

Representative Wayne A. Harper proposes the following substitute bill:

LOCAL HIGHWAY AUTHORITY REGULATORY POWERS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

Senate Sponsor: Scott K. Jenkins

LONG TITLE

General Description:

This bill modifies the Traffic Code by amending provisions relating to local highway authority regulatory powers.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ prohibits a local highway authority from enacting 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 meets certain requirements ↔** ;
- ▶ prohibits a local highway authority from enacting an ordinance that prohibits a vehicle from being licensed as a ground transportation vehicle:
 - based on the manufacture date of the motor vehicle or the number of miles the vehicle has accumulated; and
 - if the vehicle to be licensed otherwise passes all state safety inspection requirements established by the Utah Highway Patrol Division;
- ▶ provides that an ordinance enacted by a local highway authority that violates the provisions is not effective; 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 2006, Chapter 337**↔ 41-6a-214, as renumbered and amended by Laws of Utah 2005, Chapter 2 ↔***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) "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.(ii) "Ground transportation vehicle" includes a:(A) shared ride vehicle;(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) regulating the operation of a bicycle and 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;
- (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; or

(u) adopting other traffic ordinances as specifically authorized by this chapter.

~~[(2)]~~ (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; ~~[or]~~

(b) prohibit or restrict the use of a cellular phone by the operator or passenger of a motor vehicle~~[-]~~;

(c) enact an ordinance that prohibits or restricts an owner or operator of a vehicle from causing or permitting the vehicle's engine to idle ~~H→~~ ~~[;or]~~ **unless the ordinance:**

(i) is primarily educational;

(ii) provides that a person must be issued at least three warning citations within a one-year period before imposing a fine;

(iii) has the same fine structure as a parking violation;

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

(v) provides that the ordinance may only be enforced on private property or on a quasi-public road or parking area as defined in Section 41-6a-214 if the owner of the private property requests, through written or electronic means, that the ordinance be enforced on the private property; or ~~←H~~

(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.

~~[(3)]~~ (4) An ordinance enacted under Subsection ~~[(1)]~~ ~~(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) An ordinance enacted by a local highway authority that violates Subsection (3) is not effective.

~~H→~~ **Section 2. Section 41-6A-214 is amended to read:**

41-6a-214. Quasi-public roads and parking areas -- Local ordinances.

(1) As used in this section, "quasi-public road or parking area" means a privately owned and maintained road or parking area that is generally held open for use of the public for purposes of vehicular travel or parking.

(2) (a) ~~[Any]~~ Except as provided in Section 41-6a-208, any municipality or county may by ordinance provide that a quasi-public road or parking area within the municipality or county is subject to this chapter.

(b) An ordinance may not be enacted under this section without:

(i) a public hearing; and

(ii) the agreement of a majority of the owners of the quasi-public road or parking area involved.

(3) This section:

(a) supercedes conflicting provisions under Section 41-6a-215;

(b) does not require a peace officer to patrol or enforce any provisions of this chapter on any quasi-public road or parking area; or

(c) does not affect the duty of a peace officer to enforce those provisions of this chapter applicable to private property other than under this section. ←H