

**DISABLED PARKING VIOLATION
AMENDMENTS**

2009 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Steven R. Mascaro

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to disabled parking violations.

Highlighted Provisions:

This bill:

- ▶ increases the fine for a disabled parking violation;
 - ▶ provides that a portion of the fines and forfeitures collected in a justice court or district court for a disabled parking violation shall be remitted to the state treasurer to be allocated to the Department of Human Resource Management to administer certain programs for the employment of people with disabilities;
 - ▶ provides that the Department of Human Resource Management shall establish and administer a program for the employment of people with disabilities using the funds allocated to the department from the disabled parking violation fines and forfeitures;
- and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2009.

Utah Code Sections Affected:



28 AMENDS:

29 **41-1a-414**, as last amended by Laws of Utah 2003, Chapter 1

30 **78A-5-110**, as last amended by Laws of Utah 2008, Chapter 22 and renumbered and
31 amended by Laws of Utah 2008, Chapter 3

32 **78A-7-120**, as last amended by Laws of Utah 2008, Chapter 22 and renumbered and
33 amended by Laws of Utah 2008, Chapter 3

34 ENACTS:

35 **67-19-43**, Utah Code Annotated 1953



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

38 Section 1. Section **41-1a-414** is amended to read:

39 **41-1a-414. Parking privileges for persons with disabilities.**

40 (1) As used in this section, "accessible parking space" means a parking space that is
41 clearly identified as reserved for use by a person with a disability and includes:

42 (a) vertical signage, including the international symbol of accessibility, that is visible
43 from a passing vehicle; and

44 (b) a clearly marked access aisle, if provided, that is adjacent to and considered part of
45 the parking space.

46 (2) Except in parking areas designated for emergency use, a person with a disability,
47 qualifying under rules made in accordance with Section 41-1a-420, may park an appropriately
48 marked vehicle for reasonable periods without charge in metered parking zones and restricted
49 parking areas, in a manner that allows proper access to the vehicle by the person with a
50 disability.

51 (3) Only those vehicles carrying a person with a disability special group license plate,
52 temporary removable windshield placard, or removable windshield placard and transporting a
53 qualifying person with a disability may park in an accessible parking space.

54 (4) This section applies to and may be enforced on public property and on private
55 property that is used or intended for use by the public.

56 (5) The parking privileges granted by this section also apply to vehicles displaying a
57 person with a disability special group license plate, temporary removable windshield placard,
58 or removable windshield placard issued by another jurisdiction if displayed on a vehicle being

59 used by a person with a disability.

60 (6) A person who violates the provisions of Subsections (3) and (4) related to parking
61 for a person with a disability shall be fined not less than \$175.

62 Section 2. Section **67-19-43** is enacted to read:

63 **67-19-43. Program for employment of people with disabilities.**

64 (1) The department shall establish and administer a program for the employment of
65 people with disabilities.

66 (2) The department program shall:

67 (a) promote employment opportunities for individuals with disabilities;

68 (b) coordinate with the Governor's Committee on Employment of People with
69 Disabilities created in Section 53A-24-114;

70 (c) provide training and technical assistance to employers in implementing the
71 Americans with Disabilities Act;

72 (d) develop and disseminate appropriate information through workshops, meetings, and
73 other requests in response to needs to employers and others regarding employment of
74 individuals with disabilities;

75 (e) establish contacts with various community representatives to identify and resolve
76 barriers to full participation in employment and community life for individuals with
77 disabilities;

78 (f) formally recognize exemplary contributions in the areas of employment, job
79 placement, training, rehabilitation, support services, medicine, media or public relations, and
80 personal achievements made by individuals with disabilities;

81 (g) advise, encourage, and motivate individuals with disabilities who are preparing for
82 or seeking employment to reach their full potential as qualified employees;

83 (h) advocate for policies and practices that promote full and equal rights for individuals
84 with disabilities; and

85 (i) identify, establish, and administer other opportunities, procedures, and programs for
86 the employment of individuals with disabilities.

