

**TRAFFIC ENFORCEMENT AMENDMENTS**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Rosalind J. McGee**

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code to amend provisions relating to license plates and traffic enforcement.

**Highlighted Provisions:**

This bill:

- ▶ provides that license plates, except certain temporary permits, may not be covered in any manner;
- ▶ eliminates certain restrictions on the use of photo radar;
- ▶ repeals the provision that:
  - makes a citation issued through photo radar a nonreportable violation; and
  - provides that points may not be assessed for the violation;
- ▶ defines automated red light traffic enforcement system;
- ▶ authorizes the use of an automated red light traffic enforcement system in certain circumstances;
- ▶ requires a highway authority to make certain information relating to automated red light traffic enforcement available upon request;
- ▶ requires a jurisdiction authorizing photo radar or an automated red light traffic enforcement system to provide and ensure that certain procedures will be followed regarding dismissal and appeal of a citation;
- ▶ provides that a highway authority may not put a condition on a contract with an automated red light traffic enforcement system or photo radar unit manufacturer or



28 vendor that provides that the compensation is based on the citations issued or the fine revenue  
29 generated from citations; and

30       ▶ makes technical changes.

31 **Monies Appropriated in this Bill:**

32       None

33 **Other Special Clauses:**

34       None

35 **Utah Code Sections Affected:**

36 AMENDS:

37       **41-1a-404**, as renumbered and amended by Chapter 1, Laws of Utah 1992

38       **41-6-52.5**, as last amended by Chapter 343, Laws of Utah 1996



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

41       Section 1. Section **41-1a-404** is amended to read:

42       **41-1a-404. Location and position of plates -- Plates not to be covered --**

43 **Exceptions.**

44       (1) License plates issued for a vehicle other than a motorcycle, trailer, or semitrailer  
45 shall be attached to the vehicle, one in the front and the other in the rear.

46       (2) The license plate issued for a motorcycle, trailer, or semitrailer shall be attached to  
47 the rear of the motorcycle, trailer, or semitrailer.

48       (3) Every license plate shall at all times be:

49       (a) securely fastened:

50       (i) in a horizontal position to the vehicle for which it is issued to prevent the plate from  
51 swinging;

52       (ii) at a height of not less than 12 inches from the ground, measuring from the bottom  
53 of the plate; and

54       (iii) in a place and position to be clearly visible; and

55       (b) maintained:

56       (i) free from foreign materials; and

57       (ii) in a condition to be clearly legible.

58       (4) (a) Except as provided in Subsections (4)(b) and (c), a license plate, a temporary

59 permit, or the required letters and numerals on them may not be covered in any manner.

60 (b) A temporary permit issued under Section 41-1a-211 or under Title 41, Chapter 3,  
 61 Part 3, Temporary Permits, which serves temporarily as a license plate may have a protective  
 62 transparent cover if the permit is made of paper or a like material susceptible to deterioration  
 63 due to weather conditions.

64 (c) A license plate or a temporary permit may have a frame mounted on the outside of  
 65 the license plate or temporary permit if no part of the lettering on the license plate or temporary  
 66 permit is covered by the frame.

67 Section 2. Section **41-6-52.5** is amended to read:

68 **41-6-52.5. Photo radar and automated red light traffic enforcement systems --**  
 69 **Restrictions on use.**

70 (1) [~~Photo~~] As used in this section:

71 (a) "Automated red light traffic enforcement system" means an electronic system  
 72 consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work  
 73 in conjunction with a traffic control device to automatically produce photographs, video, or  
 74 digital images of a vehicle moving in violation of the traffic control device.

75 (b) "Photo radar" means a device used primarily for highway speed limit enforcement  
 76 substantially consisting of a low power doppler radar unit and camera mounted in or on a  
 77 vehicle, which automatically produces a photograph of a vehicle traveling in excess of the legal  
 78 speed limit, with the vehicle's speed, the date, time of day, and location of the violation printed  
 79 on the photograph.

