

# HB0345S01 compared with HB0345

~~text~~ shows text that was in HB0345 but was deleted in HB0345S01.

inserted text shows text that was not in HB0345 but was inserted into HB0345S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Ken Ivory proposes the following substitute bill:

## DRIVING PENALTY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor:** {}Robert M. Spendlove

**Senate Sponsor:** {}\_\_\_\_\_

---

### 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;
- ▶ requires the Judicial Council to adjust certain fines in the Uniform Fine Schedule to adjust for inflation; and
- ▶ makes technical changes.

#### Money Appropriated in this Bill:

None

## HB0345S01 compared with HB0345

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

[41-6a-102, as last amended by Laws of Utah 2023, Chapters 219, 532](#)

**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-102 is amended to read:](#)

#### **41-6a-102. Definitions.**

As used in this chapter:

(1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.

(2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.

(3) "Authorized emergency vehicle" includes:

(a) fire department vehicles;

(b) police vehicles;

(c) ambulances; and

(d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.

(4) "Autocycle" means the same as that term is defined in Section 53-3-102.

(5) (a) "Bicycle" means a wheeled vehicle:

(i) propelled by human power by feet or hands acting upon pedals or cranks;

(ii) with a seat or saddle designed for the use of the operator;

(iii) designed to be operated on the ground; and

(iv) whose wheels are not less than 14 inches in diameter.

(b) "Bicycle" includes an electric assisted bicycle.

(c) "Bicycle" does not include scooters and similar devices.

(6) (a) "Bus" means a motor vehicle:

## HB0345S01 compared with HB0345

(i) designed for carrying more than 15 passengers and used for the transportation of persons; or

(ii) designed and used for the transportation of persons for compensation.

(b) "Bus" does not include a taxicab.

(7) (a) "Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection where traffic passes to the right of the island.

(b) "Circular intersection" includes:

(i) roundabouts;

(ii) rotaries; and

(iii) traffic circles.

(8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in Subsection ~~[(18)(d)(i)]~~ [(19)(d)(i)].

(9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in Subsection ~~[(18)(d)(ii)]~~ [(19)(d)(ii)].

(10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in Subsection ~~[(18)(d)(iii)]~~.

(11) "Commissioner" means the commissioner of the Department of Public Safety.

[(12)] [(13)] "Consumer Price Index" means the same as that term is defined in Section 41-1a-102.

~~[(12)]~~ [(13)] "Controlled-access highway" means a highway, street, or roadway:

(a) designed primarily for through traffic; and

(b) to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the highway authority having jurisdiction over the highway, street, or roadway.

~~[(13)]~~ [(14)] "Crosswalk" means:

(a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from:

(i) (A) the curbs; or

(B) in the absence of curbs, from the edges of the traversable roadway; and

(ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway

## HB0345S01 compared with HB0345

included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline; or

(b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

~~[(14)]~~ [(15)] "Department" means the Department of Public Safety.

~~[(15)]~~ [(16)] "Direct supervision" means oversight at a distance within which:

- (a) visual contact is maintained; and
- (b) advice and assistance can be given and received.

~~[(16)]~~ [(17)] "Divided highway" means a highway divided into two or more roadways by:

- (a) an unpaved intervening space;
- (b) a physical barrier; or
- (c) a clearly indicated dividing section constructed to impede vehicular traffic.

~~[(17)]~~ [(18)] "Echelon formation" means the operation of two or more snowplows arranged side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to clear snow from two or more lanes at once.

~~[(18)]~~ [(19)] "Electric assisted bicycle" means a bicycle with an electric motor that:

- (a) has a power output of not more than 750 watts;
- (b) has fully operable pedals on permanently affixed cranks;
- (c) is fully operable as a bicycle without the use of the electric motor; and
- (d) is one of the following:
  - (i) an electric assisted bicycle equipped with a motor or electronics that:
    - (A) provides assistance only when the rider is pedaling; and
    - (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;
  - (ii) an electric assisted bicycle equipped with a motor or electronics that:
    - (A) may be used exclusively to propel the bicycle; and
    - (B) is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; or
  - (iii) an electric assisted bicycle equipped with a motor or electronics that:
    - (A) provides assistance only when the rider is pedaling;

## HB0345S01 compared with HB0345

(B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour; and

(C) is equipped with a speedometer.

~~[(19)]~~ (20) (a) "Electric personal assistive mobility device" means a self-balancing device with:

(i) two nontandem wheels in contact with the ground;

(ii) a system capable of steering and stopping the unit under typical operating conditions;

(iii) an electric propulsion system with average power of one horsepower or 750 watts;

(iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and

(v) a deck design for a person to stand while operating the device.

(b) "Electric personal assistive mobility device" does not include a wheelchair.

~~[(20)]~~ (21) "Explosives" means a chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.

