

Wayne A. Harper proposes the following substitute bill:

Transportation Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Kay J. Christofferson

LONG TITLE

General Description:

This bill amends provisions related to transportation items, including road rage, wrong way driving, hybrid vehicle registration fees, and adherence to proposed phases of certain transportation developments.

Highlighted Provisions:

This bill:

- requires cities and metropolitan planning organizations to identify transportation connectivity impediments and provide a report on plans to address transportation connectivity;
- requires periodic reporting and follow up on certain station area plans;
- requires property acquired by the Department of Transportation for a public transit purpose remain under the ownership of the Department of Transportation;
- reduces certain registration fees for hybrid vehicles;
- defines terms and enacts provisions related to electric unicycles and similar devices;
- enhances certain penalties related to wrong-way driving if the offense is related to a road rage event;
- designates certain legislative committees as recipients for certain required reports;
- creates requirements for air ambulance dispatch services;
- reinstates certain funding to the Department of Transportation for litter mitigation that was reduced due to the COVID-19 pandemic;
- requires the Department of Transportation to adhere to phasing of projects if required by the environmental impact statement;
- repeals certain outdated language and makes other technical changes;
- repeals certain highway-related name designations;
- provides maintenance responsibilities for certain street light infrastructure; and

29 ▸ makes other technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides a special effective date.

34 **Utah Code Sections Affected:**

35 **AMENDS:**

36 **10-9a-403.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 219

37 **17B-2a-824 (Effective 05/07/25)**, as enacted by Laws of Utah 2007, Chapter 329

38 **41-1a-1206 (Effective 01/01/26)**, as last amended by Laws of Utah 2024, Chapter 483

39 **41-6a-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 236

40 **41-6a-709 (Effective 05/07/25)**, as last amended by Laws of Utah 2015, Chapter 412

41 **41-6a-712 (Effective 05/07/25)**, as last amended by Laws of Utah 2015, Chapter 412

42 **41-6a-714 (Effective 05/07/25)**, as last amended by Laws of Utah 2015, Chapter 412

43 **41-6a-1102 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2005,
44 Chapter 2

45 **41-6a-1116 (Effective 05/07/25)**, as last amended by Laws of Utah 2015, Chapter 412

46 **41-6a-1642 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 459,
47 483

48 **53-2a-1102 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 34,
49 471

50 **53-2d-101 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 147,
51 438 and 506

52 **59-12-103 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapters 88, 501

53 **63B-11-502 (Effective 05/07/25)**, as last amended by Laws of Utah 2010, Chapter 263

54 **63B-31-101 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, First Special
55 Session, Chapter 8

56 **63J-3-103 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 77

57 **72-1-201 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 517

58 **72-1-212 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 524

59 **72-1-213.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapters 56,
60 259

61 **72-1-217 (Effective 05/07/25)**, as enacted by Laws of Utah 2023, Chapter 366

62 **72-1-303 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 498

72-1-304 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 517
72-1-305 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapters 22, 219
72-2-106 (Effective 07/01/25), as last amended by Laws of Utah 2023, Chapter 22
72-2-121 (Effective upon governor's approval), as last amended by Laws of Utah 2024,
 Chapters 300, 498 and 501
72-2-121.3 (Effective 05/07/25), as last amended by Laws of Utah 2020, Chapter 366
72-2-123 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 22
72-2-124 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 498, 501
72-2-303 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 501
72-2-402 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 498
72-3-109 (Effective 05/07/25), as last amended by Laws of Utah 2018, Chapter 403
72-6-118 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 517
72-6-206 (Effective 05/07/25), as last amended by Laws of Utah 2016, Chapter 222
72-10-109 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 483,
 485

ENACTS:

10-8-87 (Effective 05/07/25), Utah Code Annotated 1953
41-6a-1121 (Effective 05/07/25), Utah Code Annotated 1953
41-6a-1122 (Effective 05/07/25), Utah Code Annotated 1953
53-2d-517 (Effective 05/07/25), Utah Code Annotated 1953

REPEALS:

63B-8-503 (Effective 05/07/25), as enacted by Laws of Utah 1999, Chapter 331
72-2-118 (Effective 05/07/25), as last amended by Laws of Utah 2018, Chapter 281
72-4-222 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 435

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

Section 1. Section **10-8-87** is enacted to read:

10-8-87 (Effective 05/07/25). Transportation connectivity plan -- Reporting.

(1) On or before July 1, 2027, a municipality within a metropolitan planning organization
boundary shall, in consultation with relevant stakeholders, update the transportation and
traffic circulation element of the municipality's general plan as described in Subsection
10-9a-403(2)(a)(ii) to identify priority connections to remedy physical impediments,
including water conveyances, that would improve circulation and enhance vehicle,
transit, bicycle, or pedestrian access to significant economic, educational, recreational,

and other priority destinations.

(2) For a priority connection identified pursuant to Subsection (1), a municipality shall identify:

(a) cost estimates;

(b) potential funding sources, including state, local, federal, and private funding; and

(c) impediments to constructing the connections.

(3)(a) A metropolitan planning organization, in consultation with each affected municipality, shall report to the Transportation Interim Committee regarding:

(i) the status of the required municipal modifications to general plans required by Subsection (2);

(ii) the status of a regional roadway grid network study;

(iii) physical and other impediments to constructing priority transportation connections; and

(iv) potential funding sources, including state, local, federal, and private funding, to make transportation connectivity improvements.

(b) The metropolitan planning organization shall provide the report described in Subsection (3)(a) on or before November 1 of 2025, 2026, and 2027.

(4) Enhancement of transportation connectivity as described in Subsection (1) shall be given consideration in the prioritization processes described in Sections 72-1-304 and 72-2-302.

Section 2. Section **10-9a-403.1** is amended to read:

10-9a-403.1 (Effective 05/07/25). Station area plan requirements -- Contents -- Review and certification by applicable metropolitan planning organization.

(1) As used in this section:

(a) "Applicable metropolitan planning organization" means the metropolitan planning organization that has jurisdiction over the area in which a fixed guideway public transit station is located.

(b) "Applicable public transit district" means the public transit district, as defined in Section 17B-2a-802, of which a fixed guideway public transit station is included.

(c) "Existing fixed guideway public transit station" means a fixed guideway public transit station for which construction begins before June 1, 2022.

(d) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

(e) "Metropolitan planning organization" means an organization established under 23 U.S.C. Sec. 134.

(f) "New fixed guideway public transit station" means a fixed guideway public transit station for which construction begins on or after June 1, 2022.

(g) "Qualifying land use petition" means a petition:

(i) that involves land located within a station area for an existing public transit station that provides rail services;

(ii) that involves land located within a station area for which the municipality has not yet satisfied the requirements of Subsection (2)(a);

(iii) that proposes the development of an area greater than five contiguous acres, with no less than 51% of the acreage within the station area;

(iv) that would require the municipality to amend the municipality's general plan or change a zoning designation for the land use application to be approved;

(v) that would require a higher density than the density currently allowed by the municipality;

(vi) that proposes the construction of new residential units, at least 10% of which are dedicated to moderate income housing; and

(vii) for which the land use applicant requests the municipality to initiate the process of satisfying the requirements of Subsection (2)(a) for the station area in which the development is proposed, subject to Subsection (3)(d).

(h)(i) "Station area" means:

(A) for a fixed guideway public transit station that provides rail services, the area within a one-half mile radius of the center of the fixed guideway public transit station platform; or

(B) for a fixed guideway public transit station that provides bus services only, the area within a one-fourth mile radius of the center of the fixed guideway public transit station platform.

(ii) "Station area" includes any parcel bisected by the radius limitation described in Subsection (1)(h)(i)(A) or (B).

(i) "Station area plan" means a plan that:

(i) establishes a vision, and the actions needed to implement that vision, for the development of land within a station area; and

(ii) is developed and adopted in accordance with this section.

(2)(a) Subject to the requirements of this section, a municipality that has a fixed guideway public transit station located within the municipality's boundaries shall, for the station area:

- 165 (i) develop and adopt a station area plan; and
- 166 (ii) adopt any appropriate land use regulations to implement the station area plan.
- 167 (b) The requirements of Subsection (2)(a) shall be considered satisfied if:
- 168 (i)(A) the municipality has already adopted plans or ordinances, approved land use
- 169 applications, approved agreements or financing, or investments have been
- 170 made, before June 1, 2022, that substantially promote each of the objectives in
- 171 Subsection (7)(a) within the station area, and can demonstrate that such plans,
- 172 ordinances, approved land use applications, approved agreements or financing,
- 173 or investments are still relevant to making meaningful progress towards
- 174 achieving such objectives; and
- 175 (B) the municipality adopts a resolution finding that the objectives of Subsection
- 176 (7)(a) have been substantially promoted.
- 177 (ii)(A) the municipality has determined that conditions exist that make satisfying a
- 178 portion or all of the requirements of Subsection (2)(a) for a station area
- 179 impracticable, including conditions that relate to existing development,
- 180 entitlements, land ownership, land uses that make opportunities for new
- 181 development and long-term redevelopment infeasible, environmental
- 182 limitations, market readiness, development impediment conditions, or other
- 183 similar conditions; and
- 184 (B) the municipality adopts a resolution describing the conditions that exist to
- 185 make satisfying the requirements of Subsection (2)(a) impracticable.
- 186 (c) To the extent that previous actions by a municipality do not satisfy the requirements
- 187 of Subsection (2)(a) for a station area, the municipality shall take the actions
- 188 necessary to satisfy those requirements.
- 189 (3)(a) A municipality that has a new fixed guideway public transit station located within
- 190 the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for
- 191 the station area surrounding the new fixed guideway public transit station before the
- 192 new fixed guideway public transit station begins transit services.
- 193 (b) Except as provided in Subsections (3)(c) and (d), a municipality that has an existing
- 194 fixed guideway public transit station located within the municipality's boundaries
- 195 shall satisfy the requirements of Subsection (2)(a) for the station area surrounding the
- 196 existing fixed guideway public transit station on or before December 31, 2025.
- 197 (c) If a municipality has more than four existing fixed guideway public transit stations
- 198 located within the municipality's boundaries, the municipality shall:

- 199 (i) on or before December 31, 2025, satisfy the requirements of Subsection (2)(a) for
200 four or more station areas located within the municipality; and
- 201 (ii) on or before December 31 of each year thereafter, satisfy the requirements of
202 Subsection (2)(a) for no less than two station areas located within the municipality
203 until the municipality has satisfied the requirements of Subsection (2)(a) for each
204 station area located within the municipality.
- 205 (d)(i) Subject to Subsection (3)(d)(ii):
- 206 (A) if a municipality receives a complete qualifying land use petition on or before
207 July 1, 2022, the municipality shall satisfy the requirements of Subsection
208 (2)(a) for the station area in which the development is proposed on or before
209 July 1, 2023; and
- 210 (B) if a municipality receives a complete qualifying land use petition after July 1,
211 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for
212 the station area in which the development is proposed within a 12-month
213 period beginning on the first day of the month immediately following the
214 month in which the qualifying land use petition is submitted to the
215 municipality, and shall notify the applicable metropolitan planning
216 organization of the receipt of the qualified land use petition within 45 days of
217 the date of receipt.
- 218 (ii)(A) A municipality is not required to satisfy the requirements of Subsection
219 (2)(a) for more than two station areas under Subsection (3)(d)(i) within any
220 12-month period.
- 221 (B) If a municipality receives more than two complete qualifying land use
222 petitions on or before July 1, 2022, the municipality shall select two station
223 areas for which the municipality will satisfy the requirements of Subsection
224 (2)(a) in accordance with Subsection (3)(d)(i)(A).
- 225 (iii) A municipality shall process on a first priority basis a land use application,
226 including an application for a building permit, if:
- 227 (A) the land use application is for a residential use within a station area for which
228 the municipality has not satisfied the requirements of Subsection (2)(a); and
- 229 (B) the municipality would be required to change a zoning designation for the
230 land use application to be approved.
- 231 (e) Notwithstanding Subsections (3)(a) through (d), the time period for satisfying the
232 requirements of Subsection (2)(a) for a station area may be extended once for a

period of 12 months if:

- (i) the municipality demonstrates to the applicable metropolitan planning organization that conditions exist that make satisfying the requirements of Subsection (2)(a) within the required time period infeasible, despite the municipality's good faith efforts; and
- (ii) the applicable metropolitan planning organization certifies to the municipality in writing that the municipality satisfied the demonstration in Subsection (3)(e)(i).

(4)(a) Except as provided in Subsection (4)(b), if a station area is included within the boundaries of more than one municipality, each municipality with jurisdiction over the station area shall satisfy the requirements of Subsection (2)(a) for the portion of the station area over which the municipality has jurisdiction.

(b) Two or more municipalities with jurisdiction over a station area may coordinate to develop a shared station area plan for the entire station area.

(5) A municipality that has more than one fixed guideway public transit station located within the municipality may, through an integrated process, develop station area plans for multiple station areas if the station areas are within close proximity of each other.

(6)(a) A municipality that is required to develop and adopt a station area plan under this section may request technical assistance from the applicable metropolitan planning organization.

(b) An applicable metropolitan planning organization that receives funds from the Governor's Office of Economic Opportunity under Section 63N-3-113 shall, when utilizing the funds, give priority consideration to requests for technical assistance for station area plans required under Subsection (3)(d).

(7)(a) A station area plan shall promote the following objectives within the station area:

- (i) increasing the availability and affordability of housing, including moderate income housing;
- (ii) promoting sustainable environmental conditions;
- (iii) enhancing access to opportunities; and
- (iv) increasing transportation choices and connections.

(b)(i) To promote the objective described in Subsection (7)(a)(i), a municipality may consider implementing the following actions:

- (A) aligning the station area plan with the moderate income housing element of the municipality's general plan;
- (B) providing for densities necessary to facilitate the development of moderate

- 267 income housing;
- 268 (C) providing for affordable costs of living in connection with housing,
- 269 transportation, and parking; or
- 270 (D) any other similar action that promotes the objective described in Subsection
- 271 (7)(a)(i).
- 272 (ii) To promote the objective described in Subsection (7)(a)(ii), a municipality may
- 273 consider implementing the following actions:
- 274 (A) conserving water resources through efficient land use;
- 275 (B) improving air quality by reducing fuel consumption and motor vehicle trips;
- 276 (C) establishing parks, open spaces, and recreational opportunities; or
- 277 (D) any other similar action that promotes the objective described in Subsection
- 278 (7)(a)(ii).
- 279 (iii) To promote the objective described in Subsection (7)(a)(iii), a municipality may
- 280 consider the following actions:
- 281 (A) maintaining and improving the connections between housing, transit,
- 282 employment, education, recreation, and commerce;
- 283 (B) encouraging mixed-use development;
- 284 (C) enabling employment and educational opportunities within the station area;
- 285 (D) encouraging and promoting enhanced broadband connectivity; or
- 286 (E) any other similar action that promotes the objective described in Subsection
- 287 (7)(a)(iii).
- 288 (iv) To promote the objective described in Subsection (7)(a)(iv), a municipality may
- 289 consider the following:
- 290 (A) supporting investment in infrastructure for all modes of transportation;
- 291 (B) increasing utilization of public transit;
- 292 (C) encouraging safe streets through the designation of pedestrian walkways and
- 293 bicycle lanes;
- 294 (D) encouraging manageable and reliable traffic conditions;
- 295 (E) aligning the station area plan with the regional transportation plan of the
- 296 applicable metropolitan planning organization; or
- 297 (F) any other similar action that promotes the objective described in Subsection
- 298 (7)(a)(iv).
- 299 (8) A station area plan shall include the following components:
- 300 (a) a station area vision that:

- 301 (i) is consistent with Subsection (7); and
302 (ii) describes the following:
303 (A) opportunities for the development of land within the station area under
304 existing conditions;
305 (B) constraints on the development of land within the station area under existing
306 conditions;
307 (C) the municipality's objectives for the transportation system within the station
308 area and the future transportation system that meets those objectives;
309 (D) the municipality's objectives for land uses within the station area and the
310 future land uses that meet those objectives;
311 (E) the municipality's objectives for public and open spaces within the station area
312 and the future public and open spaces that meet those objectives; and
313 (F) the municipality's objectives for the development of land within the station
314 area and the future development standards that meet those objectives;
315 (b) a map that depicts:
316 (i) the station area;
317 (ii) the area within the station area to which the station area plan applies, provided
318 that the station area plan may apply to areas outside the station area, and the
319 station area plan is not required to apply to the entire station area; and
320 (iii) the area where each action is needed to implement the station area plan;
321 (c) an implementation plan that identifies and describes each action needed within the
322 next five years to implement the station area plan, and the party responsible for
323 taking each action, including any actions to:
324 (i) modify land use regulations;
325 (ii) make infrastructure improvements;
326 (iii) modify deeds or other relevant legal documents;
327 (iv) secure funding or develop funding strategies;
328 (v) establish design standards for development within the station area; or
329 (vi) provide environmental remediation;
330 (d) a statement that explains how the station area plan promotes the objectives described
331 in Subsection (7)(a); and
332 (e) as an alternative or supplement to the requirements of Subsection (7) or this
333 Subsection (8), and for purposes of Subsection (2)(b)(ii), a statement that describes
334 any conditions that would make the following impracticable:

(i) promoting the objectives described in Subsection (7)(a); or

(ii) satisfying the requirements of this Subsection (8).

(9) A municipality shall develop a station area plan with the involvement of all relevant stakeholders that have an interest in the station area through public outreach and community engagement, including:

(a) other impacted communities;

(b) the applicable public transit district;

(c) the applicable metropolitan planning organization;

(d) the Department of Transportation;

(e) owners of property within the station area; and

(f) the municipality's residents and business owners.

(10)(a) A municipality that is required to develop and adopt a station area plan for a station area under this section shall submit to the applicable metropolitan planning organization and the applicable public transit district documentation evidencing that the municipality has satisfied the requirement of Subsection (2)(a)(i) for the station area, including:

(i) a station area plan; or

(ii) a resolution adopted under Subsection (2)(b)(i) or (ii).

(b) The applicable metropolitan planning organization, in consultation with the applicable public transit district, shall:

(i) review the documentation submitted under Subsection (10)(a) to determine the municipality's compliance with this section; and

(ii) provide written certification to the municipality if the applicable metropolitan planning organization determines that the municipality has satisfied the requirement of Subsection (2)(a)(i) for the station area.

(c) The municipality shall include the certification described in Subsection (10)(b)(ii) in the municipality's report to the Department of Workforce Services under Section 10-9a-408.

(11)(a) Following certification by a metropolitan planning organization of a municipality's station area plan under Subsection (10)(b)(ii), the municipality shall provide a report to the applicable metropolitan planning organization on or before December 31 of the fifth year after the year in which the station area plan was certified, and every five years thereafter for a period not to exceed 15 years.

(b) The report described in Subsection (11)(a) shall:

(i) contain the status of advancing the station area plan objectives, including, if applicable, actions described in the implementation plan required in Subsection (8)(c); and

(ii) identify potential actions over the next five years that would advance the station area plan objectives.

(c) If a municipality has multiple certified station area plans, the municipality may consolidate the reports required in Subsection (11)(a) for the purpose of submitting reports to the metropolitan planning organization.

Section 3. Section **17B-2a-824** is amended to read:

17B-2a-824 (Effective 05/07/25). Property acquired on behalf of a public transit district.

(1) [Title] Except as provided in Subsection (3), title to property acquired on behalf of a public transit district under this part immediately and by operation of law vests in the public transit district.

(2) Property described in Subsection (1) is dedicated and set apart for the purposes set forth in this part.

(3) Any property purchased or acquired by the Department of Transportation for public transit purposes:

(a) does not vest in the public transit district; and

(b) remains under the ownership of the Department of Transportation.

(4) The Department of Transportation may sell, donate, exchange, or otherwise convey in fee simple property described in Subsection (3) to a public transit district if:

(a)(i) the property is adjacent or ancillary to property the public transit district utilizes for the operation of a fixed guideway; and

(ii) the Department of Transportation determines that the conveyance of the property to the public transit district provides a benefit to the state;

(b) the conveyance is necessary to fulfilling federal grant or other funding requirements; or

(c) the conveyance is made in accordance with an administrative rule enacted pursuant to Section 72-5-117.

Section 4. Section **41-1a-1206** is amended to read:

41-1a-1206 (Effective 01/01/26). Registration fees -- Fees by gross laden weight.

(1) Except as provided in Subsections (2) and (3), at the time application is made for registration or renewal of registration of a vehicle or combination of vehicles under this

chapter, a registration fee shall be paid to the division as follows:

- (a) \$46.00 for each motorcycle;
 - (b) \$44 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles;
 - (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301:
 - (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or
 - (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight;
 - (d)(i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
 - (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;
 - (e)(i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
 - (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;
 - (f)(i) \$69.50 for each park model recreational vehicle over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
 - (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;
 - (g) \$45 for each vintage vehicle that has a model year of 1983 or newer;
 - (h) in addition to the fee described in Subsection (1)(b):
 - (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
 - (A) each electric motor vehicle; and
 - (B) Each motor vehicle not described in this Subsection (1)(h) that is fueled exclusively by a source other than motor fuel, diesel fuel, natural gas, or propane; and
 - ~~[(ii) \$21.75 for each hybrid electric motor vehicle; and]~~
 - ~~[(iii)]~~ (ii) \$56.50 for each plug-in hybrid electric motor vehicle;
 - (i) in addition to the fee described in Subsection (1)(g), for a vintage vehicle that has a model year of 1983 or newer, 50 cents; and
 - (j) \$28.50 for each roadable aircraft.
- (2)(a) At the time application is made for registration or renewal of registration of a vehicle under this chapter for a six-month registration period under Section 41-1a-215.5, a registration fee shall be paid to the division as follows:

437 (i) \$34.50 for each motorcycle; and

438 (ii) \$33.50 for each motor vehicle of 12,000 pounds or less gross laden weight,
439 excluding motorcycles.

440 (b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal of
441 registration of a vehicle under this chapter for a six-month registration period under
442 Section 41-1a-215.5 a registration fee shall be paid to the division as follows:

443 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:

444 (A) each electric motor vehicle; and

445 (B) each motor vehicle not described in this Subsection (2)(b) that is fueled
446 exclusively by a source other than motor fuel, diesel fuel, natural gas, or
447 propane; and

448 [~~(ii) \$16.50 for each hybrid electric motor vehicle; and~~]

449 [~~(iii)~~] (ii) \$43.50 for each plug-in hybrid electric motor vehicle.

450 (3)(a) Beginning on January 1, 2024, at the time of registration:

451 (i) in addition to the amounts described in Subsections (1)(a), (1)(b), (1)(c)(i),
452 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(h), (4)(a), and (7), the individual
453 shall also pay an additional \$7 as part of the registration fee; and

454 (ii) in addition to the amounts described in Subsection (2)(a), the individual shall also
455 pay an additional \$5 as part of the registration fee.

456 (b)(i) Beginning on January 1, 2019, the commission shall, on January 1, annually
457 adjust the registration fees described in Subsections (1)(a), (1)(b), (1)(c)(i),
458 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(j), (2)(a), (3)(a), (4)(a), and (7),
459 by taking the registration fee rate for the previous year and adding an amount
460 equal to the greater of:

461 (A) an amount calculated by multiplying the registration fee of the previous year
462 by the actual percentage change during the previous fiscal year in the
463 Consumer Price Index; and

464 (B) 0.

465 (ii) Beginning on January 1, 2024, the commission shall, on January 1, annually
466 adjust the registration fees described in Subsections (1)(h)(ii)[~~and (iii)~~] and
467 (2)(b)(ii)[~~and (iii)~~] by taking the registration fee rate for the previous year and
468 adding an amount equal to the greater of:

469 (A) an amount calculated by multiplying the registration fee of the previous year
470 by the actual percentage change during the previous fiscal year in the

- 471 Consumer Price Index; and
472 (B) 0.
- 473 (c) The amounts calculated as described in Subsection (3)(b) shall be rounded up to the
474 nearest 25 cents.
- 475 (4)(a) The initial registration fee for a vintage vehicle that has a model year of 1982 or
476 older is \$40.
- 477 (b) A vintage vehicle that has a model year of 1982 or older is exempt from the renewal
478 of registration fees under Subsection (1).
- 479 (c) A vehicle with a Purple Heart special group license plate issued on or before
480 December 31, 2023, or issued in accordance with Part 16, Sponsored Special Group
481 License Plates, is exempt from the registration fees under Subsection (1).
- 482 (d) A camper is exempt from the registration fees under Subsection (1).
- 483 (5) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor
484 vehicle shall register for the total gross laden weight of all units of the combination if the
485 total gross laden weight of the combination exceeds 12,000 pounds.
- 486 (6)(a) Registration fee categories under this section are based on the gross laden weight
487 declared in the licensee's application for registration.
- 488 (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of
489 2,000 pounds is a full unit.
- 490 (7) The owner of a commercial trailer or commercial semitrailer may, as an alternative to
491 registering under Subsection (1)(c), apply for and obtain a special registration and
492 license plate for a fee of \$130.
- 493 (8) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck
494 unless:
- 495 (a) the truck meets the definition of a farm truck under Section 41-1a-102; and
496 (b)(i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or
497 (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner
498 submits to the division a certificate of emissions inspection or a waiver in
499 compliance with Section 41-6a-1642.
- 500 (9) A violation of Subsection (8) is an infraction that shall be punished by a fine of not less
501 than \$200.
- 502 (10) Trucks used exclusively to pump cement, bore wells, or perform crane services with a
503 crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees
504 required for those vehicles under this section.

Section 5. Section **41-6a-102** is amended to read:

41-6a-102 (Effective 05/07/25). Definitions.

