

**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

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to disabled parking violations.

**Highlighted Provisions:**

This bill:

- ▶ 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

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 Subsections (3) and (4) related to parking  
61 for a person with a disability shall be fined not less than \$175.

62 Section 2. 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 3. 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 4. 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 5. **Effective date.**

144 This bill takes effect on July 1, 2009.

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

**Fiscal Note**

2009 General Session

State of Utah

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**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
<b>Total</b>	<b>\$0</b>	<b>\$37,000</b>	<b>\$33,000</b>	<b>\$0</b>	<b>\$33,000</b>	<b>\$33,000</b>

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**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.

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