

HB0328S01 compared with HB0328

~~{deleted text}~~ shows text that was in HB0328 but was deleted in HB0328S01.

inserted text shows text that was not in HB0328 but was inserted into HB0328S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Patricia W. Jones proposes the following substitute bill:

HIGHWAY LITTERING AND FAILING TO SECURE A LOAD AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard A. Greenwood

Senate Sponsor: ~~{_____}~~ Patricia W. Jones

LONG TITLE

General Description:

This bill modifies provisions relating to littering or failing to secure a load on a highway.

Highlighted Provisions:

This bill:

- ▶ increases the fines for littering on a highway; and
- ▶ increases the fines for failing to secure a load while operating a motor vehicle on a highway ~~{,}~~.

~~{ → amends the allocation of fine revenue for fines imposed for littering on a highway or failing to secure a load while operating a motor vehicle on a highway;~~

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~~provides that a portion of fine revenues for fines imposed for littering on a highway or failing to secure a load while operating a motor vehicle on a highway shall be used for highway littering education and enforcement programs; and~~

~~makes technical corrections.~~

~~Money Appropriated in this Bill:~~

~~None~~

~~Other Special Clauses:~~

~~None~~

~~Utah Code Sections Affected:~~

~~AMENDS:~~

~~41-6a-1713, as last amended by Laws of Utah 2008, Chapter 22~~

~~72-7-409, as last amended by Laws of Utah 2008, Chapters 22 and 140~~

~~{ 78A-5-110, as last amended by Laws of Utah 2008, Chapter 22 and renumbered and amended by Laws of Utah 2008, Chapter 3~~

~~78A-7-120, as last amended by Laws of Utah 2012, Chapter 205~~

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

Section 1. Section **41-6a-1713** is amended to read:

41-6a-1713. Penalty for littering on a highway.

(1) A person who violates any of the provisions of Section 41-6a-1712 is guilty of a class C misdemeanor and shall be fined:

(a) not less than [~~\$100~~] \$200 for a violation; or

(b) not less than [~~\$250~~] \$500 for a second or subsequent violation within three years of a previous violation of this section.

(2) The sentencing judge may require that the offender devote at least eight hours in cleaning up:

(a) litter caused by the offender; and

(b) existing litter from a safe area designated by the sentencing judge.

Section 2. Section **72-7-409** is amended to read:

72-7-409. Loads on vehicles -- Limitations -- Confining, securing, and fastening load required -- Penalty.

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(1) As used in this section:

(a) "Agricultural product" means any raw product which is derived from agriculture, including silage, hay, straw, grain, manure, and other similar product.

(b) "Vehicle" has the same meaning set forth in Section 41-1a-102.

(2) A vehicle may not be operated or moved on any highway unless the vehicle is constructed or loaded to prevent its contents from dropping, sifting, leaking, or otherwise escaping.

(3) (a) In addition to the requirements under Subsection (2), a vehicle carrying dirt, sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or scrap metal shall have a covering over the entire load unless:

(i) the highest point of the load does not extend above the top of any exterior wall or sideboard of the cargo compartment of the vehicle; and

(ii) the outer edges of the load are at least six inches below the top inside edges of the exterior walls or sideboards of the cargo compartment of the vehicle.

(b) In addition to the requirements under Subsection (2), a vehicle carrying trash or garbage shall have a covering over the entire load.

(c) The following material is exempt from the provisions of Subsection (3)(a):

(i) hot mix asphalt;

(ii) construction debris or scrap metal if the debris or scrap metal is a size and in a form not susceptible to being blown out of the vehicle;

(iii) material being transported across a highway between two parcels of property that would be contiguous but for the highway that is being crossed; and

(iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers, bags, or packaging.

(d) A chemical substance capable of coating or bonding a load so that the load is confined on a vehicle, may be considered a covering for purposes of Subsection (3)(a) so long as the chemical substance remains effective at confining the load.

(4) Subsections (2) and (3) do not apply to a vehicle or implement of husbandry carrying an agricultural product, if the agricultural product is:

(a) being transported in a manner which is not a hazard or a potential hazard to the safe operation of the vehicle or to other highway users; and

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(b) loaded in a manner that only allows minimal spillage.

(5) (a) An authorized vehicle performing snow removal services on a highway is exempt from the requirements of this section.

(b) This section does not prohibit the necessary spreading of any substance connected with highway maintenance, construction, securing traction, or snow removal.

(6) A person may not operate a vehicle with a load on any highway unless the load and any load covering is fastened, secured, and confined to prevent the covering or load from becoming loose, detached, or in any manner a hazard to the safe operation of the vehicle, or to other highway users.

(7) Before entering a highway, the operator of a vehicle carrying any material listed under Subsection (3), shall remove all loose material on any portion of the vehicle not designed to carry the material.

