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**TRAFFIC-CONTROL SIGNAL PHOTO
DETECTION**

1998 GENERAL SESSION
STATE OF UTAH

Sponsor: Orville D. Carnahan

AN ACT RELATING TO MOTOR VEHICLES; PROVIDING DEFINITIONS; PROVIDING
RESTRICTIONS ON THE USE OF TRAFFIC-CONTROL SIGNAL PHOTO DETECTION.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

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

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

Section 1. Section **41-6-52.5** is amended to read:

41-6-52.5. Photo radar -- Traffic-control signal photo detection -- Restrictions on use.

(1) As used in this section:

(a) "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.

(b) "Traffic-control signal photo detection" means a device used primarily for the enforcement of traffic-control signal laws which automatically produces a photo of a vehicle in violation of a traffic-control signal law with the date, time of day, and location of the violation printed on the photo.

(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;

1 (c) when signs are posted on the highway providing notice to a motorist that photo radar
2 may be used;

3 (d) when use of photo radar by a local authority is approved by the local authority's
4 governing body; and

5 (e) when the citation is accompanied by the photograph produced by photo radar.

6 (3) Traffic-control signal photo detection may not be used except:

7 (a) when signs are posted on the highway providing notice to a motorist that traffic-signal
8 photo detection may be used;

9 (b) when use of traffic-signal photo detection by a local authority is approved by the local
10 authority's governing body; and

11 (c) when the citation is accompanied by the photograph produced by traffic-signal photo
12 detection.

13 [(3)] (4) The restrictions under [Subsection] Subsections (2) and (3) on the use of photo
14 radar and traffic-control signal photo detection do not apply when the information gathered is used
15 for highway safety research or to issue warning citations not involving a fine, court appearance,
16 or a person's driving record.

17 [(4)] (5) A contract or agreement regarding the purchase, lease, rental, or use of photo
18 radar or traffic-control signal photo detection by the department or by a local authority may not
19 specify any condition for issuing a citation.

20 [(5)] (6) The department and any local authority using photo radar or traffic-control signal
21 photo detection, upon request, shall make the following information available for public inspection
22 during regular office hours:

23 (a) the terms of any contract regarding the purchase, lease, rental, or use of photo radar and
24 traffic-control signal photo detection;

25 (b) the total fine revenue generated by using photo radar and traffic-control signal photo
26 detection;

27 (c) the number of citations issued by the use of photo radar and traffic-control signal photo
28 detection; and

29 (d) the amount paid to the person providing the photo radar unit and traffic-control signal
30 photo detection.

31 [(6)] (7) A moving traffic violation obtained through the use of photo radar or

- 1 traffic-control signal photo detection is not a reportable violation as defined under Section
- 2 53-3-102, and points may not be assessed against a person for the violation.

Legislative Review Note
as of 12-4-97 10:42 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel