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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.

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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.

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58	(8) The state auditor shall adopt a policy to monitor compliance with Subsection
59	<u>78A-7-120(7).</u>
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[, 1/2] as follows:
64	(i) 50% to the treasurer of the local government responsible for the court; and $[\frac{1}{2}]$
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, <u>and</u> 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] <u>local</u> 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

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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

allocated to the Department of Transportation for class B and class C roads.

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