87 (3) The department shall use funds allocated to the department in accordance with
88 Subsections 78A-5-110(6)(a) and 78A-7-120(7)(a) to administer the program described in this
89 section.

90 Section 3. Section **78A-5-110** is amended to read:

91 **78A-5-110. Allocation of district court fees and forfeitures.**

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

94 (2) Fines and forfeitures collected by the court for violation of a state statute or county
95 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the
96 state treasurer and 1/2 to the treasurer of the state or local governmental entity which
97 prosecutes or which would prosecute the violation.

98 (3) Fines and forfeitures collected for violations of Title 23, Wildlife Resources Code
99 of Utah, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating
100 Act, shall be paid to the state treasurer.

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

103 (b) For violations of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
104 18, State Boating Act, the state treasurer shall allocate 85% to the Division of Parks and
105 Recreation and 15% to the General Fund.

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

112 (5) (a) Fines and forfeitures collected by the court for a second or subsequent violation
113 under Section 41-6a-1713 or Subsection 72-7-409(8)(b) shall be remitted:

- 114 (i) 60% to the state treasurer to be deposited in the Transportation Fund; and
- 115 (ii) 40% in accordance with Subsection (2).

116 (b) Fines and forfeitures collected by the court for a second or subsequent violation
117 under Subsection 72-7-409(8)(c) shall be remitted:

- 118 (i) 50% to the state treasurer to be deposited in the Transportation Fund; and
- 119 (ii) 50% in accordance with Subsection (2).

120 (6) Fines and forfeitures collected by the court for a violation of Section 41-1a-414

121 shall be remitted:

122 (a) \$45 to the state treasurer to be allocated to the Department of Human Resource
123 Management for a program for the employment of people with disabilities; and

124 (b) \$130 in accordance with Subsection (1).

125 [~~6~~] (7) Fines and forfeitures collected for any violations not specified in this chapter
126 or otherwise provided for by law shall be paid to the state treasurer.

127 [~~7~~] (8) Fees collected in connection with civil actions filed in the district court shall
128 be paid to the state treasurer.

129 [~~8~~] (9) The court shall remit money collected in accordance with Title 51, Chapter 7,
130 State Money Management Act.

131 Section 4. Section **78A-7-120** is amended to read:

132 **78A-7-120. Disposition of fines.**

133 (1) Except as otherwise specified by this section, fines and forfeitures collected by a
134 justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the
135 court and 1/2 to the treasurer of the local government which prosecutes or which would
136 prosecute the violation.

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

140 (b) For violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
141 18, State Boating Act, the court shall allocate 85% to the Division of Parks and Recreation and
142 15% to the general fund of the city or county government responsible for the justice court.

143 (3) The surcharge established by Section 51-9-401 shall be paid to the state treasurer.

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

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

151 (6) (a) Fines and forfeitures collected by the court for a second or subsequent violation

152 under Section 41-6a-1713 or Subsection 72-7-409(8)(b) shall be remitted:
153 (i) 60% to the state treasurer to be deposited in the Transportation Fund; and
154 (ii) 40% in accordance with Subsection (1).
155 (b) Fines and forfeitures collected by the court for a second or subsequent violation
156 under Subsection 72-7-409(8)(c) shall be remitted:
157 (i) 50% to the state treasurer to be deposited in the Transportation Fund; and
158 (ii) 50% in accordance with Subsection (1).
159 (7) Fines and forfeitures collected by the court for a violation of Section 41-1a-414
160 shall be remitted:
161 (a) \$45 to the state treasurer to be allocated to the Department of Human Resource
162 Management for a program for the employment of people with disabilities; and
163 (b) \$130 in accordance with Subsection (1).
164 Section 5. **Effective date.**
165 This bill takes effect on July 1, 2009.

Legislative Review Note
as of 2-13-09 11:59 AM

Office of Legislative Research and General Counsel