As used in this chapter:

- (1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.
- (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- (3) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- (4) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.
- (5) "Authorized emergency vehicle" includes:
 - (a) a fire department vehicle;
 - (b) a police vehicle;
 - (c) an ambulance; and
 - (d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.
- (6) "Autocycle" means the same as that term is defined in Section 53-3-102.
- (7)(a) "Bicycle" means a wheeled vehicle:
 - (i) propelled by human power by feet or hands acting upon pedals or cranks;
 - (ii) with a seat or saddle designed for the use of the operator;
 - (iii) designed to be operated on the ground; and
 - (iv) whose wheels are not less than 14 inches in diameter.
- (b) "Bicycle" includes an electric assisted bicycle.
- (c) "Bicycle" does not include scooters and similar devices.
- (8)(a) "Bus" means a motor vehicle:
 - (i) designed for carrying more than 15 passengers and used for the transportation of persons; or
 - (ii) designed and used for the transportation of persons for compensation.
- (b) "Bus" does not include a taxicab.
- (9)(a) "Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection where traffic passes to the right of the island.
- (b) "Circular intersection" includes:
 - (i) roundabouts;
 - (ii) rotaries; and
 - (iii) traffic circles.

- 539 (10) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a
540 motor or electronics that:
- 541 (a) provides assistance only when the rider is pedaling; and
542 (b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- 543 (11) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a
544 motor or electronics that:
- 545 (a) may be used exclusively to propel the bicycle; and
546 (b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles
547 per hour.
- 548 (12) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a
549 motor or electronics that:
- 550 (a) provides assistance only when the rider is pedaling;
551 (b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour;
552 and
553 (c) is equipped with a speedometer.
- 554 (13) "Commissioner" means the commissioner of the Department of Public Safety.
- 555 (14) "Controlled-access highway" means a highway, street, or roadway:
- 556 (a) designed primarily for through traffic; and
557 (b) to or from which owners or occupants of abutting lands and other persons have no
558 legal right of access, except at points as determined by the highway authority having
559 jurisdiction over the highway, street, or roadway.
- 560 (15) "Crosswalk" means:
- 561 (a) that part of a roadway at an intersection included within the connections of the lateral
562 lines of the sidewalks on opposite sides of the highway measured from:
- 563 (i)(A) the curbs; or
564 (B) in the absence of curbs, from the edges of the traversable roadway; and
565 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
566 included within the extension of the lateral lines of the existing sidewalk at right
567 angles to the centerline; or
- 568 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
569 pedestrian crossing by lines or other markings on the surface.
- 570 (16) "Department" means the Department of Public Safety.
- 571 (17) "Direct supervision" means oversight at a distance within which:
- 572 (a) visual contact is maintained; and

- 573 (b) advice and assistance can be given and received.
- 574 (18) "Divided highway" means a highway divided into two or more roadways by:
- 575 (a) an unpaved intervening space;
- 576 (b) a physical barrier; or
- 577 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 578 (19) "Echelon formation" means the operation of two or more snowplows arranged
- 579 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to
- 580 clear snow from two or more lanes at once.
- 581 (20)(a) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 582 (i) has a power output of not more than 750 watts;
- 583 (ii) has fully operable pedals;
- 584 (iii) has permanently affixed cranks that were installed at the time of the original
- 585 manufacture;
- 586 (iv) is fully operable as a bicycle without the use of the electric motor; and
- 587 (v) is one of the following:
- 588 (A) a class 1 electric assisted bicycle;
- 589 (B) a class 2 electric assisted bicycle;
- 590 (C) a class 3 electric assisted bicycle; or
- 591 (D) a programmable electric assisted bicycle.
- 592 (b) "Electric assisted bicycle" does not include:
- 593 (i) a moped;
- 594 (ii) a motor assisted scooter;
- 595 (iii) a motorcycle;
- 596 (iv) a motor-driven cycle; or
- 597 (v) any other vehicle with less than four wheels that is designed, manufactured,
- 598 intended, or advertised by the seller to have any of the following capabilities or
- 599 features, or that is modifiable or is modified to have any of the following
- 600 capabilities or features:
- 601 (A) has the ability to attain the speed of 20 miles per hour or greater on motor
- 602 power alone;
- 603 (B) is equipped with a continuous rated motor power of 750 watts or greater;
- 604 (C) is equipped with foot pegs for the operator at the time of manufacture, or
- 605 requires installation of a pedal kit to have operable pedals; or
- 606 (D) if equipped with multiple operating modes and a throttle, has one or more

- 607 modes that exceed 20 miles per hour on motor power alone.
- 608 (21)(a) "Electric personal assistive mobility device" means a self-balancing device with:
- 609 (i) two nontandem wheels in contact with the ground;
- 610 (ii) a system capable of steering and stopping the unit under typical operating
- 611 conditions;
- 612 (iii) an electric propulsion system with average power of one horsepower or 750
- 613 watts;
- 614 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 615 (v) a deck design for a person to stand while operating the device.
- 616 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 617 (22) "Electric unicycle" means a self-balancing personal transportation device that:
- 618 (a) has a single wheel;
- 619 (b) is powered by an electric motor that utilizes gyroscopes and accelerometers to
- 620 stabilize the rider; and
- 621 (c) is designed for the operator to face in the direction of travel while operating the
- 622 device.
- 623 ~~[(22)]~~ (23) "Explosives" means a chemical compound or mechanical mixture commonly
- 624 used or intended for the purpose of producing an explosion and that contains any
- 625 oxidizing and combustive units or other ingredients in proportions, quantities, or
- 626 packing so that an ignition by fire, friction, concussion, percussion, or detonator of any
- 627 part of the compound or mixture may cause a sudden generation of highly heated gases,
- 628 and the resultant gaseous pressures are capable of producing destructive effects on
- 629 contiguous objects or of causing death or serious bodily injury.
- 630 ~~[(23)]~~ (24) "Farm tractor" means a motor vehicle designed and used primarily as a farm
- 631 implement, for drawing plows, mowing machines, and other implements of husbandry.
- 632 ~~[(24)]~~ (25) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,
- 633 as determined by a Tagliabue or equivalent closed-cup test device.
- 634 ~~[(25)]~~ (26) "Freeway" means a controlled-access highway that is part of the interstate system
- 635 as defined in Section 72-1-102.
- 636 ~~[(26)]~~ (27)(a) "Golf cart" means a device that:
- 637 (i) is designed for transportation by players on a golf course;
- 638 (ii) has not less than three wheels in contact with the ground;
- 639 (iii) has an unladen weight of less than 1,800 pounds;
- 640 (iv) is designed to operate at low speeds; and

(v) is designed to carry not more than six persons including the driver.

(b) "Golf cart" does not include:

(i) a low-speed vehicle or an off-highway vehicle;

(ii) a motorized wheelchair;

(iii) an electric personal assistive mobility device;

(iv) an electric assisted bicycle;

(v) a motor assisted scooter;

(vi) a personal delivery device, as defined in Section 41-6a-1119; or

(vii) a mobile carrier, as defined in Section 41-6a-1120.

~~[(27)]~~ (28) "Gore area" means the area delineated by two solid white lines that is between a continuing lane of a through roadway and a lane used to enter or exit the continuing lane including similar areas between merging or splitting highways.

~~[(28)]~~ (29) "Gross weight" means the weight of a vehicle without a load plus the weight of any load on the vehicle.

~~[(29)]~~ (30) "Hi-rail vehicle" means a roadway maintenance vehicle that is:

(a) manufactured to meet Federal Motor Vehicle Safety Standards; and

(b) equipped with retractable flanged wheels that allow the vehicle to travel on a highway or railroad tracks.

~~[(30)]~~ (31) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel.

~~[(31)]~~ (32) "Highway authority" means the same as that term is defined in Section 72-1-102.

~~[(32)]~~ (33)(a) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways that join one another.

(b) Where a highway includes two roadways 30 feet or more apart:

(i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and

(ii) if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection.

(c) "Intersection" does not include the junction of an alley with a street or highway.

~~[(33)]~~ (34) "Island" means an area between traffic lanes or at an intersection for control of vehicle movements or for pedestrian refuge designated by:

(a) pavement markings, which may include an area designated by two solid yellow lines

675 surrounding the perimeter of the area;

676 (b) channelizing devices;

677 (c) curbs;

678 (d) pavement edges; or

679 (e) other devices.

680 ~~[(34)]~~ (35) "Lane filtering" means, when operating a motorcycle other than an autocycle, the

681 act of overtaking and passing another vehicle that is stopped in the same direction of

682 travel in the same lane.

683 ~~[(35)]~~ (36) "Law enforcement agency" means the same as that term is as defined in Section

684 53-1-102.

685 ~~[(36)]~~ (37) "Limited access highway" means a highway:

686 (a) that is designated specifically for through traffic; and

687 (b) over, from, or to which neither owners nor occupants of abutting lands nor other

688 persons have any right or easement, or have only a limited right or easement of

689 access, light, air, or view.

690 ~~[(37)]~~ (38) "Local highway authority" means the legislative, executive, or governing body of

691 a county, municipal, or other local board or body having authority to enact laws relating

692 to traffic under the constitution and laws of the state.

693 ~~[(38)]~~ (39)(a) "Low-speed vehicle" means a four wheeled motor vehicle that:

694 (i) is designed to be operated at speeds of not more than 25 miles per hour; and

695 (ii) has a capacity of not more than six passengers, including a conventional driver or

696 fallback-ready user if on board the vehicle, as those terms are defined in Section

697 41-26-102.1.

698 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

699 ~~[(39)]~~ (40) "Metal tire" means a tire, the surface of which in contact with the highway is

700 wholly or partly of metal or other hard nonresilient material.

701 ~~[(40)]~~ (41)(a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a

702 seat or saddle that is less than 24 inches from the ground as measured on a level

703 surface with properly inflated tires.

704 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

705 (c) "Mini-motorcycle" does not include a motorcycle that is:

706 (i) designed for off-highway use; and

707 (ii) registered as an off-highway vehicle under Section 41-22-3.

708 ~~[(41)]~~ (42) "Mobile home" means:

(a) a trailer or semitrailer that is:

(i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping place either permanently or temporarily; and

(ii) equipped for use as a conveyance on streets and highways; or

(b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a mobile home, as defined in Subsection ~~[(41)(a)]~~ (42)(a), but that is instead used permanently or temporarily for:

(i) the advertising, sale, display, or promotion of merchandise or services; or

(ii) any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

~~[(42)]~~ (43) "Mobility disability" means the inability of a person to use one or more of the person's extremities or difficulty with motor skills, that may include limitations with walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other condition.

~~[(43)]~~ (44)(a) "Moped" means a motor-driven cycle having:

(i) pedals to permit propulsion by human power; and

(ii) a motor that:

(A) produces not more than two brake horsepower; and

(B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground.

(b) If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

(c) "Moped" does not include:

(i) an electric assisted bicycle; or

(ii) a motor assisted scooter.

~~[(44)]~~ (45)(a) "Motor assisted scooter" means a self-propelled device with:

(i) at least two wheels in contact with the ground;

(ii) a braking system capable of stopping the unit under typical operating conditions;

(iii) an electric motor not exceeding 2,000 watts;

(iv) either:

(A) handlebars and a deck design for a person to stand while operating the device;

or

743 (B) handlebars and a seat designed for a person to sit, straddle, or stand while
744 operating the device;

745 (v) a design for the ability to be propelled by human power alone; and
746 (vi) a maximum speed of 20 miles per hour on a paved level surface.

747 (b) "Motor assisted scooter" does not include:

748 (i) an electric assisted bicycle; or
749 (ii) a motor-driven cycle.

750 ~~[(45)]~~ (46)(a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
751 propelled by electric power obtained from overhead trolley wires, but not operated
752 upon rails.

753 (b) "Motor vehicle" does not include:

754 (i) vehicles moved solely by human power;
755 (ii) motorized wheelchairs;
756 (iii) an electric personal assistive mobility device;
757 (iv) an electric assisted bicycle;
758 (v) a motor assisted scooter;
759 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
760 (vii) a mobile carrier, as defined in Section 41-6a-1120.

761 ~~[(46)]~~ (47) "Motorcycle" means:

762 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
763 and designed to travel with not more than three wheels in contact with the ground; or
764 (b) an auticycle.

765 ~~[(47)]~~ (48)(a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle
766 having:

767 (i) an engine with less than 150 cubic centimeters displacement; or
768 (ii) a motor that produces not more than five horsepower.

769 (b) "Motor-driven cycle" does not include:

770 (i) an electric personal assistive mobility device;
771 (ii) a motor assisted scooter; or
772 (iii) an electric assisted bicycle.

773 ~~[(48)]~~ (49) "Off-highway implement of husbandry" means the same as that term is defined
774 under Section 41-22-2.

775 ~~[(49)]~~ (50) "Off-highway vehicle" means the same as that term is defined under Section
776 41-22-2.

777 ~~[(50)]~~ (51) "Operate" means the same as that term is defined in Section 41-1a-102.
778 ~~[(51)]~~ (52) "Operator" means:
779 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
780 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a
781 vehicle.
782 ~~[(52)]~~ (53) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or
783 other device operated, alone or coupled with another device, on stationary rails.
784 ~~[(53)]~~ (54)(a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
785 occupied or not.
786 (b) "Park" or "parking" does not include:
787 (i) the standing of a vehicle temporarily for the purpose of and while actually
788 engaged in loading or unloading property or passengers; or
789 (ii) a motor vehicle with an engaged automated driving system that has achieved a
790 minimal risk condition, as those terms are defined in Section 41-26-102.1.
791 ~~[(54)]~~ (55) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
792 Peace Officer Classifications, to direct or regulate traffic or to make arrests for
793 violations of traffic laws.
794 ~~[(55)]~~ (56) "Pedestrian" means a person traveling:
795 (a) on foot; or
796 (b) in a wheelchair.
797 ~~[(56)]~~ (57) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
798 pedestrians.
799 ~~[(57)]~~ (58) "Person" means a natural person, firm, copartnership, association, corporation,
800 business trust, estate, trust, partnership, limited liability company, association, joint
801 venture, governmental agency, public corporation, or any other legal or commercial
802 entity.
803 ~~[(58)]~~ (59) "Pole trailer" means a vehicle without motive power:
804 (a) designed to be drawn by another vehicle and attached to the towing vehicle by means
805 of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle;
806 and
807 (b) that is ordinarily used for transporting long or irregular shaped loads including poles,
808 pipes, or structural members generally capable of sustaining themselves as beams
809 between the supporting connections.
810 ~~[(59)]~~ (60) "Private road or driveway" means every way or place in private ownership and

used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

~~[(60)]~~ (61) "Programmable electric assisted bicycle" means an electric assisted bicycle with capability to switch or be programmed to function as a class 1 electric assisted bicycle, class 2 electric assisted bicycle, or class 3 electric assisted bicycle, provided that the electric assisted bicycle fully conforms with the respective requirements of each class of electric assisted bicycle when operated in that mode.

~~[(61)]~~ (62) "Railroad" means a carrier of persons or property upon cars operated on stationary rails.

~~[(62)]~~ (63) "Railroad sign or signal" means a sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

~~[(63)]~~ (64) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.

~~[(64)]~~ (65) "Restored-modified vehicle" means the same as the term defined in Section 41-1a-102.

~~[(65)]~~ (66) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed, and proximity that give rise to danger of collision unless one grants precedence to the other.

~~[(66)]~~ (67)(a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.

(b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles.

(c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.

~~[(67)]~~ (68) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

~~[(68)]~~ (69)(a) "School bus" means a motor vehicle that:

(i) complies with the color and identification requirements of the most recent edition of "Minimum Standards for School Buses"; and

(ii) is used to transport school children to or from school or school activities.

(b) "School bus" does not include a vehicle operated by a common carrier in

845 transportation of school children to or from school or school activities.

846 (70) "Self-balancing electric skateboard" means a device similar to a skateboard that:

847 (a) has a single wheel;

848 (b) is powered by an electric motor; and

849 (c) is designed for the operator to face perpendicular to the direction of travel while
850 operating the device.

851 ~~[(69)]~~ (71)(a) "Semitrailer" means a vehicle with or without motive power:

852 (i) designed for carrying persons or property and for being drawn by a motor vehicle;
853 and

854 (ii) constructed so that some part of its weight and that of its load rests on or is
855 carried by another vehicle.

856 (b) "Semitrailer" does not include a pole trailer.

857 ~~[(70)]~~ (72) "Shoulder area" means:

858 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
859 edge line as established in the current approved "Manual on Uniform Traffic Control
860 Devices"; or

861 (b) that portion of the road contiguous to the roadway for accommodation of stopped
862 vehicles, for emergency use, and for lateral support.

863 ~~[(71)]~~ (73) "Sidewalk" means that portion of a street between the curb lines, or the lateral
864 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

865 ~~[(72)]~~ (74)(a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt
866 that is designated for the use of a bicycle.

867 (b) "Soft-surface trail" does not mean a trail:

868 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a
869 federal law, regulation, or rule; or

870 (ii) located in whole or in part on land granted to the state or a political subdivision
871 subject to a conservation easement that prohibits the use of a motorized vehicle.

872 ~~[(73)]~~ (75) "Solid rubber tire" means a tire of rubber or other resilient material that does not
873 depend on compressed air for the support of the load.

874 ~~[(74)]~~ (76) "Stand" or "standing" means the temporary halting of a vehicle, whether
875 occupied or not, for the purpose of and while actually engaged in receiving or
876 discharging passengers.

877 ~~[(75)]~~ (77) "Stop" when required means complete cessation from movement.

878 ~~[(76)]~~ (78) "Stop" or "stopping" when prohibited means any halting even momentarily of a

879 vehicle, whether occupied or not, except when:

880 (a) necessary to avoid conflict with other traffic; or

881 (b) in compliance with the directions of a peace officer or traffic-control device.

882 ~~[(77)]~~ (79) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I

883 vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet

884 the requirements of Section 41-6a-1509 to operate on highways in the state in

885 accordance with Section 41-6a-1509.

886 ~~[(78)]~~ (80) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under

887 Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to

888 operate on highways in the state in accordance with ~~[with]~~ Section 41-6a-1509.

889 ~~[(79)]~~ (81) "Tow truck operator" means the same as that term is defined in Section 72-9-102.

890 ~~[(80)]~~ (82) "Tow truck motor carrier" means the same as that term is defined in Section

891 72-9-102.

892 ~~[(81)]~~ (83) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other

893 conveyances either singly or together while using any highway for the purpose of travel.

894 ~~[(82)]~~ (84) "Traffic signal preemption device" means an instrument or mechanism designed,

895 intended, or used to interfere with the operation or cycle of a traffic-control signal.

896 ~~[(83)]~~ (85) "Traffic-control device" means a sign, signal, marking, or device not inconsistent

897 with this chapter placed or erected by a highway authority for the purpose of regulating,

898 warning, or guiding traffic.

899 ~~[(84)]~~ (86) "Traffic-control signal" means a device, whether manually, electrically, or

900 mechanically operated, by which traffic is alternately directed to stop and permitted to

901 proceed.

902 ~~[(85)]~~ (87)(a) "Trailer" means a vehicle with or without motive power designed for

903 carrying persons or property and for being drawn by a motor vehicle and constructed

904 so that no part of its weight rests upon the towing vehicle.

905 (b) "Trailer" does not include a pole trailer.

906 ~~[(86)]~~ (88) "Truck" means a motor vehicle designed, used, or maintained primarily for the

907 transportation of property.

908 ~~[(87)]~~ (89) "Truck tractor" means a motor vehicle:

909 (a) designed and used primarily for drawing other vehicles; and

910 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck

911 tractor.

912 ~~[(88)]~~ (90) "Two-way left turn lane" means a lane:

- (a) provided for vehicle operators making left turns in either direction;
- (b) that is not used for passing, overtaking, or through travel; and
- (c) that has been indicated by a lane traffic-control device that may include lane markings.

[(89)] (91) "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.

[(90)] (92) "Vehicle" means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except a mobile carrier, as defined in Section 41-6a-1120, or a device used exclusively on stationary rails or tracks.

Section 6. Section **41-6a-709** is amended to read:

41-6a-709 (Effective 05/07/25). One-way traffic.

- (1) A highway authority may designate any highway, roadway, part of a roadway, or specific lanes under the highway authority's jurisdiction for one direction of vehicle travel at all times as indicated by traffic-control devices.
- (2) On a roadway designated for one-way traffic, a person operating a vehicle shall operate the vehicle in the direction indicated by traffic-control devices.
- (3) A person operating a vehicle in a roundabout shall operate the vehicle only to the right of the roundabout island.
- (4)(a) [A] Except as provided in Subsection (4)(b), a violation of Subsection (2) or (3) is an infraction.
- (b) If the violation of Subsection (2) or (3) occurred as part of a road rage event, as that term is defined in Section 41-1a-1101, a violation of Subsection (2) or (3) is a class C misdemeanor.

Section 7. Section **41-6a-712** is amended to read:

41-6a-712 (Effective 05/07/25). Divided highway -- Use of right-hand side -- Crossing only where permitted.

- (1) A person operating a vehicle on a divided highway shall use the right-hand roadway unless directed or permitted to use another roadway by a traffic-control device or a peace officer.
- (2) A person operating a vehicle may not operate the vehicle over, across, or within any dividing space, median, or barrier of a divided highway, except when:
- (a) authorized by a traffic-control device or a peace officer; or
- (b) operating a tow truck in response to a customer service call and the tow truck motor

carrier has already received authorization from the local law enforcement agency in the jurisdiction where the vehicle to be towed is located.

(3)(a) ~~[A]~~ Except as provided in Subsection (3)(b), a violation of this section is an infraction.

(b) If the violation of this section occurred as part of a road rage event, as that term is defined in Section 41-1a-1101, a violation of this section is a class C misdemeanor.

Section 8. Section **41-6a-714** is amended to read:

41-6a-714 (Effective 05/07/25). Freeway and controlled-access highways -- Driving onto and from highways where permitted.

(1) A person may not operate a vehicle onto or from any freeway or other controlled-access highway except at entrances and exits established by the highway authority having jurisdiction over the highway.

(2)(a) ~~[A]~~ Except as provided in Subsection (2)(b), a violation of Subsection (1) is an infraction.

(b) If the violation of this section occurred as part of a road rage event, as that term is defined in Section 41-1a-1101, a violation of this section is a class C misdemeanor.

Section 9. Section **41-6a-1102** is amended to read:

41-6a-1102 (Effective 05/07/25). Bicycle and device propelled by human power and moped riders subject to chapter -- Exception.

(1) Except as provided under Subsection (2) or as otherwise specified under this part, a person operating a bicycle, a vehicle or device propelled by human power, an electric unicycle, or a moped has all the rights and is subject to the provisions of this chapter applicable to the operator of any other vehicle.

(2) A person operating a nonmotorized bicycle or a vehicle or device propelled by human power is not subject to the penalties related to operator licenses under alcohol and drug-related traffic offenses.

Section 10. Section **41-6a-1116** is amended to read:

41-6a-1116 (Effective 05/07/25). Electric personal assistive mobility devices -- Conflicting provisions -- Restrictions -- Penalties.

(1)(a) Except as otherwise provided in this section, an electric personal assistive mobility device is subject to the provisions under this chapter for a bicycle, moped, or a motor-driven cycle.

(b) For a person operating an electric personal assistive mobility device, the following provisions do not apply:

(i) seating positions under Section 41-6a-1501;

(ii) required lights, horns, and mirrors under Section 41-6a-1506;

(iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and

(iv) driver licensing requirements under Section 53-3-202.

(2) A person under 15 years~~[-of age-]~~ old may not operate an electric personal assistive mobility device using the motor unless the person is under the direct supervision of the person's parent or guardian.

(3) A person may not operate an electric personal assistive mobility device:

(a) on a highway consisting of a total of four or more lanes designated for regular vehicular traffic, except when operating in a lane designated for bicycle traffic;

(b) on a highway with a posted speed limit greater than 35 miles per hour, except when operating in a lane designated for bicycle traffic; or

(c) that has been structurally or mechanically altered from the original manufacturer's design.

(4) An owner may not authorize or knowingly permit a person to operate an electric personal assistive mobility device in violation of this section.

(5) A person may operate an electric personal assistive mobility device on a sidewalk if the operation does not:

(a) exceed a speed which is greater than is reasonable or prudent having due regard for weather, visibility, and pedestrians; or

(b) endanger the safety of other persons or property.

(6) A person operating an electric personal assistive mobility device shall yield to a pedestrian or other person using a mobility aid.

(7)(a) An electric personal assistive mobility device may be operated on:

(i) a path or trail designed for the use of a bicycle; or

(ii) on a highway where a bicycle is allowed~~[-if the speed limit on the highway does not exceed 35 miles per hour.]~~ , including any lane designated for bicycle traffic regardless of the posted speed limit or number of general purpose lanes.

(b) A person operating an electric personal assistive mobility device in an area described in Subsection (7)(a)(i) or (ii) is subject to the laws governing bicycles.

(8) A person may operate an electric personal assistive mobility device at night if the device is equipped with or the operator is wearing:

(a) a lamp pointing to the front that emits a white light visible from a distance of not less than 300 feet in front of the device; and

(b) front, rear, and side reflectors.

(9) A person may not operate an electric personal assistive mobility device while carrying an article that prevents the person from keeping both hands on the handlebars or interferes with the person's ability to safely operate the electric personal assistive mobility device.

(10) Only one person may operate an electric personal assistive mobility device at a time.

(11) A person may not park an electric personal assistive mobility device on a highway or sidewalk in a manner that obstructs vehicular or pedestrian traffic.

(12) A person who violates this section is guilty of an infraction.

