

**Senator D. Chris Buttars** proposes the following substitute bill:

**DISABLED PARKING FINE**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: D. Chris Buttars**

**This act modifies the Motor Vehicles Code by increasing the fine for parking in a disability parking zone from \$100 to \$200 and for parking in a school bus parking zone from \$50 to \$100. This act modifies the Judicial Code by requiring district courts and Justice Courts to allocate 50% of the fine collected for a disability parking zone violation in the Out and About Homebound Transportation Assistance Fund and to allocate the remaining 50% of the fine as currently required.**

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

AMENDS:

**41-1a-1306**, as last amended by Chapter 246, Laws of Utah 1995

**41-6-103.5**, as enacted by Chapter 350, Laws of Utah 1997

**78-3-14.5**, as last amended by Chapter 270, Laws of Utah 1998

**78-5-116**, as last amended by Chapter 270, Laws of Utah 1998

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

Section 1. Section **41-1a-1306** is amended to read:

**41-1a-1306. Abuse of persons with disabilities parking privileges -- Revocation of special plate or transferable ID card -- Fine.**

(1) A person with a disability who abuses the rights and privileges conferred under Section 41-1a-414 or allows an individual who is not a person with a disability to use those parking privileges may have his person with a disability special group license plate, temporary removable windshield placard, or removable windshield placard revoked by the division.

(2) A person who violates Section 41-1a-414 shall pay a minimum fine of [~~\$100~~] \$200.



26 Section 2. Section **41-6-103.5** is amended to read:

27 **41-6-103.5. School bus parking zones -- Establishment -- Uniform markings --**

28 **Penalty.**

29 (1) As used in this section, "school bus parking zone" means a parking space that is  
30 clearly identified as reserved for use by a school bus.

31 (2) The Department of Transportation for state highways, local authorities for  
32 highways under their jurisdiction, and school boards for roadways located on school property  
33 may establish and locate school bus parking zones in accordance with specifications  
34 established under Subsection (3).

35 (3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
36 Department of Transportation, after consultation with local authorities and school boards which  
37 may include input from School Traffic Safety Committees established under Section  
38 53A-3-402, shall make rules establishing specifications for uniform signage or markings to  
39 clearly identify school bus parking zones.

40 (4) A person may not stop, stand, or park a vehicle other than a school bus, whether  
41 occupied or not, in a clearly identified school bus parking zone.

42 (5) A person who violates Subsection (4) shall pay a minimum fine of [~~\$50~~] \$100.

43 Section 3. Section **78-3-14.5** is amended to read:

44 **78-3-14.5. Allocation of district court fees and forfeitures.**

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

47 (2) Fines and forfeitures collected by the court for violation of a state statute or county  
48 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the  
49 state treasurer and 1/2 to the treasurer of the government which prosecutes or which would  
50 prosecute the violation.

51 (3) Fines and forfeitures collected for violations of Title 23, Wildlife Resources Code  
52 of Utah, or Title 73, Chapter 18, State Boating Act, shall be paid to the state treasurer.

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

55 (b) For violations of Title 73, Chapter 18, the state treasurer shall allocate 85% to the  
56 Division of Parks and Recreation and 15% to the General Fund.

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

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

65 (6) Fees collected in connection with civil actions filed in the district court shall be  
66 paid to the state treasurer.

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

69 (8) The fine collected under Subsection 41-1a-306 for a violation of the parking  
70 privileges for persons with disabilities shall be paid to the state treasurer. The state treasurer  
71 shall distribute the fine according to the following allocations minus the court costs:

72 (a) 50% in the "Out and About" Homebound Transportation Assistance Fund created in  
73 Section 62A-3-110; and

74 (b) 50% in accordance with Subsection (2).

75 Section 4. Section **78-5-116** is amended to read:

76 **78-5-116. Disposition of fines.**

77 (1) Except as otherwise specified by this section, fines and forfeitures collected by a  
78 justice court shall be remitted, one-half to the treasurer of the local government responsible for  
79 the court and one-half to the treasurer of the local government which prosecutes or which  
80 would prosecute the violation.

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

84 (b) For violation of Title 73, Chapter 18, the court shall allocate 85% to the Division of  
85 Parks and Recreation and 15% to the general fund of the city or county government responsible  
86 for the justice court.

87 (3) The surcharge established by Section 63-63a-1 shall be paid to the state treasurer.

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

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

95 (6) The fine collected under Subsection 41-1a-306 for a violation of the parking  
96 privileges for persons with disabilities shall be paid to the state treasurer. The state treasurer  
97 shall distribute the fine according to the following allocations minus the court costs:

98 (a) 50% in the "Out and About" Homebound Transportation Assistance Fund created in  
99 Section 62A-3-110; and

100 (b) 50% in accordance with Subsection (1).

101 Section 5. **Effective date.**

102 This act takes effect on July 1, 2003.