~~[(21)]~~ (22) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.

~~[(22)]~~ (23) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as determined by a Tagliabue or equivalent closed-cup test device.

~~[(23)]~~ (24) "Freeway" means a controlled-access highway that is part of the interstate system as defined in Section 72-1-102.

~~[(24)]~~ (25) (a) "Golf cart" means a device that:

(i) is designed for transportation by players on a golf course;

(ii) has not less than three wheels in contact with the ground;

(iii) has an unladen weight of less than 1,800 pounds;

(iv) is designed to operate at low speeds; and

(v) is designed to carry not more than six persons including the driver.

## HB0345S01 compared with HB0345

(b) "Golf cart" does not include:

- (i) a low-speed vehicle or an off-highway vehicle;
- (ii) a motorized wheelchair;
- (iii) an electric personal assistive mobility device;
- (iv) an electric assisted bicycle;
- (v) a motor assisted scooter;
- (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- (vii) a mobile carrier, as defined in Section 41-6a-1120.

~~[(25)]~~ [(26)] "Gore area" means the area delineated by two solid white lines that is between a continuing lane of a through roadway and a lane used to enter or exit the continuing lane including similar areas between merging or splitting highways.

~~[(26)]~~ [(27)] "Gross weight" means the weight of a vehicle without a load plus the weight of any load on the vehicle.

~~[(27)]~~ [(28)] "Hi-rail vehicle" means a roadway maintenance vehicle that is:

- (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- (b) equipped with retractable flanged wheels that allow the vehicle to travel on a highway or railroad tracks.

~~[(28)]~~ [(29)] "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel.

~~[(29)]~~ [(30)] "Highway authority" means the same as that term is defined in Section 72-1-102.

~~[(30)]~~ [(31)] (a) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways that join one another.

(b) Where a highway includes two roadways 30 feet or more apart:

(i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and

(ii) if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection.

(c) "Intersection" does not include the junction of an alley with a street or highway.

## HB0345S01 compared with HB0345

~~[(31)]~~ [(32)] "Island" means an area between traffic lanes or at an intersection for control of vehicle movements or for pedestrian refuge designated by:

- (a) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area;
- (b) channelizing devices;
- (c) curbs;
- (d) pavement edges; or
- (e) other devices.

~~[(32)]~~ [(33)] "Lane filtering" means, when operating a motorcycle other than an autocycle, the act of overtaking and passing another vehicle that is stopped in the same direction of travel in the same lane.

~~[(33)]~~ [(34)] "Law enforcement agency" means the same as that term is as defined in Section 53-1-102.

~~[(34)]~~ [(35)] "Limited access highway" means a highway:

- (a) that is designated specifically for through traffic; and
- (b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light, air, or view.

~~[(35)]~~ [(36)] "Local highway authority" means the legislative, executive, or governing body of a county, municipal, or other local board or body having authority to enact laws relating to traffic under the constitution and laws of the state.

~~[(36)]~~ [(37)] (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

- (i) is designed to be operated at speeds of not more than 25 miles per hour; and
- (ii) has a capacity of not more than six passengers, including a conventional driver or fallback-ready user if on board the vehicle, as those terms are defined in Section 41-26-102.1.

(b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

~~[(37)]~~ [(38)] "Metal tire" means a tire, the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

~~[(38)]~~ [(39)] (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or saddle that is less than 24 inches from the ground as measured on a level surface with properly inflated tires.

## HB0345S01 compared with HB0345

(b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

(c) "Mini-motorcycle" does not include a motorcycle that is:

(i) designed for off-highway use; and

(ii) registered as an off-highway vehicle under Section 41-22-3.

~~[(39)]~~ (40) "Mobile home" means:

(a) a trailer or semitrailer that is:

(i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping place either permanently or temporarily; and

(ii) equipped for use as a conveyance on streets and highways; or

(b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a mobile home, as defined in Subsection ~~[(39)(a)]~~ (40)(a), but that is instead used permanently or temporarily for:

(i) the advertising, sale, display, or promotion of merchandise or services; or

(ii) any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

~~[(40)]~~ (41) "Mobility disability" means the inability of a person to use one or more of the person's extremities or difficulty with motor skills, that may include limitations with walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other condition.

~~[(41)]~~ (42) (a) "Moped" means a motor-driven cycle having:

(i) pedals to permit propulsion by human power; and

(ii) a motor that:

(A) produces not more than two brake horsepower; and

(B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground.

(b) If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

(c) "Moped" does not include:

(i) an electric assisted bicycle; or

(ii) a motor assisted scooter.