Section 11. Section **41-6a-1121** is enacted to read:

41-6a-1121 (Effective 05/07/25). Electric unicycles.

(1)(a) Except as otherwise provided in this section, an electric unicycle is subject to the provisions under this chapter for a bicycle.

(b) For a individual operating an electric unicycle, the following provisions do not apply:

(i) seating positions and handle bar usage under Sections 41-6a-1112 and 41-6a-1501;

(ii) required lights, horns, and mirrors under Section 41-6a-1506; and

(iii) driver licensing requirements under Section 53-3-202.

(c) A individual may operate an electric unicycle across a roadway in a crosswalk, except that the individual may not operate the electric unicycle in a negligent manner in the crosswalk:

(i) so as to collide with a:

(A) pedestrian; or

(B) individual operating a bicycle, vehicle, or device propelled by human power;

or

(ii) at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing.

(2) A individual under eight years old may not operate an electric unicycle on any public property, highway, path, or sidewalk.

(3) A individual may not operate an electric unicycle:

(a) on public property posted as an area prohibiting bicycles;

(b) while carrying more individuals at one time than the number for which the electric unicycle is designed;

(c) that has been structurally or mechanically altered from the original manufacturer's design, except for an alteration by, or done at the request of, a individual who rents

- 1049 the electric unicycle to lower the maximum speed for the electric unicycle; or
1050 (d) at a speed of greater than 28 miles per hour or in violation of Subsection
1051 41-6a-1115.1(3).
- 1052 (4) An owner may not authorize or knowingly permit a individual under 18 years old to
1053 operate an electric unicycle in violation of this section.
- 1054 (5) A individual who violates this section is guilty of an infraction.
- 1055 Section 12. Section **41-6a-1122** is enacted to read:
- 1056 **41-6a-1122 (Effective 05/07/25). Self-balancing electric skateboards.**
- 1057 (1)(a) Except as otherwise provided in this section, a self-balancing electric skateboard
1058 is subject to the provisions under this chapter for a bicycle.
- 1059 (b) A person may not operate a self-balancing electric skateboard on a roadway, except
1060 while operating in a lane designated for bicycle traffic.
- 1061 (c) For a person operating a self-balancing electric skateboard, the following provisions
1062 do not apply:
- 1063 (i) any reference to seating positions and handle bar usage, including under Sections
1064 41-6a-1112 and 41-6a-1501;
- 1065 (ii) required lights, horns, and mirrors under Section 41-6a-1506; and
1066 (iii) driver licensing requirements under Section 53-3-202.
- 1067 (d) A person may operate a self-balancing electric skateboard across a roadway in a
1068 crosswalk, except that the person may not operate the self-balancing electric
1069 skateboard in a negligent manner in the crosswalk:
- 1070 (i) so as to collide with a:
- 1071 (A) pedestrian; or
- 1072 (B) person operating a bicycle, vehicle, or device propelled by human power; or
- 1073 (ii) at a speed greater than is reasonable and prudent under the existing conditions,
1074 giving regard to the actual and potential hazards then existing.
- 1075 (2) A person under eight years old may not operate a self-balancing electric skateboard on
1076 any public property, highway, path, or sidewalk.
- 1077 (3) A person may not operate a self-balancing electric skateboard:
- 1078 (a) on public property posted as an area prohibiting bicycles;
- 1079 (b) while carrying more persons at one time than the number for which the
1080 self-balancing electric skateboard is designed;
- 1081 (c) that has been structurally or mechanically altered from the original manufacturer's
1082 design, except for an alteration by, or done at the request of, a person who rents the

1083 self-balancing electric skateboard to lower the maximum speed for the self-balancing
1084 electric skateboard; or

1085 (d) at a speed of greater than 15 miles per hour or in violation of Subsection
1086 41-6a-1115.1(3).

1087 (4) An owner may not authorize or knowingly permit a person under 18 years old to operate
1088 a self-balancing electric skateboard in violation of this section.

1089 (5) A person who violates this section is guilty of an infraction.

1090 Section 13. Section **41-6a-1642** is amended to read:

1091 **41-6a-1642 (Effective 05/07/25). Emissions inspection -- County program.**

1092 (1) The legislative body of each county required under federal law to utilize a motor vehicle
1093 emissions inspection and maintenance program or in which an emissions inspection and
1094 maintenance program is necessary to attain or maintain any national ambient air quality
1095 standard shall require:

1096 (a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle is
1097 exempt from emissions inspection and maintenance program requirements be
1098 presented:

1099 (i) as a condition of registration or renewal of registration; and

1100 (ii) at other times as the county legislative body may require to enforce inspection
1101 requirements for individual motor vehicles, except that the county legislative body
1102 may not routinely require a certificate of emissions inspection, or waiver of the
1103 certificate, more often than required under Subsection (9); and

1104 (b) compliance with this section for a motor vehicle registered or principally operated in
1105 the county and owned by or being used by a department, division, instrumentality,
1106 agency, or employee of:

1107 (i) the federal government;

1108 (ii) the state and any of its agencies; or

1109 (iii) a political subdivision of the state, including school districts.

1110 (2)(a) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions
1111 inspection and maintenance program certificate of emissions inspection as described
1112 in Subsection (1), but the program may not deny vehicle registration based solely on
1113 the presence of a defeat device covered in the Volkswagen partial consent decrees or
1114 a United States Environmental Protection Agency-approved vehicle modification in
1115 the following vehicles:

1116 (i) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide

- emissions are mitigated in the state pursuant to a partial consent decree, including:
- (A) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;
 - (B) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and 2014;
 - (C) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;
 - (D) Volkswagen Golf Sportwagen, model year 2015;
 - (E) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;
 - (F) Volkswagen Beetle, model years 2013, 2014, and 2015;
 - (G) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
 - (H) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and
- (ii) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state to a settlement, including:
- (A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
 - (B) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
 - (C) Audi A6 Quattro, model years 2014, 2015, and 2016;
 - (D) Audi A7 Quattro, model years 2014, 2015, and 2016;
 - (E) Audi A8, model years 2014, 2015, and 2016;
 - (F) Audi A8L, model years 2014, 2015, and 2016;
 - (G) Audi Q5, model years 2014, 2015, and 2016; and
 - (H) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.
- (b)(i) An owner of a restored-modified vehicle subject to Subsection (1) shall obtain a motor vehicle emissions inspection and maintenance program certificate of emissions inspection as described in Subsection (1).
- (ii) A county emissions program may not refuse to perform an emissions inspection or indicate a failed emissions test of the vehicle based solely on a modification to the engine or component of the motor vehicle if:
- (A) the modification is not likely to result in the motor vehicle having increased emissions relative to the emissions of the motor vehicle before the modification; and
 - (B) the motor vehicle modification is a change to an engine that is newer than the engine with which the motor vehicle was originally equipped, or the engine includes technology that increases the facility of the administration of an emissions test, such as an on-board diagnostics system.

- 1151 (iii) The first time an owner seeks to obtain an emissions inspection as a prerequisite
1152 to registration of a restored-modified vehicle:
- 1153 (A) the owner shall present the signed statement described in Subsection
1154 41-1a-226(4); and
- 1155 (B) the county emissions program shall perform the emissions test.
- 1156 (iv) If a motor vehicle is registered as a restored-modified vehicle and the registration
1157 certificate is notated as described in Subsection 41-1a-226(4), a county emissions
1158 program may not refuse to perform an emissions test based solely on the
1159 restored-modified status of the motor vehicle.
- 1160 (3)(a) The legislative body of a county identified in Subsection (1), in consultation with
1161 the Air Quality Board created under Section 19-1-106, shall make regulations or
1162 ordinances regarding:
- 1163 (i) emissions standards;
- 1164 (ii) test procedures;
- 1165 (iii) inspections stations;
- 1166 (iv) repair requirements and dollar limits for correction of deficiencies; and
- 1167 (v) certificates of emissions inspections.
- 1168 (b) In accordance with Subsection (3)(a), a county legislative body:
- 1169 (i) shall make regulations or ordinances to attain or maintain ambient air quality
1170 standards in the county, consistent with the state implementation plan and federal
1171 requirements;
- 1172 (ii) may allow for a phase-in of the program by geographical area; and
- 1173 (iii) shall comply with the analyzer design and certification requirements contained in
1174 the state implementation plan prepared under Title 19, Chapter 2, Air
1175 Conservation Act.
- 1176 (c) The county legislative body and the Air Quality Board shall give preference to an
1177 inspection and maintenance program that:
- 1178 (i) is decentralized, to the extent the decentralized program will attain and maintain
1179 ambient air quality standards and meet federal requirements;
- 1180 (ii) is the most cost effective means to achieve and maintain the maximum benefit
1181 with regard to ambient air quality standards and to meet federal air quality
1182 requirements as related to vehicle emissions; and
- 1183 (iii) provides a reasonable phase-out period for replacement of air pollution emission
1184 testing equipment made obsolete by the program.

- 1185 (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:
1186 (i) may be accomplished in accordance with applicable federal requirements; and
1187 (ii) does not otherwise interfere with the attainment and maintenance of ambient air
1188 quality standards.
- 1189 (4) The following vehicles are exempt from an emissions inspection program and the
1190 provisions of this section:
- 1191 (a) an implement of husbandry as defined in Section 41-1a-102;
1192 (b) a motor vehicle that:
1193 (i) meets the definition of a farm truck under Section 41-1a-102; and
1194 (ii) has a gross vehicle weight rating of 12,001 pounds or more;
- 1195 (c) a vintage vehicle as defined in Section 41-21-1:
1196 (i) if the vintage vehicle has a model year of 1982 or older; or
1197 (ii) for a vintage vehicle that has a model year of 1983 or newer, if the owner
1198 provides proof of vehicle insurance that is a type specific to a vehicle collector;
- 1199 (d) a custom vehicle as defined in Section 41-6a-1507;
1200 (e) a vehicle registered as a novel vehicle under Section 41-27-201;
1201 (f) to the extent allowed under the current federally approved state implementation plan,
1202 in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor
1203 vehicle that is less than two years old on January 1 based on the age of the vehicle as
1204 determined by the model year identified by the manufacturer;
- 1205 (g) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of
1206 12,000 pounds or less, if the registered owner of the pickup truck provides a signed
1207 statement to the legislative body stating the truck is used:
1208 (i) by the owner or operator of a farm located on property that qualifies as land in
1209 agricultural use under Sections 59-2-502 and 59-2-503; and
1210 (ii) exclusively for the following purposes in operating the farm:
1211 (A) for the transportation of farm products, including livestock and its products,
1212 poultry and its products, floricultural and horticultural products; and
1213 (B) in the transportation of farm supplies, including tile, fence, and every other
1214 thing or commodity used in agricultural, floricultural, horticultural, livestock,
1215 and poultry production and maintenance;
- 1216 (h) a motorcycle as defined in Section 41-1a-102;
1217 (i) an electric motor vehicle as defined in Section 41-1a-102;
1218 (j) a motor vehicle with a model year of 1967 or older; and

- 1219 (k) a roadable aircraft as defined in Section 72-10-102.
- 1220 (5) The county shall issue to the registered owner who signs and submits a signed statement
1221 under Subsection (4)(g) a certificate of exemption from emissions inspection
1222 requirements for purposes of registering the exempt vehicle.
- 1223 (6) A legislative body of a county described in Subsection (1) may exempt from an
1224 emissions inspection program a diesel-powered motor vehicle with a:
- 1225 (a) gross vehicle weight rating of more than 14,000 pounds; or
1226 (b) model year of 1997 or older.
- 1227 (7) The legislative body of a county required under federal law to utilize a motor vehicle
1228 emissions inspection program shall require:
- 1229 (a) a computerized emissions inspection for a diesel-powered motor vehicle that has:
- 1230 (i) a model year of 2007 or newer;
1231 (ii) a gross vehicle weight rating of 14,000 pounds or less; and
1232 (iii) a model year that is five years old or older;
- 1233 (b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:
- 1234 (i) with a gross vehicle weight rating of 14,000 pounds or less;
1235 (ii) that has a model year of 1998 or newer; and
1236 (iii) that has a model year that is five years old or older.
- 1237 (8)(a) Subject to Subsection (8)(c), the legislative body of each county required under
1238 federal law to utilize a motor vehicle emissions inspection and maintenance program
1239 or in which an emissions inspection and maintenance program is necessary to attain
1240 or maintain any national ambient air quality standard may require each college or
1241 university located in a county subject to this section to require its students and
1242 employees who park a motor vehicle not registered in a county subject to this section
1243 to provide proof of compliance with an emissions inspection accepted by the county
1244 legislative body if the motor vehicle is parked on the college or university campus or
1245 property.
- 1246 (b) College or university parking areas that are metered or for which payment is required
1247 per use are not subject to the requirements of this Subsection (8).
- 1248 (c) The legislative body of a county shall make the reasons for implementing the
1249 provisions of this Subsection (8) part of the record at the time that the county
1250 legislative body takes its official action to implement the provisions of this
1251 Subsection (8).
- 1252 (9)(a) An emissions inspection station shall issue a certificate of emissions inspection for

each motor vehicle that meets the inspection and maintenance program requirements established in regulations or ordinances made under Subsection (3).

(b) The frequency of the emissions inspection shall be determined based on the age of the vehicle as determined by model year and shall be required annually subject to the provisions of Subsection (9)(c).

(c)(i) To the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative body of a county identified in Subsection (1) shall only require the emissions inspection every two years for each vehicle.

(ii) The provisions of Subsection (9)(c)(i) apply only to a vehicle that is less than six years old on January 1.

(iii) For a county required to implement a new vehicle emissions inspection and maintenance program on or after December 1, 2012, under Subsection (1), but for which no current federally approved state implementation plan exists, a vehicle shall be tested at a frequency determined by the county legislative body, in consultation with the Air Quality Board created under Section 19-1-106, that is necessary to comply with federal law or attain or maintain any national ambient air quality standard.

(iv) If a county legislative body establishes or changes the frequency of a vehicle emissions inspection and maintenance program under Subsection (9)(c)(iii), the establishment or change shall take effect on January 1 if the State Tax Commission receives notice meeting the requirements of Subsection (9)(c)(v) from the county before October 1.

(v) The notice described in Subsection (9)(c)(iv) shall:

(A) state that the county will establish or change the frequency of the vehicle emissions inspection and maintenance program under this section;

(B) include a copy of the ordinance establishing or changing the frequency; and

(C) if the county establishes or changes the frequency under this section, state how frequently the emissions testing will be required.

(d) If an emissions inspection is only required every two years for a vehicle under Subsection (9)(c), the inspection shall be required for the vehicle in:

(i) odd-numbered years for vehicles with odd-numbered model years; or

(ii) in even-numbered years for vehicles with even-numbered model years.

(10)(a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection

required under this section may be made no more than two months before the renewal of registration.

(b)(i) If the title of a used motor vehicle is being transferred, the owner may use an emissions inspection certificate issued for the motor vehicle during the previous 11 months to satisfy the requirement under this section.

(ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner may use an emissions inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle dealer's name during the previous 11 months to satisfy the requirement under this section.

(c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the lessee may use an emissions inspection certificate issued during the previous 11 months to satisfy the requirement under this section.

(d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not use an emissions inspection made more than 11 months before the renewal of registration to satisfy the requirement under this section.

(e) If the application for renewal of registration is for a six-month registration period under Section 41-1a-215.5, the owner may use an emissions inspection certificate issued during the previous eight months to satisfy the requirement under this section.

(11)(a) A county identified in Subsection (1) shall collect information about and monitor the program.

(b) A county identified in Subsection (1) shall supply this information to~~an appropriate legislative committee, as designated by the Legislative Management Committee, at times determined by the designated committee]~~ the Transportation Interim Committee to identify program needs, including funding needs.

(12) If approved by the county legislative body, a county that had an established emissions inspection fee as of January 1, 2002, may increase the established fee that an emissions inspection station may charge by \$2.50 for each year that is exempted from emissions inspections under Subsection (9)(c) up to a \$7.50 increase.

(13)(a) Except as provided in Subsection 41-1a-1223(1)(c), a county identified in Subsection (1) may impose a local emissions compliance fee on each motor vehicle registration within the county in accordance with the procedures and requirements of Section 41-1a-1223.

(b) A county that imposes a local emissions compliance fee may use revenues generated from the fee for the establishment and enforcement of an emissions inspection and

- 1321 maintenance program in accordance with the requirements of this section.
- 1322 (c) A county that imposes a local emissions compliance fee may use revenues generated
- 1323 from the fee to promote programs to maintain a local, state, or national ambient air
- 1324 quality standard.
- 1325 (14)(a) If a county has reason to believe that a vehicle owner has provided an address as
- 1326 required in Section 41-1a-209 to register or attempt to register a motor vehicle in a
- 1327 county other than the county of the bona fide residence of the owner in order to avoid
- 1328 an emissions inspection required under this section, the county may investigate and
- 1329 gather evidence to determine whether the vehicle owner has used a false address or
- 1330 an address other than the vehicle owner's bona fide residence or place of business.
- 1331 (b) If a county conducts an investigation as described in Subsection (14)(a) and
- 1332 determines that the vehicle owner has used a false or improper address in an effort to
- 1333 avoid an emissions inspection as required in this section, the county may impose a
- 1334 civil penalty of \$1,000.
- 1335 (15) A county legislative body described in Subsection (1) may exempt a motor vehicle
- 1336 from an emissions inspection if:
- 1337 (a) the motor vehicle is 30 years old or older;
- 1338 (b) the county determines that the motor vehicle was driven less than 1,500 miles during
- 1339 the preceding 12-month period; and
- 1340 (c) the owner provides to the county legislative body a statement signed by the owner
- 1341 that states the motor vehicle:
- 1342 (i) is primarily a collector's item used for:
- 1343 (A) participation in club activities;
- 1344 (B) exhibitions;
- 1345 (C) tours; or
- 1346 (D) parades; or
- 1347 (ii) is only used for occasional transportation.
- 1348 Section 14. Section **53-2a-1102** is amended to read:
- 1349 **53-2a-1102 (Effective 05/07/25). Search and Rescue Financial Assistance**
- 1350 **Program -- Uses -- Rulemaking -- Distribution.**
- 1351 (1) As used in this section:
- 1352 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card
- 1353 Program created within this section.
- 1354 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a

- 1355 participant.
- 1356 (c) "Participant" means an individual, family, or group who is registered pursuant to this
1357 section as having a valid card at the time search, rescue, or both are provided.
- 1358 (d) "Program" means the Search and Rescue Financial Assistance Program created
1359 within this section.
- 1360 (e)(i) "Reimbursable base expenses" means those reasonable expenses incidental to
1361 search and rescue activities.
- 1362 (ii) "Reimbursable base expenses" include:
- 1363 (A) rental for fixed wing aircraft, snowmobiles, boats, and generators;
1364 (B) replacement and upgrade of search and rescue equipment;
1365 (C) training of search and rescue volunteers;
1366 (D) costs of providing life insurance and workers' compensation benefits for
1367 volunteer search and rescue team members under Section 67-20-7.5; and
1368 (E) any other equipment or expenses necessary or appropriate for conducting
1369 search and rescue activities.
- 1370 (iii) "Reimbursable base expenses" do not include any salary or overtime paid to an
1371 individual on a regular or permanent payroll, including permanent part-time
1372 employees of any agency of the state.
- 1373 (f) "Rescue" means search services, rescue services, or both search and rescue services.
- 1374 (2) There is created the Search and Rescue Financial Assistance Program within the
1375 division.
- 1376 (3)(a) The financial program and the assistance card program shall be funded from the
1377 following revenue sources:
- 1378 (i) any voluntary contributions to the state received for search and rescue operations;
1379 (ii) money received by the state under Subsection (11) and under Sections 23A-4-209,
1380 41-22-34, and 73-18-24;
- 1381 (iii) money deposited under [~~Subsection 59-12-103(13)]~~ Section 59-12-103 as a
1382 dedicated credit for the sole use of the Search and Rescue Financial Assistance
1383 Program;
- 1384 (iv) contributions deposited in accordance with Section 41-1a-230.7; and
1385 (v) appropriations made to the program by the Legislature.
- 1386 (b) Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and
1387 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the
1388 General Fund as a dedicated credit to be used solely for the program.

- 1389 (c) Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into
1390 the General Fund as a dedicated credit to be used solely to promote the assistance
1391 card program.
- 1392 (d) Funding for the program is nonlapsing.
- 1393 (4) Subject to Subsections (3)(b) and (c), the director shall use the money described in this
1394 section to reimburse counties for all or a portion of each county's reimbursable base
1395 expenses for search and rescue operations, subject to:
- 1396 (a) the approval of the Search and Rescue Advisory Board as provided in Section
1397 53-2a-1104;
- 1398 (b) money available in the program; and
- 1399 (c) rules made under Subsection (7).
- 1400 (5) Money described in Subsection (3) may not be used to reimburse for any paid personnel
1401 costs or paid man hours spent in emergency response and search and rescue related
1402 activities.
- 1403 (6) The Legislature finds that these funds are for a general and statewide public purpose.
- 1404 (7) The division, with the approval of the Search and Rescue Advisory Board, shall make
1405 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1406 and consistent with this section:
- 1407 (a) specifying the costs that qualify as reimbursable base expenses;
- 1408 (b) defining the procedures of counties to submit expenses and be reimbursed;
- 1409 (c) defining a participant in the assistance card program, including:
- 1410 (i) individuals; and
- 1411 (ii) families and organized groups who qualify as participants;
- 1412 (d) defining the procedure for issuing a card to a participant;
- 1413 (e) defining excluded expenses that may not be reimbursed under the program, including
1414 medical expenses;
- 1415 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card
1416 Program;
- 1417 (g) establishing the frequency of review of the fee schedule;
- 1418 (h) providing for the administration of the program; and
- 1419 (i) providing a formula to govern the distribution of available money among the counties
1420 for uncompensated search and rescue expenses based on:
- 1421 (i) the total qualifying expenses submitted;
- 1422 (ii) the number of search and rescue incidents per county population;

- 1423 (iii) the number of victims that reside outside the county; and
1424 (iv) the number of volunteer hours spent in each county in emergency response and
1425 search and rescue related activities per county population.
- 1426 (8)(a) The division shall, in consultation with the Division of Outdoor Recreation,
1427 establish the fee schedule of the Utah Search and Rescue Assistance Card Program
1428 under Subsection 63J-1-504(7).
- 1429 (b) The division shall provide a discount of not less than 10% of the card fee under
1430 Subsection (8)(a) to a person who has paid a fee under Section 23A-4-209, 41-22-34,
1431 or 73-18-24 during the same calendar year in which the person applies to be a
1432 participant in the assistance card program.
- 1433 (9) Counties may not bill reimbursable base expenses to an individual for costs incurred for
1434 the rescue of an individual, if the individual is a current participant in the Utah Search
1435 and Rescue Assistance Card Program at the time of rescue, unless:
- 1436 (a) the rescuing county finds that the participant acted recklessly in creating a situation
1437 resulting in the need for the county to provide rescue services; or
1438 (b) the rescuing county finds that the participant intentionally created a situation
1439 resulting in the need for the county to provide rescue services.
- 1440 (10)(a) There is created the Utah Search and Rescue Assistance Card Program. The
1441 program is located within the division.
- 1442 (b) The program may not be used to cover any expenses, such as medically related
1443 expenses, that are not reimbursable base expenses related to the rescue.
- 1444 (11)(a) To participate in the program, a person shall purchase a search and rescue
1445 assistance card from the division by paying the fee as determined by the division in
1446 Subsection (8).
- 1447 (b) The money generated by the fees shall be deposited into the General Fund as a
1448 dedicated credit for the Search and Rescue Financial Assistance Program created in
1449 this section.
- 1450 (c) Participation and payment of fees by a person under Sections 23A-4-209, 41-22-34,
1451 and 73-18-24 do not constitute purchase of a card under this section.
- 1452 (12) The division shall consult with the Division of Outdoor Recreation regarding:
- 1453 (a) administration of the assistance card program; and
1454 (b) outreach and marketing strategies.
- 1455 (13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance Card
1456 Program under this section is exempt from being considered insurance as that term is

defined in Section 31A-1-301.

Section 15. Section **53-2d-101** is amended to read:

53-2d-101 (Effective 05/07/25). Definitions.

As used in this chapter:

(1)(a)[(a)] (i) "911 ambulance or paramedic services" means:

[(i)] (A) either:

[(A)] (I) 911 ambulance service;

[(B)] (II) 911 paramedic service; or

[(C)] (III) both 911 ambulance and paramedic service; and

[(ii)] (B) a response to a 911 call received by a designated dispatch center that receives 911 or E911 calls.

[(b)] (ii) "911 ambulance or paramedic services" does not mean a seven or 10 digit telephone call received directly by an ambulance provider licensed under this chapter.

(2) "Air ambulance" means an ambulance that operates through air flight.

(3) "Air ambulance provider" means an ambulance provider that provides emergency medical services using an air ambulance.

[(2)] (4) "Ambulance" means a ground, air, or water vehicle that:

(a) transports patients and is used to provide emergency medical services; and

(b) is required to obtain a permit under Section 53-2d-404 to operate in the state.

[(3)] (5) "Ambulance provider" means an emergency medical service provider that:

(a) transports and provides emergency medical care to patients; and

(b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

[(4)] (6) "Automatic external defibrillator" or "AED" means an automated or automatic computerized medical device that:

(a) has received pre-market notification approval from the United States Food and Drug Administration, pursuant to 21 U.S.C. Sec. 360(k);

(b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(c) is capable of determining, without intervention by an operator, whether defibrillation should be performed; and

(d) upon determining that defibrillation should be performed, automatically charges, enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and to an individual's heart.

