

PEDESTRIAN SAFETY AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Curtis S. Bramble

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 walk along or on an adjacent roadway.



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

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

- 32 (a) walk as near as practicable to the outside edge of the roadway; and
- 33 (b) if on a two-way roadway, walk only on the left side of the roadway facing traffic.

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

- 36 (i) an interstate system, as defined in Section 72-1-102;
- 37 (ii) a freeway, as defined in Section 41-6a-102;
- 38 (iii) a state highway, as defined in Title 72, Chapter 4, Designation of State Highways
39 Act; ~~[or]~~

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

41 (v) a highway, as defined in Section 72-1-102, that:

- 42 (A) is paved; and
- 43 (B) has a speed limit of 35 miles per hour or higher.

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

- 45 (i) shoulder areas, as defined in Section 41-6a-102;
- 46 (ii) on-ramps;
- 47 (iii) off-ramps; and
- 48 (iv) an area between the roadways of a divided highway, as defined in Section
49 41-6a-102.

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

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

- 54 ~~[(i) loitering;]~~
- 55 ~~[(ii) demonstrating or picketing;]~~
- 56 ~~[(iii) distributing materials;]~~
- 57 ~~[(iv) gathering signatures;]~~
- 58 ~~[(v) holding signs; or]~~

- 59 ~~[(vi) soliciting rides, contributions, or other business.]~~
- 60 (i) while a pedestrian, accepting, transacting, exchanging, or otherwise taking
- 61 possession or control of money or property from a person within a motor vehicle while that
- 62 motor vehicle is within an area described in Subsection (4)(a); or
- 63 (ii) while a driver or passenger of a motor vehicle within an area described in
- 64 Subsection (4)(a), accepting, transacting, exchanging, or otherwise taking possession or control
- 65 of money or property from a pedestrian.
- 66 (e) Conduct that impedes or blocks traffic does not include:
- 67 (i) the conduct described in Section 41-6a-209[-] or other lawful direction of a peace
- 68 officer;
- 69 (ii) conduct or actions resulting from a traffic accident, medical emergency, or similar
- 70 exigent circumstance, including:
- 71 (A) exchanging insurance information; or
- 72 (B) exchanging contact information; or
- 73 (iii) conduct or actions that occur while the motor vehicle is legally parked.
- 74 (f) A county or municipality may adopt a resolution, ordinance, or regulation
- 75 prohibiting conduct in locations described in Subsections (4)(a) and (b) within any of the
- 76 roadways under its jurisdiction.
- 77 (g) (i) The state, a county, or a municipality shall create a permitting process for
- 78 granting a person an exemption from this Subsection (4).
- 79 (ii) Upon receipt of a valid permit application, the state, a county, or a municipality
- 80 shall grant a person a temporary exemption from this Subsection (4) for a specified location or
- 81 time.
- 82 (h) Nothing in this section prohibits a temporary spontaneous demonstration.
- 83 (5) A pedestrian who is under the influence of alcohol or any drug to a degree which
- 84 renders the pedestrian a hazard may not walk or be on a highway except on a sidewalk or
- 85 sidewalk area.
- 86 (6) Except as otherwise provided in this chapter, a pedestrian on a roadway shall yield
- 87 the right-of-way to all vehicles on the roadway.
- 88 (7) A pedestrian may not walk along or on a no-access freeway facility except during
- 89 an emergency.

- 90 (8) (a) As used in this Subsection (8):
- 91 (i) "Aggressive manner" means intentionally:
- 92 (A) persisting in approaching or following an individual after the individual has
- 93 negatively responded to the solicitation;
- 94 (B) engaging in conduct that would cause a reasonable individual to fear imminent
- 95 bodily harm;
- 96 (C) engaging in conduct that would intimidate a reasonable individual into giving
- 97 money or goods;
- 98 (D) blocking the path of an individual; or
- 99 (E) physically contacting an individual or the individual's personal property without
- 100 that individual's consent.
- 101 (ii) "Bank" is as defined in Section [13-42-102](#).
- 102 (iii) "Sidewalk" is as defined in Section [41-6a-102](#).
- 103 (b) An individual may not solicit money or goods from another individual in an
- 104 aggressive manner:
- 105 (i) during the business hours of a bank if either the individual soliciting, or the
- 106 individual being solicited, is on the portion of a sidewalk that is within 10 feet of the bank's
- 107 entrance or exit; or
- 108 (ii) on the portion of a sidewalk that is within 10 feet of an automated teller machine.
- 109 (9) ~~(A)~~ (a) Except as provided in Subsection (9)(b), a violation of this section is an
- 110 infraction.
- 111 (b) A third or subsequent violation of Subsection (4) in a one-year period is a class C
- 112 misdemeanor.