

## HB0058S01 compared with HB0058

~~text~~ shows text that was in HB0058 but was deleted in HB0058S01.

Inserted text shows text that was not in HB0058 but was inserted into HB0058S01.

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Representative Carol Spackman Moss proposes the following substitute bill:

### TRAFFIC CONTROL SIGNS FOR BICYCLES

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carol Spackman Moss**

Senate Sponsor: ~~\_\_\_\_\_~~ Todd Weiler

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#### LONG TITLE

##### General Description:

This bill modifies the Traffic Code by amending provisions related to operating a bicycle on the roadway.

##### Highlighted Provisions:

This bill:

- ▶ provides that a person operating a bicycle approaching a stop sign shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time the person is moving across or within the intersection or junction of highways, except that a person after slowing to a reasonable speed and yielding the right-of-way if required, may cautiously make a turn or proceed through the intersection without stopping;
- ▶ provides that once a person operating a bicycle approaching a steady red

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traffic-control signal has stopped and yielded to all other traffic, the person may cautiously:

- proceed straight through the steady red signal; or
  - turn left onto a highway that is a highway with one lane in each direction;~~{ and }~~
- ▶ provides that after slowing to a reasonable speed and yielding the right-of-way, if required, a person operating a bicycle approaching a steady red traffic-control signal may cautiously make a right-hand turn without stopping~~{.}~~; and

▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

41-6a-305, as last amended by Laws of Utah 2015, Chapter 412

41-6a-902, as last amended by Laws of Utah 2015, Chapter 412

41-6a-1105, as renumbered and amended by Laws of Utah 2005, Chapter 2

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

Section 1. Section 41-6a-305 is amended to read:

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

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

- (i) pedestrian traffic-control signal that may use white and orange; and
- (ii) rail vehicle that may use white.

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

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

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(A) proceed straight through the intersection;

(B) turn right; or

(C) turn left.

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

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

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

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

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

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

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

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

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

(4) (a) Except as provided in Subsection (4)(c) or in Subsection 41-6a-1105(6), the operator of a vehicle facing a steady circular red or red arrow signal:

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

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

(b) Unless otherwise directed by a pedestrian traffic-control signal under Section

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41-6a-306, a pedestrian facing a steady red signal alone may not enter the roadway.

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

(B) If permitted by a traffic control device on the state highway system, the operator of a vehicle facing a steady red arrow signal may cautiously enter the intersection to turn left from a one-way street into a one-way street after stopping as required by Subsection (4)(a).

(ii) The operator of a vehicle under Subsection (4)(c)(i) shall yield the right-of-way to:

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

(B) a pedestrian lawfully within an adjacent crosswalk.

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

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

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

(a) stop before entering the intersection; and

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

(7) (a) For an operator of a motorcycle~~;~~; ~~or~~or moped~~;~~; ~~or bicycle who is 16 years of age or older;~~; it is an affirmative defense to a violation of Subsection (4)(a) if the operator of a motorcycle~~;~~; ~~or~~or moped~~;~~; ~~or bicycle~~; facing a steady circular red signal or red arrow:

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

(ii) determines that:

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

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

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(C) no pedestrians are attempting to cross at or near the intersection in the direction of travel of the operator; and

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

(b) The affirmative defense under this section does not apply at an active railroad grade crossing as defined in Section 41-6a-1005.

(8) A violation of this section is an infraction.

Section 2. Section 41-6a-902 is amended to read:

### **41-6a-902. Right-of-way -- Stop or yield signals -- Yield -- Collisions at intersections or junctions of roadways -- Evidence.**

(1) Preferential right-of-way may be indicated by stop signs or yield signs under Section 41-6a-906.

(2) (a) Except as provided in Section 41-6a-1105, or when directed to proceed by a peace officer, every operator of a vehicle approaching a stop sign shall stop:

(i) at a clearly marked stop line;

(ii) before entering the crosswalk on the near side of the intersection if there is not a clearly marked stop line; or

(iii) at a point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it if there is not a clearly marked stop line or a crosswalk.