- 1491 ~~[(5)]~~ (7)(a) "Behavioral emergency services" means delivering a behavioral health
1492 intervention to a patient in an emergency context within a scope and in accordance
1493 with guidelines established by the department.
- 1494 (b) "Behavioral emergency services" does not include engaging in the:
- 1495 (i) practice of mental health therapy as defined in Section 58-60-102;
1496 (ii) practice of psychology as defined in Section 58-61-102;
1497 (iii) practice of clinical social work as defined in Section 58-60-202;
1498 (iv) practice of certified social work as defined in Section 58-60-202;
1499 (v) practice of marriage and family therapy as defined in Section 58-60-302;
1500 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
1501 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.
- 1502 ~~[(6)]~~ (8) "Bureau" means the Bureau of Emergency Medical Services created in Section
1503 53-2d-102.
- 1504 ~~[(7)]~~ (9) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external
1505 chest compression applied to a person who is unresponsive and not breathing.
- 1506 ~~[(8)]~~ (10) "Committee" means the Trauma System and Emergency Medical Services
1507 Committee created by Section 53-2d-104.
- 1508 ~~[(9)]~~ (11) "Community paramedicine" means medical care:
- 1509 (a) provided by emergency medical service personnel; and
1510 (b) provided to a patient who is not:
- 1511 (i) in need of ambulance transportation; or
1512 (ii) located in a health care facility as defined in Section 26B-2-201.
- 1513 ~~[(10)]~~ (12) "Direct medical observation" means in-person observation of a patient by a
1514 physician, registered nurse, physician's assistant, or individual licensed under Section
1515 26B-4-116.
- 1516 ~~[(11)]~~ (13) "Emergency medical condition" means:
- 1517 (a) a medical condition that manifests itself by symptoms of sufficient severity,
1518 including severe pain, that a prudent layperson, who possesses an average knowledge
1519 of health and medicine, could reasonably expect the absence of immediate medical
1520 attention to result in:
- 1521 (i) placing the individual's health in serious jeopardy;
1522 (ii) serious impairment to bodily functions; or
1523 (iii) serious dysfunction of any bodily organ or part; or
1524 (b) a medical condition that in the opinion of a physician or the physician's designee

1525 requires direct medical observation during transport or may require the intervention
1526 of an individual licensed under Section 53-2d-402 during transport.

1527 ~~[(12)]~~ (14) "Emergency medical dispatch center" means a public safety answering point, as
1528 defined in Section 63H-7a-103, that is designated as an emergency medical dispatch
1529 center by the bureau.

1530 ~~[(13)]~~ (15)(a) "Emergency medical service personnel" means an individual who provides
1531 emergency medical services or behavioral emergency services to a patient and is
1532 required to be licensed or certified under Section 53-2d-402.

1533 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
1534 licensed emergency medical service provider, emergency medical service instructor,
1535 behavioral emergency services technician, other categories established by the
1536 committee, and a certified emergency medical dispatcher.

1537 ~~[(14)]~~ (16) "Emergency medical service providers" means:

1538 (a) licensed ambulance providers and paramedic providers;

1539 (b) a facility or provider that is required to be designated under Subsection 53-2d-403
1540 (1)(a); and

1541 (c) emergency medical service personnel.

1542 ~~[(15)]~~ (17) "Emergency medical services" means:

1543 (a) medical services;

1544 (b) transportation services;

1545 (c) behavioral emergency services; or

1546 (d) any combination of the services described in Subsections ~~[(15)(a)]~~ (17)(a) through (c).

1547 ~~[(16)]~~ (18) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

1548 (a) maintained and used for the transportation of emergency medical personnel,
1549 equipment, and supplies to the scene of a medical emergency; and

1550 (b) required to be permitted under Section 53-2d-404.

1551 ~~[(17)]~~ (19) "Governing body":

1552 (a) means the same as that term is defined in Section 11-42-102; and

1553 (b) for purposes of a "special service district" under Section 11-42-102, means a special
1554 service district that has been delegated the authority to select a provider under this
1555 chapter by the special service district's legislative body or administrative control
1556 board.

1557 ~~[(18)]~~ (20) "Interested party" means:

1558 (a) a licensed or designated emergency medical services provider that provides

- 1559 emergency medical services within or in an area that abuts an exclusive geographic
1560 service area that is the subject of an application submitted pursuant to Part 5,
1561 Ambulance and Paramedic Providers;
- 1562 (b) any municipality, county, or fire district that lies within or abuts a geographic service
1563 area that is the subject of an application submitted pursuant to Part 5, Ambulance and
1564 Paramedic Providers; or
- 1565 (c) the department when acting in the interest of the public.
- 1566 ~~[(19)]~~ (21) "Level of service" means the level at which an ambulance provider type of
1567 service is licensed as:
- 1568 (a) emergency medical technician;
1569 (b) advanced emergency medical technician; or
1570 (c) paramedic.
- 1571 ~~[(20)]~~ (22) "Medical control" means a person who provides medical supervision to an
1572 emergency medical service provider.
- 1573 ~~[(21)]~~ (23) "Non-911 service" means transport of a patient that is not 911 transport under
1574 Subsection (1).
- 1575 ~~[(22)]~~ (24) "Nonemergency secured behavioral health transport" means an entity that:
- 1576 (a) provides nonemergency secure transportation services for an individual who:
1577 (i) is not required to be transported by an ambulance under Section 53-2d-405; and
1578 (ii) requires behavioral health observation during transport between any of the
1579 following facilities:
1580 (A) a licensed acute care hospital;
1581 (B) an emergency patient receiving facility;
1582 (C) a licensed mental health facility; and
1583 (D) the office of a licensed health care provider; and
1584 (b) is required to be designated under Section 53-2d-403.
- 1585 ~~[(23)]~~ (25) "Paramedic provider" means an entity that:
1586 (a) employs emergency medical service personnel; and
1587 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.
- 1588 ~~[(24)]~~ (26) "Patient" means an individual who, as the result of illness, injury, or a behavioral
1589 emergency condition, meets any of the criteria in Section 26B-4-119.
- 1590 ~~[(25)]~~ (27) "Political subdivision" means:
1591 (a) a city or town;
1592 (b) a county;

- 1593 (c) a special service district created under Title 17D, Chapter 1, Special Service District
1594 Act, for the purpose of providing fire protection services under Subsection 17D-1-201
1595 (9);
- 1596 (d) a special district created under Title 17B, Limited Purpose Local Government
1597 Entities - Special Districts, for the purpose of providing fire protection, paramedic,
1598 and emergency services;
- 1599 (e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or
- 1600 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.
- 1601 ~~[(26)]~~ (28) "Sudden cardiac arrest" means a life-threatening condition that results when a
1602 person's heart stops or fails to produce a pulse.
- 1603 ~~[(27)]~~ (29) "Trauma" means an injury requiring immediate medical or surgical intervention.
- 1604 ~~[(28)]~~ (30) "Trauma system" means a single, statewide system that:
- 1605 (a) organizes and coordinates the delivery of trauma care within defined geographic
1606 areas from the time of injury through transport and rehabilitative care; and
- 1607 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
1608 delivering care for trauma patients, regardless of severity.
- 1609 ~~[(29)]~~ (31) "Triage" means the sorting of patients in terms of disposition, destination, or
1610 priority. For prehospital trauma victims, triage requires a determination of injury
1611 severity to assess the appropriate level of care according to established patient care
1612 protocols.
- 1613 ~~[(30)]~~ (32) "Triage, treatment, transportation, and transfer guidelines" means written
1614 procedures that:
- 1615 (a) direct the care of patients; and
- 1616 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
1617 center, or an emergency medical service provider.
- 1618 ~~[(31)]~~ (33) "Type of service" means the category at which an ambulance provider is licensed
1619 as:
- 1620 (a) ground ambulance transport;
- 1621 (b) ground ambulance interfacility transport; or
- 1622 (c) both ground ambulance transport and ground ambulance interfacility transport.
- 1623 Section 16. Section **53-2d-517** is enacted to read:
- 1624 **53-2d-517 (Effective 05/07/25). Air ambulance requirements.**
- 1625 (1) A licensed air ambulance provider shall provide to all emergency medical dispatch
1626 centers the real-time location and availability of the air ambulance using statewide

software that updates from a location transponder or computer-aided dispatch interface.

(2) An emergency medical dispatch center shall dispatch an air ambulance that the emergency medical dispatch center determines:

(a) is nearest to the location requiring emergency medical services;

(b) is readily available; and

(c) is the most appropriate air ambulance provider for the particular emergency circumstance based on the needs of the patient and the capabilities of the air ambulance provider.

(3) An air ambulance that is currently transporting a patient may not:

(a) be dispatched for a different emergency medical situation; or

(b) deviate from the current emergency service and patient to respond to a different emergency medical dispatch communication.

Section 17. Section **59-12-103** is amended to read:

59-12-103 (Effective 07/01/25). Sales and use tax base -- Rates -- Effective dates -- Use of sales and use tax revenue.

(1) A tax is imposed on the purchaser as provided in this part on the purchase price or sales price for amounts paid or charged for the following transactions:

(a) retail sales of tangible personal property made within the state;

(b) amounts paid for:

(i) telecommunications service, other than mobile telecommunications service, that originates and terminates within the boundaries of this state;

(ii) mobile telecommunications service that originates and terminates within the boundaries of one state only to the extent permitted by the Mobile

Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

(iii) an ancillary service associated with a:

(A) telecommunications service described in Subsection (1)(b)(i); or

(B) mobile telecommunications service described in Subsection (1)(b)(ii);

(c) sales of the following for commercial use:

(i) gas;

(ii) electricity;

(iii) heat;

(iv) coal;

(v) fuel oil; or

(vi) other fuels;

- 1661 (d) sales of the following for residential use:
- 1662 (i) gas;
- 1663 (ii) electricity;
- 1664 (iii) heat;
- 1665 (iv) coal;
- 1666 (v) fuel oil; or
- 1667 (vi) other fuels;
- 1668 (e) sales of prepared food;
- 1669 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
- 1670 user fees for theaters, movies, operas, museums, planetariums, shows of any type or
- 1671 nature, exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses,
- 1672 menageries, fairs, races, contests, sporting events, dances, boxing matches, wrestling
- 1673 matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling
- 1674 lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts,
- 1675 ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides,
- 1676 river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or
- 1677 any other amusement, entertainment, recreation, exhibition, cultural, or athletic
- 1678 activity;
- 1679 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 1680 property, unless Section 59-12-104 provides for an exemption from sales and use tax
- 1681 for:
- 1682 (i) the tangible personal property; and
- 1683 (ii) parts used in the repairs or renovations of the tangible personal property described
- 1684 in Subsection (1)(g)(i), regardless of whether:
- 1685 (A) any parts are actually used in the repairs or renovations of that tangible
- 1686 personal property; or
- 1687 (B) the particular parts used in the repairs or renovations of that tangible personal
- 1688 property are exempt from a tax under this chapter;
- 1689 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted
- 1690 cleaning or washing of tangible personal property;
- 1691 (i) amounts paid or charged for short-term rentals of tourist home, hotel, motel, or trailer
- 1692 court accommodations and services;
- 1693 (j) amounts paid or charged for laundry or dry cleaning services;
- 1694 (k) amounts paid or charged for leases or rentals of tangible personal property if within

- 1695 this state the tangible personal property is:
- 1696 (i) stored;
- 1697 (ii) used; or
- 1698 (iii) otherwise consumed;
- 1699 (l) amounts paid or charged for tangible personal property if within this state the tangible
- 1700 personal property is:
- 1701 (i) stored;
- 1702 (ii) used; or
- 1703 (iii) consumed;
- 1704 (m) amounts paid or charged for a sale:
- 1705 (i)(A) of a product transferred electronically; or
- 1706 (B) of a repair or renovation of a product transferred electronically; and
- 1707 (ii) regardless of whether the sale provides:
- 1708 (A) a right of permanent use of the product; or
- 1709 (B) a right to use the product that is less than a permanent use, including a right:
- 1710 (I) for a definite or specified length of time; and
- 1711 (II) that terminates upon the occurrence of a condition; and
- 1712 (n) sales of leased tangible personal property from the lessor to the lessee made in the
- 1713 state.
- 1714 (2)(a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax are
- 1715 imposed on a transaction described in Subsection (1) equal to the sum of:
- 1716 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 1717 (A) 4.70% plus the rate specified in Subsection (11)(a); and
- 1718 (B)(I) the tax rate the state imposes in accordance with Part 18, Additional
- 1719 State Sales and Use Tax Act, if the location of the transaction as determined
- 1720 under Sections 59-12-211 through 59-12-215 is in a county in which the
- 1721 state imposes the tax under Part 18, Additional State Sales and Use Tax Act;
- 1722 and
- 1723 (II) the tax rate the state imposes in accordance with Part 20, Supplemental
- 1724 State Sales and Use Tax Act, if the location of the transaction as determined
- 1725 under Sections 59-12-211 through 59-12-215 is in a city, town, or the
- 1726 unincorporated area of a county in which the state imposes the tax under
- 1727 Part 20, Supplemental State Sales and Use Tax Act; and
- 1728 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the

- 1729 transaction under this chapter other than this part.
- 1730 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a state
1731 tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal
1732 to the sum of:
- 1733 (i) a state tax imposed on the transaction at a tax rate of 2%; and
1734 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
1735 transaction under this chapter other than this part.
- 1736 (c) Except as provided in Subsection (2)(f) or (g), a state tax and a local tax are imposed
1737 on amounts paid or charged for food and food ingredients equal to the sum of:
- 1738 (i) a state tax imposed on the amounts paid or charged for food and food ingredients
1739 at a tax rate of 1.75%; and
1740 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
1741 amounts paid or charged for food and food ingredients under this chapter other
1742 than this part.
- 1743 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts paid
1744 or charged for fuel to a common carrier that is a railroad for use in a locomotive
1745 engine at a rate of 4.85%.
- 1746 (e)(i)(A) If a shared vehicle owner certifies to the commission, on a form
1747 prescribed by the commission, that the shared vehicle is an individual-owned
1748 shared vehicle, a tax imposed under Subsection (2)(a)(i)(A) does not apply to
1749 car sharing, a car-sharing program, a shared vehicle driver, or a shared vehicle
1750 owner.
- 1751 (B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is
1752 required once during the time that the shared vehicle owner owns the shared
1753 vehicle.
- 1754 (C) The commission shall verify that a shared vehicle is an individual-owned
1755 shared vehicle by verifying that the applicable Utah taxes imposed under this
1756 chapter were paid on the purchase of the shared vehicle.
- 1757 (D) The exception under Subsection (2)(e)(i)(A) applies to a certified
1758 individual-owned shared vehicle shared through a car-sharing program even if
1759 non-certified shared vehicles are also available to be shared through the same
1760 car-sharing program.
- 1761 (ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.
1762 (iii)(A) A car-sharing program may rely in good faith on a shared vehicle owner's

- 1763 representation that the shared vehicle is an individual-owned shared vehicle
1764 certified with the commission as described in Subsection (2)(e)(i).
- 1765 (B) If a car-sharing program relies in good faith on a shared vehicle owner's
1766 representation that the shared vehicle is an individual-owned shared vehicle
1767 certified with the commission as described in Subsection (2)(e)(i), the
1768 car-sharing program is not liable for any tax, penalty, fee, or other sanction
1769 imposed on the shared vehicle owner.
- 1770 (iv) If all shared vehicles shared through a car-sharing program are certified as
1771 described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has
1772 no obligation to collect and remit the tax under Subsection (2)(a)(i)(A) for that tax
1773 period.
- 1774 (v) A car-sharing program is not required to list or otherwise identify an
1775 individual-owned shared vehicle on a return or an attachment to a return.
- 1776 (vi) A car-sharing program shall:
- 1777 (A) retain tax information for each car-sharing program transaction; and
1778 (B) provide the information described in Subsection (2)(e)(vi)(A) to the
1779 commission at the commission's request.
- 1780 (f)(i) For a bundled transaction that is attributable to food and food ingredients and
1781 tangible personal property other than food and food ingredients, a state tax and a
1782 local tax is imposed on the entire bundled transaction equal to the sum of:
- 1783 (A) a state tax imposed on the entire bundled transaction equal to the sum of:
- 1784 (I) the tax rate described in Subsection (2)(a)(i)(A); and
1785 (II)(Aa) the tax rate the state imposes in accordance with Part 18,
1786 Additional State Sales and Use Tax Act, if the location of the transaction
1787 as determined under Sections 59-12-211 through 59-12-215 is in a
1788 county in which the state imposes the tax under Part 18, Additional State
1789 Sales and Use Tax Act; and
1790 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental
1791 State Sales and Use Tax Act, if the location of the transaction as
1792 determined under Sections 59-12-211 through 59-12-215 is in a city,
1793 town, or the unincorporated area of a county in which the state imposes
1794 the tax under Part 20, Supplemental State Sales and Use Tax Act; and
1795 (B) a local tax imposed on the entire bundled transaction at the sum of the tax
1796 rates described in Subsection (2)(a)(ii).

- 1797 (ii) If an optional computer software maintenance contract is a bundled transaction
1798 that consists of taxable and nontaxable products that are not separately itemized
1799 on an invoice or similar billing document, the purchase of the optional computer
1800 software maintenance contract is 40% taxable under this chapter and 60%
1801 nontaxable under this chapter.
- 1802 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled
1803 transaction described in Subsection (2)(f)(i) or (ii):
- 1804 (A) if the sales price of the bundled transaction is attributable to tangible personal
1805 property, a product, or a service that is subject to taxation under this chapter
1806 and tangible personal property, a product, or service that is not subject to
1807 taxation under this chapter, the entire bundled transaction is subject to taxation
1808 under this chapter unless:
- 1809 (I) the seller is able to identify by reasonable and verifiable standards the
1810 tangible personal property, product, or service that is not subject to taxation
1811 under this chapter from the books and records the seller keeps in the seller's
1812 regular course of business; or
- 1813 (II) state or federal law provides otherwise; or
- 1814 (B) if the sales price of a bundled transaction is attributable to two or more items
1815 of tangible personal property, products, or services that are subject to taxation
1816 under this chapter at different rates, the entire bundled transaction is subject to
1817 taxation under this chapter at the higher tax rate unless:
- 1818 (I) the seller is able to identify by reasonable and verifiable standards the
1819 tangible personal property, product, or service that is subject to taxation
1820 under this chapter at the lower tax rate from the books and records the seller
1821 keeps in the seller's regular course of business; or
- 1822 (II) state or federal law provides otherwise.
- 1823 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the
1824 seller's regular course of business includes books and records the seller keeps in
1825 the regular course of business for nontax purposes.
- 1826 (g)(i) Except as otherwise provided in this chapter and subject to Subsections
1827 (2)(g)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible
1828 personal property, a product, or a service that is subject to taxation under this
1829 chapter, and the sale, lease, or rental of tangible personal property, other property,
1830 a product, or a service that is not subject to taxation under this chapter, the entire

transaction is subject to taxation under this chapter unless the seller, at the time of the transaction:

(A) separately states the portion of the transaction that is not subject to taxation under this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

(B) is able to identify by reasonable and verifiable standards, from the books and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.

(ii) A purchaser and a seller may correct the taxability of a transaction if:

(A) after the transaction occurs, the purchaser and the seller discover that the portion of the transaction that is not subject to taxation under this chapter was not separately stated on an invoice, bill of sale, or similar document provided to the purchaser because of an error or ignorance of the law; and

(B) the seller is able to identify by reasonable and verifiable standards, from the books and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.

(iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.

(h)(i) If the sales price of a transaction is attributable to two or more items of tangible personal property, products, or services that are subject to taxation under this chapter at different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate unless the seller, at the time of the transaction:

(A) separately states the items subject to taxation under this chapter at each of the different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

(B) is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is subject to taxation under this chapter at the lower tax rate from the books and records the seller keeps in the seller's regular course of business.

(ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.

(i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax rate

- 1865 imposed under the following shall take effect on the first day of a calendar quarter:
- 1866 (i) Subsection (2)(a)(i)(A);
- 1867 (ii) Subsection (2)(b)(i);
- 1868 (iii) Subsection (2)(c)(i); or
- 1869 (iv) Subsection (2)(f)(i)(A)(I).
- 1870 (j)(i) A tax rate increase takes effect on the first day of the first billing period that
- 1871 begins on or after the effective date of the tax rate increase if the billing period for
- 1872 the transaction begins before the effective date of a tax rate increase imposed
- 1873 under:
- 1874 (A) Subsection (2)(a)(i)(A);
- 1875 (B) Subsection (2)(b)(i);
- 1876 (C) Subsection (2)(c)(i); or
- 1877 (D) Subsection (2)(f)(i)(A)(I).
- 1878 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
- 1879 statement for the billing period is rendered on or after the effective date of the
- 1880 repeal of the tax or the tax rate decrease imposed under:
- 1881 (A) Subsection (2)(a)(i)(A);
- 1882 (B) Subsection (2)(b)(i);
- 1883 (C) Subsection (2)(c)(i); or
- 1884 (D) Subsection (2)(f)(i)(A)(I).
- 1885 (k)(i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale
- 1886 is computed on the basis of sales and use tax rates published in the catalogue, a
- 1887 tax rate repeal or change in a tax rate takes effect:
- 1888 (A) on the first day of a calendar quarter; and
- 1889 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate
- 1890 change.
- 1891 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
- 1892 (A) Subsection (2)(a)(i)(A);
- 1893 (B) Subsection (2)(b)(i);
- 1894 (C) Subsection (2)(c)(i); or
- 1895 (D) Subsection (2)(f)(i)(A)(I).
- 1896 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1897 the commission may by rule define the term "catalogue sale."
- 1898 (l)(i) For a location described in Subsection (2)(l)(ii), the commission shall determine

1899 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel
 1900 based on the predominant use of the gas, electricity, heat, coal, fuel oil, or other
 1901 fuel at the location.

1902 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
 1903 or other fuel is furnished through a single meter for two or more of the following
 1904 uses:

1905 (A) a commercial use;
 1906 (B) an industrial use; or
 1907 (C) a residential use.

1908 (3)(a) The following state taxes shall be deposited into the General Fund:

1909 (i) the tax imposed by Subsection (2)(a)(i)(A);
 1910 (ii) the tax imposed by Subsection (2)(b)(i);
 1911 (iii) the tax imposed by Subsection (2)(c)(i); and
 1912 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

1913 (b) The following local taxes shall be distributed to a county, city, or town as provided
 1914 in this chapter:

1915 (i) the tax imposed by Subsection (2)(a)(ii);
 1916 (ii) the tax imposed by Subsection (2)(b)(ii);
 1917 (iii) the tax imposed by Subsection (2)(c)(ii); and
 1918 (iv) the tax imposed by Subsection (2)(f)(i)(B).

1919 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General Fund.

1920 (4)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
 1921 2003, the lesser of the following amounts shall be expended as provided in
 1922 Subsections (4)(b) through (g):

1923 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
 1924 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
 1925 (B) for the fiscal year; or
 1926 (ii) \$17,500,000.

1927 (b)(i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
 1928 described in Subsection (4)(a) shall be transferred each year as designated sales
 1929 and use tax revenue to the Division of Wildlife Resources to:

1930 (A) implement the measures described in Subsections 23A-3-214(3)(a) through
 1930a (d)
 1931 to protect sensitive plant and animal species; or

1932 (B) award grants, up to the amount authorized by the Legislature in an
1933 appropriations act, to political subdivisions of the state to implement the
1934 measures described in Subsections 23A-3-214(3)(a) through (d) to protect
1935 sensitive plant and animal species.

1936 (ii) Money transferred to the Division of Wildlife Resources under Subsection
1937 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or
1938 any other person to list or attempt to have listed a species as threatened or
1939 endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et
1940 seq.

1941 (iii) At the end of each fiscal year:

1942 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to
1943 the Water Resources Conservation and Development Fund created in Section
1944 73-10-24;

1945 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1946 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

1947 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1948 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

1949 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
1950 Subsection (4)(a) shall be deposited each year in the Agriculture Resource
1951 Development Fund created in Section 4-18-106.

1952 (d)(i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount
1953 described in Subsection (4)(a) shall be transferred each year as designated sales
1954 and use tax revenue to the Division of Water Rights to cover the costs incurred in
1955 hiring legal and technical staff for the adjudication of water rights.

1956 (ii) At the end of each fiscal year:

1957 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to
1958 the Water Resources Conservation and Development Fund created in Section
1959 73-10-24;

1960 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1961 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

1962 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1963 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

1964 (e)(i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount
1965 described in Subsection (4)(a) shall be deposited into the Water Resources

1966 Conservation and Development Fund created in Section 73-10-24 for use by the
 1967 Division of Water Resources.

1968 (ii) In addition to the uses allowed of the Water Resources Conservation and
 1969 Development Fund under Section 73-10-24, the Water Resources Conservation
 1970 and Development Fund may also be used to:

1971 (A) conduct hydrologic and geotechnical investigations by the Division of Water
 1972 Resources in a cooperative effort with other state, federal, or local entities, for
 1973 the purpose of quantifying surface and ground water resources and describing
 1974 the hydrologic systems of an area in sufficient detail so as to enable local and
 1975 state resource managers to plan for and accommodate growth in water use
 1976 without jeopardizing the resource;

1977 (B) fund state required dam safety improvements; and

1978 (C) protect the state's interest in interstate water compact allocations, including the
 1979 hiring of technical and legal staff.

1980 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in
 1981 Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program
 1982 Subaccount created in Section 73-10c-5 for use by the Water Quality Board to fund
 1983 wastewater projects.

