

Kay J. Christofferson 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, transportation mobility plans, 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;
- designates certain legislative committees as recipients for certain required reports;
- creates requirements for air ambulance dispatch services;
- adjusts a sales and use tax earmark percentage to increase funding for transportation;
- extends a deadline for certain sales and use taxes to be allocated for public transit innovation grants;
- 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- repeals certain outdated language and makes other technical changes;
- allocates revenue for certain road projects;
- requires the Department of Transportation and Salt Lake City to coordinate on certain traffic studies and planning;
- repeals certain highway-related name designations;

- provides maintenance responsibilities for certain street light infrastructure; and
- makes other technical changes.

Money Appropriated in this Bill:

This bill appropriates (\$330,000,000) in capital project funds for fiscal year 2026, all of which is from the General Fund.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:**AMENDS:**

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

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

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

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

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

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

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

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

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

59-12-2212.2 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 498

59-12-2219 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 498

59-12-2220 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 498, 501

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

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

63I-1-272 (Effective 05/07/25), as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

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

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

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

63 **72-1-213.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapters 56,
64 259

65 **72-1-217 (Effective upon governor's approval)**, as enacted by Laws of Utah 2023,
66 Chapter 366

67 **72-1-303 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 498

68 **72-1-304 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 517

69 **72-1-305 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 22, 219

70 **72-2-106 (Effective 07/01/25)**, as last amended by Laws of Utah 2023, Chapter 22

71 **72-2-121 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
72 Chapters 300, 498 and 501

73 **72-2-121.3 (Effective 05/07/25)**, as last amended by Laws of Utah 2020, Chapter 366

74 **72-2-123 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 22

75 **72-2-124 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 498, 501

76 **72-2-303 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 501

77 **72-2-401 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 498

78 **72-2-402 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 498

79 **72-2-403 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 498

80 **72-3-109 (Effective 05/07/25)**, as last amended by Laws of Utah 2018, Chapter 403

81 **72-6-118 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 517

82 **72-6-206 (Effective 05/07/25)**, as last amended by Laws of Utah 2016, Chapter 222

83 **72-10-109 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 483,
84 485

85 **ENACTS:**

86 **10-8-87 (Effective 05/07/25)**, Utah Code Annotated 1953

87 **41-6a-1121 (Effective 05/07/25)**, Utah Code Annotated 1953

88 **41-6a-1122 (Effective 05/07/25)**, Utah Code Annotated 1953

89 **53-2d-517 (Effective 05/07/25)**, Utah Code Annotated 1953

90 **REPEALS:**

91 **63B-8-503 (Effective 05/07/25)**, as enacted by Laws of Utah 1999, Chapter 331

92 **72-2-118 (Effective 05/07/25)**, as last amended by Laws of Utah 2018, Chapter 281

93 **72-4-222 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 435

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

96 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).

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

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

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

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

172 (i) develop and adopt a station area plan; and

173 (ii) adopt any appropriate land use regulations to implement the station area plan.

174 (b) The requirements of Subsection (2)(a) shall be considered satisfied if:

175 (i)(A) the municipality has already adopted plans or ordinances, approved land use
176 applications, approved agreements or financing, or investments have been
177 made, before June 1, 2022, that substantially promote each of the objectives in
178 Subsection (7)(a) within the station area, and can demonstrate that such plans,
179 ordinances, approved land use applications, approved agreements or financing,
180 or investments are still relevant to making meaningful progress towards
181 achieving such objectives; and

182 (B) the municipality adopts a resolution finding that the objectives of Subsection
183 (7)(a) have been substantially promoted.

184 (ii)(A) the municipality has determined that conditions exist that make satisfying a
185 portion or all of the requirements of Subsection (2)(a) for a station area
186 impracticable, including conditions that relate to existing development,
187 entitlements, land ownership, land uses that make opportunities for new
188 development and long-term redevelopment infeasible, environmental
189 limitations, market readiness, development impediment conditions, or other
190 similar conditions; and

191 (B) the municipality adopts a resolution describing the conditions that exist to
192 make satisfying the requirements of Subsection (2)(a) impracticable.

193 (c) To the extent that previous actions by a municipality do not satisfy the requirements
194 of Subsection (2)(a) for a station area, the municipality shall take the actions
195 necessary to satisfy those requirements.

196 (3)(a) A municipality that has a new fixed guideway public transit station located within
197 the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for
198 the station area surrounding the new fixed guideway public transit station before the

new fixed guideway public transit station begins transit services.

(b) Except as provided in Subsections (3)(c) and (d), a municipality that has an existing fixed guideway public transit station located within the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for the station area surrounding the existing fixed guideway public transit station on or before December 31, 2025.

(c) If a municipality has more than four existing fixed guideway public transit stations located within the municipality's boundaries, the municipality shall:

(i) on or before December 31, 2025, satisfy the requirements of Subsection (2)(a) for four or more station areas located within the municipality; and

(ii) on or before December 31 of each year thereafter, satisfy the requirements of Subsection (2)(a) for no less than two station areas located within the municipality until the municipality has satisfied the requirements of Subsection (2)(a) for each station area located within the municipality.

(d)(i) Subject to Subsection (3)(d)(ii):

(A) if a municipality receives a complete qualifying land use petition on or before July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in which the development is proposed on or before July 1, 2023; and

(B) if a municipality receives a complete qualifying land use petition after July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in which the development is proposed within a 12-month period beginning on the first day of the month immediately following the month in which the qualifying land use petition is submitted to the municipality, and shall notify the applicable metropolitan planning organization of the receipt of the qualified land use petition within 45 days of the date of receipt.

(ii)(A) A municipality is not required to satisfy the requirements of Subsection (2)(a) for more than two station areas under Subsection (3)(d)(i) within any 12-month period.

(B) If a municipality receives more than two complete qualifying land use petitions on or before July 1, 2022, the municipality shall select two station areas for which the municipality will satisfy the requirements of Subsection (2)(a) in accordance with Subsection (3)(d)(i)(A).

(iii) A municipality shall process on a first priority basis a land use application,

- 233 including an application for a building permit, if:
- 234 (A) the land use application is for a residential use within a station area for which
- 235 the municipality has not satisfied the requirements of Subsection (2)(a); and
- 236 (B) the municipality would be required to change a zoning designation for the
- 237 land use application to be approved.
- 238 (e) Notwithstanding Subsections (3)(a) through (d), the time period for satisfying the
- 239 requirements of Subsection (2)(a) for a station area may be extended once for a
- 240 period of 12 months if:
- 241 (i) the municipality demonstrates to the applicable metropolitan planning
- 242 organization that conditions exist that make satisfying the requirements of
- 243 Subsection (2)(a) within the required time period infeasible, despite the
- 244 municipality's good faith efforts; and
- 245 (ii) the applicable metropolitan planning organization certifies to the municipality in
- 246 writing that the municipality satisfied the demonstration in Subsection (3)(e)(i).
- 247 (4)(a) Except as provided in Subsection (4)(b), if a station area is included within the
- 248 boundaries of more than one municipality, each municipality with jurisdiction over
- 249 the station area shall satisfy the requirements of Subsection (2)(a) for the portion of
- 250 the station area over which the municipality has jurisdiction.
- 251 (b) Two or more municipalities with jurisdiction over a station area may coordinate to
- 252 develop a shared station area plan for the entire station area.
- 253 (5) A municipality that has more than one fixed guideway public transit station located
- 254 within the municipality may, through an integrated process, develop station area plans
- 255 for multiple station areas if the station areas are within close proximity of each other.
- 256 (6)(a) A municipality that is required to develop and adopt a station area plan under this
- 257 section may request technical assistance from the applicable metropolitan planning
- 258 organization.
- 259 (b) An applicable metropolitan planning organization that receives funds from the
- 260 Governor's Office of Economic Opportunity under Section 63N-3-113 shall, when
- 261 utilizing the funds, give priority consideration to requests for technical assistance for
- 262 station area plans required under Subsection (3)(d).
- 263 (7)(a) A station area plan shall promote the following objectives within the station area:
- 264 (i) increasing the availability and affordability of housing, including moderate
- 265 income housing;
- 266 (ii) promoting sustainable environmental conditions;

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

- 301 (D) encouraging manageable and reliable traffic conditions;
- 302 (E) aligning the station area plan with the regional transportation plan of the
- 303 applicable metropolitan planning organization; or
- 304 (F) any other similar action that promotes the objective described in Subsection
- 305 (7)(a)(iv).
- 306 (8) A station area plan shall include the following components:
- 307 (a) a station area vision that:
- 308 (i) is consistent with Subsection (7); and
- 309 (ii) describes the following:
- 310 (A) opportunities for the development of land within the station area under
- 311 existing conditions;
- 312 (B) constraints on the development of land within the station area under existing
- 313 conditions;
- 314 (C) the municipality's objectives for the transportation system within the station
- 315 area and the future transportation system that meets those objectives;
- 316 (D) the municipality's objectives for land uses within the station area and the
- 317 future land uses that meet those objectives;
- 318 (E) the municipality's objectives for public and open spaces within the station area
- 319 and the future public and open spaces that meet those objectives; and
- 320 (F) the municipality's objectives for the development of land within the station
- 321 area and the future development standards that meet those objectives;
- 322 (b) a map that depicts:
- 323 (i) the station area;
- 324 (ii) the area within the station area to which the station area plan applies, provided
- 325 that the station area plan may apply to areas outside the station area, and the
- 326 station area plan is not required to apply to the entire station area; and
- 327 (iii) the area where each action is needed to implement the station area plan;
- 328 (c) an implementation plan that identifies and describes each action needed within the
- 329 next five years to implement the station area plan, and the party responsible for
- 330 taking each action, including any actions to:
- 331 (i) modify land use regulations;
- 332 (ii) make infrastructure improvements;
- 333 (iii) modify deeds or other relevant legal documents;
- 334 (iv) secure funding or develop funding strategies;

- (v) establish design standards for development within the station area; or
- (vi) provide environmental remediation;
- (d) a statement that explains how the station area plan promotes the objectives described in Subsection (7)(a); and
- (e) as an alternative or supplement to the requirements of Subsection (7) or this Subsection (8), and for purposes of Subsection (2)(b)(ii), a statement that describes 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;

403 or

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

406 (5) If the Department of Transportation purchases one or more transit vehicles for public
407 transit purposes, the Department of Transportation may sell, donate, exchange, or
408 otherwise convey the transit vehicles to a public transit district if:

409 (a) the Department of Transportation determines that the conveyance of the transit
410 vehicles to the public transit district provides a benefit to the state; or

411 (b) the conveyance is necessary to fulfill federal grant or other funding requirements.

412 Section 4. Section **41-6a-102** is amended to read:

413 **41-6a-102 (Effective 05/07/25). Definitions.**

414 As used in this chapter:

415 (1) "Alley" means a street or highway intended to provide access to the rear or side of lots
416 or buildings in urban districts and not intended for through vehicular traffic.

417 (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.

418 (3) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.

419 (4) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.

420 (5) "Authorized emergency vehicle" includes:

421 (a) a fire department vehicle;

422 (b) a police vehicle;

423 (c) an ambulance; and

424 (d) other publicly or privately owned vehicles as designated by the commissioner of the
425 Department of Public Safety.

426 (6) "Autocycle" means the same as that term is defined in Section 53-3-102.

427 (7)(a) "Bicycle" means a wheeled vehicle:

428 (i) propelled by human power by feet or hands acting upon pedals or cranks;

429 (ii) with a seat or saddle designed for the use of the operator;

430 (iii) designed to be operated on the ground; and

431 (iv) whose wheels are not less than 14 inches in diameter.

432 (b) "Bicycle" includes an electric assisted bicycle.

433 (c) "Bicycle" does not include scooters and similar devices.

434 (8)(a) "Bus" means a motor vehicle:

435 (i) designed for carrying more than 15 passengers and used for the transportation of
436 persons; or

- 437 (ii) designed and used for the transportation of persons for compensation.
- 438 (b) "Bus" does not include a taxicab.
- 439 (9)(a) "Circular intersection" means an intersection that has an island, generally circular
- 440 in design, located in the center of the intersection where traffic passes to the right of
- 441 the island.
- 442 (b) "Circular intersection" includes:
- 443 (i) roundabouts;
- 444 (ii) rotaries; and
- 445 (iii) traffic circles.
- 446 (10) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a
- 447 motor or electronics that:
- 448 (a) provides assistance only when the rider is pedaling; and
- 449 (b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- 450 (11) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a
- 451 motor or electronics that:
- 452 (a) may be used exclusively to propel the bicycle; and
- 453 (b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles
- 454 per hour.
- 455 (12) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a
- 456 motor or electronics that:
- 457 (a) provides assistance only when the rider is pedaling;
- 458 (b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour;
- 459 and
- 460 (c) is equipped with a speedometer.
- 461 (13) "Commissioner" means the commissioner of the Department of Public Safety.
- 462 (14) "Controlled-access highway" means a highway, street, or roadway:
- 463 (a) designed primarily for through traffic; and
- 464 (b) to or from which owners or occupants of abutting lands and other persons have no
- 465 legal right of access, except at points as determined by the highway authority having
- 466 jurisdiction over the highway, street, or roadway.
- 467 (15) "Crosswalk" means:
- 468 (a) that part of a roadway at an intersection included within the connections of the lateral
- 469 lines of the sidewalks on opposite sides of the highway measured from:
- 470 (i)(A) the curbs; or

- 471 (B) in the absence of curbs, from the edges of the traversable roadway; and
472 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
473 included within the extension of the lateral lines of the existing sidewalk at right
474 angles to the centerline; or
- 475 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
476 pedestrian crossing by lines or other markings on the surface.
- 477 (16) "Department" means the Department of Public Safety.
- 478 (17) "Direct supervision" means oversight at a distance within which:
- 479 (a) visual contact is maintained; and
480 (b) advice and assistance can be given and received.
- 481 (18) "Divided highway" means a highway divided into two or more roadways by:
- 482 (a) an unpaved intervening space;
483 (b) a physical barrier; or
484 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 485 (19) "Echelon formation" means the operation of two or more snowplows arranged
486 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to
487 clear snow from two or more lanes at once.
- 488 (20)(a) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 489 (i) has a power output of not more than 750 watts;
490 (ii) has fully operable pedals;
491 (iii) has permanently affixed cranks that were installed at the time of the original
492 manufacture;
493 (iv) is fully operable as a bicycle without the use of the electric motor; and
494 (v) is one of the following:
- 495 (A) a class 1 electric assisted bicycle;
496 (B) a class 2 electric assisted bicycle;
497 (C) a class 3 electric assisted bicycle; or
498 (D) a programmable electric assisted bicycle.
- 499 (b) "Electric assisted bicycle" does not include:
- 500 (i) a moped;
501 (ii) a motor assisted scooter;
502 (iii) a motorcycle;
503 (iv) a motor-driven cycle; or
504 (v) any other vehicle with less than four wheels that is designed, manufactured,

- intended, or advertised by the seller to have any of the following capabilities or features, or that is modifiable or is modified to have any of the following capabilities or features:
- (A) has the ability to attain the speed of 20 miles per hour or greater on motor power alone;
 - (B) is equipped with a continuous rated motor power of 750 watts or greater;
 - (C) is equipped with foot pegs for the operator at the time of manufacture, or requires installation of a pedal kit to have operable pedals; or
 - (D) if equipped with multiple operating modes and a throttle, has one or more modes that exceed 20 miles per hour on motor power alone.
- (21)(a) "Electric personal assistive mobility device" means a self-balancing device with:
- (i) two nontandem wheels in contact with the ground;
 - (ii) a system capable of steering and stopping the unit under typical operating conditions;
 - (iii) an electric propulsion system with average power of one horsepower or 750 watts;
 - (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
 - (v) a deck design for a person to stand while operating the device.
- (b) "Electric personal assistive mobility device" does not include a wheelchair.
- (22) "Electric unicycle" means a self-balancing personal transportation device that:
- (a) has a single wheel;
 - (b) is powered by an electric motor that utilizes gyroscopes and accelerometers to stabilize the rider; and
 - (c) is designed for the operator to face in the direction of travel while operating the device.
- ~~[(22)]~~ (23) "Explosives" means a chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.
- ~~[(23)]~~ (24) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.

539 ~~[(24)]~~ (25) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,
540 as determined by a Tagliabue or equivalent closed-cup test device.

541 ~~[(25)]~~ (26) "Freeway" means a controlled-access highway that is part of the interstate system
542 as defined in Section 72-1-102.

543 ~~[(26)]~~ (27)(a) "Golf cart" means a device that:

- 544 (i) is designed for transportation by players on a golf course;
- 545 (ii) has not less than three wheels in contact with the ground;
- 546 (iii) has an unladen weight of less than 1,800 pounds;
- 547 (iv) is designed to operate at low speeds; and
- 548 (v) is designed to carry not more than six persons including the driver.

549 (b) "Golf cart" does not include:

- 550 (i) a low-speed vehicle or an off-highway vehicle;
- 551 (ii) a motorized wheelchair;
- 552 (iii) an electric personal assistive mobility device;
- 553 (iv) an electric assisted bicycle;
- 554 (v) a motor assisted scooter;
- 555 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 556 (vii) a mobile carrier, as defined in Section 41-6a-1120.

557 ~~[(27)]~~ (28) "Gore area" means the area delineated by two solid white lines that is between a
558 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
559 including similar areas between merging or splitting highways.

560 ~~[(28)]~~ (29) "Gross weight" means the weight of a vehicle without a load plus the weight of
561 any load on the vehicle.

562 ~~[(29)]~~ (30) "Hi-rail vehicle" means a roadway maintenance vehicle that is:

- 563 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- 564 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
565 highway or railroad tracks.

566 ~~[(30)]~~ (31) "Highway" means the entire width between property lines of every way or place
567 of any nature when any part of it is open to the use of the public as a matter of right for
568 vehicular travel.

569 ~~[(31)]~~ (32) "Highway authority" means the same as that term is defined in Section 72-1-102.

570 ~~[(32)]~~ (33)(a) "Intersection" means the area embraced within the prolongation or
571 connection of the lateral curb lines, or, if none, then the lateral boundary lines of the
572 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 surrounding the perimeter of the area;

(b) channelizing devices;

(c) curbs;

(d) pavement edges; or

(e) other devices.

~~[(34)]~~ (35) "Lane filtering" means, when operating a motorcycle other than an autocycle, the act of overtaking and passing another vehicle that is stopped in the same direction of travel in the same lane.

~~[(35)]~~ (36) "Law enforcement agency" means the same as that term is as defined in Section 53-1-102.

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

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

(b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light, air, or view.

~~[(37)]~~ (38) "Local highway authority" means the legislative, executive, or governing body of a county, municipal, or other local board or body having authority to enact laws relating to traffic under the constitution and laws of the state.

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

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

(ii) has a capacity of not more than six passengers, including a conventional driver or fallback-ready user if on board the vehicle, as those terms are defined in Section 41-26-102.1.

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

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

wholly or partly of metal or other hard nonresilient material.

~~[(40)]~~ (41)(a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or saddle that is less than 24 inches from the ground as measured on a level surface with properly inflated tires.

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

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

(i) designed for off-highway use; and

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

~~[(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:

641 (i) an electric assisted bicycle; or

642 (ii) a motor assisted scooter.

643 [(44)] (45)(a) "Motor assisted scooter" means a self-propelled device with:

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

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

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

647 (iv) either:

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

649 or

650 (B) handlebars and a seat designed for a person to sit, straddle, or stand while

651 operating the device;

652 (v) a design for the ability to be propelled by human power alone; and

653 (vi) a maximum speed of 20 miles per hour on a paved level surface.

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

655 (i) an electric assisted bicycle; or

656 (ii) a motor-driven cycle.

657 [(45)] (46)(a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
658 propelled by electric power obtained from overhead trolley wires, but not operated
659 upon rails.

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

661 (i) vehicles moved solely by human power;

662 (ii) motorized wheelchairs;

663 (iii) an electric personal assistive mobility device;

664 (iv) an electric assisted bicycle;

665 (v) a motor assisted scooter;

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

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

668 [(46)] (47) "Motorcycle" means:

669 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider

670 and designed to travel with not more than three wheels in contact with the ground; or

671 (b) an auticycle.

672 [(47)] (48)(a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle
673 having:

674 (i) an engine with less than 150 cubic centimeters displacement; or

- 675 (ii) a motor that produces not more than five horsepower.
- 676 (b) "Motor-driven cycle" does not include:
- 677 (i) an electric personal assistive mobility device;
- 678 (ii) a motor assisted scooter; or
- 679 (iii) an electric assisted bicycle.
- 680 ~~[(48)]~~ (49) "Off-highway implement of husbandry" means the same as that term is defined
- 681 under Section 41-22-2.
- 682 ~~[(49)]~~ (50) "Off-highway vehicle" means the same as that term is defined under Section
- 683 41-22-2.
- 684 ~~[(50)]~~ (51) "Operate" means the same as that term is defined in Section 41-1a-102.
- 685 ~~[(51)]~~ (52) "Operator" means:
- 686 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
- 687 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a
- 688 vehicle.
- 689 ~~[(52)]~~ (53) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or
- 690 other device operated, alone or coupled with another device, on stationary rails.
- 691 ~~[(53)]~~ (54)(a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
- 692 occupied or not.
- 693 (b) "Park" or "parking" does not include:
- 694 (i) the standing of a vehicle temporarily for the purpose of and while actually
- 695 engaged in loading or unloading property or passengers; or
- 696 (ii) a motor vehicle with an engaged automated driving system that has achieved a
- 697 minimal risk condition, as those terms are defined in Section 41-26-102.1.
- 698 ~~[(54)]~~ (55) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
- 699 Peace Officer Classifications, to direct or regulate traffic or to make arrests for
- 700 violations of traffic laws.
- 701 ~~[(55)]~~ (56) "Pedestrian" means a person traveling:
- 702 (a) on foot; or
- 703 (b) in a wheelchair.
- 704 ~~[(56)]~~ (57) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
- 705 pedestrians.
- 706 ~~[(57)]~~ (58) "Person" means a natural person, firm, copartnership, association, corporation,
- 707 business trust, estate, trust, partnership, limited liability company, association, joint
- 708 venture, governmental agency, public corporation, or any other legal or commercial

entity.

~~[(58)]~~ (59) "Pole trailer" means a vehicle without motive power:

(a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

(b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.

~~[(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 transportation of school children to or from school or school activities.

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

(a) has a single wheel;

(b) is powered by an electric motor; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(76)]~~ (78) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when:

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

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

~~[(77)]~~ (79) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.

~~[(78)]~~ (80) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with ~~[with]~~ Section 41-6a-1509.

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

~~[(80)]~~ (82) "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.

~~[(81)]~~ (83) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.

~~[(82)]~~ (84) "Traffic signal preemption device" means an instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

~~[(83)]~~ (85) "Traffic-control device" means a sign, signal, marking, or device not inconsistent with this chapter placed or erected by a highway authority for the purpose of regulating, warning, or guiding traffic.

~~[(84)]~~ (86) "Traffic-control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

~~[(85)]~~ (87)(a) "Trailer" means a vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed

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

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

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

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

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

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

~~[(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 5. 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 6. 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,

845 or a motor-driven cycle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

878 (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 7. 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 may not operate an electric unicycle:

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

(b) 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 the electric unicycle to lower the maximum speed for the electric unicycle; or

(c) at a speed of greater than 28 miles per hour or in violation of Subsection 41-6a-1115.1(3).

(3) A individual who violates this section is guilty of an infraction.

Section 8. Section **41-6a-1122** is enacted to read:

41-6a-1122 (Effective 05/07/25). Self-balancing electric skateboards.

(1) Except as otherwise provided in this section, a self-balancing electric skateboard is subject to the provisions under this chapter for a bicycle.

