officer's
106 personal vehicles from all public access files and place it in a confidential file until the
107 assignment is completed.

108 (ii) The agency head shall notify the division when the assignment is completed.

109 (7) A peace officer engaged in an organized operation under Subsection (2)(c) shall be
110 in a uniform clearly identifying the law enforcement agency the peace officer is representing
111 during the operation.

112 Section 2. Section **41-6a-212** is amended to read:

113 **41-6a-212. Emergency vehicles -- Policy regarding vehicle pursuits --**

114 **Applicability of traffic law to highway work vehicles -- Exemptions.**

115 (1) Subject to Subsections (2) through (5), the operator of an authorized emergency
116 vehicle may exercise the privileges granted under this section when:

117 (a) responding to an emergency call;

118 (b) in the pursuit of an actual or suspected violator of the law; or

- 119 (c) responding to but not upon returning from a fire alarm.
- 120 (2) The operator of an authorized emergency vehicle may:
- 121 (a) park or stand, irrespective of the provisions of this chapter;
- 122 (b) proceed past a red or stop signal or stop sign, but only after slowing down as may
123 be necessary for safe operation;
- 124 (c) exceed the maximum speed limits, unless prohibited by a local highway authority
125 under Section 41-6a-208; or
- 126 (d) disregard regulations governing direction of movement or turning in specified
127 directions.
- 128 (3) (a) ~~[Privileges]~~ Except as provided in Subsection (3)(b), privileges granted under
129 this section to the operator of an authorized emergency vehicle, who is not involved in a
130 vehicle pursuit, apply only when:
- 131 ~~[(a)]~~ (i) the operator of the vehicle sounds an audible signal under Section 41-6a-1625;
132 or
- 133 ~~[(b)]~~ (ii) uses a visual signal with emergency lights in accordance with rules made
134 under Section 41-6a-1601, which is visible from in front of the vehicle.
- 135 (b) An operator of an authorized emergency vehicle may exceed the maximum speed
136 limit when engaged in normal patrolling activities with the purpose of identifying and
137 apprehending violators.
- 138 (4) Privileges granted under this section to the operator of an authorized emergency
139 vehicle involved in any vehicle pursuit apply only when:
- 140 (a) the operator of the vehicle:
- 141 (i) sounds an audible signal under Section 41-6a-1625; and
- 142 (ii) uses a visual signal with emergency lights in accordance with rules made under
143 Section 41-6a-1601, which is visible from in front of the vehicle;
- 144 (b) the public agency employing the operator of the vehicle has, in effect, a written
145 policy which describes the manner and circumstances in which any vehicle pursuit should be
146 conducted and terminated;
- 147 (c) the operator of the vehicle has been trained in accordance with the written policy
148 described in Subsection (4)(b); and
- 149 (d) the pursuit policy of the public agency is in conformance with standards established

150 under Subsection (5).

151 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
152 Department of Public Safety shall make rules providing minimum standards for all emergency
153 pursuit policies that are adopted by public agencies authorized to operate emergency pursuit
154 vehicles.

155 (6) The privileges granted under this section do not relieve the operator of an
156 authorized emergency vehicle of the duty to act as a reasonably prudent emergency vehicle
157 operator in like circumstances.

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

161 Section 3. Section **41-6a-602** is amended to read:

162 **41-6a-602. Speed limits established on state highways.**

163 (1) (a) The Department of Transportation [~~may~~] shall determine the reasonable and
164 safe speed limit for each highway or section of highway under its jurisdiction.

165 (b) [~~Each~~] For each highway or section of highway, each speed limit shall be based on
166 a traffic engineering and safety [studies for each highway or section of the highway:] study
167 consistent with the requirements and recommendations in the most current version of the
168 "Manual on Uniform Traffic Control Devices."

169 (c) The traffic engineering and safety studies shall include:

- 170 (i) the design speed;
- 171 (ii) prevailing vehicle speeds;
- 172 (iii) accident history;
- 173 (iv) highway, traffic, and roadside conditions; and
- 174 (v) other highway safety factors.

