

1 **TRAFFIC SAFETY AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

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

5 House Sponsor: Candice B. Pierucci

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7 **LONG TITLE**

8 **General Description:**

9 This bill enacts provisions related to allocation of law and traffic enforcement  
10 responsibilities on state highways.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ requires the Department of Public Safety and Utah Highway Patrol to:

14 • annually evaluate enforcement responsibilities on state highways;  
15 • coordinate with local law enforcement agencies regarding enforcement  
16 responsibilities; and

17 • report to the Legislature each year with any significant changes in patrol  
18 responsibilities that may require budgetary changes;

19 ▶ enacts a provision requiring the Department of Transportation coordinate with the  
20 Department of Public Safety and Utah Highway Patrol regarding changes to the  
21 state highway system, traffic and law enforcement, and incident management  
22 services; 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 **53-8-105**, as last amended by Laws of Utah 2022, Chapter 447

31 **72-1-201**, as last amended by Laws of Utah 2022, Chapter 80

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

34 Section 1. Section **53-8-105** is amended to read:

35 **53-8-105. Duties of Highway Patrol.**

36 (1) In addition to the duties in this chapter, the Highway Patrol shall:

37 [~~(1)~~] (a) enforce the state laws and rules governing use of the state highways;

38 [~~(2)~~] (b) regulate traffic on all highways and roads of the state;

39 [~~(3)~~] (c) assist the governor in an emergency or at other times at his discretion;

40 [~~(4)~~] (d) in cooperation with federal, state, and local agencies, enforce and assist in the  
41 enforcement of all state and federal laws related to the operation of a motor carrier on a  
42 highway, including all state and federal rules and regulations;

43 [~~(5)~~] (e) inspect certain vehicles to determine road worthiness and safe condition as  
44 provided in Section **41-6a-1630**;

45 [~~(6)~~] (f) upon request, assist with any condition of unrest existing or developing on a  
46 campus or related facility of an institution of higher education;

47 [~~(7)~~] (g) assist the Alcoholic Beverage Services Commission in an emergency to  
48 enforce the state liquor laws;

49 [~~(8)~~] (h) provide security and protection for both houses of the Legislature while in  
50 session as the speaker of the House of Representatives and the president of the Senate find  
51 necessary;

52 [~~(9)~~] (i) enforce the state laws and rules governing use of the capitol hill complex as  
53 defined in Section **63C-9-102**; and

54 [~~(10)~~] (j) carry out the following for the Supreme Court and the Court of Appeals:

55 [~~(a)~~] (i) provide security and protection to those courts when in session in the capital  
56 city of the state;

57 [~~(b)~~] (ii) execute orders issued by the courts; and

58           ~~(e)~~ (iii) carry out duties as directed by the courts.

59           (2) (a) The division and the department shall annually:

60           (i) evaluate the inventory of new and existing state highways, in coordination with  
61 relevant local law enforcement agencies, to determine which law enforcement agency is best  
62 suited to patrol and enforce state laws and regulate traffic on each state highway; and

63           (ii) before October 1 of each year, report to the Transportation Interim Committee and  
64 the Executive Offices and Criminal Justice Appropriations Subcommittee regarding:

65           (A) significant changes to the patrol and enforcement responsibilities resulting from  
66 the evaluation described in Subsection (2)(a)(i); and

67           (B) any budget request necessary to accommodate additional patrol and enforcement  
68 responsibilities.

69           (b) The division and the department shall, before July 1 of each year, coordinate with  
70 the Department of Transportation created in Section 72-1-201 regarding patrol and  
71 enforcement responsibilities described in Subsection (2)(a) and incident management services  
72 on state highways.

73           Section 2. Section 72-1-201 is amended to read:

74           **72-1-201. Creation of Department of Transportation -- Functions, powers, duties,**  
75 **rights, and responsibilities.**

76           (1) There is created the Department of Transportation which shall:

77           (a) have the general responsibility for planning, research, design, construction,  
78 maintenance, security, and safety of state transportation systems;

79           (b) provide administration for state transportation systems and programs;

80           (c) implement the transportation policies of the state;

81           (d) plan, develop, construct, and maintain state transportation systems that are safe,  
82 reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and  
83 industry;

84           (e) establish standards and procedures regarding the technical details of administration  
85 of the state transportation systems as established by statute and administrative rule;

86 (f) advise the governor and the Legislature about state transportation systems needs;

87 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective  
88 installation, maintenance, operation, relocation, and upgrade of utilities within state highway  
89 rights-of-way;

90 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
91 make rules for the administration of the department, state transportation systems, and  
92 programs;

93 (i) jointly with the commission annually report to the Transportation Interim  
94 Committee, by November 30 of each year, as to the operation, maintenance, condition,  
95 mobility, safety needs, and wildlife and livestock mitigation for state transportation systems;

96 (j) ensure that any training or certification required of a public official or public  
97 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
98 22, State Training and Certification Requirements, if the training or certification is required:

99 (i) under this title;

100 (ii) by the department; or

101 (iii) by an agency or division within the department; [~~and~~]

102 (k) study and make recommendations to the Legislature on potential managed lane use  
103 and implementation on selected transportation systems within the state[-]; and

104 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division  
105 created in Section 53-8-103 regarding:

106 (i) future highway projects that will add additional capacity to the state transportation  
107 system;

108 (ii) potential changes in law enforcement responsibilities due to future highway  
109 projects; and

110 (iii) incident management services on state highways.

111 (2) (a) The department shall exercise reasonable care in designing, constructing, and  
112 maintaining a state highway in a reasonably safe condition for travel.

113 (b) Nothing in this section shall be construed as:

- 114           (i) creating a private right of action; or
- 115           (ii) expanding or changing the department's common law duty as described in
- 116 Subsection (2)(a) for liability purposes.