

Representative Wayne A. Harper proposes the following substitute bill:

**LOCAL HIGHWAY AUTHORITY REGULATORY POWERS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

Senate Sponsor: Scott K. Jenkins

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**LONG TITLE**

**General Description:**

This bill modifies the Traffic Code by amending provisions relating to local highway authority regulatory powers.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;

**§→ ▶ provides that a local highway authority may adopt 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; ←§**

▶ prohibits a local highway authority from enacting 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 meets certain requirements ↔** ;

▶ prohibits a local highway authority from enacting an ordinance that prohibits a vehicle from being licensed as a ground transportation vehicle:

- based on the manufacture date of the motor vehicle or the number of miles the vehicle has accumulated; and

- if the vehicle to be licensed otherwise passes all state safety inspection requirements established by the Utah Highway Patrol Division;

- ▶ provides that an ordinance enacted by a local highway authority that violates the provisions is not effective; and

- ▶ makes technical changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **41-6a-208**, as last amended by Laws of Utah 2006, Chapter 337

32a ~~§→ [H→ 41-6a-214, as renumbered and amended by Laws of Utah 2005, Chapter 2 ←H] ←§~~



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

35 Section 1. Section **41-6a-208** is amended to read:

36 **41-6a-208. Regulatory powers of local highway authorities -- Traffic-control**  
37 **device affecting state highway -- Necessity of erecting traffic-control devices.**

38 (1) As used in this section:

39 (a) (i) "Ground transportation vehicle" means a motor vehicle used for the  
40 transportation of persons, used in ride or shared ride, on demand, or for hire transportation of  
41 passengers or baggage over public highways.

42 (ii) "Ground transportation vehicle" includes a:

43 (A) shared ride vehicle;

44 (B) bus;

45 (C) courtesy vehicle;

46 (D) hotel vehicle;

47 (E) limousine;

48 (F) minibus;

49 (G) special transportation vehicle;

50 (H) specialty vehicle;

51 (I) taxicab;

52 (J) van; or

53 (K) trailer being towed by a ground transportation vehicle.

54 (b) "Idle" means the operation of a vehicle engine while the vehicle is stationary or not  
55 in the act of performing work or its normal function.

56 [H] (2) The provisions of this chapter do not prevent a local highway authority for a

- 57 highway under its jurisdiction and within the reasonable exercise of police power, from:
- 58 (a) regulating or prohibiting stopping, standing, or parking;
- 59 (b) regulating traffic by means of a peace officer or a traffic-control device;
- 60 (c) regulating or prohibiting processions or assemblages on a highway;
- 61 (d) designating particular highways or roadways for use by traffic moving in one
- 62 direction under Section 41-6a-709;
- 63 (e) establishing speed limits for vehicles in public parks, which supersede Section
- 64 41-6a-603 regarding speed limits;
- 65 (f) designating any highway as a through highway or designating any intersection or
- 66 junction of roadways as a stop or yield intersection or junction;
- 67 (g) restricting the use of a highway under Section 72-7-408;
- 68 (h) regulating the operation of a bicycle and requiring the registration and inspection of
- 69 bicycles, including requiring a registration fee;
- 70 (i) regulating or prohibiting:
- 71 (i) certain turn movements of a vehicle; or
- 72 (ii) specified types of vehicles;
- 73 (j) altering or establishing speed limits under Section 41-6a-603;
- 74 (k) requiring written accident reports under Section 41-6a-403;
- 75 (l) designating no-passing zones under Section 41-6a-708;
- 76 (m) prohibiting or regulating the use of controlled-access highways by any class or
- 77 kind of traffic under Section 41-6a-715;
- 78 (n) prohibiting or regulating the use of heavily traveled streets by any class or kind of
- 79 traffic found to be incompatible with the normal and safe movement of traffic;
- 80 (o) establishing minimum speed limits under Subsection 41-6a-605(3);
- 81 (p) prohibiting pedestrians from crossing a highway in a business district or any
- 82 designated highway except in a crosswalk under Section 41-6a-1001;
- 83 (q) restricting pedestrian crossings at unmarked crosswalks under Section 41-6a-1010;
- 84 (r) regulating persons upon skates, coasters, sleds, skateboards, and other toy vehicles;
- 85 (s) adopting and enforcing temporary or experimental ordinances as necessary to cover
- 86 emergencies or special conditions;
- 87 (t) prohibiting drivers of ambulances from exceeding maximum speed limits; ~~§~~ → [or] ← ~~§~~

88 (u) adopting other traffic ordinances as specifically authorized by this chapter ~~§~~ → ; or  
 88a (v) adopting an ordinance that requires a ground transportation vehicle to conform to  
 88b state safety standards and reasonable annual appearance requirements, in consultation with a  
 88c transportation advisory board of the local highway authority ← ~~§~~ .