175 (2) In addition to the provisions of Subsection (1), the Department of Transportation
176 may establish different speed limits on a highway or section of highway based on:

- 177 (a) time of day;
- 178 (b) highway construction;
- 179 (c) type of vehicle;
- 180 (d) weather conditions; and

181 (e) other highway safety factors.

182 (3) (a) Except as provided in Subsection (3)(b), a posted speed limit may not exceed

183 [65] ~~65~~ **65** ~~65~~ miles per hour.

184 (b) A posted speed limit on a freeway or other limited access highways may not exceed

185 [75] ~~75~~ **75** ~~75~~ miles per hour.

186 (c) This Subsection (3) is an exception to the provisions of Subsections (1) and (2).

187 (4) When establishing or changing a speed limit, the Department of Transportation

188 shall consult with the following entities prior to erecting or changing a speed limit sign:

189 (a) the county for state highways in an unincorporated area of the county;

190 (b) the municipality for state highways within the municipality's incorporated area;

191 (c) the Department of Public Safety; and

192 (d) the Transportation Commission.

193 (5) The speed limit is effective when appropriate signs giving notice are erected along

194 the highway or section of the highway.

195 Section 4. Section **41-6a-704** is amended to read:

196 **41-6a-704. Overtaking and passing vehicles proceeding in same direction.**

197 (1) On any highway:

198 (a) the operator of a vehicle overtaking another vehicle proceeding in the same

199 direction:

200 (i) shall, except as provided under Section 41-6a-705, promptly pass the overtaken

201 vehicle on the left at a safe distance; and

202 (ii) ~~[may not drive to the right side of the roadway until]~~ enter a right-hand lane or the

203 right side of the roadway only when safely clear of the overtaken vehicle;

204 (b) the operator of an overtaken vehicle:

205 (i) shall give way to the right in favor of the overtaking vehicle; and

206 (ii) may not increase the speed of the vehicle until completely passed by the overtaking

207 vehicle.

208 (2) On a highway having more than one lane in the same direction, the operator of a

209 vehicle traveling in the left general purpose lane:

210 (a) shall, upon being overtaken by another vehicle in the same lane, yield to the

211 overtaking vehicle by moving safely to a lane to the right; and

212 (b) may not impede the movement or free flow of traffic in the left general purpose
213 lane.

214 (3) An operator of a vehicle traveling in the left general purpose lane that has a vehicle
215 following directly behind the operator's vehicle at a distance so that less than two seconds
216 elapse before reaching the location of the operator's vehicle when space is available for the
217 operator to yield to the overtaking vehicle by traveling in the right-hand lane is prima facie
218 evidence that the operator is violating Subsection (2).

219 ~~[(3)]~~ (4) The provisions of Subsection (2) do not apply to an operator of a vehicle
220 traveling in the left general purpose lane when:

- 221 (a) overtaking and passing another vehicle proceeding in the same direction in
222 accordance with Subsection (1)(a);
- 223 (b) preparing to turn left or taking a different highway or an exit on the left;
- 224 (c) responding to emergency conditions;
- 225 (d) avoiding actual or potential traffic moving onto the highway from an acceleration
226 or merging lane; or
- 227 (e) following the direction of a traffic-control device that directs the use of a designated
228 lane.

229 Section 5. Section **41-6a-711** is amended to read:

230 **41-6a-711. Following another vehicle -- Safe distance -- Exceptions.**

231 (1) The operator of a vehicle:

232 (a) may not follow another vehicle more closely than is reasonable and prudent, having
233 regard for the:

- 234 (i) speed of the vehicles;
- 235 (ii) traffic upon the highway; and
- 236 (iii) condition of the highway; and

237 (b) shall ~~[allow sufficient space in front of the vehicle to enable any other vehicle to~~
238 ~~enter and occupy the space]~~ follow at a distance so that at least two seconds elapse before
239 reaching the location of the vehicle directly in front of the operator's vehicle.

