

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;
- ▶ provides that an operator of a vehicle shall follow another vehicle so that at least two seconds elapse before reaching the location of the vehicle directly in front of the operator's vehicle;
- ▶ provides that a signal of intention to turn right or left shall be given continuously for two rather than three seconds before making the indicated action;

- 30 ▶ defines and prohibits careless driving; and
- 31 ▶ makes technical changes.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38 **41-1a-407**, as last amended by Chapter 2, Laws of Utah 2005
- 39 **41-6a-212**, as renumbered and amended by Chapter 2, Laws of Utah 2005
- 40 **41-6a-602**, as renumbered and amended by Chapter 2, Laws of Utah 2005
- 41 **41-6a-704**, as renumbered and amended by Chapter 2, Laws of Utah 2005
- 42 **41-6a-711**, as renumbered and amended by Chapter 2, Laws of Utah 2005
- 43 **41-6a-804**, as renumbered and amended by Chapter 2, Laws of Utah 2005

44 ENACTS:

45 **41-6a-1715**, Utah Code Annotated 1953



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

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

49 **41-1a-407. Plates issued to political subdivisions or state -- Use of "EX" letters --**

50 **Confidential information.**

51 (1) Except as provided in Subsection (2), each municipality, board of education, school
52 district, state institution of learning, county, other governmental division, subdivision, or
53 district, and the state shall:

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

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

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

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

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

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

64 (i) conducted within a county of the first or second class as defined under Section
65 17-50-501, unless no more than one unmarked vehicle is used for the operation;

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

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

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

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

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

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

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

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

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

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

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

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

84 (ii) violations of Section 41-6a-702 related to left lane restrictions;

85 (iii) violations of Section 41-6a-704 related to overtaking and passing vehicles

86 proceeding in the same direction;

87 (iv) violations of Section 41-6a-711 related to following a vehicle at a safe distance;

88 and

89 (v) violations of Section 41-6a-804 related to turning and changing lanes.

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

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

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

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

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

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

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

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

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

109 **41-6a-212. Emergency vehicles -- Policy regarding vehicle pursuits --**

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

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

113 (a) responding to an emergency call;

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

142 conducted and terminated;

143 (c) the operator of the vehicle has been trained in accordance with the written policy
144 described in Subsection (4)(b); and

145 (d) the pursuit policy of the public agency is in conformance with standards established
146 under Subsection (5).

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

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

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

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

158 **41-6a-602. Speed limits established on state highways.**

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

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

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

166 (i) the design speed;

167 (ii) prevailing vehicle speeds;

168 (iii) accident history;

169 (iv) highway, traffic, and roadside conditions; and

170 (v) other highway safety factors.

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

173 (a) time of day;

174 (b) highway construction;

175 (c) type of vehicle;

176 (d) weather conditions; and

177 (e) other highway safety factors.

178 (3) (a) Except as provided in Subsection (3)(b), a posted speed limit may not exceed 65
179 miles per hour.

180 (b) A posted speed limit on a freeway or other limited access highways may not exceed
181 75 miles per hour.

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

183 (4) When establishing or changing a speed limit, the Department of Transportation
184 shall consult with the following entities prior to erecting or changing a speed limit sign:

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

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

187 (c) the Department of Public Safety; and

188 (d) the Transportation Commission.

189 (5) The speed limit is effective when appropriate signs giving notice are erected along
190 the highway or section of the highway.

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

192 **41-6a-704. Overtaking and passing vehicles proceeding in same direction.**

193 (1) On any highway:

194 (a) the operator of a vehicle overtaking another vehicle proceeding in the same
195 direction:

196 (i) shall, except as provided under Section 41-6a-705, promptly pass the overtaken
197 vehicle on the left at a safe distance; and

198 (ii) ~~[may not drive to the right side of the roadway until]~~ enter a right-hand lane or the
199 right side of the roadway only when safely clear of the overtaken vehicle;

200 (b) the operator of an overtaken vehicle:

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

202 (ii) may not increase the speed of the vehicle until completely passed by the overtaking
203 vehicle.

204 (2) On a highway having more than one lane in the same direction, the operator of a
205 vehicle traveling in the left general purpose lane:

206 (a) shall, upon being overtaken by another vehicle in the same lane, yield to the
207 overtaking vehicle by moving safely to a lane to the right; and

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

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

215 ~~[(3)]~~ (4) The provisions of Subsection (2) do not apply to an operator of a vehicle
216 traveling in the left general purpose lane when:

217 (a) overtaking and passing another vehicle proceeding in the same direction in
218 accordance with Subsection (1)(a);

219 (b) preparing to turn left or taking a different highway or an exit on the left;

220 (c) responding to emergency conditions;

221 (d) avoiding actual or potential traffic moving onto the highway from an acceleration
222 or merging lane; or

223 (e) following the direction of a traffic-control device that directs the use of a designated
224 lane.

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

226 **41-6a-711. Following another vehicle -- Safe distance -- Exceptions.**

227 (1) The operator of a vehicle:

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

230 (i) speed of the vehicles;

231 (ii) traffic upon the highway; and

232 (iii) condition of the highway; and

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

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

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

239 **41-6a-804. Turning or changing lanes -- Safety -- Signals -- Stopping or sudden**
240 **decrease in speed -- Signal flashing -- Where prohibited.**

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

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

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

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

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

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

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

- 254 (i) left turn: hand and arm extended horizontally;
- 255 (ii) right turn: hand and arm extended upward; and
- 256 (iii) stop or decrease speed: hand and arm extended downward.
- 257 (c) (i) A person operating a bicycle or device propelled by human power may give the
- 258 required hand and arm signals for a right turn by extending the right hand and arm horizontally
- 259 to the right.
- 260 (ii) This Subsection (3)(c) is an exception to the provision of Subsection (3)(b)(ii).
- 261 (4) A person required to make a signal under this section may not flash a signal:
- 262 (a) on one side only on a disabled vehicle;
- 263 (b) as a courtesy or "do pass" to operators of other vehicles approaching from the rear;
- 264 or
- 265 (c) on one side only of a parked vehicle.

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

267 **41-6a-1715. Careless driving defined and prohibited.**

268 (1) A person operating a motor vehicle is guilty of careless driving if the person:

269 (a) commits two or more moving traffic violations under this chapter in a series of acts
270 within a single continuous period of driving; or

271 (b) commits a moving traffic violation under this chapter other than a moving traffic
272 violation under Part 6, Speed Restrictions, while being distracted by one or more activities
273 taking place within the vehicle that are not related to the operation of a motor vehicle,
274 including:

275 (i) using a wireless telephone or other electronic device unless the person is using
276 hands-free talking and listening features while operating the motor vehicle;

277 (ii) searching for an item in the vehicle; or

278 (iii) attending to personal hygiene or grooming.

279 (2) A violation of this section is a class C misdemeanor.