

**REVENUE FLOW FROM SPEEDING
VIOLATIONS**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John W. Hickman

House Sponsor: Stephen H. Urquhart

Cosponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies the Judicial Code by amending disposition of fines and fees provisions.

Highlighted Provisions:

This bill:

► requires ~~§~~ [district courts and] ~~§~~ justice courts to pay ~~§~~ 1/2 of ~~§~~ a fine or forfeiture collected for a violation of a speed limit on a highway that is part of the interstate system or on the Legacy Parkway to the state treasurer ~~§~~ if the citation was issued by a law enforcement agency employed by a ~~§~~ [county or] ~~§~~ municipality ~~§~~ ; and

► makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect July 1, 2006.

Utah Code Sections Affected:

AMENDS:

~~§~~ [—78-3-14.5, as last amended by Chapters 273 and 349, Laws of Utah 2004] ~~§~~
78-5-116, as last amended by Chapters 273 and 349, Laws of Utah 2004



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

29 **§→** [~~Section 1. Section 78-3-14.5 is amended to read:~~

30 ~~78-3-14.5. Allocation of district court fees and forfeitures.~~

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

33 ~~(2) Fines and forfeitures collected by the court for violation of a state statute or county~~
34 ~~or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the~~
35 ~~state treasurer and 1/2 to the treasurer of the state or local governmental entity which~~
36 ~~prosecutes or which would prosecute the violation.~~

37 ~~(3) Fines and forfeitures collected for violations of Title 23, Wildlife Resources Code~~
38 ~~of Utah, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating~~
39 ~~Act, shall be paid to the state treasurer.~~

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

42 ~~(b) For violations of Title 41, Chapter 22, or Title 73, Chapter 18, the state treasurer~~
43 ~~shall allocate 85% to the Division of Parks and Recreation and 15% to the General Fund.~~

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

50 ~~(5) Until July 1, 2007, fines and forfeitures collected by the court for a violation of~~
51 ~~Subsection 41-1a-1303(2) related to registration of vehicles after establishing residency shall~~
52 ~~be remitted:~~

53 ~~(a) 50% to the state or local governmental entity which issued the citation for a~~
54 ~~violation to be used for law enforcement purposes; and~~

55 ~~(b) 50% in accordance with Subsection (2).~~

56 ~~(6) Fines and forfeitures collected by the court for the violation of a speed limit~~
57 ~~established under Section 41-6a-602 on a highway that is part of the interstate system as~~
58 ~~defined in Section 72-1-102 or on the Legacy Parkway as defined in Section 72-3-113 shall be~~

59 paid to the state treasurer.

60 ~~—— [(6)] (7) Fines and forfeitures collected for any violations not specified in this chapter~~
 61 ~~or otherwise provided for by law shall be paid to the state treasurer.~~

62 ~~—— [(7)] (8) Fees collected in connection with civil actions filed in the district court shall~~
 63 ~~be paid to the state treasurer.~~

64 ~~—— [(8)] (9) The court shall remit money collected in accordance with Title 51, Chapter 7,~~
 65 ~~State Money Management Act.] ←§~~

66 Section 2. Section **78-5-116** is amended to read:

67 **78-5-116. Disposition of fines.**

68 (1) Except as otherwise specified by this section, fines and forfeitures collected by a
 69 justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the
 70 court and 1/2 to the treasurer of the local government which prosecutes or which would
 71 prosecute the violation.

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

75 (b) For violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
 76 18, State Boating Act, the court shall allocate 85% to the Division of Parks and Recreation and
 77 15% to the general fund of the city or county government responsible for the justice court.

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

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

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

86 (6) Until July 1, 2007, fines and forfeitures collected by the court for a violation of
 87 Subsection 41-1a-1303(2) related to registration of vehicles after establishing residency shall
 88 be remitted:

89 (a) 50% to the state or local governmental entity which issued the citation for a

90 violation to be used for law enforcement purposes; and

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

92 (7) Fines and forfeitures collected by the court for the violation of a speed limit

93 established under Section 41-6a-602 on a highway that is part of the interstate system as

94 defined in Section 72-1-102 or on the Legacy Parkway as defined in Section 72-3-113 shall be

95 ~~remitted to the state treasurer;~~ **remitted 1/2 to the state treasurer and 1/2 in accordance with**

95a **Subsection (1) if the citation for the violation was issued by a law enforcement agency**

95b **employed by a ~~county or~~ municipality.**

96 Section 3. **Effective date.**

97 This bill takes effect July 1, 2006.

Legislative Review Note

as of 1-4-06 9:25 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

Fiscal Note
Bill Number SB0054

Revenue Flow from Speeding Violations

20-Jan-06

12:02 PM

State Impact

Passage of this bill will shift some speeding ticket revenues from cities, towns, and counties to the state. Fiscal impacts on cities and counties may exceed \$4,000,000. Any fiscal impacts for programming changes at the State level can be handled within existing budgets.

Individual and Business Impact

No Fiscal Impact.

Office of the Legislative Fiscal Analyst