(2) For a person operating a self-balancing electric skateboard, the following provisions do not apply:

(a) any reference to seating positions and handle bar usage, including under Sections 41-6a-1112 and 41-6a-1501;

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

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

(3) A person may operate a self-balancing electric skateboard across a roadway in a crosswalk, except that the person may not operate the self-balancing electric skateboard in a negligent manner in the crosswalk:

(a) so as to collide with a:

(i) pedestrian; or

(ii) person operating a bicycle, vehicle, or device propelled by human power; or

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

Section 9. Section **41-6a-1642** is amended to read:

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

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

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

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

(ii) at other times as the county legislative body may require to enforce inspection requirements for individual motor vehicles, except that the county legislative body may not routinely require a certificate of emissions inspection, or waiver of the

- 947 certificate, more often than required under Subsection (9); and
- 948 (b) compliance with this section for a motor vehicle registered or principally operated in
- 949 the county and owned by or being used by a department, division, instrumentality,
- 950 agency, or employee of:
- 951 (i) the federal government;
- 952 (ii) the state and any of its agencies; or
- 953 (iii) a political subdivision of the state, including school districts.

954 (2)(a) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions

955 inspection and maintenance program certificate of emissions inspection as described

956 in Subsection (1), but the program may not deny vehicle registration based solely on

957 the presence of a defeat device covered in the Volkswagen partial consent decrees or

958 a United States Environmental Protection Agency-approved vehicle modification in

959 the following vehicles:

- 960 (i) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide
- 961 emissions are mitigated in the state pursuant to a partial consent decree, including:
- 962 (A) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;
- 963 (B) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013,
- 964 and 2014;
- 965 (C) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;
- 966 (D) Volkswagen Golf Sportwagen, model year 2015;
- 967 (E) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;
- 968 (F) Volkswagen Beetle, model years 2013, 2014, and 2015;
- 969 (G) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
- 970 (H) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and
- 971 (ii) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide
- 972 emissions are mitigated in the state to a settlement, including:
- 973 (A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015,
- 974 and 2016;
- 975 (B) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
- 976 (C) Audi A6 Quattro, model years 2014, 2015, and 2016;
- 977 (D) Audi A7 Quattro, model years 2014, 2015, and 2016;
- 978 (E) Audi A8, model years 2014, 2015, and 2016;
- 979 (F) Audi A8L, model years 2014, 2015, and 2016;
- 980 (G) Audi Q5, model years 2014, 2015, and 2016; and

- 981 (H) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.
- 982 (b)(i) An owner of a restored-modified vehicle subject to Subsection (1) shall obtain
983 a motor vehicle emissions inspection and maintenance program certificate of
984 emissions inspection as described in Subsection (1).
- 985 (ii) A county emissions program may not refuse to perform an emissions inspection
986 or indicate a failed emissions test of the vehicle based solely on a modification to
987 the engine or component of the motor vehicle if:
- 988 (A) the modification is not likely to result in the motor vehicle having increased
989 emissions relative to the emissions of the motor vehicle before the
990 modification; and
- 991 (B) the motor vehicle modification is a change to an engine that is newer than the
992 engine with which the motor vehicle was originally equipped, or the engine
993 includes technology that increases the facility of the administration of an
994 emissions test, such as an on-board diagnostics system.
- 995 (iii) The first time an owner seeks to obtain an emissions inspection as a prerequisite
996 to registration of a restored-modified vehicle:
- 997 (A) the owner shall present the signed statement described in Subsection
998 41-1a-226(4); and
- 999 (B) the county emissions program shall perform the emissions test.
- 1000 (iv) If a motor vehicle is registered as a restored-modified vehicle and the registration
1001 certificate is notated as described in Subsection 41-1a-226(4), a county emissions
1002 program may not refuse to perform an emissions test based solely on the
1003 restored-modified status of the motor vehicle.
- 1004 (3)(a) The legislative body of a county identified in Subsection (1), in consultation with
1005 the Air Quality Board created under Section 19-1-106, shall make regulations or
1006 ordinances regarding:
- 1007 (i) emissions standards;
- 1008 (ii) test procedures;
- 1009 (iii) inspections stations;
- 1010 (iv) repair requirements and dollar limits for correction of deficiencies; and
- 1011 (v) certificates of emissions inspections.
- 1012 (b) In accordance with Subsection (3)(a), a county legislative body:
- 1013 (i) shall make regulations or ordinances to attain or maintain ambient air quality
1014 standards in the county, consistent with the state implementation plan and federal

- 1015 requirements;
- 1016 (ii) may allow for a phase-in of the program by geographical area; and
- 1017 (iii) shall comply with the analyzer design and certification requirements contained in
- 1018 the state implementation plan prepared under Title 19, Chapter 2, Air
- 1019 Conservation Act.
- 1020 (c) The county legislative body and the Air Quality Board shall give preference to an
- 1021 inspection and maintenance program that:
- 1022 (i) is decentralized, to the extent the decentralized program will attain and maintain
- 1023 ambient air quality standards and meet federal requirements;
- 1024 (ii) is the most cost effective means to achieve and maintain the maximum benefit
- 1025 with regard to ambient air quality standards and to meet federal air quality
- 1026 requirements as related to vehicle emissions; and
- 1027 (iii) provides a reasonable phase-out period for replacement of air pollution emission
- 1028 testing equipment made obsolete by the program.
- 1029 (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:
- 1030 (i) may be accomplished in accordance with applicable federal requirements; and
- 1031 (ii) does not otherwise interfere with the attainment and maintenance of ambient air
- 1032 quality standards.
- 1033 (4) The following vehicles are exempt from an emissions inspection program and the
- 1034 provisions of this section:
- 1035 (a) an implement of husbandry as defined in Section 41-1a-102;
- 1036 (b) a motor vehicle that:
- 1037 (i) meets the definition of a farm truck under Section 41-1a-102; and
- 1038 (ii) has a gross vehicle weight rating of 12,001 pounds or more;
- 1039 (c) a vintage vehicle as defined in Section 41-21-1:
- 1040 (i) if the vintage vehicle has a model year of 1982 or older; or
- 1041 (ii) for a vintage vehicle that has a model year of 1983 or newer, if the owner
- 1042 provides proof of vehicle insurance that is a type specific to a vehicle collector;
- 1043 (d) a custom vehicle as defined in Section 41-6a-1507;
- 1044 (e) a vehicle registered as a novel vehicle under Section 41-27-201;
- 1045 (f) to the extent allowed under the current federally approved state implementation plan,
- 1046 in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor
- 1047 vehicle that is less than two years old on January 1 based on the age of the vehicle as
- 1048 determined by the model year identified by the manufacturer;

- 1049 (g) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of
1050 12,000 pounds or less, if the registered owner of the pickup truck provides a signed
1051 statement to the legislative body stating the truck is used:
- 1052 (i) by the owner or operator of a farm located on property that qualifies as land in
1053 agricultural use under Sections 59-2-502 and 59-2-503; and
- 1054 (ii) exclusively for the following purposes in operating the farm:
- 1055 (A) for the transportation of farm products, including livestock and its products,
1056 poultry and its products, floricultural and horticultural products; and
- 1057 (B) in the transportation of farm supplies, including tile, fence, and every other
1058 thing or commodity used in agricultural, floricultural, horticultural, livestock,
1059 and poultry production and maintenance;
- 1060 (h) a motorcycle as defined in Section 41-1a-102;
- 1061 (i) an electric motor vehicle as defined in Section 41-1a-102;
- 1062 (j) a motor vehicle with a model year of 1967 or older; and
- 1063 (k) a roadable aircraft as defined in Section 72-10-102.
- 1064 (5) The county shall issue to the registered owner who signs and submits a signed statement
1065 under Subsection (4)(g) a certificate of exemption from emissions inspection
1066 requirements for purposes of registering the exempt vehicle.
- 1067 (6) A legislative body of a county described in Subsection (1) may exempt from an
1068 emissions inspection program a diesel-powered motor vehicle with a:
- 1069 (a) gross vehicle weight rating of more than 14,000 pounds; or
- 1070 (b) model year of 1997 or older.
- 1071 (7) The legislative body of a county required under federal law to utilize a motor vehicle
1072 emissions inspection program shall require:
- 1073 (a) a computerized emissions inspection for a diesel-powered motor vehicle that has:
- 1074 (i) a model year of 2007 or newer;
- 1075 (ii) a gross vehicle weight rating of 14,000 pounds or less; and
- 1076 (iii) a model year that is five years old or older;
- 1077 (b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:
- 1078 (i) with a gross vehicle weight rating of 14,000 pounds or less;
- 1079 (ii) that has a model year of 1998 or newer; and
- 1080 (iii) that has a model year that is five years old or older.
- 1081 (8)(a) Subject to Subsection (8)(c), the legislative body of each county required under
1082 federal law to utilize a motor vehicle emissions inspection and maintenance program

1083 or in which an emissions inspection and maintenance program is necessary to attain
1084 or maintain any national ambient air quality standard may require each college or
1085 university located in a county subject to this section to require its students and
1086 employees who park a motor vehicle not registered in a county subject to this section
1087 to provide proof of compliance with an emissions inspection accepted by the county
1088 legislative body if the motor vehicle is parked on the college or university campus or
1089 property.

1090 (b) College or university parking areas that are metered or for which payment is required
1091 per use are not subject to the requirements of this Subsection (8).

1092 (c) The legislative body of a county shall make the reasons for implementing the
1093 provisions of this Subsection (8) part of the record at the time that the county
1094 legislative body takes its official action to implement the provisions of this
1095 Subsection (8).

1096 (9)(a) An emissions inspection station shall issue a certificate of emissions inspection for
1097 each motor vehicle that meets the inspection and maintenance program requirements
1098 established in regulations or ordinances made under Subsection (3).

1099 (b) The frequency of the emissions inspection shall be determined based on the age of
1100 the vehicle as determined by model year and shall be required annually subject to the
1101 provisions of Subsection (9)(c).

1102 (c)(i) To the extent allowed under the current federally approved state
1103 implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec.
1104 7401 et seq., the legislative body of a county identified in Subsection (1) shall
1105 only require the emissions inspection every two years for each vehicle.

1106 (ii) The provisions of Subsection (9)(c)(i) apply only to a vehicle that is less than six
1107 years old on January 1.

1108 (iii) For a county required to implement a new vehicle emissions inspection and
1109 maintenance program on or after December 1, 2012, under Subsection (1), but for
1110 which no current federally approved state implementation plan exists, a vehicle
1111 shall be tested at a frequency determined by the county legislative body, in
1112 consultation with the Air Quality Board created under Section 19-1-106, that is
1113 necessary to comply with federal law or attain or maintain any national ambient
1114 air quality standard.

1115 (iv) If a county legislative body establishes or changes the frequency of a vehicle
1116 emissions inspection and maintenance program under Subsection (9)(c)(iii), the

- 1117 establishment or change shall take effect on January 1 if the State Tax
1118 Commission receives notice meeting the requirements of Subsection (9)(c)(v)
1119 from the county before October 1.
- 1120 (v) The notice described in Subsection (9)(c)(iv) shall:
- 1121 (A) state that the county will establish or change the frequency of the vehicle
1122 emissions inspection and maintenance program under this section;
- 1123 (B) include a copy of the ordinance establishing or changing the frequency; and
- 1124 (C) if the county establishes or changes the frequency under this section, state how
1125 frequently the emissions testing will be required.
- 1126 (d) If an emissions inspection is only required every two years for a vehicle under
1127 Subsection (9)(c), the inspection shall be required for the vehicle in:
- 1128 (i) odd-numbered years for vehicles with odd-numbered model years; or
- 1129 (ii) in even-numbered years for vehicles with even-numbered model years.
- 1130 (10)(a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection
1131 required under this section may be made no more than two months before the
1132 renewal of registration.
- 1133 (b)(i) If the title of a used motor vehicle is being transferred, the owner may use an
1134 emissions inspection certificate issued for the motor vehicle during the previous
1135 11 months to satisfy the requirement under this section.
- 1136 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner
1137 may use an emissions inspection certificate issued for the motor vehicle in a
1138 licensed and bonded motor vehicle dealer's name during the previous 11 months to
1139 satisfy the requirement under this section.
- 1140 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the
1141 lessee may use an emissions inspection certificate issued during the previous 11
1142 months to satisfy the requirement under this section.
- 1143 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not use
1144 an emissions inspection made more than 11 months before the renewal of registration
1145 to satisfy the requirement under this section.
- 1146 (e) If the application for renewal of registration is for a six-month registration period
1147 under Section 41-1a-215.5, the owner may use an emissions inspection certificate
1148 issued during the previous eight months to satisfy the requirement under this section.
- 1149 (11)(a) A county identified in Subsection (1) shall collect information about and monitor
1150 the program.

- 1151 (b) A county identified in Subsection (1) shall supply this information to~~an appropriate~~
1152 ~~legislative committee, as designated by the Legislative Management Committee,~~
1153 ~~at times determined by the designated committee]~~ the Transportation Interim
1154 Committee to identify program needs, including funding needs.
- 1155 (12) If approved by the county legislative body, a county that had an established emissions
1156 inspection fee as of January 1, 2002, may increase the established fee that an emissions
1157 inspection station may charge by \$2.50 for each year that is exempted from emissions
1158 inspections under Subsection (9)(c) up to a \$7.50 increase.
- 1159 (13)(a) Except as provided in Subsection 41-1a-1223(1)(c), a county identified in
1160 Subsection (1) may impose a local emissions compliance fee on each motor vehicle
1161 registration within the county in accordance with the procedures and requirements of
1162 Section 41-1a-1223.
- 1163 (b) A county that imposes a local emissions compliance fee may use revenues generated
1164 from the fee for the establishment and enforcement of an emissions inspection and
1165 maintenance program in accordance with the requirements of this section.
- 1166 (c) A county that imposes a local emissions compliance fee may use revenues generated
1167 from the fee to promote programs to maintain a local, state, or national ambient air
1168 quality standard.
- 1169 (14)(a) If a county has reason to believe that a vehicle owner has provided an address as
1170 required in Section 41-1a-209 to register or attempt to register a motor vehicle in a
1171 county other than the county of the bona fide residence of the owner in order to avoid
1172 an emissions inspection required under this section, the county may investigate and
1173 gather evidence to determine whether the vehicle owner has used a false address or
1174 an address other than the vehicle owner's bona fide residence or place of business.
- 1175 (b) If a county conducts an investigation as described in Subsection (14)(a) and
1176 determines that the vehicle owner has used a false or improper address in an effort to
1177 avoid an emissions inspection as required in this section, the county may impose a
1178 civil penalty of \$1,000.
- 1179 (15) A county legislative body described in Subsection (1) may exempt a motor vehicle
1180 from an emissions inspection if:
- 1181 (a) the motor vehicle is 30 years old or older;
- 1182 (b) the county determines that the motor vehicle was driven less than 1,500 miles during
1183 the preceding 12-month period; and
- 1184 (c) the owner provides to the county legislative body a statement signed by the owner

that states the motor vehicle:

(i) is primarily a collector's item used for:

(A) participation in club activities;

(B) exhibitions;

(C) tours; or

(D) parades; or

(ii) is only used for occasional transportation.

Section 10. Section **53-2a-1102** is amended to read:

53-2a-1102 (Effective 05/07/25). Search and Rescue Financial Assistance

Program -- Uses -- Rulemaking -- Distribution.

(1) As used in this section:

(a) "Assistance card program" means the Utah Search and Rescue Assistance Card Program created within this section.

(b) "Card" means the Search and Rescue Assistance Card issued under this section to a participant.

(c) "Participant" means an individual, family, or group who is registered pursuant to this section as having a valid card at the time search, rescue, or both are provided.

(d) "Program" means the Search and Rescue Financial Assistance Program created within this section.

(e)(i) "Reimbursable base expenses" means those reasonable expenses incidental to search and rescue activities.

(ii) "Reimbursable base expenses" include:

(A) rental for fixed wing aircraft, snowmobiles, boats, and generators;

(B) replacement and upgrade of search and rescue equipment;

(C) training of search and rescue volunteers;

(D) costs of providing life insurance and workers' compensation benefits for volunteer search and rescue team members under Section 67-20-7.5; and

(E) any other equipment or expenses necessary or appropriate for conducting search and rescue activities.

(iii) "Reimbursable base expenses" do not include any salary or overtime paid to an individual on a regular or permanent payroll, including permanent part-time employees of any agency of the state.

(f) "Rescue" means search services, rescue services, or both search and rescue services.

(2) There is created the Search and Rescue Financial Assistance Program within the

division.

(3)(a) The financial program and the assistance card program shall be funded from the following revenue sources:

- (i) any voluntary contributions to the state received for search and rescue operations;
- (ii) money received by the state under Subsection (11) and under Sections 23A-4-209, 41-22-34, and 73-18-24;
- (iii) money deposited under [~~Subsection 59-12-103(13)~~] Section 59-12-103 as a dedicated credit for the sole use of the Search and Rescue Financial Assistance Program;
- (iv) contributions deposited in accordance with Section 41-1a-230.7; and
- (v) appropriations made to the program by the Legislature.

(b) Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the General Fund as a dedicated credit to be used solely for the program.

(c) Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into the General Fund as a dedicated credit to be used solely to promote the assistance card program.

(d) Funding for the program is nonlapsing.

(4) Subject to Subsections (3)(b) and (c), the director shall use the money described in this section to reimburse counties for all or a portion of each county's reimbursable base expenses for search and rescue operations, subject to:

- (a) the approval of the Search and Rescue Advisory Board as provided in Section 53-2a-1104;
- (b) money available in the program; and
- (c) rules made under Subsection (7).

(5) Money described in Subsection (3) may not be used to reimburse for any paid personnel costs or paid man hours spent in emergency response and search and rescue related activities.

(6) The Legislature finds that these funds are for a general and statewide public purpose.

(7) The division, with the approval of the Search and Rescue Advisory Board, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section:

- (a) specifying the costs that qualify as reimbursable base expenses;
- (b) defining the procedures of counties to submit expenses and be reimbursed;

- 1253 (c) defining a participant in the assistance card program, including:
1254 (i) individuals; and
1255 (ii) families and organized groups who qualify as participants;
1256 (d) defining the procedure for issuing a card to a participant;
1257 (e) defining excluded expenses that may not be reimbursed under the program, including
1258 medical expenses;
1259 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card
1260 Program;
1261 (g) establishing the frequency of review of the fee schedule;
1262 (h) providing for the administration of the program; and
1263 (i) providing a formula to govern the distribution of available money among the counties
1264 for uncompensated search and rescue expenses based on:
1265 (i) the total qualifying expenses submitted;
1266 (ii) the number of search and rescue incidents per county population;
1267 (iii) the number of victims that reside outside the county; and
1268 (iv) the number of volunteer hours spent in each county in emergency response and
1269 search and rescue related activities per county population.
- 1270 (8)(a) The division shall, in consultation with the Division of Outdoor Recreation,
1271 establish the fee schedule of the Utah Search and Rescue Assistance Card Program
1272 under Subsection 63J-1-504(7).
- 1273 (b) The division shall provide a discount of not less than 10% of the card fee under
1274 Subsection (8)(a) to a person who has paid a fee under Section 23A-4-209, 41-22-34,
1275 or 73-18-24 during the same calendar year in which the person applies to be a
1276 participant in the assistance card program.
- 1277 (9) Counties may not bill reimbursable base expenses to an individual for costs incurred for
1278 the rescue of an individual, if the individual is a current participant in the Utah Search
1279 and Rescue Assistance Card Program at the time of rescue, unless:
1280 (a) the rescuing county finds that the participant acted recklessly in creating a situation
1281 resulting in the need for the county to provide rescue services; or
1282 (b) the rescuing county finds that the participant intentionally created a situation
1283 resulting in the need for the county to provide rescue services.
- 1284 (10)(a) There is created the Utah Search and Rescue Assistance Card Program. The
1285 program is located within the division.
- 1286 (b) The program may not be used to cover any expenses, such as medically related

expenses, that are not reimbursable base expenses related to the rescue.

(11)(a) To participate in the program, a person shall purchase a search and rescue assistance card from the division by paying the fee as determined by the division in Subsection (8).

(b) The money generated by the fees shall be deposited into the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program created in this section.

(c) Participation and payment of fees by a person under Sections 23A-4-209, 41-22-34, and 73-18-24 do not constitute purchase of a card under this section.

(12) The division shall consult with the Division of Outdoor Recreation regarding:

(a) administration of the assistance card program; and

(b) outreach and marketing strategies.

(13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance Card Program under this section is exempt from being considered insurance as that term is defined in Section 31A-1-301.

Section 11. 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.

- 1321 ~~[(3)]~~ (5) "Ambulance provider" means an emergency medical service provider that:
- 1322 (a) transports and provides emergency medical care to patients; and
- 1323 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.
- 1324 ~~[(4)]~~ (6) "Automatic external defibrillator" or "AED" means an automated or automatic
- 1325 computerized medical device that:
- 1326 (a) has received pre-market notification approval from the United States Food and Drug
- 1327 Administration, pursuant to 21 U.S.C. Sec. 360(k);
- 1328 (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid
- 1329 ventricular tachycardia;
- 1330 (c) is capable of determining, without intervention by an operator, whether defibrillation
- 1331 should be performed; and
- 1332 (d) upon determining that defibrillation should be performed, automatically charges,
- 1333 enabling delivery of, or automatically delivers, an electrical impulse through the
- 1334 chest wall and to an individual's heart.
- 1335 ~~[(5)]~~ (7)(a) "Behavioral emergency services" means delivering a behavioral health
- 1336 intervention to a patient in an emergency context within a scope and in accordance
- 1337 with guidelines established by the department.
- 1338 (b) "Behavioral emergency services" does not include engaging in the:
- 1339 (i) practice of mental health therapy as defined in Section 58-60-102;
- 1340 (ii) practice of psychology as defined in Section 58-61-102;
- 1341 (iii) practice of clinical social work as defined in Section 58-60-202;
- 1342 (iv) practice of certified social work as defined in Section 58-60-202;
- 1343 (v) practice of marriage and family therapy as defined in Section 58-60-302;
- 1344 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
- 1345 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.
- 1346 ~~[(6)]~~ (8) "Bureau" means the Bureau of Emergency Medical Services created in Section
- 1347 53-2d-102.
- 1348 ~~[(7)]~~ (9) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external
- 1349 chest compression applied to a person who is unresponsive and not breathing.
- 1350 ~~[(8)]~~ (10) "Committee" means the Trauma System and Emergency Medical Services
- 1351 Committee created by Section 53-2d-104.
- 1352 ~~[(9)]~~ (11) "Community paramedicine" means medical care:
- 1353 (a) provided by emergency medical service personnel; and
- 1354 (b) provided to a patient who is not:

(i) in need of ambulance transportation; or

(ii) located in a health care facility as defined in Section 26B-2-201.

~~[(10)]~~ (12) "Direct medical observation" means in-person observation of a patient by a physician, registered nurse, physician's assistant, or individual licensed under Section 26B-4-116.

~~[(11)]~~ (13) "Emergency medical condition" means:

(a) a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

(i) placing the individual's health in serious jeopardy;

(ii) serious impairment to bodily functions; or

(iii) serious dysfunction of any bodily organ or part; or

(b) a medical condition that in the opinion of a physician or the physician's designee requires direct medical observation during transport or may require the intervention of an individual licensed under Section 53-2d-402 during transport.

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

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

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

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

(a) licensed ambulance providers and paramedic providers;

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

(1)(a); and

(c) emergency medical service personnel.

