

# HB0201S01 compared with HB0201

~~{deleted text}~~ shows text that was in HB0201 but was deleted in HB0201S01.

inserted text shows text that was not in HB0201 but was inserted into HB0201S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{TRAFFIC ENFORCEMENT AMENDMENTS}~~ Representative Brett Garner proposes the following substitute bill:

## **AUTOMATED SAFETY ENFORCEMENT IN SCHOOL AND CONSTRUCTION ZONES**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brett Garner**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill creates the Speed Safety Camera Pilot Program, amends restrictions on the use of a speed safety camera for traffic enforcement, and allocates fees collected from speed safety camera ~~{citations}~~ penalties.

#### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Speed Safety Camera Pilot Program that allows the use of a speed safety camera without a peace officer present in certain circumstances;
- ▶ describes when law enforcement can use a speed safety camera for speed limit

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enforcement;

- ▶ limits the number of construction and school zones in which the Department of Transportation and the Department of Public Safety may implement a speed safety camera enforcement program;

~~{ ———▶ allows a local highway authority to implement a speed safety camera program;~~

- {
- ▶ limits the use of a speed safety camera in a school zone to times when traffic speeds are reduced in the school zone;

▶ limits a violation enforced by a speed safety camera to a civil violation and specifies civil penalties;

- ▶ prohibits the use of evidence captured by a speed safety camera to only be used for moving traffic violations unless the evidence is obtained pursuant to a warrant;

▶ requires a contract with a third party vendor to administer certain components of a speed safety camera program;

- ▶ requires relevant agencies to publish on the relevant agency website certain information about the speed safety camera programs;

- ▶ designates the Zero Fatalities initiative as the highway safety initiative of the Department of Transportation;

- ▶ allocates the revenues from certain fines collected from a speed safety camera to the prosecuting government entity and to the Zero Fatalities initiative in the Department of Transportation; and

- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

**51-2a-301**, as last amended by Laws of Utah 2022, Chapter 89

**63I-1-241**, as last amended by Laws of Utah 2023, Chapters 33, 212, 219, and 335

**63I-1-278**, as last amended by Laws of Utah 2022, Chapters 188, 318, 384, and 423

~~{ ———▶ **78A-5-110**, as last amended by Laws of Utah 2023, Chapter 34~~

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~~78A-7-120, as last amended by Laws of Utah 2023, Chapter 34~~

ENACTS:

72-1-218, Utah Code Annotated 1953

REPEALS AND REENACTS:

41-6a-608, as renumbered and amended by Laws of Utah 2005, Chapter 2

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

Section 1. Section **41-6a-608** is repealed and reenacted to read:

**41-6a-608. Speed safety camera pilot program -- Restrictions on use.**

(1) As used in this section:

(a) "Construction zone" means a portion of a highway under construction, reconstruction, replacement, or improvement.

(b) "Department of Transportation" means the Department of Transportation created in Section 72-1-201.

(c) "Reduced speed school zone" means the same as that term is defined in Section 41-6a-303.

(d) "Speed safety camera" means a device used primarily for speed limit enforcement consisting of a radar or lidar unit and camera which automatically captures a photograph of a vehicle, with the vehicle's speed, the date, time of day, and location of the violation included on the photograph.

(2) (a) (i) Subject to Subsections (3) and (4), in coordination with an applicable local law enforcement agency and the department, the Department of Transportation shall implement a Speed Safety Camera Pilot Program, as described in this Subsection (2), for speed limit enforcement on:

(A) a state highway; or

(B) a local highway, if the applicable local highway authority provides the department and Department of Transportation written permission to place a speed safety camera on the local highway authority's highway.

(ii) A Speed Safety Camera Pilot Program may only be established in a construction zone or a reduced speed school zone.

(b) The Speed Safety Camera Pilot Program shall begin on July 1, 2024, and end on

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~~{June}~~ August 30, 2025.