1984 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
 1985 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program
 1986 Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water to:

1987 (i) provide for the installation and repair of collection, treatment, storage, and
 1988 distribution facilities for any public water system, as defined in Section 19-4-102;

1989 (ii) develop underground sources of water, including springs and wells; and

1990 (iii) develop surface water sources.

1991 (5)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
 1992 2006, the difference between the following amounts shall be expended as provided in
 1993 this Subsection (5), if that difference is greater than \$1:

1994 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for
 1995 the fiscal year by a 1/16% tax rate on the transactions described in Subsection (1);
 1996 and

1997 (ii) \$17,500,000.

1998 (b)(i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

1999 (A) transferred each fiscal year to the Department of Natural Resources as

2000 designated sales and use tax revenue; and

2001 (B) expended by the Department of Natural Resources for watershed rehabilitation

2002 or restoration.

2003 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use

2004 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources

2005 Conservation and Development Fund created in Section 73-10-24.

2006 (c)(i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the

2007 remaining difference described in Subsection (5)(a) shall be:

2008 (A) transferred each fiscal year to the Division of Water Resources as designated

2009 sales and use tax revenue; and

2010 (B) expended by the Division of Water Resources for cloud-seeding projects

2011 authorized by Title 73, Chapter 15, Modification of Weather.

2012 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use

2013 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources

2014 Conservation and Development Fund created in Section 73-10-24.

2015 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the

2016 remaining difference described in Subsection (5)(a) shall be deposited into the Water

2017 Resources Conservation and Development Fund created in Section 73-10-24 for use

2018 by the Division of Water Resources for:

2019 (i) preconstruction costs:

2020 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73,

2021 Chapter 26, Bear River Development Act; and

2022 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project

2023 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

2024 (ii) the cost of employing a civil engineer to oversee any project authorized by Title

2025 73, Chapter 26, Bear River Development Act;

2026 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline

2027 project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development

2028 Act; and

2029 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and

2030 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i)

2031 through (iii).

2032 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the

2033 remaining difference described in Subsection (5)(a) shall be deposited each year into

2034 the Water Rights Restricted Account created by Section 73-2-1.6.

2035 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), each
2036 fiscal year, the commission shall deposit into the Water Infrastructure Restricted
2037 Account created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax
2038 rate on the transactions described in Subsection (1) for the fiscal year.

2039 (7)(a) Notwithstanding Subsection (3)(a) and subject to Subsections (7)(b), (c), and (d),
2040 for a fiscal year beginning on or after July 1, 2023, the commission shall deposit into
2041 the Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of
2042 the taxes listed under Subsection (3)(a) equal to 17% of the revenue collected from
2043 the following sales and use taxes:

2044 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
2045 (ii) the tax imposed by Subsection (2)(b)(i);
2046 (iii) the tax imposed by Subsection (2)(c)(i); and
2047 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

2048 (b)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall
2049 annually reduce the deposit under Subsection (7)(a) into the Transportation
2050 Investment Fund of 2005 by an amount equal to .44% of the revenue collected
2051 from the following sales and use taxes:

2052 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
2053 (B) the tax imposed by Subsection (2)(b)(i);
2054 (C) the tax imposed by Subsection (2)(c)(i); and
2055 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).

2056 (ii) The commission shall annually deposit the amount described in Subsection
2057 (7)(b)(i) into the Cottonwood Canyons Transportation Investment Fund created in
2058 Section 72-2-124.

2059 (c)(i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,
2060 2023, the commission shall annually reduce the deposit into the Transportation
2061 Investment Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is
2062 equal to 5% of:

2063 (A) the amount of revenue generated in the current fiscal year by the portion of
2064 taxes listed under Subsection (3)(a) that equals 20.68% of the revenue
2065 collected from taxes described in Subsections (7)(a)(i) through (iv);
2066 (B) the amount of revenue generated in the current fiscal year by registration fees
2067 designated under Section 41-1a-1201 to be deposited into the Transportation

Investment Fund of 2005; and

(C) revenue transferred by the Division of Finance to the Transportation Investment Fund of 2005 in accordance with Section 72-2-106 in the current fiscal year.

(ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a given fiscal year.

(iii) The commission shall annually deposit the amount described in Subsection (7)(c)(i) into the Active Transportation Investment Fund created in Subsection 72-2-124(11).

(d)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall annually reduce the deposit into the Transportation Investment Fund of 2005 under this Subsection (7) by an amount that is equal to 1% of the revenue collected from the following sales and use taxes:

(A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

(B) the tax imposed by Subsection (2)(b)(i);

(C) the tax imposed by Subsection (2)(c)(i); and

(D) the tax imposed by Subsection (2)(f)(i)(A)(I).

(ii) The commission shall annually deposit the amount described in Subsection (7)(d)(i) into the Commuter Rail Subaccount created in Section 72-2-124.

(8)(a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under Subsection (7), and subject to ~~[Subsections (8)(b) and (d)(ii)]~~ Subsection (8)(b), for a fiscal year beginning on or after July 1, 2018, the commission shall annually deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a) in an amount equal to 3.68% of the revenue collected from the following taxes:

(i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

(ii) the tax imposed by Subsection (2)(b)(i);

(iii) the tax imposed by Subsection (2)(c)(i); and

(iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

(b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(a) by an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.

2102 (c) The commission shall annually deposit the amount described in Subsection (8)(b)
2103 into the Transit Transportation Investment Fund created in Section 72-2-124.

2104 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
2105 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies
2106 Fund created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

2107 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the fiscal
2108 year during which the commission receives notice under Section 63N-2-510 that
2109 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the
2110 commission shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the
2111 revenue generated by the taxes listed under Subsection (3)(a) into the Hotel Impact
2112 Mitigation Fund, created in Section 63N-2-512.

2113 (11)(a) The rate specified in this subsection is 0.15%.

2114 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning
2115 on or after July 1, 2019, annually transfer the amount of revenue collected from the
2116 rate described in Subsection (11)(a) on the transactions that are subject to the sales
2117 and use tax under Subsection (2)(a)(i)(A) into the Medicaid ACA Fund created in
2118 Section 26B-1-315.

2119 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
2120 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated
2121 credit solely for use of the Search and Rescue Financial Assistance Program created in,
2122 and expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

2123 ~~[(13)(a) For each fiscal year beginning with fiscal year 2020-21, the commission shall~~
2124 ~~annually transfer \$1,813,400 of the revenue deposited into the Transportation~~
2125 ~~Investment Fund of 2005 under Subsections (7) and (8) to the General Fund.]~~

2126 ~~[(b) If the total revenue deposited into the Transportation Investment Fund of 2005~~
2127 ~~under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the~~
2128 ~~commission shall transfer the total revenue deposited into the Transportation~~
2129 ~~Investment Fund of 2005 under Subsections (7) and (8) during the fiscal year to the~~
2130 ~~General Fund.]~~

2131 ~~[(14)]~~ (13) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,
2132 beginning the first day of the calendar quarter one year after the sales and use tax
2133 boundary for a housing and transit reinvestment zone is established, the commission, at
2134 least annually, shall transfer an amount equal to 15% of the sales and use tax increment
2135 within an established sales and use tax boundary, as defined in Section 63N-3-602, into

2136 the Transit Transportation Investment Fund created in Section 72-2-124.

2137 ~~[(15)]~~ (14) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year

2138 beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure

2139 Restricted Account, created in Section 51-9-902, a portion of the taxes listed under

2140 Subsection (3)(a) equal to 1% of the revenue collected from the following sales and use

2141 taxes:

2142 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

2143 (b) the tax imposed by Subsection (2)(b)(i);

2144 (c) the tax imposed by Subsection (2)(c)(i); and

2145 (d) the tax imposed by Subsection (2)(f)(i)(A)(I).

2146 ~~[(16)]~~ (15) Notwithstanding Subsection (3)(a), beginning October 1, 2024 the commission

2147 shall transfer to the Utah Fairpark Area Investment and Restoration District, created in

2148 Section 11-70-201, the revenue from the sales and use tax imposed by Subsection

2149 (2)(a)(i)(A) at a 4.7% rate, on transactions occurring within the district sales tax area, as

2150 defined in Section 11-70-101.

2151 ~~[(17)]~~ (16)(a) As used in this Subsection ~~[(17)]~~ (16):

2152 (i) "Additional land" means point of the mountain state land described in Subsection

2153 11-59-102(6)(b) that the point of the mountain authority acquires after the point of

2154 the mountain authority provides the commission a map under Subsection (17)(c).

2155 (ii) "Point of the mountain authority" means the Point of the Mountain State Land

2156 Authority, created in Section 11-59-201.

2157 (iii) "Point of the mountain state land" means the same as that term is defined in

2158 Section 11-59-102.

2159 (b) Notwithstanding Subsection (3)(a), the commission shall distribute to the point of the

2160 mountain authority 50% of the revenue from the sales and use tax imposed by

2161 Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring on the point of the

2162 mountain state land.

2163 (c) The distribution under Subsection ~~[(17)(b)]~~ (16)(b) shall begin the next calendar

2164 quarter that begins at least 90 days after the point of the mountain authority provides

2165 the commission a map that:

2166 (i) accurately describes the point of the mountain state land; and

2167 (ii) the point of the mountain authority certifies as accurate.

2168 (d) A distribution under Subsection ~~[(17)(b)]~~ (16)(b) with respect to additional land shall

2169 begin the next calendar quarter that begins at least 90 days after the point of the

2170 mountain authority provides the commission a map of point of the mountain state
 2171 land that:

2172 (i) accurately describes the point of the mountain state land, including the additional
 2173 land; and

2174 (ii) the point of the mountain authority certifies as accurate.

2175 (e)(i) Upon the payment in full of bonds secured by the sales and use tax revenue
 2176 distributed to the point of the mountain authority under Subsection [~~(17)(b)~~] (16)(b),
 2177 the point of the mountain authority shall immediately notify the commission in
 2178 writing that the bonds are paid in full.

2179 (ii) The commission shall discontinue distributions of sales and use tax revenue under
 2180 Subsection [~~(17)(b)~~] (16)(b) at the beginning of the calendar quarter that begins at
 2181 least 90 days after the date that the commission receives the written notice under
 2182 Subsection [~~(17)(e)(i)~~] (16)(e)(i).

2183 Section 18. Section **63B-11-502** is amended to read:

2184 **63B-11-502 (Effective 05/07/25). Maximum amount -- Projects authorized.**

2185 (1) The total amount of bonds issued under this part may not exceed \$52,101,800.

2186 (2)(a)(i) Proceeds from the issuance of bonds shall be provided to the Department of
 2187 Transportation to provide funds to pay all or part of the costs of accelerating any
 2188 of the following state highway construction or reconstruction projects in Salt Lake
 2189 County:

2190 (A) I-15: 10600 South to the Utah County line;

2191 (B) Final Environmental Impact Statement for Western Transportation Corridor:
 2192 I-80 to Utah County;

2193 (C) I-215: Redwood Road to 4700 South;

2194 (D) State Street Reconstruction: 9000 South to 10600 South; and

2195 (E) except as provided in Subsection (2)(d), State Street Reconstruction: 7800
 2196 South to 8000 South.

2197 (ii) If the Department of Transportation is unable to begin or complete a project
 2198 authorized by this Subsection (2)(a) because of a court order, the Department of
 2199 Transportation, with the approval of Salt Lake County, may expend bond
 2200 proceeds to construct one or more projects identified in Subsection (2)(e).

2201 (b) When the Utah Transit Authority certifies to the Transportation Commission that the
 2202 Utah Transit Authority will pay half the costs of reconstruction of the Utah Transit
 2203 Authority railroad overpass on 8000 South State Street, the Department of

- 2204 Transportation may provide funds from bond proceeds to pay the other half of the
 2205 costs of reconstruction of the Utah Transit Authority railroad overpass on 8000 South.
- 2206 (c) As used in Subsections (2)(a) and (b), "costs" may include the cost of acquiring land,
 2207 interests in land, easements and rights-of-way, improving sites, and making all
 2208 improvements necessary, incidental, or convenient to the facilities, interest estimated
 2209 to accrue on these bonds during the period to be covered by construction of the
 2210 projects plus a period of six months after the end of the construction period, interest
 2211 estimated to accrue on any bond anticipation notes issued under the authority of
 2212 Chapter 11, Part 6, 2002 Highway General Obligation Bond Anticipation Notes for
 2213 Salt Lake County, and all related engineering, architectural, and legal fees.
- 2214 (d) Bond proceeds may not be expended on the State Street Reconstruction: 7800 to
 2215 8000 South project until the Transportation Commission has received the
 2216 certification required by Subsection (2)(b) from the Utah Transit Authority.
- 2217 (e) As the following projects or future projects identified by Salt Lake County and the
 2218 Legislature are prepared and ready for construction by the Department of
 2219 Transportation, it is the intent of the Legislature that they will be accelerated and
 2220 funded from future general obligation bonds issued in anticipation of receiving debt
 2221 service funds from the amount described in Subsection 59-12-2214(3)(b) and from
 2222 other funding sources available to the Department of Transportation[~~including~~
 2223 ~~money available from the Centennial Highway Fund and the Statewide~~
 2224 ~~Transportation Improvement Plan~~]:
- 2225 (i) 5600 West Reconstruction: 4500 South to 7000 South;
 2226 (ii) Redwood Road: 12600 South to Bangerter Highway;
 2227 (iii) I-15: Beck Street Overpass;
 2228 (iv) I-215: 4700 South to SR-201;
 2229 (v) acquisition of rights-of-way for the Western Transportation Corridor;
 2230 (vi) 11400 South: I-15 to Redwood Road; and
 2231 (vii) State Street Reconstruction 6400 South to 7800 South and 8000 South to 9000
 2232 South.
- 2233 (3) If any portion of the proceeds of the tax paid to the state are not required to pay
 2234 principal, interest, and issuance costs of the bonds and the principal, interest, and
 2235 issuance costs of the bond have been paid off, or if, after completion of the projects
 2236 authorized under Subsection (2)(a) and payment of the costs of issuing and selling the
 2237 bonds under Section 63B-11-503, any bond proceeds remain unexpended, the

2238 Department of Transportation may use those unexpended proceeds to pay all or part of
2239 the costs of construction projects in Salt Lake County that have been approved and
2240 prioritized by the Transportation Commission.

2241 (4) The commission, by resolution, or the state treasurer may make any statement of intent
2242 relating to a reimbursement that is necessary or desirable to comply with federal tax law.

2243 (5) The Department of Transportation may enter into agreements related to the projects
2244 before the receipt of proceeds of bonds issued under this chapter.

2245 Section 19. Section **63B-31-101** is amended to read:

2246 **63B-31-101 (Effective 05/07/25). General obligation bonds -- Maximum amount**
2247 **-- Use of proceeds for projects.**

2248 (1)(a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued
2249 under this section may not exceed \$264,000,000 for acquisition and construction
2250 proceeds, plus additional amounts as provided in Subsection (1)(b).

2251 (b) When the Department of Transportation certifies to the commission the amount of
2252 bond proceeds needed to provide funding for the projects described in this section,
2253 the commission may issue and sell general obligation bonds in an amount equal to
2254 the certified amount, plus additional amounts necessary to pay costs of issuance, to
2255 pay capitalized interest, and to fund any existing debt service reserve requirements,
2256 not to exceed 1% of the certified amount.

2257 (c) The commission may not issue general obligation bonds authorized under this
2258 section if the issuance of the general obligation bonds would result in the total current
2259 outstanding general obligation debt of the state exceeding 50% of the limitation
2260 described in the Utah Constitution, Article XIV, Section 1.

2261 (2) Proceeds from the bonds issued under this section shall be provided to the Department
2262 of Transportation to pay for, or to provide funds in accordance with this section to pay
2263 for, the costs of right-of-way acquisition, construction, reconstruction, renovations, or
2264 improvements with respect to projects described in this section.

2265 (3) It is the intent of the Legislature that as transportation projects are prioritized under
2266 Section 72-2-124, the Transportation Commission give consideration to projects beyond
2267 the normal programming horizon.

2268 (4)(a) Two hundred thirty-two million dollars of the proceeds of bonds issued under this
2269 section shall be used to double track strategic sections of the FrontRunner commuter
2270 rail system, to be repaid from the Transit Transportation Investment Fund under
2271 Subsection [~~72-2-124(9)~~] 72-2-124(10).

- 2272 (b) The issuance of the bonds for the purpose described in Subsection (4)(a) is
2273 contingent upon the establishment of an agreement between the Department of
2274 Transportation and the Utah Transit Authority whereby the Utah Transit Authority
2275 agrees to pay \$5,000,000 per year for 15 years toward repayment of the bonds.
- 2276 (5)(a) Twenty-nine million dollars of the proceeds of bonds issued under this section
2277 shall be provided to the Department of Transportation to pass through to Brigham
2278 City to be used for a Forest Street rail bridge project in Brigham City.
- 2279 (b) Payments shall be made from the Rail Transportation Restricted Account created in
2280 Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(c), in
2281 the amount per year of the principal and interest payments due under the bonds
2282 issued under Subsection (5)(a) until those bonds have been repaid in full.
- 2283 (6)(a) Three million dollars of the proceeds of bonds issued under this section shall be
2284 provided to the Department of Transportation to pass through to the city of North Salt
2285 Lake for an environmental study for a grade separation at 1100 North in North Salt
2286 Lake.
- 2287 (b) Payments shall be made from the Rail Transportation Restricted Account created in
2288 Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(b), in
2289 the amount per year of the principal and interest payments due under the bonds
2290 issued under Subsection (6)(a) until those bonds have been repaid in full.
- 2291 (7) The costs under Subsection (2) may include the costs of studies necessary to make
2292 transportation infrastructure improvements, the costs of acquiring land, interests in land,
2293 and easements and rights-of-way, the costs of improving sites and making all
2294 improvements necessary, incidental, or convenient to the facilities, and the costs of
2295 interest estimated to accrue on these bonds during the period to be covered by
2296 construction of the projects plus a period of six months after the end of the construction
2297 period, interest estimated to accrue on any bond anticipation notes issued under the
2298 authority of this title, and all related engineering, architectural, and legal fees.
- 2299 (8) The commission or the state treasurer may make any statement of intent relating to a
2300 reimbursement that is necessary or desirable to comply with federal tax law.
- 2301 (9) The Department of Transportation may enter into agreements related to the projects
2302 described in Subsection (4) before the receipt of proceeds of bonds issued under this
2303 section.
- 2304 Section 20. Section **63J-3-103** is amended to read:
2305 **63J-3-103 (Effective 05/07/25). Definitions.**

- 2306 As used in this chapter:
- 2307 (1)(a) "Appropriations" means actual unrestricted capital and operating appropriations
- 2308 from unrestricted General Fund and Income Tax Fund sources.
- 2309 (b) "Appropriations" includes appropriations that are contingent upon available
- 2310 surpluses in the General Fund and Income Tax Fund.
- 2311 (c) "Appropriations" does not mean:
- 2312 (i) public education expenditures;
- 2313 (ii) Utah Education and Telehealth Network expenditures in support of public
- 2314 education;
- 2315 (iii) Utah Board of Higher Education expenditures in support of public education;
- 2316 (iv) State Tax Commission expenditures related to collection of income taxes in
- 2317 support of public education;
- 2318 (v) debt service expenditures;
- 2319 (vi) emergency expenditures;
- 2320 (vii) expenditures from all other fund or subfund sources;
- 2321 (viii) transfers or appropriations from the Income Tax Fund to the Uniform School
- 2322 Fund;
- 2323 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve
- 2324 Account established in Section 63J-1-312;
- 2325 (x) transfers into, or appropriations made to, the Income Tax Fund Budget Reserve
- 2326 Account established in Section 63J-1-313;
- 2327 (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to
- 2328 the Wildland Fire Suppression Fund created in Section 65A-8-204, the
- 2329 Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund created
- 2330 in Section 65A-8-215, or the State Disaster Recovery Restricted Account created
- 2331 in Section 53-2a-603;
- 2332 (xii) money appropriated to fund the total one-time project costs for the construction
- 2333 of capital development projects as defined in Section 63A-5b-401;
- 2334 [~~(xiii) transfers or deposits into or appropriations made to the Centennial Highway~~
- 2335 ~~Fund created by Section 72-2-118;~~]
- 2336 [~~(xiv)~~] (xiii) transfers or deposits into or appropriations made to the Transportation
- 2337 Investment Fund of 2005 created by Section 72-2-124;
- 2338 [~~(xv)~~] (xiv) transfers or deposits into or appropriations made to:
- 2339 (A) the Department of Transportation from any source; or

- 2340 (B) any transportation-related account or fund from any source; or
2341 [~~(xvi)~~] (xv) supplemental appropriations from the General Fund to the Division of
2342 Forestry, Fire, and State Lands to provide money for wildland fire control
2343 expenses incurred during the current or previous fire years.
- 2344 (2) "Base year real per capita appropriations" means the result obtained for the state by
2345 dividing the fiscal year 1985 actual appropriations of the state less debt money by:
2346 (a) the state's July 1, 1983 population; and
2347 (b) the fiscal year 1983 inflation index divided by 100.
- 2348 (3) "Calendar year" means the time period beginning on January 1 of any given year and
2349 ending on December 31 of the same year.
- 2350 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate
2351 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special
2352 Session, Chapter 4.
- 2353 (5) "Fiscal year" means the time period beginning on July 1 of any given year and ending
2354 on June 30 of the subsequent year.
- 2355 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital
2356 and operations appropriations from General Fund and non-Uniform School Fund income
2357 tax revenue sources, less debt money.
- 2358 (7) "Inflation index" means the change in the general price level of goods and services as
2359 measured by the Gross National Product Implicit Price Deflator of the Bureau of
2360 Economic Analysis, U.S. Department of Commerce calculated as provided in Section
2361 63J-3-202.
- 2362 (8)(a) "Maximum allowable appropriations limit" means the appropriations that could
2363 be, or could have been, spent in any given year under the limitations of this chapter.
2364 (b) "Maximum allowable appropriations limit" does not mean actual appropriations
2365 spent or actual expenditures.
- 2366 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two
2367 fiscal years previous to the fiscal year for which the maximum allowable inflation and
2368 population appropriations limit is being computed under this chapter.
- 2369 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal years
2370 previous to the fiscal year for which the maximum allowable inflation and population
2371 appropriations limit is being computed under this chapter.
- 2372 (11) "Population" means the number of residents of the state as of July 1 of each year as
2373 calculated by the Governor's Office of Planning and Budget according to the procedures

2374 and requirements of Section 63J-3-202.

2375 (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and other
2376 monetary exaction and interest connected with it that are recorded as unrestricted
2377 revenue of the General Fund and from non-Uniform School Fund income tax revenues,
2378 except as specifically exempted by this chapter.

2379 (13) "Security" means any bond, note, warrant, or other evidence of indebtedness, whether
2380 or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an
2381 "indebtedness" within the meaning of any provision of the constitution or laws of this
2382 state.

2383 Section 21. Section **72-1-201** is amended to read:

2384 **72-1-201 (Effective 05/07/25). Creation of Department of Transportation --**
2385 **Functions, powers, duties, rights, and responsibilities.**

2386 (1) There is created the Department of Transportation which shall:

- 2387 (a) have the general responsibility for planning, research, design, construction,
2388 maintenance, security, and safety of state transportation systems;
- 2389 (b) provide administration for state transportation systems and programs;
- 2390 (c) implement the transportation policies of the state;
- 2391 (d) plan, develop, construct, and maintain state transportation systems that are safe,
2392 reliable, environmentally sensitive, and serve the needs of the traveling public,
2393 commerce, and industry;
- 2394 (e) establish standards and procedures regarding the technical details of administration
2395 of the state transportation systems as established by statute and administrative rule;
- 2396 (f) advise the governor and the Legislature about state transportation systems needs;
- 2397 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective
2398 installation, maintenance, operation, relocation, and upgrade of utilities within state
2399 highway rights-of-way;
- 2400 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2401 make rules for the administration of the department, state transportation systems, and
2402 programs;
- 2403 (i) jointly with the commission annually report to the Transportation Interim Committee,
2404 by November 30 of each year, as to the operation, maintenance, condition, mobility,
2405 safety needs, and wildlife and livestock mitigation for state transportation systems;
- 2406 (j) ensure that any training or certification required of a public official or public
2407 employee, as those terms are defined in Section 63G-22-102, complies with Title

- 2408 63G, Chapter 22, State Training and Certification Requirements, if the training or
2409 certification is required:
- 2410 (i) under this title;
- 2411 (ii) by the department; or
- 2412 (iii) by an agency or division within the department;
- 2413 (k) study and make recommendations to the Legislature on potential managed lane use
2414 and implementation on selected transportation systems within the state;
- 2415 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division created
2416 in Section 53-8-103 regarding:
- 2417 (i) future highway projects that will add additional capacity to the state transportation
2418 system;
- 2419 (ii) potential changes in law enforcement responsibilities due to future highway
2420 projects; and
- 2421 (iii) incident management services on state highways; and
- 2422 (m) provide public transit services, in consultation with any relevant public transit
2423 provider.
- 2424 (2) If the department constructs a project that requires an environmental impact statement,
2425 the department may only construct the project as provided in the record of decision
2426 associated with the environmental impact statement.
- 2427 ~~[(2)]~~ (3)(a) The department shall exercise reasonable care in designing, constructing, and
2428 maintaining a state highway in a reasonably safe condition for travel.
- 2429 (b) Nothing in this section shall be construed as:
- 2430 (i) creating a private right of action; or
- 2431 (ii) expanding or changing the department's common law duty as described in
2432 Subsection ~~[(2)(a)]~~ (3)(a) for liability purposes.
- 2433 Section 22. Section **72-1-212** is amended to read:
- 2434 **72-1-212 (Effective 05/07/25). Special use permitting -- Rulemaking.**
- 2435 (1) As used in this section:
- 2436 (a) "Law enforcement agency" means the same as that term is defined in Section [
2437 ~~53-3-102~~] 53-1-102.
- 2438 (b) "Special use permit" means a permit issued:
- 2439 (i) for a special use or a special event that takes place on a highway; or
- 2440 (ii) to a law enforcement agency to install an automatic license plate reader on a state
2441 highway for the purpose of capturing license plate data of vehicles traveling on a

2442 state highway, regardless of whether the device is installed on property owned by
2443 the department or the law enforcement agency.