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

(a) medical services;

(b) transportation services;

- 1389 (c) behavioral emergency services; or
- 1390 (d) any combination of the services described in Subsections ~~[(15)(a)]~~ (17)(a) through (c).
- 1391 ~~[(16)]~~ (18) "Emergency medical service vehicle" means a land, air, or water vehicle that is:
- 1392 (a) maintained and used for the transportation of emergency medical personnel,
- 1393 equipment, and supplies to the scene of a medical emergency; and
- 1394 (b) required to be permitted under Section 53-2d-404.
- 1395 ~~[(17)]~~ (19) "Governing body":
- 1396 (a) means the same as that term is defined in Section 11-42-102; and
- 1397 (b) for purposes of a "special service district" under Section 11-42-102, means a special
- 1398 service district that has been delegated the authority to select a provider under this
- 1399 chapter by the special service district's legislative body or administrative control
- 1400 board.
- 1401 ~~[(18)]~~ (20) "Interested party" means:
- 1402 (a) a licensed or designated emergency medical services provider that provides
- 1403 emergency medical services within or in an area that abuts an exclusive geographic
- 1404 service area that is the subject of an application submitted pursuant to Part 5,
- 1405 Ambulance and Paramedic Providers;
- 1406 (b) any municipality, county, or fire district that lies within or abuts a geographic service
- 1407 area that is the subject of an application submitted pursuant to Part 5, Ambulance and
- 1408 Paramedic Providers; or
- 1409 (c) the department when acting in the interest of the public.
- 1410 ~~[(19)]~~ (21) "Level of service" means the level at which an ambulance provider type of
- 1411 service is licensed as:
- 1412 (a) emergency medical technician;
- 1413 (b) advanced emergency medical technician; or
- 1414 (c) paramedic.
- 1415 ~~[(20)]~~ (22) "Medical control" means a person who provides medical supervision to an
- 1416 emergency medical service provider.
- 1417 ~~[(21)]~~ (23) "Non-911 service" means transport of a patient that is not 911 transport under
- 1418 Subsection (1).
- 1419 ~~[(22)]~~ (24) "Nonemergency secured behavioral health transport" means an entity that:
- 1420 (a) provides nonemergency secure transportation services for an individual who:
- 1421 (i) is not required to be transported by an ambulance under Section 53-2d-405; and
- 1422 (ii) requires behavioral health observation during transport between any of the

1423 following facilities:

1424 (A) a licensed acute care hospital;

1425 (B) an emergency patient receiving facility;

1426 (C) a licensed mental health facility; and

1427 (D) the office of a licensed health care provider; and

1428 (b) is required to be designated under Section 53-2d-403.

1429 [~~(23)~~] (25) "Paramedic provider" means an entity that:

1430 (a) employs emergency medical service personnel; and

1431 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

1432 [~~(24)~~] (26) "Patient" means an individual who, as the result of illness, injury, or a behavioral
1433 emergency condition, meets any of the criteria in Section 26B-4-119.

1434 [~~(25)~~] (27) "Political subdivision" means:

1435 (a) a city or town;

1436 (b) a county;

1437 (c) a special service district created under Title 17D, Chapter 1, Special Service District
1438 Act, for the purpose of providing fire protection services under Subsection 17D-1-201
1439 (9);

1440 (d) a special district created under Title 17B, Limited Purpose Local Government
1441 Entities - Special Districts, for the purpose of providing fire protection, paramedic,
1442 and emergency services;

1443 (e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or

1444 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.

1445 [~~(26)~~] (28) "Sudden cardiac arrest" means a life-threatening condition that results when a
1446 person's heart stops or fails to produce a pulse.

1447 [~~(27)~~] (29) "Trauma" means an injury requiring immediate medical or surgical intervention.

1448 [~~(28)~~] (30) "Trauma system" means a single, statewide system that:

1449 (a) organizes and coordinates the delivery of trauma care within defined geographic
1450 areas from the time of injury through transport and rehabilitative care; and

1451 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
1452 delivering care for trauma patients, regardless of severity.

1453 [~~(29)~~] (31) "Triage" means the sorting of patients in terms of disposition, destination, or
1454 priority. For prehospital trauma victims, triage requires a determination of injury
1455 severity to assess the appropriate level of care according to established patient care
1456 protocols.

1457 [(30)] (32) "Triage, treatment, transportation, and transfer guidelines" means written
1458 procedures that:

- 1459 (a) direct the care of patients; and
1460 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
1461 center, or an emergency medical service provider.

1462 [(31)] (33) "Type of service" means the category at which an ambulance provider is licensed
1463 as:

- 1464 (a) ground ambulance transport;
1465 (b) ground ambulance interfacility transport; or
1466 (c) both ground ambulance transport and ground ambulance interfacility transport.

1467 Section 12. Section **53-2d-517** is enacted to read:

1468 **53-2d-517 (Effective 05/07/25). Air ambulance requirements.**

1469 (1) A licensed air ambulance provider shall provide to all emergency medical dispatch
1470 centers the real-time location and availability of the air ambulance using statewide
1471 software that updates from a location transponder or computer-aided dispatch interface.

1472 (2) An emergency medical dispatch center shall dispatch an air ambulance that the
1473 emergency medical dispatch center determines:

- 1474 (a) is nearest to the location requiring emergency medical services;
1475 (b) is readily available; and
1476 (c) is the most appropriate air ambulance provider for the particular emergency
1477 circumstance based on the needs of the patient and the capabilities of the air
1478 ambulance provider.

1479 (3) An air ambulance that is currently transporting a patient may not:

- 1480 (a) be dispatched for a different emergency medical situation; or
1481 (b) deviate from the current emergency service and patient to respond to a different
1482 emergency medical dispatch communication.

1483 Section 13. Section **59-12-103** is amended to read:

1484 **59-12-103 (Effective 07/01/25). Sales and use tax base -- Rates -- Effective dates**
1485 **-- Use of sales and use tax revenue.**

1486 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or sales
1487 price for amounts paid or charged for the following transactions:

- 1488 (a) retail sales of tangible personal property made within the state;
1489 (b) amounts paid for:
1490 (i) telecommunications service, other than mobile telecommunications service, that

- 1491 originates and terminates within the boundaries of this state;
- 1492 (ii) mobile telecommunications service that originates and terminates within the
- 1493 boundaries of one state only to the extent permitted by the Mobile
- 1494 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
- 1495 (iii) an ancillary service associated with a:
- 1496 (A) telecommunications service described in Subsection (1)(b)(i); or
- 1497 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
- 1498 (c) sales of the following for commercial use:
- 1499 (i) gas;
- 1500 (ii) electricity;
- 1501 (iii) heat;
- 1502 (iv) coal;
- 1503 (v) fuel oil; or
- 1504 (vi) other fuels;
- 1505 (d) sales of the following for residential use:
- 1506 (i) gas;
- 1507 (ii) electricity;
- 1508 (iii) heat;
- 1509 (iv) coal;
- 1510 (v) fuel oil; or
- 1511 (vi) other fuels;
- 1512 (e) sales of prepared food;
- 1513 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
- 1514 user fees for theaters, movies, operas, museums, planetariums, shows of any type or
- 1515 nature, exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses,
- 1516 menageries, fairs, races, contests, sporting events, dances, boxing matches, wrestling
- 1517 matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling
- 1518 lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts,
- 1519 ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides,
- 1520 river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or
- 1521 any other amusement, entertainment, recreation, exhibition, cultural, or athletic
- 1522 activity;
- 1523 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 1524 property, unless Section 59-12-104 provides for an exemption from sales and use tax

for:

(i) the tangible personal property; and

(ii) parts used in the repairs or renovations of the tangible personal property described in Subsection (1)(g)(i), regardless of whether:

(A) any parts are actually used in the repairs or renovations of that tangible personal property; or

(B) the particular parts used in the repairs or renovations of that tangible personal property are exempt from a tax under this chapter;

(h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted cleaning or washing of tangible personal property;

(i) amounts paid or charged for short-term rentals of tourist home, hotel, motel, or trailer court accommodations and services;

(j) amounts paid or charged for laundry or dry cleaning services;

(k) amounts paid or charged for leases or rentals of tangible personal property if within this state the tangible personal property is:

(i) stored;

(ii) used; or

(iii) otherwise consumed;

(l) amounts paid or charged for tangible personal property if within this state the tangible personal property is:

(i) stored;

(ii) used; or

(iii) consumed;

(m) amounts paid or charged for a sale:

(i)(A) of a product transferred electronically; or

(B) of a repair or renovation of a product transferred electronically; and

(ii) regardless of whether the sale provides:

(A) a right of permanent use of the product; or

(B) a right to use the product that is less than a permanent use, including a right:

(I) for a definite or specified length of time; and

(II) that terminates upon the occurrence of a condition; and

(n) sales of leased tangible personal property from the lessor to the lessee made in the state.

(2)(a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax are

imposed on a transaction described in Subsection (1) equal to the sum of:

(i) a state tax imposed on the transaction at a tax rate equal to the sum of:

(A) 4.70% plus the rate specified in Subsection (11)(a); and

(B)(I) the tax rate the state imposes in accordance with Part 18, Additional

State Sales and Use Tax Act, if the location of the transaction as determined

under Sections 59-12-211 through 59-12-215 is in a county in which the

state imposes the tax under Part 18, Additional State Sales and Use Tax Act;

and

(II) the tax rate the state imposes in accordance with Part 20, Supplemental

State Sales and Use Tax Act, if the location of the transaction as determined

under Sections 59-12-211 through 59-12-215 is in a city, town, or the

unincorporated area of a county in which the state imposes the tax under

Part 20, Supplemental State Sales and Use Tax Act; and

(ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under this chapter other than this part.

(b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to the sum of:

(i) a state tax imposed on the transaction at a tax rate of 2%; and

(ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under this chapter other than this part.

(c) Except as provided in Subsection (2)(f) or (g), a state tax and a local tax are imposed on amounts paid or charged for food and food ingredients equal to the sum of:

(i) a state tax imposed on the amounts paid or charged for food and food ingredients at a tax rate of 1.75%; and

(ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the amounts paid or charged for food and food ingredients under this chapter other than this part.

(d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts paid or charged for fuel to a common carrier that is a railroad for use in a locomotive engine at a rate of 4.85%.

(e)(i)(A) If a shared vehicle owner certifies to the commission, on a form prescribed by the commission, that the shared vehicle is an individual-owned shared vehicle, a tax imposed under Subsection (2)(a)(i)(A) does not apply to

car sharing, a car-sharing program, a shared vehicle driver, or a shared vehicle owner.

(B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is required once during the time that the shared vehicle owner owns the shared vehicle.

(C) The commission shall verify that a shared vehicle is an individual-owned shared vehicle by verifying that the applicable Utah taxes imposed under this chapter were paid on the purchase of the shared vehicle.

(D) The exception under Subsection (2)(e)(i)(A) applies to a certified individual-owned shared vehicle shared through a car-sharing program even if non-certified shared vehicles are also available to be shared through the same car-sharing program.

(ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.

(iii)(A) A car-sharing program may rely in good faith on a shared vehicle owner's representation that the shared vehicle is an individual-owned shared vehicle certified with the commission as described in Subsection (2)(e)(i).

(B) If a car-sharing program relies in good faith on a shared vehicle owner's representation that the shared vehicle is an individual-owned shared vehicle certified with the commission as described in Subsection (2)(e)(i), the car-sharing program is not liable for any tax, penalty, fee, or other sanction imposed on the shared vehicle owner.

(iv) If all shared vehicles shared through a car-sharing program are certified as described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has no obligation to collect and remit the tax under Subsection (2)(a)(i)(A) for that tax period.

(v) A car-sharing program is not required to list or otherwise identify an individual-owned shared vehicle on a return or an attachment to a return.

(vi) A car-sharing program shall:

(A) retain tax information for each car-sharing program transaction; and

(B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at the commission's request.

(f)(i) For a bundled transaction that is attributable to food and food ingredients and tangible personal property other than food and food ingredients, a state tax and a local tax is imposed on the entire bundled transaction equal to the sum of:

(A) a state tax imposed on the entire bundled transaction equal to the sum of:

(I) the tax rate described in Subsection (2)(a)(i)(A); and

(II)(Aa) the tax rate the state imposes in accordance with Part 18,

Additional State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act; and

(Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

(B) a local tax imposed on the entire bundled transaction at the sum of the tax rates described in Subsection (2)(a)(ii).

(ii) If an optional computer software maintenance contract is a bundled transaction that consists of taxable and nontaxable products that are not separately itemized on an invoice or similar billing document, the purchase of the optional computer software maintenance contract is 40% taxable under this chapter and 60% nontaxable under this chapter.

(iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled transaction described in Subsection (2)(f)(i) or (ii):

(A) if the sales price of the bundled transaction is attributable to tangible personal property, a product, or a service that is subject to taxation under this chapter and tangible personal property, a product, or service that is not subject to taxation under this chapter, the entire bundled transaction is subject to taxation under this chapter unless:

(I) the seller is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is not subject to taxation under this chapter from the books and records the seller keeps in the seller's regular course of business; or

(II) state or federal law provides otherwise; or

(B) if the sales price of a bundled 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 bundled transaction is subject to

1661 taxation under this chapter at the higher tax rate unless:

1662 (I) the seller is able to identify by reasonable and verifiable standards the
1663 tangible personal property, product, or service that is subject to taxation
1664 under this chapter at the lower tax rate from the books and records the seller
1665 keeps in the seller's regular course of business; or

1666 (II) state or federal law provides otherwise.

1667 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the
1668 seller's regular course of business includes books and records the seller keeps in
1669 the regular course of business for nontax purposes.

1670 (g)(i) Except as otherwise provided in this chapter and subject to Subsections

1671 (2)(g)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible
1672 personal property, a product, or a service that is subject to taxation under this
1673 chapter, and the sale, lease, or rental of tangible personal property, other property,
1674 a product, or a service that is not subject to taxation under this chapter, the entire
1675 transaction is subject to taxation under this chapter unless the seller, at the time of
1676 the transaction:

1677 (A) separately states the portion of the transaction that is not subject to taxation
1678 under this chapter on an invoice, bill of sale, or similar document provided to
1679 the purchaser; or

1680 (B) is able to identify by reasonable and verifiable standards, from the books and
1681 records the seller keeps in the seller's regular course of business, the portion of
1682 the transaction that is not subject to taxation under this chapter.

1683 (ii) A purchaser and a seller may correct the taxability of a transaction if:

1684 (A) after the transaction occurs, the purchaser and the seller discover that the
1685 portion of the transaction that is not subject to taxation under this chapter was
1686 not separately stated on an invoice, bill of sale, or similar document provided
1687 to the purchaser because of an error or ignorance of the law; and

1688 (B) the seller is able to identify by reasonable and verifiable standards, from the
1689 books and records the seller keeps in the seller's regular course of business, the
1690 portion of the transaction that is not subject to taxation under this chapter.

1691 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller
1692 keeps in the seller's regular course of business includes books and records the
1693 seller keeps in the regular course of business for nontax purposes.

1694 (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 imposed under the following shall take effect on the first day of a calendar quarter:

(i) Subsection (2)(a)(i)(A);

(ii) Subsection (2)(b)(i);

(iii) Subsection (2)(c)(i); or

(iv) Subsection (2)(f)(i)(A)(I).

(j)(i) A tax rate increase takes effect on the first day of the first billing period that begins on or after the effective date of the tax rate increase if the billing period for the transaction begins before the effective date of a tax rate increase imposed under:

(A) Subsection (2)(a)(i)(A);

(B) Subsection (2)(b)(i);

(C) Subsection (2)(c)(i); or

(D) Subsection (2)(f)(i)(A)(I).

(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for the billing period is rendered on or after the effective date of the repeal of the tax or the tax rate decrease imposed under:

(A) Subsection (2)(a)(i)(A);

(B) Subsection (2)(b)(i);

(C) Subsection (2)(c)(i); or

(D) Subsection (2)(f)(i)(A)(I).

(k)(i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or change in a tax rate takes effect:

(A) on the first day of a calendar quarter; and

(B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

(ii) Subsection (2)(k)(i) applies to the tax rates described in the following:

(A) Subsection (2)(a)(i)(A);

(B) Subsection (2)(b)(i);

(C) Subsection (2)(c)(i); or

(D) Subsection (2)(f)(i)(A)(I).

(iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

(l)(i) For a location described in Subsection (2)(l)(ii), the commission shall determine the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.

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

(A) a commercial use;

(B) an industrial use; or

(C) a residential use.

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

(i) the tax imposed by Subsection (2)(a)(i)(A);

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

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

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

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

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

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

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

(i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:

(A) by a 1/16% tax rate on the transactions described in Subsection (1); and

(B) for the fiscal year; or

(ii) \$17,500,000.

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

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

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

(ii) Money transferred to the Division of Wildlife Resources under Subsection

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

(iii) At the end of each fiscal year:

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

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

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

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

(d)(i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount

described in Subsection (4)(a) shall be transferred each year as designated sales and use tax revenue to the Division of Water Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of water rights.

(ii) At the end of each fiscal year:

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

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

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

(e)(i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described in Subsection (4)(a) shall be deposited into the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

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

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

(B) fund state required dam safety improvements; and

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

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

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

- 1831 (i) provide for the installation and repair of collection, treatment, storage, and
1832 distribution facilities for any public water system, as defined in Section 19-4-102;
1833 (ii) develop underground sources of water, including springs and wells; and
1834 (iii) develop surface water sources.
- 1835 (5)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1836 2006, the difference between the following amounts shall be expended as provided in
1837 this Subsection (5), if that difference is greater than \$1:
- 1838 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for
1839 the fiscal year by a 1/16% tax rate on the transactions described in Subsection (1);
1840 and
1841 (ii) \$17,500,000.
- 1842 (b)(i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:
- 1843 (A) transferred each fiscal year to the Department of Natural Resources as
1844 designated sales and use tax revenue; and
1845 (B) expended by the Department of Natural Resources for watershed rehabilitation
1846 or restoration.
- 1847 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
1848 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources
1849 Conservation and Development Fund created in Section 73-10-24.
- 1850 (c)(i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
1851 remaining difference described in Subsection (5)(a) shall be:
- 1852 (A) transferred each fiscal year to the Division of Water Resources as designated
1853 sales and use tax revenue; and
1854 (B) expended by the Division of Water Resources for cloud-seeding projects
1855 authorized by Title 73, Chapter 15, Modification of Weather.
- 1856 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
1857 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources
1858 Conservation and Development Fund created in Section 73-10-24.
- 1859 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
1860 remaining difference described in Subsection (5)(a) shall be deposited into the Water
1861 Resources Conservation and Development Fund created in Section 73-10-24 for use
1862 by the Division of Water Resources for:
- 1863 (i) preconstruction costs:
- 1864 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73,

- Chapter 26, Bear River Development Act; and
- (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;
- (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73, Chapter 26, Bear River Development Act;
- (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and
- (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).
- (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the remaining difference described in Subsection (5)(a) shall be deposited each year into the Water Rights Restricted Account created by Section 73-2-1.6.
- (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), each fiscal year, the commission shall deposit into the Water Infrastructure Restricted Account created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax rate on the transactions described in Subsection (1) for the fiscal year.
- (7)(a) Notwithstanding Subsection (3)(a) and subject to Subsections (7)(b), (c), and (d), for a fiscal year beginning on or after July 1, 2023, the commission shall deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a) equal to [~~17%~~] 24% of the revenue collected from the following sales and use 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)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall annually reduce the deposit under Subsection (7)(a) into the Transportation Investment Fund of 2005 by an amount equal to .44% 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

- 1899 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1900 (ii) The commission shall annually deposit the amount described in Subsection
- 1901 (7)(b)(i) into the Cottonwood Canyons Transportation Investment Fund created in
- 1902 Section 72-2-124.
- 1903 (c)(i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,
- 1904 2023, the commission shall annually reduce the deposit into the Transportation
- 1905 Investment Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is
- 1906 equal to 5% of:
- 1907 (A) the amount of revenue generated in the current fiscal year by the portion of
- 1908 taxes listed under Subsection (3)(a) that equals 20.68% of the revenue
- 1909 collected from taxes described in Subsections (7)(a)(i) through (iv);
- 1910 (B) the amount of revenue generated in the current fiscal year by registration fees
- 1911 designated under Section 41-1a-1201 to be deposited into the Transportation
- 1912 Investment Fund of 2005; and
- 1913 (C) revenue transferred by the Division of Finance to the Transportation
- 1914 Investment Fund of 2005 in accordance with Section 72-2-106 in the current
- 1915 fiscal year.
- 1916 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a
- 1917 given fiscal year.
- 1918 (iii) The commission shall annually deposit the amount described in Subsection
- 1919 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection
- 1920 72-2-124(11).
- 1921 (d)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall
- 1922 annually reduce the deposit into the Transportation Investment Fund of 2005
- 1923 under this Subsection (7) by an amount that is equal to 1% of the revenue
- 1924 collected from the following sales and use taxes:
- 1925 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1926 (B) the tax imposed by Subsection (2)(b)(i);
- 1927 (C) the tax imposed by Subsection (2)(c)(i); and
- 1928 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1929 (ii) The commission shall annually deposit the amount described in Subsection
- 1930 (7)(d)(i) into the Commuter Rail Subaccount created in Section 72-2-124.
- 1931 (8)(a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
- 1932 Subsection (7), and subject to [~~Subsections (8)(b) and (d)(ii)] Subsection (8)(b), for a~~

1933 fiscal year beginning on or after July 1, 2018, the commission shall annually deposit
1934 into the Transportation Investment Fund of 2005 created by Section 72-2-124 a
1935 portion of the taxes listed under Subsection (3)(a) in an amount equal to 3.68% of the
1936 revenue collected from the following taxes:

- 1937 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1938 (ii) the tax imposed by Subsection (2)(b)(i);
- 1939 (iii) the tax imposed by Subsection (2)(c)(i); and
- 1940 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

1941 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
1942 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection
1943 (8)(a) by an amount that is equal to 35% of the amount of revenue generated in the
1944 current fiscal year by the portion of the tax imposed on motor and special fuel that is
1945 sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.

1946 (c) The commission shall annually deposit the amount described in Subsection (8)(b)
1947 into the Transit Transportation Investment Fund created in Section 72-2-124.

1948 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1949 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies
1950 Fund created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

1951 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the fiscal
1952 year during which the commission receives notice under Section 63N-2-510 that
1953 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the
1954 commission shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the
1955 revenue generated by the taxes listed under Subsection (3)(a) into the Hotel Impact
1956 Mitigation Fund, created in Section 63N-2-512.

1957 (11)(a) The rate specified in this subsection is 0.15%.

1958 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning
1959 on or after July 1, 2019, annually transfer the amount of revenue collected from the
1960 rate described in Subsection (11)(a) on the transactions that are subject to the sales
1961 and use tax under Subsection (2)(a)(i)(A) into the Medicaid ACA Fund created in
1962 Section 26B-1-315.

1963 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1964 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated
1965 credit solely for use of the Search and Rescue Financial Assistance Program created in,
1966 and expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

1967 ~~[(13)(a) For each fiscal year beginning with fiscal year 2020-21, the commission shall~~
 1968 ~~annually transfer \$1,813,400 of the revenue deposited into the Transportation~~
 1969 ~~Investment Fund of 2005 under Subsections (7) and (8) to the General Fund.]~~
 1970 ~~[(b) If the total revenue deposited into the Transportation Investment Fund of 2005~~
 1971 ~~under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the~~
 1972 ~~commission shall transfer the total revenue deposited into the Transportation~~
 1973 ~~Investment Fund of 2005 under Subsections (7) and (8) during the fiscal year to the~~
 1974 ~~General Fund.]~~

1975 ~~[(14)]~~ (13) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,
 1976 beginning the first day of the calendar quarter one year after the sales and use tax
 1977 boundary for a housing and transit reinvestment zone is established, the commission, at
 1978 least annually, shall transfer an amount equal to 15% of the sales and use tax increment
 1979 within an established sales and use tax boundary, as defined in Section 63N-3-602, into
 1980 the Transit Transportation Investment Fund created in Section 72-2-124.

1981 ~~[(15)]~~ (14) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year
 1982 beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure
 1983 Restricted Account, created in Section 51-9-902, a portion of the taxes listed under
 1984 Subsection (3)(a) equal to 1% of the revenue collected from the following sales and use
 1985 taxes:

- 1986 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1987 (b) the tax imposed by Subsection (2)(b)(i);
- 1988 (c) the tax imposed by Subsection (2)(c)(i); and
- 1989 (d) the tax imposed by Subsection (2)(f)(i)(A)(I).

