

**TRAFFIC VIOLATION CHANGES**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: David M. Jones**

AN ACT RELATING TO STATE AFFAIRS IN GENERAL; IMPOSING A TRAFFIC MITIGATION SURCHARGE ON CERTAIN OFFENSES; PROVIDING FOR COLLECTION, DISTRIBUTION, AND CERTAIN USES OF MONIES; PROVIDING A REPEAL DATE; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

**63-55b-6301**, Utah Code Annotated 1953

**63-63b-101**, Utah Code Annotated 1953

**63-63b-102**, Utah Code Annotated 1953

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

Section 1. Section **63-55b-6301** is enacted to read:

**63-55b-6301. Repeal date -- Title 63.**

Sections 63-63b-101 and 63-63b-102 are repealed on July 1, 2002.

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

**63-63b-101. Traffic mitigation surcharge -- Application and exemptions.**

(1) (a) In addition to any surcharge imposed under Section 63-63a-1, a traffic mitigation surcharge shall be paid on all criminal fines, penalties, and forfeitures imposed by a court within a county of the first class, as defined in Section 17-16-13, for any offense described in Subsection (1)(b).

(b) The traffic mitigation surcharge is \$10 upon conviction of any moving traffic violation, including a violation of county or municipal ordinances.

(2) The traffic mitigation surcharge may not be imposed:

(a) upon nonmoving traffic violations;

(b) upon court orders when the offender is ordered to perform community service work in lieu of paying a fine; and

(c) upon penalties assessed by the juvenile court as part of the nonjudicial adjustment of a case under Section 78-3a-502.

(3) The traffic mitigation surcharge does not include amounts assessed or collected separately by juvenile courts for the Juvenile Restitution Account, which is independent of this chapter and does not affect the imposition or collection of the traffic mitigation surcharge.

(4) The traffic mitigation surcharge under this section shall be imposed in addition to the fine charged for a criminal offense, and no reduction may be made in the fine charged due to the traffic mitigation surcharge imposition.

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

**63-63b-102. Distribution of collected monies -- Purpose of traffic mitigation surcharge -- Allocation of collections -- Recordkeeping.**

(1) The amount of the traffic mitigation surcharge imposed in Section 63-63b-101 by courts of record shall be collected after the surcharge under Section 63-63a-1, but before any fine, and deposited with the state treasurer.

(2) (a) The amount of the traffic mitigation surcharge and the amount of criminal fines, penalties, and forfeitures imposed under Section 63-63b-101 by courts not of record shall be collected concurrently.

(b) As monies are collected on criminal fines, penalties, and forfeitures subject to the traffic mitigation surcharge, the local governmental collecting entity shall retain all of the collected monies if the citation was issued within the local government's jurisdiction, if the citation was issued outside the local government collecting entity's jurisdiction, the traffic mitigation surcharge shall be remitted to the state treasurer.

(3) Courts of record and not of record shall collect financial information to determine:

(a) the total number of cases in which:

(i) a final judgment has been rendered;

(ii) traffic mitigation surcharges and fines are paid by partial or installment payment; and

(iii) the judgment is fulfilled by an alternative method upon the court's order;

(b) the total dollar amounts of traffic mitigation surcharges owed, including:

- (i) waived traffic mitigation surcharges;
- (ii) uncollected traffic mitigation surcharges; and
- (iii) collected traffic mitigation surcharges.

(4) The courts of record and not of record shall report all collected financial information monthly to the Administrative Office of the Courts for cases subject to the traffic mitigation surcharge.

(5) (a) The Division of Finance shall remit the monies from the traffic mitigation surcharge to the treasurer of the local government where the citation was issued.

(b) (i) The monies from the traffic mitigation surcharge shall be used by the local governments to mitigate the impacts of traffic changes due to the reconstruction of Interstate 15, including priority traffic management systems.

(ii) The monies from the traffic mitigation surcharge are in addition to any monies appropriated or otherwise available for each local government's traffic mitigation projects, and may not be used to supplant those monies.

(c) Each local government shall keep a record of the income and expenditure of the surcharge monies received and used under this chapter. The records shall be made available for public inspection during regular office hours.

(6) The provisions of this section and Section 63-63b-101 may not impact the distribution and allocation of fines and forfeitures imposed in accordance with Sections 23-14-13, 78-3-14.5, and 78-5-116.

**Section 4. Effective date.**

This act takes effect on July 1, 1998.