

CITATION AUTHORITY AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses who may enforce a local ordinance.

Highlighted Provisions:

This bill:

▶ prevents a provision from taking effect that prohibits certain municipal officers and officials from enforcing a local ordinance through issuing a citation.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

10-3-703 (Effective 05/01/18), as last amended by Laws of Utah 2017, Chapter 314

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

Section 1. Section **10-3-703 (Effective 05/01/18)** is amended to read:

10-3-703 (Effective 05/01/18). Criminal penalties for violation of ordinance --

Civil penalties prohibited -- Exceptions.

(1) The governing body of each municipality may impose a criminal penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B



28 misdemeanor fine under Section 76-3-301 or by a term of imprisonment up to six months, or
29 by both the fine and term of imprisonment.

30 (2) (a) Except as provided in Subsection (2)(b), the governing body may prescribe a
31 civil penalty for the violation of any municipal ordinance by a fine not to exceed the maximum
32 class B misdemeanor fine under Section 76-3-301.

33 (b) A municipality may not impose a civil penalty and adjudication for the violation of
34 a municipal moving traffic ordinance.

35 ~~[(3) A municipal officer or official who is not a law enforcement officer in accordance~~
36 ~~with Section 53-13-103 may not issue a criminal citation for a violation that is punished as a~~
37 ~~misdemeanor.]~~

38 Section 2. **Effective date.**

39 If approved by two-thirds of all the members elected to each house, this bill takes effect
40 on May 1, 2018.

Legislative Review Note
Office of Legislative Research and General Counsel