1990 ~~[(16)]~~ (15) Notwithstanding Subsection (3)(a), beginning October 1, 2024 the commission
 1991 shall transfer to the Utah Fairpark Area Investment and Restoration District, created in
 1992 Section 11-70-201, the revenue from the sales and use tax imposed by Subsection
 1993 (2)(a)(i)(A) at a 4.7% rate, on transactions occurring within the district sales tax area, as
 1994 defined in Section 11-70-101.

1995 ~~[(17)]~~ (16)(a) As used in this Subsection ~~[(17)]~~ (16):

- 1996 (i) "Additional land" means point of the mountain state land described in Subsection
 1997 11-59-102(6)(b) that the point of the mountain authority acquires after the point of
 1998 the mountain authority provides the commission a map under Subsection (17)(c).
- 1999 (ii) "Point of the mountain authority" means the Point of the Mountain State Land
 2000 Authority, created in Section 11-59-201.

(iii) "Point of the mountain state land" means the same as that term is defined in Section 11-59-102.

(b) Notwithstanding Subsection (3)(a), the commission shall distribute to the point of the mountain authority 50% of the revenue from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring on the point of the mountain state land.

(c) The distribution under Subsection ~~[(17)(b)]~~ (16)(b) shall begin the next calendar quarter that begins at least 90 days after the point of the mountain authority provides the commission a map that:

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

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

(d) A distribution under Subsection ~~[(17)(b)]~~ (16)(b) with respect to additional land shall begin the next calendar quarter that begins at least 90 days after the point of the mountain authority provides the commission a map of point of the mountain state land that:

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

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

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

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

Section 14. Section **59-12-2212.2** is amended to read:

59-12-2212.2 (Effective 05/07/25). Allowable uses of local option sales and use tax revenue.

(1) Except as otherwise provided in this part, a county, city, or town that imposes a local option sales and use tax under this part may expend the revenue generated from the local option sales and use tax for the following purposes:

(a) the development, construction, maintenance, or operation of:

(i) a class A road;

- (ii) a class B road;
 (iii) a class C road;
 (iv) a class D road;
 (v) traffic and pedestrian safety infrastructure, including:
 (A) a sidewalk;
 (B) curb and gutter;
 (C) a safety feature;
 (D) a traffic sign;
 (E) a traffic signal; or
 (F) street lighting;
 (vi) streets, alleys, roads, highways, and thoroughfares of any kind, including connected structures;
 (vii) an airport facility;
 (viii) an active transportation facility that is for nonmotorized vehicles and multimodal transportation and connects an origin with a destination; or
 (ix) an intelligent transportation system;
 (b) a system for public transit;
 (c) all other modes and forms of conveyance used by the public;
 (d) debt service or bond issuance costs related to a project or facility described in Subsections (1)(a) through (c); or
 (e) corridor preservation related to a project or facility described in Subsections (1)(a) through (c).
- (2) Any revenue subject to rights or obligations under a contract between a county, city, or town and a public transit district entered into before January 1, 2019, remains subject to existing contractual rights and obligations.
- (3) In addition to the uses described in Subsection (1), for any revenue generated by a sales and use tax imposed under Section 59-12-2219 that is not contractually obligated for debt service, the percentage described in Subsection 59-12-2219(11) shall be made available for public transit innovation grants as provided in Title 72, Chapter 2, Part [3] 4, Public Transit Innovation Grants.
- Section 15. Section **59-12-2219** is amended to read:
- 59-12-2219 (Effective 05/07/25). County option sales and use tax for highways and public transit -- Base -- Rate -- Distribution and expenditure of revenue -- Revenue may not supplant existing budgeted transportation revenue.**

- (1) Subject to the other provisions of this part, and subject to Subsection (13), a county legislative body may impose a sales and use tax of .25% on the transactions described in Subsection 59-12-103(1) within the county, including the cities and towns within the county.
- (2) Subject to Subsection (9), the commission shall distribute sales and use tax revenue collected under this section as provided in Subsections (3) through (8).
- (3) If the entire boundary of a county that imposes a sales and use tax under this section is annexed into a single public transit district, the commission shall distribute the sales and use tax revenue collected within the county as follows:
- (a) .10% shall be transferred to the public transit district in accordance with Section 59-12-2206;
 - (b) .10% shall be distributed as provided in Subsection (6); and
 - (c) .05% shall be distributed to the county legislative body.
- (4) If the entire boundary of a county that imposes a sales and use tax under this section is not annexed into a single public transit district, but a city or town within the county is annexed into a single large public transit district, the commission shall distribute the sales and use tax revenue collected within the county as follows:
- (a) for a city or town within the county that is annexed into a single public transit district, the commission shall distribute the sales and use tax revenue collected within that city or town as follows:
 - (i) .10% shall be transferred to the public transit district in accordance with Section 59-12-2206;
 - (ii) .10% shall be distributed as provided in Subsection (6); and
 - (iii) .05% shall be distributed to the county legislative body;
 - (b) for an eligible political subdivision within the county, the commission shall distribute the sales and use tax revenue collected within that eligible political subdivision as follows:
 - (i) .10% shall be transferred to the eligible political subdivision in accordance with Section 59-12-2206;
 - (ii) .10% shall be distributed as provided in Subsection (6); and
 - (iii) .05% shall be distributed to the county legislative body; and
 - (c) the commission shall distribute the sales and use tax revenue, except for the sales and use tax revenue described in Subsections (4)(a) and (b), as follows:
 - (i) .10% shall be distributed as provided in Subsection (6); and

(ii) .15% shall be distributed to the county legislative body.

(5) For a county not described in Subsection (3) or (4), if a county of the second, third, fourth, fifth, or sixth class imposes a sales and use tax under this section, the commission shall distribute the sales and use tax revenue collected within the county as follows:

(a) for a city or town within the county that is annexed into a single public transit district, the commission shall distribute the sales and use tax revenue collected within that city or town as follows:

(i) .10% shall be distributed as provided in Subsection (6);

(ii) .10% shall be distributed as provided in Subsection (7); and

(iii) .05% shall be distributed to the county legislative body;

(b) for an eligible political subdivision within the county, the commission shall distribute the sales and use tax revenue collected within that eligible political subdivision as follows:

(i) .10% shall be distributed as provided in Subsection (6);

(ii) .10% shall be distributed as provided in Subsection (7); and

(iii) .05% shall be distributed to the county legislative body; and

(c) the commission shall distribute the sales and use tax revenue, except for the sales and use tax revenue described in Subsections (5)(a) and (b), as follows:

(i) .10% shall be distributed as provided in Subsection (6); and

(ii) .15% shall be distributed to the county legislative body.

(6)(a) Subject to Subsection (6)(b), the commission shall make the distributions required by Subsections (3)(b), (4)(a)(ii), (4)(b)(ii), (4)(c)(i), (5)(a)(i), (5)(b)(i), (5)(c)(i), and (7)(d)(ii)(A) as follows:

(i) 50% of the total revenue collected under Subsections (3)(b), (4)(a)(ii), (4)(b)(ii), (4)(c)(i), (5)(a)(i), (5)(b)(i), (5)(c)(i), and (7)(d)(ii)(A) within the counties and cities that impose a tax under this section shall be distributed to the unincorporated areas, cities, and towns within those counties and cities on the basis of the percentage that the population of each unincorporated area, city, or town bears to the total population of all of the counties and cities that impose a tax under this section; and

(ii) 50% of the total revenue collected under Subsections (3)(b), (4)(a)(ii), (4)(b)(ii), (4)(c)(i), (5)(a)(i), (5)(b)(i), (5)(c)(i), and (7)(d)(ii)(A) within the counties and cities that impose a tax under this section shall be distributed to the

unincorporated areas, cities, and towns within those counties and cities on the basis of the location of the transaction as determined under Sections 59-12-211 through 59-12-215.

(b)(i) Population for purposes of this Subsection (6) shall be determined on the basis of the most recent official census or census estimate of the United States Bureau of the Census.

(ii) If a needed population estimate is not available from the United States Bureau of the Census, population figures shall be derived from an estimate from the Utah Population Committee.

(7)(a)(i) Subject to the requirements in Subsections (7)(b) and (c), a county legislative body:

(A) for a county that obtained approval from a majority of the county's registered voters voting on the imposition of a sales and use tax under this section prior to May 10, 2016, may, in consultation with any cities, towns, or eligible political subdivisions within the county, and in compliance with the requirements for changing an allocation under Subsection (7)(e), allocate the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) by adopting a resolution specifying the percentage of revenue under Subsection (5)(a)(ii) or (5)(b)(ii) that will be allocated to a public transit district or an eligible political subdivision; or

(B) for a county that imposes a sales and use tax under this section on or after May 10, 2016, shall, in consultation with any cities, towns, or eligible political subdivisions within the county, allocate the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) by adopting a resolution specifying the percentage of revenue under Subsection (5)(a)(ii) or (5)(b)(ii) that will be allocated to a public transit district or an eligible political subdivision.

(ii) If a county described in Subsection (7)(a)(i)(A) does not allocate the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) in accordance with Subsection (7)(a)(i)(A), the commission shall distribute 100% of the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) to:

(A) a public transit district for a city or town within the county that is annexed into a single public transit district; or

(B) an eligible political subdivision within the county.

(b) If a county legislative body allocates the revenue as described in Subsection (7)(a)(i), the county legislative body shall allocate not less than 25% of the revenue under

Subsection (5)(a)(ii) or (5)(b)(ii) to:

(i) a public transit district for a city or town within the county that is annexed into a single public transit district; or

(ii) an eligible political subdivision within the county.

(c) Notwithstanding Section 59-12-2208, the opinion question described in Section 59-12-2208 shall state the allocations the county legislative body makes in accordance with this Subsection (7).

(d) The commission shall make the distributions required by Subsection (5)(a)(ii) or (5)(b)(ii) as follows:

(i) the percentage specified by a county legislative body shall be distributed in accordance with a resolution adopted by a county legislative body under Subsection (7)(a) to an eligible political subdivision or a public transit district within the county; and

(ii) except as provided in Subsection (7)(a)(ii), if a county legislative body allocates less than 100% of the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) to a public transit district or an eligible political subdivision, the remainder of the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) not allocated by a county legislative body through a resolution under Subsection (7)(a) shall be distributed as follows:

(A) 50% of the revenue as provided in Subsection (6); and

(B) 50% of the revenue to the county legislative body.

(e) If a county legislative body seeks to change an allocation specified in a resolution under Subsection (7)(a), the county legislative body may change the allocation by:

(i) adopting a resolution in accordance with Subsection (7)(a) specifying the percentage of revenue under Subsection (5)(a)(ii) or (5)(b)(ii) that will be allocated to a public transit district or an eligible political subdivision;

(ii) obtaining approval to change the allocation of the sales and use tax by a majority of all the members of the county legislative body; and

(iii) subject to Subsection (7)(f):

(A) in accordance with Section 59-12-2208, submitting an opinion question to the county's registered voters voting on changing the allocation so that each registered voter has the opportunity to express the registered voter's opinion on whether the allocation should be changed; and

(B) in accordance with Section 59-12-2208, obtaining approval to change the allocation from a majority of the county's registered voters voting on changing

the allocation.

(f) Notwithstanding Section 59-12-2208, the opinion question required by Subsection (7)(e)(iii)(A) shall state the allocations specified in the resolution adopted in accordance with Subsection (7)(e) and approved by the county legislative body in accordance with Subsection (7)(e)(ii).

(g)(i) If a county makes an allocation by adopting a resolution under Subsection (7)(a) or changes an allocation by adopting a resolution under Subsection (7)(e), the allocation shall take effect on the first distribution the commission makes under this section after a 90-day period that begins on the date the commission receives written notice meeting the requirements of Subsection (7)(g)(ii) from the county.

(ii) The notice described in Subsection (7)(g)(i) shall state:

(A) that the county will make or change the percentage of an allocation under Subsection (7)(a) or (e); and

(B) the percentage of revenue under Subsection (5)(a)(ii) or (5)(b)(ii) that will be allocated to a public transit district or an eligible political subdivision.

(8)(a) If a public transit district is organized after the date a county legislative body first imposes a tax under this section, a change in a distribution required by this section may not take effect until the first distribution the commission makes under this section after a 90-day period that begins on the date the commission receives written notice from the public transit district of the organization of the public transit district.

(b) If an eligible political subdivision intends to provide public transit service within a county after the date a county legislative body first imposes a tax under this section, a change in a distribution required by this section may not take effect until the first distribution the commission makes under this section after a 90-day period that begins on the date the commission receives written notice from the eligible political subdivision stating that the eligible political subdivision intends to provide public transit service within the county.

(9)(a)(i) Notwithstanding Subsections (3) through (8), for a county that has not imposed a sales and use tax under this section before May 8, 2018, and if the county imposes a sales and use tax under this section before June 30, 2019, the commission shall distribute all of the sales and use tax revenue collected by the county before June 30, 2019, to the county for the purposes described in Subsection (9)(a)(ii).

- 2239 (ii) For any revenue collected by a county pursuant to Subsection (9)(a)(i) before
2240 June 30, 2019, the county may expend that revenue for:
- 2241 (A) reducing transportation related debt;
- 2242 (B) a regionally significant transportation facility; or
- 2243 (C) a public transit project of regional significance.
- 2244 (b) For a county that has not imposed a sales and use tax under this section before May
2245 8, 2018, and if the county imposes a sales and use tax under this section before June
2246 30, 2019, the commission shall distribute the sales and use tax revenue collected by
2247 the county on or after July 1, 2019, as described in Subsections (3) through (8).
- 2248 (c) For a county that has not imposed a sales and use tax under this section before June
2249 30, 2019, if the entire boundary of that county is annexed into a large public transit
2250 district, and if the county imposes a sales and use tax under this section on or after
2251 July 1, 2019, the commission shall distribute the sales and use tax revenue collected
2252 by the county as described in Subsections (3) through (8).
- 2253 (10) A county, city, or town may expend revenue collected from a tax under this section,
2254 except for revenue the commission distributes in accordance with Subsection (3)(a),
2255 (4)(a)(i), (4)(b)(i), or (7)(d)(i), for a purpose described in Section 59-12-2212.2.
- 2256 (11)(a) A public transit district or an eligible political subdivision may expend revenue
2257 the commission distributes in accordance with Subsection (3)(a), (4)(a)(i), (4)(b)(i),
2258 or (7)(d)(i) for capital expenses and service delivery expenses of the public transit
2259 district or eligible political subdivision.
- 2260 (b) As provided in Section 59-12-2212.2, for the .10% designated for public transit
2261 described in Subsection (3)(a) that is not contractually obligated for debt service,
2262 beginning on July 1, [2025] 2026, a public transit district shall make available to the
2263 Department of Transportation an amount equal to 10% of the .10% to be used for
2264 public transit innovation grants as provided in Title 72, Chapter 2, Part [3] 4, Public
2265 Transit Innovation Grants.
- 2266 (12) Notwithstanding Section 59-12-2208, a county, city, or town legislative body may, but
2267 is not required to, submit an opinion question to the county's, city's, or town's registered
2268 voters in accordance with Section 59-12-2208 to impose a sales and use tax under this
2269 section.
- 2270 (13)(a)(i) Notwithstanding any other provision in this section, if the entire boundary
2271 of a county is annexed into a large public transit district, if the county legislative
2272 body wishes to impose a sales and use tax under this section, the county

legislative body shall pass the ordinance to impose a sales and use tax under this section on or before June 30, 2022.

(ii) If the entire boundary of a county is annexed into a large public transit district, the county legislative body may not pass an ordinance to impose a sales and use tax under this section on or after July 1, 2022.

(b) Notwithstanding the deadline described in Subsection (13)(a), any sales and use tax imposed under this section by passage of a county ordinance on or before June 30, 2022, may remain in effect.

(14)(a) Beginning on July 1, 2020, and subject to Subsection (15), if a county has not imposed a sales and use tax under this section, subject to the provisions of this part, the legislative body of a city or town described in Subsection (14)(b) may impose a .25% sales and use tax on the transactions described in Subsection 59-12-103(1) within the city or town.

(b) The following cities or towns may impose a sales and use tax described in Subsection (14)(a):

(i) a city or town that has been annexed into a public transit district; or

(ii) an eligible political subdivision.

(c) If a city or town imposes a sales and use tax as provided in this section, the commission shall distribute the sales and use tax revenue collected by the city or town as follows:

(i) .125% to the city or town that imposed the sales and use tax, to be distributed as provided in Subsection (6); and

(ii) .125%, as applicable, to:

(A) the public transit district in which the city or town is annexed; or

(B) the eligible political subdivision for public transit services.

(d) If a city or town imposes a sales and use tax under this section and the county subsequently imposes a sales and use tax under this section, the commission shall distribute the sales and use tax revenue collected within the city or town as described in Subsection (14)(c).

(15)(a)(i) Notwithstanding any other provision in this section, if a city or town legislative body wishes to impose a sales and use tax under this section, the city or town legislative body shall pass the ordinance to impose a sales and use tax under this section on or before June 30, 2022.

(ii) A city or town legislative body may not pass an ordinance to impose a sales and

2307 use tax under this section on or after July 1, 2022.

- 2308 (b) Notwithstanding the deadline described in Subsection (15)(a), any sales and use tax
2309 imposed under this section by passage of an ordinance by a city or town legislative
2310 body on or before June 30, 2022, may remain in effect.

2311 Section 16. Section **59-12-2220** is amended to read:

2312 **59-12-2220 (Effective 05/07/25). County option sales and use tax to fund**
2313 **highways or a system for public transit -- Base -- Rate.**

- 2314 (1) Subject to the other provisions of this part and subject to the requirements of this
2315 section, the following counties may impose a sales and use tax under this section:

- 2316 (a) a county legislative body may impose the sales and use tax on the transactions
2317 described in Subsection 59-12-103(1) located within the county, including the cities
2318 and towns within the county if:
- 2319 (i) the entire boundary of a county is annexed into a large public transit district; and
 - 2320 (ii) the maximum amount of sales and use tax authorizations allowed pursuant to
2321 Section 59-12-2203 and authorized under the following sections has been imposed:
- 2322 (A) Section 59-12-2213;
 - 2323 (B) Section 59-12-2214;
 - 2324 (C) Section 59-12-2215;
 - 2325 (D) Section 59-12-2216;
 - 2326 (E) Section 59-12-2217;
 - 2327 (F) Section 59-12-2218; and
 - 2328 (G) Section 59-12-2219;

- 2329 (b) if the county is not annexed into a large public transit district, the county legislative
2330 body may impose the sales and use tax on the transactions described in Subsection
2331 59-12-103(1) located within the county, including the cities and towns within the
2332 county if:

- 2333 (i) the county is an eligible political subdivision; or
- 2334 (ii) a city or town within the boundary of the county is an eligible political
2335 subdivision; or

- 2336 (c) a county legislative body of a county not described in Subsection (1)(a) or (1)(b) may
2337 impose the sales and use tax on the transactions described in Subsection 59-12-103
2338 (1) located within the county, including the cities and towns within the county.

- 2339 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a
2340 county legislative body that imposes a sales and use tax under this section may impose

- 2341 the tax at a rate of .2%.
- 2342 (3)(a) The commission shall distribute sales and use tax revenue collected under this
2343 section as determined by a county legislative body as described in Subsection (3)(b).
- 2344 (b) If a county legislative body imposes a sales and use tax as described in this section,
2345 the county legislative body may elect to impose a sales and use tax revenue
2346 distribution as described in Subsection (4), (5), (6), or (7), depending on the class of
2347 county, and presence and type of a public transit provider in the county.
- 2348 (4) If a county legislative body imposes a sales and use tax as described in this section, and
2349 the entire boundary of the county is annexed into a large public transit district, and the
2350 county is a county of the first class, the commission shall distribute the sales and use tax
2351 revenue as follows:
- 2352 (a) .10% to a public transit district as described in Subsection (11);
2353 (b) .05% to the cities and towns as provided in Subsection (8); and
2354 (c) .05% to the county legislative body.
- 2355 (5) If a county legislative body imposes a sales and use tax as described in this section and
2356 the entire boundary of the county is annexed into a large public transit district, and the
2357 county is a county not described in Subsection (4), the commission shall distribute the
2358 sales and use tax revenue as follows:
- 2359 (a) .10% to a public transit district as described in Subsection (11);
2360 (b) .05% to the cities and towns as provided in Subsection (8); and
2361 (c) .05% to the county legislative body.
- 2362 (6)(a) Except as provided in Subsection (12)(c), if the entire boundary of a county that
2363 imposes a sales and use tax as described in this section is not annexed into a single
2364 public transit district, but a city or town within the county is annexed into a single
2365 public transit district, or if the city or town is an eligible political subdivision, the
2366 commission shall distribute the sales and use tax revenue collected within the county
2367 as provided in Subsection (6)(b) or (c).
- 2368 (b) For a city, town, or portion of the county described in Subsection (6)(a) that is
2369 annexed into the single public transit district, or an eligible political subdivision, the
2370 commission shall distribute the sales and use tax revenue collected within the portion
2371 of the county that is within a public transit district or eligible political subdivision as
2372 follows:
- 2373 (i) .05% to a public transit provider as described in Subsection (11);
2374 (ii) .075% to the cities and towns as provided in Subsection (8); and

- 2375 (iii) .075% to the county legislative body.
- 2376 (c) Except as provided in Subsection (12)(c), for a city, town, or portion of the county
2377 described in Subsection (6)(a) that is not annexed into a single public transit district
2378 or eligible political subdivision in the county, the commission shall distribute the
2379 sales and use tax revenue collected within that portion of the county as follows:
- 2380 (i) .08% to the cities and towns as provided in Subsection (8); and
2381 (ii) .12% to the county legislative body.
- 2382 (7) For a county without a public transit service that imposes a sales and use tax as
2383 described in this section, the commission shall distribute the sales and use tax revenue
2384 collected within the county as follows:
- 2385 (a) .08% to the cities and towns as provided in Subsection (8); and
2386 (b) .12% to the county legislative body.
- 2387 (8)(a) Subject to Subsections (8)(b) and (c), the commission shall make the distributions
2388 required by Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) as follows:
- 2389 (i) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),
2390 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4)
2391 through (7) shall be distributed to the unincorporated areas, cities, and towns
2392 within those counties on the basis of the percentage that the population of each
2393 unincorporated area, city, or town bears to the total population of all of the
2394 counties that impose a tax under this section; and
- 2395 (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),
2396 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4)
2397 through (7) shall be distributed to the unincorporated areas, cities, and towns
2398 within those counties on the basis of the location of the transaction as determined
2399 under Sections 59-12-211 through 59-12-215.
- 2400 (b)(i) Population for purposes of this Subsection (8) shall be determined on the basis
2401 of the most recent official census or census estimate of the United States Census
2402 Bureau.
- 2403 (ii) If a needed population estimate is not available from the United States Census
2404 Bureau, population figures shall be derived from an estimate from the Utah
2405 Population Estimates Committee created by executive order of the governor.
- 2406 (c)(i) Beginning on January 1, 2024, if the Housing and Community Development
2407 Division within the Department of Workforce Services determines that a city or
2408 town is ineligible for funds in accordance with Subsection 10-9a-408(7),

beginning the first day of the calendar quarter after receiving 90 days' notice, the commission shall distribute the distribution that city or town would have received under Subsection (8)(a) to cities or towns to which Subsection 10-9a-408(7) does not apply.

(ii) Beginning on January 1, 2024, if the Housing and Community Development Division within the Department of Workforce Services determines that a county is ineligible for funds in accordance with Subsection 17-27a-408(7), beginning the first day of the calendar quarter after receiving 90 days' notice, the commission shall distribute the distribution that county would have received under Subsection (8)(a) to counties to which Subsection 17-27a-408(7) does not apply.

(9) If a public transit service is organized after the date a county legislative body first imposes a tax under this section, a change in a distribution required by this section may not take effect until the first distribution the commission makes under this section after a 90-day period that begins on the date the commission receives written notice from the public transit provider that the public transit service has been organized.

