

1 **REVENUE FLOW FROM SPEEDING**
2 **VIOLATIONS**

3 2006 GENERAL SESSION
4 STATE OF UTAH

5 **Chief Sponsor: John W. Hickman**

6 House Sponsor: Stephen H. Urquhart

7 Cosponsor: Curtis S. Bramble

8
9 **LONG TITLE**

10 **General Description:**

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

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ requires district courts and justice courts to pay a fine or forfeiture collected for a
16 violation of a speed limit on a highway that is part of the interstate system or on the
17 Legacy Parkway to the state treasurer; and
18 ▶ makes technical changes.

19 **Monies Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 This bill takes effect July 1, 2006.

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **78-3-14.5**, as last amended by Chapters 273 and 349, Laws of Utah 2004

26 **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 paid to the state treasurer.

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