

Representative Brett Garner proposes the following substitute bill:

**AUTOMATED SAFETY ENFORCEMENT IN SCHOOL AND
CONSTRUCTION ZONES**

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brett Garner

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates the Speed Safety Camera Pilot Program, amends restrictions on the use of a speed safety camera for traffic enforcement, and allocates fees collected from speed safety camera penalties.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Speed Safety Camera Pilot Program that allows the use of a speed safety camera without a peace officer present in certain circumstances;
- ▶ describes when law enforcement can use a speed safety camera for speed limit enforcement;
- ▶ limits the number of construction and school zones in which the Department of Transportation and the Department of Public Safety may implement a speed safety camera enforcement program;
- ▶ limits the use of a speed safety camera in a school zone to times when traffic speeds are reduced in the school zone;
- ▶ limits a violation enforced by a speed safety camera to a civil violation and specifies



26 civil penalties;

27 ▶ prohibits the use of evidence captured by a speed safety camera to only be used for
28 moving traffic violations unless the evidence is obtained pursuant to a warrant;

29 ▶ requires a contract with a third party vendor to administer certain components of a
30 speed safety camera program;

31 ▶ requires relevant agencies to publish on the relevant agency website certain
32 information about the speed safety camera programs;

33 ▶ designates the Zero Fatalities initiative as the highway safety initiative of the
34 Department of Transportation;

35 ▶ allocates the revenues from certain fines collected from a speed safety camera to the
36 prosecuting government entity and to the Zero Fatalities initiative in the Department
37 of Transportation; and

38 ▶ makes technical changes.

39 **Money Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 This bill provides a special effective date.

43 **Utah Code Sections Affected:**

44 AMENDS:

45 **51-2a-301**, as last amended by Laws of Utah 2022, Chapter 89

46 **63I-1-241**, as last amended by Laws of Utah 2023, Chapters 33, 212, 219, and 335

47 **63I-1-278**, as last amended by Laws of Utah 2022, Chapters 188, 318, 384, and 423

48 ENACTS:

49 **72-1-218**, Utah Code Annotated 1953

50 REPEALS AND REENACTS:

51 **41-6a-608**, as renumbered and amended by Laws of Utah 2005, Chapter 2

52

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

54 Section 1. Section **41-6a-608** is repealed and reenacted to read:

55 **41-6a-608. Speed safety camera pilot program -- Restrictions on use.**

56 (1) As used in this section:

57 (a) "Construction zone" means a portion of a highway under construction,
58 reconstruction, replacement, or improvement.

59 (b) "Department of Transportation" means the Department of Transportation created in
60 Section 72-1-201.

61 (c) "Reduced speed school zone" means the same as that term is defined in Section
62 41-6a-303.

63 (d) "Speed safety camera" means a device used primarily for speed limit enforcement
64 consisting of a radar or lidar unit and camera which automatically captures a photograph of a
65 vehicle, with the vehicle's speed, the date, time of day, and location of the violation included on
66 the photograph.

67 (2) (a) (i) Subject to Subsections (3) and (4), in coordination with an applicable local
68 law enforcement agency and the department, the Department of Transportation shall implement
69 a Speed Safety Camera Pilot Program, as described in this Subsection (2), for speed limit
70 enforcement on:

71 (A) a state highway; or

72 (B) a local highway, if the applicable local highway authority provides the department
73 and Department of Transportation written permission to place a speed safety camera on the
74 local highway authority's highway.

75 (ii) A Speed Safety Camera Pilot Program may only be established in a construction
76 zone or a reduced speed school zone.

77 (b) The Speed Safety Camera Pilot Program shall begin on July 1, 2024, and end on
78 August 30, 2025.

79 (c) Subject to Subsection (2)(d), the Department of Transportation and the department
80 may implement a speed safety camera in:

81 (i) no more than five reduced speed school zones with each zone having up to two
82 speed safety cameras, one for each direction of traffic; and

83 (ii) no more than five construction zones with each construction zone having:

84 (A) up to one speed safety camera per freeway entrance, if the construction zone is on a
85 freeway; or

86 (B) up to two speed safety cameras, one for each direction of traffic, if the construction
87 zone is on a highway that is not freeway.

88 (d) The maximum number of speed safety camera locations the Department of
89 Transportation and the department can collectively employ throughout the state at one time is
90 10 locations.

91 (e) (i) The Department of Transportation shall:

92 (A) install the necessary signs described in Subsection (3)(a)(i);

93 (B) enter into an agreement or contract to obtain the speed safety camera from a vendor
94 as described in Subsection (7);

95 (C) manage the use and maintenance of a speed safety camera and speed safety camera
96 notice signs;

97 (D) collect and send, or ensure the speed safety camera vendor collects and sends,
98 necessary data captured by the speed safety camera to the applicable local law enforcement
99 agency for the enforcing agency to send a civil notice of violation or warning as described in
100 Subsection (5);

101 (E) coordinate with the department and an applicable local law enforcement agency for
102 implementation of the Speed Safety Camera Pilot Program including placement location of a
103 speed safety camera; and

104 (F) determine the placement location for each speed safety camera in consultation with
105 the local law enforcement agency or the department.

