

Wayne A. Harper proposes the following substitute bill:

Transportation Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Kay J. Christofferson

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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- repeals certain outdated language and makes other technical changes;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

29 ▸ makes other technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides a special effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ENACTS:

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

REPEALS:

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

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

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

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

(1) On or before July 1, 2027, a municipality within a metropolitan planning organization
boundary shall 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.

- 97 (2) For a priority connection identified pursuant to Subsection (1), a municipality shall
98 identify:
99 (a) cost estimates;
100 (b) potential funding sources, including state, local, federal, and private funding; and
101 (c) impediments to constructing the connections.
102 (3)(a) A metropolitan planning organization, in consultation with each affected
103 municipality, shall report to the Transportation Interim Committee regarding:
104 (i) the status of the required municipal modifications to general plans required by
105 Subsection (2);
106 (ii) the status of a regional roadway grid network study;
107 (iii) physical and other impediments to constructing priority transportation
108 connections; and
109 (iv) potential funding sources, including state, local, federal, and private funding, to
110 make transportation connectivity improvements.
111 (b) The metropolitan planning organization shall provide the report described in
112 Subsection (3)(a) on or before November 1 of 2025, 2026, and 2027.
113 (4) Enhancement of transportation connectivity as described in Subsection (1) shall be
114 given consideration in the prioritization processes described in Sections 72-1-304 and
115 72-2-302.

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

117 **10-9a-403.1 (Effective 05/07/25). Station area plan requirements -- Contents --**
118 **Review and certification by applicable metropolitan planning organization.**

- 119 (1) As used in this section:
120 (a) "Applicable metropolitan planning organization" means the metropolitan planning
121 organization that has jurisdiction over the area in which a fixed guideway public
122 transit station is located.
123 (b) "Applicable public transit district" means the public transit district, as defined in
124 Section 17B-2a-802, of which a fixed guideway public transit station is included.
125 (c) "Existing fixed guideway public transit station" means a fixed guideway public
126 transit station for which construction begins before June 1, 2022.
127 (d) "Fixed guideway" means the same as that term is defined in Section 59-12-102.
128 (e) "Metropolitan planning organization" means an organization established under 23
129 U.S.C. Sec. 134.
130 (f) "New fixed guideway public transit station" means a fixed guideway public transit

station for which construction begins on or after June 1, 2022.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 233 (i) the municipality demonstrates to the applicable metropolitan planning
234 organization that conditions exist that make satisfying the requirements of
235 Subsection (2)(a) within the required time period infeasible, despite the
236 municipality's good faith efforts; and
- 237 (ii) the applicable metropolitan planning organization certifies to the municipality in
238 writing that the municipality satisfied the demonstration in Subsection (3)(e)(i).
- 239 (4)(a) Except as provided in Subsection (4)(b), if a station area is included within the
240 boundaries of more than one municipality, each municipality with jurisdiction over
241 the station area shall satisfy the requirements of Subsection (2)(a) for the portion of
242 the station area over which the municipality has jurisdiction.
- 243 (b) Two or more municipalities with jurisdiction over a station area may coordinate to
244 develop a shared station area plan for the entire station area.
- 245 (5) A municipality that has more than one fixed guideway public transit station located
246 within the municipality may, through an integrated process, develop station area plans
247 for multiple station areas if the station areas are within close proximity of each other.
- 248 (6)(a) A municipality that is required to develop and adopt a station area plan under this
249 section may request technical assistance from the applicable metropolitan planning
250 organization.
- 251 (b) An applicable metropolitan planning organization that receives funds from the
252 Governor's Office of Economic Opportunity under Section 63N-3-113 shall, when
253 utilizing the funds, give priority consideration to requests for technical assistance for
254 station area plans required under Subsection (3)(d).
- 255 (7)(a) A station area plan shall promote the following objectives within the station area:
- 256 (i) increasing the availability and affordability of housing, including moderate
257 income housing;
- 258 (ii) promoting sustainable environmental conditions;
- 259 (iii) enhancing access to opportunities; and
- 260 (iv) increasing transportation choices and connections.
- 261 (b)(i) To promote the objective described in Subsection (7)(a)(i), a municipality may
262 consider implementing the following actions:
- 263 (A) aligning the station area plan with the moderate income housing element of
264 the municipality's general plan;
- 265 (B) providing for densities necessary to facilitate the development of moderate
266 income housing;

- (C) providing for affordable costs of living in connection with housing, transportation, and parking; or
- (D) any other similar action that promotes the objective described in Subsection (7)(a)(i).
- (ii) To promote the objective described in Subsection (7)(a)(ii), a municipality may consider implementing the following actions:
- (A) conserving water resources through efficient land use;
- (B) improving air quality by reducing fuel consumption and motor vehicle trips;
- (C) establishing parks, open spaces, and recreational opportunities; or
- (D) any other similar action that promotes the objective described in Subsection (7)(a)(ii).
- (iii) To promote the objective described in Subsection (7)(a)(iii), a municipality may consider the following actions:
- (A) maintaining and improving the connections between housing, transit, employment, education, recreation, and commerce;
- (B) encouraging mixed-use development;
- (C) enabling employment and educational opportunities within the station area;
- (D) encouraging and promoting enhanced broadband connectivity; or
- (E) any other similar action that promotes the objective described in Subsection (7)(a)(iii).
- (iv) To promote the objective described in Subsection (7)(a)(iv), a municipality may consider the following:
- (A) supporting investment in infrastructure for all modes of transportation;
- (B) increasing utilization of public transit;
- (C) encouraging safe streets through the designation of pedestrian walkways and bicycle lanes;
- (D) encouraging manageable and reliable traffic conditions;
- (E) aligning the station area plan with the regional transportation plan of the applicable metropolitan planning organization; or
- (F) any other similar action that promotes the objective described in Subsection (7)(a)(iv).
- (8) A station area plan shall include the following components:
- (a) a station area vision that:
- (i) is consistent with Subsection (7); and

(ii) describes the following:

(A) opportunities for the development of land within the station area under existing conditions;

(B) constraints on the development of land within the station area under existing conditions;

(C) the municipality's objectives for the transportation system within the station area and the future transportation system that meets those objectives;

(D) the municipality's objectives for land uses within the station area and the future land uses that meet those objectives;

(E) the municipality's objectives for public and open spaces within the station area and the future public and open spaces that meet those objectives; and

(F) the municipality's objectives for the development of land within the station area and the future development standards that meet those objectives;

(b) a map that depicts:

(i) the station area;

(ii) the area within the station area to which the station area plan applies, provided that the station area plan may apply to areas outside the station area, and the station area plan is not required to apply to the entire station area; and

(iii) the area where each action is needed to implement the station area plan;

(c) an implementation plan that identifies and describes each action needed within the next five years to implement the station area plan, and the party responsible for taking each action, including any actions to:

(i) modify land use regulations;

(ii) make infrastructure improvements;

(iii) modify deeds or other relevant legal documents;

(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 or convenient to fulfilling federal grant or other funding requirements; or

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

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

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

(1) Except as provided in Subsections (2) and (3), at the time application is made for registration or renewal of registration of a vehicle or combination of vehicles under this chapter, a registration fee shall be paid to the division as follows:

- (a) \$46.00 for each motorcycle;
- (b) \$44 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles;
- (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301:
- (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or
- (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight;
- (d)(i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
- (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;
- (e)(i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
- (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;
- (f)(i) \$69.50 for each park model recreational vehicle over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
- (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;
- (g) \$45 for each vintage vehicle that has a model year of 1983 or newer;
- (h) in addition to the fee described in Subsection (1)(b):
- (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
- (A) each electric motor vehicle; and
- (B) Each motor vehicle not described in this Subsection (1)(h) that is fueled exclusively by a source other than motor fuel, diesel fuel, natural gas, or propane; and
- ~~[(ii) \$21.75 for each hybrid electric motor vehicle; and]~~
- ~~[(iii)]~~ (ii) \$56.50 for each plug-in hybrid electric motor vehicle;
- (i) in addition to the fee described in Subsection (1)(g), for a vintage vehicle that has a model year of 1983 or newer, 50 cents; and
- (j) \$28.50 for each roadable aircraft.
- (2)(a) At the time application is made for registration or renewal of registration of a vehicle under this chapter for a six-month registration period under Section 41-1a-215.5, a registration fee shall be paid to the division as follows:
- (i) \$34.50 for each motorcycle; and

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

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

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

(A) each electric motor vehicle; and

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

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

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

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

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

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

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

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

(B) 0.

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

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

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

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

As used in this chapter:

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

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

- 573 (18) "Divided highway" means a highway divided into two or more roadways by:
574 (a) an unpaved intervening space;
575 (b) a physical barrier; or
576 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 577 (19) "Echelon formation" means the operation of two or more snowplows arranged
578 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to
579 clear snow from two or more lanes at once.
- 580 (20)(a) "Electric assisted bicycle" means a bicycle with an electric motor that:
581 (i) has a power output of not more than 750 watts;
582 (ii) has fully operable pedals;
583 (iii) has permanently affixed cranks that were installed at the time of the original
584 manufacture;
585 (iv) is fully operable as a bicycle without the use of the electric motor; and
586 (v) is one of the following:
587 (A) a class 1 electric assisted bicycle;
588 (B) a class 2 electric assisted bicycle;
589 (C) a class 3 electric assisted bicycle; or
590 (D) a programmable electric assisted bicycle.
- 591 (b) "Electric assisted bicycle" does not include:
592 (i) a moped;
593 (ii) a motor assisted scooter;
594 (iii) a motorcycle;
595 (iv) a motor-driven cycle; or
596 (v) any other vehicle with less than four wheels that is designed, manufactured,
597 intended, or advertised by the seller to have any of the following capabilities or
598 features, or that is modifiable or is modified to have any of the following
599 capabilities or features:
600 (A) has the ability to attain the speed of 20 miles per hour or greater on motor
601 power alone;
602 (B) is equipped with a continuous rated motor power of 750 watts or greater;
603 (C) is equipped with foot pegs for the operator at the time of manufacture, or
604 requires installation of a pedal kit to have operable pedals; or
605 (D) if equipped with multiple operating modes and a throttle, has one or more
606 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 has a power output of not more than 750 watts;
 - 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.
- ~~[(24)]~~ (25) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as determined by a Tagliabue or equivalent closed-cup test device.
- ~~[(25)]~~ (26) "Freeway" means a controlled-access highway that is part of the interstate system as defined in Section 72-1-102.
- ~~[(26)]~~ (27)(a) "Golf cart" means a device that:
- (i) is designed for transportation by players on a golf course;
 - (ii) has not less than three wheels in contact with the ground;
 - (iii) has an unladen weight of less than 1,800 pounds;
 - (iv) is designed to operate at low speeds; and
 - (v) is designed to carry not more than six persons including the driver.

(b) "Golf cart" does not include:

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

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

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

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

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

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

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

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

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

- (i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and
- (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection.

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

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

- (a) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area;

- 675 (b) channelizing devices;
- 676 (c) curbs;
- 677 (d) pavement edges; or
- 678 (e) other devices.

679 ~~[(34)]~~ (35) "Lane filtering" means, when operating a motorcycle other than an autocycle, the
680 act of overtaking and passing another vehicle that is stopped in the same direction of
681 travel in the same lane.

682 ~~[(35)]~~ (36) "Law enforcement agency" means the same as that term is as defined in Section
683 53-1-102.

684 ~~[(36)]~~ (37) "Limited access highway" means a highway:

- 685 (a) that is designated specifically for through traffic; and
- 686 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
687 persons have any right or easement, or have only a limited right or easement of
688 access, light, air, or view.

689 ~~[(37)]~~ (38) "Local highway authority" means the legislative, executive, or governing body of
690 a county, municipal, or other local board or body having authority to enact laws relating
691 to traffic under the constitution and laws of the state.

692 ~~[(38)]~~ (39)(a) "Low-speed vehicle" means a four wheeled motor vehicle that:

- 693 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
- 694 (ii) has a capacity of not more than six passengers, including a conventional driver or
695 fallback-ready user if on board the vehicle, as those terms are defined in Section
696 41-26-102.1.

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

698 ~~[(39)]~~ (40) "Metal tire" means a tire, the surface of which in contact with the highway is
699 wholly or partly of metal or other hard nonresilient material.

700 ~~[(40)]~~ (41)(a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
701 seat or saddle that is less than 24 inches from the ground as measured on a level
702 surface with properly inflated tires.

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

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

- 705 (i) designed for off-highway use; and
- 706 (ii) registered as an off-highway vehicle under Section 41-22-3.

707 ~~[(41)]~~ (42) "Mobile home" means:

- 708 (a) a trailer or semitrailer that is:

- 709 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
710 place either permanently or temporarily; and
711 (ii) equipped for use as a conveyance on streets and highways; or
712 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed
713 for use as a mobile home, as defined in Subsection ~~[(41)(a)]~~ (42)(a), but that is instead
714 used permanently or temporarily for:
715 (i) the advertising, sale, display, or promotion of merchandise or services; or
716 (ii) any other commercial purpose except the transportation of property for hire or the
717 transportation of property for distribution by a private carrier.

718 ~~[(42)]~~ (43) "Mobility disability" means the inability of a person to use one or more of the
719 person's extremities or difficulty with motor skills, that may include limitations with
720 walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other
721 condition.

722 ~~[(43)]~~ (44)(a) "Moped" means a motor-driven cycle having:

- 723 (i) pedals to permit propulsion by human power; and
724 (ii) a motor that:
725 (A) produces not more than two brake horsepower; and
726 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour
727 on level ground.
728 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
729 centimeters and the moped shall have a power drive system that functions directly or
730 automatically without clutching or shifting by the operator after the drive system is
731 engaged.
732 (c) "Moped" does not include:
733 (i) an electric assisted bicycle; or
734 (ii) a motor assisted scooter.

735 ~~[(44)]~~ (45)(a) "Motor assisted scooter" means a self-propelled device with:

- 736 (i) at least two wheels in contact with the ground;
737 (ii) a braking system capable of stopping the unit under typical operating conditions;
738 (iii) an electric motor not exceeding 2,000 watts;
739 (iv) either:
740 (A) handlebars and a deck design for a person to stand while operating the device;
741 or
742 (B) handlebars and a seat designed for a person to sit, straddle, or stand while

- 743 operating the device;
- 744 (v) a design for the ability to be propelled by human power alone; and
- 745 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 746 (b) "Motor assisted scooter" does not include:
- 747 (i) an electric assisted bicycle; or
- 748 (ii) a motor-driven cycle.
- 749 ~~[(45)]~~ (46)(a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
- 750 propelled by electric power obtained from overhead trolley wires, but not operated
- 751 upon rails.
- 752 (b) "Motor vehicle" does not include:
- 753 (i) vehicles moved solely by human power;
- 754 (ii) motorized wheelchairs;
- 755 (iii) an electric personal assistive mobility device;
- 756 (iv) an electric assisted bicycle;
- 757 (v) a motor assisted scooter;
- 758 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 759 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 760 ~~[(46)]~~ (47) "Motorcycle" means:
- 761 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 762 and designed to travel with not more than three wheels in contact with the ground; or
- 763 (b) an autocycle.
- 764 ~~[(47)]~~ (48)(a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle
- 765 having:
- 766 (i) an engine with less than 150 cubic centimeters displacement; or
- 767 (ii) a motor that produces not more than five horsepower.
- 768 (b) "Motor-driven cycle" does not include:
- 769 (i) an electric personal assistive mobility device;
- 770 (ii) a motor assisted scooter; or
- 771 (iii) an electric assisted bicycle.
- 772 ~~[(48)]~~ (49) "Off-highway implement of husbandry" means the same as that term is defined
- 773 under Section 41-22-2.
- 774 ~~[(49)]~~ (50) "Off-highway vehicle" means the same as that term is defined under Section
- 775 41-22-2.
- 776 ~~[(50)]~~ (51) "Operate" means the same as that term is defined in Section 41-1a-102.

777 ~~[(51)]~~ (52) "Operator" means:

- 778 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
779 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a
780 vehicle.

781 ~~[(52)]~~ (53) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or
782 other device operated, alone or coupled with another device, on stationary rails.

783 ~~[(53)]~~ (54)(a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
784 occupied or not.

785 (b) "Park" or "parking" does not include:

- 786 (i) the standing of a vehicle temporarily for the purpose of and while actually
787 engaged in loading or unloading property or passengers; or
788 (ii) a motor vehicle with an engaged automated driving system that has achieved a
789 minimal risk condition, as those terms are defined in Section 41-26-102.1.

790 ~~[(54)]~~ (55) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
791 Peace Officer Classifications, to direct or regulate traffic or to make arrests for
792 violations of traffic laws.

793 ~~[(55)]~~ (56) "Pedestrian" means a person traveling:

- 794 (a) on foot; or
795 (b) in a wheelchair.

796 ~~[(56)]~~ (57) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
797 pedestrians.

798 ~~[(57)]~~ (58) "Person" means a natural person, firm, copartnership, association, corporation,
799 business trust, estate, trust, partnership, limited liability company, association, joint
800 venture, governmental agency, public corporation, or any other legal or commercial
801 entity.

802 ~~[(58)]~~ (59) "Pole trailer" means a vehicle without motive power:

- 803 (a) designed to be drawn by another vehicle and attached to the towing vehicle by means
804 of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle;
805 and
806 (b) that is ordinarily used for transporting long or irregular shaped loads including poles,
807 pipes, or structural members generally capable of sustaining themselves as beams
808 between the supporting connections.

809 ~~[(59)]~~ (60) "Private road or driveway" means every way or place in private ownership and
810 used for vehicular travel by the owner and those having express or implied permission

811 from the owner, but not by other persons.

812 ~~[(60)]~~ (61) "Programmable electric assisted bicycle" means an electric assisted bicycle with
813 capability to switch or be programmed to function as a class 1 electric assisted bicycle,
814 class 2 electric assisted bicycle, or class 3 electric assisted bicycle, provided that the
815 electric assisted bicycle fully conforms with the respective requirements of each class of
816 electric assisted bicycle when operated in that mode.

817 ~~[(61)]~~ (62) "Railroad" means a carrier of persons or property upon cars operated on
818 stationary rails.

819 ~~[(62)]~~ (63) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
820 public body or official or by a railroad and intended to give notice of the presence of
821 railroad tracks or the approach of a railroad train.

822 ~~[(63)]~~ (64) "Railroad train" means a locomotive propelled by any form of energy, coupled
823 with or operated without cars, and operated upon rails.

824 ~~[(64)]~~ (65) "Restored-modified vehicle" means the same as the term defined in Section
825 41-1a-102.

826 ~~[(65)]~~ (66) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
827 lawful manner in preference to another vehicle or pedestrian approaching under
828 circumstances of direction, speed, and proximity that give rise to danger of collision
829 unless one grants precedence to the other.

830 ~~[(66)]~~ (67)(a) "Roadway" means that portion of highway improved, designed, or
831 ordinarily used for vehicular travel.

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

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

836 ~~[(67)]~~ (68) "Safety zone" means the area or space officially set apart within a roadway for
837 the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
838 signs as to be plainly visible at all times while set apart as a safety zone.

839 ~~[(68)]~~ (69)(a) "School bus" means a motor vehicle that:

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

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

843 (b) "School bus" does not include a vehicle operated by a common carrier in
844 transportation of school children to or from school or school activities.

