

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **10-8-69**, Utah Code Annotated 1953

34 **41-6a-208**, as last amended by Laws of Utah 2012, Chapter 396

35 **41-6a-305**, as renumbered and amended by Laws of Utah 2005, Chapter 2



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

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

39 **10-8-69. Conduct that interferes with or impedes traffic.**

40 ~~[They]~~ (1) Except as provided in Subsection (2), the governing body of a city or town
41 may prohibit or regulate ~~[the]~~ conduct on a highway or sidewalk if the conduct interferes with
42 or impedes traffic, including:

43 (a) rolling ~~[of hoops;]~~ a hoop;

44 (b) playing ~~[of]~~ ball~~[-];~~

45 (c) flying ~~[of kites;]~~ a kite;

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

47 (e) any other ~~[amusements or practices having a tendency to annoy persons passing in~~
48 ~~the streets or on sidewalks, or to frighten teams of horses, or to interfere with traffic]~~ conduct
49 or activity that interferes with traffic.

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

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

54 **41-6a-208. Regulatory powers of local highway authorities -- Traffic-control**
55 **device affecting state highway -- Necessity of erecting traffic-control devices.**

56 (1) As used in this section:

57 (a) (i) "Ground transportation vehicle" means a motor vehicle used for the

58 transportation of persons, used in ride or shared ride, on demand, or for hire transportation of
59 passengers or baggage over public highways.

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

61 (A) shared ride vehicle;

62 (B) bus;

63 (C) courtesy vehicle;

64 (D) hotel vehicle;

65 (E) limousine;

66 (F) minibus;

67 (G) special transportation vehicle;

68 (H) specialty vehicle;

69 (I) taxicab;

70 (J) van; or

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

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

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

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

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

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

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

81 (e) establishing speed limits for vehicles in public parks, which supersede Section
82 41-6a-603 regarding speed limits;

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

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

86 (h) ~~[regulating the operation of a bicycle and]~~ requiring the registration and inspection
87 of bicycles, including requiring a registration fee;

88 (i) regulating or prohibiting:

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

90 (ii) specified types of vehicles;

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

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

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

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

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

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

99 (p) prohibiting pedestrians from crossing a highway in a business district or any
100 designated highway except in a crosswalk under Section 41-6a-1001;

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

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

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

105 (t) prohibiting drivers of ambulances from exceeding maximum speed limits;

106 (u) adopting other traffic ordinances as specifically authorized by this chapter; or

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

110 (3) A local highway authority may not:

111 (a) in accordance with Title 72, Chapter 3, Part 1, Highways in General, erect or
112 maintain any official traffic-control device at any location which regulates the traffic on a
113 highway not under the local highway authority's jurisdiction, unless written approval is

114 obtained from the highway authority having jurisdiction over the highway;

115 (b) prohibit or restrict the use of a cellular phone by the operator or passenger of a

116 motor vehicle;

117 (c) enact an ordinance that prohibits or restricts an owner or operator of a vehicle from

118 causing or permitting the vehicle's engine to idle unless the ordinance:

119 (i) is primarily educational;

120 (ii) provides that a person must be issued at least three warning citations before

121 imposing a fine;

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

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

124 and

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

126 (A) public property; or

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

128 owner:

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

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

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

132 limit for idling vehicle engines; or

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

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

135 transportation vehicle:

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

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

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

139 (B) based on the number of miles the vehicle has accumulated[-]; or

140 (e) enact an ordinance that:

141 (i) is inconsistent with the provisions of this chapter; or

142 (ii) prohibits the use of a bicycle on any public street or highway, except as allowed by
143 Section 41-6a-714, unless the local highway authority has:

144 (A) documented that the local highway authority has reviewed the safety history of the
145 highway and considered other reasonable alternatives, including signage and routes; and

146 (B) clearly marked a safe alternative route for the prohibited section of highway.

147 (4) An ordinance enacted under Subsection (2)(d), (e), (f), (g), (i), (j), (l), (m), (n), or
148 (q) is not effective until official traffic-control devices giving notice of the local traffic
149 ordinances are erected upon or at the entrances to the highway or part of it affected as is
150 appropriate.

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

153 Section 3. Section **41-6a-305** is amended to read:

154 **41-6a-305. Traffic-control signal -- At intersections -- At place other than**
155 **intersection -- Color of light signal -- Inoperative traffic-control signals -- Affirmative**
156 **defense.**

157 (1) (a) Green, red, and yellow are the only colors that may be used in a traffic-control
158 signal, except for a:

159 (i) pedestrian traffic-control signal that may use white and orange; and

160 (ii) rail vehicle that may use white.

161 (b) Traffic-control signals apply to the operator of a vehicle and to a pedestrian as
162 provided in this section.

163 (2) (a) (i) Except as provided in Subsection (2)(a)(ii), the operator of a vehicle facing a
164 circular green signal may:

165 (A) proceed straight through the intersection;

166 (B) turn right; or

167 (C) turn left.

168 (ii) The operator of a vehicle facing a circular green signal, including an operator
169 turning right or left:

170 (A) shall yield the right-of-way to other vehicles and to pedestrians lawfully within the
171 intersection or an adjacent crosswalk at the time the signal is exhibited; and

172 (B) may not turn right or left if a sign at the intersection prohibits the turn.

173 (b) The operator of a vehicle facing a green arrow signal shown alone or in
174 combination with another indication:

175 (i) may cautiously enter the intersection only to make the movement indicated by the
176 arrow or other indication shown at the same time; and

177 (ii) shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk
178 and to other traffic lawfully using the intersection.

179 (c) Unless otherwise directed by a pedestrian traffic-control signal under Section
180 41-6a-306, a pedestrian facing any green signal other than a green turn arrow may proceed
181 across the roadway within any marked or unmarked crosswalk.

182 (3) (a) The operator of a vehicle facing a steady circular yellow or yellow arrow signal
183 is warned that the allowable movement related to a green signal is being terminated.

184 (b) Unless otherwise directed by a pedestrian traffic-control signal under Section
185 41-6a-306, a pedestrian facing a steady circular yellow or yellow arrow signal is advised that
186 there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian
187 may not start to cross the roadway.

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

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

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

195 (b) Unless otherwise directed by a pedestrian traffic-control signal under Section
196 41-6a-306, a pedestrian facing a steady red signal alone may not enter the roadway.

197 (c) (i) Except when facing a red arrow signal or when a sign is in place prohibiting a

198 turn, the operator of a vehicle facing any steady circular red signal may cautiously enter the
199 intersection to turn right, or may turn left from a one-way street into a one-way street, after
200 stopping as required by Subsection (4)(a).

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

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

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

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

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

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

212 (a) stop before entering the intersection; and

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

214 (7) (a) Until July 1, 2014, and for an operator of a motorcycle, moped, or bicycle who
215 is 16 years of age or older, it is an affirmative defense to a violation of Subsection (4)(a) if the
216 operator of a motorcycle, moped, or bicycle facing a steady circular red signal or red arrow:

217 (i) brings the motorcycle, moped, or bicycle to a complete stop at the intersection or
218 stop line;

219 (ii) determines that:

220 (A) the traffic-control signal has not detected the operator's presence by waiting a
221 reasonable period of time of not less than 90 seconds at the intersection or stop line before
222 entering the intersection;

223 (B) no other vehicle that is entitled to have the right-of-way under applicable law is
224 sitting at, traveling through, or approaching the intersection; and

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

226 travel of the operator; and

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

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

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