2444 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in
2445 consultation with representatives of the Utah League of Cities and Towns and the Utah
2446 Association of Counties, the department shall make rules that are not inconsistent with
2447 this chapter or the constitution and laws of this state or of the United States governing
2448 the issuance of a special use permit to maintain public safety and serve the needs of the
2449 traveling public.

2450 (3) The rules described in Subsection (2) may:

- 2451 (a) establish the highways for which the highest number of special use permits are
2452 issued;
- 2453 (b) develop, in consultation with municipalities, a limit on the number of special use
2454 permits that may be issued in any calendar year on a particular highway;
- 2455 (c) require a person to submit an application designated by the department before the
2456 department issues a special use permit;
- 2457 (d) limit the number of special use permits issued on any one day for any specified
2458 location based on a first-come, first-served basis for completed applications;
- 2459 (e) establish criteria for evaluating completed applications, such as historic use, potential
2460 economic benefit, or other relevant factors;
- 2461 (f) specify conditions that are required to be met before a special use permit may be
2462 issued;
- 2463 (g) establish a penalty for failure to fulfill conditions required by the special use permit,
2464 including suspension of the special use permit or suspension of a future special use
2465 permit;
- 2466 (h) require an applicant to obtain insurance for certain special uses or special events; or
- 2467 (i) provide other requirements to maintain public safety and serve the needs of the
2468 traveling public.

2469 (4) The limit on the number of special use permits described in Subsection (3)(b) may not
2470 include:

- 2471 (a) a special use permit issued for a municipality-sponsored special use or special event
2472 on a highway within the jurisdiction of the municipality; or
- 2473 (b) a special use permit issued to a law enforcement agency to install a device as part of
2474 an automatic license plate reader system authorized by Section 41-6a-2003.

2475 (5) The rules described in Subsection (2) shall consider:

- 2476 (a) traveler safety and mobility;
- 2477 (b) the safety of special use or special event participants;
- 2478 (c) emergency access;
- 2479 (d) the mobility of residents close to the event or use;
- 2480 (e) access and economic impact to businesses affected by changes to the normal
- 2481 operation of highway traffic;
- 2482 (f) past performance of an applicant's adherence to special use permit requirements; and
- 2483 (g) whether a law enforcement agency applying for a special use permit has published a
- 2484 policy online as required by Section 41-6a-2003.
- 2485 (6) Notwithstanding any other provision of this chapter, the department may also require a
- 2486 law enforcement agency applying for a special use permit described in this section to
- 2487 obtain an encroachment permit.
- 2488 (7) The department shall adopt a fee schedule in accordance with Section 63J-1-504 that
- 2489 reflects the cost of services provided by the department associated with special use
- 2490 permits and with special uses or special events that take place on a highway.
- 2491 (8) For a device installed in accordance with Section 41-6a-2003, the installation,
- 2492 maintenance, data collection, and removal are the responsibility of the law enforcement
- 2493 agency that obtains the special use permit.
- 2494 (9)(a) The department shall preserve a record of special use permits issued to a law
- 2495 enforcement agency, including the stated purpose for each permit.
- 2496 (b) The department shall preserve a record identified in Subsection (9)(a) for at least five
- 2497 years.
- 2498 Section 23. Section **72-1-213.1** is amended to read:
- 2499 **72-1-213.1 (Effective 05/07/25). Road usage charge program.**
- 2500 (1) As used in this section:
- 2501 (a) "Account manager" means an entity under contract with the department to administer
- 2502 and manage the road usage charge program.
- 2503 (b) "Alternative fuel vehicle" means:
- 2504 (i) an electric motor vehicle as defined in Section 41-1a-102; or
- 2505 (ii) a motor vehicle powered exclusively by a fuel other than:
- 2506 (A) motor fuel;
- 2507 (B) diesel fuel;
- 2508 (C) natural gas; or
- 2509 (D) propane.

- 2510 (c) "Payment period" means the interval during which an owner is required to report
2511 mileage and pay the appropriate road usage charge according to the terms of the
2512 program.
- 2513 (d) "Program" means the road usage charge program established and described in this
2514 section.
- 2515 (e) "Road usage charge cap" means the maximum fee charged to a participant in the
2516 program for a registration period.
- 2517 (f) "Road usage charge rate" means the per-mile usage fee charged to a participant in the
2518 program.
- 2519 (2) There is established a road usage charge program as described in this section.
- 2520 (3)(a) The department shall implement and oversee the administration of the program,
2521 which shall begin on January 1, 2020.
- 2522 (b) To implement and administer the program, the department may contract with an
2523 account manager.
- 2524 (4)(a) The owner or lessee of an alternative fuel vehicle may apply for enrollment of the
2525 alternative fuel vehicle in the program.
- 2526 (b) If an application for enrollment into the program is approved by the department, the
2527 owner or lessee of an alternative fuel vehicle may participate in the program in lieu of
2528 paying the fee described in Subsection 41-1a-1206(1)(h) or (2)(b).
- 2529 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
2530 consistent with this section, the department:
- 2531 (a) shall make rules to establish:
- 2532 (i) processes and terms for enrollment into and withdrawal or removal from the
2533 program;
- 2534 (ii) payment periods and other payment methods and procedures for the program;
- 2535 (iii) standards for mileage reporting mechanisms for an owner or lessee of an
2536 alternative fuel vehicle to report mileage as part of participation in the program;
- 2537 (iv) standards for program functions for mileage recording, payment processing,
2538 account management, and other similar aspects of the program;
- 2539 (v) contractual terms between an owner or lessee of an alternative fuel vehicle owner
2540 and an account manager for participation in the program;
- 2541 (vi) contractual terms between the department and an account manager, including
2542 authority for an account manager to enforce the terms of the program;
- 2543 (vii) procedures to provide security and protection of personal information and data

2544 connected to the program, and penalties for account managers for violating
2545 privacy protection rules;

2546 (viii) penalty procedures for a program participant's failure to pay a road usage
2547 charge or tampering with a device necessary for the program; and

2548 (ix) department oversight of an account manager, including privacy protection of
2549 personal information and access and auditing capability of financial and other
2550 records related to administration of the program; and

2551 (b) may make rules to establish:

2552 (i) an enrollment cap for certain alternative fuel vehicle types to participate in the
2553 program;

2554 (ii) a process for collection of an unpaid road usage charge or penalty; or

2555 (iii) integration of the program with other similar programs, such as tolling.

2556 (6) Revenue generated by the road usage charge program and relevant penalties shall be
2557 deposited into the Road Usage Charge Program Special Revenue Fund.

2558 (7)(a) The department may:

2559 (i)(A) impose a penalty for failure to timely pay a road usage charge according to
2560 the terms of the program or tampering with a device necessary for the program;
2561 and

2562 (B) request that the Division of Motor Vehicles place a hold on the registration of
2563 the owner's or lessee's alternative fuel vehicle for failure to pay a road usage
2564 charge or penalty according to the terms of the program;

2565 (ii) send correspondence to the owner of an alternative fuel vehicle to inform the
2566 owner or lessee of:

2567 (A) the road usage charge program, implementation, and procedures;

2568 (B) an unpaid road usage charge and the amount of the road usage charge to be
2569 paid to the department;

2570 (C) the penalty for failure to pay a road usage charge within the time period
2571 described in Subsection (7)(a)(iii); and

2572 (D) a hold being placed on the owner's or lessee's registration for the alternative
2573 fuel vehicle, if the road usage charge and penalty are not paid within the time
2574 period described in Subsection (7)(a)(iii), which would prevent the renewal of
2575 the alternative fuel vehicle's registration; and

2576 (iii) require that the owner or lessee of the alternative fuel vehicle pay the road usage
2577 charge to the department within 30 days of the date when the department sends

- 2578 written notice of the road usage charge to the owner or lessee.
- 2579 (b) The department shall send the correspondence and notice described in Subsection (7)
- 2580 (a) to the owner of the alternative fuel vehicle according to the terms of the program.
- 2581 (8)(a) The Division of Motor Vehicles and the department shall share and provide access
- 2582 to information pertaining to an alternative fuel vehicle and participation in the
- 2583 program including:
- 2584 (i) registration and ownership information pertaining to an alternative fuel vehicle;
- 2585 (ii) information regarding the failure of an alternative fuel vehicle owner or lessee to
- 2586 pay a road usage charge or penalty imposed under this section within the time
- 2587 period described in Subsection (7)(a)(iii); and
- 2588 (iii) the status of a request for a hold on the registration of an alternative fuel vehicle.
- 2589 (b) If the department requests a hold on the registration in accordance with this section,
- 2590 the Division of Motor Vehicles may not renew the registration of a motor vehicle
- 2591 under Title 41, Chapter 1a, Part 2, Registration, until the department withdraws the
- 2592 hold request.
- 2593 (9) The owner of an alternative fuel vehicle may apply for enrollment in the program or
- 2594 withdraw from the program according to the terms established by the department
- 2595 pursuant to rules made under Subsection (5).
- 2596 (10) If enrolled in the program, the owner or lessee of an alternative fuel vehicle shall:
- 2597 (a) report mileage driven as required by the department pursuant to Subsection (5);
- 2598 (b) pay the road usage fee for each payment period in accordance with Subsection (5);
- 2599 and
- 2600 (c) comply with all other provisions of this section and other requirements of the
- 2601 program.
- 2602 (11) The department shall submit annually, on or before October 1, to the Transportation
- 2603 Interim Committee, an electronic report that:
- 2604 (a) states for the preceding fiscal year:
- 2605 (i) the amount of revenue collected from the program;
- 2606 (ii) the participation rate in the program; and
- 2607 (iii) the department's costs to administer the program; and
- 2608 (b) provides for the current fiscal year, an estimate of:
- 2609 (i) the revenue that will be collected from the program;
- 2610 (ii) the participation rate in the program; and
- 2611 (iii) the department's costs to administer the program.

- 2612 (12)(a) Beginning on January 1, 2023:
- 2613 (i) the road usage charge rate is 1.0 cent per mile; and
- 2614 (ii) the road usage charge cap is:
- 2615 (A) \$130.25 for an annual registration period; and
- 2616 (B) \$100.75 for a six-month registration period.
- 2617 (b) Beginning on January 1, 2026:
- 2618 (i) the road usage charge rate is 1.25 cents per mile; and
- 2619 (ii) the road usage charge cap is:
- 2620 (A) \$180 for an annual registration period; and
- 2621 (B) \$139 for a six-month registration period.
- 2622 (c) Beginning on January 1, 2032:
- 2623 (i) the road usage charge rate is 1.5 cents per mile, unless the commission establishes
- 2624 a different road usage charge rate in accordance with Subsection (13); and
- 2625 (ii) the road usage charge cap is:
- 2626 (A) \$240 for an annual registration period; and
- 2627 (B) \$185 for a six-month registration period.
- 2628 (d) Beginning in 2024, the department shall, on January 1, annually adjust the road
- 2629 usage charge rates described in this Subsection (12) by taking the road usage charge
- 2630 rate for the previous year and adding an amount equal to the greater of:
- 2631 (i) an amount calculated by multiplying the road usage charge rate of the previous
- 2632 year by the actual percentage change during the previous fiscal year in the
- 2633 Consumer Price Index as determined by the State Tax Commission; and
- 2634 (ii) 0.
- 2635 (e) Beginning in 2024, the State Tax Commission shall, on January 1, annually adjust
- 2636 the road usage charge caps described in this Subsection (12) by taking the road usage
- 2637 charge cap for the previous year and adding an amount equal to the greater of:
- 2638 (i) an amount calculated by multiplying the road usage charge cap of the previous
- 2639 year by the actual percentage change during the previous fiscal year in the
- 2640 Consumer Price Index; and
- 2641 (ii) 0.
- 2642 (f) The amounts calculated as described in Subsection (12)(d) shall be rounded up to the
- 2643 nearest .01 cent.
- 2644 (g) The amounts calculated as described in Subsection (12)(e) shall be rounded up to the
- 2645 nearest 25 cents.

- 2646 (h) On or before January 1 of each year, the department shall publish:
- 2647 (i) the adjusted road usage charge rate described in Subsection (12)(d); and
- 2648 (ii) adjusted road usage charge cap described in Subsection (12)(e).
- 2649 (13)(a) Beginning January 1, 2032, the commission may establish by rule made in
- 2650 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the road
- 2651 usage charge rate for each type of alternative fuel vehicle.
- 2652 (b)(i) Before making rules in accordance with Subsection (13)(a), the commission
- 2653 shall consult with the department regarding the road usage charge rate for each
- 2654 type of alternative fuel vehicle.
- 2655 (ii) The department shall cooperate with and make recommendations to the
- 2656 commission regarding the road usage charge rate for each type of alternative fuel
- 2657 vehicle.
- 2658 Section 24. Section **72-1-217** is amended to read:
- 2659 **72-1-217 (Effective 05/07/25). Department of Transportation study items.**
- 2660 (1) The department shall carry out transportation studies described in this section as
- 2661 resources allow.
- 2662 (2)(a) The department shall study items related to advanced air mobility as described in
- 2663 this Subsection (2).
- 2664 (b) The department shall study vertiport locations and infrastructure, including:
- 2665 (i) identification of suitable locations for vertiport infrastructure and parking
- 2666 infrastructure for vertiports in metropolitan areas;
- 2667 (ii) identification of commuter rail stations that may be suitable for vertiport
- 2668 placement; and
- 2669 (iii) identification of underutilized parking lots and parking structures for vertiport
- 2670 infrastructure placement.
- 2671 (c) The department shall study best practices and implementation of advanced air
- 2672 mobility technologies, including:
- 2673 (i) seeking input through community engagement;
- 2674 (ii) state and local regulations;
- 2675 (iii) unmanned aircraft system traffic management; and
- 2676 (iv) weather reporting and monitoring for advanced air mobility safety.
- 2677 (d) The department shall study unmanned aircraft traffic management infrastructure,
- 2678 including:
- 2679 (i) unmanned aircraft system traffic management development, implementation,

- 2680 procedures, policies, and infrastructure; and
- 2681 (ii) obtaining a full understanding of unmanned aircraft system traffic management,
- 2682 including:
- 2683 (A) designation of airspace for advanced air mobility;
- 2684 (B) creation of geographic categorical areas;
- 2685 (C) identifying the appropriate number and location of advanced air mobility
- 2686 sensors; and
- 2687 (D) other state specific details regarding unmanned aircraft system traffic
- 2688 management.
- 2689 (e) The department shall study the creation of an advanced air mobility sandbox,
- 2690 including:
- 2691 (i) potential locations for the sandbox testing area and desirable attributes of a
- 2692 suitable sandbox location;
- 2693 (ii) requirements to create a geographical advanced air mobility testing area and the
- 2694 parameters for the types of technology that may be utilized in the testing area; and
- 2695 (iii) testing and studying different types of advanced air mobility transportation of
- 2696 manned and unmanned aerial vehicles, including:
- 2697 (A) aerial vehicle size;
- 2698 (B) aerial vehicles that carry cargo, including medical cargo;
- 2699 (C) commercial aerial vehicles; and
- 2700 (D) public transportation aerial vehicles.
- 2701 (f) On or before September 30, 2023, the department shall provide a report to the
- 2702 Transportation Interim Committee of the department's findings from the study items
- 2703 described in Subsections (2)(b) through (2)(e).
- 2704 (g) The department may only use existing funds to cover the expenses incurred from the
- 2705 study of items described in Subsections (2)(b) through (2)(e).
- 2706 (3)(a) The department and a large public transit district shall jointly study programs
- 2707 offered by government entities related to human services transportation, including:
- 2708 (i) coordinated mobility services;
- 2709 (ii) paratransit services;
- 2710 (iii) nonemergency medical transportation;
- 2711 (iv) youth transportation programs, excluding school bus transportation; and
- 2712 (v) other similar fare-based or fee-based programs provided or coordinated within the
- 2713 boundary of the large public transit district, including those involving the

2714 department, a large public transit district, local governments, or other government
2715 agencies and nonprofit entities that provide similar services.

2716 (b) The study shall evaluate strategies to consolidate the transportation services
2717 described in Subsection (3)(a) to improve efficiency and service.

2718 (c) The department and large public transit district shall:

2719 (i) provide a preliminary report on the study to the Transportation Interim Committee
2720 on or before November 1, 2025; and

2721 (ii) prepare and present recommendations to the Transportation Interim Committee
2722 on or before November 1, 2026, for the consolidation of the services described in
2723 Subsection (3)(a).

2724 Section 25. Section **72-1-303** is amended to read:

2725 **72-1-303 (Effective 05/07/25). Duties of commission.**

2726 (1) The commission has the following duties:

2727 (a) determining priorities and funding levels of projects and programs in the state
2728 transportation systems and the capital development of new public transit facilities for
2729 each fiscal year based on project lists compiled by the department and taking into
2730 consideration the strategic initiatives described in Section 72-1-211;

2731 (b) determining additions and deletions to state highways under Chapter 4, Designation
2732 of State Highways Act;

2733 (c) holding public meetings and otherwise providing for public input in transportation
2734 matters;

2735 (d) making policies and rules in accordance with Title 63G, Chapter 3, Utah
2736 Administrative Rulemaking Act, necessary to perform the commission's duties
2737 described under this section;

2738 (e) in accordance with Section 63G-4-301, reviewing orders issued by the executive
2739 director in adjudicative proceedings held in accordance with Title 63G, Chapter 4,
2740 Administrative Procedures Act;

2741 (f) advising the department on state transportation systems policy;

2742 (g) approving settlement agreements of condemnation cases subject to Section
2743 63G-10-401;

2744 (h) in accordance with Section 17B-2a-807, appointing a commissioner to serve as a
2745 nonvoting member or a voting member on the board of trustees of a public transit
2746 district;

2747 (i) in accordance with Section 17B-2a-808, reviewing, at least annually, the short-term

- 2748 and long-range public transit plans;
- 2749 (j) determining the priorities and funding levels of public transit innovation grants, as
- 2750 defined in Section 72-2-401; and
- 2751 (k) reviewing administrative rules made, substantively amended, or repealed by the
- 2752 department.
- 2753 (2)(a) For projects prioritized with funding provided under Sections 72-2-124 and
- 2754 72-2-125, the commission shall annually report to~~[a committee designated by the~~
- 2755 ~~Legislative Management Committee]~~ the Transportation and Infrastructure
- 2756 Appropriations Subcommittee:
- 2757 (i) a prioritized list of the new transportation capacity projects in the state
- 2758 transportation system and the funding levels available for those projects; and
- 2759 (ii) the unfunded highway construction and maintenance needs within the state.
- 2760 (b) The ~~[committee designated by the Legislative Management Committee under~~
- 2761 ~~Subsection (2)(a)]~~ Transportation and Infrastructure Appropriations Subcommittee
- 2762 shall:
- 2763 (i) review the list reported by the Transportation Commission; and
- 2764 (ii) make a recommendation to the Legislature on:
- 2765 (A) the amount of additional funding to allocate to transportation; and
- 2766 (B) the source of revenue for the additional funding allocation under Subsection
- 2767 (2)(b)(ii)(A).
- 2768 (3) The commission shall review and may approve plans for the construction of a highway
- 2769 facility over sovereign lakebed lands in accordance with Chapter 6, Part 3, Approval of
- 2770 Highway Facilities on Sovereign Lands Act.
- 2771 (4) One or more associations representing airport operators or pilots in the state shall
- 2772 annually report to the commission recommended airport improvement projects and any
- 2773 other information related to the associations' expertise and relevant to the commission's
- 2774 duties.
- 2775 Section 26. Section **72-1-304** is amended to read:
- 2776 **72-1-304 (Effective 05/07/25). Written project prioritization process for new**
- 2777 **transportation capacity projects -- Rulemaking.**
- 2778 (1)(a) The Transportation Commission, in consultation with the department and the
- 2779 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a
- 2780 written prioritization process for the prioritization of:
- 2781 (i) new transportation capacity projects that are or will be part of the state highway

- 2782 system under Chapter 4, Part 1, State Highways;
- 2783 (ii) paved pedestrian or paved nonmotorized transportation projects described in
- 2784 Section 72-2-124;
- 2785 (iii) public transit projects that directly add capacity to the public transit systems
- 2786 within the state, not including facilities ancillary to the public transit system; and
- 2787 (iv) pedestrian or nonmotorized transportation projects that provide connection to a
- 2788 public transit system.
- 2789 (b)(i) A local government or public transit district may nominate a project for
- 2790 prioritization in accordance with the process established by the commission in rule.
- 2791 (ii) If a local government or public transit district nominates a project for
- 2792 prioritization by the commission, the local government or public transit district
- 2793 shall provide data and evidence to show that:
- 2794 (A) the project will advance the purposes and goals described in Section 72-1-211;
- 2795 (B) for a public transit project, the local government or public transit district has
- 2796 an ongoing funding source for operations and maintenance of the proposed
- 2797 development; and
- 2798 (C) the local government or public transit district will provide the percentage of
- 2799 the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or [
- 2800 ~~72-2-124(9)(e)~~ 72-2-124(10)(e).
- 2801 (2) The following shall be included in the written prioritization process under Subsection
- 2801a (1):
- 2802 (a) a description of how the strategic initiatives of the department adopted under Section
- 2803 72-1-211 are advanced by the written prioritization process;
- 2804 (b) a definition of the type of projects to which the written prioritization process applies;
- 2805 (c) specification of a weighted criteria system that is used to rank proposed projects and
- 2806 how it will be used to determine which projects will be prioritized;
- 2807 (d) specification of the data that is necessary to apply the weighted ranking criteria; and
- 2808 (e) any other provisions the commission considers appropriate, which may include
- 2809 consideration of:
- 2810 (i) regional and statewide economic development impacts, including improved local
- 2811 access to:
- 2812 (A) employment;
- 2813 (B) educational facilities;
- 2814 (C) recreation;

- 2815 (D) commerce; and
- 2816 (E) residential areas, including moderate income housing as demonstrated in the
- 2817 local government's or public transit district's general plan pursuant to Section
- 2818 10-9a-403 or 17-27a-403;
- 2819 (ii) the extent to which local land use plans relevant to a project support and
- 2820 accomplish the strategic initiatives adopted under Section 72-1-211; and
- 2821 (iii) any matching funds provided by a political subdivision or public transit district
- 2822 in addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii)
- 2823 and ~~72-2-124(9)(e)~~ 72-2-124(10)(e).
- 2824 (3)(a) When prioritizing a public transit project that increases capacity, the commission:
- 2825 (i) may give priority consideration to projects that are part of a transit-oriented
- 2826 development or transit-supportive development as defined in Section 17B-2a-802;
- 2827 and
- 2828 (ii) shall give priority consideration to projects that are within the boundaries of a
- 2829 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3,
- 2830 Part 6, Housing and Transit Reinvestment Zone Act.
- 2831 (b) When prioritizing a transportation project that increases capacity, the commission
- 2832 may give priority consideration to projects that are:
- 2833 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:
- 2834 (A) the state is a participant in the transportation reinvestment zone; or
- 2835 (B) the commission finds that the transportation reinvestment zone provides a
- 2836 benefit to the state transportation system; or
- 2837 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant
- 2838 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- 2839 (c) If the department receives a notice of prioritization for a municipality as described in
- 2840 Subsection 10-9a-408(5), or a notice of prioritization for a county as described in
- 2841 Subsection 17-27a-408(5), the commission may give priority consideration to
- 2842 transportation projects that are within the boundaries of the municipality or the
- 2843 unincorporated areas of the county until the department receives notification from the
- 2844 Housing and Community Development Division within the Department of Workforce
- 2845 Services that the municipality or county no longer qualifies for prioritization under
- 2846 this Subsection (3)(c).
- 2847 (d) When prioritizing a transportation project described in Subsection (1)(a)(ii) or (iv),
- 2848 the commission may give priority consideration to projects that improve connectivity

2849 pursuant to Section 10-8-87.

2850 (4) In developing the written prioritization process, the commission:

2851 (a) shall seek and consider public comment by holding public meetings at locations
2852 throughout the state; and

2853 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
2854 the state provides an equal opportunity to raise local matching dollars for state
2855 highway improvements within each county.

2856 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2857 Transportation Commission, in consultation with the department, shall make rules
2858 establishing the written prioritization process under Subsection (1).

2859 (6) The commission shall submit the proposed rules under this section to [~~a committee or~~
2860 ~~task force designated by the Legislative Management Committee]~~ the Transportation
2861 Interim Committee for review prior to taking final action on the proposed rules or any
2862 proposed amendment to the rules described in Subsection (5).

2863 Section 27. Section **72-1-305** is amended to read:

2864 **72-1-305 (Effective 05/07/25). Project selection using the written prioritization**
2865 **process -- Public comment -- Report.**

2866 (1) Except as provided in Subsection (4), in determining priorities and funding levels of
2867 projects in the state transportation system under Subsection 72-1-303(1)(a) that are new
2868 transportation capacity projects, the commission shall use the weighted criteria system
2869 adopted in the written prioritization process under Section 72-1-304.