- 845 (70) "Self-balancing electric skateboard" means a device similar to a skateboard that:
846 (a) has a single wheel;
847 (b) is powered by an electric motor; and
848 (c) is designed for the operator to face perpendicular to the direction of travel while
849 operating the device.
- 850 [(69)] (71)(a) "Semitrailer" means a vehicle with or without motive power:
851 (i) designed for carrying persons or property and for being drawn by a motor vehicle;
852 and
853 (ii) constructed so that some part of its weight and that of its load rests on or is
854 carried by another vehicle.
- 855 (b) "Semitrailer" does not include a pole trailer.
- 856 [(70)] (72) "Shoulder area" means:
857 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
858 edge line as established in the current approved "Manual on Uniform Traffic Control
859 Devices"; or
860 (b) that portion of the road contiguous to the roadway for accommodation of stopped
861 vehicles, for emergency use, and for lateral support.
- 862 [(71)] (73) "Sidewalk" means that portion of a street between the curb lines, or the lateral
863 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- 864 [(72)] (74)(a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt
865 that is designated for the use of a bicycle.
- 866 (b) "Soft-surface trail" does not mean a trail:
867 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a
868 federal law, regulation, or rule; or
869 (ii) located in whole or in part on land granted to the state or a political subdivision
870 subject to a conservation easement that prohibits the use of a motorized vehicle.
- 871 [(73)] (75) "Solid rubber tire" means a tire of rubber or other resilient material that does not
872 depend on compressed air for the support of the load.
- 873 [(74)] (76) "Stand" or "standing" means the temporary halting of a vehicle, whether
874 occupied or not, for the purpose of and while actually engaged in receiving or
875 discharging passengers.
- 876 [(75)] (77) "Stop" when required means complete cessation from movement.
- 877 [(76)] (78) "Stop" or "stopping" when prohibited means any halting even momentarily of a
878 vehicle, whether occupied or not, except when:

- 879 (a) necessary to avoid conflict with other traffic; or
- 880 (b) in compliance with the directions of a peace officer or traffic-control device.
- 881 ~~[(77)]~~ (79) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
- 882 vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet
- 883 the requirements of Section 41-6a-1509 to operate on highways in the state in
- 884 accordance with Section 41-6a-1509.
- 885 ~~[(78)]~~ (80) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under
- 886 Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to
- 887 operate on highways in the state in accordance with ~~[with-]~~Section 41-6a-1509.
- 888 ~~[(79)]~~ (81) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
- 889 ~~[(80)]~~ (82) "Tow truck motor carrier" means the same as that term is defined in Section
- 890 72-9-102.
- 891 ~~[(81)]~~ (83) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
- 892 conveyances either singly or together while using any highway for the purpose of travel.
- 893 ~~[(82)]~~ (84) "Traffic signal preemption device" means an instrument or mechanism designed,
- 894 intended, or used to interfere with the operation or cycle of a traffic-control signal.
- 895 ~~[(83)]~~ (85) "Traffic-control device" means a sign, signal, marking, or device not inconsistent
- 896 with this chapter placed or erected by a highway authority for the purpose of regulating,
- 897 warning, or guiding traffic.
- 898 ~~[(84)]~~ (86) "Traffic-control signal" means a device, whether manually, electrically, or
- 899 mechanically operated, by which traffic is alternately directed to stop and permitted to
- 900 proceed.
- 901 ~~[(85)]~~ (87)(a) "Trailer" means a vehicle with or without motive power designed for
- 902 carrying persons or property and for being drawn by a motor vehicle and constructed
- 903 so that no part of its weight rests upon the towing vehicle.
- 904 (b) "Trailer" does not include a pole trailer.
- 905 ~~[(86)]~~ (88) "Truck" means a motor vehicle designed, used, or maintained primarily for the
- 906 transportation of property.
- 907 ~~[(87)]~~ (89) "Truck tractor" means a motor vehicle:
- 908 (a) designed and used primarily for drawing other vehicles; and
- 909 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
- 910 tractor.
- 911 ~~[(88)]~~ (90) "Two-way left turn lane" means a lane:
- 912 (a) provided for vehicle operators making left turns in either direction;

(b) that is not used for passing, overtaking, or through travel; and

(c) that has been indicated by a lane traffic-control device that may include lane markings.

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

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

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

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

(1) A highway authority may designate any highway, roadway, part of a roadway, or specific lanes under the highway authority's jurisdiction for one direction of vehicle travel at all times as indicated by traffic-control devices.

(2) On a roadway designated for one-way traffic, a person operating a vehicle shall operate the vehicle in the direction indicated by traffic-control devices.

(3) A person operating a vehicle in a roundabout shall operate the vehicle only to the right of the roundabout island.

(4)(a) [A] Except as provided in Subsection (4)(b), a violation of Subsection (2) or (3) is an infraction.

(b) If the violation of Subsection (2) or (3) occurred as part of a road rage event, as that term is defined in Section 41-1a-1101, a violation of Subsection (2) or (3) is a class C misdemeanor.

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

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

(1) A person operating a vehicle on a divided highway shall use the right-hand roadway unless directed or permitted to use another roadway by a traffic-control device or a peace officer.

(2) A person operating a vehicle may not operate the vehicle over, across, or within any dividing space, median, or barrier of a divided highway, except when:

(a) authorized by a traffic-control device or a peace officer; or

(b) operating a tow truck in response to a customer service call and the tow truck motor carrier has already received authorization from the local law enforcement agency in

the jurisdiction where the vehicle to be towed is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 981 (ii) required lights, horns, and mirrors under Section 41-6a-1506;
982 (iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and
983 (iv) driver licensing requirements under Section 53-3-202.
- 984 (2) A person under 15 years~~[-of age-]~~ old may not operate an electric personal assistive
985 mobility device using the motor unless the person is under the direct supervision of the
986 person's parent or guardian.
- 987 (3) A person may not operate an electric personal assistive mobility device:
988 (a) on a highway consisting of a total of four or more lanes designated for regular
989 vehicular traffic, except when operating in a lane designated for bicycle traffic;
990 (b) on a highway with a posted speed limit greater than 35 miles per hour, except when
991 operating in a lane designated for bicycle traffic; or
992 (c) that has been structurally or mechanically altered from the original manufacturer's
993 design.
- 994 (4) An owner may not authorize or knowingly permit a person to operate an electric
995 personal assistive mobility device in violation of this section.
- 996 (5) A person may operate an electric personal assistive mobility device on a sidewalk if the
997 operation does not:
998 (a) exceed a speed which is greater than is reasonable or prudent having due regard for
999 weather, visibility, and pedestrians; or
1000 (b) endanger the safety of other persons or property.
- 1001 (6) A person operating an electric personal assistive mobility device shall yield to a
1002 pedestrian or other person using a mobility aid.
- 1003 (7)(a) An electric personal assistive mobility device may be operated on:
1004 (i) a path or trail designed for the use of a bicycle; or
1005 (ii) on a highway where a bicycle is allowed~~[-if the speed limit on the highway does~~
1006 ~~not exceed 35 miles per hour.]~~ , including any lane designated for bicycle traffic
1007 regardless of the posted speed limit or number of general purpose lanes.
- 1008 (b) A person operating an electric personal assistive mobility device in an area described
1009 in Subsection (7)(a)(i) or (ii) is subject to the laws governing bicycles.
- 1010 (8) A person may operate an electric personal assistive mobility device at night if the device
1011 is equipped with or the operator is wearing:
1012 (a) a lamp pointing to the front that emits a white light visible from a distance of not less
1013 than 300 feet in front of the device; and
1014 (b) front, rear, and side reflectors.

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

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

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

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

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

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

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

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

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

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

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

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

(i) so as to collide with a:

(A) pedestrian; or

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

or

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

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

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

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

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

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

- 1049 (d) at a speed of greater than 15 miles per hour or in violation of Subsection
1050 41-6a-1115.1(3).
- 1051 (4) An owner may not authorize or knowingly permit a individual under 18 years old to
1052 operate an electric unicycle in violation of this section.
- 1053 (5) A individual who violates this section is guilty of an infraction.
- 1054 Section 12. Section **41-6a-1122** is enacted to read:
- 1055 **41-6a-1122 (Effective 05/07/25). Self-balancing electric skateboards.**
- 1056 (1)(a) Except as otherwise provided in this section, a self-balancing electric skateboard
1057 is subject to the provisions under this chapter for a bicycle.
- 1058 (b) A person may not operate a self-balancing electric skateboard on a roadway, except
1059 while operating in a lane designated for bicycle traffic.
- 1060 (c) For a person operating a self-balancing electric skateboard, the following provisions
1061 do not apply:
- 1062 (i) any reference to seating positions and handle bar usage, including under Sections
1063 41-6a-1112 and 41-6a-1501;
- 1064 (ii) required lights, horns, and mirrors under Section 41-6a-1506; and
1065 (iii) driver licensing requirements under Section 53-3-202.
- 1066 (d) A person may operate a self-balancing electric skateboard across a roadway in a
1067 crosswalk, except that the person may not operate the self-balancing electric
1068 skateboard in a negligent manner in the crosswalk:
- 1069 (i) so as to collide with a:
- 1070 (A) pedestrian; or
- 1071 (B) person operating a bicycle, vehicle, or device propelled by human power; or
- 1072 (ii) at a speed greater than is reasonable and prudent under the existing conditions,
1073 giving regard to the actual and potential hazards then existing.
- 1074 (2) A person under eight years old may not operate a self-balancing electric skateboard on
1075 any public property, highway, path, or sidewalk.
- 1076 (3) A person may not operate a self-balancing electric skateboard:
- 1077 (a) on public property posted as an area prohibiting bicycles;
- 1078 (b) while carrying more persons at one time than the number for which the
1079 self-balancing electric skateboard is designed;
- 1080 (c) that has been structurally or mechanically altered from the original manufacturer's
1081 design, except for an alteration by, or done at the request of, a person who rents the
1082 self-balancing electric skateboard to lower the maximum speed for the self-balancing

1083 electric skateboard; or

1084 (d) at a speed of greater than 15 miles per hour or in violation of Subsection

1085 41-6a-1115.1(3).

1086 (4) An owner may not authorize or knowingly permit a person under 18 years old to operate
1087 a self-balancing electric skateboard in violation of this section.

1088 (5) A person who violates this section is guilty of an infraction.

1089 Section 13. Section **41-6a-1642** is amended to read:

1090 **41-6a-1642 (Effective 05/07/25). Emissions inspection -- County program.**

1091 (1) The legislative body of each county required under federal law to utilize a motor vehicle
1092 emissions inspection and maintenance program or in which an emissions inspection and
1093 maintenance program is necessary to attain or maintain any national ambient air quality
1094 standard shall require:

1095 (a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle is
1096 exempt from emissions inspection and maintenance program requirements be
1097 presented:

1098 (i) as a condition of registration or renewal of registration; and

1099 (ii) at other times as the county legislative body may require to enforce inspection
1100 requirements for individual motor vehicles, except that the county legislative body
1101 may not routinely require a certificate of emissions inspection, or waiver of the
1102 certificate, more often than required under Subsection (9); and

1103 (b) compliance with this section for a motor vehicle registered or principally operated in
1104 the county and owned by or being used by a department, division, instrumentality,
1105 agency, or employee of:

1106 (i) the federal government;

1107 (ii) the state and any of its agencies; or

1108 (iii) a political subdivision of the state, including school districts.

1109 (2)(a) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions
1110 inspection and maintenance program certificate of emissions inspection as described
1111 in Subsection (1), but the program may not deny vehicle registration based solely on
1112 the presence of a defeat device covered in the Volkswagen partial consent decrees or
1113 a United States Environmental Protection Agency-approved vehicle modification in
1114 the following vehicles:

1115 (i) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide
1116 emissions are mitigated in the state pursuant to a partial consent decree, including:

- 1117 (A) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;
1118 (B) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013,
1119 and 2014;
1120 (C) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;
1121 (D) Volkswagen Golf Sportwagen, model year 2015;
1122 (E) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;
1123 (F) Volkswagen Beetle, model years 2013, 2014, and 2015;
1124 (G) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
1125 (H) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and
1126 (ii) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide
1127 emissions are mitigated in the state to a settlement, including:
1128 (A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015,
1129 and 2016;
1130 (B) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
1131 (C) Audi A6 Quattro, model years 2014, 2015, and 2016;
1132 (D) Audi A7 Quattro, model years 2014, 2015, and 2016;
1133 (E) Audi A8, model years 2014, 2015, and 2016;
1134 (F) Audi A8L, model years 2014, 2015, and 2016;
1135 (G) Audi Q5, model years 2014, 2015, and 2016; and
1136 (H) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.
1137 (b)(i) An owner of a restored-modified vehicle subject to Subsection (1) shall obtain
1138 a motor vehicle emissions inspection and maintenance program certificate of
1139 emissions inspection as described in Subsection (1).
1140 (ii) A county emissions program may not refuse to perform an emissions inspection
1141 or indicate a failed emissions test of the vehicle based solely on a modification to
1142 the engine or component of the motor vehicle if:
1143 (A) the modification is not likely to result in the motor vehicle having increased
1144 emissions relative to the emissions of the motor vehicle before the
1145 modification; and
1146 (B) the motor vehicle modification is a change to an engine that is newer than the
1147 engine with which the motor vehicle was originally equipped, or the engine
1148 includes technology that increases the facility of the administration of an
1149 emissions test, such as an on-board diagnostics system.
1150 (iii) The first time an owner seeks to obtain an emissions inspection as a prerequisite

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

- 1185 (i) may be accomplished in accordance with applicable federal requirements; and
1186 (ii) does not otherwise interfere with the attainment and maintenance of ambient air
1187 quality standards.
- 1188 (4) The following vehicles are exempt from an emissions inspection program and the
1189 provisions of this section:
- 1190 (a) an implement of husbandry as defined in Section 41-1a-102;
1191 (b) a motor vehicle that:
1192 (i) meets the definition of a farm truck under Section 41-1a-102; and
1193 (ii) has a gross vehicle weight rating of 12,001 pounds or more;
1194 (c) a vintage vehicle as defined in Section 41-21-1:
1195 (i) if the vintage vehicle has a model year of 1982 or older; or
1196 (ii) for a vintage vehicle that has a model year of 1983 or newer, if the owner
1197 provides proof of vehicle insurance that is a type specific to a vehicle collector;
1198 (d) a custom vehicle as defined in Section 41-6a-1507;
1199 (e) a vehicle registered as a novel vehicle under Section 41-27-201;
1200 (f) to the extent allowed under the current federally approved state implementation plan,
1201 in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor
1202 vehicle that is less than two years old on January 1 based on the age of the vehicle as
1203 determined by the model year identified by the manufacturer;
1204 (g) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of
1205 12,000 pounds or less, if the registered owner of the pickup truck provides a signed
1206 statement to the legislative body stating the truck is used:
1207 (i) by the owner or operator of a farm located on property that qualifies as land in
1208 agricultural use under Sections 59-2-502 and 59-2-503; and
1209 (ii) exclusively for the following purposes in operating the farm:
1210 (A) for the transportation of farm products, including livestock and its products,
1211 poultry and its products, floricultural and horticultural products; and
1212 (B) in the transportation of farm supplies, including tile, fence, and every other
1213 thing or commodity used in agricultural, floricultural, horticultural, livestock,
1214 and poultry production and maintenance;
1215 (h) a motorcycle as defined in Section 41-1a-102;
1216 (i) an electric motor vehicle as defined in Section 41-1a-102;
1217 (j) a motor vehicle with a model year of 1967 or older; and
1218 (k) a roadable aircraft as defined in Section 72-10-102.

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

established in regulations or ordinances made under Subsection (3).

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

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

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

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

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

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

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

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

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

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

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

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

(10)(a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection required under this section may be made no more than two months before the

renewal of registration.

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

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

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

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

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

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

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

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

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

(b) A county that imposes a local emissions compliance fee may use revenues generated from the fee for the establishment and enforcement of an emissions inspection and maintenance program in accordance with the requirements of this section.

1321 (c) A county that imposes a local emissions compliance fee may use revenues generated
1322 from the fee to promote programs to maintain a local, state, or national ambient air
1323 quality standard.

1324 (14)(a) If a county has reason to believe that a vehicle owner has provided an address as
1325 required in Section 41-1a-209 to register or attempt to register a motor vehicle in a
1326 county other than the county of the bona fide residence of the owner in order to avoid
1327 an emissions inspection required under this section, the county may investigate and
1328 gather evidence to determine whether the vehicle owner has used a false address or
1329 an address other than the vehicle owner's bona fide residence or place of business.

1330 (b) If a county conducts an investigation as described in Subsection (14)(a) and
1331 determines that the vehicle owner has used a false or improper address in an effort to
1332 avoid an emissions inspection as required in this section, the county may impose a
1333 civil penalty of \$1,000.

1334 (15) A county legislative body described in Subsection (1) may exempt a motor vehicle
1335 from an emissions inspection if:

1336 (a) the motor vehicle is 30 years old or older;

1337 (b) the county determines that the motor vehicle was driven less than 1,500 miles during
1338 the preceding 12-month period; and

1339 (c) the owner provides to the county legislative body a statement signed by the owner
1340 that states the motor vehicle:

1341 (i) is primarily a collector's item used for:

1342 (A) participation in club activities;

1343 (B) exhibitions;

1344 (C) tours; or

1345 (D) parades; or

1346 (ii) is only used for occasional transportation.

1347 Section 14. Section **53-2a-1102** is amended to read:

1348 **53-2a-1102 (Effective 05/07/25). Search and Rescue Financial Assistance**

1349 **Program -- Uses -- Rulemaking -- Distribution.**

1350 (1) As used in this section:

1351 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card
1352 Program created within this section.

1353 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a
1354 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)]~~ 59-12-103(12);

(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.

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

- 1423 (8)(a) The division shall, in consultation with the Division of Outdoor Recreation,
1424 establish the fee schedule of the Utah Search and Rescue Assistance Card Program
1425 under Subsection 63J-1-504(7).
- 1426 (b) The division shall provide a discount of not less than 10% of the card fee under
1427 Subsection (8)(a) to a person who has paid a fee under Section 23A-4-209, 41-22-34,
1428 or 73-18-24 during the same calendar year in which the person applies to be a
1429 participant in the assistance card program.
- 1430 (9) Counties may not bill reimbursable base expenses to an individual for costs incurred for
1431 the rescue of an individual, if the individual is a current participant in the Utah Search
1432 and Rescue Assistance Card Program at the time of rescue, unless:
- 1433 (a) the rescuing county finds that the participant acted recklessly in creating a situation
1434 resulting in the need for the county to provide rescue services; or
- 1435 (b) the rescuing county finds that the participant intentionally created a situation
1436 resulting in the need for the county to provide rescue services.
- 1437 (10)(a) There is created the Utah Search and Rescue Assistance Card Program. The
1438 program is located within the division.
- 1439 (b) The program may not be used to cover any expenses, such as medically related
1440 expenses, that are not reimbursable base expenses related to the rescue.
- 1441 (11)(a) To participate in the program, a person shall purchase a search and rescue
1442 assistance card from the division by paying the fee as determined by the division in
1443 Subsection (8).
- 1444 (b) The money generated by the fees shall be deposited into the General Fund as a
1445 dedicated credit for the Search and Rescue Financial Assistance Program created in
1446 this section.
- 1447 (c) Participation and payment of fees by a person under Sections 23A-4-209, 41-22-34,
1448 and 73-18-24 do not constitute purchase of a card under this section.
- 1449 (12) The division shall consult with the Division of Outdoor Recreation regarding:
- 1450 (a) administration of the assistance card program; and
- 1451 (b) outreach and marketing strategies.
- 1452 (13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance Card
1453 Program under this section is exempt from being considered insurance as that term is
1454 defined in Section 31A-1-301.
- 1455 Section 15. Section **53-2d-101** is amended to read:
- 1456 **53-2d-101 (Effective 05/07/25). Definitions.**

1457 As used in this chapter:

1458 (1)(a)[(a)] (i) "911 ambulance or paramedic services" means:

1459 [(i)] (A) either:

1460 [(A)] (I) 911 ambulance service;

1461 [(B)] (II) 911 paramedic service; or

1462 [(C)] (III) both 911 ambulance and paramedic service; and

1463 [(ii)] (B) a response to a 911 call received by a designated dispatch center that
1464 receives 911 or E911 calls.

