

MOTOR VEHICLE REGISTRATION ENFORCEMENT

AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Eric K. Hutchings

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions relating to local highway authority ordinances pertaining to motor vehicle registrations.

Highlighted Provisions:

This bill:

- ▶ prohibits a local highway authority from enacting an ordinance, regulation, rule, fee, or criminal or civil fine pertaining to a registration violation or a registration decal that conflicts with or is more stringent than the registration requirements under Title 41, Motor Vehicles; and
- ▶ makes technical corrections.

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 2012, Chapter 396

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

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

31 (1) As used in this section:

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

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

36 (A) shared ride vehicle;

37 (B) bus;

38 (C) courtesy vehicle;

39 (D) hotel vehicle;

40 (E) limousine;

41 (F) minibus;

42 (G) special transportation vehicle;

43 (H) specialty vehicle;

44 (I) taxicab;

45 (J) van; or

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

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

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

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

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

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

54 (d) designating particular highways or roadways for use by traffic moving in one
55 direction under Section 41-6a-709;

56 (e) establishing speed limits for vehicles in public parks, which supersede Section
57 41-6a-603 regarding speed limits;

- 58 (f) designating any highway as a through highway or designating any intersection or
- 59 junction of roadways as a stop or yield intersection or junction;
- 60 (g) restricting the use of a highway under Section 72-7-408;
- 61 (h) regulating the operation of a bicycle and requiring the registration and inspection of
- 62 bicycles, including requiring a registration fee;
- 63 (i) regulating or prohibiting:
- 64 (i) certain turn movements of a vehicle; or
- 65 (ii) specified types of vehicles;
- 66 (j) altering or establishing speed limits under Section 41-6a-603;
- 67 (k) requiring written accident reports under Section 41-6a-403;
- 68 (l) designating no-passing zones under Section 41-6a-708;
- 69 (m) prohibiting or regulating the use of controlled-access highways by any class or
- 70 kind of traffic under Section 41-6a-715;
- 71 (n) prohibiting or regulating the use of heavily traveled streets by any class or kind of
- 72 traffic found to be incompatible with the normal and safe movement of traffic;
- 73 (o) establishing minimum speed limits under Subsection 41-6a-605(3);
- 74 (p) prohibiting pedestrians from crossing a highway in a business district or any
- 75 designated highway except in a crosswalk under Section 41-6a-1001;
- 76 (q) restricting pedestrian crossings at unmarked crosswalks under Section 41-6a-1010;
- 77 (r) regulating persons upon skates, coasters, sleds, skateboards, and other toy vehicles;
- 78 (s) adopting and enforcing temporary or experimental ordinances as necessary to cover
- 79 emergencies or special conditions;
- 80 (t) prohibiting drivers of ambulances from exceeding maximum speed limits;
- 81 (u) adopting other traffic ordinances as specifically authorized by this chapter; or
- 82 (v) adopting an ordinance that requires a ground transportation vehicle to conform to
- 83 state safety standards and reasonable annual appearance requirements, in consultation with a
- 84 transportation advisory board of the local highway authority.
- 85 (3) A local highway authority may not:

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

90 (b) prohibit or restrict the use of a cellular phone by the operator or passenger of a
91 motor vehicle;

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

94 (i) is primarily educational;

95 (ii) provides that a person must be issued at least three warning citations before
96 imposing a fine;

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

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

99 and

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

101 (A) public property; or

102 (B) private property that is open to the general public unless the private property
103 owner:

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

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

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

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

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

- 114 (B) based on the number of miles the vehicle has accumulated[-]; or
115 (e) enact an ordinance, regulation, rule, fee, or criminal or civil fine pertaining to a
116 registration violation under Section 41-1a-201 or a registration decal issued under Section
117 41-1a-402 that conflicts with or is more stringent than the registration requirements under Title
118 41, Motor Vehicles.
- 119 (4) An ordinance enacted under Subsection (2)(d), (e), (f), (g), (i), (j), (l), (m), (n), or
120 (q) is not effective until official traffic-control devices giving notice of the local traffic
121 ordinances are erected upon or at the entrances to the highway or part of it affected as is
122 appropriate.
- 123 (5) An ordinance enacted by a local highway authority that violates Subsection (3) is
124 not effective.