

**MINUTES OF THE
DECRIMINALIZATION OF TRAFFIC OFFENSES TASK FORCE**

Friday, October 13, 2000 – 9:00 a.m. – Room 414 – State Capitol

Members Present:

Sen. Peter C. Knudson,
Senate Chair
Rep. Glenn L. Way,
House Chair
Sen. Joseph L. Hull
Rep. Katherine M. Bryson
Rep. Gary F. Cox
Rep. Bryan D. Holladay

Members Absent:

Sen. Terry Spencer
Rep. Loretta Baca

Staff Present:

Mr. Benjamin N. Christensen,
Research Analyst
Ms. Esther Chelsea-McCarty,
Associate General Counsel
Ms. Junie G. Anderson,
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Task Force Business - Chair Way called the meeting to order at 9:16 a.m.

MOTION: Sen. Hull moved to approve the minutes of the September 22, 2000 meeting. The motion passed unanimously, with Rep. Cox and Rep. Holladay absent for the vote.

2. Review and Discussion of Potential Alternative Legislation (Draft Legislation) - Mr. Christensen distributed a handout titled “Potential Alternative Legislation,” which explained the following:

a. Draft legislation “Classification of Traffic Offenses” repeals the authorization to have administrative traffic proceedings in Salt Lake City and West Valley City.

b. Draft legislation “Adjudication of Traffic Offenses” allows all counties and municipalities to use administrative traffic proceedings.

c. Draft legislation "Penalties for Traffic Offenses" changes all class C misdemeanors in the traffic code to infractions.

d. Draft legislation “Traffic Offense Adjudication” allows counties and municipalities served by a justice court to use administrative traffic proceedings. Justice court judges are allowed to conduct administrative proceedings and to serve as an administrative law judge. Ms. Chelsea-McCarty explained provisions of the bill and said it was designed as a compromise between the Administrative Proceedings System and the Justice Court System. She also discussed the separation of powers issue.

Mr. John Huber, West Valley City (WVC) Chief Enforcement Attorney, asked that the legislature consider allowing amnesty to WVC for payment of \$.5 million to the state for the second year since it will have a Justice Court. If the city uses the Justice Court, the state won't get any of the revenues from West Valley City anyway.

Mr. Rick Schwermer, Justice State Courts, expressed concern about draft legislation "Adjudication of Traffic Offenses" and "Traffic Offense Adjudication." He said a fundamental conflict erodes when a judge is put in the role of an administrative hearing officer.

Mr. David Spatafore, Utah League of Cities and Towns, said the league supported WVC and Salt Lake City last year in the two year study and would support continuation of the study of decriminalization of traffic offenses. He also said the Utah League of Cities and Towns had not taken a stand on the issue of changing class C misdemeanors to infractions at the time of the meeting, but would do so in the near future.

MOTION: Rep. Cox moved that no additional action be taken at this time on the decriminalization of traffic offenses. Before a decision is made, Salt Lake City and West Valley City should be allowed to continue their administrative traffic proceedings, as provided in current law, in order to more fully test and evaluate their system. The motion passed unanimously, with Sen. Hull absent for the vote.

MOTION: Rep. Cox moved to approve draft legislation "Penalties For Traffic Offenses" legislation that changes all class C misdemeanor penalties in the traffic code (Title 41, Chapter 6, Traffic Rules and Regulations) to infractions, except speeding in a reduced speed school zone. The motion passed, with Rep. Bryson voting in opposition to the motion. Sen. Hull was absent for the vote.

MOTION: Rep. Cox moved that the task force recommend that the Legislative Management Committee, during the 2001 General Session, assign a group of legislators to address the issues associated with the decriminalization of traffic offenses and to review the draft legislation that was prepared, but not adopted, by the task force. The group should hold at least one meeting to accomplish its tasks and to make any further recommendations on the issues. The motion passed unanimously, with Sen. Hull absent for the vote.

3. Other Task Force Business -

4. Adjourn -

MOTION: Rep. Bryson moved to adjourn the meeting. The motion passed unanimously at 10:13 a.m., with Sen. Hull absent for the vote.