

TRAFFIC ENFORCEMENT AMENDMENTS

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 citations.

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;
- ▶ allows a local highway authority to implement a speed safety camera program;
- ▶ limits the use of a speed safety camera in a school zone to times when traffic speeds are reduced in the school zone;
- ▶ prohibits the use of evidence captured by a speed safety camera to only be used for moving traffic violations;
- ▶ requires relevant agencies to publish on the relevant agency website certain



28 information about the speed safety camera programs;

29 ▶ designates the Zero Fatalities initiative as the highway safety initiative of the
30 Department of Transportation;

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

34 ▶ makes technical changes.

35 **Money Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 This bill provides a special effective date.

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **51-2a-301**, as last amended by Laws of Utah 2022, Chapter 89

42 **63I-1-241**, as last amended by Laws of Utah 2023, Chapters 33, 212, 219, and 335

43 **63I-1-278**, as last amended by Laws of Utah 2022, Chapters 188, 318, 384, and 423

44 **78A-5-110**, as last amended by Laws of Utah 2023, Chapter 34

45 **78A-7-120**, as last amended by Laws of Utah 2023, Chapter 34

46 ENACTS:

47 **72-1-218**, Utah Code Annotated 1953

48 REPEALS AND REENACTS:

49 **41-6a-608**, as renumbered and amended by Laws of Utah 2005, Chapter 2



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

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 Section **41-6a-608** is repealed and reenacted to read:

53 **41-6a-608. Speed safety camera pilot program -- Restrictions on use.**

54 (1) As used in this section:

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

57 (b) "Department of Transportation" means the Department of Transportation created in

58 Section 72-1-201.

59 (c) "Reduced speed school zone" means the same as that term is defined in Section
60 41-6a-303.

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

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

69 (A) a state highway; or

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

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

75 (b) The Speed Safety Camera Pilot Program shall begin on July 1, 2024, and end on
76 June 30, 2025.

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

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

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

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

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

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

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

- 90 (A) install the necessary signs described in Subsection (3)(a)(i);
- 91 (B) enter into an agreement or contract to obtain the speed safety camera from a vendor
- 92 as described in Subsection (6);
- 93 (C) manage the use and maintenance of a speed safety camera and speed safety camera
- 94 notice signs;
- 95 (D) collect and send, or ensure the speed safety camera vendor collects and sends,
- 96 necessary data captured by the speed safety camera to the applicable local law enforcement
- 97 agency for the enforcing agency to send a citation or warning as described in Subsection (5);
- 98 (E) coordinate with the department and an applicable local law enforcement agency for
- 99 implementation of the Speed Safety Camera Pilot Program including placement location of a
- 100 speed safety camera; and
- 101 (F) determine the placement location for each speed safety camera in consultation with
- 102 the local law enforcement agency or the department.
- 103 (ii) The department shall:
- 104 (A) consult with the Department of Transportation for the Department of
- 105 Transportation to enter into a contract to purchase, lease, or rent a speed safety camera from a
- 106 vendor;
- 107 (B) coordinate with the Department of Transportation to receive the captured data
- 108 described in Subsection (2)(e)(i)(D);
- 109 (C) search the department's database of registered vehicles based on the photograph of
- 110 the violating driver's vehicle's license plate; and
- 111 (D) send the owner of the vehicle described in Subsection (2)(e)(ii)(C) the warning or
- 112 citation described in Subsection (5).
- 113 (iii) A local highway authority that agrees to the placement of a speed safety camera in
- 114 a reduced speed school zone within that local highway authority's jurisdiction shall ensure the
- 115 local law enforcement agency in that jurisdiction coordinates with the Department of
- 116 Transportation for the placement, use, maintenance, or removal of the speed safety camera.
- 117 (f) (i) Notwithstanding the limitation on the number of locations of speed safety
- 118 cameras described in Subsections (2)(c) and (d), a local highway authority may use a speed
- 119 safety camera in reduced speed school zones or construction zones in the local highway
- 120 authority's jurisdiction if the local highway authority:

121 (A) implements the speed safety camera and assumes the responsibilities described in
122 Subsection (2)(f)(ii); or

123 (B) pays the Department of Transportation to implement the speed safety camera as
124 described in Subsection (2)(f)(iii).

