

1 **AMENDMENTS TO TRANSPORTATION**
2 **PROVISIONS**

3 2006 GENERAL SESSION
4 STATE OF UTAH

5 **Chief Sponsor: John Dougall**

6 Senate Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the State Affairs in General Code by amending provisions relating to
11 tollways, tolls, and toll violations.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ requires a toll violation surcharge to be paid on all toll violations;
15 ▶ provides that the amount of a toll violation surcharge is ~~H→~~ **[100% of the toll imposed]**

15a **\$25 ←H** ;

16 ▶ provides procedures for a court of record and a court not of record to collect a toll
17 violation surcharge; and

18 ▶ requires the state treasurer to deposit the toll violation surcharge in the Tollway
19 Restricted Account.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill takes effect July 1, 2006.

23a **H→ This bill coordinates with S.B. 80 by changing terminology. ←H**

24 **Utah Code Sections Affected:**

25 ENACTS:

26 **63-63d-101**, Utah Code Annotated 1953

27 **63-63d-102**, Utah Code Annotated 1953



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

Section 1. Section **63-63d-101** is enacted to read:

CHAPTER 63d. TOLL VIOLATION SURCHARGE

63-63d-101. Title.

This chapter is known as the "Toll Violation Surcharge."

Section 2. Section **63-63d-102** is enacted to read:

63-63d-102. Toll violation surcharge.

(1) In addition to any fine, penalty, forfeiture, or other surcharge, a toll violation surcharge shall be paid on all criminal fines, penalties, and forfeitures imposed by a court for an offense described in Subsection (2).

(2) The toll violation surcharge is ~~100%~~ **100%** of the amount of the toll imposed on a tollway under Section 72-6-118] \$25 ~~←100%~~ upon conviction of a violation of Section 41-6a-716.

(3) The toll violation surcharge may not be imposed upon penalties assessed by the juvenile court as part of the nonjudicial adjustment of a case under Section 78-3a-502.

(4) The toll violation 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 toll violation surcharge.

(5) The toll violation 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 toll violation surcharge imposition.

(6) (a) The amount of the toll violation surcharge imposed under this section 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.

(b) (i) The amount of a toll violation surcharge and the amount of criminal fines, penalties, and forfeitures imposed under this section by a court not of record shall be collected concurrently.

(ii) The local governmental collecting entity shall remit the toll violation surcharge to the state treasurer.

(7) The state treasurer shall deposit the collected toll violation surcharge in the Tollway Restricted Account created in Section 72-2-120.

59 Section 3. **Effective date.**

60 This bill takes effect July 1, 2006.

60a **Ĥ→ Section 4. Coordinating H.B. 457 with S.B. 80 -- Changing terminology.**

60b **If this H.B. 457 and S.B. 80, Public-Private Partnerships for Tollway Facilities, both**

60c **pass, it is the intent of the Legislature that the Office of Legislative Research and General**

60d **Counsel, in preparing the Utah Code database for publication, change the language in**

60e **Subsection 63-63d-102(7) from "Tollway Restricted Account" to "Tollway Restricted Special**

60f **Revenue Fund". ←Ĥ**

Legislative Review Note

as of 2-13-06 10:50 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

Passage of this bill would require a one-time appropriation of \$4,000 for the Courts.
Future costs and revenues will not be realized until a toll road is instituted.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
General Fund, One-Time	\$4,000	\$0	\$0	\$0
TOTAL	\$4,000	\$0	\$0	\$0

Individual and Business Impact

No fiscal impact.
