

Representative Steven R. Mascaro proposes the following substitute bill:

DISABLED PARKING VIOLATION

AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steven R. Mascaro

Senate Sponsor: D. Chris Butters

LONG TITLE

General Description:

This bill modifies provisions relating to disabled parking violations.

Highlighted Provisions:

This bill:

⚡→ ▶ provides and amends definitions; ←⚡

- ▶ increases the fine for a disabled parking violation;
- ▶ provides that a portion of the fines and forfeitures collected in a justice court or district court for a disabled parking violation shall be remitted to the state treasurer to be allocated to the Department of Human Resource Management for certain programs for the employment of people with disabilities;
- ▶ provides that the Department of Human Resource Management shall use certain funds allocated to the department in coordination with the Governor's Committee on Employment of People with Disabilities to assist the committee in achieving its goals; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:



26 This bill takes effect on July 1, 2009.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 ~~41-1a-414~~, as last amended by Laws of Utah 2003, Chapter 1

29a1 ~~H→~~ 41-1a-1306, as last amended by Laws of Utah 2003, Chapter 41 ←H

29a ~~H→~~ 67-19-3, as last amended by Laws of Utah 2006, Chapter 139 ←H

30 ~~78A-5-110~~, as last amended by Laws of Utah 2008, Chapter 22 and renumbered and
31 amended by Laws of Utah 2008, Chapter 3

32 ~~78A-7-120~~, as last amended by Laws of Utah 2008, Chapter 22 and renumbered and
33 amended by Laws of Utah 2008, Chapter 3

34 ENACTS:

35 ~~67-19-43~~, Utah Code Annotated 1953



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

38 Section 1. Section ~~41-1a-414~~ is amended to read:

39 **~~41-1a-414~~. Parking privileges for persons with disabilities.**

40 (1) As used in this section, "accessible parking space" means a parking space that is
41 clearly identified as reserved for use by a person with a disability and includes:

42 (a) vertical signage, including the international symbol of accessibility, that is visible
43 from a passing vehicle; and

44 (b) a clearly marked access aisle, if provided, that is adjacent to and considered part of
45 the parking space.

46 (2) Except in parking areas designated for emergency use, a person with a disability,
47 qualifying under rules made in accordance with Section ~~41-1a-420~~, may park an appropriately
48 marked vehicle for reasonable periods without charge in metered parking zones and restricted
49 parking areas, in a manner that allows proper access to the vehicle by the person with a
50 disability.

51 (3) Only those vehicles carrying a person with a disability special group license plate,
52 temporary removable windshield placard, or removable windshield placard and transporting a
53 qualifying person with a disability may park in an accessible parking space.

54 (4) This section applies to and may be enforced on public property and on private
55 property that is used or intended for use by the public.

56 (5) The parking privileges granted by this section also apply to vehicles displaying a

57 person with a disability special group license plate, temporary removable windshield placard,
 58 or removable windshield placard issued by another jurisdiction if displayed on a vehicle being
 59 used by a person with a disability.

60 ~~(6) A person who violates the provisions of~~ **H→ [Subsections (3) and (4)] this section ←H**
 60a related to parking

61 for a person with a disability shall **H→ [be fined] pay a minimum [fee] fine of ←H** not less
 61a1 than \$175.

61b1 **H→ Section 2. Section 41-1a-1306 is amended to read:**

61c1 **41-1a-1306. Abuse of persons with disabilities parking privileges -- Revocation of special plate**
 61d1 **or transferable ID card [==Fine] .**

61e1 **[(1)] A person with a disability who abuses the rights and privileges conferred under Section**
 61f1 **41-1a-414 or allows an individual who is not a person with a disability to use those parking privileges**
 61g1 **may have his person with a disability special group license plate, temporary removable windshield**
 61h1 **placard, or removable windshield placard revoked by the division.**

61i1 ~~[(2) A person who violates Section 41-1a-414 shall pay a minimum fine of \$125.] ←H~~

61a **H→ Section [2] 3 . Section 67-19-3 is amended to read:**

61b **67-19-3. Definitions.**

61c **As used in this chapter:**

61d **(1) "Agency" means any department or unit of Utah state government with authority to**
 61e **employ personnel.**