(c) Subject to Subsection (2)(d), the Department of Transportation and the department may implement a speed safety camera in:

(i) no more than five reduced speed school zones with each zone having up to two speed safety cameras, one for each direction of traffic; and

(ii) no more than five construction zones with each construction zone having:

(A) up to one speed safety camera per freeway entrance, if the construction zone is on a freeway; or

(B) up to two speed safety cameras, one for each direction of traffic, if the construction zone is on a highway that is not freeway.

(d) The maximum number of speed safety camera locations the Department of Transportation and the department can collectively employ throughout the state at one time is 10 locations.

(e) (i) The Department of Transportation shall:

(A) install the necessary signs described in Subsection (3)(a)(i);

(B) enter into an agreement or contract to obtain the speed safety camera from a vendor as described in Subsection (~~{6}~~7);

(C) manage the use and maintenance of a speed safety camera and speed safety camera notice signs;

(D) collect and send, or ensure the speed safety camera vendor collects and sends, necessary data captured by the speed safety camera to the applicable local law enforcement agency for the enforcing agency to send a ~~{citation}~~ civil notice of violation or warning as described in Subsection (5);

(E) coordinate with the department and an applicable local law enforcement agency for implementation of the Speed Safety Camera Pilot Program including placement location of a speed safety camera; and

(F) determine the placement location for each speed safety camera in consultation with the local law enforcement agency or the department.

(ii) The department shall:

(A) consult with the Department of Transportation for the Department of Transportation to enter into a contract to purchase, lease, or rent a speed safety camera from a

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vendor;

(B) coordinate with the Department of Transportation to receive the captured data described in Subsection (2)(e)(i)(D);

(C) search the department's database of registered vehicles based on the photograph of the violating driver's vehicle's license plate; and

(D) send the owner of the vehicle described in Subsection (2)(e)(ii)(C) the warning or ~~citation~~ **civil notice of violation** described in Subsection (5).

(iii) A local highway authority that agrees to the placement of a speed safety camera in a reduced speed school zone within that local highway authority's jurisdiction shall ensure the local law enforcement agency in that jurisdiction coordinates with the Department of Transportation for the placement, use, maintenance, or removal of the speed safety camera.

~~{ (f) (i) Notwithstanding the limitation on the number of locations of speed safety cameras described in Subsections (2)(c) and (d), a local highway authority may use a speed safety camera in reduced speed school zones or construction zones in the local highway authority's jurisdiction if the local highway authority:~~

~~—— (A) implements the speed safety camera and assumes the responsibilities described in Subsection (2)(f)(ii); or~~

~~—— (B) pays the Department of Transportation to implement the speed safety camera as described in Subsection (2)(f)(iii);~~

~~—— (ii) If the local highway authority implements the speed safety camera, the local highway authority shall:~~

~~—— (A) install the necessary signs described in Subsection (3)(a)(i);~~

~~—— (B) enter into an agreement or contract to obtain the speed safety camera from a vendor as described in Subsection (6) at the same cost or less than the cost of the Department of Transportation's agreement or contract described in Subsection (2)(e)(i)(B);~~

~~—— (C) manage the use and maintenance of a speed safety camera and speed safety camera notice signs;~~

~~—— (D) collect and send, or ensure the speed safety camera vendor collects and sends, necessary data captured by the speed safety camera to the applicable local law enforcement agency or the department for the enforcing agency to send a citation or warning as described in Subsection (5); and~~

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~~(E) coordinate with the department and the Department of Transportation for implementation of the speed safety camera in the local highway authority's jurisdiction including placement location of a speed safety camera.~~

~~(iii) If the local highway authority pays the Department of Transportation to implement the speed safety camera, the local highway authority shall:~~

~~(A) cover the costs the Department of Transportation incurs associated with the implementation of the speed safety camera;~~

~~(B) coordinate with the department and the Department of Transportation for implementation of the speed safety camera in the local highway authority's jurisdiction including placement location of a speed safety camera; and~~

~~(C) determines the placement location for each speed safety camera with the local law enforcement agency and the department.~~

~~‡ (3) (a) Subject to Subsection (4), the department ~~{or a local law enforcement agency}~~ may not use a speed safety camera in an area described in Subsection (2)(c), unless:~~

