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TRAFFIC OFFENSE ADJUDICATION

AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Brent H. Goodfellow

This act modifies the Utah Municipal Code by amending provisions related to revenues from administrative traffic proceedings. The act takes effect on July 1, 2001.

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

AMENDS:

10-3-703.5, as enacted by Chapter 323, Laws of Utah 2000

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

Section 1. Section **10-3-703.5** is amended to read:

10-3-703.5. Civil penalty for violation of municipal ordinance -- Administrative traffic proceedings -- Appeals.

(1) As used in this section, "municipality" means a municipality of the first class, as defined in Section 10-2-301, that had ordinances in effect on or before January 1, 2000 that provide a civil penalty for and administrative adjudication of moving traffic violations.

(2) (a) A municipality may, by ordinance, impose a civil penalty and provide adjudication for a violation of a municipal moving traffic ordinance, including regulations described in Section 41-6-17, through an administrative traffic proceeding.

(b) The default civil penalty for a municipal traffic ordinance shall be consistent with the uniform bail schedule adopted by the Judicial Council.

(c) A civil traffic violation constitutes a public offense for purposes of Section 77-7-15 and may be enforced as provided in that section.

(3) An administrative traffic proceeding:

(a) shall, except as provided in this section, be conducted in accordance with Section 10-3-703.7; and

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28 (b) may not be held for:

29 (i) a moving violation that would be a class B misdemeanor or greater in a criminal
30 proceeding;

31 (ii) a violation of Title 41, Chapter 6, Article 5, Driving While Intoxicated and Reckless
32 Driving; or

33 (iii) a traffic violation that occurs in conjunction with another criminal violation as part
34 of a single criminal episode that will be prosecuted in a criminal proceeding.

35 (4) If a final administrative determination in an administrative traffic proceeding is for a
36 violation:

37 (a) the civil penalty is subject to the fees or surcharges established in Subsections
38 21-1-5(2)(d)(ii) and 63-63a-1(1)(b)(ii);

39 (b) the final administrative determination constitutes a conviction as defined in Section
40 53-3-102; and

41 (c) the final administrative determination may be appealed by a party in accordance with
42 Section 10-3-703.7.

43 (5) (a) A municipality that has a population greater than 150,000, according to the last
44 official federal census, shall remit to the state by June 30 of each fiscal year:

45 (i) \$504,700 for fiscal year 2000-01; and

46 (ii) \$580,400 for fiscal year 2001-02.

47 ~~[(b) A municipality that has a population less than 150,000, according to the last official
48 federal census, shall remit to the state by June 30 of each fiscal year:]~~

49 ~~[(i) \$388,600 for fiscal year 2000-01; and]~~

50 ~~[(ii) \$446,900 for fiscal year 2001-02.]~~

51 ~~[(e)]~~ (b) If a municipality repeals the ordinance described in Subsection (2)(a) prior to the
52 end of a fiscal year, the municipality shall remit to the state the amount described in Subsection
53 (5)(a) ~~[or (b)]~~ prorated according to the date the ordinance is repealed.

54 ~~[(d)]~~ (c) Monies remitted to the state under this Subsection (5) shall be remitted to the state
55 treasurer and deposited in the state General Fund.

56 Section 2. **Effective date.**

57 This act takes effect on July 1, 2001.

Legislative Review Note
as of 12-15-00 2:28 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel