

# 1st Sub. H.B. 104

## LOCAL HIGHWAY AUTHORITY REGULATORY POWERS

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

FEBRUARY 23, 2012 3:02 PM

Representative **James A. Dunnigan** proposes the following amendments:

1. *Page 1, Lines 14 through 16:*

14           ▶       prohibits a local highway authority from enacting an ordinance that prohibits or  
15 restricts an owner or operator of a vehicle from causing or permitting the vehicle's  
16 engine to idle unless the ordinance meets certain requirements ;

2. *Page 2, Lines 31 through 32:*

31    AMENDS:  
32        41-6a-208, as last amended by Laws of Utah 2006, Chapter 337  
      = 41-6a-214, as renumbered and amended by Laws of Utah 2005, Chapter 2

3. *Page 4, Lines 96 through 97:*

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:  
(i) is primarily educational;  
(ii) provides that a person must be issued at least three warning citations within a one-year period  
before imposing a fine;  
(iii) has the same fine structure as a parking violation;  
(iv) provides for the safety of law enforcement personnel who enforce the ordinance; and  
(v) provides that the ordinance may only be enforced on private property or on a quasi-public road  
or parking area as defined in Section 41-6a-214 if the owner of the private property requests, through  
written or electronic means, that the ordinance be enforced on the private property; or

4. *Page 4, Lines 108 through 109:*

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

Section 2. Section 41-6A-214 is amended to read:

**41-6a-214. Quasi-public roads and parking areas -- Local ordinances.**

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

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

- (b) An ordinance may not be enacted under this section without:
  - (i) a public hearing; and
  - (ii) the agreement of a majority of the owners of the quasi-public road or parking area involved.
- (3) This section:
  - (a) supercedes conflicting provisions under Section 41-6a-215;
  - (b) does not require a peace officer to patrol or enforce any provisions of this chapter on any quasi-public road or parking area; or
  - (c) does not affect the duty of a peace officer to enforce those provisions of this chapter applicable to private property other than under this section.