

Representative Rosalind J. McGee proposes the following substitute bill:

TRAFFIC ENFORCEMENT AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Rosalind J. McGee

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 the restriction on the use of photo radar that a peace officer must be present with the unit;
- ▶ 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



26 vendor that provides that the compensation is based on the citations issued or the fine revenue
27 generated from citations;

28 ▶ provides that a citation issued through an automated red light traffic enforcement
29 system is a nonreportable violation and provides that points may not be assessed for
30 the violation; and

31 ▶ makes technical changes.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **41-1a-404**, as renumbered and amended by Chapter 1, Laws of Utah 1992

39 **41-6a-608**, as renumbered and amended by Chapter 2, Laws of Utah 2005

40 ENACTS:

41 **41-6a-610**, Utah Code Annotated 1953



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

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

45 **41-1a-404. Location and position of plates -- Plates not to be covered --**

46 **Exceptions.**

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

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

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

52 (a) securely fastened:

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

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

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

58 (b) maintained:

59 (i) free from foreign materials; and

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

61 (4) (a) Except as provided in Subsections (4)(b) and (c), a license plate, a temporary
 62 permit, or the required letters and numerals on the license plate or temporary permit may not be
 63 covered in any manner.

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

68 (c) A license plate or a temporary permit may have a frame mounted on the outside of
 69 the license plate or temporary permit if no part of the required letters and numbers on the
 70 license plate or temporary permit is covered by the frame.

71 Section 2. Section **41-6a-608** is amended to read:

72 **41-6a-608. Definitions -- Photo radar -- Restrictions on use.**

73 (1) [~~Photo~~] As used in this section, "photo radar" means a device used primarily for
 74 highway speed limit enforcement substantially consisting of a low power doppler radar unit
 75 and camera mounted in or on a vehicle, which automatically produces a photograph of a
 76 vehicle traveling in excess of the legal speed limit, with the vehicle's speed, the date, time of
 77 day, and location of the violation printed on the photograph.

78 (2) Photo radar may not be used except:

79 (a) (i) in school zones; or

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

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

82 [~~(c)~~] (b) when signs are posted on the highway providing notice to a motorist that
 83 photo radar may be used;

84 [~~(d)~~] (c) when use of photo radar by a local highway authority is approved by the local
 85 highway authority's governing body; [~~and~~]

86 [~~(e)~~] (d) when the citation is accompanied by the photograph produced by photo
 87 radar[-]; and

88 (e) when the authorizing jurisdiction:

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

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

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

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

100 (3) The restrictions under Subsection (2) on the use of photo radar do not apply when
101 the information gathered is used for highway safety research or to issue warning citations not
102 involving a fine, court appearance, or a person's driving record.

103 (4) A contract or agreement regarding the purchase, lease, rental, or use of photo radar
104 by the department or by a local highway authority may not specify [~~any~~] a condition for issuing
105 a citation[-] that provides that the compensation to the manufacturer or vendor of the photo
106 radar unit is based on the number of citations issued or a portion or percentage of the fines
107 generated by the citations issued under this section.

108 (5) The department and any local highway authority using photo radar, upon request,
109 shall make the following information available for public inspection during regular office
110 hours:

111 (a) the terms of any contract regarding the purchase, lease, rental, or use of photo radar;

112 (b) the total fine revenue generated by using photo radar;

113 (c) the number of citations issued by the use of photo radar; and

114 (d) the amount paid to the person providing the photo radar unit.

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

118 Section 3. Section **41-6a-610** is enacted to read:

119 **41-6a-610. Definitions -- Automated red light traffic enforcement -- Restrictions**
120 **on use.**

121 (1) As used in this section, "automated red light traffic enforcement system" means an
122 electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor
123 installed to work in conjunction with a traffic control device to automatically produce
124 photographs, video, or digital images of a vehicle moving in violation of the traffic control
125 device.

126 (2) An automated red light traffic enforcement system may not be used except:

127 (a) when signs are posted on the highway providing notice to a motorist that an
128 automated red light traffic enforcement system may be used;

129 (b) when use of an automated red light traffic enforcement system by a local highway
130 authority is approved by the local highway authority's governing body;

131 (c) when the citation is accompanied by the photograph or image produced by the
132 automated red light traffic enforcement system; and

133 (d) when the authorizing jurisdiction:

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

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

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

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

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

149 (4) A contract or agreement regarding the purchase, lease, rental, or use of an

150 automated red light traffic enforcement system by the department or by a local highway
151 authority may not specify a condition for issuing a citation that provides that the compensation
152 to the manufacturer or vendor of the automated red light traffic enforcement system is based on
153 the number of citations issued or a portion or percentage of the fines generated by the citations
154 issued under this section.

155 (5) The department and any local highway authority using an automated red light
156 traffic enforcement system, upon request, shall make the following information available for
157 public inspection during regular office hours:

158 (a) the terms of any contract regarding the purchase, lease, rental, or use of an
159 automated red light traffic enforcement system;

160 (b) the total fine revenue generated by using an automated red light traffic enforcement
161 system;

162 (c) the number of citations issued by the use of an automated red light traffic
163 enforcement system; and

164 (d) the amount paid to the person providing the automated red light traffic enforcement
165 system.

166 (6) A moving traffic violation obtained through the use of an automated red light traffic
167 enforcement system is not a reportable violation as defined under Section 53-3-102, and points
168 may not be assessed against a person for the violation.