125 (ii) If the local highway authority implements the speed safety camera, the local
126 highway authority shall:

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

128 (B) enter into an agreement or contract to obtain the speed safety camera from a vendor
129 as described in Subsection (6) at the same cost or less than the cost of the Department of
130 Transportation's agreement or contract described in Subsection (2)(e)(i)(B);

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

133 (D) collect and send, or ensure the speed safety camera vendor collects and sends,
134 necessary data captured by the speed safety camera to the applicable local law enforcement
135 agency or the department for the enforcing agency to send a citation or warning as described in
136 Subsection (5); and

137 (E) coordinate with the department and the Department of Transportation for
138 implementation of the speed safety camera in the local highway authority's jurisdiction
139 including placement location of a speed safety camera.

140 (iii) If the local highway authority pays the Department of Transportation to implement
141 the speed safety camera, the local highway authority shall:

142 (A) cover the costs the Department of Transportation incurs associated with the
143 implementation of the speed safety camera;

144 (B) coordinate with the department and the Department of Transportation for
145 implementation of the speed safety camera in the local highway authority's jurisdiction
146 including placement location of a speed safety camera; and

147 (C) determines the placement location for each speed safety camera with the local law
148 enforcement agency and the department.

149 (3) (a) Subject to Subsection (4), the department or a local law enforcement agency
150 may not use a speed safety camera in an area described in Subsection (2)(c), unless:

151 (i) a prominent sign is posted on the highway providing notice to a motorist that a

152 speed safety camera is in use;

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

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

157 (iv) the issuance of a citation is accompanied by the photograph produced by a speed
158 safety camera.

159 (b) The department or a local law enforcement agency may operate a speed safety
160 camera in a reduced speed school zone only during times of the day when the reduced speed
161 school zone is operating and requiring reduced traffic speeds.

162 (4) (a) Except as provided in Subsection (4)(b), the Department of Transportation shall:

163 (i) consult with the department and the applicable local law enforcement agency
164 regarding speed safety camera placement locations using:

165 (A) relevant safety metrics; and

166 (B) factors identifying an area as having the highest potential in preventing loss of life
167 and injury; and

168 (ii) determine the placement of a speed safety camera in the reduced speed school
169 zones and construction zones described in Subsection (2)(c).

170 (b) The Department of Transportation may not have more than two speed safety
171 camera locations in any one county.

172 (5) (a) If a speed safety camera captures evidence of an individual committing a
173 moving traffic violation as described in Subsection (2), the department or the applicable local
174 law enforcement agency shall:

175 (i) provide one warning per vehicle per calendar year upon the vehicle owner's first
176 violation in any jurisdiction; and

177 (ii) issue a citation to the vehicle owner for the second and subsequent violations with
178 the same vehicle within any jurisdiction until the next calendar year begins.

179 (b) Any data or evidence captured by a speed safety camera, other than evidence of an
180 individual committing a moving traffic violation, may not be used as evidence in a criminal or
181 civil proceeding or investigation.

182 (6) (a) Subject to Subsection (6)(b), the Department of Transportation shall enter into a

183 contract regarding the purchase, lease, or rental of a speed safety camera for use by the
184 department or a local highway authority.

185 (b) The contract described in Subsection (6)(a) may not require any condition for
186 issuing a citation.

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

189 (7) The Department of Transportation, the department, and any local highway authority
190 shall make the following information available for public inspection on the respective websites
191 of the Department of Transportation, the department, or the local highway authority:

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

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

195 (c) the number of citations issued by the use of a speed safety camera; and

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

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

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

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

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

205 (d) other relevant data.

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

210 (10) Notwithstanding Subsections (2) through (4), the restrictions on the use of a speed
211 safety camera do not apply when the information gathered is used for highway safety research
212 or to issue warning citations not involving a fine, court appearance, or an individual's driving
213 record.

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

215 **51-2a-301. State auditor responsibilities.**

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

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

222 (3) The state auditor shall:

223 (a) review the accounting report submitted to the state auditor under Section
224 **51-2a-201**; and

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

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

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

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

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

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

237 (b) The state auditor shall:

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

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

242 (7) This section does not apply to a nonprofit corporation that submits an accounting
243 report under Section **51-2a-201.5**.

244 (8) The state auditor shall adopt a policy to monitor compliance with Subsection

245 [~~78A-7-120(7)~~]; 78A-7-120(8).

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

247 **63I-1-241. Repeal dates: Title 41.**

248 (1) Subsection 41-1a-1201(8), related to the Neuro-Rehabilitation Fund, is repealed
249 January 1, 2025.

250 (2) Section 41-3-106, which creates an advisory board related to motor vehicle
251 business regulation, is repealed July 1, 2024.

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

253 (a) the subsection in Section 41-6a-102 that defines "lane filtering";

254 (b) Subsection 41-6a-704(5); and

255 (c) Subsection 41-6a-710(1)(c).

