

TRAFFIC FINES AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill limits amounts received by local governments from traffic fines.

Highlighted Provisions:

This bill:

- ▶ limits amounts received by local governments from traffic fines to 25% of the local government's revenues; and
- ▶ allows the state auditor to monitor compliance.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

51-2a-301, as last amended by Laws of Utah 2015, Chapter 138

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 **51-2a-301** is amended to read:

51-2a-301. State auditor responsibilities.

(1) Except for political subdivisions that do not receive or expend public funds, the



28 state auditor shall adopt guidelines, qualifications criteria, and procurement procedures for use
29 in the procurement of audit services for all entities that are required by Section 51-2a-201 to
30 cause an accounting report to be made.

31 (2) The state auditor shall follow the notice, hearing, and publication requirements of
32 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

33 (3) The state auditor shall:

34 (a) review the accounting report submitted to the state auditor under Section
35 51-2a-201; and

36 (b) if necessary, conduct additional inquiries or examinations of financial statements of
37 the entity submitting that information.

38 (4) The governing board of each entity required by Section 51-2a-201 to submit an
39 accounting report to the state auditor's office shall comply with the guidelines, criteria, and
40 procedures established by the state auditor.

41 (5) Each fifth year, the state auditor shall:

42 (a) review the dollar criteria established in Section 51-2a-201 to determine if they need
43 to be increased or decreased; and

44 (b) if the state auditor determines that they need to be increased or decreased, notify the
45 Legislature of that need.

46 (6) (a) The state auditor may require a higher level of accounting report than is required
47 under Section 51-2a-201.

48 (b) The state auditor shall:

49 (i) develop criteria under which a higher level of accounting report may be required;
50 and

51 (ii) provide copies of those criteria to entities required to analyze and report under
52 Section 51-2a-201.

53 (7) This section does not apply to a nonprofit corporation that submits an accounting
54 report under Section 51-2a-201.5.

55 (8) The state auditor shall adopt a mechanism to monitor compliance with Subsections
56 78A-7-120(7) and 78A-7-121(1)(c).

57 Section 2. Section 78A-7-120 is amended to read:

58 **78A-7-120. Disposition of fines.**

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

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

68 (b) For violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
69 18, State Boating Act, the court shall allocate 85% to the Division of Parks and Recreation and
70 15% to the general fund of the city or county government responsible for the justice court.

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

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

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

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

- 81 (i) 60% to the state treasurer to be deposited in the Transportation Fund; and
82 (ii) 40% in accordance with Subsection (1).

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

- 85 (i) 50% to the state treasurer to be deposited in the Transportation Fund; and
86 (ii) 50% in accordance with Subsection (1).

87 (7) A local government may not receive funds from traffic fines the total of which
88 exceeds 25% of the local government's total general fund revenues for the current fiscal year.
89 Amounts remitted to a local government that put the total amount received during the current

90 fiscal year over 25% of the local government's total general fund revenues shall be deposited
91 into the State General Fund within 30 days of the end of each fiscal year.

Legislative Review Note
Office of Legislative Research and General Counsel