

1 **LOCAL HIGHWAY AUTHORITY REGULATORY POWERS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 Senate Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

13 ▶ prohibits a local highway authority from enacting an ordinance that prohibits or
14 restricts an owner or operator of a vehicle from causing or permitting the vehicle's
15 engine to idle;

16 ▶ prohibits a local highway authority from enacting an ordinance that prohibits a
17 vehicle from being licensed as a taxicab:

- 18 • based on the manufacture date of the motor vehicle; and
19 • if the vehicle to be licensed otherwise passes all state safety inspection
20 requirements established by the Utah Highway Patrol Division;

21 ▶ provides that an ordinance enacted by a local highway authority that violates the
22 provisions is not effective; and

23 ▶ makes technical changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **41-6a-208**, as last amended by Laws of Utah 2006, Chapter 337



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

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

34 **41-6a-208. Regulatory powers of local highway authorities -- Traffic-control**
35 **device affecting state highway -- Necessity of erecting traffic-control devices.**

36 (1) As used in this section, "idle" means the operation of a vehicle engine while the
37 vehicle is stationary or not in the act of performing work or its normal function.

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

- 40 (a) regulating or prohibiting stopping, standing, or parking;
- 41 (b) regulating traffic by means of a peace officer or a traffic-control device;
- 42 (c) regulating or prohibiting processions or assemblages on a highway;
- 43 (d) designating particular highways or roadways for use by traffic moving in one
44 direction under Section 41-6a-709;
- 45 (e) establishing speed limits for vehicles in public parks, which supersede Section
46 41-6a-603 regarding speed limits;
- 47 (f) designating any highway as a through highway or designating any intersection or
48 junction of roadways as a stop or yield intersection or junction;
- 49 (g) restricting the use of a highway under Section 72-7-408;
- 50 (h) regulating the operation of a bicycle and requiring the registration and inspection of
51 bicycles, including requiring a registration fee;
- 52 (i) regulating or prohibiting:
- 53 (i) certain turn movements of a vehicle; or
- 54 (ii) specified types of vehicles;
- 55 (j) altering or establishing speed limits under Section 41-6a-603;
- 56 (k) requiring written accident reports under Section 41-6a-403;
- 57 (l) designating no-passing zones under Section 41-6a-708;
- 58 (m) prohibiting or regulating the use of controlled-access highways by any class or

59 kind of traffic under Section 41-6a-715;

60 (n) prohibiting or regulating the use of heavily traveled streets by any class or kind of
61 traffic found to be incompatible with the normal and safe movement of traffic;

62 (o) establishing minimum speed limits under Subsection 41-6a-605(3);

63 (p) prohibiting pedestrians from crossing a highway in a business district or any
64 designated highway except in a crosswalk under Section 41-6a-1001;

65 (q) restricting pedestrian crossings at unmarked crosswalks under Section 41-6a-1010;

66 (r) regulating persons upon skates, coasters, sleds, skateboards, and other toy vehicles;

67 (s) adopting and enforcing temporary or experimental ordinances as necessary to cover
68 emergencies or special conditions;

69 (t) prohibiting drivers of ambulances from exceeding maximum speed limits; or

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

71 ~~[(2)]~~ (3) A local highway authority may not:

72 (a) in accordance with Title 72, Chapter 3, Part 1, Highways in General, erect or
73 maintain any official traffic-control device at any location which regulates the traffic on a
74 highway not under the local highway authority's jurisdiction, unless written approval is
75 obtained from the highway authority having jurisdiction over the highway; ~~[or]~~

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

78 (c) enact an ordinance that prohibits or restricts an owner or operator of a vehicle from
79 causing or permitting the vehicle's engine to idle; or

80 (d) enact an ordinance that prohibits a vehicle from being licensed as a taxicab:

81 (i) based on the manufacture date of the vehicle; and

82 (ii) if the vehicle to be licensed otherwise passes all state safety inspection

83 requirements established by the Utah Highway Patrol Division in accordance with Section
84 53-8-204.

85 ~~[(3)]~~ (4) An ordinance enacted under Subsection ~~[(1)]~~ (2)(d), (e), (f), (g), (i), (j), (l),
86 (m), (n), or (q) is not effective until official traffic-control devices giving notice of the local
87 traffic ordinances are erected upon or at the entrances to the highway or part of it affected as is
88 appropriate.

89 (5) An ordinance enacted by a local highway authority that violates Subsection (3) is

90 not effective.

Legislative Review Note
as of 1-27-12 11:32 AM

Office of Legislative Research and General Counsel