106 (ii) The department shall:

107 (A) consult with the Department of Transportation for the Department of
108 Transportation to enter into a contract to purchase, lease, or rent a speed safety camera from a
109 vendor;

110 (B) coordinate with the Department of Transportation to receive the captured data
111 described in Subsection (2)(e)(i)(D);

112 (C) search the department's database of registered vehicles based on the photograph of
113 the violating driver's vehicle's license plate; and

114 (D) send the owner of the vehicle described in Subsection (2)(e)(ii)(C) the warning or
115 civil notice of violation described in Subsection (5).

116 (iii) A local highway authority that agrees to the placement of a speed safety camera in
117 a reduced speed school zone within that local highway authority's jurisdiction shall ensure the
118 local law enforcement agency in that jurisdiction coordinates with the Department of

119 Transportation for the placement, use, maintenance, or removal of the speed safety camera.

120 (3) (a) Subject to Subsection (4), the department may not use a speed safety camera in
121 an area described in Subsection (2)(c), unless:

122 (i) a prominent sign is posted on the highway providing notice to a motorist that a
123 speed safety camera is in use;

124 (ii) the speed safety camera is programed to account for the margin of error in
125 calibration of a vehicle's speedometer;

126 (iii) use of a speed safety camera by a local highway authority and enforcement by the
127 local law enforcement agency is approved by the local highway authority's governing body; and

128 (iv) the issuance of a civil notice of violation is accompanied by the photograph
129 produced by a speed safety camera.

130 (b) The department may operate a speed safety camera in a reduced speed school zone
131 only during times of the day when the reduced speed school zone is operating and requiring
132 reduced traffic speeds.

133 (4) The Department of Transportation shall:

134 (a) consult with the department and the applicable local law enforcement agency
135 regarding speed safety camera placement locations using:

136 (i) relevant safety metrics; and

137 (ii) factors identifying an area as having the highest potential in preventing loss of life
138 and injury; and

139 (b) determine the placement of a speed safety camera in the reduced speed school
140 zones and construction zones described in Subsection (2)(c).

141 (5) (a) As part of the implementation of a speed safety camera as described in this
142 section, the department or the Department of Transportation shall contract with a third party
143 vendor to perform the duties as described in this Subsection (5).

144 (b) A contract with a third party vendor described in Subsection (5)(a) shall include
145 provisions for the third party vendor to:

146 (i) notify a violator;

147 (ii) issue a warning to a violator;

148 (iii) issue a civil notice of violation to a violator;

149 (iv) collect and remit civil penalties;

- 150 (v) administer an opportunity for the individual to appeal a civil notice of violation;
- 151 (vi) coordinate with the department, the Department of Transportation, or a local law
- 152 enforcement agency regarding information about the vehicle in question, including the
- 153 registration status and ownership; and
- 154 (vii) report to the department, the Department of Transportation, or a local law
- 155 enforcement agency regarding the duties described in Subsections (5)(b)(i) through (v).
- 156 (c) If a speed safety camera captures evidence of an individual committing a moving
- 157 traffic violation as described in Subsection (2), the third party vendor shall:
- 158 (i) for a vehicle registered in this state, issue notice by mail or personal service within
- 159 30 days after the date of the alleged violation; or
- 160 (ii) for a vehicle registered in any other state, issue notice by mail or personal service
- 161 within 60 days after the date of the alleged violation.
- 162 (d) For a first violation during the pilot period involving the vehicle, the notice
- 163 described in Subsection (5)(c) shall:
- 164 (i) provide information and evidence of the alleged violation; and
- 165 (ii) provide a warning to the owner of the violation.
- 166 (e) For a second or subsequent violation during the pilot period, the notice described in
- 167 Subsection (5)(c) shall:
- 168 (i) provide information and evidence of the alleged violation;
- 169 (ii) issue a civil notice of violation to the vehicle owner; and
- 170 (iii) provide information about how the owner of the vehicle may dispute the civil
- 171 notice of violation.
- 172 (f) If the third party vendor fails to provided the notice described in Subsection (5)(c),
- 173 (d), or (e):
- 174 (i) the alleged violation may not count toward a first or subsequent violation as
- 175 described in this Subsection (5); and
- 176 (ii) may not issue a civil notice of violation for the alleged violation.
- 177 (g) If an individual fails to pay the civil penalty within 30 days after the notice
- 178 described in Subsection (5)(e), the third party vendor shall send a civil penalty notice to the
- 179 owner.
- 180 (h) If an individual fails to pay the civil penalty or otherwise resolve the alleged

181 violation within 30 days after the civil penalty notice described in Subsection (5)(g), the third
182 party vendor shall enter an order of liability against the owner.