~~(i) a prominent sign is posted on the highway providing notice to a motorist that a speed safety camera is in use;~~

~~(ii) the speed safety camera is programed to account for the margin of error in calibration of a vehicle's speedometer;~~

~~(iii) use of a speed safety camera by a local highway authority and enforcement by the local law enforcement agency is approved by the local highway authority's governing body; and~~

~~(iv) the issuance of a ~~{citation}~~ civil notice of violation is accompanied by the photograph produced by a speed safety camera.~~

~~(b) The department ~~{or a local law enforcement agency}~~ may operate a speed safety camera in a reduced speed school zone only during times of the day when the reduced speed school zone is operating and requiring reduced traffic speeds.~~

~~(4) ~~{(a) Except as provided in Subsection (4)(b), the}~~ The Department of Transportation shall:~~

~~~~{(i)}~~ a consult with the department and the applicable local law enforcement agency regarding speed safety camera placement locations using:~~

~~~~{A}~~ i relevant safety metrics; and~~

~~~~{B}~~ ii factors identifying an area as having the highest potential in preventing loss of~~

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life and injury; and

(~~iii~~b) determine the placement of a speed safety camera in the reduced speed school zones and construction zones described in Subsection (2)(c).

(~~b~~ The) 5 (a) As part of the implementation of a speed safety camera as described in this section, the department or the Department of Transportation ~~may not have more than two speed safety camera locations in any one county.~~

— (5) (a) shall contract with a third party vendor to perform the duties as described in this Subsection (5).

(b) A contract with a third party vendor described in Subsection (5)(a) shall include provisions for the third party vendor to:

(i) notify a violator;

(ii) issue a warning to a violator;

(iii) issue a civil notice of violation to a violator;

(iv) collect and remit civil penalties;

(v) administer an opportunity for the individual to appeal a civil notice of violation;

(vi) coordinate with the department, the Department of Transportation, or a local law enforcement agency regarding information about the vehicle in question, including the registration status and ownership; and

(vii) report to the department, the Department of Transportation, or a local law enforcement agency regarding the duties described in Subsections (5)(b)(i) through (v).

(c) If a speed safety camera captures evidence of an individual committing a moving traffic violation as described in Subsection (2), the ~~department or the applicable local law enforcement agency~~ third party vendor shall:

(i) for a vehicle registered in this state, issue notice by mail or personal service within 30 days after the date of the alleged violation; or

(ii) for a vehicle registered in any other state, issue notice by mail or personal service within 60 days after the date of the alleged violation.

(d) For a first violation during the pilot period involving the vehicle, the notice described in Subsection (5)(c) shall:

(i) provide ~~one warning per vehicle per calendar year upon the vehicle owner's first violation in any jurisdiction; and~~ information and evidence of the alleged violation; and

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(ii) provide a warning to the owner of the violation.

(e) For a second or subsequent violation during the pilot period, the notice described in Subsection (5)(c) shall:

(i) provide information and evidence of the alleged violation;

(ii) issue a ~~citation~~ civil notice of violation to the vehicle owner ~~for the second and~~;

and

(iii) provide information about how the owner of the vehicle may dispute the civil notice of violation.

(f) If the third party vendor fails to provided the notice described in Subsection (5)(c),

(d), or (e):

(i) the alleged violation may not count toward a first or subsequent ~~violations with the same vehicle within any jurisdiction until the next calendar year begins.~~

~~violation as described in this Subsection (5); and~~

(ii) may not issue a civil notice of violation for the alleged violation.

(g) If an individual fails to pay the civil penalty within 30 days after the notice described in Subsection (5)(e), the third party vendor shall send a civil penalty notice to the owner.

(h) If an individual fails to pay the civil penalty or otherwise resolve the alleged violation within 30 days after the civil penalty notice described in Subsection (5)(g), the third party vendor shall enter an order of liability against the owner.

(i) An individual may contest the order of liability described in Subsection (5)(h) in a justice court.

