

SB0153S01 compared with SB0153

~~text~~ shows text that was in SB0153 but was deleted in SB0153S01.

inserted text shows text that was not in SB0153 but was inserted into SB0153S01.

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Senator Nate Blouin proposes the following substitute bill:

IDLING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: {}Nate Blouin

House Sponsor: {}_____

LONG TITLE

General Description:

This bill allows a local highway authority to enact an ordinance to prohibit or restrict certain commercial vehicles from idling.

Highlighted Provisions:

This bill:

- ▶ allows certain local highway authorities to enact an ordinance to prohibit or restrict certain commercial vehicles from idling;
- ▶ allows an individual who reports an idling violation or certain other emissions violations to receive a reward for reporting the violation;
- ▶ allows an ordinance to include increased penalties for violations during times when air quality is unsafe for sensitive groups;
- ▶ exempts from an idling ordinance certain vehicles owned or operated by a

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- government entity;
- ▶ allows an exemption from an idling ordinance certain commercial vehicles if the functional purpose of the vehicle might require idling;
- ▶ allows a person to purchase an exemption for a fleet of vehicles in certain circumstances;
- ▶ ~~{allows a local highway authority to impose a road usage charge for road usage during times when air quality is unsafe for sensitive groups}~~ limits an idling ordinance to apply only to public property or property accessible to the public; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-208, as last amended by Laws of Utah 2019, Chapter 294

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

Section 1. Section **41-6a-208** is amended to read:

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

(1) As used in this section:

(a) (i) "Commercial vehicle" means a vehicle used for commercial purposes, and:

(A) is a vehicle, including a truck or van, that is designed, used, or maintained primarily for the transportation of people or property; or

(B) is a van or bus with a capacity of 15 or more passengers.

[(+)] (ii) "Ground transportation vehicle" means a motor vehicle used for the transportation of persons, used in ride or shared ride, on demand, or for hire transportation of passengers or baggage over public highways.

[(+)] (iii) "Ground transportation vehicle" includes a:

(A) shared ride vehicle;

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- (B) bus;
- (C) courtesy vehicle;
- (D) hotel vehicle;
- (E) limousine;
- (F) minibus;
- (G) special transportation vehicle;
- (H) specialty vehicle;
- (I) taxicab;
- (J) van; or
- (K) trailer being towed by a ground transportation vehicle.

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

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

- (a) regulating or prohibiting stopping, standing, or parking;
- (b) regulating traffic by means of a peace officer or a traffic-control device;
- (c) regulating or prohibiting processions or assemblages on a highway;
- (d) designating particular highways or roadways for use by traffic moving in one direction under Section 41-6a-709;
- (e) establishing speed limits for vehicles in public parks, which supersede Section 41-6a-603 regarding speed limits;
- (f) designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction;
- (g) restricting the use of a highway under Section 72-7-408;
- (h) requiring the registration and inspection of bicycles, including requiring a registration fee;
- (i) regulating or prohibiting:
 - (i) certain turn movements of a vehicle; or
 - (ii) specified types of vehicles;
- (j) altering or establishing speed limits under Section 41-6a-603;
- (k) requiring written accident reports under Section 41-6a-403;

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- (l) designating no-passing zones under Section 41-6a-708;
 - (m) prohibiting or regulating the use of controlled-access highways by any class or kind of traffic under Section 41-6a-715;
 - (n) prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
 - (o) establishing minimum speed limits under Subsection 41-6a-605(3);
 - (p) prohibiting pedestrians from crossing a highway in a business district or any designated highway except in a crosswalk under Section 41-6a-1001;
 - (q) restricting pedestrian crossings at unmarked crosswalks under Section 41-6a-1010;
 - (r) regulating persons upon skates, coasters, sleds, skateboards, and other toy vehicles;
 - (s) adopting and enforcing temporary or experimental ordinances as necessary to cover emergencies or special conditions;
 - (t) prohibiting drivers of ambulances from exceeding maximum speed limits;
 - (u) adopting other traffic ordinances as specifically authorized by this chapter; or
 - (v) adopting an ordinance that requires a ground transportation vehicle to conform to state safety standards and reasonable annual appearance requirements, in consultation with a transportation advisory board of the local highway authority.
- (3) A local highway authority may not:
- (a) in accordance with Title 72, Chapter 3, Part 1, Highways in General, erect or maintain any official traffic-control device at any location which regulates the traffic on a highway not under the local highway authority's jurisdiction, unless written approval is obtained from the highway authority having jurisdiction over the highway;
 - (b) prohibit or restrict the use of a cellular phone by the operator or passenger of a motor vehicle;
 - (c) except as provided in Subsection (4), enact an ordinance that prohibits or restricts an owner or operator of a vehicle from causing or permitting the vehicle's engine to idle unless the ordinance:
 - (i) is primarily educational;
 - (ii) provides that a person must be issued at least one warning citation before imposing a fine;
 - (iii) has the same fine structure as a parking violation;

