

Bill: 2nd substitute HB 178 – School Zone Speeding Amendments

Sponsor: Representative Carol Spackman-Moss

Floor Sponsor: Senator Daniel Weiler

UASD Position: Support

The Bill addresses penalties for speeding in a school zone.

Discussion: Representative Spackman-Moss presented the Bill alongside Unified Police Department (“UPD”) Sergeant Mike Mays. Under current law, if a person speeds in a school zone, the statute provides: “The court shall order the person to perform compensatory service observing a crossing guard if the conviction is for a first offense with a vehicle speed of 30 miles per hour or more....” This means that if a motorist is traveling 10 miles per hour over the posted speed limit, the court must order the motorist to observe a crossing guard. Because motorists are typically stopped for traveling about 10 miles per hour over the limit, most first-time offenders are required to monitor a school zone. When a motorist is ordered to do so, the court requires a form signed by a crossing guard or police officer verifying that the individual observed the crossing. Due to safety concerns raised by crossing guards, when a motorist is ordered to perform this compensatory service an officer is often assigned to remain with the motorist during the crossing. This creates challenges for law enforcement agencies and wastes taxpayer resources.

Representative Moss explained that 2nd substitute HB 178 removes the current mandatory requirement that a person observe a school crossing guard as a form of compensatory sentencing for speeding in a school zone. A judge may still order compensatory service for speeding in a school zone in lieu of paying the fine. However, that service may not include observing a school crossing guard.

UPD Sergeant Jesse Allen testified in support of the Bill on behalf of the Law Enforcement Legislative Committee and the Utah Chiefs of Police Association. Heather Anderson, representing UPD, directed the Committee to House Amendment 1, explaining that when the 2nd substitute was drafted, the phrase “or bail forfeiture” was inadvertently deleted on lines 32, 48, and 49. The Attorney General’s Office requested that the bail forfeiture language be retained. Ms. Anderson stated that the amendment is friendly and simply corrects a drafting error. The Committee adopted House Amendment 1.

Yeas: 6

Nays: 0

N/V: 2

Outcome: 2^{ns} substitute HB 178, as amended, passed out of the Committee with a favorable recommendation.