

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, 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;
- defines terms and enacts provisions related to electric unicycles and similar devices;
- designates certain legislative committees as recipients for certain required reports;
- creates requirements for air ambulance dispatch services;
- adjusts a sales and use tax earmark percentage to increase funding for transportation;
- extends a deadline for certain sales and use taxes to be allocated for public transit innovation grants;
- reinstates certain funding to the Department of Transportation for litter mitigation that was reduced due to the COVID-19 pandemic;
- requires the Department of Transportation to adhere to phasing of projects if required by the environmental impact statement;
- repeals certain outdated language and makes other technical changes;
- allocates revenue for certain road projects;
- requires the Department of Transportation and Salt Lake City to coordinate on certain

traffic studies and planning;

- repeals certain highway-related name designations;
- provides maintenance responsibilities for certain street light infrastructure; and
- makes other technical changes.

Money Appropriated in this Bill:

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

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

63 **72-1-201 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 517
64 **72-1-212 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 524
65 **72-1-213.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapters 56,
66 259
67 **72-1-217 (Effective upon governor's approval)**, as enacted by Laws of Utah 2023,
68 Chapter 366
69 **72-1-303 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 498
70 **72-1-304 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 517
71 **72-1-305 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 22, 219
72 **72-2-106 (Effective 07/01/25)**, as last amended by Laws of Utah 2023, Chapter 22
73 **72-2-121 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
74 Chapters 300, 498 and 501
75 **72-2-121.3 (Effective 05/07/25)**, as last amended by Laws of Utah 2020, Chapter 366
76 **72-2-123 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 22
77 **72-2-124 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 498, 501
78 **72-2-303 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 501
79 **72-2-401 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 498
80 **72-2-402 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 498
81 **72-2-403 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 498
82 **72-3-109 (Effective 05/07/25)**, as last amended by Laws of Utah 2018, Chapter 403
83 **72-6-118 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 517
84 **72-6-206 (Effective 05/07/25)**, as last amended by Laws of Utah 2016, Chapter 222
85 **72-10-109 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 483,
86 485

ENACTS:

88 **10-8-87 (Effective 05/07/25)**, Utah Code Annotated 1953
89 **41-6a-1121 (Effective 05/07/25)**, Utah Code Annotated 1953
90 **41-6a-1122 (Effective 05/07/25)**, Utah Code Annotated 1953
91 **53-2d-517 (Effective 05/07/25)**, Utah Code Annotated 1953

REPEALS:

93 **63B-8-503 (Effective 05/07/25)**, as enacted by Laws of Utah 1999, Chapter 331
94 **72-2-118 (Effective 05/07/25)**, as last amended by Laws of Utah 2018, Chapter 281
95 **72-4-222 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 435

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

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

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

- (1) On or before July 1, 2027, a municipality within a metropolitan planning organization boundary shall, in consultation with relevant stakeholders, update the transportation and traffic circulation element of the municipality's general plan as described in Subsection 10-9a-403(2)(a)(ii) to identify priority connections to remedy physical impediments, including water conveyances, that would improve circulation and enhance vehicle, transit, bicycle, or pedestrian access to significant economic, educational, recreational, and other priority destinations.
- (2) For a priority connection identified pursuant to Subsection (1), a municipality shall identify:
- (a) cost estimates;
 - (b) potential funding sources, including state, local, federal, and private funding; and
 - (c) impediments to constructing the connections.
- (3)(a) A metropolitan planning organization, in consultation with each affected municipality, shall report to the Transportation Interim Committee regarding:
- (i) the status of the required municipal modifications to general plans required by Subsection (2);
 - (ii) the status of a regional roadway grid network study;
 - (iii) physical and other impediments to constructing priority transportation connections; and
 - (iv) potential funding sources, including state, local, federal, and private funding, to make transportation connectivity improvements.
- (b) The metropolitan planning organization shall provide the report described in Subsection (3)(a) on or before November 1 of 2025, 2026, and 2027.
- (4) Enhancement of transportation connectivity as described in Subsection (1) shall be given consideration in the prioritization processes described in Sections 72-1-304 and 72-2-302.