89 [(2)] (3) A local highway authority may not:

90 (a) in accordance with Title 72, Chapter 3, Part 1, Highways in General, erect or  
 91 maintain any official traffic-control device at any location which regulates the traffic on a  
 92 highway not under the local highway authority's jurisdiction, unless written approval is  
 93 obtained from the highway authority having jurisdiction over the highway; [or]

94 (b) prohibit or restrict the use of a cellular phone by the operator or passenger of a  
 95 motor vehicle[-];

96 (c) enact an ordinance that prohibits or restricts an owner or operator of a vehicle from  
 97 causing or permitting the vehicle's engine to idle ~~§~~ → [; or] unless the ordinance:

97a (i) is primarily educational;

97b (ii) provides that a person must be issued at least three warning citations ~~§~~ → [within a  
 97c one-year period] ← ~~§~~ before imposing a fine;

97d (iii) has the same fine structure as a parking violation;

97e (iv) provides for the safety of law enforcement personnel who enforce the  
 97f ordinance; and

97g (v) provides that the ordinance may ~~§~~ → [only] ← ~~§~~ be enforced on ~~§~~ → :

97g1 (A) public property; or

97g2 (B) ← ~~§~~ private property ~~§~~ → [or on a

97h quasi-public road or parking area as defined in Section 41-6a-214 if the owner of the private

97i property requests, through written or electronic means, that the ordinance be enforced on the

97j private property] that is open to the general public unless the private property owner:

97k (I) has a private business that has a drive-through service as a component of the private

97l property owner's business operations and posts a sign provided by or acceptable to the local

97m highway authority informing its customers and the public of the local highway authority's time

97n limit for idling vehicle engines ← ~~§~~ ; or ← ~~§~~

97o ~~§~~ → (II) adopts an idle reduction education policy approved by the local highway

97p authority. ← ~~§~~

98 (d) enact an ordinance that prohibits a vehicle from being licensed as a ground

99 transportation vehicle:

100 (i) if the vehicle to be licensed otherwise passes all state safety inspection requirements

101 established by the Utah Highway Patrol Division in accordance with Section 53-8-204; and

102 (ii) (A) based on the manufacture date of the vehicle; or

103 (B) based on the number of miles the vehicle has accumulated.

104 ~~[(3)]~~ (4) An ordinance enacted under Subsection [(1)] (2)(d), (e), (f), (g), (i), (j), (l),

105 (m), (n), or (q) is not effective until official traffic-control devices giving notice of the local

106 traffic ordinances are erected upon or at the entrances to the highway or part of it affected as is

107 appropriate.

108 (5) An ordinance enacted by a local highway authority that violates Subsection (3) is

109 not effective.

109a **§→ [H→ Section 2. Section 41-6A-214 is amended to read:**

109b ~~———— 41-6a-214. Quasi-public roads and parking areas -- Local ordinances. ———~~

109c ~~———— (1) As used in this section, "quasi-public road or parking area" means a privately owned and~~  
109d ~~maintained road or parking area that is generally held open for use of the public for purposes of~~  
109e ~~vehicular travel or parking.~~

109f ~~———— (2) (a) [Any] Except as provided in Section 41-6a-208, any municipality or county may by~~  
109g ~~ordinance provide that a quasi-public road or parking area within the municipality or county is~~  
109h ~~subject to this chapter.~~

109i ~~———— (b) An ordinance may not be enacted under this section without:~~

109j ~~———— (i) a public hearing; and~~

109k ~~———— (ii) the agreement of a majority of the owners of the quasi-public road or parking area~~  
109l ~~involved.~~

109m ~~———— (3) This section:~~

109n ~~———— (a) supercedes conflicting provisions under Section 41-6a-215;~~

109o ~~———— (b) does not require a peace officer to patrol or enforce any provisions of this chapter on any~~  
109p ~~quasi-public road or parking area; or~~

109q ~~———— (c) does not affect the duty of a peace officer to enforce those provisions of this chapter~~  
109r ~~applicable to private property other than under this section. ←H←§~~