
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: September 2, 2005

SUBJECT: Proposed increase to Traffic School fees for the Justice Court
(Sec.12.08.150 Traffic School Permitted)

STAFF REPORT BY: Sylvia Jones, Research and Policy Analyst

KEY ELEMENTS:

The Administration has proposed that the fee for traffic school be increased from \$30 to \$50. In addition, the Administration proposes that the \$20 plea in abeyance fee associated with traffic school be abolished.

- A. In 2004, House Bill 121 was passed by the Legislature. According to the Administration, this legislation impacted the amount of surcharge paid to the State and the City. The Administration states that as a result of the legislation, the State receives more revenue and the City receives less revenue by about \$49,000.
- B. According to the Administration, HB 121 forced any “compromise” on traffic tickets be considered pleas in abeyance, and then required that any pleas-in-abeyance fees be subject to the same surcharge as a fine.
- C. Before HB 121 was passed, Justice Court hearing officers handled and processed the paperwork for traffic school cases. The Administration states that the legislative changes have created the need for these cases to be handled differently, and have increased processing and tracking time by the Justice Court and Prosecutor’s staff.
- D. To offset the City’s loss of revenue after HB 121 was passed, a \$20 plea in abeyance (PIA) fee was added to traffic school cases (at the discretion of the Prosecutor’s Office). The Administration proposes abolishing the PIA fee and increasing the traffic school fee by \$20. The net effect of the proposed change will be less surcharge paid to the State, an increase in revenue for the City, and no increase passed on to the citizen.
- E. The Administration states that increasing the fee for traffic school would increase the City’s revenue by approximately \$49,000 without increasing the actual cost to the citizen. (The projected increase in revenue is based on the City retaining an additional \$5.19 per traffic school case versus the current process.)
- F. The Administration checked with some other Utah cities regarding their fee for traffic school. Most cities surveyed charge \$30, with the exception of Provo and West Jordan. Provo charges \$60 and West Jordan’s fee for traffic school is based on the amount of the violation. .

POTENTIAL MATTERS AT ISSUE AND QUESTIONS FOR THE ADMINISTRATION

- A. Given that the legislation was passed in 2004, the Council may wish to ask the Administration why this issue was not brought forward prior to this time.
- B. The Council may wish to ask the Administration why each traffic school case must be reviewed by the Prosecutor's Office.
- C. The Council may wish to ask how many traffic school cases the City processes annually.
- D. The Council may wish to ask whether the City has discussed this change with the State Court Administrator's office.
- E. Given that this change would equate to \$49,000 less revenue for the State, the Council may wish to ask the Administration to anticipate how the State might respond.

SALT LAKE CITY CORPORATION

SALT LAKE CITY JUSTICE COURT

ROSS C. "ROCKY" ANDERSON
MAYOR

COUNCIL TRANSMITTAL

TO: Rocky J. Fluhart,
Chief Administrative Officer

DATE: June 9, 2005

FROM: Mary Johnston
City Courts Director
Management Services Department

SUBJECT: Traffic School Fee Increase

CONTACT: Mary Johnston, City Courts Director
Telephone: 535-7173

DOCUMENT TYPE: Salt Lake City Ordinance

BUDGET IMPACT: Increase Traffic School Revenue by approximately \$49,000

DISCUSSION: During the 2004 legislative session, several bills were passed that affected the Salt Lake City Justice Court. HB121 was one of the bills that greatly impacted the amount of surcharge paid to the state (and in turn impacted revenue). This bill forced any "compromise" on a traffic ticket to be considered a "plea in abeyance" and then required that all pleas in abeyance were to be subject to the same surcharge as a fine. This change not only impacted revenue, but also greatly increased the processing and tracking time for the Court and Prosecutor staff on traffic school cases. To help offset the loss in revenue, a \$20.00 plea in abeyance fee was added for those citizens who wanted to attend traffic school. This \$20.00 plea in abeyance fee is also subject to a surcharge. We are proposing that we increase the traffic school fee from \$30.00 to \$50.00, and do away with the plea in abeyance fee, since traffic school fees are not subject to surcharge. The net effect of this proposed change will be less surcharge paid to the state, an increase in revenue to the city, with no increase passed on to the citizen.

Below is a break down of how a fine is currently distributed.

A citation is issued for speeding, 8 miles over the speed limit and the citizen chooses to go to traffic school on this citation.

Current Breakdown:

Total Fine = \$92.00
Traffic School = \$30.00
PIA Fee = \$20.00

Total paid by citizen = \$142.00

Security Surcharge to State = \$25.60

Security Surcharge to City = \$6.40

Traffic Mitigation Fee (city retains) = \$10.00

Traffic School Fee (city retains) = \$30.00

35% surcharge to state (balance of fine \$50.00 and \$20.00 PIA fee) = \$18.15

City retains = \$51.85

The total that the city retains is \$51.85 plus the \$30.00 traffic school plus the \$10.00 traffic mitigation fee for a total of \$91.85

Proposed breakdown:

Total Fine = \$92.00

Traffic School = \$50.00

Total paid by citizen = \$142.00

Security Surcharge to State = \$25.60

Security Surcharge to City = \$6.40

Traffic Mitigation Fee (city retains) = \$10.00

Traffic School Fee (city retains) = \$50.00

35% surcharge to state (balance of fine \$50.00) = \$12.96

City retains = \$37.04

The total that the city retains is \$37.04 plus the \$50.00 traffic school plus the \$10.00 traffic mitigation fee for a total of \$97.04

This change would increase the city's revenue by approximately \$49,000 without increasing the actual cost to the citizen.

RECOMMENDATION: The Salt Lake City Justice Court recommends approval of this Ordinance.

SALT LAKE CITY ORDINANCE
No. _____ of 2005
(Amending traffic school fee)

AN ORDINANCE AMENDING SECTION 12.08.150, *SALT LAKE CITY CODE*, RELATING TO TRAFFIC SCHOOL.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 12.08.150, *Salt Lake City Code*, pertaining to traffic school be, and the same hereby is, amended to read as follows:

12.08.150 Traffic School Permitted:

Salt Lake City Corporation may develop a program to be known as "traffic school" to be used to educate the public as to the laws and safety practices associated with the movement of traffic, including motor vehicles, other self-propelled vehicles, bicycles, other human powered vehicles and pedestrian traffic within the United States of America, its territories or possessions. Persons attending the school shall pay a fee of ~~thirty dollars (\$30.00)~~ fifty dollars (\$50.00) per course to offset the costs of the program.

SECTION 2. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2005.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2005.

Published: _____.