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

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

(1) As used in this section:

- (a) "Applicable metropolitan planning organization" means the metropolitan planning

organization that has jurisdiction over the area in which a fixed guideway public transit station is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for the station area surrounding the new fixed guideway public transit station before the new fixed guideway public transit station begins transit services.

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

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

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

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

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

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

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

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

(B) If a municipality receives more than two complete qualifying land use petitions on or before July 1, 2022, the municipality shall select two station areas for which the municipality will satisfy the requirements of Subsection

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

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

- 403 to the public transit district provides a benefit to the state;
- 404 (b) the conveyance is necessary to fulfilling federal grant or other funding requirements;
- 405 or
- 406 (c) the conveyance is made in accordance with an administrative rule enacted pursuant
- 407 to Section 72-5-117.
- 408 (5) If the Department of Transportation purchases one or more transit vehicles for public
- 409 transit purposes, the Department of Transportation may sell, donate, exchange, or
- 410 otherwise convey the transit vehicles to a public transit district if:
- 411 (a) the Department of Transportation determines that the conveyance of the transit
- 412 vehicles to the public transit district provides a benefit to the state; or
- 413 (b) the conveyance is necessary to fulfill federal grant or other funding requirements.
- 414 Section 4. Section **41-6a-102** is amended to read:
- 415 **41-6a-102 (Effective 05/07/25). Definitions.**
- 416 As used in this chapter:
- 417 (1) "Alley" means a street or highway intended to provide access to the rear or side of lots
- 418 or buildings in urban districts and not intended for through vehicular traffic.
- 419 (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- 420 (3) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- 421 (4) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.
- 422 (5) "Authorized emergency vehicle" includes:
- 423 (a) a fire department vehicle;
- 424 (b) a police vehicle;
- 425 (c) an ambulance; and
- 426 (d) other publicly or privately owned vehicles as designated by the commissioner of the
- 427 Department of Public Safety.
- 428 (6) "Autocycle" means the same as that term is defined in Section 53-3-102.
- 429 (7)(a) "Bicycle" means a wheeled vehicle:
- 430 (i) propelled by human power by feet or hands acting upon pedals or cranks;
- 431 (ii) with a seat or saddle designed for the use of the operator;
- 432 (iii) designed to be operated on the ground; and
- 433 (iv) whose wheels are not less than 14 inches in diameter.
- 434 (b) "Bicycle" includes an electric assisted bicycle.
- 435 (c) "Bicycle" does not include scooters and similar devices.
- 436 (8)(a) "Bus" means a motor vehicle:

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

lines of the sidewalks on opposite sides of the highway measured from:

(i)(A) the curbs; or

(B) in the absence of curbs, from the edges of the traversable roadway; and

(ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline; or

(b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(16) "Department" means the Department of Public Safety.

(17) "Direct supervision" means oversight at a distance within which:

(a) visual contact is maintained; and

(b) advice and assistance can be given and received.

(18) "Divided highway" means a highway divided into two or more roadways by:

(a) an unpaved intervening space;

(b) a physical barrier; or

(c) a clearly indicated dividing section constructed to impede vehicular traffic.

(19) "Echelon formation" means the operation of two or more snowplows arranged side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to clear snow from two or more lanes at once.

(20)(a) "Electric assisted bicycle" means a bicycle with an electric motor that:

(i) has a power output of not more than 750 watts;

(ii) has fully operable pedals;

(iii) has permanently affixed cranks that were installed at the time of the original manufacture;

(iv) is fully operable as a bicycle without the use of the electric motor; and

(v) is one of the following:

(A) a class 1 electric assisted bicycle;

(B) a class 2 electric assisted bicycle;

(C) a class 3 electric assisted bicycle; or

(D) a programmable electric assisted bicycle.

(b) "Electric assisted bicycle" does not include:

(i) a moped;

(ii) a motor assisted scooter;

(iii) a motorcycle;

(iv) a motor-driven cycle; or

(v) any other vehicle with less than four wheels that is designed, manufactured, intended, or advertised by the seller to have any of the following capabilities or features, or that is modifiable or is modified to have any of the following capabilities or features:

(A) has the ability to attain the speed of 20 miles per hour or greater on motor power alone;

(B) is equipped with a continuous rated motor power of 750 watts or greater;

(C) is equipped with foot pegs for the operator at the time of manufacture, or requires installation of a pedal kit to have operable pedals; or

(D) if equipped with multiple operating modes and a throttle, has one or more modes that exceed 20 miles per hour on motor power alone.

