

Representative John Dougall proposes the following substitute bill:

AMENDMENTS TO TRANSPORTATION

PROVISIONS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Dougall

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the State Affairs in General Code by amending provisions relating to transportation surcharges.

Highlighted Provisions:

This bill:

- ▶ repeals the \$10 traffic mitigation surcharge imposed on moving traffic violations by a court within a county of the first class on July 1, 2006 rather than July 1, 2007;
- ▶ requires a toll violation surcharge to be paid on all toll violations;
- ▶ provides that the amount of a toll violation surcharge is \$25;
- ▶ provides procedures for a court of record and a court not of record to collect a toll violation surcharge; and
- ▶ requires the state treasurer to deposit the toll violation surcharge in the Tollway Restricted Account.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect July 1, 2006.



26 This bill coordinates with S.B. 80 by changing terminology.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **63-55b-163**, as last amended by Chapter 7, Laws of Utah 2005, First Special Session

30 ENACTS:

31 **63-63d-101**, Utah Code Annotated 1953

32 **63-63d-102**, Utah Code Annotated 1953



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

35 Section 1. Section **63-55b-163** is amended to read:

36 **63-55b-163. Repeal dates, Title 63 to Title 63B.**

37 (1) Section 63-38a-105 is repealed July 1, 2007.

38 (2) Sections 63-63b-101 and 63-63b-102 are repealed on July 1, [~~2007~~] 2006.

39 (3) Section 63A-1-110 is repealed July 1, 2006.

40 (4) Title 63A, Chapter 6, Part 1, Division of Information Technology Services, is
41 repealed on July 1, 2006.

42 (5) Section 63B-14-101 is repealed December 31, 2006.

43 Section 2. Section **63-63d-101** is enacted to read:

44 **CHAPTER 63d. TOLL VIOLATION SURCHARGE**

45 **63-63d-101. Title.**

46 This chapter is known as the "Toll Violation Surcharge."

47 Section 3. Section **63-63d-102** is enacted to read:

48 **63-63d-102. Toll violation surcharge.**

49 (1) In addition to any fine, penalty, forfeiture, or other surcharge, a toll violation
50 surcharge shall be paid on all criminal fines, penalties, and forfeitures imposed by a court for
51 an offense described in Subsection (2).

52 (2) The toll violation surcharge is \$25 upon conviction of a violation of Section
53 41-6a-716.

54 (3) The toll violation surcharge may not be imposed upon penalties assessed by the
55 juvenile court as part of the nonjudicial adjustment of a case under Section 78-3a-502.

56 (4) The toll violation surcharge does not include amounts assessed or collected

57 separately by juvenile courts for the Juvenile Restitution Account, which is independent of this
58 chapter and does not affect the imposition or collection of the toll violation surcharge.

59 (5) The toll violation surcharge under this section shall be imposed in addition to the
60 fine charged for a criminal offense, and no reduction may be made in the fine charged due to
61 the toll violation surcharge imposition.

62 (6) (a) The amount of the toll violation surcharge imposed under this section by courts
63 of record shall be collected after the surcharge under Section 63-63a-1, but before any fine, and
64 deposited with the state treasurer.

65 (b) (i) The amount of a toll violation surcharge and the amount of criminal fines,
66 penalties, and forfeitures imposed under this section by a court not of record shall be collected
67 concurrently.

68 (ii) The local governmental collecting entity shall remit the toll violation surcharge to
69 the state treasurer.

70 (7) The state treasurer shall deposit the collected toll violation surcharge in the Tollway
71 Restricted Account created in Section 72-2-120.

72 **Section 4. Effective date.**

73 This bill takes effect July 1, 2006.

74 **Section 5. Coordinating H.B. 457 with S.B. 80 -- Changing terminology.**

75 If this H.B. 457 and S.B. 80, Public-Private Partnerships for Tollway Facilities, both
76 pass, it is the intent of the Legislature that the Office of Legislative Research and General
77 Counsel, in preparing the Utah Code database for publication, change the language in
78 Subsection 63-63d-102(7) from "Tollway Restricted Account" to "Tollway Restricted Special
79 Revenue Fund".

State Impact

Passage of this bill would require a one-time appropriation of \$4,000 for the Courts. Repealing the \$10 surcharge on moving traffic violations would reduce local government revenues. Future costs and revenues related to toll roads will not be realized until such roads are instituted.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
General Fund, One-Time	\$4,000	\$0	\$0	\$0
TOTAL	\$4,000	\$0	\$0	\$0

Individual and Business Impact

No fiscal impact.