61f **(2) "Alternative State Application Program (ASAP)" means a program that allows hiring**
 61g **officials to appoint a qualified person with a disability to a career service position after successfully**
 61h **completing an appropriate on-the-job examination period without going through the competitive**
 61i **process.**

61j ~~[(2)]~~ **(3) "Career service" means positions under Schedule B as defined in Section 67-19-15.**

61k ~~[(3)]~~ **(4) "Career service employee" means an employee who has successfully completed a**
 61l **probationary period of service in a position covered by the career service.**

61m ~~[(4)]~~ **(5) "Career service status" means status granted to employees :**

61n **(a) who successfully complete probationary periods for competitive career service**
 61o **positions [;] ; or**

61p **(b) who are appointed to a position through the Alternative State Application Program**
 61q **(ASAP).**

61r ~~[(5)]~~ **(6) "Classified service" means those positions subject to the classification and**
 61s **compensation provisions of Section 67-19-12.**

61t ~~[(6)]~~ **(7) "Controlled substance" means controlled substance as defined in Section 58-37-2.**

61u ~~[(7)]~~ **(8) (a) "Demotion" means a disciplinary action resulting in a reduction of an employee's**

61v **current actual wage.**

61w **(b) "Demotion" does not mean:**

61x **(i) a nondisciplinary movement of an employee to another position without a reduction in the**
61y **current actual wage; or**

61z **(ii) a reclassification of an employee's position under the provisions of Subsection 67-19-12(3)**
61aa **and rules made by the department.**

61ab **~~(8)~~ (9) "Department" means the Department of Human Resource Management.**

61ac **~~(9)~~ (10) "Disability" means a physical or mental disability as defined and protected under**
61ad **the Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq.**

61ae **~~(10)~~ (11) "Employee" means any individual in a paid status covered by the career service**

61af or classified service provisions of this chapter.

61ag ~~[(11)]~~ (12) "Examining instruments" means written or other types of proficiency tests.

61ah ~~[(12)]~~ (13) "Executive director," except where otherwise specified, means the executive
61ai director of the Department of Human Resource Management.

61aj ~~[(13)]~~ (14) "Human resource function" means those duties and responsibilities specified:

61ak (a) under Section 67-19-6;

61al (b) under rules of the department; and

61am (c) under other state or federal statute.

61an ~~[(14)]~~ (15) "Market comparability adjustment" means a salary range adjustment determined
61ao necessary through a market survey of salary ranges of a reasonable cross section of comparable
61ap benchmark positions in private and public employment.

61aq ~~[(15)]~~ (16) "Probationary employee" means an employee serving a probationary period in a
61ar career service position but who does not have career service status.

61as ~~[(16)]~~ (17) "Probationary period" means that period of time determined by the department
61at that an employee serves in a career service position as part of the hiring process before career service
61au status is granted to the employee.

61av ~~[(17)]~~ (18) "Probationary status" means the status of an employee between the employee's
61aw hiring and the granting of career service status.

61ax ~~[(18)]~~ (19) "Temporary employee" means career service exempt employees on schedule AJ, AI,
61ay or AL under Section 67-19-15.

61az ~~[(19)]~~ (20) "Total compensation" means salaries and wages, bonuses, paid leave, group
61ba insurance plans, retirement, and all other benefits offered to state employees as inducements to work
61bb for the state. ←Ĥ

62 Section Ĥ→ [2] [3] 4 ←Ĥ . Section 67-19-43 is enacted to read:

63 **67-19-43. Program for employment of people with disabilities.**

64 The department shall use funds allocated to the department in accordance with
65 Subsections 78A-5-110(6)(a) and 78A-7-120(7)(a) in coordination with the Governor's
66 Committee on Employment of People with Disabilities created in Section 53A-24-114 for
67 activities that assist the Governor's Committee on Employment of People with Disabilities in
68 achieving its goals.

69 Section Ĥ→ [3] [4] 5 ←Ĥ . Section 78A-5-110 is amended to read:

70 **78A-5-110. Allocation of district court fees and forfeitures.**

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

73 (2) Fines and forfeitures collected by the court for violation of a state statute or county
74 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the

75 state treasurer and 1/2 to the treasurer of the state or local governmental entity which
76 prosecutes or which would prosecute the violation.