(21)(a) "Electric personal assistive mobility device" means a self-balancing device with:

(i) two nontandem wheels in contact with the ground;

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

(iii) an electric propulsion system with average power of one horsepower or 750 watts;

(iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and

(v) a deck design for a person to stand while operating the device.

(b) "Electric personal assistive mobility device" does not include a wheelchair.

(22) "Electric unicycle" means a self-balancing personal transportation device that:

(a) has a single wheel;

(b) is powered by an electric motor that utilizes gyroscopes and accelerometers to stabilize the rider; and

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

~~[(22)]~~ (23) "Explosives" means a chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.

- 539 ~~[(23)]~~ (24) "Farm tractor" means a motor vehicle designed and used primarily as a farm
540 implement, for drawing plows, mowing machines, and other implements of husbandry.
- 541 ~~[(24)]~~ (25) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,
542 as determined by a Tagliabue or equivalent closed-cup test device.
- 543 ~~[(25)]~~ (26) "Freeway" means a controlled-access highway that is part of the interstate system
544 as defined in Section 72-1-102.
- 545 ~~[(26)]~~ (27)(a) "Golf cart" means a device that:
- 546 (i) is designed for transportation by players on a golf course;
- 547 (ii) has not less than three wheels in contact with the ground;
- 548 (iii) has an unladen weight of less than 1,800 pounds;
- 549 (iv) is designed to operate at low speeds; and
- 550 (v) is designed to carry not more than six persons including the driver.
- 551 (b) "Golf cart" does not include:
- 552 (i) a low-speed vehicle or an off-highway vehicle;
- 553 (ii) a motorized wheelchair;
- 554 (iii) an electric personal assistive mobility device;
- 555 (iv) an electric assisted bicycle;
- 556 (v) a motor assisted scooter;
- 557 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 558 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 559 ~~[(27)]~~ (28) "Gore area" means the area delineated by two solid white lines that is between a
560 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
561 including similar areas between merging or splitting highways.
- 562 ~~[(28)]~~ (29) "Gross weight" means the weight of a vehicle without a load plus the weight of
563 any load on the vehicle.
- 564 ~~[(29)]~~ (30) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
- 565 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- 566 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
567 highway or railroad tracks.
- 568 ~~[(30)]~~ (31) "Highway" means the entire width between property lines of every way or place
569 of any nature when any part of it is open to the use of the public as a matter of right for
570 vehicular travel.
- 571 ~~[(31)]~~ (32) "Highway authority" means the same as that term is defined in Section 72-1-102.
- 572 ~~[(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;

(b) channelizing devices;

(c) curbs;

(d) pavement edges; or

(e) other devices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) designed for off-highway use; and

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

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

(a) a trailer or semitrailer that is:

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

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

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

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

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

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

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

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

(ii) a motor that:

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

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

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

641 engaged.

642 (c) "Moped" does not include:

643 (i) an electric assisted bicycle; or

644 (ii) a motor assisted scooter.

645 ~~[(44)]~~ (45)(a) "Motor assisted scooter" means a self-propelled device with:

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

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

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

649 (iv) either:

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

651 or

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

653 operating the device;

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

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

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

657 (i) an electric assisted bicycle; or

658 (ii) a motor-driven cycle.

659 ~~[(45)]~~ (46)(a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is

660 propelled by electric power obtained from overhead trolley wires, but not operated

661 upon rails.

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

663 (i) vehicles moved solely by human power;

664 (ii) motorized wheelchairs;

665 (iii) an electric personal assistive mobility device;

666 (iv) an electric assisted bicycle;

667 (v) a motor assisted scooter;

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

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

670 ~~[(46)]~~ (47) "Motorcycle" means:

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

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

673 (b) an autocycle.