2870 (2) Prior to finalizing priorities and funding levels of projects in the state transportation
2871 system, the commission shall conduct public meetings at locations around the state and
2872 accept public comments on:

2873 (a) the written prioritization process;

2874 (b) the merits of new transportation capacity projects that will be prioritized under this
2875 section; and

2876 (c) the merits of new transportation capacity projects as recommended by a consensus of
2877 local elected officials participating in a metropolitan planning organization as defined
2878 in Section 72-1-208.5.

2879 (3) The commission shall make the weighted criteria system ranking for each project
2880 publicly available prior to the public meetings held under Subsection (2).

2881 (4)(a) If the commission prioritizes a project over another project with a higher rank
2882 under the weighted criteria system, the commission shall identify the change and

2883 accept public comment at a meeting held under this section on the merits of
2884 prioritizing the project above higher ranked projects.

2885 (b) The commission shall make the reasons for the prioritization under Subsection (4)(a)
2886 publicly available.

2887 (5)(a) The executive director or the executive director's designee shall report annually to
2888 the governor and ~~[a committee designated by the Legislative Management Committee]~~
2889 the Transportation Interim Committee no later than the last day of October:

2890 (i) the projects prioritized under this section during the year prior to the report; and
2891 (ii) the status and progress of all projects prioritized under this section.

2892 (b) Annually, before any funds are programmed and allocated from the Transit
2893 Transportation Investment Fund created in Section 72-2-124 for each fiscal year, the
2894 executive director or the executive director's designee, along with the executive
2895 director of a large public transit district as described in Section 17B-2a-802, shall
2896 report to the governor and ~~[a committee designated by the Legislative Management~~
2897 ~~Committee]~~ the Transportation Interim Committee no later than the last day of
2898 October:

2899 (i) the public transit projects prioritized under this section during the year prior to the
2900 report; and
2901 (ii) the status and progress of all public transit projects prioritized under this section.

2902 (6) The department shall annually report to the Transportation Commission on the status of
2903 new capacity transportation projects, including projects that were funded by the
2904 Legislature in an appropriations act.

2905 Section 28. Section **72-2-106** is amended to read:

2906 **72-2-106 (Effective 07/01/25). Appropriation and transfers from Transportation**
2907 **Fund.**

2908 (1) On and after July 1, 1981, there is appropriated from the Transportation Fund to the use
2909 of the department an amount equal to two-elevenths of the taxes collected from the
2910 motor fuel tax and the special fuel tax, exclusive of the formula amount appropriated for
2911 class B and class C roads, to be used for highway rehabilitation.

2912 ~~[(2) For a fiscal year beginning on or after July 1, 2016, the Division of Finance shall~~
2913 ~~annually transfer an amount equal to the amount of revenue generated by a tax imposed~~
2914 ~~on motor and special fuel that is sold, used, or received for sale or used in this state at a~~
2915 ~~rate of 1.8 cents per gallon to the Transportation Investment Fund of 2005 created by~~
2916 ~~Section 72-2-124.]~~

2917 ~~[(3)]~~ (2) For a fiscal year beginning on or after July 1, 2019, the Division of Finance shall
 2918 annually transfer to the Transportation Investment Fund of 2005 created by Section
 2919 72-2-124 an amount that is equal to 35% of the amount of revenue generated in the
 2920 current fiscal year by the portion of the tax imposed on motor and special fuel that is
 2921 sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.

2922 ~~[(4)]~~ (3) For purposes of the calculation described in Subsection 59-12-103(7)(c), the
 2923 Division of Finance shall notify the State Tax Commission of the amount of any transfer
 2924 made under ~~[Subsections (2) and (3)]~~ Subsection (2).

2925 Section 29. Section **72-2-121** is amended to read:

2926 **72-2-121 (Effective upon governor's approval). County of the First Class**
 2927 **Highway Projects Fund.**

2928 (1) There is created a special revenue fund within the Transportation Fund known as the
 2929 "County of the First Class Highway Projects Fund."

2930 (2) The fund consists of money generated from the following revenue sources:

2931 (a) any voluntary contributions received for new construction, major renovations, and
 2932 improvements to highways within a county of the first class;

2933 (b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b)
 2934 deposited into or transferred to the fund;

2935 (c) the portion of the sales and use tax described in Section 59-12-2217 deposited into or
 2936 transferred to the fund;

2937 (d) a portion of the local option highway construction and transportation corridor
 2938 preservation fee imposed in a county of the first class under Section 41-1a-1222
 2939 deposited into or transferred to the fund; and

2940 (e) the portion of the sales and use tax transferred into the fund as described in
 2941 Subsections 59-12-2220(4)(a) and 59-12-2220(11)(b).

2942 (3)(a) The fund shall earn interest.

2943 (b) All interest earned on fund money shall be deposited into the fund.

2944 (4) Subject to Subsection (11), the executive director shall use the fund money only:

2945 (a) to pay debt service and bond issuance costs for bonds issued under Sections
 2946 63B-16-102, 63B-18-402, and 63B-27-102;

2947 (b) for right-of-way acquisition, new construction, major renovations, and improvements
 2948 to highways within a county of the first class and to pay any debt service and bond
 2949 issuance costs related to those projects, including improvements to a highway located
 2950 within a municipality in a county of the first class where the municipality is located

- 2951 within the boundaries of more than a single county;
- 2952 (c) for the construction, acquisition, use, maintenance, or operation of:
- 2953 (i) an active transportation facility for nonmotorized vehicles;
- 2954 (ii) multimodal transportation that connects an origin with a destination; or
- 2955 (iii) a facility that may include a:
- 2956 (A) pedestrian or nonmotorized vehicle trail;
- 2957 (B) nonmotorized vehicle storage facility;
- 2958 (C) pedestrian or vehicle bridge; or
- 2959 (D) vehicle parking lot or parking structure;
- 2960 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by
- 2961 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the
- 2962 amounts transferred in accordance with Subsection [72-2-124(4)(a)(iv)]
- 2963 72-2-124(4)(a)(v);
- 2964 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond
- 2965 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the
- 2966 projects described in Subsection 63B-18-401(4)(a);
- 2967 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has
- 2968 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in
- 2969 the fund, to transfer an amount equal to 50% of the revenue generated by the local
- 2970 option highway construction and transportation corridor preservation fee imposed
- 2971 under Section 41-1a-1222 in a county of the first class:
- 2972 (i) to the legislative body of a county of the first class; and
- 2973 (ii) to be used by a county of the first class for:
- 2974 (A) highway construction, reconstruction, or maintenance projects; or
- 2975 (B) the enforcement of state motor vehicle and traffic laws;
- 2976 (g) for a fiscal year beginning on or after July 1, 2015, after the department has verified
- 2977 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund
- 2978 and the transfer under Subsection (4)(e) has been made, to annually transfer an
- 2979 amount of the sales and use tax revenue imposed in a county of the first class and
- 2980 deposited into the fund in accordance with Subsection 59-12-2214(3)(b) equal to an
- 2981 amount needed to cover the debt to:
- 2982 (i) the appropriate debt service or sinking fund for the repayment of bonds issued
- 2983 under Section 63B-27-102; and
- 2984 (ii) the appropriate debt service or sinking fund for the repayment of bonds issued

2985 under Sections 63B-31-102 and 63B-31-103;

2986 (h) after the department has verified that the amount required under Subsection

2987 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection

2987a (4)(d),

2988 the payment under Subsection (4)(e), and the transfer under Subsection (4)(g)(i) has

2989 been made, to annually transfer \$2,000,000 to a public transit district in a county of

2990 the first class to fund a system for public transit;

2991 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified

2992 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund

2993 and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e),

2994 and the transfer under Subsection (4)(g)(i) has been made, to annually transfer 20%

2995 of the amount deposited into the fund under Subsection (2)(b):

2996 (i) to the legislative body of a county of the first class; and

2997 (ii) to fund parking facilities in a county of the first class that facilitate significant

2998 economic development and recreation and tourism within the state;

2999 (j) subject to Subsection (5), for a fiscal year beginning on or after July 1, 2021, and for

3000 15 years thereafter, to annually transfer the following amounts to the following cities

3001 and the county of the first class for priority projects to mitigate congestion and

3002 improve transportation safety:

3003 (i) \$2,000,000 to Sandy;

3004 (ii) \$2,300,000 to Taylorsville;

3005 (iii) \$1,100,000 to Salt Lake City;

3006 (iv) \$1,100,000 to West Jordan;

3007 (v) \$1,100,000 to West Valley City;

3008 (vi) \$800,000 to Herriman;

3009 (vii) \$700,000 to Draper;

3010 (viii) \$700,000 to Riverton;

3011 (ix) \$700,000 to South Jordan;

3012 (x) \$500,000 to Bluffdale;

3013 (xi) \$500,000 to Midvale;

3014 (xii) \$500,000 to Millcreek;

3015 (xiii) \$500,000 to Murray;

3016 (xiv) \$400,000 to Cottonwood Heights; and

3017 (xv) \$300,000 to Holladay; and

3018 (k) for the 2024-25 and 2025-26 fiscal years, and subject to revenue balances after the
3019 distributions under Subsection (4)(j), to reimburse the following municipalities for
3020 the amounts and projects indicated, as each project progresses and as revenue
3021 balances allow:

3022 (i) \$3,200,000 to South Jordan for improvements to Bingham Rim Road from
3023 Grandville Avenue to Mountain View Corridor;

3024 (ii) \$1,960,000 to Midvale for improvements to Center Street between State Street
3025 and 700 West;

3026 (iii) \$3,500,000 to Salt Lake City for first and last mile public transit improvements
3027 throughout Salt Lake City;

3028 (iv) \$1,500,000 to Cottonwood Heights for improvements to Fort Union Boulevard
3029 and 2300 East;

3030 (v) \$3,450,000 to Draper for improvements to Bangerter Highway between 13800
3031 South and I-15;

3032 (vi) \$10,500,000 to Herriman to construct a road between U-111 and 13200 South;

3033 (vii) \$3,000,000 to West Jordan for improvements to 1300 West;

3034 (viii) \$1,050,000 to Riverton for improvements to the Welby Jacob Canal trail
3035 between 11800 South and 13800 South;

3036 (ix) \$3,500,000 to Taylorsville for improvements to Bangerter Highway and 4700
3037 South;

3038 (x) \$470,000 to the department for construction of a sound wall on Bangerter
3039 Highway at approximately 11200 South;

3040 (xi) \$1,250,000 to Murray for improvements to Murray Boulevard between 4800
3041 South and 5300 South;

3042 [~~(xii)~~ ~~\$1,450,000 to West Valley for construction of a road connecting 5400 South to~~
3043 ~~U-111;~~]

3044 [~~(xiii)~~] (xii) \$1,840,000 to Magna for construction and improvements to 8400 West
3045 and 4100 South;

3046 [~~(xiv)~~] (xiii) \$1,000,000 to South Jordan for construction of arterial roads connecting
3047 U-111 and Old Bingham Highway;

3048 [~~(xv)~~] (xiv) \$1,200,000 to Millcreek for reconstruction of and improvements to 2000
3049 East between 3300 South and Atkin Avenue;

3050 [~~(xvi)~~] (xv) \$1,230,000 to Holladay for improvements to Highland Drive between
3051 Van Winkle Expressway and Arbor Lane;

3052 [(xvii)] (xvi) [~~\$1,800,000~~] \$3,250,000 to West Valley City for improvements to 4000
 3053 West between 4100 South and 4700 South and improvements to 4700 South from
 3054 4000 West to Bangerter Highway; ~~§~~ → [{} ← ~~§~~ and ~~§~~ → [{} ← ~~§~~
 3055 [(xviii)] (xvii) \$1,000,000 to Taylorsville for improvements to 4700 South at the I-215
 3056 interchange ~~§~~ → [{} ← ~~§~~ . ~~§~~ → [{}; and]
 3057 [(xviii)] ~~\$4,000,000 to West Jordan and Kearns for sidewalk and wall improvements~~ ← ~~§~~
 3058 ~~§~~ → [on 6200 South between 4800 West and 5600 West.] ← ~~§~~
 3059 (5)(a) If revenue in the fund is insufficient to satisfy all of the transfers described in
 3060 Subsection (4)(j), the executive director shall proportionately reduce the amounts
 3061 transferred as described in Subsection (4)(j).
 3062 (b) A local government may not use revenue described in Subsection (4)(j) to supplant
 3063 existing class B or class C road funds that a local government has budgeted for
 3064 transportation projects.
 3065 (6) The revenues described in Subsections (2)(b), (c), and (d) that are deposited into the
 3066 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402,
 3067 and 63B-27-102 are considered a local matching contribution for the purposes described
 3068 under Section 72-2-123.
 3069 (7) The department may expend up to \$3,000,000 of revenue deposited into the account as
 3070 described in Subsection 59-12-2220(11)(b) for public transit innovation grants, as
 3071 provided in Part 3, Public Transit Innovation Grants.
 3072 (8) The additional administrative costs of the department to administer this fund shall be
 3073 paid from money in the fund.
 3074 (9) Subject to Subsection (11), and notwithstanding any statutory or other restrictions on
 3075 the use or expenditure of the revenue sources deposited into this fund, the Department of
 3076 Transportation may use the money in this fund for any of the purposes detailed in
 3077 Subsection (4).
 3078 (10) Subject to Subsection (11), any revenue deposited into the fund as described in
 3079 Subsection (2)(e) shall be used to provide funding or loans for public transit projects,
 3080 operations, and supporting infrastructure in the county of the first class.
 3081 (11) For the first three years after a county of the first class imposes a sales and use tax
 3082 authorized in Section 59-12-2220, revenue deposited into the fund as described in
 3083 Subsection (2)(e) shall be allocated as follows:
 3084 (a) 10% to the department to construct an express bus facility on 5600 West; and
 3085 (b) 90% into the County of the First Class Infrastructure Bank Fund created in Section

3086 72-2-302.

3087 Section 30. Section **72-2-121.3** is amended to read:

3088 **72-2-121.3 (Effective 05/07/25). Special revenue fund -- 2010 Salt Lake County**
3089 **Revenue Bond Sinking Fund.**

3090 (1) There is created a special revenue fund within the County of the First Class Highway
3091 Projects Fund entitled "2010 Salt Lake County Revenue Bond Sinking Fund."

3092 (2) The fund consists of:

3093 (a) money transferred into the fund from the County of the First Class Highway Projects
3094 Fund in accordance with Subsection 72-2-121(4)(d); and

3095 (b) for a fiscal year beginning on or after July 1, 2013, money transferred into the fund
3096 from the Transportation Investment Fund of 2005 in accordance with Subsection [
3097 72-2-124(4)(a)(iv)] 72-2-124(4)(a)(v).

3098 (3)(a) The fund shall earn interest.

3099 (b) All interest earned on fund money shall be deposited into the fund.

3100 (4)(a) The director of the Division of Finance may use fund money only as provided in
3101 this section.

3102 (b) The director of the Division of Finance may not distribute any money from the fund
3103 under this section until the director has received a formal opinion from the attorney
3104 general that Salt Lake County has entered into a binding agreement with the state of
3105 Utah containing all of the terms required by Section 72-2-121.4.

3106 (c) Except as provided in Subsection (4)(b), and until the bonds issued by Salt Lake
3107 County as provided in the interlocal agreement required by Section 72-2-121.4 are
3108 paid off, on July 1 of each year beginning July 1, 2011, the director of the Division of
3109 Finance shall transfer from the County of the First Class Highway Projects Fund and
3110 the Transportation Investment Fund of 2005 to the 2010 Salt Lake County Revenue
3111 Bond Sinking Fund the amount certified by Salt Lake County that is necessary to pay:

3112 (i) up to two times the debt service requirement necessary to pay debt service on the
3113 revenue bonds issued by Salt Lake County for that fiscal year; and

3114 (ii) any additional amounts necessary to pay costs of issuance, pay capitalized
3115 interest, and fund any debt service reserve requirements.

3116 (d) Except as provided in Subsection (4)(b), and until the bonds issued by Salt Lake
3117 County as provided in the interlocal agreement required by Section 72-2-121.4 are
3118 paid off, the director of the Division of Finance shall, upon request from Salt Lake
3119 County, transfer to Salt Lake County or its designee from the 2010 Salt Lake County

- 3120 Revenue Bond Sinking Fund the amount certified by Salt Lake County as necessary
 3121 to pay:
- 3122 (i) the debt service on the revenue bonds issued by Salt Lake County as provided in
 3123 the interlocal agreement required by Section 72-2-121.4; and
- 3124 (ii) any additional amounts necessary to pay costs of issuance, pay capitalized
 3125 interest, and fund any debt service reserve requirements.
- 3126 (5) Any money remaining in the 2010 Salt Lake County Revenue Bond Sinking Fund at the
 3127 end of the fiscal year lapses to the County of the First Class Highway Projects Fund.
- 3128 Section 31. Section **72-2-123** is amended to read:
- 3129 **72-2-123 (Effective 05/07/25). Rules adopting guidelines -- Partnering to finance**
 3130 **state highway capacity improvements -- Partnering proposals.**
- 3131 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 3132 commission, in consultation with representatives of local government, shall make rules
 3133 adopting guidelines for partnering with counties and municipalities for their help to
 3134 finance state highway improvement projects through:
- 3135 (a) local matching dollars;
- 3136 (b) agreements regarding new revenue a county or municipality expects will be
 3137 generated as a result of the construction of a state highway improvement project; or
- 3138 (c) other local participation methods.
- 3139 (2) The guidelines described in Subsection (1) shall encourage partnering to help finance
 3140 state highway improvement projects and provide for:
- 3141 (a) the consideration of factors relevant to a decision to make a program adjustment
 3142 including the potential to:
- 3143 (i) extend department resources to other needed projects;
- 3144 (ii) alleviate significant existing or future congestion or hazards to the traveling
 3145 public; and
- 3146 (iii) address a need that is widely recognized by the public, elected officials, and
 3147 transportation planners;
- 3148 (b) a process for submitting, evaluating, and hearing partnering proposals; and
- 3149 (c) the creation of a public record of each proposal from initial submission to final
 3150 disposition.
- 3151 (3) The commission shall submit the proposed rules under this section to ~~[a committee or~~
 3152 ~~task force designated by the Legislative Management Committee]~~ the Transportation
 3153 Interim Committee for review prior to taking final action on the proposed rules or any

3154 proposed amendment to the rules.

3155 Section 32. Section **72-2-124** is amended to read:

3156 **72-2-124 (Effective 05/07/25). Transportation Investment Fund of 2005.**

3157 (1) There is created a capital projects fund entitled the Transportation Investment Fund of
3158 2005.

3159 (2) The fund consists of money generated from the following sources:

3160 (a) any voluntary contributions received for the maintenance, construction,
3161 reconstruction, or renovation of state and federal highways;

3162 (b) appropriations made to the fund by the Legislature;

3163 (c) registration fees designated under Section 41-1a-1201;

3164 (d) the sales and use tax revenues deposited into the fund in accordance with Section
3165 59-12-103; and

3166 (e) revenues transferred to the fund in accordance with Section 72-2-106.

3167 (3)(a) The fund shall earn interest.

3168 (b) All interest earned on fund money shall be deposited into the fund.

3169 (4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund
3170 money to pay:

3171 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
3172 federal highways prioritized by the Transportation Commission through the
3173 prioritization process for new transportation capacity projects adopted under
3174 Section 72-1-304;

3175 (ii) the costs of maintenance, construction, reconstruction, or renovation to the
3176 highway projects described in Subsections 63B-18-401(2), (3), and (4);

3177 (iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in
3178 Section 72-5-401;

3179 ~~[(iii)]~~ (iv) principal, interest, and issuance costs of bonds authorized by Section
3180 63B-18-401 minus the costs paid from the County of the First Class Highway
3181 Projects Fund in accordance with Subsection 72-2-121(4)(e);

3182 ~~[(iv)]~~ (v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010
3183 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the
3184 amount certified by Salt Lake County in accordance with Subsection 72-2-121.3
3185 (4)(c) as necessary to pay the debt service on \$30,000,000 of the revenue bonds
3186 issued by Salt Lake County;

3187 ~~[(v)]~~ (vi) principal, interest, and issuance costs of bonds authorized by Section

3188 63B-16-101 for projects prioritized in accordance with Section 72-2-125;
3189 [~~(vi) all highway general obligation bonds that are intended to be paid from revenues~~
3190 ~~in the Centennial Highway Fund created by Section 72-2-118;~~]
3191 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
3192 Class Highway Projects Fund created in Section 72-2-121 to be used for the
3193 purposes described in Section 72-2-121;
3194 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
3195 the costs needed for construction, reconstruction, or renovation of paved
3196 pedestrian or paved nonmotorized transportation for projects that:
3197 (A) mitigate traffic congestion on the state highway system;
3198 (B) are part of an active transportation plan approved by the department; and
3199 (C) are prioritized by the commission through the prioritization process for new
3200 transportation capacity projects adopted under Section 72-1-304;
3201 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
3202 reconstruction, or renovation of or improvement to the following projects:
3203 (A) the connector road between Main Street and 1600 North in the city of
3204 Vineyard;
3205 (B) Geneva Road from University Parkway to 1800 South;
3206 (C) the SR-97 interchange at 5600 South on I-15;
3207 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to
3208 South Jordan Parkway;
3209 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
3210 (F) improvements to 1600 North in Orem from 1200 West to State Street;
3211 (G) widening I-15 between mileposts 6 and 8;
3212 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
3213 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197
3214 in Spanish Fork Canyon;
3215 (J) I-15 northbound between mileposts 43 and 56;
3216 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts
3217 43 and 45.1;
3218 (L) east Zion SR-9 improvements;
3219 (M) Toquerville Parkway;
3220 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
3221 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds,

- 3222 for construction of an interchange on Bangerter Highway at 13400 South; and
3223 (P) an environmental impact study for Kimball Junction in Summit County; and
3224 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
3225 costs based upon a statement of cash flow that the local jurisdiction where the
3226 project is located provides to the department demonstrating the need for money
3227 for the project, for the following projects in the following amounts:
3228 (A) \$5,000,000 for Payson Main Street repair and replacement;
3229 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
3230 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
3231 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S.
3232 40 between mile markers 7 and 10.
- 3233 (b) The executive director may use fund money to exchange for an equal or greater
3234 amount of federal transportation funds to be used as provided in Subsection (4)(a).
3235 (c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may
3236 not commence until a right-of-way not owned by a federal agency that is required
3237 for the realignment and extension of U-111, as described in the department's 2023
3238 environmental study related to the project, is dedicated to the department.
3239 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the
3240 project as described in Subsection (4)(c)(i) on or before October 1, 2024, the
3241 department may proceed with the project, except that the project will be limited to
3242 two lanes on U-111 from Herriman Parkway to 11800 South.
- 3243 (5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of
3244 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive
3245 director may not program fund money to a project prioritized by the commission
3246 under Section 72-1-304, including fund money from the Transit Transportation
3247 Investment Fund, within the boundaries of the municipality until the department
3248 receives notification from the Housing and Community Development Division within
3249 the Department of Workforce Services that ineligibility under this Subsection (5) no
3250 longer applies to the municipality.
- 3251 (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive
3252 director:
3253 (i) may program fund money in accordance with Subsection (4)(a) for a
3254 limited-access facility or interchange connecting limited-access facilities;
3255 (ii) may not program fund money for the construction, reconstruction, or renovation

- 3256 of an interchange on a limited-access facility;
- 3257 (iii) may program Transit Transportation Investment Fund money for a
- 3258 multi-community fixed guideway public transportation project; and
- 3259 (iv) may not program Transit Transportation Investment Fund money for the
- 3260 construction, reconstruction, or renovation of a station that is part of a fixed
- 3261 guideway public transportation project.
- 3262 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
- 3263 director before July 1, 2022, for projects prioritized by the commission under Section
- 3264 72-1-304.
- 3265 (6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of
- 3266 ineligibility for a county as described in Subsection 17-27a-408(7), the executive
- 3267 director may not program fund money to a project prioritized by the commission
- 3268 under Section 72-1-304, including fund money from the Transit Transportation
- 3269 Investment Fund, within the boundaries of the unincorporated area of the county until
- 3270 the department receives notification from the Housing and Community Development
- 3271 Division within the Department of Workforce Services that ineligibility under this
- 3272 Subsection (6) no longer applies to the county.
- 3273 (b) Within the boundaries of the unincorporated area of a county described in Subsection
- 3274 (6)(a), the executive director:
- 3275 (i) may program fund money in accordance with Subsection (4)(a) for a
- 3276 limited-access facility to a project prioritized by the commission under Section
- 3277 72-1-304;
- 3278 (ii) may not program fund money for the construction, reconstruction, or renovation
- 3279 of an interchange on a limited-access facility;
- 3280 (iii) may program Transit Transportation Investment Fund money for a
- 3281 multi-community fixed guideway public transportation project; and
- 3282 (iv) may not program Transit Transportation Investment Fund money for the
- 3283 construction, reconstruction, or renovation of a station that is part of a fixed
- 3284 guideway public transportation project.
- 3285 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive
- 3286 director before July 1, 2022, for projects prioritized by the commission under Section
- 3287 72-1-304.
- 3288 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in
- 3289 any fiscal year, the department and the commission shall appear before the Executive

- 3290 Appropriations Committee of the Legislature and present the amount of bond
3291 proceeds that the department needs to provide funding for the projects identified in
3292 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current
3293 or next fiscal year.
- 3294 (b) The Executive Appropriations Committee of the Legislature shall review and
3295 comment on the amount of bond proceeds needed to fund the projects.
- 3296 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount
3297 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
3298 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt
3299 service or sinking fund.
- 3300 (9) The executive director may only use money in the fund for corridor preservation as
3301 described in Subsection (4)(a)(iii):
- 3302 (a) if the project has been prioritized by the commission, including the use of fund
3303 money for corridor preservation; or
- 3304 (b) for a project that has not been prioritized by the commission, if the commission:
- 3305 (i) approves the use of fund money for the corridor preservation; and
3306 (ii) finds that the use of fund money for corridor preservation will not result in any
3307 delay to a project that has been prioritized by the commission.
- 3308 [(9)] (10)(a) There is created in the Transportation Investment Fund of 2005 the Transit
3309 Transportation Investment Fund.
- 3310 (b) The fund shall be funded by:
- 3311 (i) contributions deposited into the fund in accordance with Section 59-12-103;
3312 (ii) appropriations into the account by the Legislature;
3313 (iii) deposits of sales and use tax increment related to a housing and transit
3314 reinvestment zone as described in Section 63N-3-610;
3315 (iv) transfers of local option sales and use tax revenue as described in Subsection
3316 59-12-2220(11)(b) or (c);
3317 (v) private contributions; and
3318 (vi) donations or grants from public or private entities.
- 3319 (c)(i) The fund shall earn interest.
- 3320 (ii) All interest earned on fund money shall be deposited into the fund.
- 3321 (d) Subject to Subsection [(9)(e)] (10)(e), the commission may prioritize money from the
3322 fund:
- 3323 (i) for public transit capital development of new capacity projects and fixed guideway

3324 capital development projects to be used as prioritized by the commission through
3325 the prioritization process adopted under Section 72-1-304;

3326 (ii) to the department for oversight of a fixed guideway capital development project
3327 for which the department has responsibility; or

3328 (iii) up to \$500,000 per year, to be used for a public transit study.