(10)(a) Except as provided in Subsection (10)(b), a county, city, or town that received distributions described in Subsections (4)(b), (4)(c), (5)(b), (5)(c), (6)(b)(ii), (6)(b)(iii), (6)(c), and (7) may only expend those funds for a purpose described in Section 59-12-2212.2.

(b) If a county described in Subsection (1)(a) that is a county of the first class imposes the sales and use tax authorized in this section, the county may also use funds distributed in accordance with Subsection (4)(c) for public safety purposes.

(11)(a) Subject to Subsections (11)(b), (c), and (d), revenue designated for public transit as described in this section may be used for capital expenses and service delivery expenses of:

(i) a public transit district;

(ii) an eligible political subdivision; or

(iii) another entity providing a service for public transit or a transit facility within the relevant county, as those terms are defined in Section 17B-2a-802.

(b)(i)(A) If a county of the first class imposes a sales and use tax described in this section, for a three-year period following the date on which the county imposes the sales and use tax under this section, revenue designated for public transit within a county of the first class as described in Subsection (4)(a) shall be transferred to the County of the First Class Highway Projects Fund created in

2443 Section 72-2-121.

2444 (B) Revenue deposited into the County of the First Class Highway Projects Fund
2445 created in Section 72-2-121 as described in Subsection (11)(b)(i)(A) may be
2446 used for public transit innovation grants as provided in Title 72, Chapter 2, Part [
2447 3] 4, Public Transit Innovation Grants.

2448 (ii) If a county of the first class imposes a sales and use tax described in this section,
2449 beginning on the day three years after the date on which the county imposed the
2450 tax as described in Subsection (11)(b)(i), for revenue designated for public transit
2451 as described in Subsection (4)(a):

2452 (A) 50% of the revenue from a sales and use tax imposed under this section in a
2453 county of the first class shall be transferred to the County of the First Class
2454 Highway Projects Fund created in Section 72-2-121; and

2455 (B) 50% of the revenue from a sales and use tax imposed under this section in a
2456 county of the first class shall be transferred to the Transit Transportation
2457 Investment Fund created in Subsection 72-2-124(9).

2458 (c)(i) If a county that is not a county of the first class for which the entire boundary of
2459 the county is annexed into a large public transit district imposes a sales and use
2460 tax described in this section, for a three-year period following the date on which
2461 the county imposes the sales and use tax under this section, revenue designated for
2462 public transit as described in Subsection (5)(a) shall be transferred to the relevant
2463 county legislative body to be used for a purpose described in Subsection (11)(a).

2464 (ii) If a county that is not a county of the first class for which the entire boundary of
2465 the county is annexed into a large public transit district imposes a sales and use
2466 tax described in this section, beginning on the day three years after the date on
2467 which the county imposed the tax as described in Subsection (11)(c)(i), for the
2468 revenue that is designated for public transit in Subsection (5)(a):

2469 (A) 50% shall be transferred to the Transit Transportation Investment Fund
2470 created in Subsection 72-2-124(9); and

2471 (B) 50% shall be transferred to the relevant county legislative body to be used for
2472 a purpose described in Subsection (11)(a).

2473 (d) Except as provided in Subsection (12)(c), for a county that imposes a sales and use
2474 tax under this section, for revenue designated for public transit as described in
2475 Subsection (6)(b)(i), the revenue shall be transferred to the relevant county legislative
2476 body to be used for a purpose described in Subsection (11)(a).

- (12)(a) Notwithstanding Section 59-12-2208, a county legislative body may, but is not required to, submit an opinion question to the county's registered voters in accordance with Section 59-12-2208 to impose a sales and use tax under this section.
- (b) If a county passes an ordinance to impose a sales and use tax as described in this section, the sales and use tax shall take effect on the first day of the calendar quarter after a 90-day period that begins on the date the commission receives written notice from the county of the passage of the ordinance.
- (c) A county that imposed the local option sales and use tax described in this section before January 1, 2023, may maintain that county's distribution allocation in place as of January 1, 2023.
- (13)(a) Revenue collected from a sales and use tax under this section may not be used to supplant existing General Fund appropriations that a county, city, or town budgeted for transportation or public transit as of the date the tax becomes effective for a county, city, or town.
- (b) The limitation under Subsection (13)(a) does not apply to a designated transportation or public transit capital or reserve account a county, city, or town established before the date the tax becomes effective.
- Section 17. Section **63B-11-502** is amended to read:
- 63B-11-502 (Effective 05/07/25). Maximum amount -- Projects authorized.**
- (1) The total amount of bonds issued under this part may not exceed \$52,101,800.
- (2)(a)(i) Proceeds from the issuance of bonds shall be provided to the Department of Transportation to provide funds to pay all or part of the costs of accelerating any of the following state highway construction or reconstruction projects in Salt Lake County:
- (A) I-15: 10600 South to the Utah County line;
 - (B) Final Environmental Impact Statement for Western Transportation Corridor: I-80 to Utah County;
 - (C) I-215: Redwood Road to 4700 South;
 - (D) State Street Reconstruction: 9000 South to 10600 South; and
 - (E) except as provided in Subsection (2)(d), State Street Reconstruction: 7800 South to 8000 South.
- (ii) If the Department of Transportation is unable to begin or complete a project authorized by this Subsection (2)(a) because of a court order, the Department of Transportation, with the approval of Salt Lake County, may expend bond

proceeds to construct one or more projects identified in Subsection (2)(e).

- (b) When the Utah Transit Authority certifies to the Transportation Commission that the Utah Transit Authority will pay half the costs of reconstruction of the Utah Transit Authority railroad overpass on 8000 South State Street, the Department of Transportation may provide funds from bond proceeds to pay the other half of the costs of reconstruction of the Utah Transit Authority railroad overpass on 8000 South.
- (c) As used in Subsections (2)(a) and (b), "costs" may include the cost of acquiring land, interests in land, easements and rights-of-way, improving sites, and making all improvements necessary, incidental, or convenient to the facilities, interest estimated to accrue on these bonds during the period to be covered by construction of the projects plus a period of six months after the end of the construction period, interest estimated to accrue on any bond anticipation notes issued under the authority of Chapter 11, Part 6, 2002 Highway General Obligation Bond Anticipation Notes for Salt Lake County, and all related engineering, architectural, and legal fees.
- (d) Bond proceeds may not be expended on the State Street Reconstruction: 7800 to 8000 South project until the Transportation Commission has received the certification required by Subsection (2)(b) from the Utah Transit Authority.
- (e) As the following projects or future projects identified by Salt Lake County and the Legislature are prepared and ready for construction by the Department of Transportation, it is the intent of the Legislature that they will be accelerated and funded from future general obligation bonds issued in anticipation of receiving debt service funds from the amount described in Subsection 59-12-2214(3)(b) and from other funding sources available to the Department of Transportation~~[-including money available from the Centennial Highway Fund and the Statewide Transportation Improvement Plan]:~~
 - (i) 5600 West Reconstruction: 4500 South to 7000 South;
 - (ii) Redwood Road: 12600 South to Bangerter Highway;
 - (iii) I-15: Beck Street Overpass;
 - (iv) I-215: 4700 South to SR-201;
 - (v) acquisition of rights-of-way for the Western Transportation Corridor;
 - (vi) 11400 South: I-15 to Redwood Road; and
 - (vii) State Street Reconstruction 6400 South to 7800 South and 8000 South to 9000 South.

- (3) If any portion of the proceeds of the tax paid to the state are not required to pay

principal, interest, and issuance costs of the bonds and the principal, interest, and issuance costs of the bond have been paid off, or if, after completion of the projects authorized under Subsection (2)(a) and payment of the costs of issuing and selling the bonds under Section 63B-11-503, any bond proceeds remain unexpended, the Department of Transportation may use those unexpended proceeds to pay all or part of the costs of construction projects in Salt Lake County that have been approved and prioritized by the Transportation Commission.

- (4) The commission, by resolution, or the state treasurer may make any statement of intent relating to a reimbursement that is necessary or desirable to comply with federal tax law.
- (5) The Department of Transportation may enter into agreements related to the projects before the receipt of proceeds of bonds issued under this chapter.

Section 18. Section **63B-31-101** is amended to read:

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

- (1)(a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued under this section may not exceed \$264,000,000 for acquisition and construction proceeds, plus additional amounts as provided in Subsection (1)(b).
- (b) When the Department of Transportation certifies to the commission the amount of bond proceeds needed to provide funding for the projects described in this section, the commission may issue and sell general obligation bonds in an amount equal to the certified amount, plus additional amounts necessary to pay costs of issuance, to pay capitalized interest, and to fund any existing debt service reserve requirements, not to exceed 1% of the certified amount.
- (c) The commission may not issue general obligation bonds authorized under this section if the issuance of the general obligation bonds would result in the total current outstanding general obligation debt of the state exceeding 50% of the limitation described in the Utah Constitution, Article XIV, Section 1.
- (2) Proceeds from the bonds issued under this section shall be provided to the Department of Transportation to pay for, or to provide funds in accordance with this section to pay for, the costs of right-of-way acquisition, construction, reconstruction, renovations, or improvements with respect to projects described in this section.
- (3) It is the intent of the Legislature that as transportation projects are prioritized under Section 72-2-124, the Transportation Commission give consideration to projects beyond the normal programming horizon.

- (4)(a) Two hundred thirty-two million dollars of the proceeds of bonds issued under this section shall be used to double track strategic sections of the FrontRunner commuter rail system, to be repaid from the Transit Transportation Investment Fund under Subsection ~~[72-2-124(9)]~~ 72-2-124(10).
- (b) The issuance of the bonds for the purpose described in Subsection (4)(a) is contingent upon the establishment of an agreement between the Department of Transportation and the Utah Transit Authority whereby the Utah Transit Authority agrees to pay \$5,000,000 per year for 15 years toward repayment of the bonds.
- (5)(a) Twenty-nine million dollars of the proceeds of bonds issued under this section shall be provided to the Department of Transportation to pass through to Brigham City to be used for a Forest Street rail bridge project in Brigham City.
- (b) Payments shall be made from the Rail Transportation Restricted Account created in Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(c), in the amount per year of the principal and interest payments due under the bonds issued under Subsection (5)(a) until those bonds have been repaid in full.
- (6)(a) Three million dollars of the proceeds of bonds issued under this section shall be provided to the Department of Transportation to pass through to the city of North Salt Lake for an environmental study for a grade separation at 1100 North in North Salt Lake.
- (b) Payments shall be made from the Rail Transportation Restricted Account created in Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(b), in the amount per year of the principal and interest payments due under the bonds issued under Subsection (6)(a) until those bonds have been repaid in full.
- (7) The costs under Subsection (2) may include the costs of studies necessary to make transportation infrastructure improvements, the costs of acquiring land, interests in land, and easements and rights-of-way, the costs of improving sites and making all improvements necessary, incidental, or convenient to the facilities, and the costs of interest estimated to accrue on these bonds during the period to be covered by construction of the projects plus a period of six months after the end of the construction period, interest estimated to accrue on any bond anticipation notes issued under the authority of this title, and all related engineering, architectural, and legal fees.
- (8) The commission or the state treasurer may make any statement of intent relating to a reimbursement that is necessary or desirable to comply with federal tax law.
- (9) The Department of Transportation may enter into agreements related to the projects

2613 described in Subsection (4) before the receipt of proceeds of bonds issued under this
2614 section.

2615 Section 19. Section **63I-1-272** is amended to read:

2616 **63I-1-272 (Effective 05/07/25). Repeal dates: Title 72.**

2617 (1) Subsection 72-1-217(4), regarding highway reduction strategies within Salt Lake City,
2618 is repealed July 1, 2029.

2619 [(4)] (2) Section 72-2-134, Transportation Infrastructure General Fund Support Subfund, is
2620 repealed July 1, 2027.

2621 [(2)] (3) Title 72, Chapter 4, Part 3, Utah State Scenic Byway Program, is repealed January
2622 2, 2030.

2623 Section 20. Section **63J-3-103** is amended to read:

2624 **63J-3-103 (Effective 05/07/25). Definitions.**

2625 As used in this chapter:

2626 (1)(a) "Appropriations" means actual unrestricted capital and operating appropriations
2627 from unrestricted General Fund and Income Tax Fund sources.

2628 (b) "Appropriations" includes appropriations that are contingent upon available
2629 surpluses in the General Fund and Income Tax Fund.

2630 (c) "Appropriations" does not mean:

2631 (i) public education expenditures;

2632 (ii) Utah Education and Telehealth Network expenditures in support of public
2633 education;

2634 (iii) Utah Board of Higher Education expenditures in support of public education;

2635 (iv) State Tax Commission expenditures related to collection of income taxes in
2636 support of public education;

2637 (v) debt service expenditures;

2638 (vi) emergency expenditures;

2639 (vii) expenditures from all other fund or subfund sources;

2640 (viii) transfers or appropriations from the Income Tax Fund to the Uniform School
2641 Fund;

2642 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve
2643 Account established in Section 63J-1-312;

2644 (x) transfers into, or appropriations made to, the Income Tax Fund Budget Reserve
2645 Account established in Section 63J-1-313;

2646 (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to

2647 the Wildland Fire Suppression Fund created in Section 65A-8-204, the
2648 Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund created
2649 in Section 65A-8-215, or the State Disaster Recovery Restricted Account created
2650 in Section 53-2a-603;

2651 (xii) money appropriated to fund the total one-time project costs for the construction
2652 of capital development projects as defined in Section 63A-5b-401;

2653 [~~(xiii)~~] ~~transfers or deposits into or appropriations made to the Centennial Highway~~
2654 ~~Fund created by Section 72-2-118;~~

2655 [~~(xiv)~~] (xiii) transfers or deposits into or appropriations made to the Transportation
2656 Investment Fund of 2005 created by Section 72-2-124;

2657 [~~(xv)~~] (xiv) transfers or deposits into or appropriations made to:

2658 (A) the Department of Transportation from any source; or

2659 (B) any transportation-related account or fund from any source; or

2660 [~~(xvi)~~] (xv) supplemental appropriations from the General Fund to the Division of
2661 Forestry, Fire, and State Lands to provide money for wildland fire control
2662 expenses incurred during the current or previous fire years.

2663 (2) "Base year real per capita appropriations" means the result obtained for the state by
2664 dividing the fiscal year 1985 actual appropriations of the state less debt money by:

2665 (a) the state's July 1, 1983 population; and

2666 (b) the fiscal year 1983 inflation index divided by 100.

2667 (3) "Calendar year" means the time period beginning on January 1 of any given year and
2668 ending on December 31 of the same year.

2669 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate
2670 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special
2671 Session, Chapter 4.

2672 (5) "Fiscal year" means the time period beginning on July 1 of any given year and ending
2673 on June 30 of the subsequent year.

2674 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital
2675 and operations appropriations from General Fund and non-Uniform School Fund income
2676 tax revenue sources, less debt money.

2677 (7) "Inflation index" means the change in the general price level of goods and services as
2678 measured by the Gross National Product Implicit Price Deflator of the Bureau of
2679 Economic Analysis, U.S. Department of Commerce calculated as provided in Section
2680 63J-3-202.

- (8)(a) "Maximum allowable appropriations limit" means the appropriations that could be, or could have been, spent in any given year under the limitations of this chapter.
- (b) "Maximum allowable appropriations limit" does not mean actual appropriations spent or actual expenditures.
- (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.
- (10) "Most recent fiscal year's population" means the fiscal year population two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.
- (11) "Population" means the number of residents of the state as of July 1 of each year as calculated by the Governor's Office of Planning and Budget according to the procedures and requirements of Section 63J-3-202.
- (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and other monetary exaction and interest connected with it that are recorded as unrestricted revenue of the General Fund and from non-Uniform School Fund income tax revenues, except as specifically exempted by this chapter.
- (13) "Security" means any bond, note, warrant, or other evidence of indebtedness, whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an "indebtedness" within the meaning of any provision of the constitution or laws of this state.

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

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

- (1) There is created the Department of Transportation which shall:
- (a) have the general responsibility for planning, research, design, construction, maintenance, security, and safety of state transportation systems;
 - (b) provide administration for state transportation systems and programs;
 - (c) implement the transportation policies of the state;
 - (d) plan, develop, construct, and maintain state transportation systems that are safe, reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and industry;
 - (e) establish standards and procedures regarding the technical details of administration of the state transportation systems as established by statute and administrative rule;

- (f) advise the governor and the Legislature about state transportation systems needs;
- (g) coordinate with utility companies for the reasonable, efficient, and cost-effective installation, maintenance, operation, relocation, and upgrade of utilities within state highway rights-of-way;
- (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for the administration of the department, state transportation systems, and programs;
- (i) jointly with the commission annually report to the Transportation Interim Committee, by November 30 of each year, as to the operation, maintenance, condition, mobility, safety needs, and wildlife and livestock mitigation for state transportation systems;
- (j) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:
 - (i) under this title;
 - (ii) by the department; or
 - (iii) by an agency or division within the department;
- (k) study and make recommendations to the Legislature on potential managed lane use and implementation on selected transportation systems within the state;
- (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division created in Section 53-8-103 regarding:
 - (i) future highway projects that will add additional capacity to the state transportation system;
 - (ii) potential changes in law enforcement responsibilities due to future highway projects; and
 - (iii) incident management services on state highways; and
- (m) provide public transit services, in consultation with any relevant public transit provider.

(2) For a proposed transportation project that includes a gondola in the Cottonwood Canyons area of Salt Lake County for which the department has completed an environmental impact statement, the department may only construct the project in the phasing sequence as provided in the record of decision associated with the environmental impact statement.

~~[(2)]~~ (3)(a) The department shall exercise reasonable care in designing, constructing, and

maintaining a state highway in a reasonably safe condition for travel.

(b) Nothing in this section shall be construed as:

(i) creating a private right of action; or

(ii) expanding or changing the department's common law duty as described in

Subsection [(2)(a)] (3)(a) for liability purposes.

Section 22. Section **72-1-212** is amended to read:

72-1-212 (Effective 05/07/25). Special use permitting -- Rulemaking.

(1) As used in this section:

(a) "Law enforcement agency" means the same as that term is defined in Section [~~53-3-102~~] 53-1-102.

(b) "Special use permit" means a permit issued:

(i) for a special use or a special event that takes place on a highway; or

(ii) to a law enforcement agency to install an automatic license plate reader on a state highway for the purpose of capturing license plate data of vehicles traveling on a state highway, regardless of whether the device is installed on property owned by the department or the law enforcement agency.

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

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

(a) establish the highways for which the highest number of special use permits are issued;

(b) develop, in consultation with municipalities, a limit on the number of special use permits that may be issued in any calendar year on a particular highway;

(c) require a person to submit an application designated by the department before the department issues a special use permit;

(d) limit the number of special use permits issued on any one day for any specified location based on a first-come, first-served basis for completed applications;

(e) establish criteria for evaluating completed applications, such as historic use, potential economic benefit, or other relevant factors;

(f) specify conditions that are required to be met before a special use permit may be

issued;

(g) establish a penalty for failure to fulfill conditions required by the special use permit, including suspension of the special use permit or suspension of a future special use permit;

(h) require an applicant to obtain insurance for certain special uses or special events; or

(i) provide other requirements to maintain public safety and serve the needs of the traveling public.

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

(a) a special use permit issued for a municipality-sponsored special use or special event on a highway within the jurisdiction of the municipality; or

(b) a special use permit issued to a law enforcement agency to install a device as part of an automatic license plate reader system authorized by Section 41-6a-2003.

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

(a) traveler safety and mobility;

(b) the safety of special use or special event participants;

(c) emergency access;

(d) the mobility of residents close to the event or use;

(e) access and economic impact to businesses affected by changes to the normal operation of highway traffic;

(f) past performance of an applicant's adherence to special use permit requirements; and

(g) whether a law enforcement agency applying for a special use permit has published a policy online as required by Section 41-6a-2003.

(6) Notwithstanding any other provision of this chapter, the department may also require a law enforcement agency applying for a special use permit described in this section to obtain an encroachment permit.

(7) The department shall adopt a fee schedule in accordance with Section 63J-1-504 that reflects the cost of services provided by the department associated with special use permits and with special uses or special events that take place on a highway.

(8) For a device installed in accordance with Section 41-6a-2003, the installation, maintenance, data collection, and removal are the responsibility of the law enforcement agency that obtains the special use permit.

(9)(a) The department shall preserve a record of special use permits issued to a law enforcement agency, including the stated purpose for each permit.

2817 (b) The department shall preserve a record identified in Subsection (9)(a) for at least five
2818 years.

2819 Section 23. Section **72-1-213.1** is amended to read:

2820 **72-1-213.1 (Effective 05/07/25). Road usage charge program.**

2821 (1) As used in this section:

2822 (a) "Account manager" means an entity under contract with the department to administer
2823 and manage the road usage charge program.

2824 (b) "Alternative fuel vehicle" means:

2825 (i) an electric motor vehicle as defined in Section 41-1a-102; or

2826 (ii) a motor vehicle powered exclusively by a fuel other than:

2827 (A) motor fuel;

2828 (B) diesel fuel;

2829 (C) natural gas; or

2830 (D) propane.

2831 (c) "Payment period" means the interval during which an owner is required to report
2832 mileage and pay the appropriate road usage charge according to the terms of the
2833 program.

2834 (d) "Program" means the road usage charge program established and described in this
2835 section.

2836 (e) "Road usage charge cap" means the maximum fee charged to a participant in the
2837 program for a registration period.

2838 (f) "Road usage charge rate" means the per-mile usage fee charged to a participant in the
2839 program.

2840 (2) There is established a road usage charge program as described in this section.

2841 (3)(a) The department shall implement and oversee the administration of the program,
2842 which shall begin on January 1, 2020.

2843 (b) To implement and administer the program, the department may contract with an
2844 account manager.

2845 (4)(a) The owner or lessee of an alternative fuel vehicle may apply for enrollment of the
2846 alternative fuel vehicle in the program.

2847 (b) If an application for enrollment into the program is approved by the department, the
2848 owner or lessee of an alternative fuel vehicle may participate in the program in lieu of
2849 paying the fee described in Subsection 41-1a-1206(1)(h) or (2)(b).

2850 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and

consistent with this section, the department:

(a) shall make rules to establish:

- (i) processes and terms for enrollment into and withdrawal or removal from the program;
- (ii) payment periods and other payment methods and procedures for the program;
- (iii) standards for mileage reporting mechanisms for an owner or lessee of an alternative fuel vehicle to report mileage as part of participation in the program;
- (iv) standards for program functions for mileage recording, payment processing, account management, and other similar aspects of the program;
- (v) contractual terms between an owner or lessee of an alternative fuel vehicle owner and an account manager for participation in the program;
- (vi) contractual terms between the department and an account manager, including authority for an account manager to enforce the terms of the program;
- (vii) procedures to provide security and protection of personal information and data connected to the program, and penalties for account managers for violating privacy protection rules;
- (viii) penalty procedures for a program participant's failure to pay a road usage charge or tampering with a device necessary for the program; and
- (ix) department oversight of an account manager, including privacy protection of personal information and access and auditing capability of financial and other records related to administration of the program; and

(b) may make rules to establish:

- (i) an enrollment cap for certain alternative fuel vehicle types to participate in the program;
- (ii) a process for collection of an unpaid road usage charge or penalty; or
- (iii) integration of the program with other similar programs, such as tolling.