674 ~~[(47)]~~ (48)(a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle

675 having:

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

677 (ii) a motor that produces not more than five horsepower.

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

679 (i) an electric personal assistive mobility device;

680 (ii) a motor assisted scooter; or

681 (iii) an electric assisted bicycle.

682 ~~[(48)]~~ (49) "Off-highway implement of husbandry" means the same as that term is defined
683 under Section 41-22-2.

684 ~~[(49)]~~ (50) "Off-highway vehicle" means the same as that term is defined under Section
685 41-22-2.

686 ~~[(50)]~~ (51) "Operate" means the same as that term is defined in Section 41-1a-102.

687 ~~[(51)]~~ (52) "Operator" means:

688 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or

689 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a
690 vehicle.

691 ~~[(52)]~~ (53) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or
692 other device operated, alone or coupled with another device, on stationary rails.

693 ~~[(53)]~~ (54)(a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
694 occupied or not.

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

696 (i) the standing of a vehicle temporarily for the purpose of and while actually
697 engaged in loading or unloading property or passengers; or

698 (ii) a motor vehicle with an engaged automated driving system that has achieved a
699 minimal risk condition, as those terms are defined in Section 41-26-102.1.

700 ~~[(54)]~~ (55) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
701 Peace Officer Classifications, to direct or regulate traffic or to make arrests for
702 violations of traffic laws.

703 ~~[(55)]~~ (56) "Pedestrian" means a person traveling:

704 (a) on foot; or

705 (b) in a wheelchair.

706 ~~[(56)]~~ (57) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
707 pedestrians.

708 ~~[(57)]~~ (58) "Person" means a natural person, firm, copartnership, association, corporation,

business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

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

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

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

~~[(59)]~~ (60) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

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

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

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

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

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

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

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

(b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of

743 them are used by persons riding bicycles or other human-powered vehicles.

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

746 ~~[(67)]~~ (68) "Safety zone" means the area or space officially set apart within a roadway for
747 the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
748 signs as to be plainly visible at all times while set apart as a safety zone.

749 ~~[(68)]~~ (69)(a) "School bus" means a motor vehicle that:

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

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

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

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

756 (a) has a single wheel;

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

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

760 ~~[(69)]~~ (71)(a) "Semitrailer" means a vehicle with or without motive power:

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

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

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

766 ~~[(70)]~~ (72) "Shoulder area" means:

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

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

772 ~~[(71)]~~ (73) "Sidewalk" means that portion of a street between the curb lines, or the lateral
773 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

774 ~~[(72)]~~ (74)(a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt
775 that is designated for the use of a bicycle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

811 ~~[(85)]~~ (87)(a) "Trailer" means a vehicle with or without motive power designed for
812 carrying persons or property and for being drawn by a motor vehicle and constructed
813 so that no part of its weight rests upon the towing vehicle.

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

815 ~~[(86)]~~ (88) "Truck" means a motor vehicle designed, used, or maintained primarily for the
816 transportation of property.

817 ~~[(87)]~~ (89) "Truck tractor" means a motor vehicle:

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

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

821 ~~[(88)]~~ (90) "Two-way left turn lane" means a lane:

822 (a) provided for vehicle operators making left turns in either direction;

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

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

826 ~~[(89)]~~ (91) "Urban district" means the territory contiguous to and including any street, in
827 which structures devoted to business, industry, or dwelling houses are situated at
828 intervals of less than 100 feet, for a distance of a quarter of a mile or more.

829 ~~[(90)]~~ (92) "Vehicle" means a device in, on, or by which a person or property is or may be
830 transported or drawn on a highway, except a mobile carrier, as defined in Section
831 41-6a-1120, or a device used exclusively on stationary rails or tracks.