1465 [(b)] (ii) "911 ambulance or paramedic services" does not mean a seven or 10 digit
1466 telephone call received directly by an ambulance provider licensed under this
1467 chapter.

1468 (2) "Air ambulance" means an ambulance that operates through air flight.

1469 (3) "Air ambulance provider" means an ambulance provider that provides emergency
1470 medical services using an air ambulance.

1471 [(2)] (4) "Ambulance" means a ground, air, or water vehicle that:

1472 (a) transports patients and is used to provide emergency medical services; and

1473 (b) is required to obtain a permit under Section 53-2d-404 to operate in the state.

1474 [(3)] (5) "Ambulance provider" means an emergency medical service provider that:

1475 (a) transports and provides emergency medical care to patients; and

1476 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

1477 [(4)] (6) "Automatic external defibrillator" or "AED" means an automated or automatic
1478 computerized medical device that:

1479 (a) has received pre-market notification approval from the United States Food and Drug
1480 Administration, pursuant to 21 U.S.C. Sec. 360(k);

1481 (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid
1482 ventricular tachycardia;

1483 (c) is capable of determining, without intervention by an operator, whether defibrillation
1484 should be performed; and

1485 (d) upon determining that defibrillation should be performed, automatically charges,
1486 enabling delivery of, or automatically delivers, an electrical impulse through the
1487 chest wall and to an individual's heart.

1488 [(5)] (7)(a) "Behavioral emergency services" means delivering a behavioral health
1489 intervention to a patient in an emergency context within a scope and in accordance
1490 with guidelines established by the department.

- 1491 (b) "Behavioral emergency services" does not include engaging in the:
- 1492 (i) practice of mental health therapy as defined in Section 58-60-102;
- 1493 (ii) practice of psychology as defined in Section 58-61-102;
- 1494 (iii) practice of clinical social work as defined in Section 58-60-202;
- 1495 (iv) practice of certified social work as defined in Section 58-60-202;
- 1496 (v) practice of marriage and family therapy as defined in Section 58-60-302;
- 1497 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
- 1498 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.
- 1499 ~~[(6)]~~ (8) "Bureau" means the Bureau of Emergency Medical Services created in Section
- 1500 53-2d-102.
- 1501 ~~[(7)]~~ (9) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external
- 1502 chest compression applied to a person who is unresponsive and not breathing.
- 1503 ~~[(8)]~~ (10) "Committee" means the Trauma System and Emergency Medical Services
- 1504 Committee created by Section 53-2d-104.
- 1505 ~~[(9)]~~ (11) "Community paramedicine" means medical care:
- 1506 (a) provided by emergency medical service personnel; and
- 1507 (b) provided to a patient who is not:
- 1508 (i) in need of ambulance transportation; or
- 1509 (ii) located in a health care facility as defined in Section 26B-2-201.
- 1510 ~~[(10)]~~ (12) "Direct medical observation" means in-person observation of a patient by a
- 1511 physician, registered nurse, physician's assistant, or individual licensed under Section
- 1512 26B-4-116.
- 1513 ~~[(11)]~~ (13) "Emergency medical condition" means:
- 1514 (a) a medical condition that manifests itself by symptoms of sufficient severity,
- 1515 including severe pain, that a prudent layperson, who possesses an average knowledge
- 1516 of health and medicine, could reasonably expect the absence of immediate medical
- 1517 attention to result in:
- 1518 (i) placing the individual's health in serious jeopardy;
- 1519 (ii) serious impairment to bodily functions; or
- 1520 (iii) serious dysfunction of any bodily organ or part; or
- 1521 (b) a medical condition that in the opinion of a physician or the physician's designee
- 1522 requires direct medical observation during transport or may require the intervention
- 1523 of an individual licensed under Section 53-2d-402 during transport.
- 1524 ~~[(12)]~~ (14) "Emergency medical dispatch center" means a public safety answering point, as

1525 defined in Section 63H-7a-103, that is designated as an emergency medical dispatch
1526 center by the bureau.

1527 ~~[(13)]~~ (15)(a) "Emergency medical service personnel" means an individual who provides
1528 emergency medical services or behavioral emergency services to a patient and is
1529 required to be licensed or certified under Section 53-2d-402.

1530 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
1531 licensed emergency medical service provider, emergency medical service instructor,
1532 behavioral emergency services technician, other categories established by the
1533 committee, and a certified emergency medical dispatcher.

1534 ~~[(14)]~~ (16) "Emergency medical service providers" means:

1535 (a) licensed ambulance providers and paramedic providers;

1536 (b) a facility or provider that is required to be designated under Subsection 53-2d-403

1537 (1)(a); and

1538 (c) emergency medical service personnel.

1539 ~~[(15)]~~ (17) "Emergency medical services" means:

1540 (a) medical services;

1541 (b) transportation services;

1542 (c) behavioral emergency services; or

1543 (d) any combination of the services described in Subsections ~~[(15)(a)]~~ (17)(a) through (c).

1544 ~~[(16)]~~ (18) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

1545 (a) maintained and used for the transportation of emergency medical personnel,
1546 equipment, and supplies to the scene of a medical emergency; and

1547 (b) required to be permitted under Section 53-2d-404.

1548 ~~[(17)]~~ (19) "Governing body":

1549 (a) means the same as that term is defined in Section 11-42-102; and

1550 (b) for purposes of a "special service district" under Section 11-42-102, means a special
1551 service district that has been delegated the authority to select a provider under this
1552 chapter by the special service district's legislative body or administrative control
1553 board.

1554 ~~[(18)]~~ (20) "Interested party" means:

1555 (a) a licensed or designated emergency medical services provider that provides
1556 emergency medical services within or in an area that abuts an exclusive geographic
1557 service area that is the subject of an application submitted pursuant to Part 5,
1558 Ambulance and Paramedic Providers;

1559 (b) any municipality, county, or fire district that lies within or abuts a geographic service
1560 area that is the subject of an application submitted pursuant to Part 5, Ambulance and
1561 Paramedic Providers; or

1562 (c) the department when acting in the interest of the public.

1563 ~~[(19)]~~ (21) "Level of service" means the level at which an ambulance provider type of
1564 service is licensed as:

1565 (a) emergency medical technician;

1566 (b) advanced emergency medical technician; or

1567 (c) paramedic.

1568 ~~[(20)]~~ (22) "Medical control" means a person who provides medical supervision to an
1569 emergency medical service provider.

1570 ~~[(21)]~~ (23) "Non-911 service" means transport of a patient that is not 911 transport under
1571 Subsection (1).

1572 ~~[(22)]~~ (24) "Nonemergency secured behavioral health transport" means an entity that:

1573 (a) provides nonemergency secure transportation services for an individual who:

1574 (i) is not required to be transported by an ambulance under Section 53-2d-405; and

1575 (ii) requires behavioral health observation during transport between any of the
1576 following facilities:

1577 (A) a licensed acute care hospital;

1578 (B) an emergency patient receiving facility;

1579 (C) a licensed mental health facility; and

1580 (D) the office of a licensed health care provider; and

1581 (b) is required to be designated under Section 53-2d-403.

1582 ~~[(23)]~~ (25) "Paramedic provider" means an entity that:

1583 (a) employs emergency medical service personnel; and

1584 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

1585 ~~[(24)]~~ (26) "Patient" means an individual who, as the result of illness, injury, or a behavioral
1586 emergency condition, meets any of the criteria in Section 26B-4-119.

1587 ~~[(25)]~~ (27) "Political subdivision" means:

1588 (a) a city or town;

1589 (b) a county;

1590 (c) a special service district created under Title 17D, Chapter 1, Special Service District
1591 Act, for the purpose of providing fire protection services under Subsection 17D-1-201
1592 (9);

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

- 1627 (a) is nearest to the location requiring emergency medical services;
1628 (b) is readily available; and
1629 (c) is the most appropriate air ambulance provider for the particular emergency
1630 circumstance based on the needs of the patient and the capabilities of the air
1631 ambulance provider.
- 1632 (3) An air ambulance that is currently transporting a patient may not:
1633 (a) be dispatched for a different emergency medical situation; or
1634 (b) deviate from the current emergency service and patient to respond to a different
1635 emergency medical dispatch communication.
- 1636 Section 17. Section **59-12-103** is amended to read:
- 1637 **59-12-103 (Effective 07/01/25). Sales and use tax base -- Rates -- Effective dates**
1638 **-- Use of sales and use tax revenue.**
- 1639 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or sales
1640 price for amounts paid or charged for the following transactions:
- 1641 (a) retail sales of tangible personal property made within the state;
- 1642 (b) amounts paid for:
- 1643 (i) telecommunications service, other than mobile telecommunications service, that
1644 originates and terminates within the boundaries of this state;
- 1645 (ii) mobile telecommunications service that originates and terminates within the
1646 boundaries of one state only to the extent permitted by the Mobile
1647 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
- 1648 (iii) an ancillary service associated with a:
- 1649 (A) telecommunications service described in Subsection (1)(b)(i); or
1650 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
- 1651 (c) sales of the following for commercial use:
- 1652 (i) gas;
- 1653 (ii) electricity;
- 1654 (iii) heat;
- 1655 (iv) coal;
- 1656 (v) fuel oil; or
- 1657 (vi) other fuels;
- 1658 (d) sales of the following for residential use:
- 1659 (i) gas;
- 1660 (ii) electricity;

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

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

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

1763 representation that the shared vehicle is an individual-owned shared vehicle
1764 certified with the commission as described in Subsection (2)(e)(i), the
1765 car-sharing program is not liable for any tax, penalty, fee, or other sanction
1766 imposed on the shared vehicle owner.

1767 (iv) If all shared vehicles shared through a car-sharing program are certified as
1768 described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has
1769 no obligation to collect and remit the tax under Subsection (2)(a)(i)(A) for that tax
1770 period.

1771 (v) A car-sharing program is not required to list or otherwise identify an
1772 individual-owned shared vehicle on a return or an attachment to a return.

1773 (vi) A car-sharing program shall:

1774 (A) retain tax information for each car-sharing program transaction; and

1775 (B) provide the information described in Subsection (2)(e)(vi)(A) to the
1776 commission at the commission's request.

1777 (f)(i) For a bundled transaction that is attributable to food and food ingredients and
1778 tangible personal property other than food and food ingredients, a state tax and a
1779 local tax is imposed on the entire bundled transaction equal to the sum of:

1780 (A) a state tax imposed on the entire bundled transaction equal to the sum of:

1781 (I) the tax rate described in Subsection (2)(a)(i)(A); and

1782 (II)(Aa) the tax rate the state imposes in accordance with Part 18,

1783 Additional State Sales and Use Tax Act, if the location of the transaction
1784 as determined under Sections 59-12-211 through 59-12-215 is in a
1785 county in which the state imposes the tax under Part 18, Additional State
1786 Sales and Use Tax Act; and

1787 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental
1788 State Sales and Use Tax Act, if the location of the transaction as
1789 determined under Sections 59-12-211 through 59-12-215 is in a city,
1790 town, or the unincorporated area of a county in which the state imposes
1791 the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1792 (B) a local tax imposed on the entire bundled transaction at the sum of the tax
1793 rates described in Subsection (2)(a)(ii).

1794 (ii) If an optional computer software maintenance contract is a bundled transaction
1795 that consists of taxable and nontaxable products that are not separately itemized
1796 on an invoice or similar billing document, the purchase of the optional computer

1797 software maintenance contract is 40% taxable under this chapter and 60%
1798 nontaxable under this chapter.

1799 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled
1800 transaction described in Subsection (2)(f)(i) or (ii):

1801 (A) if the sales price of the bundled transaction is attributable to tangible personal
1802 property, a product, or a service that is subject to taxation under this chapter
1803 and tangible personal property, a product, or service that is not subject to
1804 taxation under this chapter, the entire bundled transaction is subject to taxation
1805 under this chapter unless:

1806 (I) the seller is able to identify by reasonable and verifiable standards the
1807 tangible personal property, product, or service that is not subject to taxation
1808 under this chapter from the books and records the seller keeps in the seller's
1809 regular course of business; or

1810 (II) state or federal law provides otherwise; or

1811 (B) if the sales price of a bundled transaction is attributable to two or more items
1812 of tangible personal property, products, or services that are subject to taxation
1813 under this chapter at different rates, the entire bundled transaction is subject to
1814 taxation under this chapter at the higher tax rate unless:

1815 (I) the seller is able to identify by reasonable and verifiable standards the
1816 tangible personal property, product, or service that is subject to taxation
1817 under this chapter at the lower tax rate from the books and records the seller
1818 keeps in the seller's regular course of business; or

1819 (II) state or federal law provides otherwise.

1820 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the
1821 seller's regular course of business includes books and records the seller keeps in
1822 the regular course of business for nontax purposes.

1823 (g)(i) Except as otherwise provided in this chapter and subject to Subsections
1824 (2)(g)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible
1825 personal property, a product, or a service that is subject to taxation under this
1826 chapter, and the sale, lease, or rental of tangible personal property, other property,
1827 a product, or a service that is not subject to taxation under this chapter, the entire
1828 transaction is subject to taxation under this chapter unless the seller, at the time of
1829 the transaction:

1830 (A) separately states the portion of the transaction that is not subject to taxation

- 1831 under this chapter on an invoice, bill of sale, or similar document provided to
1832 the purchaser; or
- 1833 (B) is able to identify by reasonable and verifiable standards, from the books and
1834 records the seller keeps in the seller's regular course of business, the portion of
1835 the transaction that is not subject to taxation under this chapter.
- 1836 (ii) A purchaser and a seller may correct the taxability of a transaction if:
- 1837 (A) after the transaction occurs, the purchaser and the seller discover that the
1838 portion of the transaction that is not subject to taxation under this chapter was
1839 not separately stated on an invoice, bill of sale, or similar document provided
1840 to the purchaser because of an error or ignorance of the law; and
- 1841 (B) the seller is able to identify by reasonable and verifiable standards, from the
1842 books and records the seller keeps in the seller's regular course of business, the
1843 portion of the transaction that is not subject to taxation under this chapter.
- 1844 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller
1845 keeps in the seller's regular course of business includes books and records the
1846 seller keeps in the regular course of business for nontax purposes.
- 1847 (h)(i) If the sales price of a transaction is attributable to two or more items of tangible
1848 personal property, products, or services that are subject to taxation under this
1849 chapter at different rates, the entire purchase is subject to taxation under this
1850 chapter at the higher tax rate unless the seller, at the time of the transaction:
- 1851 (A) separately states the items subject to taxation under this chapter at each of the
1852 different rates on an invoice, bill of sale, or similar document provided to the
1853 purchaser; or
- 1854 (B) is able to identify by reasonable and verifiable standards the tangible personal
1855 property, product, or service that is subject to taxation under this chapter at the
1856 lower tax rate from the books and records the seller keeps in the seller's regular
1857 course of business.
- 1858 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the
1859 seller's regular course of business includes books and records the seller keeps in
1860 the regular course of business for nontax purposes.
- 1861 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax rate
1862 imposed under the following shall take effect on the first day of a calendar quarter:
- 1863 (i) Subsection (2)(a)(i)(A);
- 1864 (ii) Subsection (2)(b)(i);

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

- 1899 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
 1900 or other fuel is furnished through a single meter for two or more of the following
 1901 uses:
 1902 (A) a commercial use;
 1903 (B) an industrial use; or
 1904 (C) a residential use.
- 1905 (3)(a) The following state taxes shall be deposited into the General Fund:
 1906 (i) the tax imposed by Subsection (2)(a)(i)(A);
 1907 (ii) the tax imposed by Subsection (2)(b)(i);
 1908 (iii) the tax imposed by Subsection (2)(c)(i); and
 1909 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1910 (b) The following local taxes shall be distributed to a county, city, or town as provided
 1911 in this chapter:
 1912 (i) the tax imposed by Subsection (2)(a)(ii);
 1913 (ii) the tax imposed by Subsection (2)(b)(ii);
 1914 (iii) the tax imposed by Subsection (2)(c)(ii); and
 1915 (iv) the tax imposed by Subsection (2)(f)(i)(B).
- 1916 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General Fund.
- 1917 (4)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
 1918 2003, the lesser of the following amounts shall be expended as provided in
 1919 Subsections (4)(b) through (g):
 1920 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
 1921 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
 1922 (B) for the fiscal year; or
 1923 (ii) \$17,500,000.
- 1924 (b)(i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
 1925 described in Subsection (4)(a) shall be transferred each year as designated sales
 1926 and use tax revenue to the Division of Wildlife Resources to:
 1927 (A) implement the measures described in Subsections 23A-3-214(3)(a) through
 1928 (d) to protect sensitive plant and animal species; or
 1929 (B) award grants, up to the amount authorized by the Legislature in an
 1930 appropriations act, to political subdivisions of the state to implement the
 1931 measures described in Subsections 23A-3-214(3)(a) through (d) to protect
 1932 sensitive plant and animal species.