(b) After having stopped at a stop sign, the operator of a vehicle shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard.

(c) The operator of a vehicle approaching a stop sign shall yield the right-of-way to pedestrians within an adjacent crosswalk.

(3) (a) The operator of a vehicle approaching a yield sign shall:

(i) slow down to a speed reasonable for the existing conditions; and

(ii) if required for safety, stop as provided under Subsection (2).

(b) (i) After slowing or stopping at a yield sign, the operator of a vehicle shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the operator is moving across or within the intersection or junction of roadways.

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(ii) The operator of a vehicle approaching a yield sign shall yield to pedestrians within an adjacent crosswalk.

(4) (a) A collision is prima facie evidence of an operator's failure to yield the right-of-way after passing a yield sign without stopping if the operator is involved in a collision:

(i) with a vehicle in the intersection or junction of roadways; or

(ii) with a pedestrian at an adjacent crosswalk.

(b) A collision under Subsection (4)(a) is not considered negligence per se in determining liability for the accident.

(5) A violation of Subsection (2) or (3) is an infraction.

Section ~~41-6a-1103~~3. Section **41-6a-1105** is amended to read:

### **41-6a-1105. Operation of bicycle or moped on and use of roadway -- Duties, prohibitions.**

(1) A person operating a bicycle or a moped on a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near as practicable to the right-hand edge of the roadway except when:

(a) overtaking and passing another bicycle or vehicle proceeding in the same direction;

(b) preparing to make a left turn at an intersection or into a private road or driveway;

(c) traveling straight through an intersection that has a right-turn only lane that is in conflict with the straight through movement; or

(d) reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand edge of the roadway including:

(i) fixed or moving objects;

(ii) parked or moving vehicles;

(iii) ~~and~~ bicycles;

(iv) pedestrians;

(v) animals;

(vi) surface hazards; or

(vii) a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(2) A person operating a bicycle or moped on a highway shall operate in the designated

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direction of traffic.

(3) (a) A person riding a bicycle or moped on a roadway may not ride more than two abreast with another person except on paths or parts of roadways set aside for the exclusive use of bicycles.

(b) If allowed under Subsection (3)(a), a person riding two abreast with another person may not impede the normal and reasonable movement of traffic and shall ride within a single lane.

(4) If a usable path for bicycles has been provided adjacent to a roadway, a bicycle rider may be directed by a traffic-control device to use the path and not the roadway.

(5) (a) A person operating a bicycle approaching a stop sign shall slow down and, if required for safety, stop before entering the intersection.

(b) ~~After~~ Except as provided in Subsection (7), after slowing to a reasonable speed or stopping as required by Subsection (5)(a), the person shall yield the right-of-way to any vehicle or pedestrian in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time the person is moving across or within the intersection or junction of highways, except that a person after slowing to a reasonable speed and yielding the right-of-way, if required, may cautiously make a turn or proceed through the intersection without stopping.

(6) (a) (i) Except as provided in Subsection (6)(b), a person operating a bicycle approaching a steady red traffic-control signal shall stop before entering the intersection and shall yield to all other traffic and pedestrians.

(ii) ~~Once~~ Except as provided in Subsection (7), once the person has stopped and yielded to all other traffic and pedestrians as required by Subsection (6)(a)(i), the person may cautiously:

(A) proceed straight through the steady red signal; or

(B) turn left onto a highway that is a highway with one lane in each direction.

(b) After slowing to a reasonable speed and yielding the right-of-way, if required, a person operating a bicycle approaching a steady red traffic-control signal may cautiously make a right-hand turn without stopping.

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### Legislative Review Note

~~Office of Legislative Research and General Counsel~~ (7) Subsections (5)(b) and (6)(a)(ii) do not apply to an intersection with an active railroad grade crossing as defined in Section 41-6a-1005.