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

(7)(a) The department may:

- (i)(A) impose a penalty for failure to timely pay a road usage charge according to the terms of the program or tampering with a device necessary for the program; and
- (B) request that the Division of Motor Vehicles place a hold on the registration of the owner's or lessee's alternative fuel vehicle for failure to pay a road usage

- 2885 charge or penalty according to the terms of the program;
- 2886 (ii) send correspondence to the owner of an alternative fuel vehicle to inform the
- 2887 owner or lessee of:
- 2888 (A) the road usage charge program, implementation, and procedures;
- 2889 (B) an unpaid road usage charge and the amount of the road usage charge to be
- 2890 paid to the department;
- 2891 (C) the penalty for failure to pay a road usage charge within the time period
- 2892 described in Subsection (7)(a)(iii); and
- 2893 (D) a hold being placed on the owner's or lessee's registration for the alternative
- 2894 fuel vehicle, if the road usage charge and penalty are not paid within the time
- 2895 period described in Subsection (7)(a)(iii), which would prevent the renewal of
- 2896 the alternative fuel vehicle's registration; and
- 2897 (iii) require that the owner or lessee of the alternative fuel vehicle pay the road usage
- 2898 charge to the department within 30 days of the date when the department sends
- 2899 written notice of the road usage charge to the owner or lessee.
- 2900 (b) The department shall send the correspondence and notice described in Subsection (7)
- 2901 (a) to the owner of the alternative fuel vehicle according to the terms of the program.
- 2902 (8)(a) The Division of Motor Vehicles and the department shall share and provide access
- 2903 to information pertaining to an alternative fuel vehicle and participation in the
- 2904 program including:
- 2905 (i) registration and ownership information pertaining to an alternative fuel vehicle;
- 2906 (ii) information regarding the failure of an alternative fuel vehicle owner or lessee to
- 2907 pay a road usage charge or penalty imposed under this section within the time
- 2908 period described in Subsection (7)(a)(iii); and
- 2909 (iii) the status of a request for a hold on the registration of an alternative fuel vehicle.
- 2910 (b) If the department requests a hold on the registration in accordance with this section,
- 2911 the Division of Motor Vehicles may not renew the registration of a motor vehicle
- 2912 under Title 41, Chapter 1a, Part 2, Registration, until the department withdraws the
- 2913 hold request.
- 2914 (9) The owner of an alternative fuel vehicle may apply for enrollment in the program or
- 2915 withdraw from the program according to the terms established by the department
- 2916 pursuant to rules made under Subsection (5).
- 2917 (10) If enrolled in the program, the owner or lessee of an alternative fuel vehicle shall:
- 2918 (a) report mileage driven as required by the department pursuant to Subsection (5);

- 2919 (b) pay the road usage fee for each payment period in accordance with Subsection (5);
2920 and
- 2921 (c) comply with all other provisions of this section and other requirements of the
2922 program.
- 2923 (11) The department shall submit annually, on or before October 1, to the Transportation
2924 Interim Committee, an electronic report that:
- 2925 (a) states for the preceding fiscal year:
- 2926 (i) the amount of revenue collected from the program;
2927 (ii) the participation rate in the program; and
2928 (iii) the department's costs to administer the program; and
- 2929 (b) provides for the current fiscal year, an estimate of:
- 2930 (i) the revenue that will be collected from the program;
2931 (ii) the participation rate in the program; and
2932 (iii) the department's costs to administer the program.
- 2933 (12)(a) Beginning on January 1, 2023:
- 2934 (i) the road usage charge rate is 1.0 cent per mile; and
2935 (ii) the road usage charge cap is:
2936 (A) \$130.25 for an annual registration period; and
2937 (B) \$100.75 for a six-month registration period.
- 2938 (b) Beginning on January 1, 2026:
- 2939 (i) the road usage charge rate is 1.25 cents per mile; and
2940 (ii) the road usage charge cap is:
2941 (A) \$180 for an annual registration period; and
2942 (B) \$139 for a six-month registration period.
- 2943 (c) Beginning on January 1, 2032:
- 2944 (i) the road usage charge rate is 1.5 cents per mile, unless the commission establishes
2945 a different road usage charge rate in accordance with Subsection (13); and
2946 (ii) the road usage charge cap is:
2947 (A) \$240 for an annual registration period; and
2948 (B) \$185 for a six-month registration period.
- 2949 (d) Beginning in 2024, the department shall, on January 1, annually adjust the road
2950 usage charge rates described in this Subsection (12) by taking the road usage charge
2951 rate for the previous year and adding an amount equal to the greater of:
2952 (i) an amount calculated by multiplying the road usage charge rate of the previous

- 2953 year by the actual percentage change during the previous fiscal year in the
2954 Consumer Price Index as determined by the State Tax Commission; and
2955 (ii) 0.
- 2956 (e) Beginning in 2024, the State Tax Commission shall, on January 1, annually adjust
2957 the road usage charge caps described in this Subsection (12) by taking the road usage
2958 charge cap for the previous year and adding an amount equal to the greater of:
2959 (i) an amount calculated by multiplying the road usage charge cap of the previous
2960 year by the actual percentage change during the previous fiscal year in the
2961 Consumer Price Index; and
2962 (ii) 0.
- 2963 (f) The amounts calculated as described in Subsection (12)(d) shall be rounded up to the
2964 nearest .01 cent.
- 2965 (g) The amounts calculated as described in Subsection (12)(e) shall be rounded up to the
2966 nearest 25 cents.
- 2967 (h) On or before January 1 of each year, the department shall publish:
2968 (i) the adjusted road usage charge rate described in Subsection (12)(d); and
2969 (ii) adjusted road usage charge cap described in Subsection (12)(e).
- 2970 (13)(a) Beginning January 1, 2032, the commission may establish by rule made in
2971 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the road
2972 usage charge rate for each type of alternative fuel vehicle.
- 2973 (b)(i) Before making rules in accordance with Subsection (13)(a), the commission
2974 shall consult with the department regarding the road usage charge rate for each
2975 type of alternative fuel vehicle.
- 2976 (ii) The department shall cooperate with and make recommendations to the
2977 commission regarding the road usage charge rate for each type of alternative fuel
2978 vehicle.
- 2979 Section 24. Section **72-1-217** is amended to read:
2980 **72-1-217 (Effective upon governor's approval). Department of Transportation**
2981 **study items.**
- 2982 (1) The department shall carry out transportation studies described in this section as
2983 resources allow.
- 2984 (2)(a) The department shall study items related to advanced air mobility as described in
2985 this Subsection (2).
- 2986 (b) The department shall study vertiport locations and infrastructure, including:

- 2987 (i) identification of suitable locations for vertiport infrastructure and parking
2988 infrastructure for vertiports in metropolitan areas;
- 2989 (ii) identification of commuter rail stations that may be suitable for vertiport
2990 placement; and
- 2991 (iii) identification of underutilized parking lots and parking structures for vertiport
2992 infrastructure placement.
- 2993 (c) The department shall study best practices and implementation of advanced air
2994 mobility technologies, including:
- 2995 (i) seeking input through community engagement;
- 2996 (ii) state and local regulations;
- 2997 (iii) unmanned aircraft system traffic management; and
- 2998 (iv) weather reporting and monitoring for advanced air mobility safety.
- 2999 (d) The department shall study unmanned aircraft traffic management infrastructure,
3000 including:
- 3001 (i) unmanned aircraft system traffic management development, implementation,
3002 procedures, policies, and infrastructure; and
- 3003 (ii) obtaining a full understanding of unmanned aircraft system traffic management,
3004 including:
- 3005 (A) designation of airspace for advanced air mobility;
- 3006 (B) creation of geographic categorical areas;
- 3007 (C) identifying the appropriate number and location of advanced air mobility
3008 sensors; and
- 3009 (D) other state specific details regarding unmanned aircraft system traffic
3010 management.
- 3011 (e) The department shall study the creation of an advanced air mobility sandbox,
3012 including:
- 3013 (i) potential locations for the sandbox testing area and desirable attributes of a
3014 suitable sandbox location;
- 3015 (ii) requirements to create a geographical advanced air mobility testing area and the
3016 parameters for the types of technology that may be utilized in the testing area; and
- 3017 (iii) testing and studying different types of advanced air mobility transportation of
3018 manned and unmanned aerial vehicles, including:
- 3019 (A) aerial vehicle size;
- 3020 (B) aerial vehicles that carry cargo, including medical cargo;

- 3021 (C) commercial aerial vehicles; and
- 3022 (D) public transportation aerial vehicles.
- 3023 (f) On or before September 30, 2023, the department shall provide a report to the
- 3024 Transportation Interim Committee of the department's findings from the study items
- 3025 described in Subsections (2)(b) through (2)(e).
- 3026 (g) The department may only use existing funds to cover the expenses incurred from the
- 3027 study of items described in Subsections (2)(b) through (2)(e).
- 3028 (3)(a) The department and a large public transit district shall jointly study programs
- 3029 offered by government entities related to human services transportation, including:
- 3030 (i) coordinated mobility services;
- 3031 (ii) paratransit services;
- 3032 (iii) nonemergency medical transportation;
- 3033 (iv) youth transportation programs, excluding school bus transportation; and
- 3034 (v) other similar fare-based or fee-based programs provided or coordinated within the
- 3035 boundary of the large public transit district, including those involving the
- 3036 department, a large public transit district, local governments, or other government
- 3037 agencies and nonprofit entities that provide similar services.
- 3038 (b) The study shall evaluate strategies to consolidate the transportation services
- 3039 described in Subsection (3)(a) to improve efficiency and service.
- 3040 (c) The department and large public transit district shall:
- 3041 (i) provide a preliminary report on the study to the Transportation Interim Committee
- 3042 on or before November 1, 2025; and
- 3043 (ii) prepare and present recommendations to the Transportation Interim Committee
- 3044 on or before November 1, 2026, for the consolidation of the services described in
- 3045 Subsection (3)(a).
- 3046 (4)(a) As used in this Subsection (4):
- 3047 (i) "City" means Salt Lake City.
- 3048 (ii) "Highway reduction strategy" means any strategy that has the potential to
- 3049 permanently decrease the number of vehicles that can travel on an arterial or a
- 3050 collector highway per hour, including:
- 3051 (A) reducing the number of motorized vehicle travel lanes on an arterial or
- 3052 collector highway;
- 3053 (B) narrowing existing motorized vehicle travel lanes on an arterial or collector
- 3054 highway; or

(C) any other strategy that when implemented may increase congestion or impede traffic flow for motor vehicles driving on an arterial or collector highway.

(iii) "Mobility and environmental impact analysis" means a study that assesses the impacts within the study area of implementing a highway reduction strategy on arterial or collector highways, including the impacts to other state and local highways, mobility, traffic flow, pedestrian and nonmotorized vehicle flow, the economy, public health, quality of life, air quality, maintenance, and operations.

(iv) "Study area" means the area within Salt Lake City that is west of Foothill Drive, north of 2100 South, east of I-15, and south of 600 North.

(b)(i) Except as described in Subsection (4)(c), a city may not implement or begin a project as part of a highway reduction strategy on an arterial or a collector highway within the study area unless the project is part of a mobility plan approved by the department as described in this Subsection (4)(b).

(ii) For a mobility plan described under Subsection (4)(b)(i), the city shall:

(A) assess the alternate routes for traffic and impacts on surrounding highways due to any lane reduction;

(B) evaluate impacts to vehicle trip time;

(C) evaluate impacts to air quality;

(D) evaluate the cumulative multimodal and safety impact of the proposed highway reduction strategies, including the cumulative impact from previous highway reduction strategies implemented over the previous five years;

(E) provide options to mitigate negative impacts to vehicle traffic, vehicle trip time, air quality, or adjacent travel routes;

(F) in collaboration with the department, assess impacts to state highways;

(G) proactively seek out and consult with relevant stakeholders, including business owners, commuters, and residents impacted by the mobility plan and each proposed project within the mobility plan;

(H) present the plan in an open and public meeting, including public comment;

(I) provide an open house or other event to allow public interaction and feedback regarding the impacts of the mobility plan;

(J) present the plan to the membership of the city's chamber of commerce and other business groups; and

(K) provide the plan to the department for the department's review.

(iii)(A) After the department receives a complete mobility plan as described in

3089 Subsection (4)(b)(ii), the department shall determine if the mobility plan and
3090 each project included in the mobility plan meet the requirements of this section
3091 and shall approve or reject the plan within two months of receiving the
3092 mobility plan.

3093 (B) As part of the mobility plan, the city shall demonstrate to the department the
3094 manners in which the city involved and received input from the business
3095 community, the public, and other stakeholders as required in Subsection
3096 (4)(b)(ii).

3097 (c)(i) The city may begin or continue construction on an arterial or collector highway
3098 project related to any reduction strategy within the study area if the project has
3099 been advertised on or before February 25, 2025.

3100 (ii)(A) For a project related to any highway reduction strategy that was
3101 programmed by the department on or before July 1, 2024, but has not been
3102 advertised on or before February 25, 2025, the department may conduct an
3103 expedited review of the project.

3104 (B) If the department approves a project after an expedited review as described in
3105 Subsection (4)(c)(ii)(A), the city may begin or continue construction on the
3106 project.

3107 (d) The department shall, in partnership with the city, conduct a mobility and
3108 environmental impact analysis to determine the impacts of highway reduction
3109 strategies within the study area that the city has implemented on or after July 1, 2015,
3110 or has plans to implement on or before July 1, 2035.

3111 (e) As part of the mobility and environmental impact analysis, the department shall:

3112 (i) assess the cumulative impact of each highway reduction strategy within the study
3113 area that the city has implemented or has plans to implement between July 1,
3114 2015, and July 1, 2035; and

3115 (ii) consult with relevant stakeholders, including business owners, commuters, and
3116 residents impacted by the highway reduction strategy.

3117 (f) A city subject to a mobility and environmental impact analysis under this Subsection
3118 (4) shall provide to the department any information the department determines
3119 necessary for conducting the mobility and environmental impact analysis, including
3120 any plans that city has adopted or discussed with regards to a highway reduction
3121 strategy.

3122 (g)(i) The department shall provide the mobility and environmental impact analysis

to the Transportation Interim Committee on or before October 15, 2025.

(ii) The city shall provide a response to the mobility and environmental impact analysis to the Transportation Interim Committee on or before November 1, 2025.

(h)(i) As provided in Section 63I-1-272, this Subsection (4) is subject to a sunset review by the Transportation Interim Committee during the 2028 interim.

(ii) The Transportation Interim Committee may also evaluate the mobility plan process described in this Subsection (4) during the 2027 interim.

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

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

(1) The commission has the following duties:

- (a) determining priorities and funding levels of projects and programs in the state transportation systems and the capital development of new public transit facilities for each fiscal year based on project lists compiled by the department and taking into consideration the strategic initiatives described in Section 72-1-211;
- (b) determining additions and deletions to state highways under Chapter 4, Designation of State Highways Act;
- (c) holding public meetings and otherwise providing for public input in transportation matters;
- (d) making policies and rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to perform the commission's duties described under this section;
- (e) in accordance with Section 63G-4-301, reviewing orders issued by the executive director in adjudicative proceedings held in accordance with Title 63G, Chapter 4, Administrative Procedures Act;
- (f) advising the department on state transportation systems policy;
- (g) approving settlement agreements of condemnation cases subject to Section 63G-10-401;
- (h) in accordance with Section 17B-2a-807, appointing a commissioner to serve as a nonvoting member or a voting member on the board of trustees of a public transit district;
- (i) in accordance with Section 17B-2a-808, reviewing, at least annually, the short-term and long-range public transit plans;
- (j) determining the priorities and funding levels of public transit innovation grants, as defined in Section 72-2-401; and

- 3157 (k) reviewing administrative rules made, substantively amended, or repealed by the
3158 department.
- 3159 (2)(a) For projects prioritized with funding provided under Sections 72-2-124 and
3160 72-2-125, the commission shall annually report to~~[a committee designated by the~~
3161 ~~Legislative Management Committee]~~ the Transportation and Infrastructure
3162 Appropriations Subcommittee:
- 3163 (i) a prioritized list of the new transportation capacity projects in the state
3164 transportation system and the funding levels available for those projects; and
3165 (ii) the unfunded highway construction and maintenance needs within the state.
- 3166 (b) The ~~[committee designated by the Legislative Management Committee under~~
3167 ~~Subsection (2)(a)]~~ Transportation and Infrastructure Appropriations Subcommittee
3168 shall:
- 3169 (i) review the list reported by the Transportation Commission; and
3170 (ii) make a recommendation to the Legislature on:
- 3171 (A) the amount of additional funding to allocate to transportation; and
3172 (B) the source of revenue for the additional funding allocation under Subsection
3173 (2)(b)(ii)(A).
- 3174 (3) The commission shall review and may approve plans for the construction of a highway
3175 facility over sovereign lakebed lands in accordance with Chapter 6, Part 3, Approval of
3176 Highway Facilities on Sovereign Lands Act.
- 3177 (4) One or more associations representing airport operators or pilots in the state shall
3178 annually report to the commission recommended airport improvement projects and any
3179 other information related to the associations' expertise and relevant to the commission's
3180 duties.
- 3181 Section 26. Section **72-1-304** is amended to read:
- 3182 **72-1-304 (Effective 05/07/25). Written project prioritization process for new**
3183 **transportation capacity projects -- Rulemaking.**
- 3184 (1)(a) The Transportation Commission, in consultation with the department and the
3185 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a
3186 written prioritization process for the prioritization of:
- 3187 (i) new transportation capacity projects that are or will be part of the state highway
3188 system under Chapter 4, Part 1, State Highways;
- 3189 (ii) paved pedestrian or paved nonmotorized transportation projects described in
3190 Section 72-2-124;

- 3191 (iii) public transit projects that directly add capacity to the public transit systems
3192 within the state, not including facilities ancillary to the public transit system; and
3193 (iv) pedestrian or nonmotorized transportation projects that provide connection to a
3194 public transit system.
- 3195 (b)(i) A local government or public transit district may nominate a project for
3196 prioritization in accordance with the process established by the commission in rule.
3197 (ii) If a local government or public transit district nominates a project for
3198 prioritization by the commission, the local government or public transit district
3199 shall provide data and evidence to show that:
- 3200 (A) the project will advance the purposes and goals described in Section 72-1-211;
3201 (B) for a public transit project, the local government or public transit district has
3202 an ongoing funding source for operations and maintenance of the proposed
3203 development; and
3204 (C) the local government or public transit district will provide the percentage of
3205 the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or [
3206 ~~72-2-124(9)(e)~~] 72-2-124(10)(e).
- 3207 (2) The following shall be included in the written prioritization process under Subsection
3208 (1):
- 3209 (a) a description of how the strategic initiatives of the department adopted under Section
3210 72-1-211 are advanced by the written prioritization process;
- 3211 (b) a definition of the type of projects to which the written prioritization process applies;
- 3212 (c) specification of a weighted criteria system that is used to rank proposed projects and
3213 how it will be used to determine which projects will be prioritized;
- 3214 (d) specification of the data that is necessary to apply the weighted ranking criteria; and
3215 (e) any other provisions the commission considers appropriate, which may include
3216 consideration of:
- 3217 (i) regional and statewide economic development impacts, including improved local
3218 access to:
- 3219 (A) employment;
- 3220 (B) educational facilities;
- 3221 (C) recreation;
- 3222 (D) commerce; and
3223 (E) residential areas, including moderate income housing as demonstrated in the
3224 local government's or public transit district's general plan pursuant to Section

10-9a-403 or 17-27a-403;

- (ii) the extent to which local land use plans relevant to a project support and accomplish the strategic initiatives adopted under Section 72-1-211; and
- (iii) any matching funds provided by a political subdivision or public transit district in addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii) and ~~[72-2-124(9)(e)]~~ 72-2-124(10)(e).

(3)(a) When prioritizing a public transit project that increases capacity, the commission:

- (i) may give priority consideration to projects that are part of a transit-oriented development or transit-supportive development as defined in Section 17B-2a-802; and
- (ii) shall give priority consideration to projects that are within the boundaries of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

(b) When prioritizing a transportation project that increases capacity, the commission may give priority consideration to projects that are:

- (i) part of a transportation reinvestment zone created under Section 11-13-227 if:
 - (A) the state is a participant in the transportation reinvestment zone; or
 - (B) the commission finds that the transportation reinvestment zone provides a benefit to the state transportation system; or
- (ii) within the boundaries of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

(c) If the department receives a notice of prioritization for a municipality as described in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection 17-27a-408(5), the commission may give priority consideration to transportation projects that are within the boundaries of the municipality or the unincorporated areas of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that the municipality or county no longer qualifies for prioritization under this Subsection (3)(c).

(d) When prioritizing a transportation project described in Subsection (1)(a)(ii) or (iv), the commission may give priority consideration to projects that improve connectivity pursuant to Section 10-8-87.

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

- (a) shall seek and consider public comment by holding public meetings at locations

- 3259 throughout the state; and
- 3260 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
- 3261 the state provides an equal opportunity to raise local matching dollars for state
- 3262 highway improvements within each county.
- 3263 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3264 Transportation Commission, in consultation with the department, shall make rules
- 3265 establishing the written prioritization process under Subsection (1).
- 3266 (6) The commission shall submit the proposed rules under this section to [~~a committee or~~
- 3267 ~~task force designated by the Legislative Management Committee]~~ the Transportation
- 3268 Interim Committee for review prior to taking final action on the proposed rules or any
- 3269 proposed amendment to the rules described in Subsection (5).
- 3270 Section 27. Section **72-1-305** is amended to read:
- 3271 **72-1-305 (Effective 05/07/25). Project selection using the written prioritization**
- 3272 **process -- Public comment -- Report.**
- 3273 (1) Except as provided in Subsection (4), in determining priorities and funding levels of
- 3274 projects in the state transportation system under Subsection 72-1-303(1)(a) that are new
- 3275 transportation capacity projects, the commission shall use the weighted criteria system
- 3276 adopted in the written prioritization process under Section 72-1-304.
- 3277 (2) Prior to finalizing priorities and funding levels of projects in the state transportation
- 3278 system, the commission shall conduct public meetings at locations around the state and
- 3279 accept public comments on:
- 3280 (a) the written prioritization process;
- 3281 (b) the merits of new transportation capacity projects that will be prioritized under this
- 3282 section; and
- 3283 (c) the merits of new transportation capacity projects as recommended by a consensus of
- 3284 local elected officials participating in a metropolitan planning organization as defined
- 3285 in Section 72-1-208.5.
- 3286 (3) The commission shall make the weighted criteria system ranking for each project
- 3287 publicly available prior to the public meetings held under Subsection (2).
- 3288 (4)(a) If the commission prioritizes a project over another project with a higher rank
- 3289 under the weighted criteria system, the commission shall identify the change and
- 3290 accept public comment at a meeting held under this section on the merits of
- 3291 prioritizing the project above higher ranked projects.
- 3292 (b) The commission shall make the reasons for the prioritization under Subsection (4)(a)

3293 publicly available.

3294 (5)(a) The executive director or the executive director's designee shall report annually to
3295 the governor and ~~[a committee designated by the Legislative Management Committee]~~
3296 the Transportation Interim Committee no later than the last day of October:

3297 (i) the projects prioritized under this section during the year prior to the report; and

3298 (ii) the status and progress of all projects prioritized under this section.

3299 (b) Annually, before any funds are programmed and allocated from the Transit
3300 Transportation Investment Fund created in Section 72-2-124 for each fiscal year, the
3301 executive director or the executive director's designee, along with the executive
3302 director of a large public transit district as described in Section 17B-2a-802, shall
3303 report to the governor and ~~[a committee designated by the Legislative Management~~
3304 ~~Committee]~~ the Transportation Interim Committee no later than the last day of
3305 October:

3306 (i) the public transit projects prioritized under this section during the year prior to the
3307 report; and

3308 (ii) the status and progress of all public transit projects prioritized under this section.

3309 (6) The department shall annually report to the Transportation Commission on the status of
3310 new capacity transportation projects, including projects that were funded by the
3311 Legislature in an appropriations act.

3312 Section 28. Section **72-2-106** is amended to read:

3313 **72-2-106 (Effective 07/01/25). Appropriation and transfers from Transportation**
3314 **Fund.**

3315 (1) On and after July 1, 1981, there is appropriated from the Transportation Fund to the use
3316 of the department an amount equal to two-elevenths of the taxes collected from the
3317 motor fuel tax and the special fuel tax, exclusive of the formula amount appropriated for
3318 class B and class C roads, to be used for highway rehabilitation.