- 1933 (ii) Money transferred to the Division of Wildlife Resources under Subsection
1934 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or
1935 any other person to list or attempt to have listed a species as threatened or
1936 endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et
1937 seq.
- 1938 (iii) At the end of each fiscal year:
- 1939 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to
1940 the Water Resources Conservation and Development Fund created in Section
1941 73-10-24;
- 1942 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1943 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
- 1944 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1945 Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 1946 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
1947 Subsection (4)(a) shall be deposited each year in the Agriculture Resource
1948 Development Fund created in Section 4-18-106.
- 1949 (d)(i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount
1950 described in Subsection (4)(a) shall be transferred each year as designated sales
1951 and use tax revenue to the Division of Water Rights to cover the costs incurred in
1952 hiring legal and technical staff for the adjudication of water rights.
- 1953 (ii) At the end of each fiscal year:
- 1954 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to
1955 the Water Resources Conservation and Development Fund created in Section
1956 73-10-24;
- 1957 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1958 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
- 1959 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1960 Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 1961 (e)(i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount
1962 described in Subsection (4)(a) shall be deposited into the Water Resources
1963 Conservation and Development Fund created in Section 73-10-24 for use by the
1964 Division of Water Resources.
- 1965 (ii) In addition to the uses allowed of the Water Resources Conservation and
1966 Development Fund under Section 73-10-24, the Water Resources Conservation

- 1967 and Development Fund may also be used to:
- 1968 (A) conduct hydrologic and geotechnical investigations by the Division of Water
- 1969 Resources in a cooperative effort with other state, federal, or local entities, for
- 1970 the purpose of quantifying surface and ground water resources and describing
- 1971 the hydrologic systems of an area in sufficient detail so as to enable local and
- 1972 state resource managers to plan for and accommodate growth in water use
- 1973 without jeopardizing the resource;
- 1974 (B) fund state required dam safety improvements; and
- 1975 (C) protect the state's interest in interstate water compact allocations, including the
- 1976 hiring of technical and legal staff.
- 1977 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in
- 1978 Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program
- 1979 Subaccount created in Section 73-10c-5 for use by the Water Quality Board to fund
- 1980 wastewater projects.
- 1981 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
- 1982 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program
- 1983 Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water to:
- 1984 (i) provide for the installation and repair of collection, treatment, storage, and
- 1985 distribution facilities for any public water system, as defined in Section 19-4-102;
- 1986 (ii) develop underground sources of water, including springs and wells; and
- 1987 (iii) develop surface water sources.
- 1988 (5)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
- 1989 2006, the difference between the following amounts shall be expended as provided in
- 1990 this Subsection (5), if that difference is greater than \$1:
- 1991 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for
- 1992 the fiscal year by a 1/16% tax rate on the transactions described in Subsection (1);
- 1993 and
- 1994 (ii) \$17,500,000.
- 1995 (b)(i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:
- 1996 (A) transferred each fiscal year to the Department of Natural Resources as
- 1997 designated sales and use tax revenue; and
- 1998 (B) expended by the Department of Natural Resources for watershed rehabilitation
- 1999 or restoration.
- 2000 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use

2001 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources
2002 Conservation and Development Fund created in Section 73-10-24.

2003 (c)(i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
2004 remaining difference described in Subsection (5)(a) shall be:

2005 (A) transferred each fiscal year to the Division of Water Resources as designated
2006 sales and use tax revenue; and

2007 (B) expended by the Division of Water Resources for cloud-seeding projects
2008 authorized by Title 73, Chapter 15, Modification of Weather.

2009 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
2010 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources
2011 Conservation and Development Fund created in Section 73-10-24.

2012 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
2013 remaining difference described in Subsection (5)(a) shall be deposited into the Water
2014 Resources Conservation and Development Fund created in Section 73-10-24 for use
2015 by the Division of Water Resources for:

2016 (i) preconstruction costs:

2017 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73,
2018 Chapter 26, Bear River Development Act; and

2019 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
2020 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

2021 (ii) the cost of employing a civil engineer to oversee any project authorized by Title
2022 73, Chapter 26, Bear River Development Act;

2023 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline
2024 project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development
2025 Act; and

2026 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
2027 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i)
2028 through (iii).

2029 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the
2030 remaining difference described in Subsection (5)(a) shall be deposited each year into
2031 the Water Rights Restricted Account created by Section 73-2-1.6.

2032 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), each
2033 fiscal year, the commission shall deposit into the Water Infrastructure Restricted
2034 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% 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

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

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

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

(A) the amount of revenue generated in the current fiscal year by the portion of taxes listed under Subsection (3)(a) that equals 20.68% of the revenue collected from taxes described in Subsections (7)(a)(i) through (iv);

(B) the amount of revenue generated in the current fiscal year by registration fees designated under Section 41-1a-1201 to be deposited into the Transportation Investment Fund of 2005; and

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

2069 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a
2070 given fiscal year.

2071 (iii) The commission shall annually deposit the amount described in Subsection
2072 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection
2073 72-2-124(11).

2074 (d)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall
2075 annually reduce the deposit into the Transportation Investment Fund of 2005
2076 under this Subsection (7) by an amount that is equal to 1% of the revenue
2077 collected from the following sales and use taxes:

2078 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

2079 (B) the tax imposed by Subsection (2)(b)(i);

2080 (C) the tax imposed by Subsection (2)(c)(i); and

2081 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).

2082 (ii) The commission shall annually deposit the amount described in Subsection
2083 (7)(d)(i) into the Commuter Rail Subaccount created in Section 72-2-124.

2084 (8)(a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
2085 Subsection (7), and subject to [~~Subsections (8)(b) and (d)(ii)~~] Subsection (8)(b), for a
2086 fiscal year beginning on or after July 1, 2018, the commission shall annually deposit
2087 into the Transportation Investment Fund of 2005 created by Section 72-2-124 a
2088 portion of the taxes listed under Subsection (3)(a) in an amount equal to 3.68% of the
2089 revenue collected from the following taxes:

2090 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

2091 (ii) the tax imposed by Subsection (2)(b)(i);

2092 (iii) the tax imposed by Subsection (2)(c)(i); and

2093 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

2094 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
2095 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection
2096 (8)(a) by an amount that is equal to 35% of the amount of revenue generated in the
2097 current fiscal year by the portion of the tax imposed on motor and special fuel that is
2098 sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.

2099 (c) The commission shall annually deposit the amount described in Subsection (8)(b)
2100 into the Transit Transportation Investment Fund created in Section 72-2-124.

2101 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
2102 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies

2103 Fund created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

2104 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the fiscal

2105 year during which the commission receives notice under Section 63N-2-510 that

2106 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the

2107 commission shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the

2108 revenue generated by the taxes listed under Subsection (3)(a) into the Hotel Impact

2109 Mitigation Fund, created in Section 63N-2-512.

2110 (11)(a) The rate specified in this subsection is 0.15%.

2111 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning

2112 on or after July 1, 2019, annually transfer the amount of revenue collected from the

2113 rate described in Subsection (11)(a) on the transactions that are subject to the sales

2114 and use tax under Subsection (2)(a)(i)(A) into the Medicaid ACA Fund created in

2115 Section 26B-1-315.

2116 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year

2117 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated

2118 credit solely for use of the Search and Rescue Financial Assistance Program created in,

2119 and expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

2120 ~~[(13)(a) For each fiscal year beginning with fiscal year 2020-21, the commission shall~~

2121 ~~annually transfer \$1,813,400 of the revenue deposited into the Transportation~~

2122 ~~Investment Fund of 2005 under Subsections (7) and (8) to the General Fund.]~~

2123 ~~[(b) If the total revenue deposited into the Transportation Investment Fund of 2005~~

2124 ~~under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the~~

2125 ~~commission shall transfer the total revenue deposited into the Transportation~~

2126 ~~Investment Fund of 2005 under Subsections (7) and (8) during the fiscal year to the~~

2127 ~~General Fund.]~~

2128 ~~[(14)]~~ (13) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,

2129 beginning the first day of the calendar quarter one year after the sales and use tax

2130 boundary for a housing and transit reinvestment zone is established, the commission, at

2131 least annually, shall transfer an amount equal to 15% of the sales and use tax increment

2132 within an established sales and use tax boundary, as defined in Section 63N-3-602, into

2133 the Transit Transportation Investment Fund created in Section 72-2-124.

2134 ~~[(15)]~~ (14) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year

2135 beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure

2136 Restricted Account, created in Section 51-9-902, a portion of the taxes listed under

2137 Subsection (3)(a) equal to 1% of the revenue collected from the following sales and use
2138 taxes:

2139 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

2140 (b) the tax imposed by Subsection (2)(b)(i);

2141 (c) the tax imposed by Subsection (2)(c)(i); and

2142 (d) the tax imposed by Subsection (2)(f)(i)(A)(I).

2143 ~~[(16)]~~ (15) Notwithstanding Subsection (3)(a), beginning October 1, 2024 the commission
2144 shall transfer to the Utah Fairpark Area Investment and Restoration District, created in
2145 Section 11-70-201, the revenue from the sales and use tax imposed by Subsection
2146 (2)(a)(i)(A) at a 4.7% rate, on transactions occurring within the district sales tax area, as
2147 defined in Section 11-70-101.

2148 ~~[(17)]~~ (16)(a) As used in this Subsection ~~[(17)]~~ (16):

2149 (i) "Additional land" means point of the mountain state land described in Subsection
2150 11-59-102(6)(b) that the point of the mountain authority acquires after the point of
2151 the mountain authority provides the commission a map under Subsection (17)(c).

2152 (ii) "Point of the mountain authority" means the Point of the Mountain State Land
2153 Authority, created in Section 11-59-201.

2154 (iii) "Point of the mountain state land" means the same as that term is defined in
2155 Section 11-59-102.

2156 (b) Notwithstanding Subsection (3)(a), the commission shall distribute to the point of the
2157 mountain authority 50% of the revenue from the sales and use tax imposed by
2158 Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring on the point of the
2159 mountain state land.

2160 (c) The distribution under Subsection ~~[(17)(b)]~~ (16)(b) shall begin the next calendar
2161 quarter that begins at least 90 days after the point of the mountain authority provides
2162 the commission a map that:

2163 (i) accurately describes the point of the mountain state land; and

2164 (ii) the point of the mountain authority certifies as accurate.

2165 (d) A distribution under Subsection ~~[(17)(b)]~~ (16)(b) with respect to additional land shall
2166 begin the next calendar quarter that begins at least 90 days after the point of the
2167 mountain authority provides the commission a map of point of the mountain state
2168 land that:

2169 (i) accurately describes the point of the mountain state land, including the additional
2170 land; and

- 2171 (ii) the point of the mountain authority certifies as accurate.
- 2172 (e)(i) Upon the payment in full of bonds secured by the sales and use tax revenue
- 2173 distributed to the point of the mountain authority under Subsection [~~(17)(b)~~] (16)(b),
- 2174 the point of the mountain authority shall immediately notify the commission in
- 2175 writing that the bonds are paid in full.
- 2176 (ii) The commission shall discontinue distributions of sales and use tax revenue under
- 2177 Subsection [~~(17)(b)~~] (16)(b) at the beginning of the calendar quarter that begins at
- 2178 least 90 days after the date that the commission receives the written notice under
- 2179 Subsection [~~(17)(e)(i)~~] (16)(e)(i).
- 2180 Section 18. Section **63B-11-502** is amended to read:
- 2181 **63B-11-502 (Effective 05/07/25). Maximum amount -- Projects authorized.**
- 2182 (1) The total amount of bonds issued under this part may not exceed \$52,101,800.
- 2183 (2)(a)(i) Proceeds from the issuance of bonds shall be provided to the Department of
- 2184 Transportation to provide funds to pay all or part of the costs of accelerating any
- 2185 of the following state highway construction or reconstruction projects in Salt Lake
- 2186 County:
- 2187 (A) I-15: 10600 South to the Utah County line;
- 2188 (B) Final Environmental Impact Statement for Western Transportation Corridor:
- 2189 I-80 to Utah County;
- 2190 (C) I-215: Redwood Road to 4700 South;
- 2191 (D) State Street Reconstruction: 9000 South to 10600 South; and
- 2192 (E) except as provided in Subsection (2)(d), State Street Reconstruction: 7800
- 2193 South to 8000 South.
- 2194 (ii) If the Department of Transportation is unable to begin or complete a project
- 2195 authorized by this Subsection (2)(a) because of a court order, the Department of
- 2196 Transportation, with the approval of Salt Lake County, may expend bond
- 2197 proceeds to construct one or more projects identified in Subsection (2)(e).
- 2198 (b) When the Utah Transit Authority certifies to the Transportation Commission that the
- 2199 Utah Transit Authority will pay half the costs of reconstruction of the Utah Transit
- 2200 Authority railroad overpass on 8000 South State Street, the Department of
- 2201 Transportation may provide funds from bond proceeds to pay the other half of the
- 2202 costs of reconstruction of the Utah Transit Authority railroad overpass on 8000 South.
- 2203 (c) As used in Subsections (2)(a) and (b), "costs" may include the cost of acquiring land,
- 2204 interests in land, easements and rights-of-way, improving sites, and making all

2205 improvements necessary, incidental, or convenient to the facilities, interest estimated
2206 to accrue on these bonds during the period to be covered by construction of the
2207 projects plus a period of six months after the end of the construction period, interest
2208 estimated to accrue on any bond anticipation notes issued under the authority of
2209 Chapter 11, Part 6, 2002 Highway General Obligation Bond Anticipation Notes for
2210 Salt Lake County, and all related engineering, architectural, and legal fees.

2211 (d) Bond proceeds may not be expended on the State Street Reconstruction: 7800 to
2212 8000 South project until the Transportation Commission has received the
2213 certification required by Subsection (2)(b) from the Utah Transit Authority.

2214 (e) As the following projects or future projects identified by Salt Lake County and the
2215 Legislature are prepared and ready for construction by the Department of
2216 Transportation, it is the intent of the Legislature that they will be accelerated and
2217 funded from future general obligation bonds issued in anticipation of receiving debt
2218 service funds from the amount described in Subsection 59-12-2214(3)(b) and from
2219 other funding sources available to the Department of Transportation[~~including~~
2220 ~~money available from the Centennial Highway Fund and the Statewide~~
2221 ~~Transportation Improvement Plan~~]:

2222 (i) 5600 West Reconstruction: 4500 South to 7000 South;

2223 (ii) Redwood Road: 12600 South to Bangerter Highway;

2224 (iii) I-15: Beck Street Overpass;

2225 (iv) I-215: 4700 South to SR-201;

2226 (v) acquisition of rights-of-way for the Western Transportation Corridor;

2227 (vi) 11400 South: I-15 to Redwood Road; and

2228 (vii) State Street Reconstruction 6400 South to 7800 South and 8000 South to 9000
2229 South.

2230 (3) If any portion of the proceeds of the tax paid to the state are not required to pay
2231 principal, interest, and issuance costs of the bonds and the principal, interest, and
2232 issuance costs of the bond have been paid off, or if, after completion of the projects
2233 authorized under Subsection (2)(a) and payment of the costs of issuing and selling the
2234 bonds under Section 63B-11-503, any bond proceeds remain unexpended, the
2235 Department of Transportation may use those unexpended proceeds to pay all or part of
2236 the costs of construction projects in Salt Lake County that have been approved and
2237 prioritized by the Transportation Commission.

2238 (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 19. 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.

- 2273 (5)(a) Twenty-nine million dollars of the proceeds of bonds issued under this section
2274 shall be provided to the Department of Transportation to pass through to Brigham
2275 City to be used for a Forest Street rail bridge project in Brigham City.
- 2276 (b) Payments shall be made from the Rail Transportation Restricted Account created in
2277 Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(c), in
2278 the amount per year of the principal and interest payments due under the bonds
2279 issued under Subsection (5)(a) until those bonds have been repaid in full.
- 2280 (6)(a) Three million dollars of the proceeds of bonds issued under this section shall be
2281 provided to the Department of Transportation to pass through to the city of North Salt
2282 Lake for an environmental study for a grade separation at 1100 North in North Salt
2283 Lake.
- 2284 (b) Payments shall be made from the Rail Transportation Restricted Account created in
2285 Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(b), in
2286 the amount per year of the principal and interest payments due under the bonds
2287 issued under Subsection (6)(a) until those bonds have been repaid in full.
- 2288 (7) The costs under Subsection (2) may include the costs of studies necessary to make
2289 transportation infrastructure improvements, the costs of acquiring land, interests in land,
2290 and easements and rights-of-way, the costs of improving sites and making all
2291 improvements necessary, incidental, or convenient to the facilities, and the costs of
2292 interest estimated to accrue on these bonds during the period to be covered by
2293 construction of the projects plus a period of six months after the end of the construction
2294 period, interest estimated to accrue on any bond anticipation notes issued under the
2295 authority of this title, and all related engineering, architectural, and legal fees.
- 2296 (8) The commission or the state treasurer may make any statement of intent relating to a
2297 reimbursement that is necessary or desirable to comply with federal tax law.
- 2298 (9) The Department of Transportation may enter into agreements related to the projects
2299 described in Subsection (4) before the receipt of proceeds of bonds issued under this
2300 section.
- 2301 Section 20. Section **63J-3-103** is amended to read:
2302 **63J-3-103 (Effective 05/07/25). Definitions.**
2303 As used in this chapter:
- 2304 (1)(a) "Appropriations" means actual unrestricted capital and operating appropriations
2305 from unrestricted General Fund and Income Tax Fund sources.
- 2306 (b) "Appropriations" includes appropriations that are contingent upon available

2307 surpluses in the General Fund and Income Tax Fund.

2308 (c) "Appropriations" does not mean:

2309 (i) public education expenditures;

2310 (ii) Utah Education and Telehealth Network expenditures in support of public

2311 education;

2312 (iii) Utah Board of Higher Education expenditures in support of public education;

2313 (iv) State Tax Commission expenditures related to collection of income taxes in

2314 support of public education;

2315 (v) debt service expenditures;

2316 (vi) emergency expenditures;

2317 (vii) expenditures from all other fund or subfund sources;

2318 (viii) transfers or appropriations from the Income Tax Fund to the Uniform School

2319 Fund;

2320 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve

2321 Account established in Section 63J-1-312;

2322 (x) transfers into, or appropriations made to, the Income Tax Fund Budget Reserve

2323 Account established in Section 63J-1-313;

2324 (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to

2325 the Wildland Fire Suppression Fund created in Section 65A-8-204, the

2326 Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund created

2327 in Section 65A-8-215, or the State Disaster Recovery Restricted Account created

2328 in Section 53-2a-603;

2329 (xii) money appropriated to fund the total one-time project costs for the construction

2330 of capital development projects as defined in Section 63A-5b-401;

2331 ~~[(xiii) transfers or deposits into or appropriations made to the Centennial Highway~~

2332 ~~Fund created by Section 72-2-118;]~~

2333 ~~[(xiv)]~~ (xiii) transfers or deposits into or appropriations made to the Transportation

2334 Investment Fund of 2005 created by Section 72-2-124;

2335 ~~[(xv)]~~ (xiv) transfers or deposits into or appropriations made to:

2336 (A) the Department of Transportation from any source; or

2337 (B) any transportation-related account or fund from any source; or

2338 ~~[(xvi)]~~ (xv) supplemental appropriations from the General Fund to the Division of

2339 Forestry, Fire, and State Lands to provide money for wildland fire control

2340 expenses incurred during the current or previous fire years.

- 2341 (2) "Base year real per capita appropriations" means the result obtained for the state by
2342 dividing the fiscal year 1985 actual appropriations of the state less debt money by:
2343 (a) the state's July 1, 1983 population; and
2344 (b) the fiscal year 1983 inflation index divided by 100.
- 2345 (3) "Calendar year" means the time period beginning on January 1 of any given year and
2346 ending on December 31 of the same year.
- 2347 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate
2348 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special
2349 Session, Chapter 4.
- 2350 (5) "Fiscal year" means the time period beginning on July 1 of any given year and ending
2351 on June 30 of the subsequent year.
- 2352 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital
2353 and operations appropriations from General Fund and non-Uniform School Fund income
2354 tax revenue sources, less debt money.
- 2355 (7) "Inflation index" means the change in the general price level of goods and services as
2356 measured by the Gross National Product Implicit Price Deflator of the Bureau of
2357 Economic Analysis, U.S. Department of Commerce calculated as provided in Section
2358 63J-3-202.
- 2359 (8)(a) "Maximum allowable appropriations limit" means the appropriations that could
2360 be, or could have been, spent in any given year under the limitations of this chapter.
2361 (b) "Maximum allowable appropriations limit" does not mean actual appropriations
2362 spent or actual expenditures.
- 2363 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two
2364 fiscal years previous to the fiscal year for which the maximum allowable inflation and
2365 population appropriations limit is being computed under this chapter.
- 2366 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal years
2367 previous to the fiscal year for which the maximum allowable inflation and population
2368 appropriations limit is being computed under this chapter.
- 2369 (11) "Population" means the number of residents of the state as of July 1 of each year as
2370 calculated by the Governor's Office of Planning and Budget according to the procedures
2371 and requirements of Section 63J-3-202.
- 2372 (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and other
2373 monetary exaction and interest connected with it that are recorded as unrestricted
2374 revenue of the General Fund and from non-Uniform School Fund income tax revenues,

2375 except as specifically exempted by this chapter.

