

TRAFFIC ENFORCEMENT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: _____

LONG TITLE

General Description:

This bill amends restrictions on the use of photo radar for traffic enforcement.

Highlighted Provisions:

This bill:

- ▶ amends the definition for "photo radar";
- ▶ allows the use of photo radar without a peace officer present in certain

circumstances;

- ▶ describes when law enforcement can use photo radar for speed limit or traffic light enforcement; and

- ▶ prohibits the use of photo radar to photograph the front of a vehicle or the faces of a vehicle's occupants.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

REPEALS AND REENACTS:

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

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



28 Section 1. Section [41-6a-608](#) is repealed and reenacted to read:

29 **41-6a-608. Photo radar -- Restrictions on use.**

30 (1) (a) "Photo radar" means a device used primarily for speed limit or traffic light
31 enforcement consisting of a radar or lidar unit and camera which automatically produces a
32 photograph of a vehicle, with the vehicle's speed, the date, time of day, and location of the
33 violation printed on the photograph.

34 (b) "Reduced speed school zone" means the same as that term is defined under Section
35 [41-6a-303](#).

36 (2) Law enforcement may use photo radar for speed limit enforcement under the
37 following circumstances:

38 (a) (i) in a reduced speed school zone;

39 (ii) in a construction zone when construction is occurring; or

40 (iii) in an area that has a posted speed limit of 30 miles per hour or less and a peace
41 officer is present with the photo radar unit;

42 (b) when a sign is posted on the highway providing notice to a motorist that photo
43 radar may be used;

44 (c) when use of photo radar by a local highway authority is approved by the local
45 highway authority's governing body; and

46 (d) when the citation is accompanied by the photograph produced by photo radar.

47 (3) Law enforcement may use photo radar for traffic light enforcement under the
48 following circumstances:

49 (a) (i) in a reduced speed school zone; or

50 (ii) in an area that has a posted speed limit of 40 miles per hour or greater;

51 (b) when a sign is posted on the highway providing notice to a motorist that photo
52 radar may be used;

53 (c) when use of photo radar by a local highway authority is approved by the local
54 highway authority's governing body; and

55 (d) when the citation is accompanied by the photograph produced by photo radar.

56 (4) The restrictions under Subsections [41-6a-608](#)(2) and (3) on the use of photo radar
57 do not apply when the information gathered is used for highway safety research or to issue
58 warning citations not involving a fine, court appearance, or a person's driving record.

59 (5) A contract or agreement regarding the purchase, lease, rental, or use of photo radar
60 by the department or by a local highway authority may not specify any condition for issuing a
61 citation.

62 (6) The department and any local highway authority using photo radar, upon request,
63 shall make the following information available for public inspection during regular office
64 hours:

65 (a) the terms of any contract regarding the purchase, lease, rental, or use of photo radar;

66 (b) the total fine revenue generated by using photo radar;

67 (c) the number of citations issued by the use of photo radar; and

68 (d) the amount paid to the person providing the photo radar unit.

69 (7) A moving traffic violation obtained through the use of photo radar is not a
70 reportable violation as defined under Section [53-3-102](#), and points may not be assessed against
71 a person for the violation.

72 (8) A photo radar picture as required in Subsections [41-6a-608](#)(2) and (3) may not
73 capture the front of a vehicle or the face or faces of a vehicle's occupants and may only capture
74 the rear of a vehicle to include the vehicle's license plate.