

Senator Curtis S. Bramble proposes the following substitute bill:

VEHICLE IDLING REVISIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends provisions related to enforcement of a local authority's idling restrictions to require at least one warning citation before imposition of a fine.

Highlighted Provisions:

This bill:

► amends provisions related to enforcement of a local authority's idling restrictions to require at least one warning citation before imposition of a fine.

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 2015, Chapter 461

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



26 **device affecting state highway -- Necessity of erecting traffic-control devices.**

27 (1) As used in this section:

28 (a) (i) "Ground transportation vehicle" means a motor vehicle used for the
29 transportation of persons, used in ride or shared ride, on demand, or for hire transportation of
30 passengers or baggage over public highways.

31 (ii) "Ground transportation vehicle" includes a:

32 (A) shared ride vehicle;

33 (B) bus;

34 (C) courtesy vehicle;

35 (D) hotel vehicle;

36 (E) limousine;

37 (F) minibus;

38 (G) special transportation vehicle;

39 (H) specialty vehicle;

40 (I) taxicab;

41 (J) van; or

42 (K) trailer being towed by a ground transportation vehicle.

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

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

47 (a) regulating or prohibiting stopping, standing, or parking;

48 (b) regulating traffic by means of a peace officer or a traffic-control device;

49 (c) regulating or prohibiting processions or assemblages on a highway;

50 (d) designating particular highways or roadways for use by traffic moving in one
51 direction under Section [41-6a-709](#);

52 (e) establishing speed limits for vehicles in public parks, which supersede Section
53 [41-6a-603](#) regarding speed limits;

54 (f) designating any highway as a through highway or designating any intersection or
55 junction of roadways as a stop or yield intersection or junction;

56 (g) restricting the use of a highway under Section [72-7-408](#);

- 57 (h) requiring the registration and inspection of bicycles, including requiring a
58 registration fee;
- 59 (i) regulating or prohibiting:
- 60 (i) certain turn movements of a vehicle; or
- 61 (ii) specified types of vehicles;
- 62 (j) altering or establishing speed limits under Section 41-6a-603;
- 63 (k) requiring written accident reports under Section 41-6a-403;
- 64 (l) designating no-passing zones under Section 41-6a-708;
- 65 (m) prohibiting or regulating the use of controlled-access highways by any class or
66 kind of traffic under Section 41-6a-715;
- 67 (n) prohibiting or regulating the use of heavily traveled streets by any class or kind of
68 traffic found to be incompatible with the normal and safe movement of traffic;
- 69 (o) establishing minimum speed limits under Subsection 41-6a-605(3);
- 70 (p) prohibiting pedestrians from crossing a highway in a business district or any
71 designated highway except in a crosswalk under Section 41-6a-1001;
- 72 (q) restricting pedestrian crossings at unmarked crosswalks under Section 41-6a-1010;
- 73 (r) regulating persons upon skates, coasters, sleds, skateboards, and other toy vehicles;
- 74 (s) adopting and enforcing temporary or experimental ordinances as necessary to cover
75 emergencies or special conditions;
- 76 (t) prohibiting drivers of ambulances from exceeding maximum speed limits;
- 77 (u) adopting other traffic ordinances as specifically authorized by this chapter; or
- 78 (v) adopting an ordinance that requires a ground transportation vehicle to conform to
79 state safety standards and reasonable annual appearance requirements, in consultation with a
80 transportation advisory board of the local highway authority.
- 81 (3) A local highway authority may not:
- 82 (a) in accordance with Title 72, Chapter 3, Part 1, Highways in General, erect or
83 maintain any official traffic-control device at any location which regulates the traffic on a
84 highway not under the local highway authority's jurisdiction, unless written approval is
85 obtained from the highway authority having jurisdiction over the highway;
- 86 (b) prohibit or restrict the use of a cellular phone by the operator or passenger of a
87 motor vehicle;

88 (c) enact an ordinance that prohibits or restricts an owner or operator of a vehicle from
89 causing or permitting the vehicle's engine to idle unless the ordinance:

90 (i) is primarily educational;

91 (ii) provides that a person must be issued at least [~~three warning citations~~] one warning
92 citation before imposing a fine;

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

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

95 and

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

97 (A) public property; or

98 (B) private property that is open to the general public unless the private property
99 owner:

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

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

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

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

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

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

111 (e) enact an ordinance, regulation, rule, fee, or criminal or civil fine pertaining to a
112 registration violation under Section 41-1a-201 or a registration decal issued under Section
113 41-1a-402 that conflicts with or is more stringent than the registration requirements under Title
114 41, Motor Vehicles;

115 (f) enact an ordinance that:

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

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

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

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

122 (g) enact an ordinance, regulation, or rule that requires the owner or driver of a ground
123 transportation vehicle to maintain liability insurance coverage in an amount that is greater than
124 the minimum amount of liability coverage a transportation network company or transportation
125 network driver is required to maintain under Subsection 13-51-108(1)(b).

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

130 (5) An ordinance enacted by a local highway authority that violates Subsection (3) is
131 not effective.