

Senator D. Chris Buttars proposes the following substitute bill:

DISABLED PARKING FINE

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: D. Chris Buttars

This act modifies the Motor Vehicles Code by increasing the fine for parking in a disability parking zone from \$100 to \$200 and for parking in a school bus parking zone from \$50 to \$100. This act modifies the Judicial Code by requiring district courts and Justice Courts to allocate 50% of the fine collected for a disability parking zone violation in the Out and About Homebound Transportation Assistance Fund and to allocate the remaining 50% of the fine as currently required. § This act takes effect July 1, 2003. §

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-1a-1306, as last amended by Chapter 246, Laws of Utah 1995

41-6-103.5, as enacted by Chapter 350, Laws of Utah 1997

78-3-14.5, as last amended by Chapter 270, Laws of Utah 1998

78-5-116, as last amended by Chapter 270, Laws of Utah 1998

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

Section 1. Section **41-1a-1306** is amended to read:

41-1a-1306. Abuse of persons with disabilities parking privileges -- Revocation of special plate or transferable ID card -- Fine.

(1) A person with a disability who abuses the rights and privileges conferred under Section 41-1a-414 or allows an individual who is not a person with a disability to use those parking privileges may have his person with a disability special group license plate, temporary removable windshield placard, or removable windshield placard revoked by the division.

(2) A person who violates Section 41-1a-414 shall pay a minimum fine of [~~\$100~~] \$200.



26 Section 2. Section **41-6-103.5** is amended to read:

27 **41-6-103.5. School bus parking zones -- Establishment -- Uniform markings --**

28 **Penalty.**

29 (1) As used in this section, "school bus parking zone" means a parking space that is
30 clearly identified as reserved for use by a school bus.

31 (2) The Department of Transportation for state highways, local authorities for
32 highways under their jurisdiction, and school boards for roadways located on school property
33 may establish and locate school bus parking zones in accordance with specifications
34 established under Subsection (3).

35 (3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
36 Department of Transportation, after consultation with local authorities and school boards which
37 may include input from School Traffic Safety Committees established under Section
38 53A-3-402, shall make rules establishing specifications for uniform signage or markings to
39 clearly identify school bus parking zones.

40 (4) A person may not stop, stand, or park a vehicle other than a school bus, whether
41 occupied or not, in a clearly identified school bus parking zone.

42 (5) A person who violates Subsection (4) shall pay a minimum fine of [~~\$50~~] \$100.

43 Section 3. Section **78-3-14.5** is amended to read:

44 **78-3-14.5. Allocation of district court fees and forfeitures.**

45 (1) Except as provided in this section, district court fines and forfeitures collected for
46 violation of state statutes shall be paid to the state treasurer.

47 (2) Fines and forfeitures collected by the court for violation of a state statute or county
48 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the
49 state treasurer and 1/2 to the treasurer of the government which prosecutes or which would
50 prosecute the violation.

51 (3) Fines and forfeitures collected for violations of Title 23, Wildlife Resources Code
52 of Utah, or Title 73, Chapter 18, State Boating Act, shall be paid to the state treasurer.

53 (a) For violations of Title 23, the state treasurer shall allocate 85% to the Division of
54 Wildlife Resources and 15% to the General Fund.

55 (b) For violations of Title 73, Chapter 18, the state treasurer shall allocate 85% to the
56 Division of Parks and Recreation and 15% to the General Fund.

57 (4) Fines and forfeitures collected for violation of Section 72-7-404 or 72-7-406, less
 58 fees established by the Judicial Council, shall be paid to the state treasurer for deposit in the B
 59 and C road account. Fees established by the Judicial Council shall be deposited in the state
 60 General Fund. Money deposited in the class B and C road account is supplemental to the
 61 money appropriated under Section 72-2-107 but shall be expended in the same manner as other
 62 class B and C road funds.

63 (5) Fines and forfeitures collected for any violations not specified in this chapter or
 64 otherwise provided for by law shall be paid to the state treasurer.

65 (6) Fees collected in connection with civil actions filed in the district court shall be
 66 paid to the state treasurer.

67 (7) The court shall remit money collected in accordance with Title 51, Chapter 7, State
 68 Money Management Act.

69 (8) The fine collected under ~~h~~ [Subsection] SECTION ~~h~~ 41-1a-306 for a violation of the
 69a parking
 70 privileges for persons with disabilities shall be paid ~~h~~ [~~\$, MINUS THE COURT COSTS,~~ ~~§~~] ~~h~~ to the
 70a1 state

70a treasurer. The state treasurer

71 shall distribute the fine according to the following allocations ~~§~~ [~~minus the court costs~~] ~~§~~ :

72 (a) 50% in the "Out and About" Homebound Transportation Assistance Fund created in
 73 Section 62A-3-110; and

74 (b) 50% in accordance with Subsection (2).

75 Section 4. Section **78-5-116** is amended to read:

76 **78-5-116. Disposition of fines.**

77 (1) Except as otherwise specified by this section, fines and forfeitures collected by a
 78 justice court shall be remitted, one-half to the treasurer of the local government responsible for
 79 the court and one-half to the treasurer of the local government which prosecutes or which
 80 would prosecute the violation.

81 (2) (a) For violation of Title 23, the court shall allocate 85% to the Division of Wildlife
 82 Resources and 15% to the general fund of the city or county government responsible for the
 83 justice court.

84 (b) For violation of Title 73, Chapter 18, the court shall allocate 85% to the Division of
 85 Parks and Recreation and 15% to the general fund of the city or county government responsible
 86 for the justice court.

87 (3) The surcharge established by Section 63-63a-1 shall be paid to the state treasurer.

88 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice
89 court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations
90 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial
91 Council, shall be paid to the state treasurer and distributed to the class B and C road account.

92 (5) Revenue deposited in the class B and C road account pursuant to Subsection (4) is
93 supplemental to the money appropriated under Section 72-2-107 but shall be expended in the
94 same manner as other class B and C road funds.

95 ~~h [(6) The fine collected under Subsection 41-1a-306 for a violation of the parking~~
96 ~~privileges for persons with disabilities shall be paid \$, MINUS THE COURT COSTS, \$ to the state~~
97a ~~treasurer. The state treasurer~~

97 ~~shall distribute the fine according to the following allocations \$ [minus the court costs] \$:~~

98 ~~—— (a) 50% in the "Out and About" Homebound Transportation Assistance Fund created in~~
99 ~~Section 62A-3-110; and~~

100 ~~—— (b) 50% in accordance with Subsection (1).]~~

100a ~~(6) THE FINE COLLECTED UNDER SECTION 41-1a-306 FOR A VIOLATION OF THE PARKING~~
100b ~~PRIVILEGES FOR PERSONS WITH DISABILITIES SHALL BE PAID:~~

100c ~~(a) 50% TO THE STATE TREASURER TO BE DEPOSITED IN THE "OUT AND ABOUT"~~
100d ~~HOMEBOUND TRANSPORTATION ASSISTANCE FUND CREATED IN SECTION 62A-3-110; AND~~

100e ~~(b) 50% IN ACCORDANCE WITH SUBSECTION (1). h~~

101 Section 5. **Effective date.**

102 This act takes effect on July 1, 2003.