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

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

(A) public property; or

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

owner:

(I) has a private business that has a drive-through service as a component of the private property owner's business operations and posts a sign provided by or acceptable to the local highway authority informing its customers and the public of the local highway authority's time limit for idling vehicle engines; or

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

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

(i) if the vehicle to be licensed otherwise passes all state safety inspection requirements established by the Utah Highway Patrol Division in accordance with Section 53-8-204; and

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

(B) based on the number of miles the vehicle has accumulated;

(e) enact an ordinance, regulation, rule, fee, or criminal or civil fine pertaining to a registration violation under Section 41-1a-201 or a registration decal issued under Section 41-1a-402 that conflicts with or is more stringent than the registration requirements under Title 41, Motor Vehicles;

(f) enact an ordinance that:

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

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

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

(B) clearly marked a safe alternative route for the prohibited section of highway; or

(g) enact an ordinance, regulation, or rule that requires the owner or driver of a ground transportation vehicle to maintain liability insurance coverage in an amount that is greater than the minimum amount of liability coverage a transportation network company or transportation

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network driver is required to maintain under Subsection 13-51-108(1)(b).

(4) (a) This Subsection (4) applies to a local highway authority that:

(i) is a county of the first or second class; or

(ii) is within a county of the first or second class.

(b) A local highway authority may enact an ordinance that prohibits or restricts an owner or operator of a commercial vehicle from causing or permitting the vehicle's engine to idle longer than three minutes.

(c) As part of an ordinance described in Subsection (4)(b), a local highway authority may include a provision to allow an individual that reports a violation to receive as a reporting reward up to 25% of any fine collected from the person who violates the following:

(i) an idling ordinance enacted pursuant to this Subsection (4); or

(ii) a violation of Subsection 41-6a-1626(2).

(d) A local highway authority may establish standards for reporting an idling violation, including the minimum duration of video evidence of the idling violation.

(e) A local highway authority may partner with the relevant local government environmental or health department to enforce an idling prohibition or restriction authorized under this Subsection (4).

(f) An ordinance enacted pursuant to this Subsection (4) may include increased fines for a violation during times when air quality is or is forecast to be unhealthy for sensitive groups.

(g) An ordinance enacted pursuant to this Subsection (4):

(i) may not apply to a vehicle owned or operated by the state, a political subdivision, or a public transit district; and

(ii) may exclude a vehicle with a refrigeration unit or similar function that may require the engine to idle in order to properly perform the functional purpose of the vehicle.

(h) (i) An ordinance enacted pursuant to this Subsection (4) may allow a person to purchase an exemption for a fleet of vehicles to exempt the fleet from the idling restrictions under the ordinance.

(ii) An ordinance enacted pursuant to this Subsection (4) that includes an exemption as described in Subsection (4)(h)(i) shall ensure that:

(A) the person is required to pay an exemption fee per each vehicle in the fleet; and

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(B) any revenue generated through the exemption is deposited into an account specifically used to mitigate pollution and improve air quality.

~~(i) A local highway authority may enact an ordinance to impose a road usage charge to charge a fee for road usage during times when air quality is or is forecast to be unhealthy for sensitive groups.~~

~~(ii) Any revenue generated through a road usage charge enacted under Subsection (4)(i)(i) shall be used to pay for local traffic enforcement.~~ An ordinance under this section may only apply to idling on:

(i) public property; or

(ii) publicly accessible property.

~~[(4)] (5) An ordinance enacted under Subsection (2)(d), (e), (f), (g), (i), (j), (l), (m), (n), or (q) is not effective until official traffic-control devices giving notice of the local traffic ordinances are erected upon or at the entrances to the highway or part of it affected as is appropriate.~~

~~[(5)] (6) An ordinance enacted by a local highway authority that violates Subsection (3) is not effective.~~

Section 2. **Effective date.**

This bill takes effect on May 1, 2024.