

DRIVING PENALTY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill increases fines and penalties for speeding in a school zone and failure to obey school bus signals.

Highlighted Provisions:

This bill:

- ▶ increases fines for speeding in a school zone;
- ▶ increases fines and compensatory services for failure to obey school bus signals; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-604, as renumbered and amended by Laws of Utah 2005, Chapter 2

41-6a-1302, as last amended by Laws of Utah 2020, Chapter 55

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

Section 1. Section **41-6a-604** is amended to read:

41-6a-604. Maximum speed in a school zone -- Penalty -- Minimum fines --



28 **Compensatory service -- Waiver -- Recordkeeping.**

29 (1) A person may not operate a vehicle at a speed greater than 20 miles per hour in a
 30 reduced speed school zone as defined in Section 41-6a-303.

31 (2) (a) A violation of Subsection (1) is a class C misdemeanor and the minimum fine:

32 (i) for a first offense shall be calculated according to the following schedule:

	Vehicle Speed	Minimum Fine	
	21 - 29 MPH		\$ [50] <u>260</u>
	30 - 39 MPH		\$ [125] <u>420</u>
	40 MPH and greater		\$ [125] <u>760</u>

37 (ii) for a second and subsequent offense within three years of a previous conviction or
 38 bail forfeiture shall be calculated according to the following schedule:

	Vehicle Speed	Minimum Fine	
	21 - 29 MPH		\$ [50] <u>320</u>
	30 - 39 MPH		\$ [225] <u>560</u>
	40 MPH and greater		\$ [525] <u>960</u>

43 (b) (i) Except as provided under Subsection (2)(a)(ii), the court may order the person to
 44 perform compensatory service in lieu of the fine or any portion of the fine.

45 (ii) The court shall order the person to perform compensatory service observing a
 46 crossing guard if the conviction is for a:

47 (A) first offense with a vehicle speed of 30 miles per hour or more; or

48 (B) second and subsequent offense within three years of a previous conviction or bail
 49 forfeiture.

50 (iii) The court may waive the compensatory service required under Subsection
 51 (2)(b)(ii) if the court makes the reasons for the waiver part of the record.

52 (3) The Driver License Division shall develop and implement a record system to
 53 distinguish:

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

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

56 (4) The provisions of this section take precedence over the provisions of Sections
57 41-6a-601, 41-6a-602, 41-6a-603, and 76-3-301.

58 Section 2. Section 41-6a-1302 is amended to read:

59 **41-6a-1302. School bus -- Signs and light signals -- Flashing amber lights --**
60 **Flashing red lights -- Passing school bus -- Duty to stop -- Travel in opposite direction --**
61 **Penalties.**

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

63 (a) bear on the front and rear of the bus a plainly visible sign containing the words
64 "school bus" in letters not less than eight inches in height, which shall be removed or covered
65 when the vehicle is not in use for the transportation of school children; and

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

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

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

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

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

79 (a) traveling on a divided highway;

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

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

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

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

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

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

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

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

92 (ii) for an emergency purpose.

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

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

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

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

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

102 (a) A violation of Subsection (2) or (3) is a class C misdemeanor and the minimum
103 penalty is:

104 (i) for a first offense:

105 (A) \$1,000; and

106 (B) ~~H~~→ ~~[no less than 50]~~ 10 ←~~H~~ hours of compensatory service;

107 (ii) for a second offense within five years of a previous conviction or bail forfeiture:

108 (A) \$2,000; and

109 (B) ~~H~~→ ~~[no less than 200 hours and up to 400 hours]~~ 20 ←~~H~~ of compensatory service; and

110 (iii) for a third or subsequent offense within five years of a previous conviction or bail
111 forfeiture:

112 (A) \$3,000; and

113 (B) ~~H~~→ ~~[no less than 200 hours and up to 400 hours]~~ 40 ←~~H~~ of compensatory service.

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

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

117 (d) In accordance with Section [78A-5-110](#), [78A-6-210](#), or [78A-7-120](#), as applicable, if

118 a photograph or video image obtained from an automated traffic enforcement safety device
119 described in Section 41-6a-1310 was used as evidence of a violation of Subsection (2) or (3),
120 20% of the fine collected under Subsection (6)(a) shall be deposited with the school district or
121 private school that owns or contracts for the operation of the bus to offset the costs of the
122 automated traffic enforcement safety device.

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

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

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

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

128 Section 3. **Effective date.**

129 This bill takes effect on May 1, 2024.