

1 **TRAFFIC AMENDMENTS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Johnny Anderson**

5 Senate Sponsor: Stephen H. Urquhart

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions relating to the Traffic Code.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ provides that a governing body of a city or town may not prohibit or regulate certain
13 conduct ~~§~~ **[in the streets] on a highway** ~~§~~ if the prohibition or regulation is inconsistent with or
13a conflicts

14 with any provision in Title 41, Chapter 6a, Traffic Code;

15 ▶ prohibits a local highway authority from enacting an ordinance that:

16 • is inconsistent with the provisions of Title 41, Chapter 6a, Traffic Code; or
17 • prohibits the use of a bicycle on any public street or highway, except as allowed
18 under current law, without having first documented that the local highway
19 authority has reviewed the safety history of the highway and considered other
20 reasonable alternatives, including signage and routes, and clearly marks a safe
21 alternative route for the prohibited section of highway;

22 ▶ ~~§~~ **until July 1, 2014, and for an operator of a motorcycle, moped, or bicycle who is**
22a **16 years of age or older,** ~~§~~ establishes an affirmative defense to a red light or red arrow

22b violation for ~~§~~ **[an] the** ~~§~~
23 operator of a motorcycle, moped, or bicycle in certain circumstances; and

24 ▶ makes technical corrections.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **10-8-69**, Utah Code Annotated 1953

32 **41-6a-208**, as last amended by Laws of Utah 2012, Chapter 396

33 **41-6a-305**, as renumbered and amended by Laws of Utah 2005, Chapter 2

34

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

36 Section 1. Section **10-8-69** is amended to read:

37 **10-8-69. ~~§~~→ [Annoying pastimes in streets] Conduct that interferes with or impedes**
 37a **traffic ~~←§~~ .**

38 [~~They~~] (1) Except as provided in Subsection (2), the governing body of a city or town
 39 may prohibit or regulate [the] conduct ~~§~~→ [in the streets that annoys a person passing in the streets
 40 or on sidewalks;] on a highway or sidewalk if the conduct ~~←§~~ interferes with ~~§~~→ or impedes
 40a ~~←§~~ traffic ~~§~~→ [; or frightens horses] ~~←§~~ , including:

41 (a) rolling [of hoops;] a hoop;

42 (b) playing [of] ball[;];

43 (c) flying [of kites;] a kite;

44 (d) riding [of bicycles or tricycles;] a bicycle or tricycle; or

45 (e) any other [amusements or practices having a tendency to annoy persons passing in
 46 the streets or on sidewalks, or to frighten teams of horses, or to interfere with traffic]

47 **~~§~~→ [amusement or practice] conduct or activity that interferes with traffic ~~←§~~ .**

48 (2) A governing body of a city or town may not prohibit or regulate conduct under
 49 Subsection (1) if the prohibition or regulation is inconsistent with or conflicts with any
 50 provision in Title 41, Chapter 6a, Traffic Code.

51 Section 2. Section **41-6a-208** is amended to read:

52 **41-6a-208. Regulatory powers of local highway authorities -- Traffic-control**
 53 **device affecting state highway -- Necessity of erecting traffic-control devices.**

54 (1) As used in this section:

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

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

183 there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian
184 may not start to cross the roadway.

185 (4) (a) Except as provided in Subsection (4)(c), the operator of a vehicle facing a
186 steady circular red or red arrow signal:

187 (i) may not enter the intersection unless entering the intersection to make a movement
188 is permitted by another indication; and

189 (ii) shall stop at a clearly marked stop line, but if none, before entering the marked or
190 unmarked crosswalk on the near side of the intersection and shall remain stopped until an
191 indication to proceed is shown.

192 (b) Unless otherwise directed by a pedestrian traffic-control signal under Section
193 41-6a-306, a pedestrian facing a steady red signal alone may not enter the roadway.

194 (c) (i) Except when facing a red arrow signal or when a sign is in place prohibiting a
195 turn, the operator of a vehicle facing any steady circular red signal may cautiously enter the
196 intersection to turn right, or may turn left from a one-way street into a one-way street, after
197 stopping as required by Subsection (4)(a).

198 (ii) The operator of a vehicle shall yield the right-of-way to:

199 (A) another vehicle moving through the intersection in accordance with an official
200 traffic-control signal; and

201 (B) a pedestrian lawfully within an adjacent crosswalk.

202 (5) (a) This section applies to a highway or rail line where a traffic-control signal is
203 erected and maintained.

204 (b) Any stop required shall be made at a sign or marking on the highway pavement
205 indicating where the stop shall be made, but, in the absence of any sign or marking, the stop
206 shall be made at the signal.

207 (6) The operator of a vehicle approaching an intersection that has an inoperative
208 traffic-control signal shall:

209 (a) stop before entering the intersection; and

210 (b) yield the right-of-way to any vehicle as required under Section 41-6a-901.

211 **(7) (a) ~~§~~ → [H] Until July 1, 2014, and for an operator of a motorcycle, moped, or**
211a **bicycle who is 16 years of age or older, it ~~←~~ § is an affirmative defense to a violation of**
211b **Subsection (4)(a) if ~~§~~ → [an] the ~~←~~ § operator of a**
212 **motorcycle, moped, or bicycle facing a steady circular red signal or red arrow:**

213 (i) brings the motorcycle, moped, or bicycle to a complete stop at the intersection or

214 stop line;

215 (ii) determines that:

216 (A) the traffic-control signal has not detected the operator's presence by waiting a

217 reasonable period of time ~~H→~~ of not less than 90 seconds ~~←H~~ at the intersection or stop line

217a before entering the intersection;

218 (B) no other vehicle that is entitled to have the right-of-way under applicable law is

219 sitting at, traveling through, or approaching the intersection; and

220 (C) no pedestrians are attempting to cross at or near the intersection in the direction of

221 travel of the operator; and

222 (iii) cautiously enters the intersection and proceeds across the roadway.

223 (b) The affirmative defense under this section does not apply at an active railroad grade

224 crossing as defined in Section 41-6a-1005.

Legislative Review Note

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Office of Legislative Research and General Counsel