183 (i) An individual may contest the order of liability described in Subsection (5)(h) in a
184 justice court.

185 (j) Notwithstanding Section 41-6a-303, and after an individual has received a warning
186 as described in Subsection (5)(d), a violation enforced by a speed safety camera in a reduced
187 speed school zone as provided in this section is a civil notice of violation with the following
188 minimum fines:

| <u>Vehicle Speed</u> | <u>Minimum Fine</u> |
|-------------------------------|---------------------|
| 190 <u>21-29 MPH</u> | <u>\$50</u> |
| 191 <u>30 MPH and greater</u> | <u>\$125</u> |

192 (k) (i) Except as provided in Subsection (5)(k)(ii), any data or evidence captured by a
193 speed safety camera, other than evidence of an individual committing a moving traffic
194 violation, may not be used as evidence in a criminal or civil proceeding or investigation.

195 (ii) A law enforcement agency may access and use data or evidence captured by a
196 speed safety camera pursuant to a warrant issued under the Utah Rules of Criminal Procedure
197 or an equivalent federal warrant.

198 (l) For a civil fine and forfeiture collected as described in this section the third party
199 vendor shall:

200 (i) if the defendant voluntarily remits the civil fine under this section, allocate 100% to
201 the Department of Transportation's Zero Fatalities initiative described in Section 72-1-218; or

202 (ii) in all other instances, allocate:

203 (A) 40% to the treasurer of the state or local government entity responsible for
204 enforcing the moving traffic violation; and

205 (B) 60% to the Department of Transportation's Zero Fatalities initiative described in
206 Section 72-1-218.

207 (6) (a) Except as provided in Subsection (6)(b), any data or evidence captured by a
208 speed safety camera, other than evidence of an individual committing a moving traffic
209 violation, may not be used as evidence in a criminal or civil proceeding or investigation.

210 (b) A law enforcement agency may access and use data or evidence captured by a speed
211 safety camera pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an

212 equivalent federal warrant.

213 (7) (a) Subject to Subsection (7)(b), the Department of Transportation shall enter into a
214 contract regarding the purchase, lease, or rental of a speed safety camera for use by the
215 department.

216 (b) The contract described in Subsection (7)(a) may not require any condition for
217 issuing a civil notice of violation.

218 (c) The Department of Transportation shall use existing departmental funds to
219 purchase, lease, or rent the speed safety cameras for the pilot program.

220 (8) The Department of Transportation and the department shall make the following
221 information available for public inspection on the respective websites of the Department of
222 Transportation or the department:

223 (a) the terms of any vendor contract regarding the purchase, lease, rental, or use of a
224 speed safety camera;

225 (b) the total fine revenue generated by using a speed safety camera;

226 (c) the number of civil notice of violations issued by the use of a speed safety camera;

227 and

228 (d) the amount paid to the vendor providing a speed safety camera unit.

229 (9) On or before October 1, 2025, the Department of Transportation and the
230 department shall provide a report to the Transportation Interim Committee that summarizes:

231 (a) the effectiveness of speed safety camera enforcement in each selected reduced
232 speed school zone and construction zone described in Subsection (2)(c);

233 (b) if available, the average speed of vehicles driving through each of the reduced
234 speed school zones and construction zones before and after implementation of the pilot
235 program;

236 (c) if available, the crash rates before and after implementation; and

237 (d) other relevant data.

238 (10) A moving traffic violation enforced through the use of a speed safety camera is
239 not a reportable violation as defined under Section [53-3-102](#), and the Driver License Division
240 may not assess points under Section [53-3-221](#) against the driving record of a person for the
241 violation.

242 (11) Notwithstanding Subsections (2) through (4), the restrictions on the use of a speed

243 safety camera do not apply when the information gathered is used for highway safety research
244 or to issue warning citations not involving a fine, court appearance, or an individual's driving
245 record.

246 Section 2. Section **51-2a-301** is amended to read:

247 **51-2a-301. State auditor responsibilities.**

248 (1) Except for political subdivisions that do not receive or expend public funds, the
249 state auditor shall adopt guidelines, qualifications criteria, and procurement procedures for use
250 in the procurement of audit services for all entities that are required by Section **51-2a-201** to
251 cause an accounting report to be made.

252 (2) The state auditor shall follow the notice, hearing, and publication requirements of
253 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

254 (3) The state auditor shall:

255 (a) review the accounting report submitted to the state auditor under Section
256 **51-2a-201**; and

257 (b) if necessary, conduct additional inquiries or examinations of financial statements of
258 the entity submitting that information.

