

1 **ROADWAY AND SIDEWALK SAFETY AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jim Nielson**

5 Senate Sponsor: Curtis S. Bramble

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions relating to safety on roadways and sidewalks.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ prohibits individuals from engaging in conduct that impedes or blocks traffic within
13 certain roadways; and

14 ▶ prohibits individuals from soliciting money or goods in an aggressive manner on
15 sidewalks within 10 feet of the entrance or exit of a bank or an automated teller
16 machine.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **41-6a-1009**, as last amended by Laws of Utah 2011, Chapter 159

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

26 Section 1. Section **41-6a-1009** is amended to read:

27 **41-6a-1009. Use of roadway by pedestrians -- Prohibited activities.**

28 (1) Where there is a sidewalk provided and its use is practicable, a pedestrian may not
29 walk along or on an adjacent roadway.

30 (2) Where a sidewalk is not provided, a pedestrian walking along or on a highway shall
31 walk only on the shoulder, as far as practicable from the edge of the roadway.

32 (3) Where a sidewalk or a shoulder is not available, a pedestrian walking along or on a
33 highway shall:

34 (a) walk as near as practicable to the outside edge of the roadway; and

35 (b) if on a two-way roadway, walk only on the left side of the roadway facing traffic.

36 ~~[(4) A person may not sit, stand, or loiter on or near a roadway for the purpose of~~
37 ~~soliciting from the occupant of a vehicle:]~~

38 ~~[(a) a ride;]~~

39 ~~[(b) contributions;]~~

40 ~~[(c) employment;]~~

41 ~~[(d) the parking, watching, or guarding of a vehicle; or]~~

42 ~~[(e) other business.]~~

43 (4) (a) An individual may not engage in conduct that impedes or blocks traffic within
44 any of the following:

45 (i) an interstate system, as defined in Section [72-1-102](#);

46 (ii) a freeway, as defined in Section [41-6a-102](#);

47 (iii) a state highway, as defined in Title 72, Chapter 4, Designation of State Highways
48 Act; or

49 (iv) a state route, or "SR," as defined in Section [72-1-102](#).

50 (b) The locations described in Subsection (4)(a) include:

51 (i) shoulder areas, as defined in Section [41-6a-102](#);

52 (ii) on-ramps;

53 (iii) off-ramps; and

54 (iv) an area between the roadways of a divided highway, as defined in Section
55 [41-6a-102](#).

56 (c) The locations described in Subsection (4)(a) do not include sidewalks, as defined in
57 Section [41-6a-102](#).

58 (d) Conduct that impedes or blocks traffic may include:

59 (i) loitering;

60 (ii) demonstrating or picketing;

61 (iii) distributing materials;

62 (iv) gathering signatures;

63 (v) holding signs; or

64 (vi) soliciting rides, contributions, or other business.

65 (e) Conduct that impedes or blocks traffic does not include the conduct described in

66 Section [41-6a-209](#).

67 (f) A county or municipality may adopt a resolution, ordinance, or regulation
68 prohibiting conduct in locations described in Subsections (4)(a) and (b) within any of the
69 roadways under its jurisdiction.

70 (g) (i) The state, a county, or a municipality shall create a permitting process for
71 granting a person an exemption from this Subsection (4).

72 (ii) Upon receipt of a valid permit application, the state, a county, or a municipality
73 shall grant a person a temporary exemption from this Subsection (4) for a specified location or
74 time.

75 (h) Nothing in this section prohibits a temporary spontaneous demonstration.

76 (5) A pedestrian who is under the influence of alcohol or any drug to a degree which
77 renders the pedestrian a hazard may not walk or be on a highway except on a sidewalk or
78 sidewalk area.

79 (6) Except as otherwise provided in this chapter, a pedestrian on a roadway shall yield
80 the right-of-way to all vehicles on the roadway.

81 (7) A pedestrian may not walk along or on a no-access freeway facility except during
82 an emergency.

83 (8) (a) As used in this Subsection (8):

84 (i) "Aggressive manner" means intentionally:

85 (A) persisting in approaching or following an individual after the individual has

86 negatively responded to the solicitation;

87 (B) engaging in conduct that would cause a reasonable individual to fear imminent
88 bodily harm;

89 (C) engaging in conduct that would intimidate a reasonable individual into giving
90 money or goods;

91 (D) blocking the path of an individual; or

92 (E) physically contacting an individual or the individual's personal property without
93 that individual's consent.

94 (ii) "Bank" is as defined in Section [13-42-102](#).

95 (iii) "Sidewalk" is as defined in Section [41-6a-102](#).

96 (b) An individual may not solicit money or goods from another individual in an
97 aggressive manner:

98 (i) during the business hours of a bank if either the individual soliciting, or the
99 individual being solicited, is on the portion of a sidewalk that is within 10 feet of the bank's
100 entrance or exit; or

101 (ii) on the portion of a sidewalk that is within 10 feet of an automated teller machine.