

1 **DISPOSITION OF FINES FOR**
2 **REGISTRATION VIOLATIONS**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: John W. Hickman**

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Judicial Code by amending disposition of fines and fees
10 provisions.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ requires district courts and justice courts to allocate 50% of the fine collected for a
14 violation of the registration of vehicles after establishing residency provision to the
15 state or local governmental entity which issued the citation and to allocate the
16 remaining 50% of the fine as currently required.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 This bill takes effect July 1, 2004.

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **78-3-14.5**, as last amended by Chapter 270, Laws of Utah 1998

24 **78-5-116**, as last amended by Chapter 270, Laws of Utah 1998

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

27 Section 1. Section **78-3-14.5** is amended to read:



28 **78-3-14.5. Allocation of district court fees and forfeitures.**

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

31 (2) Fines and forfeitures collected by the court for violation of a state statute or county
32 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the
33 state treasurer and 1/2 to the treasurer of the [government] state or local governmental entity
34 which prosecutes or which would prosecute the violation.

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

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

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

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

47 (5) Fines and forfeitures collected by the court for a violation of Subsection
48 41-1a-1303(2) related to registration of vehicles after establishing residency shall be remitted:

49 (a) 50% to the state or local governmental entity which issued the citation for a
50 violation; and

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

52 [~~5~~] (6) Fines and forfeitures collected for any violations not specified in this chapter
53 or otherwise provided for by law shall be paid to the state treasurer.

54 [~~6~~] (7) Fees collected in connection with civil actions filed in the district court shall
55 be paid to the state treasurer.

56 [~~7~~] (8) The court shall remit money collected in accordance with Title 51, Chapter 7,
57 State Money Management Act.

58 Section 2. Section **78-5-116** is amended to read:

59 **78-5-116. Disposition of fines.**

60 (1) Except as otherwise specified by this section, fines and forfeitures collected by a
61 justice court shall be remitted, [~~one-half~~] 1/2 to the treasurer of the local government
62 responsible for the court and [~~one-half~~] 1/2 to the treasurer of the local government which
63 prosecutes or which would prosecute the violation.

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

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

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

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

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

78 (6) Fines and forfeitures collected by the court for a violation of Subsection
79 41-1a-1303(2) related to registration of vehicles after establishing residency shall be remitted:

80 (a) 50% to the state or local governmental entity which issued the citation for a
81 violation; and

82 (b) 50% in accordance with Subsection (1).

83 **Section 3. Effective date.**

84 This bill takes effect July 1, 2004.

Legislative Review Note
as of 10-28-03 1:45 PM

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

Office of Legislative Research and General Counsel