(j) Notwithstanding Section 41-6a-303, and after an individual has received a warning as described in Subsection (5)(d), a violation enforced by a speed safety camera in a reduced speed school zone as provided in this section is a civil notice of violation with the following minimum fines:

| <u>=</u> | <u>Vehicle Speed</u>      | <u>Minimum Fine</u> |
|----------|---------------------------|---------------------|
| <u>=</u> | <u>21-29 MPH</u>          | <u>\$50</u>         |
| <u>=</u> | <u>30 MPH and greater</u> | <u>\$125</u>        |

~~(b)(k)~~ (i) ~~Any~~ Except as provided in Subsection (5)(k)(ii), any data or evidence captured by a speed safety camera, other than evidence of an individual committing a moving



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traffic violation, may not be used as evidence in a criminal or civil proceeding or investigation.

(ii) A law enforcement agency may access and use data or evidence captured by a speed safety camera pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant.

(l) For a civil fine and forfeiture collected as described in this section the third party vendor shall:

(i) if the defendant voluntarily remits the civil fine under this section, allocate 100% to the Department of Transportation's Zero Fatalities initiative described in Section 72-1-218; or

(ii) in all other instances, allocate:

(A) 40% to the treasurer of the state or local government entity responsible for enforcing the moving traffic violation; and

(B) 60% to the Department of Transportation's Zero Fatalities initiative described in Section 72-1-218.

(6) (a) Except as provided in Subsection (6)(b), any data or evidence captured by a speed safety camera, other than evidence of an individual committing a moving traffic violation, may not be used as evidence in a criminal or civil proceeding or investigation.

(b) A law enforcement agency may access and use data or evidence captured by a speed safety camera pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant.

(~~6~~7) (a) Subject to Subsection (~~6~~7)(b), the Department of Transportation shall enter into a contract regarding the purchase, lease, or rental of a speed safety camera for use by the department ~~or a local highway authority~~.

(b) The contract described in Subsection (~~6~~7)(a) may not require any condition for issuing a ~~citation~~ civil notice of violation.

(c) The Department of Transportation shall use existing departmental funds to purchase, lease, or rent the speed safety cameras for the pilot program.

(~~7~~8) The Department of Transportation ~~and~~ the department ~~and any local highway authority~~ shall make the following information available for public inspection on the respective websites of the Department of Transportation ~~and~~ or the department ~~and the local highway authority~~:

(a) the terms of any vendor contract regarding the purchase, lease, rental, or use of a

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speed safety camera;

(b) the total fine revenue generated by using a speed safety camera;

(c) the number of  ~~citations~~ civil notice of violations issued by the use of a speed safety camera; and

(d) the amount paid to the vendor providing a speed safety camera unit.

(~~8~~9) On or before October 1, 2025, the Department of Transportation and the department shall provide a report to the Transportation Interim Committee that summarizes:

(a) the effectiveness of speed safety camera enforcement in each selected reduced speed school zone and construction zone described in Subsection (2)(c);

(b) if available, the average speed of vehicles driving through each of the reduced speed school zones and construction zones before and after implementation of the pilot program;

(c) if available, the crash rates before and after implementation; and

(d) other relevant data.

(~~9~~10) A moving traffic violation enforced through the use of a speed safety camera is not a reportable violation as defined under Section 53-3-102, and the Driver License Division may not assess points under Section 53-3-221 against the driving record of a person for the violation.

(~~10~~11) Notwithstanding Subsections (2) through (4), the restrictions on the use of a speed safety camera do not apply when the information gathered is used for highway safety research or to issue warning citations not involving a fine, court appearance, or an individual's driving record.

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

### **51-2a-301. State auditor responsibilities.**

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

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

(3) The state auditor shall:

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

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

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

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

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

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

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