259 (4) The governing board of each entity required by Section **51-2a-201** to submit an
260 accounting report to the state auditor's office shall comply with the guidelines, criteria, and
261 procedures established by the state auditor.

262 (5) Each fifth year, the state auditor shall:

263 (a) review the dollar criteria established in Section **51-2a-201** to determine if they need
264 to be increased or decreased; and

265 (b) if the state auditor determines that they need to be increased or decreased, notify the
266 Legislature of that need.

267 (6) (a) The state auditor may require a higher level of accounting report than is required
268 under Section **51-2a-201**.

269 (b) The state auditor shall:

270 (i) develop criteria under which a higher level of accounting report may be required;
271 and

272 (ii) provide copies of those criteria to entities required to analyze and report under
273 Section **51-2a-201**.

274 (7) This section does not apply to a nonprofit corporation that submits an accounting
275 report under Section [51-2a-201.5](#).

276 (8) The state auditor shall adopt a policy to monitor compliance with Subsection
277 [~~78A-7-120(7)~~]; [78A-7-120\(8\)](#).

278 Section 3. Section **63I-1-241** is amended to read:

279 **63I-1-241. Repeal dates: Title 41.**

280 (1) Subsection [41-1a-1201\(8\)](#), related to the Neuro-Rehabilitation Fund, is repealed
281 January 1, 2025.

282 (2) Section [41-3-106](#), which creates an advisory board related to motor vehicle
283 business regulation, is repealed July 1, 2024.

284 (3) The following subsections addressing lane filtering are repealed on July 1, 2027:

285 (a) the subsection in Section [41-6a-102](#) that defines "lane filtering";

286 (b) Subsection [41-6a-704\(5\)](#); and

287 (c) Subsection [41-6a-710\(1\)\(c\)](#).

288 (4) Section [41-6a-608](#), related to the Speed Safety Camera Pilot Program, is repealed
289 July 1, 2026.

290 [~~(4)~~] (5) Subsection [41-6a-1406\(6\)\(b\)\(iii\)](#), related to the Neuro-Rehabilitation Fund, is
291 repealed January 1, 2025.

292 [~~(5)~~] (6) Subsections [41-22-2\(1\)](#) and [41-22-10\(1\)](#), which authorize an advisory council
293 that includes in the advisory council's duties addressing off-highway vehicle issues, are
294 repealed July 1, 2027.

295 [~~(6)~~] (7) Subsection [41-22-8\(3\)](#), related to the Neuro-Rehabilitation Fund, is repealed
296 January 1, 2025.

297 Section 4. Section **63I-1-278** is amended to read:

298 **63I-1-278. Repeal dates: Title 78A and Title 78B.**

299 (1) Subsections [78A-2-301\(4\)](#) and [78A-2-301.5\(12\)](#), regarding the suspension of filing
300 fees for petitions for expungement, are repealed on July 1, 2023.

301 (2) Section [78B-3-421](#), regarding medical malpractice arbitration agreements, is
302 repealed July 1, 2029.

303 (3) Subsection [78A-5-110\(7\)](#), regarding fines and forfeitures collected as part of the
304 Speed Safety Camera Pilot Program, is repealed on July 1, 2026.

305 [~~3~~] (4) Subsection [78A-7-106](#)(6), regarding the transfer of a criminal action involving
306 a domestic violence offense from the justice court to the district court, is repealed on July 1,
307 2024.

308 (5) Subsection [78A-7-120](#)(7), regarding fines and forfeitures collected as part of the
309 Speed Safety Camera Pilot Program, is repealed on July 1, 2026.

310 [~~4~~] (6) Section [78B-4-518](#), regarding the limitation on employer liability for an
311 employee convicted of an offense, is repealed on July 1, 2025.

312 [~~5~~] (7) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed
313 July 1, 2026.

314 [~~6~~] (8) Title 78B, Chapter 12, Part 4, Advisory Committee, which creates the Child
315 Support Guidelines Advisory Committee, is repealed July 1, 2026.

316 [~~7~~] (9) Section [78B-22-805](#), regarding the Interdisciplinary Parental Representation
317 Pilot Program, is repealed December 31, 2024.

318 Section 5. Section **72-1-218** is enacted to read:

319 **72-1-218. Zero Fatalities initiative.**

320 (1) The "Zero Fatalities" initiative is designated as the highway safety initiative of the
321 department in the state.

322 (2) The department shall develop or maintain the policies related to the Zero Fatalities
323 initiative that promote safety on highways for pedestrians and vehicle passengers, mitigate
324 vehicle crash severity, and reduce the number of lives lost in the state.

325 Section 6. **Effective date.**

326 This bill takes effect on July 1, 2024.