3319 ~~[(2) For a fiscal year beginning on or after July 1, 2016, the Division of Finance shall~~
3320 ~~annually transfer an amount equal to the amount of revenue generated by a tax imposed~~
3321 ~~on motor and special fuel that is sold, used, or received for sale or used in this state at a~~
3322 ~~rate of 1.8 cents per gallon to the Transportation Investment Fund of 2005 created by~~
3323 ~~Section 72-2-124.]~~

3324 ~~[(3)]~~ (2) For a fiscal year beginning on or after July 1, 2019, the Division of Finance shall
3325 annually transfer to the Transportation Investment Fund of 2005 created by Section
3326 72-2-124 an amount that is equal to 35% of the amount of revenue generated in the

3327 current fiscal year by the portion of the tax imposed on motor and special fuel that is
3328 sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.

3329 [(4)] (3) For purposes of the calculation described in Subsection 59-12-103(7)(c), the
3330 Division of Finance shall notify the State Tax Commission of the amount of any transfer
3331 made under [~~Subsections (2) and (3)~~] Subsection (2).

3332 Section 29. Section **72-2-121** is amended to read:

3333 **72-2-121 (Effective upon governor's approval). County of the First Class**
3334 **Highway Projects Fund.**

3335 (1) There is created a special revenue fund within the Transportation Fund known as the
3336 "County of the First Class Highway Projects Fund."

3337 (2) The fund consists of money generated from the following revenue sources:

3338 (a) any voluntary contributions received for new construction, major renovations, and
3339 improvements to highways within a county of the first class;

3340 (b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b)
3341 deposited into or transferred to the fund;

3342 (c) the portion of the sales and use tax described in Section 59-12-2217 deposited into or
3343 transferred to the fund;

3344 (d) a portion of the local option highway construction and transportation corridor
3345 preservation fee imposed in a county of the first class under Section 41-1a-1222
3346 deposited into or transferred to the fund; and

3347 (e) the portion of the sales and use tax transferred into the fund as described in
3348 Subsections 59-12-2220(4)(a) and 59-12-2220(11)(b).

3349 (3)(a) The fund shall earn interest.

3350 (b) All interest earned on fund money shall be deposited into the fund.

3351 (4) Subject to Subsection (11), the executive director shall use the fund money only:

3352 (a) to pay debt service and bond issuance costs for bonds issued under Sections
3353 63B-16-102, 63B-18-402, and 63B-27-102;

3354 (b) for right-of-way acquisition, new construction, major renovations, and improvements
3355 to highways within a county of the first class and to pay any debt service and bond
3356 issuance costs related to those projects, including improvements to a highway located
3357 within a municipality in a county of the first class where the municipality is located
3358 within the boundaries of more than a single county;

3359 (c) for the construction, acquisition, use, maintenance, or operation of:

3360 (i) an active transportation facility for nonmotorized vehicles;

- 3361 (ii) multimodal transportation that connects an origin with a destination; or
3362 (iii) a facility that may include a:
3363 (A) pedestrian or nonmotorized vehicle trail;
3364 (B) nonmotorized vehicle storage facility;
3365 (C) pedestrian or vehicle bridge; or
3366 (D) vehicle parking lot or parking structure;
- 3367 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by
3368 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the
3369 amounts transferred in accordance with Subsection [72-2-124(4)(a)(iv)]
3370 72-2-124(4)(a)(v);
- 3371 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond
3372 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the
3373 projects described in Subsection 63B-18-401(4)(a);
- 3374 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has
3375 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in
3376 the fund, to transfer an amount equal to 50% of the revenue generated by the local
3377 option highway construction and transportation corridor preservation fee imposed
3378 under Section 41-1a-1222 in a county of the first class:
3379 (i) to the legislative body of a county of the first class; and
3380 (ii) to be used by a county of the first class for:
3381 (A) highway construction, reconstruction, or maintenance projects; or
3382 (B) the enforcement of state motor vehicle and traffic laws;
- 3383 (g) for a fiscal year beginning on or after July 1, 2015, after the department has verified
3384 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund
3385 and the transfer under Subsection (4)(e) has been made, to annually transfer an
3386 amount of the sales and use tax revenue imposed in a county of the first class and
3387 deposited into the fund in accordance with Subsection 59-12-2214(3)(b) equal to an
3388 amount needed to cover the debt to:
3389 (i) the appropriate debt service or sinking fund for the repayment of bonds issued
3390 under Section 63B-27-102; and
3391 (ii) the appropriate debt service or sinking fund for the repayment of bonds issued
3392 under Sections 63B-31-102 and 63B-31-103;
- 3393 (h) after the department has verified that the amount required under Subsection
3394 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection

3395 (4)(d), the payment under Subsection (4)(e), and the transfer under Subsection
3396 (4)(g)(i) has been made, to annually transfer \$2,000,000 to a public transit district in
3397 a county of the first class to fund a system for public transit;

3398 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified
3399 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund
3400 and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e),
3401 and the transfer under Subsection (4)(g)(i) has been made, to annually transfer 20%
3402 of the amount deposited into the fund under Subsection (2)(b):

3403 (i) to the legislative body of a county of the first class; and
3404 (ii) to fund parking facilities in a county of the first class that facilitate significant
3405 economic development and recreation and tourism within the state;

3406 (j) subject to Subsection (5), for a fiscal year beginning on or after July 1, 2021, and for
3407 15 years thereafter, to annually transfer the following amounts to the following cities
3408 and the county of the first class for priority projects to mitigate congestion and
3409 improve transportation safety:

3410 (i) \$2,000,000 to Sandy;
3411 (ii) \$2,300,000 to Taylorsville;
3412 (iii) \$1,100,000 to Salt Lake City;
3413 (iv) \$1,100,000 to West Jordan;
3414 (v) \$1,100,000 to West Valley City;
3415 (vi) \$800,000 to Herriman;
3416 (vii) \$700,000 to Draper;
3417 (viii) \$700,000 to Riverton;
3418 (ix) \$700,000 to South Jordan;
3419 (x) \$500,000 to Bluffdale;
3420 (xi) \$500,000 to Midvale;
3421 (xii) \$500,000 to Millcreek;
3422 (xiii) \$500,000 to Murray;
3423 (xiv) \$400,000 to Cottonwood Heights; and
3424 (xv) \$300,000 to Holladay; and

3425 (k) for the 2024-25 and 2025-26 fiscal years, and subject to revenue balances after the
3426 distributions under Subsection (4)(j), to reimburse the following municipalities for
3427 the amounts and projects indicated, as each project progresses and as revenue
3428 balances allow:

- 3429 (i) \$3,200,000 to South Jordan for improvements to Bingham Rim Road from
 3430 Grandville Avenue to Mountain View Corridor;
- 3431 (ii) \$1,960,000 to Midvale for improvements to Center Street between State Street
 3432 and 700 West;
- 3433 (iii) \$3,500,000 to Salt Lake City for first and last mile public transit improvements
 3434 throughout Salt Lake City;
- 3435 (iv) \$1,500,000 to Cottonwood Heights for improvements to Fort Union Boulevard
 3436 and 2300 East;
- 3437 (v) \$3,450,000 to Draper for improvements to Bangerter Highway between 13800
 3438 South and I-15;
- 3439 (vi) \$10,500,000 to Herriman to construct a road between U-111 and 13200 South;
- 3440 (vii) \$3,000,000 to West Jordan for improvements to 1300 West;
- 3441 (viii) \$1,050,000 to Riverton for improvements to the Welby Jacob Canal trail
 3442 between 11800 South and 13800 South;
- 3443 (ix) \$3,500,000 to Taylorsville for improvements to Bangerter Highway and 4700
 3444 South;
- 3445 (x) \$470,000 to the department for construction of a sound wall on Bangerter
 3446 Highway at approximately 11200 South;
- 3447 (xi) \$1,250,000 to Murray for improvements to Murray Boulevard between 4800
 3448 South and 5300 South;
- 3449 [~~(xii)~~] ~~\$1,450,000 to West Valley for construction of a road connecting 5400 South to~~
 3450 ~~U-111;~~
- 3451 [~~(xiii)~~] (xii) \$1,840,000 to Magna for construction and improvements to 8400 West
 3452 and 4100 South;
- 3453 [~~(xiv)~~] (xiii) \$1,000,000 to South Jordan for construction of arterial roads connecting
 3454 U-111 and Old Bingham Highway;
- 3455 [~~(xv)~~] (xiv) \$1,200,000 to Millcreek for reconstruction of and improvements to 2000
 3456 East between 3300 South and Atkin Avenue;
- 3457 [~~(xvi)~~] (xv) \$1,230,000 to Holladay for improvements to Highland Drive between
 3458 Van Winkle Expressway and Arbor Lane;
- 3459 [~~(xvii)~~] (xvi) [~~\$1,800,000~~] \$3,250,000 to West Valley City for improvements to 4000
 3460 West between 4100 South and 4700 South and improvements to 4700 South from
 3461 4000 West to Bangerter Highway; and
- 3462 [~~(xviii)~~] (xvii) \$1,000,000 to Taylorsville for improvements to 4700 South at the I-215

interchange.

- (5)(a) If revenue in the fund is insufficient to satisfy all of the transfers described in Subsection (4)(j), the executive director shall proportionately reduce the amounts transferred as described in Subsection (4)(j).
- (b) A local government may not use revenue described in Subsection (4)(j) to supplant existing class B or class C road funds that a local government has budgeted for transportation projects.
- (6) The revenues described in Subsections (2)(b), (c), and (d) that are deposited into the fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402, and 63B-27-102 are considered a local matching contribution for the purposes described under Section 72-2-123.
- (7) The department may expend up to \$3,000,000 of revenue deposited into the account as described in Subsection 59-12-2220(11)(b) for public transit innovation grants, as provided in Part [3] 4, Public Transit Innovation Grants.
- (8) The additional administrative costs of the department to administer this fund shall be paid from money in the fund.
- (9) Subject to Subsection (11), and notwithstanding any statutory or other restrictions on the use or expenditure of the revenue sources deposited into this fund, the Department of Transportation may use the money in this fund for any of the purposes detailed in Subsection (4).
- (10) Subject to Subsection (11), any revenue deposited into the fund as described in Subsection (2)(e) shall be used to provide funding or loans for public transit projects, operations, and supporting infrastructure in the county of the first class.
- (11) For the first three years after a county of the first class imposes a sales and use tax authorized in Section 59-12-2220, revenue deposited into the fund as described in Subsection (2)(e) shall be allocated as follows:
- (a) 10% to the department to construct an express bus facility on 5600 West; and
- (b) 90% into the County of the First Class Infrastructure Bank Fund created in Section 72-2-302.
- Section 30. Section **72-2-121.3** is amended to read:
- 72-2-121.3 (Effective 05/07/25). Special revenue fund -- 2010 Salt Lake County Revenue Bond Sinking Fund.**
- (1) There is created a special revenue fund within the County of the First Class Highway Projects Fund entitled "2010 Salt Lake County Revenue Bond Sinking Fund."

- 3497 (2) The fund consists of:
- 3498 (a) money transferred into the fund from the County of the First Class Highway Projects
- 3499 Fund in accordance with Subsection 72-2-121(4)(d); and
- 3500 (b) for a fiscal year beginning on or after July 1, 2013, money transferred into the fund
- 3501 from the Transportation Investment Fund of 2005 in accordance with Subsection [
- 3502 72-2-124(4)(a)(iv)] 72-2-124(4)(a)(v).
- 3503 (3)(a) The fund shall earn interest.
- 3504 (b) All interest earned on fund money shall be deposited into the fund.
- 3505 (4)(a) The director of the Division of Finance may use fund money only as provided in
- 3506 this section.
- 3507 (b) The director of the Division of Finance may not distribute any money from the fund
- 3508 under this section until the director has received a formal opinion from the attorney
- 3509 general that Salt Lake County has entered into a binding agreement with the state of
- 3510 Utah containing all of the terms required by Section 72-2-121.4.
- 3511 (c) Except as provided in Subsection (4)(b), and until the bonds issued by Salt Lake
- 3512 County as provided in the interlocal agreement required by Section 72-2-121.4 are
- 3513 paid off, on July 1 of each year beginning July 1, 2011, the director of the Division of
- 3514 Finance shall transfer from the County of the First Class Highway Projects Fund and
- 3515 the Transportation Investment Fund of 2005 to the 2010 Salt Lake County Revenue
- 3516 Bond Sinking Fund the amount certified by Salt Lake County that is necessary to pay:
- 3517 (i) up to two times the debt service requirement necessary to pay debt service on the
- 3518 revenue bonds issued by Salt Lake County for that fiscal year; and
- 3519 (ii) any additional amounts necessary to pay costs of issuance, pay capitalized
- 3520 interest, and fund any debt service reserve requirements.
- 3521 (d) Except as provided in Subsection (4)(b), and until the bonds issued by Salt Lake
- 3522 County as provided in the interlocal agreement required by Section 72-2-121.4 are
- 3523 paid off, the director of the Division of Finance shall, upon request from Salt Lake
- 3524 County, transfer to Salt Lake County or its designee from the 2010 Salt Lake County
- 3525 Revenue Bond Sinking Fund the amount certified by Salt Lake County as necessary
- 3526 to pay:
- 3527 (i) the debt service on the revenue bonds issued by Salt Lake County as provided in
- 3528 the interlocal agreement required by Section 72-2-121.4; and
- 3529 (ii) any additional amounts necessary to pay costs of issuance, pay capitalized
- 3530 interest, and fund any debt service reserve requirements.

- (5) Any money remaining in the 2010 Salt Lake County Revenue Bond Sinking Fund at the end of the fiscal year lapses to the County of the First Class Highway Projects Fund.

Section 31. Section **72-2-123** is amended to read:

72-2-123 (Effective 05/07/25). Rules adopting guidelines -- Partnering to finance state highway capacity improvements -- Partnering proposals.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission, in consultation with representatives of local government, shall make rules adopting guidelines for partnering with counties and municipalities for their help to finance state highway improvement projects through:

- (a) local matching dollars;
- (b) agreements regarding new revenue a county or municipality expects will be generated as a result of the construction of a state highway improvement project; or
- (c) other local participation methods.

- (2) The guidelines described in Subsection (1) shall encourage partnering to help finance state highway improvement projects and provide for:

- (a) the consideration of factors relevant to a decision to make a program adjustment including the potential to:

- (i) extend department resources to other needed projects;
- (ii) alleviate significant existing or future congestion or hazards to the traveling public; and
- (iii) address a need that is widely recognized by the public, elected officials, and transportation planners;

- (b) a process for submitting, evaluating, and hearing partnering proposals; and

- (c) the creation of a public record of each proposal from initial submission to final disposition.

- (3) The commission shall submit the proposed rules under this section to ~~[a committee or task force designated by the Legislative Management Committee]~~ the Transportation Interim Committee for review prior to taking final action on the proposed rules or any proposed amendment to the rules.

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

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

- (1) There is created a capital projects fund entitled the Transportation Investment Fund of 2005.
- (2) The fund consists of money generated from the following sources:

- 3565 (a) any voluntary contributions received for the maintenance, construction,
3566 reconstruction, or renovation of state and federal highways;
3567 (b) appropriations made to the fund by the Legislature;
3568 (c) registration fees designated under Section 41-1a-1201;
3569 (d) the sales and use tax revenues deposited into the fund in accordance with Section
3570 59-12-103; and
3571 (e) revenues transferred to the fund in accordance with Section 72-2-106.
- 3572 (3)(a) The fund shall earn interest.
- 3573 (b) All interest earned on fund money shall be deposited into the fund.
- 3574 (4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund
3575 money to pay:
- 3576 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
3577 federal highways prioritized by the Transportation Commission through the
3578 prioritization process for new transportation capacity projects adopted under
3579 Section 72-1-304;
- 3580 (ii) the costs of maintenance, construction, reconstruction, or renovation to the
3581 highway projects described in Subsections 63B-18-401(2), (3), and (4);
- 3582 (iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in
3583 Section 72-5-401;
- 3584 ~~[(iii)]~~ (iv) principal, interest, and issuance costs of bonds authorized by Section
3585 63B-18-401 minus the costs paid from the County of the First Class Highway
3586 Projects Fund in accordance with Subsection 72-2-121(4)(e);
- 3587 ~~[(iv)]~~ (v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010
3588 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the
3589 amount certified by Salt Lake County in accordance with Subsection 72-2-121.3
3590 (4)(c) as necessary to pay the debt service on \$30,000,000 of the revenue bonds
3591 issued by Salt Lake County;
- 3592 ~~[(v)]~~ (vi) principal, interest, and issuance costs of bonds authorized by Section
3593 63B-16-101 for projects prioritized in accordance with Section 72-2-125;
- 3594 ~~[(vi) all highway general obligation bonds that are intended to be paid from revenues~~
3595 ~~in the Centennial Highway Fund created by Section 72-2-118;]~~
- 3596 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
3597 Class Highway Projects Fund created in Section 72-2-121 to be used for the
3598 purposes described in Section 72-2-121;

- 3599 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
3600 the costs needed for construction, reconstruction, or renovation of paved
3601 pedestrian or paved nonmotorized transportation for projects that:
3602 (A) mitigate traffic congestion on the state highway system;
3603 (B) are part of an active transportation plan approved by the department; and
3604 (C) are prioritized by the commission through the prioritization process for new
3605 transportation capacity projects adopted under Section 72-1-304;
3606 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
3607 reconstruction, or renovation of or improvement to the following projects:
3608 (A) the connector road between Main Street and 1600 North in the city of
3609 Vineyard;
3610 (B) Geneva Road from University Parkway to 1800 South;
3611 (C) the SR-97 interchange at 5600 South on I-15;
3612 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to
3613 South Jordan Parkway;
3614 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
3615 (F) improvements to 1600 North in Orem from 1200 West to State Street;
3616 (G) widening I-15 between mileposts 6 and 8;
3617 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
3618 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197
3619 in Spanish Fork Canyon;
3620 (J) I-15 northbound between mileposts 43 and 56;
3621 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts
3622 43 and 45.1;
3623 (L) east Zion SR-9 improvements;
3624 (M) Toquerville Parkway;
3625 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
3626 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds,
3627 for construction of an interchange on Bangerter Highway at 13400 South; and
3628 (P) an environmental impact study for Kimball Junction in Summit County;[~~and~~]
3629 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
3630 costs based upon a statement of cash flow that the local jurisdiction where the
3631 project is located provides to the department demonstrating the need for money
3632 for the project, for the following projects in the following amounts:

- 3633 (A) \$5,000,000 for Payson Main Street repair and replacement;
3634 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
3635 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
3636 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S.
3637 40 between mile markers 7 and 10[:];
- 3638 (xi) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from
3639 revenue deposited into the fund in accordance with Section 59-12-103, for the
3640 following projects:
- 3641 (A) \$3,000,000 for the department to perform an environmental study for the I-15
3642 Salem and Benjamin project; and
3643 (B) \$2,000,000, as pass-through funds, to Kane County for the Coral Pink Sand
3644 Dunes Road project; and
- 3645 (xii) for a fiscal year beginning on July 1, 2025, up to \$300,000,000 for the costs of
3646 right-of-way acquisition and construction for improvements on SR-89 in a county
3647 of the first class.
- 3648 (b) The executive director may use fund money to exchange for an equal or greater
3649 amount of federal transportation funds to be used as provided in Subsection (4)(a).
- 3650 (c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may
3651 not commence until a right-of-way not owned by a federal agency that is required
3652 for the realignment and extension of U-111, as described in the department's 2023
3653 environmental study related to the project, is dedicated to the department.
- 3654 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the
3655 project as described in Subsection (4)(c)(i) on or before October 1, 2024, the
3656 department may proceed with the project, except that the project will be limited to
3657 two lanes on U-111 from Herriman Parkway to 11800 South.
- 3658 (5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of
3659 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive
3660 director may not program fund money to a project prioritized by the commission
3661 under Section 72-1-304, including fund money from the Transit Transportation
3662 Investment Fund, within the boundaries of the municipality until the department
3663 receives notification from the Housing and Community Development Division within
3664 the Department of Workforce Services that ineligibility under this Subsection (5) no
3665 longer applies to the municipality.
- 3666 (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive

- 3667 director:
- 3668 (i) may program fund money in accordance with Subsection (4)(a) for a
- 3669 limited-access facility or interchange connecting limited-access facilities;
- 3670 (ii) may not program fund money for the construction, reconstruction, or renovation
- 3671 of an interchange on a limited-access facility;
- 3672 (iii) may program Transit Transportation Investment Fund money for a
- 3673 multi-community fixed guideway public transportation project; and
- 3674 (iv) may not program Transit Transportation Investment Fund money for the
- 3675 construction, reconstruction, or renovation of a station that is part of a fixed
- 3676 guideway public transportation project.
- 3677 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
- 3678 director before July 1, 2022, for projects prioritized by the commission under Section
- 3679 72-1-304.
- 3680 (6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of
- 3681 ineligibility for a county as described in Subsection 17-27a-408(7), the executive
- 3682 director may not program fund money to a project prioritized by the commission
- 3683 under Section 72-1-304, including fund money from the Transit Transportation
- 3684 Investment Fund, within the boundaries of the unincorporated area of the county until
- 3685 the department receives notification from the Housing and Community Development
- 3686 Division within the Department of Workforce Services that ineligibility under this
- 3687 Subsection (6) no longer applies to the county.
- 3688 (b) Within the boundaries of the unincorporated area of a county described in Subsection
- 3689 (6)(a), the executive director:
- 3690 (i) may program fund money in accordance with Subsection (4)(a) for a
- 3691 limited-access facility to a project prioritized by the commission under Section
- 3692 72-1-304;
- 3693 (ii) may not program fund money for the construction, reconstruction, or renovation
- 3694 of an interchange on a limited-access facility;
- 3695 (iii) may program Transit Transportation Investment Fund money for a
- 3696 multi-community fixed guideway public transportation project; and
- 3697 (iv) may not program Transit Transportation Investment Fund money for the
- 3698 construction, reconstruction, or renovation of a station that is part of a fixed
- 3699 guideway public transportation project.
- 3700 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive

3701 director before July 1, 2022, for projects prioritized by the commission under Section
3702 72-1-304.

3703 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in
3704 any fiscal year, the department and the commission shall appear before the Executive
3705 Appropriations Committee of the Legislature and present the amount of bond
3706 proceeds that the department needs to provide funding for the projects identified in
3707 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current
3708 or next fiscal year.

3709 (b) The Executive Appropriations Committee of the Legislature shall review and
3710 comment on the amount of bond proceeds needed to fund the projects.

3711 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount
3712 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
3713 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt
3714 service or sinking fund.

3715 (9) The executive director may only use money in the fund for corridor preservation as
3716 described in Subsection (4)(a)(iii):

3717 (a) if the project has been prioritized by the commission, including the use of fund
3718 money for corridor preservation; or

3719 (b) for a project that has not been prioritized by the commission, if the commission:

3720 (i) approves the use of fund money for the corridor preservation; and

3721 (ii) finds that the use of fund money for corridor preservation will not result in any
3722 delay to a project that has been prioritized by the commission.

3723 ~~[(9)]~~ (10)(a) There is created in the Transportation Investment Fund of 2005 the Transit
3724 Transportation Investment Fund.

3725 (b) The fund shall be funded by:

3726 (i) contributions deposited into the fund in accordance with Section 59-12-103;

3727 (ii) appropriations into the account by the Legislature;

3728 (iii) deposits of sales and use tax increment related to a housing and transit
3729 reinvestment zone as described in Section 63N-3-610;

3730 (iv) transfers of local option sales and use tax revenue as described in Subsection
3731 59-12-2220(11)(b) or (c);

3732 (v) private contributions; and

3733 (vi) donations or grants from public or private entities.

3734 (c)(i) The fund shall earn interest.

