

FINE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Casey Snider

LONG TITLE

General Description:

This bill modifies the division of fine revenue collected by justice courts.

Highlighted Provisions:

This bill:

- ▶ requires the state auditor to monitor the amount of traffic fines a local government collects;
- ▶ clarifies when an interlocal agreement may alter the division of fine revenue;
- ▶ limits the amount of traffic fine revenue a local government may use for the local government's general fund revenue; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

51-2a-301, as last amended by Laws of Utah 2015, Chapter 138

78A-7-120, as last amended by Laws of Utah 2021, Chapter 280

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

Section 1. Section **51-2a-301** is amended to read:

51-2a-301. State auditor responsibilities.

30 (1) Except for political subdivisions that do not receive or expend public funds, the
31 state auditor shall adopt guidelines, qualifications criteria, and procurement procedures for use
32 in the procurement of audit services for all entities that are required by Section 51-2a-201 to
33 cause an accounting report to be made.

34 (2) The state auditor shall follow the notice, hearing, and publication requirements of
35 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

36 (3) The state auditor shall:

37 (a) review the accounting report submitted to the state auditor under Section
38 51-2a-201; and

39 (b) if necessary, conduct additional inquiries or examinations of financial statements of
40 the entity submitting that information.

41 (4) The governing board of each entity required by Section 51-2a-201 to submit an
42 accounting report to the state auditor's office shall comply with the guidelines, criteria, and
43 procedures established by the state auditor.

44 (5) Each fifth year, the state auditor shall:

45 (a) review the dollar criteria established in Section 51-2a-201 to determine if they need
46 to be increased or decreased; and

47 (b) if the state auditor determines that they need to be increased or decreased, notify the
48 Legislature of that need.

49 (6) (a) The state auditor may require a higher level of accounting report than is required
50 under Section 51-2a-201.

51 (b) The state auditor shall:

52 (i) develop criteria under which a higher level of accounting report may be required;
53 and

54 (ii) provide copies of those criteria to entities required to analyze and report under
55 Section 51-2a-201.

56 (7) This section does not apply to a nonprofit corporation that submits an accounting
57 report under Section 51-2a-201.5.

58 (8) The state auditor shall adopt a policy to monitor compliance with Subsection
59 78A-7-120(7).

60 Section 2. Section **78A-7-120** is amended to read:

61 **78A-7-120. Disposition of fines.**

62 (1) (a) Except as otherwise specified by this section, fines and forfeitures collected by a
63 justice court shall be remitted~~[, +/2]~~ as follows:

64 (i) 50% to the treasurer of the local government responsible for the court; and ~~[+2]~~

65 (ii) 50% to the treasurer of the local government which prosecutes or which would
66 prosecute the violation.

67 (b) An interlocal agreement created pursuant to Title 11, Chapter 13, Interlocal
68 Cooperation Act, and related to justice courts may alter the ratio ~~[provided in this section]~~
69 described in Subsection (1)(a) if the parties agree.

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

73 (b) For violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
74 18, State Boating Act, the court shall allocate 85% to the Division of Recreation and 15% to
75 the general fund of the ~~[city or county]~~ local government responsible for the justice court.

76 (c) Fines and forfeitures collected by the court for a violation of Section ~~41-6a-1302~~ in
77 instances where evidence of the violation was obtained by an automated traffic enforcement
78 safety device as described in Section ~~41-6a-1310~~ shall be remitted:

79 (i) 20% to the school district or private school that owns or contracts for the use of the
80 school bus; and

81 (ii) 80% in accordance with Subsection (1).

82 (3) The surcharge established by Section ~~51-9-401~~ shall be paid to the state treasurer
83 and deposited into the General Fund.

84 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice
85 court for a violation of Section ~~72-7-404~~ or ~~72-7-406~~ regarding maximum weight limitations

86 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial
87 Council, shall be paid to the state treasurer and allocated to the Department of Transportation
88 for class B and class C roads.

89 (5) Revenue allocated for class B and class C roads pursuant to Subsection (4) or
90 Subsection (7) is supplemental to the money appropriated under Section 72-2-107 but shall be
91 expended in the same manner as other class B and class C road funds.

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

- 94 (i) 60% to the state treasurer to be deposited [in] into the Transportation Fund; and
- 95 (ii) 40% in accordance with Subsection (1).

96 (b) Fines and forfeitures collected by the court for a second or subsequent violation
97 under Subsection 72-7-409(6)(d) shall be remitted:

- 98 (i) 50% to the state treasurer to be deposited in the Transportation Fund; and
- 99 (ii) 50% in accordance with Subsection (1).

100 (7) (a) Revenue from traffic fines may not exceed 25% of a local government's total
101 general fund revenue for a fiscal year.

102 (b) No later than 30 days after the day on which a local government's fiscal year ends, a
103 local government that receives traffic fine revenue shall:

104 (i) for the immediately preceding fiscal year, determine the amount of traffic fine
105 revenue that exceeds the amount described in Subsection (7)(a); and

106 (ii) transfer the amount calculated under Subsection (7)(b)(i) to the state treasurer to be
107 allocated to the Department of Transportation for class B and class C roads.