

ROADWAY AND SIDEWALK SAFETY AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jim Nielson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to safety on roadways and sidewalks.

Highlighted Provisions:

This bill:

▶ prohibits individuals from engaging in conduct that impedes or blocks traffic within certain roadways; and

▶ prohibits individuals from soliciting money or goods in an aggressive manner on sidewalks within 10 feet of the entrance or exit of a bank or an automated teller machine.

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 2011, Chapter 159

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.



28 (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 person may not sit, stand, or loiter on or near a roadway for the purpose of~~
37 ~~soliciting from the occupant of a vehicle:]~~

38 ~~[(a) a ride;]~~

39 ~~[(b) contributions;]~~

40 ~~[(c) employment;]~~

41 ~~[(d) the parking, watching, or guarding of a vehicle; or]~~

42 ~~[(e) other business.]~~

43 (4) (a) An individual may not engage in conduct that impedes or blocks traffic within
44 any of the following:

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

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

47 (iii) a state highway, as defined in Title 72, Chapter 4, Designation of State Highways

48 Act; or

49 (iv) a state route, or "SR," as defined in Section 72-1-102.

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

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

52 (ii) on-ramps;

53 (iii) off-ramps; and

54 (iv) an area between the roadways of a divided highway, as defined in Section
55 41-6a-102.

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

58 (d) Conduct that impedes or blocks traffic may include:

- 59 (i) loitering;
- 60 (ii) demonstrating or picketing;
- 61 (iii) distributing materials;
- 62 (iv) gathering signatures;
- 63 (v) holding signs; or
- 64 (vi) soliciting rides, contributions, or other business.
- 65 (e) Conduct that impedes or blocks traffic does not include the conduct described in

66 Section 41-6a-209.

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

70 (g) The state, a county, or a municipality may grant a person a temporary exemption
71 from this Subsection (4) by written authorization for a specified location or time.

71a **H→ (h) nothing in this section prohibits a temporary spontaneous demonstration. ←H**

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

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

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

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

80 (i) "Aggressive manner" means intentionally:

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

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

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

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

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

- 90 (ii) "Bank" is as defined in Section 13-42-102.
- 91 (iii) "Sidewalk" is as defined in Section 41-6a-102.
- 92 (b) An individual may not solicit money or goods from another individual in an
- 93 aggressive manner:
- 94 (i) during the business hours of a bank if either the individual soliciting, or the
- 95 individual being solicited, is on the portion of a sidewalk that is within 10 feet of the bank's
- 96 entrance or exit; or
- 97 (ii) on the portion of a sidewalk that is within 10 feet of an automated teller machine.

Legislative Review Note
as of 2-3-14 1:25 PM

Office of Legislative Research and General Counsel