

TRAFFIC CODE AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill amends provisions in the Traffic Code regarding the penalties for passing a school bus.

Highlighted Provisions:

This bill:

- increases the minimum fines and penalties associated with passing a school bus displaying flashing lights.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-1302, as last amended by Laws of Utah 2017, Chapter 186

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

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

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

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

- (a) bear on the front and rear of the bus a plainly visible sign containing the words

30 "school bus" in letters not less than eight inches in height, which shall be removed or covered
31 when the vehicle is not in use for the transportation of school children; and

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

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

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

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

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

45 (a) traveling on a divided highway;

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

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

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

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

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

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

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

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

58 (ii) for an emergency purpose.

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

61 (6) (a) A violation of Subsection (2) or (3) is a class C misdemeanor and the minimum
62 [~~fine~~] penalty is:

63 (i) [~~\$100~~] \$250 and 10 hours of compensatory service for a first offense;

64 (ii) [~~\$200~~] \$500 and 20 hours of compensatory service for a second offense within
65 three years of a previous conviction or bail forfeiture; and

66 (iii) [~~\$500~~] \$1,000 and 40 hours of compensatory service for a third or subsequent
67 offense within three years of a previous conviction or bail forfeiture.

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

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

71 (d) In accordance with Section [78A-5-110](#), [78A-6-210](#), or [78A-7-120](#), as applicable, if
72 a photograph or video image obtained from an automated traffic enforcement safety device
73 described in Section [41-6a-1310](#) was used as evidence of a violation of Subsection (2) or (3),
74 20% of the fine collected under Subsection (6)(a) shall be deposited with the school district or
75 private school that owns or contracts for the operation of the bus to offset the costs of the
76 automated traffic enforcement safety device.

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

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

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

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