(b) The state auditor shall:

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

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

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

(8) The state auditor shall adopt a policy to monitor compliance with Subsection ~~[78A-7-120(7):]~~ 78A-7-120(8).

Section 3. Section **63I-1-241** is amended to read:

### **63I-1-241. Repeal dates: Title 41.**

(1) Subsection 41-1a-1201(8), related to the Neuro-Rehabilitation Fund, is repealed January 1, 2025.

(2) Section 41-3-106, which creates an advisory board related to motor vehicle business regulation, is repealed July 1, 2024.

(3) The following subsections addressing lane filtering are repealed on July 1, 2027:

(a) the subsection in Section 41-6a-102 that defines "lane filtering";

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(b) Subsection 41-6a-704(5); and

(c) Subsection 41-6a-710(1)(c).

(4) Section 41-6a-608, related to the Speed Safety Camera Pilot Program, is repealed July 1, 2026.

~~[(4)]~~ (5) Subsection 41-6a-1406(6)(b)(iii), related to the Neuro-Rehabilitation Fund, is repealed January 1, 2025.

~~[(5)]~~ (6) Subsections 41-22-2(1) and 41-22-10(1), which authorize an advisory council that includes in the advisory council's duties addressing off-highway vehicle issues, are repealed July 1, 2027.

~~[(6)]~~ (7) Subsection 41-22-8(3), related to the Neuro-Rehabilitation Fund, is repealed January 1, 2025.

Section 4. Section **63I-1-278** is amended to read:

**63I-1-278. Repeal dates: Title 78A and Title 78B.**

(1) Subsections 78A-2-301(4) and 78A-2-301.5(12), regarding the suspension of filing fees for petitions for expungement, are repealed on July 1, 2023.

(2) Section 78B-3-421, regarding medical malpractice arbitration agreements, is repealed July 1, 2029.

(3) Subsection 78A-5-110(7), regarding fines and forfeitures collected as part of the Speed Safety Camera Pilot Program, is repealed on July 1, 2026.

~~[(3)]~~ (4) Subsection 78A-7-106(6), regarding the transfer of a criminal action involving a domestic violence offense from the justice court to the district court, is repealed on July 1, 2024.

(5) Subsection 78A-7-120(7), regarding fines and forfeitures collected as part of the Speed Safety Camera Pilot Program, is repealed on July 1, 2026.

~~[(4)]~~ (6) Section 78B-4-518, regarding the limitation on employer liability for an employee convicted of an offense, is repealed on July 1, 2025.

~~[(5)]~~ (7) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1, 2026.

~~[(6)]~~ (8) Title 78B, Chapter 12, Part 4, Advisory Committee, which creates the Child Support Guidelines Advisory Committee, is repealed July 1, 2026.

~~[(7)]~~ (9) Section 78B-22-805, regarding the Interdisciplinary Parental Representation

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Pilot Program, is repealed December 31, 2024.

Section 5. Section **72-1-218** is enacted to read:

**72-1-218. Zero Fatalities initiative.**

(1) The "Zero Fatalities" initiative is designated as the highway safety initiative of the department in the state.

(2) The department shall develop or maintain the policies related to the Zero Fatalities initiative that promote safety on highways for pedestrians and vehicle passengers, mitigate vehicle crash severity, and reduce the number of lives lost in the state.

~~{ Section 6. Section **78A-5-110** is amended to read:~~

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

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

~~—— (2) Fines and forfeitures collected by the court for violation of a state statute or county or municipal ordinance constituting a misdemeanor or an infraction shall be remitted [1/2] one-half to the state treasurer and [1/2] one-half to the treasurer of the state or local governmental entity which prosecutes or which would prosecute the violation.~~

~~—— (3) (a) Fines and forfeitures collected for violations of Title 23A, Wildlife Resources Act, Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter 18, State Boating Act, shall be paid to the state treasurer.~~

~~—— (b) For violations of Title 23A, Wildlife Resources Act, the state treasurer shall allocate 85% to the Division of Wildlife Resources and 15% to the General Fund.~~

~~—— (c) For violations of Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter 18, State Boating Act, the state treasurer shall allocate 85% to the Division of Outdoor Recreation and 15% to the General Fund.~~

~~—— (4) (a) The state treasurer shall allocate fines and forfeitures collected for a violation of Section 72-7-404 or 72-7-406, less fees established by the Judicial Council, to the Department of Transportation for use on class B and class C roads.~~

~~—— (b) Fees established by the Judicial Council shall be deposited in the state General Fund.~~