2376 (13) "Security" means any bond, note, warrant, or other evidence of indebtedness, whether
2377 or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an
2378 "indebtedness" within the meaning of any provision of the constitution or laws of this
2379 state.

2380 Section 21. Section **72-1-201** is amended to read:

2381 **72-1-201 (Effective 05/07/25). Creation of Department of Transportation --**
2382 **Functions, powers, duties, rights, and responsibilities.**

2383 (1) There is created the Department of Transportation which shall:

- 2384 (a) have the general responsibility for planning, research, design, construction,
2385 maintenance, security, and safety of state transportation systems;
- 2386 (b) provide administration for state transportation systems and programs;
- 2387 (c) implement the transportation policies of the state;
- 2388 (d) plan, develop, construct, and maintain state transportation systems that are safe,
2389 reliable, environmentally sensitive, and serve the needs of the traveling public,
2390 commerce, and industry;
- 2391 (e) establish standards and procedures regarding the technical details of administration
2392 of the state transportation systems as established by statute and administrative rule;
- 2393 (f) advise the governor and the Legislature about state transportation systems needs;
- 2394 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective
2395 installation, maintenance, operation, relocation, and upgrade of utilities within state
2396 highway rights-of-way;
- 2397 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2398 make rules for the administration of the department, state transportation systems, and
2399 programs;
- 2400 (i) jointly with the commission annually report to the Transportation Interim Committee,
2401 by November 30 of each year, as to the operation, maintenance, condition, mobility,
2402 safety needs, and wildlife and livestock mitigation for state transportation systems;
- 2403 (j) ensure that any training or certification required of a public official or public
2404 employee, as those terms are defined in Section 63G-22-102, complies with Title
2405 63G, Chapter 22, State Training and Certification Requirements, if the training or
2406 certification is required:
- 2407 (i) under this title;
- 2408 (ii) by the department; or

- 2409 (iii) by an agency or division within the department;
- 2410 (k) study and make recommendations to the Legislature on potential managed lane use
- 2411 and implementation on selected transportation systems within the state;
- 2412 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division created
- 2413 in Section 53-8-103 regarding:
- 2414 (i) future highway projects that will add additional capacity to the state transportation
- 2415 system;
- 2416 (ii) potential changes in law enforcement responsibilities due to future highway
- 2417 projects; and
- 2418 (iii) incident management services on state highways; and
- 2419 (m) provide public transit services, in consultation with any relevant public transit
- 2420 provider.
- 2421 (2) If the department constructs a project that requires an environmental impact statement,
- 2422 the department may only construct the project as provided in the record of decision
- 2423 associated with the environmental impact statement.
- 2424 [(2)] (3)(a) The department shall exercise reasonable care in designing, constructing, and
- 2425 maintaining a state highway in a reasonably safe condition for travel.
- 2426 (b) Nothing in this section shall be construed as:
- 2427 (i) creating a private right of action; or
- 2428 (ii) expanding or changing the department's common law duty as described in
- 2429 Subsection [(2)(a)] (3)(a) for liability purposes.
- 2430 Section 22. Section **72-1-212** is amended to read:
- 2431 **72-1-212 (Effective 05/07/25). Special use permitting -- Rulemaking.**
- 2432 (1) As used in this section:
- 2433 (a) "Law enforcement agency" means the same as that term is defined in Section [
- 2434 ~~53-3-102~~] 53-1-102.
- 2435 (b) "Special use permit" means a permit issued:
- 2436 (i) for a special use or a special event that takes place on a highway; or
- 2437 (ii) to a law enforcement agency to install an automatic license plate reader on a state
- 2438 highway for the purpose of capturing license plate data of vehicles traveling on a
- 2439 state highway, regardless of whether the device is installed on property owned by
- 2440 the department or the law enforcement agency.
- 2441 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in
- 2442 consultation with representatives of the Utah League of Cities and Towns and the Utah

- 2443 Association of Counties, the department shall make rules that are not inconsistent with
2444 this chapter or the constitution and laws of this state or of the United States governing
2445 the issuance of a special use permit to maintain public safety and serve the needs of the
2446 traveling public.
- 2447 (3) The rules described in Subsection (2) may:
- 2448 (a) establish the highways for which the highest number of special use permits are
2449 issued;
 - 2450 (b) develop, in consultation with municipalities, a limit on the number of special use
2451 permits that may be issued in any calendar year on a particular highway;
 - 2452 (c) require a person to submit an application designated by the department before the
2453 department issues a special use permit;
 - 2454 (d) limit the number of special use permits issued on any one day for any specified
2455 location based on a first-come, first-served basis for completed applications;
 - 2456 (e) establish criteria for evaluating completed applications, such as historic use, potential
2457 economic benefit, or other relevant factors;
 - 2458 (f) specify conditions that are required to be met before a special use permit may be
2459 issued;
 - 2460 (g) establish a penalty for failure to fulfill conditions required by the special use permit,
2461 including suspension of the special use permit or suspension of a future special use
2462 permit;
 - 2463 (h) require an applicant to obtain insurance for certain special uses or special events; or
2464 (i) provide other requirements to maintain public safety and serve the needs of the
2465 traveling public.
- 2466 (4) The limit on the number of special use permits described in Subsection (3)(b) may not
2467 include:
- 2468 (a) a special use permit issued for a municipality-sponsored special use or special event
2469 on a highway within the jurisdiction of the municipality; or
 - 2470 (b) a special use permit issued to a law enforcement agency to install a device as part of
2471 an automatic license plate reader system authorized by Section 41-6a-2003.
- 2472 (5) The rules described in Subsection (2) shall consider:
- 2473 (a) traveler safety and mobility;
 - 2474 (b) the safety of special use or special event participants;
 - 2475 (c) emergency access;
 - 2476 (d) the mobility of residents close to the event or use;

- 2477 (e) access and economic impact to businesses affected by changes to the normal
2478 operation of highway traffic;
- 2479 (f) past performance of an applicant's adherence to special use permit requirements; and
2480 (g) whether a law enforcement agency applying for a special use permit has published a
2481 policy online as required by Section 41-6a-2003.
- 2482 (6) Notwithstanding any other provision of this chapter, the department may also require a
2483 law enforcement agency applying for a special use permit described in this section to
2484 obtain an encroachment permit.
- 2485 (7) The department shall adopt a fee schedule in accordance with Section 63J-1-504 that
2486 reflects the cost of services provided by the department associated with special use
2487 permits and with special uses or special events that take place on a highway.
- 2488 (8) For a device installed in accordance with Section 41-6a-2003, the installation,
2489 maintenance, data collection, and removal are the responsibility of the law enforcement
2490 agency that obtains the special use permit.
- 2491 (9)(a) The department shall preserve a record of special use permits issued to a law
2492 enforcement agency, including the stated purpose for each permit.
- 2493 (b) The department shall preserve a record identified in Subsection (9)(a) for at least five
2494 years.
- 2495 Section 23. Section **72-1-213.1** is amended to read:
- 2496 **72-1-213.1 (Effective 05/07/25). Road usage charge program.**
- 2497 (1) As used in this section:
- 2498 (a) "Account manager" means an entity under contract with the department to administer
2499 and manage the road usage charge program.
- 2500 (b) "Alternative fuel vehicle" means:
- 2501 (i) an electric motor vehicle as defined in Section 41-1a-102; or
2502 (ii) a motor vehicle powered exclusively by a fuel other than:
- 2503 (A) motor fuel;
2504 (B) diesel fuel;
2505 (C) natural gas; or
2506 (D) propane.
- 2507 (c) "Payment period" means the interval during which an owner is required to report
2508 mileage and pay the appropriate road usage charge according to the terms of the
2509 program.
- 2510 (d) "Program" means the road usage charge program established and described in this

- 2511 section.
- 2512 (e) "Road usage charge cap" means the maximum fee charged to a participant in the
- 2513 program for a registration period.
- 2514 (f) "Road usage charge rate" means the per-mile usage fee charged to a participant in the
- 2515 program.
- 2516 (2) There is established a road usage charge program as described in this section.
- 2517 (3)(a) The department shall implement and oversee the administration of the program,
- 2518 which shall begin on January 1, 2020.
- 2519 (b) To implement and administer the program, the department may contract with an
- 2520 account manager.
- 2521 (4)(a) The owner or lessee of an alternative fuel vehicle may apply for enrollment of the
- 2522 alternative fuel vehicle in the program.
- 2523 (b) If an application for enrollment into the program is approved by the department, the
- 2524 owner or lessee of an alternative fuel vehicle may participate in the program in lieu of
- 2525 paying the fee described in Subsection 41-1a-1206(1)(h) or (2)(b).
- 2526 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
- 2527 consistent with this section, the department:
- 2528 (a) shall make rules to establish:
- 2529 (i) processes and terms for enrollment into and withdrawal or removal from the
- 2530 program;
- 2531 (ii) payment periods and other payment methods and procedures for the program;
- 2532 (iii) standards for mileage reporting mechanisms for an owner or lessee of an
- 2533 alternative fuel vehicle to report mileage as part of participation in the program;
- 2534 (iv) standards for program functions for mileage recording, payment processing,
- 2535 account management, and other similar aspects of the program;
- 2536 (v) contractual terms between an owner or lessee of an alternative fuel vehicle owner
- 2537 and an account manager for participation in the program;
- 2538 (vi) contractual terms between the department and an account manager, including
- 2539 authority for an account manager to enforce the terms of the program;
- 2540 (vii) procedures to provide security and protection of personal information and data
- 2541 connected to the program, and penalties for account managers for violating
- 2542 privacy protection rules;
- 2543 (viii) penalty procedures for a program participant's failure to pay a road usage
- 2544 charge or tampering with a device necessary for the program; and

- 2545 (ix) department oversight of an account manager, including privacy protection of
2546 personal information and access and auditing capability of financial and other
2547 records related to administration of the program; and
- 2548 (b) may make rules to establish:
- 2549 (i) an enrollment cap for certain alternative fuel vehicle types to participate in the
2550 program;
- 2551 (ii) a process for collection of an unpaid road usage charge or penalty; or
- 2552 (iii) integration of the program with other similar programs, such as tolling.
- 2553 (6) Revenue generated by the road usage charge program and relevant penalties shall be
2554 deposited into the Road Usage Charge Program Special Revenue Fund.
- 2555 (7)(a) The department may:
- 2556 (i)(A) impose a penalty for failure to timely pay a road usage charge according to
2557 the terms of the program or tampering with a device necessary for the program;
2558 and
- 2559 (B) request that the Division of Motor Vehicles place a hold on the registration of
2560 the owner's or lessee's alternative fuel vehicle for failure to pay a road usage
2561 charge or penalty according to the terms of the program;
- 2562 (ii) send correspondence to the owner of an alternative fuel vehicle to inform the
2563 owner or lessee of:
- 2564 (A) the road usage charge program, implementation, and procedures;
- 2565 (B) an unpaid road usage charge and the amount of the road usage charge to be
2566 paid to the department;
- 2567 (C) the penalty for failure to pay a road usage charge within the time period
2568 described in Subsection (7)(a)(iii); and
- 2569 (D) a hold being placed on the owner's or lessee's registration for the alternative
2570 fuel vehicle, if the road usage charge and penalty are not paid within the time
2571 period described in Subsection (7)(a)(iii), which would prevent the renewal of
2572 the alternative fuel vehicle's registration; and
- 2573 (iii) require that the owner or lessee of the alternative fuel vehicle pay the road usage
2574 charge to the department within 30 days of the date when the department sends
2575 written notice of the road usage charge to the owner or lessee.
- 2576 (b) The department shall send the correspondence and notice described in Subsection (7)
2577 (a) to the owner of the alternative fuel vehicle according to the terms of the program.
- 2578 (8)(a) The Division of Motor Vehicles and the department shall share and provide access

- 2579 to information pertaining to an alternative fuel vehicle and participation in the
2580 program including:
- 2581 (i) registration and ownership information pertaining to an alternative fuel vehicle;
 - 2582 (ii) information regarding the failure of an alternative fuel vehicle owner or lessee to
2583 pay a road usage charge or penalty imposed under this section within the time
2584 period described in Subsection (7)(a)(iii); and
 - 2585 (iii) the status of a request for a hold on the registration of an alternative fuel vehicle.
- 2586 (b) If the department requests a hold on the registration in accordance with this section,
2587 the Division of Motor Vehicles may not renew the registration of a motor vehicle
2588 under Title 41, Chapter 1a, Part 2, Registration, until the department withdraws the
2589 hold request.
- 2590 (9) The owner of an alternative fuel vehicle may apply for enrollment in the program or
2591 withdraw from the program according to the terms established by the department
2592 pursuant to rules made under Subsection (5).
- 2593 (10) If enrolled in the program, the owner or lessee of an alternative fuel vehicle shall:
- 2594 (a) report mileage driven as required by the department pursuant to Subsection (5);
 - 2595 (b) pay the road usage fee for each payment period in accordance with Subsection (5);
2596 and
 - 2597 (c) comply with all other provisions of this section and other requirements of the
2598 program.
- 2599 (11) The department shall submit annually, on or before October 1, to the Transportation
2600 Interim Committee, an electronic report that:
- 2601 (a) states for the preceding fiscal year:
 - 2602 (i) the amount of revenue collected from the program;
 - 2603 (ii) the participation rate in the program; and
 - 2604 (iii) the department's costs to administer the program; and
 - 2605 (b) provides for the current fiscal year, an estimate of:
 - 2606 (i) the revenue that will be collected from the program;
 - 2607 (ii) the participation rate in the program; and
 - 2608 (iii) the department's costs to administer the program.
- 2609 (12)(a) Beginning on January 1, 2023:
- 2610 (i) the road usage charge rate is 1.0 cent per mile; and
 - 2611 (ii) the road usage charge cap is:
 - 2612 (A) \$130.25 for an annual registration period; and

- 2613 (B) \$100.75 for a six-month registration period.
- 2614 (b) Beginning on January 1, 2026:
- 2615 (i) the road usage charge rate is 1.25 cents per mile; and
- 2616 (ii) the road usage charge cap is:
- 2617 (A) \$180 for an annual registration period; and
- 2618 (B) \$139 for a six-month registration period.
- 2619 (c) Beginning on January 1, 2032:
- 2620 (i) the road usage charge rate is 1.5 cents per mile, unless the commission establishes
- 2621 a different road usage charge rate in accordance with Subsection (13); and
- 2622 (ii) the road usage charge cap is:
- 2623 (A) \$240 for an annual registration period; and
- 2624 (B) \$185 for a six-month registration period.
- 2625 (d) Beginning in 2024, the department shall, on January 1, annually adjust the road
- 2626 usage charge rates described in this Subsection (12) by taking the road usage charge
- 2627 rate for the previous year and adding an amount equal to the greater of:
- 2628 (i) an amount calculated by multiplying the road usage charge rate of the previous
- 2629 year by the actual percentage change during the previous fiscal year in the
- 2630 Consumer Price Index as determined by the State Tax Commission; and
- 2631 (ii) 0.
- 2632 (e) Beginning in 2024, the State Tax Commission shall, on January 1, annually adjust
- 2633 the road usage charge caps described in this Subsection (12) by taking the road usage
- 2634 charge cap for the previous year and adding an amount equal to the greater of:
- 2635 (i) an amount calculated by multiplying the road usage charge cap of the previous
- 2636 year by the actual percentage change during the previous fiscal year in the
- 2637 Consumer Price Index; and
- 2638 (ii) 0.
- 2639 (f) The amounts calculated as described in Subsection (12)(d) shall be rounded up to the
- 2640 nearest .01 cent.
- 2641 (g) The amounts calculated as described in Subsection (12)(e) shall be rounded up to the
- 2642 nearest 25 cents.
- 2643 (h) On or before January 1 of each year, the department shall publish:
- 2644 (i) the adjusted road usage charge rate described in Subsection (12)(d); and
- 2645 (ii) adjusted road usage charge cap described in Subsection (12)(e).
- 2646 (13)(a) Beginning January 1, 2032, the commission may establish by rule made in

accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the road usage charge rate for each type of alternative fuel vehicle.

(b)(i) Before making rules in accordance with Subsection (13)(a), the commission shall consult with the department regarding the road usage charge rate for each type of alternative fuel vehicle.

(ii) The department shall cooperate with and make recommendations to the commission regarding the road usage charge rate for each type of alternative fuel vehicle.

Section 24. Section **72-1-217** is amended to read:

72-1-217 (Effective 05/07/25). Department of Transportation study items.

(1) The department shall carry out transportation studies described in this section as resources allow.

(2)(a) The department shall study items related to advanced air mobility as described in this Subsection (2).

(b) The department shall study vertiport locations and infrastructure, including:

(i) identification of suitable locations for vertiport infrastructure and parking infrastructure for vertiports in metropolitan areas;

(ii) identification of commuter rail stations that may be suitable for vertiport placement; and

(iii) identification of underutilized parking lots and parking structures for vertiport infrastructure placement.

(c) The department shall study best practices and implementation of advanced air mobility technologies, including:

(i) seeking input through community engagement;

(ii) state and local regulations;

(iii) unmanned aircraft system traffic management; and

(iv) weather reporting and monitoring for advanced air mobility safety.

(d) The department shall study unmanned aircraft traffic management infrastructure, including:

(i) unmanned aircraft system traffic management development, implementation, procedures, policies, and infrastructure; and

(ii) obtaining a full understanding of unmanned aircraft system traffic management, including:

(A) designation of airspace for advanced air mobility;

- 2681 (B) creation of geographic categorical areas;
- 2682 (C) identifying the appropriate number and location of advanced air mobility
- 2683 sensors; and
- 2684 (D) other state specific details regarding unmanned aircraft system traffic
- 2685 management.
- 2686 (e) The department shall study the creation of an advanced air mobility sandbox,
- 2687 including:
- 2688 (i) potential locations for the sandbox testing area and desirable attributes of a
- 2689 suitable sandbox location;
- 2690 (ii) requirements to create a geographical advanced air mobility testing area and the
- 2691 parameters for the types of technology that may be utilized in the testing area; and
- 2692 (iii) testing and studying different types of advanced air mobility transportation of
- 2693 manned and unmanned aerial vehicles, including:
- 2694 (A) aerial vehicle size;
- 2695 (B) aerial vehicles that carry cargo, including medical cargo;
- 2696 (C) commercial aerial vehicles; and
- 2697 (D) public transportation aerial vehicles.
- 2698 (f) On or before September 30, 2023, the department shall provide a report to the
- 2699 Transportation Interim Committee of the department's findings from the study items
- 2700 described in Subsections (2)(b) through (2)(e).
- 2701 (g) The department may only use existing funds to cover the expenses incurred from the
- 2702 study of items described in Subsections (2)(b) through (2)(e).
- 2703 (3)(a) The department and a large public transit district shall jointly study programs
- 2704 offered by government entities related to human services transportation, including:
- 2705 (i) coordinated mobility services;
- 2706 (ii) paratransit services;
- 2707 (iii) nonemergency medical transportation;
- 2708 (iv) youth transportation programs, excluding school bus transportation; and
- 2709 (v) other similar fare-based or fee-based programs provided or coordinated within the
- 2710 boundary of the large public transit district, including those involving the
- 2711 department, a large public transit district, local governments, or other government
- 2712 agencies and nonprofit entities that provide similar services.
- 2713 (b) The study shall evaluate strategies to consolidate the transportation services
- 2714 described in Subsection (3)(a) to improve efficiency and service.