## HB0345S01 compared with HB0345

~~[(42)]~~ [(43)] (a) "Motor assisted scooter" means a self-propelled device with:

- (i) at least two wheels in contact with the ground;
- (ii) a braking system capable of stopping the unit under typical operating conditions;
- (iii) an electric motor not exceeding 2,000 watts;
- (iv) either:
  - (A) handlebars and a deck design for a person to stand while operating the device; or
  - (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating

the device;

- (v) a design for the ability to be propelled by human power alone; and
- (vi) a maximum speed of 20 miles per hour on a paved level surface.
- (b) "Motor assisted scooter" does not include:
  - (i) an electric assisted bicycle; or
  - (ii) a motor-driven cycle.

~~[(43)]~~ [(44)] (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

- (b) "Motor vehicle" does not include:
  - (i) vehicles moved solely by human power;
  - (ii) motorized wheelchairs;
  - (iii) an electric personal assistive mobility device;
  - (iv) an electric assisted bicycle;
  - (v) a motor assisted scooter;
  - (vi) a personal delivery device, as defined in Section 41-6a-1119; or
  - (vii) a mobile carrier, as defined in Section 41-6a-1120.

~~[(44)]~~ [(45)] "Motorcycle" means:

- (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground; or
- (b) an auticycle.

~~[(45)]~~ [(46)] (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle having:

- (i) an engine with less than 150 cubic centimeters displacement; or

## HB0345S01 compared with HB0345

(ii) a motor that produces not more than five horsepower.

(b) "Motor-driven cycle" does not include:

(i) an electric personal assistive mobility device;

(ii) a motor assisted scooter; or

(iii) an electric assisted bicycle.

~~[(46)]~~ [(47)] "Off-highway implement of husbandry" means the same as that term is defined under Section 41-22-2.

~~[(47)]~~ [(48)] "Off-highway vehicle" means the same as that term is defined under Section 41-22-2.

~~[(48)]~~ [(49)] "Operate" means the same as that term is defined in Section 41-1a-102.

~~[(49)]~~ [(50)] "Operator" means:

(a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or

(b) an automated driving system, as defined in Section 41-26-102.1, that operates a vehicle.

~~[(50)]~~ [(51)] "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or other device operated, alone or coupled with another device, on stationary rails.

~~[(51)]~~ [(52)] (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is occupied or not.

(b) "Park" or "parking" does not include:

(i) the standing of a vehicle temporarily for the purpose of and while actually engaged in loading or unloading property or passengers; or

(ii) a motor vehicle with an engaged automated driving system that has achieved a minimal risk condition, as those terms are defined in Section 41-26-102.1.

~~[(52)]~~ [(53)] "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic laws.

~~[(53)]~~ [(54)] "Pedestrian" means a person traveling:

(a) on foot; or

(b) in a wheelchair.

~~[(54)]~~ [(55)] "Pedestrian traffic-control signal" means a traffic-control signal used to regulate pedestrians.

## HB0345S01 compared with HB0345

~~[(55)]~~ [(56)] "Person" means a natural person, firm, copartnership, association, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

~~[(56)]~~ [(57)] "Pole trailer" means a vehicle without motive power:

(a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

(b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.

~~[(57)]~~ [(58)] "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

~~[(58)]~~ [(59)] "Railroad" means a carrier of persons or property upon cars operated on stationary rails.

~~[(59)]~~ [(60)] "Railroad sign or signal" means a sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

~~[(60)]~~ [(61)] "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.

~~[(61)]~~ [(62)] "Restored-modified vehicle" means the same as the term defined in Section 41-1a-102.

~~[(62)]~~ [(63)] "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed, and proximity that give rise to danger of collision unless one grants precedence to the other.

~~[(63)]~~ [(64)] (a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.

(b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles.

(c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.

## HB0345S01 compared with HB0345

~~[(64)]~~ [(65)] "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

~~[(65)]~~ [(66)] (a) "School bus" means a motor vehicle that:

(i) complies with the color and identification requirements of the most recent edition of "Minimum Standards for School Buses"; and

(ii) is used to transport school children to or from school or school activities.

(b) "School bus" does not include a vehicle operated by a common carrier in transportation of school children to or from school or school activities.

~~[(66)]~~ [(67)] (a) "Semitrailer" means a vehicle with or without motive power:

(i) designed for carrying persons or property and for being drawn by a motor vehicle; and

(ii) constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.

(b) "Semitrailer" does not include a pole trailer.

~~[(67)]~~ [(68)] "Shoulder area" means:

(a) that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices"; or

(b) that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and for lateral support.

~~[(68)]~~ [(69)] "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

~~[(69)]~~ [(70)] (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt that is designated for the use of a bicycle.

(b) "Soft-surface trail" does not mean a trail:

(i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a federal law, regulation, or rule; or

(ii) located in whole or in part on land granted to the state or a political subdivision subject to a conservation easement that prohibits the use of a motorized vehicle.

~~[(70)]~~ [(71)] "Solid rubber tire" means a tire of rubber or other resilient material that

## HB0345S01 compared with HB0345

does not depend on compressed air for the support of the load.