~~—— (c) Money allocated for class B and class C roads is supplemental to the money appropriated under Section 72-2-107 but shall be expended in the same manner as other class B~~

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and class C road funds:

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

~~—— (i) 60% to the state treasurer to be deposited into the Transportation Fund; and~~

~~—— (ii) 40% in accordance with Subsection (2).~~

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

~~—— (i) 50% to the state treasurer to be deposited into the Transportation Fund; and~~

~~—— (ii) 50% in accordance with Subsection (2).~~

~~—— (6) For fines and forfeitures collected by the court for a violation of Section 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic enforcement safety device as described in Section 41-6a-1310, the court shall allocate 20% to the school district or private school that owns or contracts for the use of the bus, and the state treasurer shall allocate 40% to the treasurer of the state or local governmental entity that prosecutes or that would prosecute the violation, and 40% to the General Fund:~~

~~—— (7) For fines and forfeitures collected by the court for a moving traffic violation captured by a speed safety camera as described in Section 41-6a-608, the court shall:~~

~~—— (a) if the defendant voluntarily remits the fine under Subsection 77-7-21(1), allocate 100% to the Department of Transportation's Zero Fatalities initiative described in Section 72-1-218; or~~

~~—— (b) in all other instances, allocate:~~

~~—— (i) 40% to the treasurer of the state or local government entity responsible for prosecuting the moving traffic violation; and~~

~~—— (ii) 60% to the Department of Transportation's Zero Fatalities initiative described in Section 72-1-218.~~

~~—— [(7)] (8) Fines and forfeitures collected for any violations not specified in this chapter or otherwise provided for by law shall be paid to the state treasurer:~~

~~—— [(8)] (9) Fees collected in connection with civil actions filed in the district court shall be paid to the state treasurer:~~

~~—— [(9)] (10) The court shall remit money collected in accordance with Title 51, Chapter 7, State Money Management Act.~~

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~~Section 7. Section 78A-7-120 is amended to read:~~

~~78A-7-120. Disposition of fines.~~

~~(1) (a) Except as otherwise specified by this section, fines and forfeitures collected by a justice court shall be remitted as follows:~~

~~(i) 50% to the treasurer of the local government responsible for the court; and~~

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

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

~~(2) (a) For violation of Title 23A, Wildlife Resources Act, the court shall allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the local government responsible for the justice court.~~

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

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

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

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

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

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

~~(5) Revenue allocated for class B and class C roads pursuant to Subsection (4) or Subsection [(7)] (8) is supplemental to the money appropriated under Section 72-2-107 but~~

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~~shall be expended in the same manner as other class B and class C road funds.~~

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

~~—— (i) 60% to the state treasurer to be deposited into the Transportation Fund; and~~

~~—— (ii) 40% in accordance with Subsection (1).~~

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

~~—— (i) 50% to the state treasurer to be deposited into the Transportation Fund; and~~

~~—— (ii) 50% in accordance with Subsection (1).~~

~~—— (7) For fines and forfeitures collected by the court for a moving traffic violation captured by a speed safety camera as described in Section 41-6a-608, the court shall:~~

~~—— (a) if the defendant voluntarily remits the fine under Subsection 77-7-21(1), allocate 100% to the Department of Transportation's Zero Fatalities initiative described in Section 72-1-218; or~~

~~—— (b) in all other instances, allocate:~~

~~—— (i) 40% to the treasurer of the state or local government entity responsible for prosecuting the moving traffic violation; and~~

~~—— (ii) 60% to the Department of Transportation's Zero Fatalities initiative described in Section 72-1-218.~~

~~—— [(7)] (8) (a) Revenue from traffic fines may not exceed 25% of a local government's total general fund revenue for a fiscal year.~~

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

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

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

‡ Section ~~{8}~~6. **Effective date.**

This bill takes effect on July 1, 2024.