832 Section 5. Section **41-6a-1102** is amended to read:

833 **41-6a-1102 (Effective 05/07/25). Bicycle and device propelled by human power**
834 **and moped riders subject to chapter -- Exception.**

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

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

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

843 **41-6a-1116 (Effective 05/07/25). Electric personal assistive mobility devices --**
844 **Conflicting provisions -- Restrictions -- Penalties.**

- (1)(a) Except as otherwise provided in this section, an electric personal assistive mobility device is subject to the provisions under this chapter for a bicycle, moped, or a motor-driven cycle.
- (b) For a person operating an electric personal assistive mobility device, the following provisions do not apply:
- (i) seating positions under Section 41-6a-1501;
 - (ii) required lights, horns, and mirrors under Section 41-6a-1506;
 - (iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and
 - (iv) driver licensing requirements under Section 53-3-202.
- (2) A person under 15 years~~[-of age-]~~ old may not operate an electric personal assistive mobility device using the motor unless the person is under the direct supervision of the person's parent or guardian.
- (3) A person may not operate an electric personal assistive mobility device:
- (a) on a highway consisting of a total of four or more lanes designated for regular vehicular traffic, except when operating in a lane designated for bicycle traffic;
 - (b) on a highway with a posted speed limit greater than 35 miles per hour, except when operating in a lane designated for bicycle traffic; or
 - (c) that has been structurally or mechanically altered from the original manufacturer's design.
- (4) An owner may not authorize or knowingly permit a person to operate an electric personal assistive mobility device in violation of this section.
- (5) A person may operate an electric personal assistive mobility device on a sidewalk if the operation does not:
- (a) exceed a speed which is greater than is reasonable or prudent having due regard for weather, visibility, and pedestrians; or
 - (b) endanger the safety of other persons or property.
- (6) A person operating an electric personal assistive mobility device shall yield to a pedestrian or other person using a mobility aid.
- (7)(a) An electric personal assistive mobility device may be operated on:
- (i) a path or trail designed for the use of a bicycle; or
 - (ii) on a highway where a bicycle is allowed~~[-if the speed limit on the highway does not exceed 35 miles per hour-]~~ , including any lane designated for bicycle traffic regardless of the posted speed limit or number of general purpose lanes.
- (b) A person operating an electric personal assistive mobility device in an area described

in Subsection (7)(a)(i) or (ii) is subject to the laws governing bicycles.

- (8) A person may operate an electric personal assistive mobility device at night if the device is equipped with or the operator is wearing:
- (a) a lamp pointing to the front that emits a white light visible from a distance of not less than 300 feet in front of the device; and
 - (b) front, rear, and side reflectors.
- (9) A person may not operate an electric personal assistive mobility device while carrying an article that prevents the person from keeping both hands on the handlebars or interferes with the person's ability to safely operate the electric personal assistive mobility device.
- (10) Only one person may operate an electric personal assistive mobility device at a time.
- (11) A person may not park an electric personal assistive mobility device on a highway or sidewalk in a manner that obstructs vehicular or pedestrian traffic.
- (12) A person who violates this section is guilty of an infraction.

Section 7. Section **41-6a-1121** is enacted to read:

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

- (1)(a) Except as otherwise provided in this section, an electric unicycle is subject to the provisions under this chapter for a bicycle.
- (b) For a individual operating an electric unicycle, the following provisions do not apply:
- (i) seating positions and handle bar usage under Sections 41-6a-1112 and 41-6a-1501;
 - (ii) required lights, horns, and mirrors under Section 41-6a-1506; and
 - (iii) driver licensing requirements under Section 53-3-202.
- (c) A individual may operate an electric unicycle across a roadway in a crosswalk, except that the individual may not operate the electric unicycle in a negligent manner in the crosswalk:
- (i) so as to collide with a:
 - (A) pedestrian; or
 - (B) individual operating a bicycle, vehicle, or device propelled by human power;

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

- 913 (a) on public property posted as an area prohibiting bicycles;
914 (b) while carrying more individuals at one time than the number for which the electric
915 unicycle is designed;
916 (c) that has been structurally or mechanically altered from the original manufacturer's
917 design, except for an alteration by, or done at the request of, a individual who rents
918 the electric unicycle to lower the maximum speed for the electric unicycle; or
919 (d) at a speed of greater than 28 miles per hour or in violation of Subsection
920 41-6a-1115.1(3).

921 (4) An owner may not authorize or knowingly permit a individual under 18 years old to
922 operate an electric unicycle in violation of this section.