- 3735 (ii) All interest earned on fund money shall be deposited into the fund.
- 3736 (d) Subject to Subsection [(9)(e)] (10)(e), the commission may prioritize money from the
- 3737 fund:
- 3738 (i) for public transit capital development of new capacity projects and fixed guideway
- 3739 capital development projects to be used as prioritized by the commission through
- 3740 the prioritization process adopted under Section 72-1-304;
- 3741 (ii) to the department for oversight of a fixed guideway capital development project
- 3742 for which the department has responsibility; or
- 3743 (iii) up to \$500,000 per year, to be used for a public transit study.
- 3744 (e)(i) Subject to Subsections [(9)(e)] (10)(g), (h), and (i), the commission may only
- 3745 prioritize money from the fund for a public transit capital development project or
- 3746 pedestrian or nonmotorized transportation project that provides connection to the
- 3747 public transit system if the public transit district or political subdivision provides
- 3748 funds of equal to or greater than 30% of the costs needed for the project.
- 3749 (ii) A public transit district or political subdivision may use money derived from a
- 3750 loan granted pursuant to[~~Title 72, Chapter 2,~~] Part 2, State Infrastructure Bank
- 3751 Fund, to provide all or part of the 30% requirement described in Subsection [
- 3752 (9)(e)(i)] (10)(e)(i) if:
- 3753 (A) the loan is approved by the commission as required in[~~Title 72, Chapter 2,~~
- 3754 Part 2, State Infrastructure Bank Fund; and
- 3755 (B) the proposed capital project has been prioritized by the commission pursuant
- 3756 to Section 72-1-303.
- 3757 (f) Before July 1, 2022, the department and a large public transit district shall enter into
- 3758 an agreement for a large public transit district to pay the department \$5,000,000 per
- 3759 year for 15 years to be used to facilitate the purchase of zero emissions or low
- 3760 emissions rail engines and trainsets for regional public transit rail systems.
- 3761 (g) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(b):
- 3762 (i) the commission may prioritize money from the fund for public transit projects,
- 3763 operations, or maintenance within the county of the first class; and
- 3764 (ii) Subsection [(9)(e)] (10)(e) does not apply.
- 3765 (h) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(c):
- 3766 (i) the commission may prioritize public transit projects, operations, or maintenance
- 3767 in the county from which the revenue was generated; and
- 3768 (ii) Subsection [(9)(e)] (10)(e) does not apply.

(i) The requirement to provide funds equal to or greater than 30% of the costs needed for the project described in Subsection ~~[(9)(e)]~~ (10)(e) does not apply to a public transit capital development project or pedestrian or nonmotorized transportation project that the department proposes.

(j) In accordance with Part [3] 4, Public Transit Innovation Grants, the commission may prioritize money from the fund for public transit innovation grants, as defined in Section 72-2-401, for public transit capital development projects requested by a political subdivision within a public transit district.

~~[(10)]~~ (11)(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood Canyons Transportation Investment Fund.

(b) The fund shall be funded by:

(i) money deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature;

(iii) private contributions; and

(iv) donations or grants from public or private entities.

(c)(i) The fund shall earn interest.

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

(d) The Legislature may appropriate money from the fund for public transit or transportation projects in the Cottonwood Canyons of Salt Lake County.

(e) The department may use up to 2% of the revenue deposited into the account under Subsection 59-12-103(7)(b) to contract with local governments as necessary for public safety enforcement related to the Cottonwood Canyons of Salt Lake County.

~~[(11)]~~ (12)(a) There is created in the Transportation Investment Fund of 2005 the Active Transportation Investment Fund.

(b) The fund shall be funded by:

(i) money deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature; and

(iii) donations or grants from public or private entities.

(c)(i) The fund shall earn interest.

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

(d) The executive director may only use fund money to pay the costs needed for:

(i) the planning, design, construction, maintenance, reconstruction, or renovation of paved pedestrian or paved nonmotorized trail projects that:

(A) are prioritized by the commission through the prioritization process for new

3803 transportation capacity projects adopted under Section 72-1-304;

3804 (B) serve a regional purpose; and

3805 (C) are part of an active transportation plan approved by the department or the
3806 plan described in Subsection ~~[(11)(d)(ii)]~~ (12)(d)(ii);

3807 (ii) the development of a plan for a statewide network of paved pedestrian or paved
3808 nonmotorized trails that serve a regional purpose; and

3809 (iii) the administration of the fund, including staff and overhead costs.

3810 ~~[(12)]~~ (13)(a) As used in this Subsection ~~[(12)]~~ (13), "commuter rail" means the same as
3811 that term is defined in Section 63N-3-602.

3812 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail
3813 Subaccount.

3814 (c) The subaccount shall be funded by:

3815 (i) contributions deposited into the subaccount in accordance with Section 59-12-103;

3816 (ii) appropriations into the subaccount by the Legislature;

3817 (iii) private contributions; and

3818 (iv) donations or grants from public or private entities.

3819 (d)(i) The subaccount shall earn interest.

3820 (ii) All interest earned on money in the subaccount shall be deposited into the
3821 subaccount.

3822 (e) As prioritized by the commission through the prioritization process adopted under
3823 Section 72-1-304 or as directed by the Legislature, the department may only use
3824 money from the subaccount for projects that improve the state's commuter rail
3825 infrastructure, including the building or improvement of grade-separated crossings
3826 between commuter rail lines and public highways.

3827 (f) Appropriations made in accordance with this section are nonlapsing in accordance
3828 with Section 63J-1-602.1.

3829 Section 33. Section **72-2-303** is amended to read:

3830 **72-2-303 (Effective 05/07/25). Loans and assistance -- Authority -- Rulemaking.**

3831 (1) Money in the fund may be used by the department, as prioritized by the commission or
3832 as directed by the Legislature, to make infrastructure loans or to provide infrastructure
3833 assistance to any public entity for any purpose consistent with any applicable
3834 constitutional limitation.

3835 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3836 commission shall make rules providing procedures and standards for making

infrastructure loans and providing infrastructure assistance and a process for prioritization of requests for loans and assistance.

- (3) The prioritization process, procedures, and standards for making an infrastructure loan or providing infrastructure assistance may include consideration of the following:
- (a) availability of money in the fund;
 - (b) credit worthiness of the project;
 - (c) demonstration that the project will encourage, enhance, or create economic benefits to the state or political subdivision;
 - (d) likelihood that assistance would enable the project to proceed at an earlier date than would otherwise be possible;
 - (e) the extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment;
 - (f) demonstration that the project provides a benefit to the state highway system, including safety or mobility improvements;
 - (g) the amount of proposed assistance as a percentage of the overall project costs with emphasis on local and private participation;
 - (h) demonstration that the project provides intermodal connectivity with public transportation, pedestrian, or nonmotorized transportation facilities; ~~and~~
 - (i) improvement of transportation connectivity pursuant to Section 10-8-87; and
 - ~~(f)]~~ (j) other provisions the commission considers appropriate.

Section 34. Section **72-2-401** is amended to read:

72-2-401 (Effective 05/07/25). Definitions.

As used in this part:

- (1) "Council of governments" means the same as that term is defined in Section 17B-2a-802.
- (2) "Grant" means a public transit innovation grant.
- (3) "High growth area" means an area or municipality within a public transit district that:
 - (a) has significantly higher population increase relative to other areas within the county; and
 - (b) is projected to continue to have significant population growth.
- (4) "Public transit district" means the same as that term is defined in Section 17B-2a-802.
- (5)(a) "Public transit innovation grant" means a grant awarded on or after July 1, 2026, to provide targeted pilot programs to:
 - (i) increase public transit ridership;
 - (ii) increase public transit service in high growth areas within the public transit

- 3871 district; and
- 3872 (iii) work toward expanding public transit services.
- 3873 (b) "Public transit innovation grant" includes a grant to provide:
- 3874 (i) pilot bus routes and services in high growth areas;
- 3875 (ii) pilot shuttle connections between fixed guideway stations and job centers,
- 3876 recreation and cultural facilities and attractions, or schools; and
- 3877 (iii) other pilot programs similar to those described in Subsections (5)(b)(i) and (ii) as
- 3878 coordinated between the public transit district and political subdivisions within the
- 3879 public transit district.

3880 Section 35. Section **72-2-402** is amended to read:

3881 **72-2-402 (Effective 05/07/25). Public transit innovation grant funding sources.**

- 3882 (1) In accordance with Section 72-2-403, the commission, in coordination with the
- 3883 department, may rank, prioritize, and provide public transit innovation grants with
- 3884 money derived from the following sources:
- 3885 (a) certain local option sales and use tax revenue as described in Subsection 59-12-2219
- 3886 (11)(b); and
- 3887 (b) revenue deposited in accordance with Subsection 59-12-2220(11) into the County of
- 3888 the First Class Highway Projects Fund created in Section 72-2-121.
- 3889 (2) In accordance with Section 72-2-124, the department may rank and prioritize public
- 3890 transit innovation grants for capital development to the commission, to be funded with
- 3891 money derived from the Transit Transportation Investment Fund as described in
- 3892 Subsection [~~72-2-124(9)~~] 72-2-124(10).
- 3893 (3) Administrative costs of the department to administer public transit innovation grants
- 3894 under this part shall be paid from the funds described in Subsection (1)(a).

3895 Section 36. Section **72-2-403** is amended to read:

3896 **72-2-403 (Effective 05/07/25). Public transit innovation grants -- Administration.**

- 3897 (1) The commission, in consultation with the department, relevant councils of governments,
- 3898 metropolitan planning organizations, and public transit districts, shall develop a process
- 3899 for the prioritization of grant proposals that includes:
- 3900 (a) instructions on making and submitting a grant proposal;
- 3901 (b) methodology for selecting grants; and
- 3902 (c) methodology for awarding grants.
- 3903 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3904 commission shall make rules to establish the process described in Subsection (1) and as

otherwise necessary to implement this part.

(3) ~~[The department shall]~~ On or after July 1, 2026, the department may:

(a) accept grant applications;

(b) rank grant proposals based on the objectives and criteria established in this part; and

(c) provide money to grant recipients as directed by the commission and in accordance with this part.

(4) A municipality or a group of municipalities may submit a grant proposal to the department.

(5)(a) A public transit innovation grant proposal shall include data, evidence, and information about:

(i) how the project will advance the purposes and goals of a public transit innovation grant described in Subsection 72-2-401(5);

(ii) how the proposed services will provide a direct public transit service benefit to the municipality or area;

(iii) the proposed mode of public transit or purpose for the funding;

(iv) the proposed operator of the service, including qualifications for any proposed operator that is not a public transit district;

(v) any funds provided by the municipality or group of municipalities as part of the grant proposal;

(vi) how the pilot service will improve ridership in the municipality or area; and

(vii) any other information that the municipality or public transit district finds relevant.

(b) A public transit innovation grant proposal may propose a term of up to three years.

(c) A public transit innovation grant proposal shall include information regarding integration and coordination with existing public transit services.

(6) In considering a public transit innovation grant proposal, the commission shall consider criteria including:

(a) population growth within the municipality or area relative to other municipalities or areas within the same county;

(b) how the proposal furthers the following objectives:

(i) increasing public transit ridership in the area;

(ii) improving connectivity for the first and last mile relative to other public transit services; and

(iii) improving public transit connectivity in high-growth areas within the public

transit district; and

(c) any funds proposed to be invested by the municipality or public transit district as part of the grant proposal.

(7) The grant proposal may allow for bids for a vendor or public transit district to provide or operate the proposed services.

(8) Subject to available funding described in Subsection 72-2-402(1), the commission may award a public transit innovation grant to a recipient that the commission determines furthers the objectives described in Subsections (5) and (6).

(9)(a) Subject to Subsection (9)(b), if the commission approves a grant to provide money from a local option sales and use tax described in Subsection 59-12-2219(11), a public transit district shall transfer the money to the department, and the department shall transfer the money to the grant recipient.

(b) A public transit district may offset money from a local option sales and use tax described in Subsection 59-12-2219(11) with other funds available to the public transit district.

(10) If the commission approves a grant to provide money as provided in Subsection 72-2-121(7), the department shall transfer the money to the grant recipient.

(11) Any grant funds, assets, or infrastructure acquired or improved through a public transit innovation grant under this part belong to the grant recipient.

Section 37. Section **72-3-109** is amended to read:

72-3-109 (Effective 05/07/25). Division of responsibility with respect to state 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

4007 installation costs, operation, and maintenance of decorative lighting installed at
4008 the request of a municipality.

4009 (g) If new storm sewer facilities are necessary in the construction and maintenance of
4010 the state highways, the cost of the storm sewer facilities shall be borne by the state
4011 and the municipality in a proportion mutually agreed upon between the department
4012 and the municipality.

4013 (h)(i) For a portion of a state highway right-of-way for which a municipality has
4014 jurisdiction, and upon request of the municipality, the department shall grant
4015 permission for the municipality to issue permits within the state highway
4016 right-of-way, provided that:

4017 (A) the municipality gives the department seven calendar days to review and
4018 provide comments on the permit; and

4019 (B) upon the request of the department, the municipality incorporates changes to
4020 the permit as jointly agreed upon by the municipality and the department.

4021 (ii) If the department fails to provide a response as described in Subsection (1)(h)(i)
4022 within seven calendar days, the municipality may issue the permit.

4023 (2)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4024 the department shall make rules governing the location and construction of approach
4025 roads and driveways entering the state highway. The rules shall:

4026 (i) include criteria for the design, location, and spacing of approach roads and
4027 driveways based on the functional classification of the adjacent highway,
4028 including the urban or rural nature of the area;

4029 (ii) be consistent with the "Manual on Uniform Traffic Control Devices" and the
4030 model access management policy or ordinance developed by the department under
4031 Subsection 72-2-117(8);

4032 (iii) include procedures for:

4033 (A) the application and review of a permit for approach roads and driveways
4034 including review of related site plans that have been recommended according
4035 to local ordinances; and

4036 (B) approving, modifying, denying, or appealing the modification or denial of a
4037 permit for approach roads and driveways within 45 days of receipt of the
4038 application; and

4039 (iv) require written justifications for modifying or denying a permit.

4040 (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 38. 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 72-6-202.

(2) Subject to the provisions of Subsection (3), the department may:

(a) establish, expand, and operate tollways and related facilities for the purpose of funding in whole or in part the acquisition of right-of-way and the design, construction, reconstruction, operation, enforcement, and maintenance of or impacts from a transportation route for use by the public;

(b) enter into contracts, agreements, licenses, franchises, tollway development agreements, or other arrangements to implement this section;

(c) impose and collect tolls on any tollway established under this section, including collection of past due payment of a toll or penalty;

(d) grant exclusive or nonexclusive rights to a private entity to impose and collect tolls pursuant to the terms and conditions of a tollway development agreement;

- (e) use technology to automatically monitor a tollway and collect payment of a toll, including:
- (i) license plate reading technology; and
 - (ii) photographic or video recording technology; and
- (f) in accordance with Subsection (5), request that the Division of Motor Vehicles deny a request for registration of a motor vehicle if the motor vehicle owner has failed to pay a toll or penalty imposed for usage of a tollway involving the motor vehicle for which registration renewal has been requested.

(3)(a) The department may establish or operate a tollway on an existing highway if approved by the commission in accordance with the terms of this section.

(b) To establish a tollway on an existing highway, the department shall submit a proposal to the commission including:

- (i) a description of the tollway project;
- (ii) projected traffic on the tollway;
- (iii) the anticipated amount of the toll to be charged; and
- (iv) projected toll revenue.

(4)(a) For a tollway established under this section, the department may:

- (i) according to the terms of each tollway, impose the toll upon the owner of a motor vehicle using the tollway according to the terms of the tollway;
- (ii) send ~~[correspondence]~~ notice to the owner of the motor vehicle to inform the owner of:
 - (A) an unpaid toll and the amount of the toll to be paid to the department;
 - (B) the penalty for failure to pay the toll timely;~~[-and]~~
 - (C) ~~[a]~~ any hold being placed on the owner's registration for the motor vehicle if the toll and penalty are not paid timely, which would prevent the renewal of the motor vehicle's registration; and
 - (D) any other information required by the terms of the tollway;
- (iii) require that the owner of the motor vehicle pay the toll to the department within 30 days of the date when the department sends written notice of the toll to the owner; and
- (iv) impose a penalty for failure to pay a toll timely.

(b) The department shall ~~[mail the correspondence and]~~ provide the notice described in Subsection (4)(a) to the owner of the motor vehicle according to the terms of a tollway.

- 4109 (5)(a) The Division of Motor Vehicles and the department shall share and provide access
4110 to information pertaining to a motor vehicle and tollway enforcement including:
4111 (i) registration and ownership information pertaining to a motor vehicle;
4112 (ii) information regarding the failure of a motor vehicle owner to timely pay a toll or
4113 penalty imposed under this section; and
4114 (iii) the status of a request for a hold on the registration of a motor vehicle.
4115 (b) If the department requests a hold on the registration in accordance with this section,
4116 the Division of Motor Vehicles may not renew the registration of a motor vehicle
4117 under Title 41, Chapter 1a, Part 2, Registration, if the owner of the motor vehicle has
4118 failed to pay a toll or penalty imposed under this section for usage of a tollway
4119 involving the motor vehicle for which registration renewal has been requested until
4120 the department withdraws the hold request.
- 4121 (6)(a) Except as provided in Subsection (6)(b), in accordance with Title 63G, Chapter 3,
4122 Utah Administrative Rulemaking Act, the commission shall:
4123 (i) set the amount of any toll imposed or collected on a tollway on a state highway;
4124 and
4125 (ii) for tolls established under Subsection (6)(b), set:
4126 (A) an increase in a toll rate or user fee above an increase specified in a tollway
4127 development agreement; or
4128 (B) an increase in a toll rate or user fee above a maximum toll rate specified in a
4129 tollway development agreement.
- 4130 (b) A toll or user fee and an increase to a toll or user fee imposed or collected on a
4131 tollway on a state highway that is the subject of a tollway development agreement
4132 shall be set in the tollway development agreement.
- 4133 (7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4134 the department shall make rules:
4135 (i) necessary to establish and operate tollways on state highways;
4136 (ii) that establish standards and specifications for automatic tolling systems and
4137 automatic tollway monitoring technology; and
4138 (iii) to set the amount of a penalty for failure to pay a toll under this section.
4139 (b) The rules shall:
4140 (i) include minimum criteria for having a tollway; and
4141 (ii) conform to regional and national standards for automatic tolling.
- 4142 (8)(a) The commission may provide funds for public or private tollway pilot projects or

high occupancy toll lanes from General Fund money appropriated by the Legislature to the commission for that purpose.

(b) The commission may determine priorities and funding levels for tollways designated under this section.

(9)(a) Except as provided in Subsection (9)(b), all revenue generated from a tollway on a state highway shall be deposited into the Tollway Special Revenue Fund created in Section 72-2-120 and used for any state transportation purpose.

(b) Revenue generated from a tollway that is the subject of a tollway development agreement shall be deposited into the Tollway Special Revenue Fund and used in accordance with Subsection (9)(a) unless:

(i) the revenue is to a private entity through the tollway development agreement; or

(ii) the revenue is identified for a different purpose under the tollway development agreement.

(10) Data described in Subsection (2)(e) obtained for the purposes of this section:

(a) in accordance with Section 63G-2-305, is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act, if the photographic or video data is maintained by a governmental entity;

(b) may not be used or shared for any purpose other than the purposes described in this section;

(c) may only be preserved:

(i) so long as necessary to collect the payment of a toll or penalty imposed in accordance with this section; or

(ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant; and

(d) may only be disclosed:

(i) in accordance with the disclosure requirements for a protected record under Section 63G-2-202; or

(ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant.

(11)(a) The department may not sell for any purpose photographic or video data captured under Subsection (2)(e)(ii).

(b) The department may not share captured photographic or video data for a purpose not authorized under this section.

Section 39. Section **72-6-206** is amended to read:

72-6-206 (Effective 05/07/25). Commission approval and legislative review of tollway development agreement provisions.

- (1) Prior to the department entering into a tollway development agreement under Section 72-6-203, the department shall submit to the commission for approval the tollway development agreement, including:
- (a) a description of the tollway facility, including the conceptual design of the facility and all proposed interconnections with other transportation facilities;
 - (b) the proposed date for development, operation, or both of the tollway facility;
 - (c) the proposed term of the tollway development agreement;
 - (d) the proposed method to determine toll rates or user fees, including:
 - (i) identification of vehicle or user classifications, or both, for toll rates;
 - (ii) the original proposed toll rate or user fee for the tollway facility;
 - (iii) proposed toll rate or user fee increases; and
 - (iv) a maximum toll rate or user fee for the tollway facility; and
 - (e) any proposed revenue, public or private, or proposed debt or equity investment that will be used for the design, construction, financing, acquisition, maintenance, or operation of the tollway facility.
- (2) Prior to amending or modifying a tollway development agreement, the department shall submit the proposed amendment or modification to the commission for approval.
- (3) The department shall annually report to the Transportation Interim Committee [~~or another committee designated by the Legislative Management Committee~~] on the status and progress of a tollway subject to a tollway development agreement under Section 72-6-203.

Section 40. Section **72-10-109** is amended to read:

72-10-109 (Effective 05/07/25). Certificate of registration of aircraft required -- Exceptions.

- (1) Except as provided in Subsection (2), a person may not operate, pilot, or navigate, or cause or authorize to be operated, piloted, or navigated within this state any civil aircraft [~~operating~~] based in this state for 181 or more days within any consecutive 12-month period unless the aircraft has a current certificate of registration issued by the department.
- (2) The state registration requirement under Subsection (1) does not apply to:
- (a) aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of the registered aircraft;
 - (b) a non-passenger-carrying flight solely for inspection or test purposes authorized by

4211 the Federal Aviation Administration to be made without the certificate of registration;
 4212 or

4213 (c) aircraft operating under 14 C.F.R. Part 121, with a maximum takeoff weight
 4214 exceeding 35,000 pounds.

4215 (3) Beginning on January 1, 2025, a person may not operate in this state an unmanned
 4216 aircraft system or an advanced air mobility aircraft for commercial operation for which
 4217 certification is required under 14 C.F.R. Part 107 or 135 unless the aircraft has a current
 4218 certificate of registration issued by the department.

4219 (4) The department shall, on or before December 31 of each calendar year, provide to the
 4220 State Tax Commission a list of each aircraft for which a current certificate of registration
 4221 is issued by the department under Subsection (1).

4222 Section 41. **Repealer.**

4223 This bill repeals:

4224 Section **63B-8-503, Highway intent language.**

4225 Section **72-2-118, Centennial Highway Fund.**

4226 Section **72-4-222, Governor Scott Matheson and Senator Jake Garn Rest Area.**

4227 Section 42. **FY 2026 Appropriations.**

4228 The following sums of money are appropriated for the fiscal year beginning July 1,
 4229 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for
 4230 fiscal year 2026.

4231 Subsection 42(a). **Capital Project Funds**

4232 The Legislature has reviewed the following capital project funds. The Legislature
 4233 authorizes the State Division of Finance to transfer amounts between funds and accounts as
 4234 indicated.

4235 ITEM 1 To Transportation - Transportation Investment Fund of 2005

4236 From General Fund (330,000,000)

4237 Schedule of Programs:

4238 Transportation Investment Fund (330,000,000)

4239 Section 43. **Effective Date.**

4240 (1) Except as provided in Subsections (2) and (3), this bill takes effect May 7, 2025.

4241 (2) The actions affecting Section 72-1-217 and Section 72-2-121 take effect:

4242 (a) except as provided in Subsection (2)(b), May 7, 2025; or

4243 (b) if approved by two-thirds of all members elected to each house:

4244 (i) upon approval by the governor;

- 4245 (ii) without the governor's signature, the day following the constitutional time limit of
4246 Utah Constitution, Article VII, Section 8; or
4247 (iii) in the case of a veto, the date of veto override.
4248 (3) The actions affecting Section 59-12-103 (Effective 07/01/25) and Section 72-2-106
4249 (Effective 07/01/25) take effect on July 1, 2025.