256 (4) Section 41-6a-608, related to the Speed Safety Camera Pilot Program, is repealed
257 July 1, 2026.

258 [~~(4)~~] (5) Subsection 41-6a-1406(6)(b)(iii), related to the Neuro-Rehabilitation Fund, is
259 repealed January 1, 2025.

260 [~~(5)~~] (6) Subsections 41-22-2(1) and 41-22-10(1), which authorize an advisory council
261 that includes in the advisory council's duties addressing off-highway vehicle issues, are
262 repealed July 1, 2027.

263 [~~(6)~~] (7) Subsection 41-22-8(3), related to the Neuro-Rehabilitation Fund, is repealed
264 January 1, 2025.

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

266 **63I-1-278. Repeal dates: Title 78A and Title 78B.**

267 (1) Subsections 78A-2-301(4) and 78A-2-301.5(12), regarding the suspension of filing
268 fees for petitions for expungement, are repealed on July 1, 2023.

269 (2) Section 78B-3-421, regarding medical malpractice arbitration agreements, is
270 repealed July 1, 2029.

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

273 [~~(3)~~] (4) Subsection 78A-7-106(6), regarding the transfer of a criminal action involving
274 a domestic violence offense from the justice court to the district court, is repealed on July 1,
275 2024.

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

278 ~~[(4)]~~ (6) Section 78B-4-518, regarding the limitation on employer liability for an
279 employee convicted of an offense, is repealed on July 1, 2025.

280 ~~[(5)]~~ (7) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed
281 July 1, 2026.

282 ~~[(6)]~~ (8) Title 78B, Chapter 12, Part 4, Advisory Committee, which creates the Child
283 Support Guidelines Advisory Committee, is repealed July 1, 2026.

284 ~~[(7)]~~ (9) Section 78B-22-805, regarding the Interdisciplinary Parental Representation
285 Pilot Program, is repealed December 31, 2024.

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

287 **72-1-218. Zero Fatalities initiative.**

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

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

293 Section 6. Section 78A-5-110 is amended to read:

294 **78A-5-110. Allocation of district court fees and forfeitures.**

295 (1) Except as provided in this section, district court fines and forfeitures collected for
296 violation of state statutes shall be paid to the state treasurer.

297 (2) Fines and forfeitures collected by the court for violation of a state statute or county
298 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted ~~[(1/2)]~~
299 one-half to the state treasurer and ~~[(1/2)]~~ one-half to the treasurer of the state or local
300 governmental entity which prosecutes or which would prosecute the violation.

301 (3) (a) Fines and forfeitures collected for violations of Title 23A, Wildlife Resources
302 Act, Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter 18, State Boating Act,
303 shall be paid to the state treasurer.

304 (b) For violations of Title 23A, Wildlife Resources Act, the state treasurer shall
305 allocate 85% to the Division of Wildlife Resources and 15% to the General Fund.

306 (c) For violations of Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter

307 18, State Boating Act, the state treasurer shall allocate 85% to the Division of Outdoor
308 Recreation and 15% to the General Fund.

309 (4) (a) The state treasurer shall allocate fines and forfeitures collected for a violation of
310 Section 72-7-404 or 72-7-406, less fees established by the Judicial Council, to the Department
311 of Transportation for use on class B and class C roads.

312 (b) Fees established by the Judicial Council shall be deposited in the state General
313 Fund.

314 (c) Money allocated for class B and class C roads is supplemental to the money
315 appropriated under Section 72-2-107 but shall be expended in the same manner as other class B
316 and class C road funds.

317 (5) (a) Fines and forfeitures collected by the court for a second or subsequent violation
318 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

319 (i) 60% to the state treasurer to be deposited into the Transportation Fund; and
320 (ii) 40% in accordance with Subsection (2).

321 (b) Fines and forfeitures collected by the court for a second or subsequent violation
322 under Subsection 72-7-409(6)(d) shall be remitted:

323 (i) 50% to the state treasurer to be deposited into the Transportation Fund; and
324 (ii) 50% in accordance with Subsection (2).

325 (6) For fines and forfeitures collected by the court for a violation of Section
326 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic
327 enforcement safety device as described in Section 41-6a-1310, the court shall allocate 20% to
328 the school district or private school that owns or contracts for the use of the bus, and the state
329 treasurer shall allocate 40% to the treasurer of the state or local governmental entity that
330 prosecutes or that would prosecute the violation, and 40% to the General Fund.