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

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

925 **41-6a-1122 (Effective 05/07/25). Self-balancing electric skateboards.**

- 926 (1)(a) Except as otherwise provided in this section, a self-balancing electric skateboard
927 is subject to the provisions under this chapter for a bicycle.
928 (b) A person may not operate a self-balancing electric skateboard on a roadway, except
929 while operating in a lane designated for bicycle traffic.
930 (c) For a person operating a self-balancing electric skateboard, the following provisions
931 do not apply:
932 (i) any reference to seating positions and handle bar usage, including under Sections
933 41-6a-1112 and 41-6a-1501;
934 (ii) required lights, horns, and mirrors under Section 41-6a-1506; and
935 (iii) driver licensing requirements under Section 53-3-202.
936 (d) A person may operate a self-balancing electric skateboard across a roadway in a
937 crosswalk, except that the person may not operate the self-balancing electric
938 skateboard in a negligent manner in the crosswalk:
939 (i) so as to collide with a:
940 (A) pedestrian; or
941 (B) person operating a bicycle, vehicle, or device propelled by human power; or
942 (ii) at a speed greater than is reasonable and prudent under the existing conditions,
943 giving regard to the actual and potential hazards then existing.
944 (2) A person under eight years old may not operate a self-balancing electric skateboard on
945 any public property, highway, path, or sidewalk.
946 (3) A person may not operate a self-balancing electric skateboard:

- 947 (a) on public property posted as an area prohibiting bicycles;
948 (b) while carrying more persons at one time than the number for which the
949 self-balancing electric skateboard is designed;
950 (c) that has been structurally or mechanically altered from the original manufacturer's
951 design, except for an alteration by, or done at the request of, a person who rents the
952 self-balancing electric skateboard to lower the maximum speed for the self-balancing
953 electric skateboard; or
954 (d) at a speed of greater than 15 miles per hour or in violation of Subsection
955 41-6a-1115.1(3).

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

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

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

960 **41-6a-1642 (Effective 05/07/25). Emissions inspection -- County program.**

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

- 965 (a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle is
966 exempt from emissions inspection and maintenance program requirements be
967 presented:
968 (i) as a condition of registration or renewal of registration; and
969 (ii) at other times as the county legislative body may require to enforce inspection
970 requirements for individual motor vehicles, except that the county legislative body
971 may not routinely require a certificate of emissions inspection, or waiver of the
972 certificate, more often than required under Subsection (9); and
973 (b) compliance with this section for a motor vehicle registered or principally operated in
974 the county and owned by or being used by a department, division, instrumentality,
975 agency, or employee of:
976 (i) the federal government;
977 (ii) the state and any of its agencies; or
978 (iii) a political subdivision of the state, including school districts.

979 (2)(a) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions
980 inspection and maintenance program certificate of emissions inspection as described

in Subsection (1), but the program may not deny vehicle registration based solely on the presence of a defeat device covered in the Volkswagen partial consent decrees or a United States Environmental Protection Agency-approved vehicle modification in the following vehicles:

- (i) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state pursuant to a partial consent decree, including:
 - (A) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;
 - (B) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and 2014;
 - (C) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;
 - (D) Volkswagen Golf Sportwagen, model year 2015;
 - (E) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;
 - (F) Volkswagen Beetle, model years 2013, 2014, and 2015;
 - (G) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
 - (H) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and

- (ii) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state to a settlement, including:
 - (A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
 - (B) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
 - (C) Audi A6 Quattro, model years 2014, 2015, and 2016;
 - (D) Audi A7 Quattro, model years 2014, 2015, and 2016;
 - (E) Audi A8, model years 2014, 2015, and 2016;
 - (F) Audi A8L, model years 2014, 2015, and 2016;
 - (G) Audi Q5, model years 2014, 2015, and 2016; and
 - (H) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.

(b)(i) An owner of a restored-modified vehicle subject to Subsection (1) shall obtain a motor vehicle emissions inspection and maintenance program certificate of emissions inspection as described in Subsection (1).