240 (2) Subsection (1)(b) does not apply to funeral processions or to congested traffic
241 conditions resulting in prevailing vehicle speeds of less than 35 miles per hour.

242 Section 6. Section **41-6a-804** is amended to read:

243 **41-6a-804. Turning or changing lanes -- Safety -- Signals -- Stopping or sudden**
 244 **decrease in speed -- Signal flashing -- Where prohibited.**

245 (1) (a) A person may not turn a vehicle or move right or left on a roadway or change
 246 lanes until:

247 (i) the movement can be made with reasonable safety; and

248 (ii) an appropriate signal has been given as provided under this section.

249 (b) A signal of intention to turn right or left or to change lanes shall be given
 250 continuously for at least the last [~~three~~] two seconds preceding the beginning of the movement.

251 (2) A person may not stop or suddenly decrease the speed of a vehicle without first
 252 giving an appropriate signal to the operator of any vehicle immediately to the rear when there is
 253 opportunity to give a signal.

254 (3) (a) A stop or turn signal when required shall be given either by the hand and arm or
 255 by signal lamps.

256 (b) If hand and arm signals are used, a person operating a vehicle shall give the
 257 required hand and arm signals from the left side of the vehicle as follows:

258 (i) Left turn: hand and arm extended horizontally;

259 (ii) Right turn: hand and arm extended upward; and

260 (iii) Stop or decrease speed: hand and arm extended downward.

261 (c) (i) A person operating a bicycle or device propelled by human power may give the
 262 required hand and arm signals for a right turn by extending the right hand and arm horizontally
 263 to the right.

264 (ii) This Subsection (3)(c) is an exception to the provision of Subsection (3)(b)(ii).

265 (4) A person required to make a signal under this section may not flash a signal:

266 (a) on one side only on a disabled vehicle;

267 (b) as a courtesy or "do pass" to operators of other vehicles approaching from the rear;

268 or

269 (c) on one side only of a parked vehicle.

270 ~~**H→ [(5) An operator of a vehicle that observes a proper signal under Subsection (1), (2), or**~~
 271 ~~**(3) by another operator of a vehicle shall adjust the vehicle's movement as necessary to**~~
 272 ~~**accommodate the other operator's indicated action.**~~

273 **Section 7. Section 41-6a-1715 is enacted to read:**

- 274 ~~41-6a-1715. Careless driving defined and prohibited.~~
- 275 ~~A person operating a motor vehicle is guilty of careless driving if the person:~~
- 276 ~~(1) commits two or more moving traffic violations under Title 41, Chapter 6a, Traffic~~
- 277 ~~Code, in a series of acts within a single continuous period of driving; or~~
- 278 ~~(2) commits a moving traffic violation under Title 41, Chapter 6a, Traffic Code, ~~§~~→ other~~
- 278a ~~than a moving traffic violation under Part 6, Speed Restrictions, ~~←~~§ while~~
- 279 ~~being distracted by one or more activities not related to the operation of a motor vehicle;~~
- 280 ~~including:~~
- 281 ~~(a) using a wireless telephone or other electronic device ~~ñ~~→ unless:~~
- 281a ~~(i) the wireless telephone is designed and configured for hands-free talking and~~
- 281b ~~listening; and~~
- 281c ~~(ii) the hands-free talking and listening features are used while operating the~~
- 281d ~~motor vehicle ~~←~~ñ ;~~
- 282 ~~(b) eating, drinking, or smoking;~~
- 283 ~~(c) physically attending to a passenger;~~
- 284 ~~(d) searching for an item in the vehicle; or~~
- 285 ~~(e) attending to personal hygiene or grooming.] ~~←~~ñ~~

S.B. 17 1st Sub. (Green) - Traffic Code Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/29/2007, 11:51:52 AM, Lead Analyst: Ricks, G.

Office of the Legislative Fiscal Analyst