- 2715 (c) The department and large public transit district shall:
2716 (i) provide a preliminary report on the study to the Transportation Interim Committee
2717 on or before November 1, 2025; and
2718 (ii) prepare and present recommendations to the Transportation Interim Committee
2719 on or before November 1, 2026, for the consolidation of the services described in
2720 Subsection (3)(a).

2721 Section 25. Section **72-1-303** is amended to read:

2722 **72-1-303 (Effective 05/07/25). Duties of commission.**

- 2723 (1) The commission has the following duties:
- 2724 (a) determining priorities and funding levels of projects and programs in the state
2725 transportation systems and the capital development of new public transit facilities for
2726 each fiscal year based on project lists compiled by the department and taking into
2727 consideration the strategic initiatives described in Section 72-1-211;
 - 2728 (b) determining additions and deletions to state highways under Chapter 4, Designation
2729 of State Highways Act;
 - 2730 (c) holding public meetings and otherwise providing for public input in transportation
2731 matters;
 - 2732 (d) making policies and rules in accordance with Title 63G, Chapter 3, Utah
2733 Administrative Rulemaking Act, necessary to perform the commission's duties
2734 described under this section;
 - 2735 (e) in accordance with Section 63G-4-301, reviewing orders issued by the executive
2736 director in adjudicative proceedings held in accordance with Title 63G, Chapter 4,
2737 Administrative Procedures Act;
 - 2738 (f) advising the department on state transportation systems policy;
 - 2739 (g) approving settlement agreements of condemnation cases subject to Section
2740 63G-10-401;
 - 2741 (h) in accordance with Section 17B-2a-807, appointing a commissioner to serve as a
2742 nonvoting member or a voting member on the board of trustees of a public transit
2743 district;
 - 2744 (i) in accordance with Section 17B-2a-808, reviewing, at least annually, the short-term
2745 and long-range public transit plans;
 - 2746 (j) determining the priorities and funding levels of public transit innovation grants, as
2747 defined in Section 72-2-401; and
 - 2748 (k) reviewing administrative rules made, substantively amended, or repealed by the

2749 department.

2750 (2)(a) For projects prioritized with funding provided under Sections 72-2-124 and
2751 72-2-125, the commission shall annually report to~~[a committee designated by the~~
2752 ~~Legislative Management Committee]~~ the Transportation and Infrastructure
2753 Appropriations Subcommittee:

- 2754 (i) a prioritized list of the new transportation capacity projects in the state
2755 transportation system and the funding levels available for those projects; and
2756 (ii) the unfunded highway construction and maintenance needs within the state.
- 2757 (b) The ~~[committee designated by the Legislative Management Committee under~~
2758 ~~Subsection (2)(a)]~~ Transportation and Infrastructure Appropriations Subcommittee
2759 shall:
- 2760 (i) review the list reported by the Transportation Commission; and
2761 (ii) make a recommendation to the Legislature on:
- 2762 (A) the amount of additional funding to allocate to transportation; and
2763 (B) the source of revenue for the additional funding allocation under Subsection
2764 (2)(b)(ii)(A).

2765 (3) The commission shall review and may approve plans for the construction of a highway
2766 facility over sovereign lakebed lands in accordance with Chapter 6, Part 3, Approval of
2767 Highway Facilities on Sovereign Lands Act.

2768 (4) One or more associations representing airport operators or pilots in the state shall
2769 annually report to the commission recommended airport improvement projects and any
2770 other information related to the associations' expertise and relevant to the commission's
2771 duties.

2772 Section 26. Section **72-1-304** is amended to read:

2773 **72-1-304 (Effective 05/07/25). Written project prioritization process for new**
2774 **transportation capacity projects -- Rulemaking.**

2775 (1)(a) The Transportation Commission, in consultation with the department and the
2776 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a
2777 written prioritization process for the prioritization of:

- 2778 (i) new transportation capacity projects that are or will be part of the state highway
2779 system under Chapter 4, Part 1, State Highways;
- 2780 (ii) paved pedestrian or paved nonmotorized transportation projects described in
2781 Section 72-2-124;
- 2782 (iii) public transit projects that directly add capacity to the public transit systems

2783 within the state, not including facilities ancillary to the public transit system; and
2784 (iv) pedestrian or nonmotorized transportation projects that provide connection to a
2785 public transit system.

2786 (b)(i) A local government or public transit district may nominate a project for
2787 prioritization in accordance with the process established by the commission in rule.

2788 (ii) If a local government or public transit district nominates a project for
2789 prioritization by the commission, the local government or public transit district
2790 shall provide data and evidence to show that:

2791 (A) the project will advance the purposes and goals described in Section 72-1-211;
2792 (B) for a public transit project, the local government or public transit district has
2793 an ongoing funding source for operations and maintenance of the proposed
2794 development; and

2795 (C) the local government or public transit district will provide the percentage of
2796 the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or [
2797 ~~72-2-124(9)(e)~~] 72-2-124(10)(e).

2798 (2) The following shall be included in the written prioritization process under Subsection
2799 (1):

2800 (a) a description of how the strategic initiatives of the department adopted under Section
2801 72-1-211 are advanced by the written prioritization process;

2802 (b) a definition of the type of projects to which the written prioritization process applies;

2803 (c) specification of a weighted criteria system that is used to rank proposed projects and
2804 how it will be used to determine which projects will be prioritized;

2805 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

2806 (e) any other provisions the commission considers appropriate, which may include
2807 consideration of:

2808 (i) regional and statewide economic development impacts, including improved local
2809 access to:

2810 (A) employment;

2811 (B) educational facilities;

2812 (C) recreation;

2813 (D) commerce; and

2814 (E) residential areas, including moderate income housing as demonstrated in the
2815 local government's or public transit district's general plan pursuant to Section
2816 10-9a-403 or 17-27a-403;

- 2817 (ii) the extent to which local land use plans relevant to a project support and
2818 accomplish the strategic initiatives adopted under Section 72-1-211; and
2819 (iii) any matching funds provided by a political subdivision or public transit district
2820 in addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii)
2821 and ~~[72-2-124(9)(e)]~~ 72-2-124(10)(e).
- 2822 (3)(a) When prioritizing a public transit project that increases capacity, the commission:
2823 (i) may give priority consideration to projects that are part of a transit-oriented
2824 development or transit-supportive development as defined in Section 17B-2a-802;
2825 and
2826 (ii) shall give priority consideration to projects that are within the boundaries of a
2827 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3,
2828 Part 6, Housing and Transit Reinvestment Zone Act.
- 2829 (b) When prioritizing a transportation project that increases capacity, the commission
2830 may give priority consideration to projects that are:
2831 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:
2832 (A) the state is a participant in the transportation reinvestment zone; or
2833 (B) the commission finds that the transportation reinvestment zone provides a
2834 benefit to the state transportation system; or
2835 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant
2836 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- 2837 (c) If the department receives a notice of prioritization for a municipality as described in
2838 Subsection 10-9a-408(5), or a notice of prioritization for a county as described in
2839 Subsection 17-27a-408(5), the commission may give priority consideration to
2840 transportation projects that are within the boundaries of the municipality or the
2841 unincorporated areas of the county until the department receives notification from the
2842 Housing and Community Development Division within the Department of Workforce
2843 Services that the municipality or county no longer qualifies for prioritization under
2844 this Subsection (3)(c).
- 2845 (d) When prioritizing a transportation project described in Subsection (1)(a)(ii) or (iv),
2846 the commission may give priority consideration to projects that improve connectivity
2847 pursuant to Section 10-8-87.
- 2848 (4) In developing the written prioritization process, the commission:
2849 (a) shall seek and consider public comment by holding public meetings at locations
2850 throughout the state; and

2851 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
2852 the state provides an equal opportunity to raise local matching dollars for state
2853 highway improvements within each county.

2854 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2855 Transportation Commission, in consultation with the department, shall make rules
2856 establishing the written prioritization process under Subsection (1).

2857 (6) The commission shall submit the proposed rules under this section to ~~[a committee or~~
2858 ~~task force designated by the Legislative Management Committee]~~ the Transportation
2859 Interim Committee for review prior to taking final action on the proposed rules or any
2860 proposed amendment to the rules described in Subsection (5).

2861 Section 27. Section **72-1-305** is amended to read:

2862 **72-1-305 (Effective 05/07/25). Project selection using the written prioritization**
2863 **process -- Public comment -- Report.**

2864 (1) Except as provided in Subsection (4), in determining priorities and funding levels of
2865 projects in the state transportation system under Subsection 72-1-303(1)(a) that are new
2866 transportation capacity projects, the commission shall use the weighted criteria system
2867 adopted in the written prioritization process under Section 72-1-304.

2868 (2) Prior to finalizing priorities and funding levels of projects in the state transportation
2869 system, the commission shall conduct public meetings at locations around the state and
2870 accept public comments on:

2871 (a) the written prioritization process;

2872 (b) the merits of new transportation capacity projects that will be prioritized under this
2873 section; and

2874 (c) the merits of new transportation capacity projects as recommended by a consensus of
2875 local elected officials participating in a metropolitan planning organization as defined
2876 in Section 72-1-208.5.

2877 (3) The commission shall make the weighted criteria system ranking for each project
2878 publicly available prior to the public meetings held under Subsection (2).

2879 (4)(a) If the commission prioritizes a project over another project with a higher rank
2880 under the weighted criteria system, the commission shall identify the change and
2881 accept public comment at a meeting held under this section on the merits of
2882 prioritizing the project above higher ranked projects.

2883 (b) The commission shall make the reasons for the prioritization under Subsection (4)(a)
2884 publicly available.

- 2885 (5)(a) The executive director or the executive director's designee shall report annually to
2886 the governor and ~~[a committee designated by the Legislative Management Committee]~~
2887 the Transportation Interim Committee no later than the last day of October:
- 2888 (i) the projects prioritized under this section during the year prior to the report; and
2889 (ii) the status and progress of all projects prioritized under this section.
- 2890 (b) Annually, before any funds are programmed and allocated from the Transit
2891 Transportation Investment Fund created in Section 72-2-124 for each fiscal year, the
2892 executive director or the executive director's designee, along with the executive
2893 director of a large public transit district as described in Section 17B-2a-802, shall
2894 report to the governor and ~~[a committee designated by the Legislative Management~~
2895 ~~Committee]~~ the Transportation Interim Committee no later than the last day of
2896 October:
- 2897 (i) the public transit projects prioritized under this section during the year prior to the
2898 report; and
2899 (ii) the status and progress of all public transit projects prioritized under this section.
- 2900 (6) The department shall annually report to the Transportation Commission on the status of
2901 new capacity transportation projects, including projects that were funded by the
2902 Legislature in an appropriations act.
- 2903 Section 28. Section **72-2-106** is amended to read:
- 2904 **72-2-106 (Effective 07/01/25). Appropriation and transfers from Transportation**
2905 **Fund.**
- 2906 (1) On and after July 1, 1981, there is appropriated from the Transportation Fund to the use
2907 of the department an amount equal to two-elevenths of the taxes collected from the
2908 motor fuel tax and the special fuel tax, exclusive of the formula amount appropriated for
2909 class B and class C roads, to be used for highway rehabilitation.
- 2910 ~~[(2) For a fiscal year beginning on or after July 1, 2016, the Division of Finance shall~~
2911 ~~annually transfer an amount equal to the amount of revenue generated by a tax imposed~~
2912 ~~on motor and special fuel that is sold, used, or received for sale or used in this state at a~~
2913 ~~rate of 1.8 cents per gallon to the Transportation Investment Fund of 2005 created by~~
2914 ~~Section 72-2-124.]~~
- 2915 ~~[(3)]~~ (2) For a fiscal year beginning on or after July 1, 2019, the Division of Finance shall
2916 annually transfer to the Transportation Investment Fund of 2005 created by Section
2917 72-2-124 an amount that is equal to 35% of the amount of revenue generated in the
2918 current fiscal year by the portion of the tax imposed on motor and special fuel that is

2919 sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.
2920 [(4)] (3) For purposes of the calculation described in Subsection 59-12-103(7)(c), the
2921 Division of Finance shall notify the State Tax Commission of the amount of any transfer
2922 made under [~~Subsections (2) and (3)~~] Subsection (2).

2923 Section 29. Section **72-2-121** is amended to read:

2924 **72-2-121 (Effective upon governor's approval). County of the First Class**
2925 **Highway Projects Fund.**

2926 (1) There is created a special revenue fund within the Transportation Fund known as the
2927 "County of the First Class Highway Projects Fund."

2928 (2) The fund consists of money generated from the following revenue sources:

2929 (a) any voluntary contributions received for new construction, major renovations, and
2930 improvements to highways within a county of the first class;

2931 (b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b)
2932 deposited into or transferred to the fund;

2933 (c) the portion of the sales and use tax described in Section 59-12-2217 deposited into or
2934 transferred to the fund;

2935 (d) a portion of the local option highway construction and transportation corridor
2936 preservation fee imposed in a county of the first class under Section 41-1a-1222
2937 deposited into or transferred to the fund; and

2938 (e) the portion of the sales and use tax transferred into the fund as described in
2939 Subsections 59-12-2220(4)(a) and 59-12-2220(11)(b).

2940 (3)(a) The fund shall earn interest.

2941 (b) All interest earned on fund money shall be deposited into the fund.

2942 (4) Subject to Subsection (11), the executive director shall use the fund money only:

2943 (a) to pay debt service and bond issuance costs for bonds issued under Sections
2944 63B-16-102, 63B-18-402, and 63B-27-102;

2945 (b) for right-of-way acquisition, new construction, major renovations, and improvements
2946 to highways within a county of the first class and to pay any debt service and bond
2947 issuance costs related to those projects, including improvements to a highway located
2948 within a municipality in a county of the first class where the municipality is located
2949 within the boundaries of more than a single county;

2950 (c) for the construction, acquisition, use, maintenance, or operation of:

2951 (i) an active transportation facility for nonmotorized vehicles;

2952 (ii) multimodal transportation that connects an origin with a destination; or

- 2953 (iii) a facility that may include a:
- 2954 (A) pedestrian or nonmotorized vehicle trail;
- 2955 (B) nonmotorized vehicle storage facility;
- 2956 (C) pedestrian or vehicle bridge; or
- 2957 (D) vehicle parking lot or parking structure;
- 2958 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by
- 2959 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the
- 2960 amounts transferred in accordance with Subsection ~~72-2-124(4)(a)(iv)]~~
- 2961 72-2-124(4)(a)(v);
- 2962 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond
- 2963 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the
- 2964 projects described in Subsection 63B-18-401(4)(a);
- 2965 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has
- 2966 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in
- 2967 the fund, to transfer an amount equal to 50% of the revenue generated by the local
- 2968 option highway construction and transportation corridor preservation fee imposed
- 2969 under Section 41-1a-1222 in a county of the first class:
- 2970 (i) to the legislative body of a county of the first class; and
- 2971 (ii) to be used by a county of the first class for:
- 2972 (A) highway construction, reconstruction, or maintenance projects; or
- 2973 (B) the enforcement of state motor vehicle and traffic laws;
- 2974 (g) for a fiscal year beginning on or after July 1, 2015, after the department has verified
- 2975 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund
- 2976 and the transfer under Subsection (4)(e) has been made, to annually transfer an
- 2977 amount of the sales and use tax revenue imposed in a county of the first class and
- 2978 deposited into the fund in accordance with Subsection 59-12-2214(3)(b) equal to an
- 2979 amount needed to cover the debt to:
- 2980 (i) the appropriate debt service or sinking fund for the repayment of bonds issued
- 2981 under Section 63B-27-102; and
- 2982 (ii) the appropriate debt service or sinking fund for the repayment of bonds issued
- 2983 under Sections 63B-31-102 and 63B-31-103;
- 2984 (h) after the department has verified that the amount required under Subsection
- 2985 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection
- 2986 (4)(d), the payment under Subsection (4)(e), and the transfer under Subsection

2987 (4)(g)(i) has been made, to annually transfer \$2,000,000 to a public transit district in
2988 a county of the first class to fund a system for public transit;

2989 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified
2990 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund
2991 and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e),
2992 and the transfer under Subsection (4)(g)(i) has been made, to annually transfer 20%
2993 of the amount deposited into the fund under Subsection (2)(b):

2994 (i) to the legislative body of a county of the first class; and
2995 (ii) to fund parking facilities in a county of the first class that facilitate significant
2996 economic development and recreation and tourism within the state;

2997 (j) subject to Subsection (5), for a fiscal year beginning on or after July 1, 2021, and for
2998 15 years thereafter, to annually transfer the following amounts to the following cities
2999 and the county of the first class for priority projects to mitigate congestion and
3000 improve transportation safety:

3001 (i) \$2,000,000 to Sandy;
3002 (ii) \$2,300,000 to Taylorsville;
3003 (iii) \$1,100,000 to Salt Lake City;
3004 (iv) \$1,100,000 to West Jordan;
3005 (v) \$1,100,000 to West Valley City;
3006 (vi) \$800,000 to Herriman;
3007 (vii) \$700,000 to Draper;
3008 (viii) \$700,000 to Riverton;
3009 (ix) \$700,000 to South Jordan;
3010 (x) \$500,000 to Bluffdale;
3011 (xi) \$500,000 to Midvale;
3012 (xii) \$500,000 to Millcreek;
3013 (xiii) \$500,000 to Murray;
3014 (xiv) \$400,000 to Cottonwood Heights; and
3015 (xv) \$300,000 to Holladay; and

3016 (k) for the 2024-25 and 2025-26 fiscal years, and subject to revenue balances after the
3017 distributions under Subsection (4)(j), to reimburse the following municipalities for
3018 the amounts and projects indicated, as each project progresses and as revenue
3019 balances allow:

3020 (i) \$3,200,000 to South Jordan for improvements to Bingham Rim Road from

3021 Grandville Avenue to Mountain View Corridor;
 3022 (ii) \$1,960,000 to Midvale for improvements to Center Street between State Street
 3023 and 700 West;
 3024 (iii) \$3,500,000 to Salt Lake City for first and last mile public transit improvements
 3025 throughout Salt Lake City;
 3026 (iv) \$1,500,000 to Cottonwood Heights for improvements to Fort Union Boulevard
 3027 and 2300 East;
 3028 (v) \$3,450,000 to Draper for improvements to Bangerter Highway between 13800
 3029 South and I-15;
 3030 (vi) \$10,500,000 to Herriman to construct a road between U-111 and 13200 South;
 3031 (vii) \$3,000,000 to West Jordan for improvements to 1300 West;
 3032 (viii) \$1,050,000 to Riverton for improvements to the Welby Jacob Canal trail
 3033 between 11800 South and 13800 South;
 3034 (ix) \$3,500,000 to Taylorsville for improvements to Bangerter Highway and 4700
 3035 South;
 3036 (x) \$470,000 to the department for construction of a sound wall on Bangerter
 3037 Highway at approximately 11200 South;
 3038 (xi) \$1,250,000 to Murray for improvements to Murray Boulevard between 4800
 3039 South and 5300 South;
 3040 [~~(xii)~~ \$1,450,000 to West Valley for construction of a road connecting 5400 South to
 3041 U-111;]
 3042 [~~(xiii)~~] (xii) \$1,840,000 to Magna for construction and improvements to 8400 West
 3043 and 4100 South;
 3044 [~~(xiv)~~] (xiii) \$1,000,000 to South Jordan for construction of arterial roads connecting
 3045 U-111 and Old Bingham Highway;
 3046 [~~(xv)~~] (xiv) \$1,200,000 to Millcreek for reconstruction of and improvements to 2000
 3047 East between 3300 South and Atkin Avenue;
 3048 [~~(xvi)~~] (xv) \$1,230,000 to Holladay for improvements to Highland Drive between
 3049 Van Winkle Expressway and Arbor Lane;
 3050 [~~(xvii)~~] (xvi) [~~\$1,800,000~~] \$3,250,000 to West Valley City for improvements to 4000
 3051 West between 4100 South and 4700 South and improvements to 4700 South from
 3052 4000 West to Bangerter Highway; and
 3053 [~~(xviii)~~] (xvii) \$1,000,000 to Taylorsville for improvements to 4700 South at the I-215
 3054 interchange.