- (ii) A county emissions program may not refuse to perform an emissions inspection or indicate a failed emissions test of the vehicle based solely on a modification to the engine or component of the motor vehicle if:
 - (A) the modification is not likely to result in the motor vehicle having increased emissions relative to the emissions of the motor vehicle before the

- 1015 modification; and
- 1016 (B) the motor vehicle modification is a change to an engine that is newer than the
- 1017 engine with which the motor vehicle was originally equipped, or the engine
- 1018 includes technology that increases the facility of the administration of an
- 1019 emissions test, such as an on-board diagnostics system.
- 1020 (iii) The first time an owner seeks to obtain an emissions inspection as a prerequisite
- 1021 to registration of a restored-modified vehicle:
- 1022 (A) the owner shall present the signed statement described in Subsection
- 1023 41-1a-226(4); and
- 1024 (B) the county emissions program shall perform the emissions test.
- 1025 (iv) If a motor vehicle is registered as a restored-modified vehicle and the registration
- 1026 certificate is notated as described in Subsection 41-1a-226(4), a county emissions
- 1027 program may not refuse to perform an emissions test based solely on the
- 1028 restored-modified status of the motor vehicle.
- 1029 (3)(a) The legislative body of a county identified in Subsection (1), in consultation with
- 1030 the Air Quality Board created under Section 19-1-106, shall make regulations or
- 1031 ordinances regarding:
- 1032 (i) emissions standards;
- 1033 (ii) test procedures;
- 1034 (iii) inspections stations;
- 1035 (iv) repair requirements and dollar limits for correction of deficiencies; and
- 1036 (v) certificates of emissions inspections.
- 1037 (b) In accordance with Subsection (3)(a), a county legislative body:
- 1038 (i) shall make regulations or ordinances to attain or maintain ambient air quality
- 1039 standards in the county, consistent with the state implementation plan and federal
- 1040 requirements;
- 1041 (ii) may allow for a phase-in of the program by geographical area; and
- 1042 (iii) shall comply with the analyzer design and certification requirements contained in
- 1043 the state implementation plan prepared under Title 19, Chapter 2, Air
- 1044 Conservation Act.
- 1045 (c) The county legislative body and the Air Quality Board shall give preference to an
- 1046 inspection and maintenance program that:
- 1047 (i) is decentralized, to the extent the decentralized program will attain and maintain
- 1048 ambient air quality standards and meet federal requirements;

- 1049 (ii) is the most cost effective means to achieve and maintain the maximum benefit
1050 with regard to ambient air quality standards and to meet federal air quality
1051 requirements as related to vehicle emissions; and
- 1052 (iii) provides a reasonable phase-out period for replacement of air pollution emission
1053 testing equipment made obsolete by the program.
- 1054 (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:
1055 (i) may be accomplished in accordance with applicable federal requirements; and
1056 (ii) does not otherwise interfere with the attainment and maintenance of ambient air
1057 quality standards.
- 1058 (4) The following vehicles are exempt from an emissions inspection program and the
1059 provisions of this section:
- 1060 (a) an implement of husbandry as defined in Section 41-1a-102;
- 1061 (b) a motor vehicle that:
1062 (i) meets the definition of a farm truck under Section 41-1a-102; and
1063 (ii) has a gross vehicle weight rating of 12,001 pounds or more;
- 1064 (c) a vintage vehicle as defined in Section 41-21-1:
1065 (i) if the vintage vehicle has a model year of 1982 or older; or
1066 (ii) for a vintage vehicle that has a model year of 1983 or newer, if the owner
1067 provides proof of vehicle insurance that is a type specific to a vehicle collector;
- 1068 (d) a custom vehicle as defined in Section 41-6a-1507;
- 1069 (e) a vehicle registered as a novel vehicle under Section 41-27-201;
- 1070 (f) to the extent allowed under the current federally approved state implementation plan,
1071 in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor
1072 vehicle that is less than two years old on January 1 based on the age of the vehicle as
1073 determined by the model year identified by the manufacturer;
- 1074 (g) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of
1075 12,000 pounds or less, if the registered owner of the pickup truck provides a signed
1076 statement to the legislative body stating the truck is used:
1077 (i) by the owner or operator of a farm located on property that qualifies as land in
1078 agricultural use under Sections 59-2-502 and 59-2-503; and
1079 (ii) exclusively for the following purposes in operating the farm:
1080 (A) for the transportation of farm products, including livestock and its products,
1081 poultry and its products, floricultural and horticultural products; and
1082 (B) in the transportation of farm supplies, including tile, fence, and every other

