

41-6a-608 Photo radar -- Restrictions on use.

- (1) "Photo radar" means a device used primarily for highway speed limit enforcement substantially consisting of a low power doppler radar unit and camera mounted in or on a vehicle, which automatically produces a photograph of a vehicle traveling in excess of the legal speed limit, with the vehicle's speed, the date, time of day, and location of the violation printed on the photograph.
- (2) Photo radar may not be used except:
 - (a)
 - (i) in school zones; or
 - (ii) in other areas that have a posted speed limit of 30 miles per hour or less;
 - (b) when a peace officer is present with the photo radar unit;
 - (c) when signs are posted on the highway providing notice to a motorist that photo radar may be used;
 - (d) when use of photo radar by a local highway authority is approved by the local highway authority's governing body; and
 - (e) when the citation is accompanied by the photograph produced by photo radar.
- (3) The restrictions under Subsection (2) on the use of photo radar do not apply when the information gathered is used for highway safety research or to issue warning citations not involving a fine, court appearance, or a person's driving record.
- (4) A contract or agreement regarding the purchase, lease, rental, or use of photo radar by the department or by a local highway authority may not specify any condition for issuing a citation.
- (5) The department and any local highway authority using photo radar, upon request, shall make the following information available for public inspection during regular office hours:
 - (a) the terms of any contract regarding the purchase, lease, rental, or use of photo radar;
 - (b) the total fine revenue generated by using photo radar;
 - (c) the number of citations issued by the use of photo radar; and
 - (d) the amount paid to the person providing the photo radar unit.
- (6) A moving traffic violation obtained through the use of photo radar is not a reportable violation as defined under Section 53-3-102, and points may not be assessed against a person for the violation.

Renumbered and Amended by Chapter 2, 2005 General Session