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

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

82 (b) For violations of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
83 18, State Boating Act, the state treasurer shall allocate 85% to the Division of Parks and
84 Recreation and 15% to the General Fund.

85 (4) Fines and forfeitures collected for violation of Section 72-7-404 or 72-7-406, less
86 fees established by the Judicial Council, shall be paid to the state treasurer for deposit in the B
87 and C road account. Fees established by the Judicial Council shall be deposited in the state

88 General Fund. Money deposited in the class B and C road account is supplemental to the
 89 money appropriated under Section 72-2-107 but shall be expended in the same manner as other
 90 class B and C road funds.

91 (5) (a) Fines and forfeitures collected by the court for a second or subsequent violation
 92 under Section 41-6a-1713 or Subsection 72-7-409(8)(b) shall be remitted:

93 (i) 60% to the state treasurer to be deposited in the Transportation Fund; and

94 (ii) 40% in accordance with Subsection (2).

95 (b) Fines and forfeitures collected by the court for a second or subsequent violation
 96 under Subsection 72-7-409(8)(c) shall be remitted:

97 (i) 50% to the state treasurer to be deposited in the Transportation Fund; and

98 (ii) 50% in accordance with Subsection (2).

99 (6) Fines and forfeitures collected by the court for a violation of Section 41-1a-414
 100 shall be remitted:

101 (a) \$45 to the state treasurer to be allocated to the Department of Human Resource
 102 Management for a program for the employment of people with disabilities; and

103 (b) \$130 in accordance with Subsection (1).

104 [~~6~~] (7) Fines and forfeitures collected for any violations not specified in this chapter
 105 or otherwise provided for by law shall be paid to the state treasurer.

106 [~~7~~] (8) Fees collected in connection with civil actions filed in the district court shall
 107 be paid to the state treasurer.

108 [~~8~~] (9) The court shall remit money collected in accordance with Title 51, Chapter 7,
 109 State Money Management Act.

110 Section ~~H~~→ [4] 6 ←~~H~~ . Section 78A-7-120 is amended to read:

111 **78A-7-120. Disposition of fines.**

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

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

119 (b) For violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
120 18, State Boating Act, the court shall allocate 85% to the Division of Parks and Recreation and
121 15% to the general fund of the city or county government responsible for the justice court.

122 (3) The surcharge established by Section 51-9-401 shall be paid to the state treasurer.

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

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

130 (6) (a) Fines and forfeitures collected by the court for a second or subsequent violation
131 under Section 41-6a-1713 or Subsection 72-7-409(8)(b) shall be remitted:

132 (i) 60% to the state treasurer to be deposited in the Transportation Fund; and

133 (ii) 40% in accordance with Subsection (1).

134 (b) Fines and forfeitures collected by the court for a second or subsequent violation
135 under Subsection 72-7-409(8)(c) shall be remitted:

136 (i) 50% to the state treasurer to be deposited in the Transportation Fund; and

137 (ii) 50% in accordance with Subsection (1).

138 (7) Fines and forfeitures collected by the court for a violation of Section 41-1a-414
139 shall be remitted:

140 (a) \$45 to the state treasurer to be allocated to the Department of Human Resource
141 Management for a program for the employment of people with disabilities; and

142 (b) \$130 in accordance with Subsection (1).

143 Section ~~H~~→ [5] 7 ←~~H~~ . **Effective date.**

144 This bill takes effect on July 1, 2009.

H.B. 370 1st Sub. (Buff) - Disabled Parking Violation Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill increases the fine for disabled parking violations. The expected amount of revenue to be used for employment of disabled individuals from the fine increase is \$33,000 annually. This amount will be appropriated to the Department of Human Resource Management. The courts would require a one-time appropriation of \$4,000 for programming.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund	\$0	\$33,000	\$33,000	\$0	\$33,000	\$33,000
General Fund, One-Time	\$0	\$4,000	\$0	\$0	\$0	\$0
Total	\$0	\$37,000	\$33,000	\$0	\$33,000	\$33,000

Individual, Business and/or Local Impact

Individuals with disabilities may experience an increase in wage income; individuals that violate disabled parking rules will experience an increase in fines. Local entities may experience an increase in revenue from the increased fine of \$27,000. Businesses are likely unaffected.