80 (2) Photo radar or an automated red light traffic enforcement system may not be used  
 81 except:

82 [~~(a) (i) in school zones; or~~]

83 [~~(ii) in other areas that have a posted speed limit of 30 miles per hour or less;~~]

84 [~~(b) when a peace officer is present with the photo radar unit;~~]

85 [~~(c)~~] (a) when signs are posted on the highway providing notice to a motorist that photo  
 86 radar or an automated red light traffic enforcement system may be used;

87 [~~(d)~~] (b) when use of photo radar or an automated red light traffic enforcement system  
 88 by a local authority is approved by the local authority's governing body; [~~and~~]

89 [~~(e)~~] (c) when the citation is accompanied by the photograph or image produced by

90 photo radar[-] or the automated red light traffic enforcement system; and

91 (d) when the authorizing jurisdiction:

92 (i) provides a clear and simple process for dismissing a citation issued under this  
93 section if either the photograph or evidence provided by the owner of the vehicle clearly proves  
94 that the registered owner was not operating the vehicle at the time the ticket was issued; and

95 (ii) ensures, through written policy, the following:

96 (A) a recipient of a citation is entitled to the same rights and obligations regarding  
97 appeal and dismissal of tickets as otherwise provided for citations issued under this chapter  
98 including the right to challenge a citation; and

99 (B) a citation issued under this section is issued according to the same guidelines that  
100 an officer would apply when determining whether or not to issue a citation for a violation  
101 under this chapter.

102 (3) The restrictions under Subsection (2) on the use of photo radar or an automated red  
103 light traffic enforcement system do not apply when the information gathered is used for  
104 highway safety research or to issue warning citations not involving a fine, court appearance, or  
105 a person's driving record.

106 (4) A contract or agreement regarding the purchase, lease, rental, or use of photo radar  
107 or an automated red light traffic enforcement system by the department or by a local authority  
108 may not specify [any] a condition for issuing a citation[-] that provides that the compensation  
109 to the manufacturer or vendor of the photo radar unit or automated red light traffic enforcement  
110 system is based on the number of citations issued or a portion or percentage of the fines  
111 generated by the citations issued under this section.

112 (5) The department and any local authority using photo radar or an automated red light  
113 traffic enforcement system, upon request, shall make the following information available for  
114 public inspection during regular office hours:

115 (a) the terms of any contract regarding the purchase, lease, rental, or use of photo radar  
116 or an automated red light traffic enforcement system;

117 (b) the total fine revenue generated by using photo radar or an automated red light  
118 traffic enforcement system;

119 (c) the number of citations issued by the use of photo radar or an automated red light  
120 traffic enforcement system; and

121 (d) the amount paid to the person providing the photo radar unit or an automated red  
122 light traffic enforcement system.

123 [~~(6) A moving traffic violation obtained through the use of photo radar is not a~~  
124 ~~reportable violation as defined under Section 53-3-102, and points may not be assessed against~~  
125 ~~a person for the violation.]~~

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**Legislative Review Note**

as of 1-18-05 1:37 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

**State Impact**

The bill empowers (but does not require) legal jurisdictions throughout the state to use photo radar and red light traffic enforcement systems. It is not known to what degree legal jurisdictions throughout the state will choose to implement provisions of the bill. It is estimated that within the state court system, the maximum ongoing revenue impact will be \$1,550,000 in General Funds beginning FY 2006. The Administrative Office of the Courts will require an appropriation of \$920,000 in ongoing General Funds beginning FY 2006 to implement provisions of the bill, resulting in an estimated net increase to the state of \$630,000.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$920,000	\$920,000	\$1,550,000	\$1,550,000
<b>TOTAL</b>	<b>\$920,000</b>	<b>\$920,000</b>	<b>\$1,550,000</b>	<b>\$1,550,000</b>

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**Individual and Business Impact**

There is no fiscal impact to individuals who comply with the traffic laws throughout the state.

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**Office of the Legislative Fiscal Analyst**