- 3055 (5)(a) If revenue in the fund is insufficient to satisfy all of the transfers described in
3056 Subsection (4)(j), the executive director shall proportionately reduce the amounts
3057 transferred as described in Subsection (4)(j).
- 3058 (b) A local government may not use revenue described in Subsection (4)(j) to supplant
3059 existing class B or class C road funds that a local government has budgeted for
3060 transportation projects.
- 3061 (6) The revenues described in Subsections (2)(b), (c), and (d) that are deposited into the
3062 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402,
3063 and 63B-27-102 are considered a local matching contribution for the purposes described
3064 under Section 72-2-123.
- 3065 (7) The department may expend up to \$3,000,000 of revenue deposited into the account as
3066 described in Subsection 59-12-2220(11)(b) for public transit innovation grants, as
3067 provided in Part 3, Public Transit Innovation Grants.
- 3068 (8) The additional administrative costs of the department to administer this fund shall be
3069 paid from money in the fund.
- 3070 (9) Subject to Subsection (11), and notwithstanding any statutory or other restrictions on
3071 the use or expenditure of the revenue sources deposited into this fund, the Department of
3072 Transportation may use the money in this fund for any of the purposes detailed in
3073 Subsection (4).
- 3074 (10) Subject to Subsection (11), any revenue deposited into the fund as described in
3075 Subsection (2)(e) shall be used to provide funding or loans for public transit projects,
3076 operations, and supporting infrastructure in the county of the first class.
- 3077 (11) For the first three years after a county of the first class imposes a sales and use tax
3078 authorized in Section 59-12-2220, revenue deposited into the fund as described in
3079 Subsection (2)(e) shall be allocated as follows:
- 3080 (a) 10% to the department to construct an express bus facility on 5600 West; and
3081 (b) 90% into the County of the First Class Infrastructure Bank Fund created in Section
3082 72-2-302.
- 3083 Section 30. Section **72-2-121.3** is amended to read:
- 3084 **72-2-121.3 (Effective 05/07/25). Special revenue fund -- 2010 Salt Lake County**
3085 **Revenue Bond Sinking Fund.**
- 3086 (1) There is created a special revenue fund within the County of the First Class Highway
3087 Projects Fund entitled "2010 Salt Lake County Revenue Bond Sinking Fund."
- 3088 (2) The fund consists of:

- 3089 (a) money transferred into the fund from the County of the First Class Highway Projects
3090 Fund in accordance with Subsection 72-2-121(4)(d); and
- 3091 (b) for a fiscal year beginning on or after July 1, 2013, money transferred into the fund
3092 from the Transportation Investment Fund of 2005 in accordance with Subsection [
3093 ~~72-2-124(4)(a)(iv)]~~ 72-2-124(4)(a)(v).
- 3094 (3)(a) The fund shall earn interest.
- 3095 (b) All interest earned on fund money shall be deposited into the fund.
- 3096 (4)(a) The director of the Division of Finance may use fund money only as provided in
3097 this section.
- 3098 (b) The director of the Division of Finance may not distribute any money from the fund
3099 under this section until the director has received a formal opinion from the attorney
3100 general that Salt Lake County has entered into a binding agreement with the state of
3101 Utah containing all of the terms required by Section 72-2-121.4.
- 3102 (c) Except as provided in Subsection (4)(b), and until the bonds issued by Salt Lake
3103 County as provided in the interlocal agreement required by Section 72-2-121.4 are
3104 paid off, on July 1 of each year beginning July 1, 2011, the director of the Division of
3105 Finance shall transfer from the County of the First Class Highway Projects Fund and
3106 the Transportation Investment Fund of 2005 to the 2010 Salt Lake County Revenue
3107 Bond Sinking Fund the amount certified by Salt Lake County that is necessary to pay:
- 3108 (i) up to two times the debt service requirement necessary to pay debt service on the
3109 revenue bonds issued by Salt Lake County for that fiscal year; and
- 3110 (ii) any additional amounts necessary to pay costs of issuance, pay capitalized
3111 interest, and fund any debt service reserve requirements.
- 3112 (d) Except as provided in Subsection (4)(b), and until the bonds issued by Salt Lake
3113 County as provided in the interlocal agreement required by Section 72-2-121.4 are
3114 paid off, the director of the Division of Finance shall, upon request from Salt Lake
3115 County, transfer to Salt Lake County or its designee from the 2010 Salt Lake County
3116 Revenue Bond Sinking Fund the amount certified by Salt Lake County as necessary
3117 to pay:
- 3118 (i) the debt service on the revenue bonds issued by Salt Lake County as provided in
3119 the interlocal agreement required by Section 72-2-121.4; and
- 3120 (ii) any additional amounts necessary to pay costs of issuance, pay capitalized
3121 interest, and fund any debt service reserve requirements.
- 3122 (5) Any money remaining in the 2010 Salt Lake County Revenue Bond Sinking Fund at the

3123 end of the fiscal year lapses to the County of the First Class Highway Projects Fund.

3124 Section 31. Section **72-2-123** is amended to read:

3125 **72-2-123 (Effective 05/07/25). Rules adopting guidelines -- Partnering to finance**
3126 **state highway capacity improvements -- Partnering proposals.**

3127 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3128 commission, in consultation with representatives of local government, shall make rules
3129 adopting guidelines for partnering with counties and municipalities for their help to
3130 finance state highway improvement projects through:

3131 (a) local matching dollars;

3132 (b) agreements regarding new revenue a county or municipality expects will be
3133 generated as a result of the construction of a state highway improvement project; or

3134 (c) other local participation methods.

3135 (2) The guidelines described in Subsection (1) shall encourage partnering to help finance
3136 state highway improvement projects and provide for:

3137 (a) the consideration of factors relevant to a decision to make a program adjustment
3138 including the potential to:

3139 (i) extend department resources to other needed projects;

3140 (ii) alleviate significant existing or future congestion or hazards to the traveling
3141 public; and

3142 (iii) address a need that is widely recognized by the public, elected officials, and
3143 transportation planners;

3144 (b) a process for submitting, evaluating, and hearing partnering proposals; and

3145 (c) the creation of a public record of each proposal from initial submission to final
3146 disposition.

3147 (3) The commission shall submit the proposed rules under this section to [~~a committee or~~
3148 ~~task force designated by the Legislative Management Committee~~] the Transportation
3149 Interim Committee for review prior to taking final action on the proposed rules or any
3150 proposed amendment to the rules.

3151 Section 32. Section **72-2-124** is amended to read:

3152 **72-2-124 (Effective 05/07/25). Transportation Investment Fund of 2005.**

3153 (1) There is created a capital projects fund entitled the Transportation Investment Fund of
3154 2005.

3155 (2) The fund consists of money generated from the following sources:

3156 (a) any voluntary contributions received for the maintenance, construction,

- 3157 reconstruction, or renovation of state and federal highways;
- 3158 (b) appropriations made to the fund by the Legislature;
- 3159 (c) registration fees designated under Section 41-1a-1201;
- 3160 (d) the sales and use tax revenues deposited into the fund in accordance with Section
- 3161 59-12-103; and
- 3162 (e) revenues transferred to the fund in accordance with Section 72-2-106.
- 3163 (3)(a) The fund shall earn interest.
- 3164 (b) All interest earned on fund money shall be deposited into the fund.
- 3165 (4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund
- 3166 money to pay:
- 3167 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
- 3168 federal highways prioritized by the Transportation Commission through the
- 3169 prioritization process for new transportation capacity projects adopted under
- 3170 Section 72-1-304;
- 3171 (ii) the costs of maintenance, construction, reconstruction, or renovation to the
- 3172 highway projects described in Subsections 63B-18-401(2), (3), and (4);
- 3173 (iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in
- 3174 Section 72-5-401;
- 3175 ~~[(iii)]~~ (iv) principal, interest, and issuance costs of bonds authorized by Section
- 3176 63B-18-401 minus the costs paid from the County of the First Class Highway
- 3177 Projects Fund in accordance with Subsection 72-2-121(4)(e);
- 3178 ~~[(iv)]~~ (v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010
- 3179 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the
- 3180 amount certified by Salt Lake County in accordance with Subsection 72-2-121.3
- 3181 (4)(c) as necessary to pay the debt service on \$30,000,000 of the revenue bonds
- 3182 issued by Salt Lake County;
- 3183 ~~[(v)]~~ (vi) principal, interest, and issuance costs of bonds authorized by Section
- 3184 63B-16-101 for projects prioritized in accordance with Section 72-2-125;
- 3185 ~~[(vi) all highway general obligation bonds that are intended to be paid from revenues~~
- 3186 ~~in the Centennial Highway Fund created by Section 72-2-118;]~~
- 3187 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
- 3188 Class Highway Projects Fund created in Section 72-2-121 to be used for the
- 3189 purposes described in Section 72-2-121;
- 3190 (viii) if a political subdivision provides a contribution equal to or greater than 40% of

3191 the costs needed for construction, reconstruction, or renovation of paved
3192 pedestrian or paved nonmotorized transportation for projects that:
3193 (A) mitigate traffic congestion on the state highway system;
3194 (B) are part of an active transportation plan approved by the department; and
3195 (C) are prioritized by the commission through the prioritization process for new
3196 transportation capacity projects adopted under Section 72-1-304;
3197 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
3198 reconstruction, or renovation of or improvement to the following projects:
3199 (A) the connector road between Main Street and 1600 North in the city of
3200 Vineyard;
3201 (B) Geneva Road from University Parkway to 1800 South;
3202 (C) the SR-97 interchange at 5600 South on I-15;
3203 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to
3204 South Jordan Parkway;
3205 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
3206 (F) improvements to 1600 North in Orem from 1200 West to State Street;
3207 (G) widening I-15 between mileposts 6 and 8;
3208 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
3209 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197
3210 in Spanish Fork Canyon;
3211 (J) I-15 northbound between mileposts 43 and 56;
3212 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts
3213 43 and 45.1;
3214 (L) east Zion SR-9 improvements;
3215 (M) Toquerville Parkway;
3216 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
3217 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds,
3218 for construction of an interchange on Bangerter Highway at 13400 South; and
3219 (P) an environmental impact study for Kimball Junction in Summit County; and
3220 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
3221 costs based upon a statement of cash flow that the local jurisdiction where the
3222 project is located provides to the department demonstrating the need for money
3223 for the project, for the following projects in the following amounts:
3224 (A) \$5,000,000 for Payson Main Street repair and replacement;

- 3225 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
3226 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
3227 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S.
3228 40 between mile markers 7 and 10.
- 3229 (b) The executive director may use fund money to exchange for an equal or greater
3230 amount of federal transportation funds to be used as provided in Subsection (4)(a).
- 3231 (c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may
3232 not commence until a right-of-way not owned by a federal agency that is required
3233 for the realignment and extension of U-111, as described in the department's 2023
3234 environmental study related to the project, is dedicated to the department.
- 3235 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the
3236 project as described in Subsection (4)(c)(i) on or before October 1, 2024, the
3237 department may proceed with the project, except that the project will be limited to
3238 two lanes on U-111 from Herriman Parkway to 11800 South.
- 3239 (5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of
3240 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive
3241 director may not program fund money to a project prioritized by the commission
3242 under Section 72-1-304, including fund money from the Transit Transportation
3243 Investment Fund, within the boundaries of the municipality until the department
3244 receives notification from the Housing and Community Development Division within
3245 the Department of Workforce Services that ineligibility under this Subsection (5) no
3246 longer applies to the municipality.
- 3247 (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive
3248 director:
- 3249 (i) may program fund money in accordance with Subsection (4)(a) for a
3250 limited-access facility or interchange connecting limited-access facilities;
- 3251 (ii) may not program fund money for the construction, reconstruction, or renovation
3252 of an interchange on a limited-access facility;
- 3253 (iii) may program Transit Transportation Investment Fund money for a
3254 multi-community fixed guideway public transportation project; and
- 3255 (iv) may not program Transit Transportation Investment Fund money for the
3256 construction, reconstruction, or renovation of a station that is part of a fixed
3257 guideway public transportation project.
- 3258 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive

3259 director before July 1, 2022, for projects prioritized by the commission under Section
3260 72-1-304.

3261 (6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of
3262 ineligibility for a county as described in Subsection 17-27a-408(7), the executive
3263 director may not program fund money to a project prioritized by the commission
3264 under Section 72-1-304, including fund money from the Transit Transportation
3265 Investment Fund, within the boundaries of the unincorporated area of the county until
3266 the department receives notification from the Housing and Community Development
3267 Division within the Department of Workforce Services that ineligibility under this
3268 Subsection (6) no longer applies to the county.

3269 (b) Within the boundaries of the unincorporated area of a county described in Subsection
3270 (6)(a), the executive director:

3271 (i) may program fund money in accordance with Subsection (4)(a) for a
3272 limited-access facility to a project prioritized by the commission under Section
3273 72-1-304;

3274 (ii) may not program fund money for the construction, reconstruction, or renovation
3275 of an interchange on a limited-access facility;

3276 (iii) may program Transit Transportation Investment Fund money for a
3277 multi-community fixed guideway public transportation project; and

3278 (iv) may not program Transit Transportation Investment Fund money for the
3279 construction, reconstruction, or renovation of a station that is part of a fixed
3280 guideway public transportation project.

3281 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive
3282 director before July 1, 2022, for projects prioritized by the commission under Section
3283 72-1-304.

3284 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in
3285 any fiscal year, the department and the commission shall appear before the Executive
3286 Appropriations Committee of the Legislature and present the amount of bond
3287 proceeds that the department needs to provide funding for the projects identified in
3288 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current
3289 or next fiscal year.

3290 (b) The Executive Appropriations Committee of the Legislature shall review and
3291 comment on the amount of bond proceeds needed to fund the projects.

3292 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount

3293 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
 3294 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt
 3295 service or sinking fund.

3296 (9) The executive director may only use money in the fund for corridor preservation as
 3297 described in Subsection (4)(a)(iii):

3298 (a) if the project has been prioritized by the commission, including the use of fund
 3299 money for corridor preservation; or

3300 (b) for a project that has not been prioritized by the commission, if the commission:

3301 (i) approves the use of fund money for the corridor preservation; and

3302 (ii) finds that the use of fund money for corridor preservation will not result in any
 3303 delay to a project that has been prioritized by the commission.

3304 ~~[(9)]~~ (10)(a) There is created in the Transportation Investment Fund of 2005 the Transit
 3305 Transportation Investment Fund.

3306 (b) The fund shall be funded by:

3307 (i) contributions deposited into the fund in accordance with Section 59-12-103;

3308 (ii) appropriations into the account by the Legislature;

3309 (iii) deposits of sales and use tax increment related to a housing and transit
 3310 reinvestment zone as described in Section 63N-3-610;

3311 (iv) transfers of local option sales and use tax revenue as described in Subsection
 3312 59-12-2220(11)(b) or (c);

3313 (v) private contributions; and

3314 (vi) donations or grants from public or private entities.

3315 (c)(i) The fund shall earn interest.

3316 (ii) All interest earned on fund money shall be deposited into the fund.

3317 (d) Subject to Subsection ~~[(9)(e)]~~ (10)(e), the commission may prioritize money from the
 3318 fund:

3319 (i) for public transit capital development of new capacity projects and fixed guideway
 3320 capital development projects to be used as prioritized by the commission through
 3321 the prioritization process adopted under Section 72-1-304;

3322 (ii) to the department for oversight of a fixed guideway capital development project
 3323 for which the department has responsibility; or

3324 (iii) up to \$500,000 per year, to be used for a public transit study.

3325 (e)(i) Subject to Subsections ~~[(9)(g)]~~ (10)(g), (h), and (i), the commission may only
 3326 prioritize money from the fund for a public transit capital development project or

pedestrian or nonmotorized transportation project that provides connection to the public transit system if the public transit district or political subdivision provides funds of equal to or greater than 30% of the costs needed for the project.

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

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

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

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

(g) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(b):

(i) the commission may prioritize money from the fund for public transit projects, operations, or maintenance within the county of the first class; and

(ii) Subsection ~~[(9)(e)]~~ (10)(e) does not apply.

(h) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(c):

(i) the commission may prioritize public transit projects, operations, or maintenance in the county from which the revenue was generated; and

(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:

3361 (i) money deposited into the fund in accordance with Section 59-12-103;
3362 (ii) appropriations into the account by the Legislature;
3363 (iii) private contributions; and
3364 (iv) donations or grants from public or private entities.
3365 (c)(i) The fund shall earn interest.
3366 (ii) All interest earned on fund money shall be deposited into the fund.
3367 (d) The Legislature may appropriate money from the fund for public transit or
3368 transportation projects in the Cottonwood Canyons of Salt Lake County.
3369 (e) The department may use up to 2% of the revenue deposited into the account under
3370 Subsection 59-12-103(7)(b) to contract with local governments as necessary for
3371 public safety enforcement related to the Cottonwood Canyons of Salt Lake County.
3372 ~~[(11)]~~ (12)(a) There is created in the Transportation Investment Fund of 2005 the Active
3373 Transportation Investment Fund.
3374 (b) The fund shall be funded by:
3375 (i) money deposited into the fund in accordance with Section 59-12-103;
3376 (ii) appropriations into the account by the Legislature; and
3377 (iii) donations or grants from public or private entities.
3378 (c)(i) The fund shall earn interest.
3379 (ii) All interest earned on fund money shall be deposited into the fund.
3380 (d) The executive director may only use fund money to pay the costs needed for:
3381 (i) the planning, design, construction, maintenance, reconstruction, or renovation of
3382 paved pedestrian or paved nonmotorized trail projects that:
3383 (A) are prioritized by the commission through the prioritization process for new
3384 transportation capacity projects adopted under Section 72-1-304;
3385 (B) serve a regional purpose; and
3386 (C) are part of an active transportation plan approved by the department or the
3387 plan described in Subsection ~~[(11)(d)(ii)]~~ (12)(d)(ii);
3388 (ii) the development of a plan for a statewide network of paved pedestrian or paved
3389 nonmotorized trails that serve a regional purpose; and
3390 (iii) the administration of the fund, including staff and overhead costs.
3391 ~~[(12)]~~ (13)(a) As used in this Subsection ~~[(12)]~~ (13), "commuter rail" means the same as
3392 that term is defined in Section 63N-3-602.
3393 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail
3394 Subaccount.

