

PEDESTRIAN SAFETY AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Curtis S. Bramble

Cosponsors:	Susan Pulsipher
Bruce R. Cutler	Mike Winder

LONG TITLE

General Description:

This bill amends provisions relating to conduct that impedes or blocks traffic.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to impeding or blocking traffic; and
- ▶ prohibits the transfer of money or property between a pedestrian and an occupant of a motor vehicle while the motor vehicle is within certain roadways.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-1009, as last amended by Laws of Utah 2015, Chapter 412

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

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

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

(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) An individual may not [~~engage in conduct that impedes or blocks~~] impede or
37 block traffic within any of the following:

38 (i) an interstate system, as defined in Section 72-1-102;

39 (ii) a freeway, as defined in Section 41-6a-102;

40 (iii) a state highway, as defined in Title 72, Chapter 4, Designation of State Highways
41 Act; [~~or~~]

42 (iv) a state route, or "SR," as defined in Section 72-1-102[~~;~~]; or

43 a highway, as defined in Section 72-1-102, that:

44 (A) is paved; and

45 (B) has a speed limit of 35 miles per hour or higher.

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

47 (i) shoulder areas, as defined in Section 41-6a-102;

48 (ii) on-ramps;

49 (iii) off-ramps; and

50 (iv) an area between the roadways of a divided highway, as defined in Section
51 41-6a-102.

52 (c) The locations described in Subsection (4)(a) do not include sidewalks, as defined in
53 Section 41-6a-102.

54 (d) Conduct that [~~impedes or blocks traffic may include~~] may impede or block traffic
55 includes:

56 [~~(i) loitering;~~]

57 ~~[(ii) demonstrating or picketing;]~~

58 ~~[(iii) distributing materials;]~~

59 ~~[(iv) gathering signatures;]~~

60 ~~[(v) holding signs; or]~~

61 ~~[(vi) soliciting rides, contributions, or other business.]~~

62 (i) while a pedestrian, accepting, transacting, exchanging, or otherwise taking
63 possession or control of money or property from a person within a motor vehicle while that
64 motor vehicle is within an area described in Subsection (4)(a); or

65 (ii) while a driver or passenger of a motor vehicle within an area described in
66 Subsection (4)(a), accepting, transacting, exchanging, or otherwise taking possession or control
67 of money or property from a pedestrian.

68 (e) Conduct that impedes or blocks traffic does not include:

69 (i) the conduct described in Section 41-6a-209[;] or other lawful direction of a peace
70 officer;

71 (ii) conduct or actions resulting from a traffic accident, medical emergency, or similar
72 exigent circumstance, including:

73 (A) exchanging insurance information; or

74 (B) exchanging contact information; or

75 (iii) conduct or actions that occur while the motor vehicle is legally parked.

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

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

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

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

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

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

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

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

93 (i) "Aggressive manner" means intentionally:

94 (A) persisting in approaching or following an individual after the individual has
95 negatively responded to the solicitation;

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

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

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

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

103 (ii) "Bank" is as defined in Section 13-42-102.

104 (iii) "Sidewalk" is as defined in Section 41-6a-102.

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

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

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

111 (9) ~~(A)~~ (a) Except as provided in Subsection (9)(b), a violation of this section is an
112 infraction.

113 (b) A third or subsequent violation of Subsection (4) in a one-year period is a class C
114 misdemeanor.