~~[(71)]~~ [(72)] "Stand" or "standing" means the temporary halting of a vehicle, whether occupied or not, for the purpose of and while actually engaged in receiving or discharging passengers.

~~[(72)]~~ [(73)] "Stop" when required means complete cessation from movement.

~~[(73)]~~ [(74)] "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when:

- (a) necessary to avoid conflict with other traffic; or
- (b) in compliance with the directions of a peace officer or traffic-control device.

~~[(74)]~~ [(75)] "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.

~~[(75)]~~ [(76)] "Tow truck operator" means the same as that term is defined in Section 72-9-102.

~~[(76)]~~ [(77)] "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.

~~[(77)]~~ [(78)] "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.

~~[(78)]~~ [(79)] "Traffic signal preemption device" means an instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

~~[(79)]~~ [(80)] "Traffic-control device" means a sign, signal, marking, or device not inconsistent with this chapter placed or erected by a highway authority for the purpose of regulating, warning, or guiding traffic.

~~[(80)]~~ [(81)] "Traffic-control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

~~[(81)]~~ [(82)] (a) "Trailer" means a vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

- (b) "Trailer" does not include a pole trailer.

~~[(82)]~~ [(83)] "Truck" means a motor vehicle designed, used, or maintained primarily for

## HB0345S01 compared with HB0345

the transportation of property.

~~[(83)]~~ [(84)] "Truck tractor" means a motor vehicle:

- (a) designed and used primarily for drawing other vehicles; and
- (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck tractor.

~~[(84)]~~ [(85)] "Two-way left turn lane" means a lane:

- (a) provided for vehicle operators making left turns in either direction;
- (b) that is not used for passing, overtaking, or through travel; and
- (c) that has been indicated by a lane traffic-control device that may include lane markings.

~~[(85)]~~ [(86)] "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.

~~[(86)]~~ [(87)] "Vehicle" means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except a mobile carrier, as defined in Section 41-6a-1120, or a device used exclusively on stationary rails or tracks.

Section ~~[(1)]~~ [(2)]. Section **41-6a-604** is amended to read:

**41-6a-604. Maximum speed in a school zone -- Penalty -- Minimum fines -- Compensatory service -- Waiver -- Recordkeeping.**

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

(2) (a) ~~[(A)]~~ Subject to Subsection (2)(b), a violation of Subsection (1) is a class C misdemeanor and the minimum fine:

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

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

†

†

(ii) for a second and subsequent offense within three years of a previous conviction or

## HB0345S01 compared with HB0345

bail forfeiture shall be calculated according to the following schedule:

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

(b) Beginning on January 1, 2026, while establishing the uniform fine schedule as described in Section 76-3-301.5, the Judicial Council shall, on January 1, adjust the fines described in Subsections (2)(a)(i) and (ii) by taking the fine amount for the previous year and adding an amount equal to the greater of:

(i) an amount calculated by multiplying the fine amount of the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and

(ii) 0.

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

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

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

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

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

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

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

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

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

Section ~~(2)~~ 3. 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 --**

## HB0345S01 compared with HB0345

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

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

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

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

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

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

(a) traveling on a divided highway;

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

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

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

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

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

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

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

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



## HB0345S01 compared with HB0345

(ii) for an emergency purpose.

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

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

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

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

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

(a) ~~{A}~~ Subject to Subsection (6)(b), a violation of Subsection (2) or (3) is a class C misdemeanor and the minimum penalty is:

(i) for a first offense:

(A) \$1,000; and

(B) ~~{no less than 50}~~ 10 hours of compensatory service;

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

(A) \$2,000; and

(B) ~~{no less than 200 hours and up to 400}~~ 20 hours of compensatory service; and

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

(A) \$3,000; and

(B) ~~{no less than 200 hours and up to 400}~~ 40 hours of compensatory service.

(b) Beginning on January 1, 2026, while establishing the uniform fine schedule as described in Section 76-3-301.5, the Judicial Council shall, on January 1, adjust the fines described in Subsections (6)(a)(i)(A), (ii)(A), and (iii)(A) by taking the fine amount for the previous year and adding an amount equal to the greater of:

(i) an amount calculated by multiplying the fine amount of the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and

(ii) 0.

~~[(b)]~~ (c) A violation of Subsection (5) is an infraction and the fine is \$50.

~~[(c)]~~ (d) The court may order the person to perform compensatory service in lieu of the

## HB0345S01 compared with HB0345

fine or any portion of the fine if the court makes the reasons for the waiver part of the record.

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

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

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

- (a) a conviction or bail forfeiture under this section from other convictions; and
- (b) between a first and subsequent conviction or bail forfeiture under this section.

Section ~~3~~ 4. **Effective date.**

This bill takes effect on May 1, 2024.