

1 **LOCAL HIGHWAY AUTHORITY REGULATORY POWERS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 Senate Sponsor: Scott K. Jenkins

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides definitions;
- 14 ▶ provides that a local highway authority may adopt an ordinance that requires a
15 ground transportation vehicle to conform to state safety standards and reasonable
16 annual appearance requirements, in consultation with a transportation advisory
17 board of the local highway authority;
 - 18 ▶ prohibits a local highway authority from enacting an ordinance that prohibits or
19 restricts an owner or operator of a vehicle from causing or permitting the vehicle's
20 engine to idle unless the ordinance meets certain requirements;
 - 21 ▶ prohibits a local highway authority from enacting an ordinance that prohibits a
22 vehicle from being licensed as a ground transportation vehicle:
 - 23 • based on the manufacture date of the motor vehicle or the number of miles the
24 vehicle has accumulated; and
 - 25 • if the vehicle to be licensed otherwise passes all state safety inspection
26 requirements established by the Utah Highway Patrol Division;
 - 27 ▶ provides that an ordinance enacted by a local highway authority that violates the
28 provisions is not effective; and
 - 29 ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **41-6a-208**, as last amended by Laws of Utah 2006, Chapter 337



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

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

40 **41-6a-208. Regulatory powers of local highway authorities -- Traffic-control**
41 **device affecting state highway -- Necessity of erecting traffic-control devices.**

42 (1) As used in this section:

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

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

47 (A) shared ride vehicle;

48 (B) bus;

49 (C) courtesy vehicle;

50 (D) hotel vehicle;

51 (E) limousine;

52 (F) minibus;

53 (G) special transportation vehicle;

54 (H) specialty vehicle;

55 (I) taxicab;

56 (J) van; or

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

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

60 [(+) (2) The provisions of this chapter do not prevent a local highway authority for a
61 highway under its jurisdiction and within the reasonable exercise of police power, from:

62 (a) regulating or prohibiting stopping, standing, or parking;

63 (b) regulating traffic by means of a peace officer or a traffic-control device;

64 (c) regulating or prohibiting processions or assemblages on a highway;

65 (d) designating particular highways or roadways for use by traffic moving in one
66 direction under Section 41-6a-709;

67 (e) establishing speed limits for vehicles in public parks, which supersede Section
68 41-6a-603 regarding speed limits;

69 (f) designating any highway as a through highway or designating any intersection or
70 junction of roadways as a stop or yield intersection or junction;

71 (g) restricting the use of a highway under Section 72-7-408;

72 (h) regulating the operation of a bicycle and requiring the registration and inspection of
73 bicycles, including requiring a registration fee;

74 (i) regulating or prohibiting:

75 (i) certain turn movements of a vehicle; or

76 (ii) specified types of vehicles;

77 (j) altering or establishing speed limits under Section 41-6a-603;

78 (k) requiring written accident reports under Section 41-6a-403;

79 (l) designating no-passing zones under Section 41-6a-708;

80 (m) prohibiting or regulating the use of controlled-access highways by any class or
81 kind of traffic under Section 41-6a-715;

82 (n) prohibiting or regulating the use of heavily traveled streets by any class or kind of
83 traffic found to be incompatible with the normal and safe movement of traffic;

84 (o) establishing minimum speed limits under Subsection 41-6a-605(3);

85 (p) prohibiting pedestrians from crossing a highway in a business district or any

86 designated highway except in a crosswalk under Section 41-6a-1001;

87 (q) restricting pedestrian crossings at unmarked crosswalks under Section 41-6a-1010;

88 (r) regulating persons upon skates, coasters, sleds, skateboards, and other toy vehicles;

89 (s) adopting and enforcing temporary or experimental ordinances as necessary to cover
90 emergencies or special conditions;

91 (t) prohibiting drivers of ambulances from exceeding maximum speed limits; [or]

92 (u) adopting other traffic ordinances as specifically authorized by this chapter[-]; or

93 (v) adopting an ordinance that requires a ground transportation vehicle to conform to
94 state safety standards and reasonable annual appearance requirements, in consultation with a
95 transportation advisory board of the local highway authority.

96 [~~2~~] (3) A local highway authority may not:

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

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

103 (c) enact an ordinance that prohibits or restricts an owner or operator of a vehicle from
104 causing or permitting the vehicle's engine to idle unless the ordinance:

105 (i) is primarily educational;

106 (ii) provides that a person must be issued at least three warning citations before
107 imposing a fine;

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

109 (iv) provides for the safety of law enforcement personnel who enforce the ordinance;

110 and

111 (v) provides that the ordinance may be enforced on:

112 (A) public property; or

113 (B) private property that is open to the general public unless the private property

114 owner:

115 (I) has a private business that has a drive-through service as a component of the private
116 property owner's business operations and posts a sign provided by or acceptable to the local
117 highway authority informing its customers and the public of the local highway authority's time
118 limit for idling vehicle engines; or

119 (II) adopts an idle reduction education policy approved by the local highway authority;

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

121 transportation vehicle:

122 (i) if the vehicle to be licensed otherwise passes all state safety inspection requirements
123 established by the Utah Highway Patrol Division in accordance with Section 53-8-204; and

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

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

126 ~~[(3)]~~ (4) An ordinance enacted under Subsection ~~[(1)]~~ (2)(d), (e), (f), (g), (i), (j), (l),
127 (m), (n), or (q) is not effective until official traffic-control devices giving notice of the local
128 traffic ordinances are erected upon or at the entrances to the highway or part of it affected as is
129 appropriate.

130 (5) An ordinance enacted by a local highway authority that violates Subsection (3) is
131 not effective.