331 (7) For fines and forfeitures collected by the court for a moving traffic violation
332 captured by a speed safety camera as described in Section 41-6a-608, the court shall:

333 (a) if the defendant voluntarily remits the fine under Subsection 77-7-21(1), allocate
334 100% to the Department of Transportation's Zero Fatalities initiative described in Section
335 72-1-218; or

336 (b) in all other instances, allocate:

337 (i) 40% to the treasurer of the state or local government entity responsible for

338 prosecuting the moving traffic violation; and

339 (ii) 60% to the Department of Transportation's Zero Fatalities initiative described in
340 Section 72-1-218.

341 [~~7~~] (8) Fines and forfeitures collected for any violations not specified in this chapter
342 or otherwise provided for by law shall be paid to the state treasurer.

343 [~~8~~] (9) Fees collected in connection with civil actions filed in the district court shall
344 be paid to the state treasurer.

345 [~~9~~] (10) The court shall remit money collected in accordance with Title 51, Chapter 7,
346 State Money Management Act.

347 Section 7. Section 78A-7-120 is amended to read:

348 **78A-7-120. Disposition of fines.**

349 (1) (a) Except as otherwise specified by this section, fines and forfeitures collected by a
350 justice court shall be remitted as follows:

351 (i) 50% to the treasurer of the local government responsible for the court; and

352 (ii) 50% to the treasurer of the local government which prosecutes or which would
353 prosecute the violation.

354 (b) An interlocal agreement created pursuant to Title 11, Chapter 13, Interlocal
355 Cooperation Act, and related to justice courts may alter the ratio described in Subsection (1)(a)
356 if the parties agree.

357 (2) (a) For violation of Title 23A, Wildlife Resources Act, the court shall allocate 85%
358 to the Division of Wildlife Resources and 15% to the general fund of the local government
359 responsible for the justice court.

360 (b) For violation of Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter
361 18, State Boating Act, the court shall allocate 85% to the Division of Outdoor Recreation and
362 15% to the general fund of the local government responsible for the justice court.

363 (c) Fines and forfeitures collected by the court for a violation of Section 41-6a-1302 in
364 instances where evidence of the violation was obtained by an automated traffic enforcement
365 safety device as described in Section 41-6a-1310 shall be remitted:

366 (i) 20% to the school district or private school that owns or contracts for the use of the
367 school bus; and

368 (ii) 80% in accordance with Subsection (1).

369 (3) The surcharge established by Section 51-9-401 shall be paid to the state treasurer
370 and deposited into the General Fund.

371 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice
372 court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations
373 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial
374 Council, shall be paid to the state treasurer and allocated to the Department of Transportation
375 for class B and class C roads.

376 (5) Revenue allocated for class B and class C roads pursuant to Subsection (4) or
377 Subsection ~~(7)~~ (8) is supplemental to the money appropriated under Section 72-2-107 but
378 shall be expended in the same manner as other class B and class C road funds.

379 (6) (a) Fines and forfeitures collected by the court for a second or subsequent violation
380 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

- 381 (i) 60% to the state treasurer to be deposited into the Transportation Fund; and
382 (ii) 40% in accordance with Subsection (1).

383 (b) Fines and forfeitures collected by the court for a second or subsequent violation
384 under Subsection 72-7-409(6)(d) shall be remitted:

- 385 (i) 50% to the state treasurer to be deposited into the Transportation Fund; and
386 (ii) 50% in accordance with Subsection (1).

387 (7) For fines and forfeitures collected by the court for a moving traffic violation
388 captured by a speed safety camera as described in Section 41-6a-608, the court shall:

389 (a) if the defendant voluntarily remits the fine under Subsection 77-7-21(1), allocate
390 100% to the Department of Transportation's Zero Fatalities initiative described in Section
391 72-1-218; or

392 (b) in all other instances, allocate:

393 (i) 40% to the treasurer of the state or local government entity responsible for
394 prosecuting the moving traffic violation; and

395 (ii) 60% to the Department of Transportation's Zero Fatalities initiative described in
396 Section 72-1-218.

397 ~~(7)~~ (8) (a) Revenue from traffic fines may not exceed 25% of a local government's
398 total general fund revenue for a fiscal year.

399 (b) No later than 30 days after the day on which a local government's fiscal year ends, a

400 local government that receives traffic fine revenue shall:

401 (i) for the immediately preceding fiscal year, determine the amount of traffic fine
402 revenue that exceeds the amount described in Subsection (7)(a); and

403 (ii) transfer the amount calculated under Subsection (7)(b)(i) to the state treasurer to be
404 allocated to the Department of Transportation for class B and class C roads.

405 Section 8. **Effective date.**

406 This bill takes effect on July 1, 2024.