



1 (b) upon court orders when the offender is ordered to perform community service work  
2 in lieu of paying a fine; and

3 (c) upon penalties assessed by the juvenile court as part of the nonjudicial adjustment of  
4 a case under Section 78-3a-502.

5 (3) The traffic mitigation surcharge does not include amounts assessed or collected  
6 separately by juvenile courts for the Juvenile Restitution Account, which is independent of this  
7 chapter and does not affect the imposition or collection of the traffic mitigation surcharge.

8 (4) The traffic mitigation surcharge under this section shall be imposed in addition to the  
9 fine charged for a criminal offense, and no reduction may be made in the fine charged due to the  
10 traffic mitigation surcharge imposition.

11 Section 3. Section **63-63b-102** is enacted to read:

12 **63-63b-102. Distribution of collected monies -- Purpose of traffic mitigation**  
13 **surcharge -- Allocation of collections.**

14 (1) The amount of the traffic mitigation surcharge imposed in Section 63-63b-101 by  
15 courts of record shall be collected after the surcharge under Section 63-63a-1, but before any fine,  
16 and deposited with the state treasurer.

17 (2) (a) The amount of the traffic mitigation surcharge and the amount of criminal fines,  
18 penalties, and forfeitures imposed under Section 63-63b-101 by courts not of record shall be  
19 collected concurrently.

20 (b) As monies are collected on criminal fines, penalties, and forfeitures subject to the  
21 traffic mitigation surcharge, the local governmental collecting entity shall retain all of the collected  
22 monies <sup>h</sup> [:] **IF THE CITATION WAS ISSUED WITHIN THE LOCAL GOVERNMENT'S JURISDICTION. IF**  
22a **THE CITATION WAS ISSUED OUTSIDE THE LOCAL GOVERNMENT COLLECTING ENTITY'S**  
22b **JURISDICTION, THE TRAFFIC MITIGATION SURCHARGE SHALL BE REMITTED TO THE STATE**  
22c **TREASURER. <sup>h</sup>**

23 (3) Courts of record and not of record shall collect financial information to determine:

24 (a) the total number of cases in which:

25 (i) a final judgment has been rendered;

26 (ii) traffic mitigation surcharges and fines are paid by partial or installment payment; and

27 (iii) the judgment is fulfilled by an alternative method upon the court's order;

28 (b) the total dollar amounts of traffic mitigation surcharges owed, including:

29 (i) waived traffic mitigation surcharges;

30 (ii) uncollected traffic mitigation surcharges; and

31 (iii) collected traffic mitigation surcharges.

1           (4) The courts of record and not of record shall report all collected financial information  
2 monthly to the Administrative Office of the Courts for cases subject to the traffic mitigation  
3 surchage.

4           (5) (a) The Division of Finance shall remit the monies from the traffic mitigation surcharge  
5 to the treasurer of the ~~h [government which prosecutes or which would prosecute each violation]~~ **LOCAL**  
5a **GOVERNMENT WHERE THE CITATION WAS ISSUED** ~~h~~ .

6           (b) **§ (i) §** The monies from the traffic mitigation surcharge shall be used by the local  
7 governments to mitigate the impacts of traffic changes due to the reconstruction of Interstate 15  
7.1 **§ , INCLUDING PRIORITY TRAFFIC MANAGEMENT SYSTEMS .**

7.2           **(ii) THE MONIES FROM THE TRAFFIC MITIGATION SURCHARGE ARE IN ADDITION TO ANY**  
7.3 **MONIES APPROPRIATED OR OTHERWISE AVAILABLE FOR EACH LOCAL GOVERNMENT'S TRAFFIC**  
7.4 **MITIGATION PROJECTS, AND MAY NOT BE USED TO SUPPLANT THOSE MONIES. §**

7a           **h (c) EACH LOCAL GOVERNMENT SHALL KEEP A RECORD OF THE INCOME AND**  
7b **EXPENDITURE OF THE SURCHARGE MONIES RECEIVED AND USED UNDER THIS CHAPTER. THE**  
7c **RECORDS SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR OFFICE**  
7d **HOURS. h**

8           (6) The provisions of this section and Section 63-63b-101 may not impact the distribution  
9 and allocation of fines and forfeitures imposed in accordance with Sections 23-14-13, 78-3-14.5,  
10 and 78-5-116.

11           Section 4. **Effective date.**

12           This act takes effect on July 1, 1998.

**Legislative Review Note**  
**as of 2-6-98 10:57 AM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**