- 3395 (c) The subaccount shall be funded by:
- 3396 (i) contributions deposited into the subaccount in accordance with Section 59-12-103;
- 3397 (ii) appropriations into the subaccount by the Legislature;
- 3398 (iii) private contributions; and
- 3399 (iv) donations or grants from public or private entities.
- 3400 (d)(i) The subaccount shall earn interest.
- 3401 (ii) All interest earned on money in the subaccount shall be deposited into the
- 3402 subaccount.
- 3403 (e) As prioritized by the commission through the prioritization process adopted under
- 3404 Section 72-1-304 or as directed by the Legislature, the department may only use
- 3405 money from the subaccount for projects that improve the state's commuter rail
- 3406 infrastructure, including the building or improvement of grade-separated crossings
- 3407 between commuter rail lines and public highways.
- 3408 (f) Appropriations made in accordance with this section are nonlapsing in accordance
- 3409 with Section 63J-1-602.1.
- 3410 Section 33. Section **72-2-303** is amended to read:
- 3411 **72-2-303 (Effective 05/07/25). Loans and assistance -- Authority -- Rulemaking.**
- 3412 (1) Money in the fund may be used by the department, as prioritized by the commission or
- 3413 as directed by the Legislature, to make infrastructure loans or to provide infrastructure
- 3414 assistance to any public entity for any purpose consistent with any applicable
- 3415 constitutional limitation.
- 3416 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3417 commission shall make rules providing procedures and standards for making
- 3418 infrastructure loans and providing infrastructure assistance and a process for
- 3419 prioritization of requests for loans and assistance.
- 3420 (3) The prioritization process, procedures, and standards for making an infrastructure loan
- 3421 or providing infrastructure assistance may include consideration of the following:
- 3422 (a) availability of money in the fund;
- 3423 (b) credit worthiness of the project;
- 3424 (c) demonstration that the project will encourage, enhance, or create economic benefits
- 3425 to the state or political subdivision;
- 3426 (d) likelihood that assistance would enable the project to proceed at an earlier date than
- 3427 would otherwise be possible;
- 3428 (e) the extent to which assistance would foster innovative public-private partnerships

- 3429 and attract private debt or equity investment;
- 3430 (f) demonstration that the project provides a benefit to the state highway system,
- 3431 including safety or mobility improvements;
- 3432 (g) the amount of proposed assistance as a percentage of the overall project costs with
- 3433 emphasis on local and private participation;
- 3434 (h) demonstration that the project provides intermodal connectivity with public
- 3435 transportation, pedestrian, or nonmotorized transportation facilities; [and]
- 3436 (i) improvement of transportation connectivity pursuant to Section 10-8-87; and
- 3437 [(i)] (j) other provisions the commission considers appropriate.
- 3438 Section 34. Section **72-2-402** is amended to read:
- 3439 **72-2-402 (Effective 05/07/25). Public transit innovation grant funding sources.**
- 3440 (1) In accordance with Section 72-2-403, the commission, in coordination with the
- 3441 department, may rank, prioritize, and provide public transit innovation grants with
- 3442 money derived from the following sources:
- 3443 (a) certain local option sales and use tax revenue as described in Subsection 59-12-2219
- 3444 (11)(b); and
- 3445 (b) revenue deposited in accordance with Subsection 59-12-2220(11) into the County of
- 3446 the First Class Highway Projects Fund created in Section 72-2-121.
- 3447 (2) In accordance with Section 72-2-124, the department may rank and prioritize public
- 3448 transit innovation grants for capital development to the commission, to be funded with
- 3449 money derived from the Transit Transportation Investment Fund as described in
- 3450 Subsection [~~72-2-124(9)~~] 72-2-124(10).
- 3451 (3) Administrative costs of the department to administer public transit innovation grants
- 3452 under this part shall be paid from the funds described in Subsection (1)(a).
- 3453 Section 35. Section **72-3-109** is amended to read:
- 3454 **72-3-109 (Effective 05/07/25). Division of responsibility with respect to state**
- 3455 **highways in cities and towns.**
- 3456 (1) Except as provided in Subsection (3), the jurisdiction and responsibility of the
- 3457 department and the municipalities for state highways within municipalities is as follows:
- 3458 (a) The department has jurisdiction over and is responsible for the construction and
- 3459 maintenance of:
- 3460 (i) the portion of the state highway located between the back of the curb on either
- 3461 side of the state highway; or
- 3462 (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

3497 department shall operate and maintain street lighting that the department furnishes
3498 and installs:

3499 (A) along an interstate highway; or

3500 (B) at a signalized intersection that includes a state highway.

3501 (iii) Notwithstanding Subsection (1)(f)(ii)(B), the municipality is responsible for the
3502 installation costs, operation, and maintenance of decorative lighting installed at
3503 the request of a municipality.

3504 (g) If new storm sewer facilities are necessary in the construction and maintenance of
3505 the state highways, the cost of the storm sewer facilities shall be borne by the state
3506 and the municipality in a proportion mutually agreed upon between the department
3507 and the municipality.

3508 (h)(i) For a portion of a state highway right-of-way for which a municipality has
3509 jurisdiction, and upon request of the municipality, the department shall grant
3510 permission for the municipality to issue permits within the state highway
3511 right-of-way, provided that:

3512 (A) the municipality gives the department seven calendar days to review and
3513 provide comments on the permit; and

3514 (B) upon the request of the department, the municipality incorporates changes to
3515 the permit as jointly agreed upon by the municipality and the department.

3516 (ii) If the department fails to provide a response as described in Subsection (1)(h)(i)
3517 within seven calendar days, the municipality may issue the permit.

3518 (2)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3519 the department shall make rules governing the location and construction of approach
3520 roads and driveways entering the state highway. The rules shall:

3521 (i) include criteria for the design, location, and spacing of approach roads and
3522 driveways based on the functional classification of the adjacent highway,
3523 including the urban or rural nature of the area;

3524 (ii) be consistent with the "Manual on Uniform Traffic Control Devices" and the
3525 model access management policy or ordinance developed by the department under
3526 Subsection 72-2-117(8);

3527 (iii) include procedures for:

3528 (A) the application and review of a permit for approach roads and driveways
3529 including review of related site plans that have been recommended according
3530 to local ordinances; and

- 3531 (B) approving, modifying, denying, or appealing the modification or denial of a
3532 permit for approach roads and driveways within 45 days of receipt of the
3533 application; and
- 3534 (iv) require written justifications for modifying or denying a permit.
- 3535 (b) The department may delegate the administration of the rules to the highway
3536 authorities of a municipality.
- 3537 (c) In accordance with this section and Section 72-7-104, an approach road or driveway
3538 may not be constructed on a state highway without a permit issued under this section.
- 3539 (3) The department has jurisdiction and control over the entire right-of-way of interstate
3540 highways within municipalities and is responsible for the construction, maintenance, and
3541 regulation of the interstate highways within municipalities.
- 3542 Section 36. Section **72-6-118** is amended to read:
- 3543 **72-6-118 (Effective 05/07/25). Definitions -- Establishment and operation of**
3544 **tollways -- Imposition and collection of tolls -- Amount of tolls -- Rulemaking.**
- 3545 (1) As used in this section:
- 3546 (a) "High occupancy toll lane" means a high occupancy vehicle lane designated under
3547 Section 41-6a-702 that may be used by an operator of a vehicle carrying less than the
3548 number of persons specified for the high occupancy vehicle lane if the operator of the
3549 vehicle pays a toll or fee.
- 3550 (b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.
- 3551 (c) "Toll lane" means a designated new highway or additional lane capacity that is
3552 constructed, operated, or maintained for which a toll is charged for its use.
- 3553 (d)(i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or
3554 right-of-way designed and used as a transportation route that is constructed,
3555 operated, or maintained through the use of toll revenues.
- 3556 (ii) "Tollway" includes a high occupancy toll lane and a toll lane.
- 3557 (e) "Tollway development agreement" has the same meaning as defined in Section
3558 72-6-202.
- 3559 (2) Subject to the provisions of Subsection (3), the department may:
- 3560 (a) establish, expand, and operate tollways and related facilities for the purpose of
3561 funding in whole or in part the acquisition of right-of-way and the design,
3562 construction, reconstruction, operation, enforcement, and maintenance of or impacts
3563 from a transportation route for use by the public;
- 3564 (b) enter into contracts, agreements, licenses, franchises, tollway development

- 3565 agreements, or other arrangements to implement this section;
- 3566 (c) impose and collect tolls on any tollway established under this section, including
- 3567 collection of past due payment of a toll or penalty;
- 3568 (d) grant exclusive or nonexclusive rights to a private entity to impose and collect tolls
- 3569 pursuant to the terms and conditions of a tollway development agreement;
- 3570 (e) use technology to automatically monitor a tollway and collect payment of a toll,
- 3571 including:
- 3572 (i) license plate reading technology; and
- 3573 (ii) photographic or video recording technology; and
- 3574 (f) in accordance with Subsection (5), request that the Division of Motor Vehicles deny
- 3575 a request for registration of a motor vehicle if the motor vehicle owner has failed to
- 3576 pay a toll or penalty imposed for usage of a tollway involving the motor vehicle for
- 3577 which registration renewal has been requested.
- 3578 (3)(a) The department may establish or operate a tollway on an existing highway if
- 3579 approved by the commission in accordance with the terms of this section.
- 3580 (b) To establish a tollway on an existing highway, the department shall submit a
- 3581 proposal to the commission including:
- 3582 (i) a description of the tollway project;
- 3583 (ii) projected traffic on the tollway;
- 3584 (iii) the anticipated amount of the toll to be charged; and
- 3585 (iv) projected toll revenue.
- 3586 (4)(a) For a tollway established under this section, the department may:
- 3587 (i) according to the terms of each tollway, impose the toll upon the owner of a motor
- 3588 vehicle using the tollway according to the terms of the tollway;
- 3589 (ii) send [~~correspondence~~] notice to the owner of the motor vehicle to inform the
- 3590 owner of:
- 3591 (A) an unpaid toll and the amount of the toll to be paid to the department;
- 3592 (B) the penalty for failure to pay the toll timely; [~~and~~]
- 3593 (C) [~~a~~] any hold being placed on the owner's registration for the motor vehicle if
- 3594 the toll and penalty are not paid timely, which would prevent the renewal of the
- 3595 motor vehicle's registration; and
- 3596 (D) any other information required by the terms of the tollway;
- 3597 (iii) require that the owner of the motor vehicle pay the toll to the department within
- 3598 30 days of the date when the department sends written notice of the toll to the

3599 owner; and

3600 (iv) impose a penalty for failure to pay a toll timely.

3601 (b) The department shall ~~[mail the correspondence and]~~ provide the notice described in

3602 Subsection (4)(a) to the owner of the motor vehicle according to the terms of a

3603 tollway.

3604 (5)(a) The Division of Motor Vehicles and the department shall share and provide access

3605 to information pertaining to a motor vehicle and tollway enforcement including:

3606 (i) registration and ownership information pertaining to a motor vehicle;

3607 (ii) information regarding the failure of a motor vehicle owner to timely pay a toll or

3608 penalty imposed under this section; and

3609 (iii) the status of a request for a hold on the registration of a motor vehicle.

3610 (b) If the department requests a hold on the registration in accordance with this section,

3611 the Division of Motor Vehicles may not renew the registration of a motor vehicle

3612 under Title 41, Chapter 1a, Part 2, Registration, if the owner of the motor vehicle has

3613 failed to pay a toll or penalty imposed under this section for usage of a tollway

3614 involving the motor vehicle for which registration renewal has been requested until

3615 the department withdraws the hold request.

3616 (6)(a) Except as provided in Subsection (6)(b), in accordance with Title 63G, Chapter 3,

3617 Utah Administrative Rulemaking Act, the commission shall:

3618 (i) set the amount of any toll imposed or collected on a tollway on a state highway;

3619 and

3620 (ii) for tolls established under Subsection (6)(b), set:

3621 (A) an increase in a toll rate or user fee above an increase specified in a tollway

3622 development agreement; or

3623 (B) an increase in a toll rate or user fee above a maximum toll rate specified in a

3624 tollway development agreement.

3625 (b) A toll or user fee and an increase to a toll or user fee imposed or collected on a

3626 tollway on a state highway that is the subject of a tollway development agreement

3627 shall be set in the tollway development agreement.

3628 (7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

3629 the department shall make rules:

3630 (i) necessary to establish and operate tollways on state highways;

3631 (ii) that establish standards and specifications for automatic tolling systems and

3632 automatic tollway monitoring technology; and

- 3633 (iii) to set the amount of a penalty for failure to pay a toll under this section.
- 3634 (b) The rules shall:
- 3635 (i) include minimum criteria for having a tollway; and
- 3636 (ii) conform to regional and national standards for automatic tolling.
- 3637 (8)(a) The commission may provide funds for public or private tollway pilot projects or
- 3638 high occupancy toll lanes from General Fund money appropriated by the Legislature
- 3639 to the commission for that purpose.
- 3640 (b) The commission may determine priorities and funding levels for tollways designated
- 3641 under this section.
- 3642 (9)(a) Except as provided in Subsection (9)(b), all revenue generated from a tollway on a
- 3643 state highway shall be deposited into the Tollway Special Revenue Fund created in
- 3644 Section 72-2-120 and used for any state transportation purpose.
- 3645 (b) Revenue generated from a tollway that is the subject of a tollway development
- 3646 agreement shall be deposited into the Tollway Special Revenue Fund and used in
- 3647 accordance with Subsection (9)(a) unless:
- 3648 (i) the revenue is to a private entity through the tollway development agreement; or
- 3649 (ii) the revenue is identified for a different purpose under the tollway development
- 3650 agreement.
- 3651 (10) Data described in Subsection (2)(e) obtained for the purposes of this section:
- 3652 (a) in accordance with Section 63G-2-305, is a protected record under Title 63G,
- 3653 Chapter 2, Government Records Access and Management Act, if the photographic or
- 3654 video data is maintained by a governmental entity;
- 3655 (b) may not be used or shared for any purpose other than the purposes described in this
- 3656 section;
- 3657 (c) may only be preserved:
- 3658 (i) so long as necessary to collect the payment of a toll or penalty imposed in
- 3659 accordance with this section; or
- 3660 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
- 3661 equivalent federal warrant; and
- 3662 (d) may only be disclosed:
- 3663 (i) in accordance with the disclosure requirements for a protected record under
- 3664 Section 63G-2-202; or
- 3665 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
- 3666 equivalent federal warrant.

3667 (11)(a) The department may not sell for any purpose photographic or video data
3668 captured under Subsection (2)(e)(ii).

3669 (b) The department may not share captured photographic or video data for a purpose not
3670 authorized under this section.

3671 Section 37. Section **72-6-206** is amended to read:

3672 **72-6-206 (Effective 05/07/25). Commission approval and legislative review of**
3673 **tollway development agreement provisions.**

3674 (1) Prior to the department entering into a tollway development agreement under Section
3675 72-6-203, the department shall submit to the commission for approval the tollway
3676 development agreement, including:

3677 (a) a description of the tollway facility, including the conceptual design of the facility
3678 and all proposed interconnections with other transportation facilities;

3679 (b) the proposed date for development, operation, or both of the tollway facility;

3680 (c) the proposed term of the tollway development agreement;

3681 (d) the proposed method to determine toll rates or user fees, including:

3682 (i) identification of vehicle or user classifications, or both, for toll rates;

3683 (ii) the original proposed toll rate or user fee for the tollway facility;

3684 (iii) proposed toll rate or user fee increases; and

3685 (iv) a maximum toll rate or user fee for the tollway facility; and

3686 (e) any proposed revenue, public or private, or proposed debt or equity investment that
3687 will be used for the design, construction, financing, acquisition, maintenance, or
3688 operation of the tollway facility.

3689 (2) Prior to amending or modifying a tollway development agreement, the department shall
3690 submit the proposed amendment or modification to the commission for approval.

3691 (3) The department shall annually report to the Transportation Interim Committee [~~or~~
3692 ~~another committee designated by the Legislative Management Committee~~] on the status
3693 and progress of a tollway subject to a tollway development agreement under Section
3694 72-6-203.

3695 Section 38. Section **72-10-109** is amended to read:

3696 **72-10-109 (Effective 05/07/25). Certificate of registration of aircraft required --**

3697 **Exceptions.**

3698 (1) Except as provided in Subsection (2), a person may not operate, pilot, or navigate, or
3699 cause or authorize to be operated, piloted, or navigated within this state any civil aircraft [
3700 ~~operating~~] based in this state for 181 or more days within any consecutive 12-month

3701 period unless the aircraft has a current certificate of registration issued by the department.

3702 (2) The state registration requirement under Subsection (1) does not apply to:

3703 (a) aircraft licensed by a foreign country with which the United States has a reciprocal
3704 agreement covering the operations of the registered aircraft;

3705 (b) a non-passenger-carrying flight solely for inspection or test purposes authorized by
3706 the Federal Aviation Administration to be made without the certificate of registration;
3707 or

3708 (c) aircraft operating under 14 C.F.R. Part 121, with a maximum takeoff weight
3709 exceeding 35,000 pounds.

3710 (3) Beginning on January 1, 2025, a person may not operate in this state an unmanned
3711 aircraft system or an advanced air mobility aircraft for commercial operation for which
3712 certification is required under 14 C.F.R. Part 107 or 135 unless the aircraft has a current
3713 certificate of registration issued by the department.

3714 (4) The department shall, on or before December 31 of each calendar year, provide to the
3715 State Tax Commission a list of each aircraft for which a current certificate of registration
3716 is issued by the department under Subsection (1).

3717 Section 39. **Repealer.**

3718 This bill repeals:

3719 Section **63B-8-503, Highway intent language.**

3720 Section **72-2-118, Centennial Highway Fund.**

3721 Section **72-4-222, Governor Scott Matheson and Senator Jake Garn Rest Area.**

3722 Section 40. **Effective Date.**

3723 (1) Except as provided in Subsections (2) through (5) this bill takes effect May 7, 2025.

3724 (2) The actions affecting Section 72-2-121 take effect:

3725 (a) except as provided in Subsection (2)(b), May 7, 2025; or

3726 (b) if approved by two-thirds of all members elected to each house:

3727 (i) upon approval by the governor;

3728 (ii) without the governor's signature, the day following the constitutional time limit of
3729 Utah Constitution, Article VII, Section 8; or

3730 (iii) in the case of a veto, the date of veto override.

3731 (3) The actions affecting Section 59-12-103 (Effective 07/01/25) and Section 72-2-106
3732 (Effective 07/01/25) take effect on July 1, 2025.

3733 (4) The actions affecting Section 41-1a-1206 (Effective 01/01/2026) take effect on January
3734 1, 2026.