

AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike K. McKell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions authorizing the use of an automated traffic enforcement safety device on a school bus.

Highlighted Provisions:

This bill:

- ▶ authorizes the use of an automated traffic enforcement safety device on a school bus to capture a photograph or video image of a possible violation of certain traffic laws;

- ▶ authorizes the use of a photograph or video image obtained by an automated traffic enforcement safety device as evidence of certain traffic violations;

- ▶ provides for a portion of fines collected for certain traffic violations related to school buses to be allocated to offset costs of an automated traffic enforcement safety device if the device was used to provide evidence of a violation; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **41-6a-1302**, as last amended by Laws of Utah 2015, Chapter 412

29 **41-6a-1303**, as renumbered and amended by Laws of Utah 2005, Chapter 2

30 ENACTS:

31 **41-6a-1310**, Utah Code Annotated 1953

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

34 Section 1. Section **41-6a-1302** is amended to read:

35 **41-6a-1302. School bus -- Signs and light signals -- Flashing amber lights --**
36 **Flashing red lights -- Passing school bus -- Duty to stop -- Travel in opposite direction --**
37 **Penalties.**

38 (1) A school bus, when operated for the transportation of school children, shall:

39 (a) bear on the front and rear of the bus a plainly visible sign containing the words
40 "school bus" in letters not less than eight inches in height, which shall be removed or covered
41 when the vehicle is not in use for the transportation of school children; and

42 (b) be equipped with alternating flashing amber and red light signals visible from the
43 front and rear, of a type approved and mounted as required under Section **41-6a-1301** and
44 prescribed by the department under Section **41-6a-1601**.

45 (2) The operator of a vehicle on a highway, upon meeting or overtaking a school bus
46 equipped with signals required under this section which is displaying alternating flashing:

47 (a) amber warning light signals, shall slow the vehicle, but may proceed past the school
48 bus using due care and caution at a speed not greater than specified in Subsection **41-6a-601**(2)
49 for school zones for the safety of the school children that may be in the vicinity; or

50 (b) red light signals visible from the front or rear, shall stop immediately before
51 reaching the bus and may not proceed until the flashing red light signals cease operation.

52 (3) The operator of a vehicle need not stop upon meeting or passing a school bus
53 displaying alternating flashing red light signals if the school bus is traveling in the opposite
54 direction when:

55 (a) traveling on a divided highway;

56 (b) the bus is stopped at an intersection or other place controlled by a traffic-control
57 signal or by a peace officer; or

58 (c) on a highway of five or more lanes, which may include a left-turn lane or two-way

59 left turn lane.

60 (4) (a) The operator of a school bus shall operate alternating flashing red light signals
61 at all times when:

62 (i) children are unloading from a school bus to cross a highway;

63 (ii) a school bus is stopped for the purpose of loading children who must cross a
64 highway to board the bus; or

65 (iii) it would be hazardous for vehicles to proceed past the stopped school bus.

66 (b) The alternating flashing red light signals may not be operated except:

67 (i) when the school bus is stopped for loading or unloading school children; or

68 (ii) for an emergency purpose.

69 (5) The operator of a school bus being operated on a highway shall have the headlights
70 of the school bus lighted.

71 (6) (a) A violation of Subsection (2) or (3) is a class C misdemeanor and the minimum
72 fine is:

73 (i) \$100 for a first offense;

74 (ii) \$200 for a second offense within three years of a previous conviction or bail
75 forfeiture; and

76 (iii) \$500 for a third or subsequent offense within three years of a previous conviction
77 or bail forfeiture.

78 (b) A violation of Subsection (5) is an infraction and the fine is \$50.

79 (c) The court may order the person to perform compensatory service in lieu of the fine
80 or any portion of the fine if the court makes the reasons for the waiver part of the record.

81 (d) If a photograph or video image obtained from an automated traffic enforcement
82 safety device described in Section 41-6a-1310 was used as evidence of a violation of
83 Subsection (2) or (3), 20% of the fine collected under Subsection (6)(a) shall be deposited with
84 the school district or private school that owns the bus to offset the costs of the automated traffic
85 enforcement safety device.

86 (7) A violation of Subsection (1) or (4) is an infraction.

87 (8) The Driver License Division shall develop and implement a record system to
88 distinguish:

89 (a) a conviction or bail forfeiture under this section from other convictions; and

(b) between a first and subsequent conviction or bail forfeiture under this section.

Section 2. Section **41-6a-1303** is amended to read:

41-6a-1303. Passing a school bus complaint procedure.

(1) (a) An operator of a school bus who observes a violation of Subsection [41-6a-1302](#)(2) or (3) may prepare a report, in a manner specified by the school district, to the school district transportation coordinator no more than two working days after the alleged violation occurred.

(b) (i) The report under Subsection (1)(a) shall contain:

~~[(i)]~~ (A) the date, time, and location of the violation;

~~[(ii)]~~ (B) the license plate number and state and description of the offending vehicle;

~~[(iii)]~~ (C) as much as practical, a description of the operator of the offending vehicle;

~~[(iv)]~~ (D) a description of the incident involving the violation;

~~[(v)]~~ (E) information on how to contact the school bus operator who witnessed the offense; and

~~[(vi)]~~ (F) the signature of the operator of the school bus who witnessed the offense attesting to the accuracy of the report.

(ii) The report under Subsection (1)(a) may contain photographs or video images produced by an automated traffic enforcement safety device described in Section [41-6a-1310](#).

(2) (a) Upon receipt of a report in accordance with Subsection (1), the school district transportation coordinator shall promptly send a notification letter to the last-known registered owner of the vehicle.

(b) The notification letter shall include:

(i) the applicable information on the school bus operator's report stating that the vehicle was observed passing a school bus displaying alternating flashing red lights in violation of state law;

(ii) a complete explanation of the applicable provisions of Section [41-6a-1302](#); and

(iii) an explanation that the notification letter is not a peace officer citation but is an effort to call attention to the seriousness of the incident.

(c) The school district transportation coordinator may file the report with the local law enforcement agency that has jurisdiction for the alleged violation.

(3) A law enforcement agency that receives a report in accordance with Subsection (2)

may have a peace officer initiate an investigation of the reported violation.

Section 3. Section **41-6a-1310** is enacted to read:

41-6a-1310. School bus traffic safety devices.

(1) For purposes of this section, "automated traffic enforcement safety device" means a device that:

(a) is affixed to a school bus;

(b) is capable of detecting a vehicle unlawfully overtaking or passing a school bus;

(c) is capable of producing a photograph or video image of the rear of a vehicle, including an image of the vehicle's license plate; and

(d) produces a time stamp on the photograph or video image described in Subsection (1)(c).

(2) A school district or private school may install an automated traffic enforcement safety device on a school bus.

(3) A photograph or video image produced by an automated traffic enforcement safety device may be used as evidence of a violation of Section [41-6a-1302](#).

Legislative Review Note
Office of Legislative Research and General Counsel