(8) (a) Any person who violates this section is guilty of a class B misdemeanor.

(b) A person who violates a provision of this section shall be fined not less than:

(i) [~~\$100~~] \$200 for a violation; or

(ii) [~~\$250~~] \$500 for a second or subsequent violation within three years of a previous violation of this section.

(c) A person who violates a provision of this section while operating a commercial vehicle as defined in Section 72-9-102 shall be fined:

(i) not less than [~~\$250~~] \$500 for a violation; or

(ii) [~~\$500~~] \$1,000 for a second or subsequent violation within three years of a previous violation of this section.

~~{ Section 3. Section 78A-5-110 is amended to read:~~

~~—— 78A-5-110. Allocation of district court fees and forfeitures:~~

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

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

~~—— (3) Fines and forfeitures collected for violations of Title 23, Wildlife Resources Code~~

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~~of Utah, Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter 18, State Boating Act, shall be paid to the state treasurer:~~

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

~~—— (b) For violations of Title 41, Chapter 22, or Title 73, Chapter 18, the state treasurer shall allocate 85% to the Division of Parks and Recreation and 15% to the General Fund:~~

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

~~—— (5) (a) Fines and forfeitures collected by the court for a:~~

~~—— (i) first violation under Section 41-6a-1713 or Subsection 72-7-409(8)(b) shall be remitted:~~

~~—— (A) 50% to the state treasurer to be deposited in the Transportation Fund to be used for highway littering education and enforcement programs; and~~

~~—— (B) 50% in accordance with Subsection (1); or~~

~~—— (ii) second or subsequent violation under Section 41-6a-1713 or Subsection 72-7-409(8)(b) shall be remitted:~~

~~—— [(i) 60%] (A) 80% to the state treasurer to be deposited in the Transportation Fund to be used for highway littering education and enforcement programs; and~~

~~—— [(ii) 40%] (B) \$20% in accordance with Subsection (2).~~

~~—— (b) Fines and forfeitures collected by the court for a:~~

~~—— (i) first violation under Subsection 72-7-409(8)(c) shall be remitted:~~

~~—— (A) 50% to the state treasurer to be deposited in the Transportation Fund to be used for highway littering education and enforcement programs; and~~

~~—— (B) 50% in accordance with Subsection (1); or~~

~~—— (ii) second or subsequent violation under Subsection 72-7-409(8)(c) shall be remitted:~~

~~—— [(i) 50%] (A) 75% to the state treasurer to be deposited in the Transportation Fund to be used for highway littering education and enforcement programs; and~~

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~~—— [(ii) 50%] (B) 25% in accordance with Subsection (2).~~

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

~~—— (7) Fees collected in connection with civil actions filed in the district court shall be paid to the state treasurer.~~

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

~~—— Section 4. Section 78A-7-120 is amended to read:~~

~~—— **78A-7-120. Disposition of fines.**~~

~~—— (1) Except as otherwise specified by this section, fines and forfeitures collected by a justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the court and 1/2 to the treasurer of the local government which prosecutes or which would prosecute the violation. An interlocal agreement created pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, related to justice courts may alter the ratio provided in this section if the parties agree.~~

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

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

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

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

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

~~—— (6) (a) Fines and forfeitures collected by the court for a:~~

~~—— (i) first violation under Section 41-6a-1713 or Subsection 72-7-409(8)(b) shall be~~

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remitted:

~~—— (A) 50% to the state treasurer to be deposited in the Transportation Fund to be used for highway littering education and enforcement programs; and~~

~~—— (B) 50% in accordance with Subsection (1); or~~

~~—— (ii) second or subsequent violation under Section 41-6a-1713 or Subsection 72-7-409(8)(b) shall be remitted:~~

~~—— [(i) 60%] (A) 80% to the state treasurer to be deposited in the Transportation Fund to be used for highway littering education and enforcement programs; and~~

~~—— [(ii) 40%] (B) 20% in accordance with Subsection (1).~~

~~—— (b) Fines and forfeitures collected by the court for a:~~

~~—— (i) first violation under Subsection 72-7-409(8)(c) shall be remitted:~~

~~—— (A) 50% to the state treasurer to be deposited in the Transportation Fund to be used for highway littering education and enforcement programs; and~~

~~—— (B) 50% in accordance with Subsection (1); or~~

~~—— (ii) second or subsequent violation under Subsection 72-7-409(8)(c) shall be remitted:~~

~~—— [(i) 50%] (A) 75% to the state treasurer to be deposited in the Transportation Fund to be used for highway littering education and enforcement programs; and~~

~~—— [(ii) 50%] (B) 25% in accordance with Subsection (1).~~

Legislative Review Note

~~—— as of 2-15-13 11:11 AM~~

~~Office of Legislative Research and General Counsel~~