3329 (e)(i) Subject to Subsections ~~[(9)(g)]~~ (10)(g), (h), and (i), the commission may only
3330 prioritize money from the fund for a public transit capital development project or
3331 pedestrian or nonmotorized transportation project that provides connection to the
3332 public transit system if the public transit district or political subdivision provides
3333 funds of equal to or greater than 30% of the costs needed for the project.

3334 (ii) A public transit district or political subdivision may use money derived from a
3335 loan granted pursuant to ~~[Title 72, Chapter 2,]~~ Part 2, State Infrastructure Bank
3336 Fund, to provide all or part of the 30% requirement described in Subsection [
3337 ~~(9)(e)(i)]~~ (10)(e)(i) if:

3338 (A) the loan is approved by the commission as required in ~~[Title 72, Chapter 2,]~~
3339 Part 2, State Infrastructure Bank Fund; and

3340 (B) the proposed capital project has been prioritized by the commission pursuant
3341 to Section 72-1-303.

3342 (f) Before July 1, 2022, the department and a large public transit district shall enter into
3343 an agreement for a large public transit district to pay the department \$5,000,000 per
3344 year for 15 years to be used to facilitate the purchase of zero emissions or low
3345 emissions rail engines and trainsets for regional public transit rail systems.

3346 (g) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(b):

3347 (i) the commission may prioritize money from the fund for public transit projects,
3348 operations, or maintenance within the county of the first class; and

3349 (ii) Subsection ~~[(9)(e)]~~ (10)(e) does not apply.

3350 (h) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(c):

3351 (i) the commission may prioritize public transit projects, operations, or maintenance
3352 in the county from which the revenue was generated; and

3353 (ii) Subsection ~~[(9)(e)]~~ (10)(e) does not apply.

3354 (i) The requirement to provide funds equal to or greater than 30% of the costs needed for
3355 the project described in Subsection ~~[(9)(e)]~~ (10)(e) does not apply to a public transit
3356 capital development project or pedestrian or nonmotorized transportation project that
3357 the department proposes.

3358 (j) In accordance with Part [3] 4, Public Transit Innovation Grants, the commission may
3359 prioritize money from the fund for public transit innovation grants, as defined in
3360 Section 72-2-401, for public transit capital development projects requested by a
3361 political subdivision within a public transit district.

3362 ~~[(10)]~~ (11)(a) There is created in the Transportation Investment Fund of 2005 the
3363 Cottonwood Canyons Transportation Investment Fund.

3364 (b) The fund shall be funded by:

3365 (i) money deposited into the fund in accordance with Section 59-12-103;

3366 (ii) appropriations into the account by the Legislature;

3367 (iii) private contributions; and

3368 (iv) donations or grants from public or private entities.

3369 (c)(i) The fund shall earn interest.

3370 (ii) All interest earned on fund money shall be deposited into the fund.

3371 (d) The Legislature may appropriate money from the fund for public transit or
3372 transportation projects in the Cottonwood Canyons of Salt Lake County.

3373 (e) The department may use up to 2% of the revenue deposited into the account under
3374 Subsection 59-12-103(7)(b) to contract with local governments as necessary for
3375 public safety enforcement related to the Cottonwood Canyons of Salt Lake County.

3376 ~~[(11)]~~ (12)(a) There is created in the Transportation Investment Fund of 2005 the Active
3377 Transportation Investment Fund.

3378 (b) The fund shall be funded by:

3379 (i) money deposited into the fund in accordance with Section 59-12-103;

3380 (ii) appropriations into the account by the Legislature; and

3381 (iii) donations or grants from public or private entities.

3382 (c)(i) The fund shall earn interest.

3383 (ii) All interest earned on fund money shall be deposited into the fund.

3384 (d) The executive director may only use fund money to pay the costs needed for:

3385 (i) the planning, design, construction, maintenance, reconstruction, or renovation of
3386 paved pedestrian or paved nonmotorized trail projects that:

3387 (A) are prioritized by the commission through the prioritization process for new
3388 transportation capacity projects adopted under Section 72-1-304;

3389 (B) serve a regional purpose; and

3390 (C) are part of an active transportation plan approved by the department or the
3391 plan described in Subsection ~~[(11)(d)(ii)]~~ (12)(d)(ii);

- 3392 (ii) the development of a plan for a statewide network of paved pedestrian or paved
3393 nonmotorized trails that serve a regional purpose; and
- 3394 (iii) the administration of the fund, including staff and overhead costs.
- 3395 [(12)] (13)(a) As used in this Subsection [(12)] (13), "commuter rail" means the same as
3396 that term is defined in Section 63N-3-602.
- 3397 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail
3398 Subaccount.
- 3399 (c) The subaccount shall be funded by:
- 3400 (i) contributions deposited into the subaccount in accordance with Section 59-12-103;
- 3401 (ii) appropriations into the subaccount by the Legislature;
- 3402 (iii) private contributions; and
- 3403 (iv) donations or grants from public or private entities.
- 3404 (d)(i) The subaccount shall earn interest.
- 3405 (ii) All interest earned on money in the subaccount shall be deposited into the
3406 subaccount.
- 3407 (e) As prioritized by the commission through the prioritization process adopted under
3408 Section 72-1-304 or as directed by the Legislature, the department may only use
3409 money from the subaccount for projects that improve the state's commuter rail
3410 infrastructure, including the building or improvement of grade-separated crossings
3411 between commuter rail lines and public highways.
- 3412 (f) Appropriations made in accordance with this section are nonlapsing in accordance
3413 with Section 63J-1-602.1.
- 3414 Section 33. Section **72-2-303** is amended to read:
- 3415 **72-2-303 (Effective 05/07/25). Loans and assistance -- Authority -- Rulemaking.**
- 3416 (1) Money in the fund may be used by the department, as prioritized by the commission or
3417 as directed by the Legislature, to make infrastructure loans or to provide infrastructure
3418 assistance to any public entity for any purpose consistent with any applicable
3419 constitutional limitation.
- 3420 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3421 commission shall make rules providing procedures and standards for making
3422 infrastructure loans and providing infrastructure assistance and a process for
3423 prioritization of requests for loans and assistance.
- 3424 (3) The prioritization process, procedures, and standards for making an infrastructure loan
3425 or providing infrastructure assistance may include consideration of the following:

- 3426 (a) availability of money in the fund;
 3427 (b) credit worthiness of the project;
 3428 (c) demonstration that the project will encourage, enhance, or create economic benefits
 3429 to the state or political subdivision;
 3430 (d) likelihood that assistance would enable the project to proceed at an earlier date than
 3431 would otherwise be possible;
 3432 (e) the extent to which assistance would foster innovative public-private partnerships
 3433 and attract private debt or equity investment;
 3434 (f) demonstration that the project provides a benefit to the state highway system,
 3435 including safety or mobility improvements;
 3436 (g) the amount of proposed assistance as a percentage of the overall project costs with
 3437 emphasis on local and private participation;
 3438 (h) demonstration that the project provides intermodal connectivity with public
 3439 transportation, pedestrian, or nonmotorized transportation facilities;[and]
 3440 (i) improvement of transportation connectivity pursuant to Section 10-8-87; and
 3441 [(i)] (j) other provisions the commission considers appropriate.

3442 Section 34. Section **72-2-402** is amended to read:

3443 **72-2-402 (Effective 05/07/25). Public transit innovation grant funding sources.**

- 3444 (1) In accordance with Section 72-2-403, the commission, in coordination with the
 3445 department, may rank, prioritize, and provide public transit innovation grants with
 3446 money derived from the following sources:
 3447 (a) certain local option sales and use tax revenue as described in Subsection 59-12-2219
 3448 (11)(b); and
 3449 (b) revenue deposited in accordance with Subsection 59-12-2220(11) into the County of
 3450 the First Class Highway Projects Fund created in Section 72-2-121.
 3451 (2) In accordance with Section 72-2-124, the department may rank and prioritize public
 3452 transit innovation grants for capital development to the commission, to be funded with
 3453 money derived from the Transit Transportation Investment Fund as described in
 3454 Subsection [~~72-2-124(9)~~] 72-2-124(10).
 3455 (3) Administrative costs of the department to administer public transit innovation grants
 3456 under this part shall be paid from the funds described in Subsection (1)(a).

3457 Section 35. Section **72-3-109** is amended to read:

3458 **72-3-109 (Effective 05/07/25). Division of responsibility with respect to state**
 3459 **highways in cities and towns.**

- (1) Except as provided in Subsection (3), the jurisdiction and responsibility of the department and the municipalities for state highways within municipalities is as follows:
- (a) The department has jurisdiction over and is responsible for the construction and maintenance of:
 - (i) the portion of the state highway located between the back of the curb on either side of the state highway; or
 - (ii) if there is no curb, the traveled way, its contiguous shoulders, and appurtenances.
 - (b) The department may widen or improve state highways within municipalities.
 - (c)(i) A municipality has jurisdiction over all other portions of the right-of-way and is responsible for construction and maintenance of the right-of-way.
 - (ii) If a municipality grants permission for the installation of any pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character within the portion of the right-of-way under its jurisdiction:
 - (A) the permission shall contain the condition that any installation will be removed from the right-of-way at the request of the municipality; and
 - (B) the municipality shall cause any installation to be removed at the request of the department when the department finds the removal necessary:
 - (I) to eliminate a hazard to traffic safety;
 - (II) for the construction and maintenance of the state highway; or
 - (III) to meet the requirements of federal regulations.
 - (iii) Except as provided in Subsection (1)(h), a municipality may not install or grant permission for the installation of any pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character within the portion of the state highway right-of-way under its jurisdiction without the prior written approval of the department.
 - (iv) The department may, by written agreement with a municipality, waive the requirement of its approval under Subsection (1)(c)(iii) for certain types and categories of installations.
 - (d) If it is necessary that a utility, as defined in Section 72-6-116, be relocated, reimbursement shall be made for the relocation as provided for in Section 72-6-116.
 - (e)(i) The department shall construct curbs, gutters, and sidewalks on the state highways if necessary for the proper control of traffic, driveway entrances, or drainage.

(ii) If a state highway is widened or altered and existing curbs, gutters, or sidewalks are removed, the department shall replace the curbs, gutters, or sidewalks.

(f)(i) The department may furnish and install street lighting systems for state highways[, but their operation and maintenance is the responsibility of the municipality].

(ii) (ii) The municipality is responsible for the operation and maintenance of a street lighting system furnished and installed by the department, except that the department shall operate and maintain street lighting that the department furnishes and installs:

(A) along an interstate highway; or

(B) at a signalized intersection that includes a state highway.

(iii) Notwithstanding Subsection (1)(f)(ii)(B), the municipality is responsible for the installation costs, operation, and maintenance of decorative lighting installed at the request of a municipality.

(g) If new storm sewer facilities are necessary in the construction and maintenance of the state highways, the cost of the storm sewer facilities shall be borne by the state and the municipality in a proportion mutually agreed upon between the department and the municipality.

(h)(i) For a portion of a state highway right-of-way for which a municipality has jurisdiction, and upon request of the municipality, the department shall grant permission for the municipality to issue permits within the state highway right-of-way, provided that:

(A) the municipality gives the department seven calendar days to review and provide comments on the permit; and

(B) upon the request of the department, the municipality incorporates changes to the permit as jointly agreed upon by the municipality and the department.

(ii) If the department fails to provide a response as described in Subsection (1)(h)(i) within seven calendar days, the municipality may issue the permit.

(2)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the location and construction of approach roads and driveways entering the state highway. The rules shall:

(i) include criteria for the design, location, and spacing of approach roads and driveways based on the functional classification of the adjacent highway, including the urban or rural nature of the area;

- (ii) be consistent with the "Manual on Uniform Traffic Control Devices" and the model access management policy or ordinance developed by the department under Subsection 72-2-117(8);
- (iii) include procedures for:
- (A) the application and review of a permit for approach roads and driveways including review of related site plans that have been recommended according to local ordinances; and
 - (B) approving, modifying, denying, or appealing the modification or denial of a permit for approach roads and driveways within 45 days of receipt of the application; and
- (iv) require written justifications for modifying or denying a permit.
- (b) The department may delegate the administration of the rules to the highway authorities of a municipality.
- (c) In accordance with this section and Section 72-7-104, an approach road or driveway may not be constructed on a state highway without a permit issued under this section.
- (3) The department has jurisdiction and control over the entire right-of-way of interstate highways within municipalities and is responsible for the construction, maintenance, and regulation of the interstate highways within municipalities.
- Section 36. Section **72-6-118** is amended to read:
- 72-6-118 (Effective 05/07/25). Definitions -- Establishment and operation of tollways -- Imposition and collection of tolls -- Amount of tolls -- Rulemaking.**
- (1) As used in this section:
- (a) "High occupancy toll lane" means a high occupancy vehicle lane designated under Section 41-6a-702 that may be used by an operator of a vehicle carrying less than the number of persons specified for the high occupancy vehicle lane if the operator of the vehicle pays a toll or fee.
 - (b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.
 - (c) "Toll lane" means a designated new highway or additional lane capacity that is constructed, operated, or maintained for which a toll is charged for its use.
 - (d)(i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or right-of-way designed and used as a transportation route that is constructed, operated, or maintained through the use of toll revenues.
 - (ii) "Tollway" includes a high occupancy toll lane and a toll lane.
 - (e) "Tollway development agreement" has the same meaning as defined in Section

3562 72-6-202.

3563 (2) Subject to the provisions of Subsection (3), the department may:

- 3564 (a) establish, expand, and operate tollways and related facilities for the purpose of
3565 funding in whole or in part the acquisition of right-of-way and the design,
3566 construction, reconstruction, operation, enforcement, and maintenance of or impacts
3567 from a transportation route for use by the public;
- 3568 (b) enter into contracts, agreements, licenses, franchises, tollway development
3569 agreements, or other arrangements to implement this section;
- 3570 (c) impose and collect tolls on any tollway established under this section, including
3571 collection of past due payment of a toll or penalty;
- 3572 (d) grant exclusive or nonexclusive rights to a private entity to impose and collect tolls
3573 pursuant to the terms and conditions of a tollway development agreement;
- 3574 (e) use technology to automatically monitor a tollway and collect payment of a toll,
3575 including:
- 3576 (i) license plate reading technology; and
3577 (ii) photographic or video recording technology; and
- 3578 (f) in accordance with Subsection (5), request that the Division of Motor Vehicles deny
3579 a request for registration of a motor vehicle if the motor vehicle owner has failed to
3580 pay a toll or penalty imposed for usage of a tollway involving the motor vehicle for
3581 which registration renewal has been requested.

3582 (3)(a) The department may establish or operate a tollway on an existing highway if
3583 approved by the commission in accordance with the terms of this section.

- 3584 (b) To establish a tollway on an existing highway, the department shall submit a
3585 proposal to the commission including:
- 3586 (i) a description of the tollway project;
3587 (ii) projected traffic on the tollway;
3588 (iii) the anticipated amount of the toll to be charged; and
3589 (iv) projected toll revenue.

3590 (4)(a) For a tollway established under this section, the department may:

- 3591 (i) according to the terms of each tollway, impose the toll upon the owner of a motor
3592 vehicle using the tollway according to the terms of the tollway;
- 3593 (ii) send [~~correspondence~~] notice to the owner of the motor vehicle to inform the
3594 owner of:
- 3595 (A) an unpaid toll and the amount of the toll to be paid to the department;

- 3596 (B) the penalty for failure to pay the toll timely;~~and~~
- 3597 (C) [a] any hold being placed on the owner's registration for the motor vehicle if
- 3598 the toll and penalty are not paid timely, which would prevent the renewal of the
- 3599 motor vehicle's registration; and
- 3600 (D) any other information required by the terms of the tollway;
- 3601 (iii) require that the owner of the motor vehicle pay the toll to the department within
- 3602 30 days of the date when the department sends written notice of the toll to the
- 3603 owner; and
- 3604 (iv) impose a penalty for failure to pay a toll timely.
- 3605 (b) The department shall ~~[mail the correspondence and]~~ provide the notice described in
- 3606 Subsection (4)(a) to the owner of the motor vehicle according to the terms of a
- 3607 tollway.
- 3608 (5)(a) The Division of Motor Vehicles and the department shall share and provide access
- 3609 to information pertaining to a motor vehicle and tollway enforcement including:
- 3610 (i) registration and ownership information pertaining to a motor vehicle;
- 3611 (ii) information regarding the failure of a motor vehicle owner to timely pay a toll or
- 3612 penalty imposed under this section; and
- 3613 (iii) the status of a request for a hold on the registration of a motor vehicle.
- 3614 (b) If the department requests a hold on the registration in accordance with this section,
- 3615 the Division of Motor Vehicles may not renew the registration of a motor vehicle
- 3616 under Title 41, Chapter 1a, Part 2, Registration, if the owner of the motor vehicle has
- 3617 failed to pay a toll or penalty imposed under this section for usage of a tollway
- 3618 involving the motor vehicle for which registration renewal has been requested until
- 3619 the department withdraws the hold request.
- 3620 (6)(a) Except as provided in Subsection (6)(b), in accordance with Title 63G, Chapter 3,
- 3621 Utah Administrative Rulemaking Act, the commission shall:
- 3622 (i) set the amount of any toll imposed or collected on a tollway on a state highway;
- 3623 and
- 3624 (ii) for tolls established under Subsection (6)(b), set:
- 3625 (A) an increase in a toll rate or user fee above an increase specified in a tollway
- 3626 development agreement; or
- 3627 (B) an increase in a toll rate or user fee above a maximum toll rate specified in a
- 3628 tollway development agreement.
- 3629 (b) A toll or user fee and an increase to a toll or user fee imposed or collected on a

3630 tollway on a state highway that is the subject of a tollway development agreement
3631 shall be set in the tollway development agreement.

3632 (7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3633 the department shall make rules:

- 3634 (i) necessary to establish and operate tollways on state highways;
- 3635 (ii) that establish standards and specifications for automatic tolling systems and
3636 automatic tollway monitoring technology; and
- 3637 (iii) to set the amount of a penalty for failure to pay a toll under this section.

3638 (b) The rules shall:

- 3639 (i) include minimum criteria for having a tollway; and
- 3640 (ii) conform to regional and national standards for automatic tolling.

3641 (8)(a) The commission may provide funds for public or private tollway pilot projects or
3642 high occupancy toll lanes from General Fund money appropriated by the Legislature
3643 to the commission for that purpose.

3644 (b) The commission may determine priorities and funding levels for tollways designated
3645 under this section.

3646 (9)(a) Except as provided in Subsection (9)(b), all revenue generated from a tollway on a
3647 state highway shall be deposited into the Tollway Special Revenue Fund created in
3648 Section 72-2-120 and used for any state transportation purpose.

3649 (b) Revenue generated from a tollway that is the subject of a tollway development
3650 agreement shall be deposited into the Tollway Special Revenue Fund and used in
3651 accordance with Subsection (9)(a) unless:

- 3652 (i) the revenue is to a private entity through the tollway development agreement; or
- 3653 (ii) the revenue is identified for a different purpose under the tollway development
3654 agreement.

3655 (10) Data described in Subsection (2)(e) obtained for the purposes of this section:

- 3656 (a) in accordance with Section 63G-2-305, is a protected record under Title 63G,
3657 Chapter 2, Government Records Access and Management Act, if the photographic or
3658 video data is maintained by a governmental entity;
- 3659 (b) may not be used or shared for any purpose other than the purposes described in this
3660 section;
- 3661 (c) may only be preserved:
 - 3662 (i) so long as necessary to collect the payment of a toll or penalty imposed in
3663 accordance with this section; or

- 3664 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
3665 equivalent federal warrant; and
- 3666 (d) may only be disclosed:
- 3667 (i) in accordance with the disclosure requirements for a protected record under
3668 Section 63G-2-202; or
- 3669 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
3670 equivalent federal warrant.
- 3671 (11)(a) The department may not sell for any purpose photographic or video data
3672 captured under Subsection (2)(e)(ii).
- 3673 (b) The department may not share captured photographic or video data for a purpose not
3674 authorized under this section.
- 3675 Section 37. Section **72-6-206** is amended to read:
- 3676 **72-6-206 (Effective 05/07/25). Commission approval and legislative review of**
3677 **tollway development agreement provisions.**
- 3678 (1) Prior to the department entering into a tollway development agreement under Section
3679 72-6-203, the department shall submit to the commission for approval the tollway
3680 development agreement, including:
- 3681 (a) a description of the tollway facility, including the conceptual design of the facility
3682 and all proposed interconnections with other transportation facilities;
- 3683 (b) the proposed date for development, operation, or both of the tollway facility;
- 3684 (c) the proposed term of the tollway development agreement;
- 3685 (d) the proposed method to determine toll rates or user fees, including:
- 3686 (i) identification of vehicle or user classifications, or both, for toll rates;
- 3687 (ii) the original proposed toll rate or user fee for the tollway facility;
- 3688 (iii) proposed toll rate or user fee increases; and
- 3689 (iv) a maximum toll rate or user fee for the tollway facility; and
- 3690 (e) any proposed revenue, public or private, or proposed debt or equity investment that
3691 will be used for the design, construction, financing, acquisition, maintenance, or
3692 operation of the tollway facility.
- 3693 (2) Prior to amending or modifying a tollway development agreement, the department shall
3694 submit the proposed amendment or modification to the commission for approval.
- 3695 (3) The department shall annually report to the Transportation Interim Committee [~~or~~
3696 ~~another committee designated by the Legislative Management Committee~~] on the status
3697 and progress of a tollway subject to a tollway development agreement under Section

3698 72-6-203.

3699 Section 38. Section **72-10-109** is amended to read:

3700 **72-10-109 (Effective 05/07/25). Certificate of registration of aircraft required --**
3701 **Exceptions.**

3702 (1) Except as provided in Subsection (2), a person may not operate, pilot, or navigate, or
3703 cause or authorize to be operated, piloted, or navigated within this state any civil aircraft [
3704 ~~operating~~] based in this state for 181 or more days within any consecutive 12-month
3705 period unless the aircraft has a current certificate of registration issued by the department.

3706 (2) The state registration requirement under Subsection (1) does not apply to:

3707 (a) aircraft licensed by a foreign country with which the United States has a reciprocal
3708 agreement covering the operations of the registered aircraft;

3709 (b) a non-passenger-carrying flight solely for inspection or test purposes authorized by
3710 the Federal Aviation Administration to be made without the certificate of registration;
3711 or

3712 (c) aircraft operating under 14 C.F.R. Part 121, with a maximum takeoff weight
3713 exceeding 35,000 pounds.

3714 (3) Beginning on January 1, 2025, a person may not operate in this state an unmanned
3715 aircraft system or an advanced air mobility aircraft for commercial operation for which
3716 certification is required under 14 C.F.R. Part 107 or 135 unless the aircraft has a current
3717 certificate of registration issued by the department.

3718 (4) The department shall, on or before December 31 of each calendar year, provide to the
3719 State Tax Commission a list of each aircraft for which a current certificate of registration
3720 is issued by the department under Subsection (1).

3721 Section 39. **Repealer.**

3722 This bill repeals:

3723 Section **63B-8-503, Highway intent language.**

3724 Section **72-2-118, Centennial Highway Fund.**

3725 Section **72-4-222, Governor Scott Matheson and Senator Jake Garn Rest Area.**

3726 Section 40. **Effective Date.**

3727 (1) Except as provided in Subsections (2) through (5) this bill takes effect May 7, 2025.

3728 (2) The actions affecting Section 72-2-121 take effect:

3729 (a) except as provided in Subsection (2)(b), May 7, 2025; or

3730 (b) if approved by two-thirds of all members elected to each house:

3731 (i) upon approval by the governor;

- 3732 (ii) without the governor's signature, the day following the constitutional time limit of
3733 Utah Constitution, Article VII, Section 8; or
3734 (iii) in the case of a veto, the date of veto override.
- 3735 (3) The actions affecting Section 59-12-103 (Effective 07/01/25) and Section 72-2-106
3736 (Effective 07/01/25) take effect on July 1, 2025.
- 3737 (4) The actions affecting Section 41-1a-1206 (Effective 01/01/2026) take effect on January
3738 1, 2026.