1083 thing or commodity used in agricultural, floricultural, horticultural, livestock,
1084 and poultry production and maintenance;

1085 (h) a motorcycle as defined in Section 41-1a-102;

1086 (i) an electric motor vehicle as defined in Section 41-1a-102;

1087 (j) a motor vehicle with a model year of 1967 or older; and

1088 (k) a roadable aircraft as defined in Section 72-10-102.

1089 (5) The county shall issue to the registered owner who signs and submits a signed statement
1090 under Subsection (4)(g) a certificate of exemption from emissions inspection
1091 requirements for purposes of registering the exempt vehicle.

1092 (6) A legislative body of a county described in Subsection (1) may exempt from an
1093 emissions inspection program a diesel-powered motor vehicle with a:

1094 (a) gross vehicle weight rating of more than 14,000 pounds; or

1095 (b) model year of 1997 or older.

1096 (7) The legislative body of a county required under federal law to utilize a motor vehicle
1097 emissions inspection program shall require:

1098 (a) a computerized emissions inspection for a diesel-powered motor vehicle that has:

1099 (i) a model year of 2007 or newer;

1100 (ii) a gross vehicle weight rating of 14,000 pounds or less; and

1101 (iii) a model year that is five years old or older; and

1102 (b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:

1103 (i) with a gross vehicle weight rating of 14,000 pounds or less;

1104 (ii) that has a model year of 1998 or newer; and

1105 (iii) that has a model year that is five years old or older.

1106 (8)(a) Subject to Subsection (8)(c), the legislative body of each county required under
1107 federal law to utilize a motor vehicle emissions inspection and maintenance program
1108 or in which an emissions inspection and maintenance program is necessary to attain
1109 or maintain any national ambient air quality standard may require each college or
1110 university located in a county subject to this section to require its students and
1111 employees who park a motor vehicle not registered in a county subject to this section
1112 to provide proof of compliance with an emissions inspection accepted by the county
1113 legislative body if the motor vehicle is parked on the college or university campus or
1114 property.

1115 (b) College or university parking areas that are metered or for which payment is required
1116 per use are not subject to the requirements of this Subsection (8).

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

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

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

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

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

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

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

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

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

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

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

- 1151 (d) If an emissions inspection is only required every two years for a vehicle under
1152 Subsection (9)(c), the inspection shall be required for the vehicle in:
- 1153 (i) odd-numbered years for vehicles with odd-numbered model years; or
1154 (ii) in even-numbered years for vehicles with even-numbered model years.
- 1155 (10)(a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection
1156 required under this section may be made no more than two months before the
1157 renewal of registration.
- 1158 (b)(i) If the title of a used motor vehicle is being transferred, the owner may use an
1159 emissions inspection certificate issued for the motor vehicle during the previous
1160 11 months to satisfy the requirement under this section.
- 1161 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner
1162 may use an emissions inspection certificate issued for the motor vehicle in a
1163 licensed and bonded motor vehicle dealer's name during the previous 11 months to
1164 satisfy the requirement under this section.
- 1165 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the
1166 lessee may use an emissions inspection certificate issued during the previous 11
1167 months to satisfy the requirement under this section.
- 1168 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not use
1169 an emissions inspection made more than 11 months before the renewal of registration
1170 to satisfy the requirement under this section.
- 1171 (e) If the application for renewal of registration is for a six-month registration period
1172 under Section 41-1a-215.5, the owner may use an emissions inspection certificate
1173 issued during the previous eight months to satisfy the requirement under this section.
- 1174 (11)(a) A county identified in Subsection (1) shall collect information about and monitor
1175 the program.
- 1176 (b) A county identified in Subsection (1) shall supply this information to ~~[an appropriate~~
1177 ~~legislative committee, as designated by the Legislative Management Committee,~~
1178 ~~at times determined by the designated committee]~~ the Transportation Interim
1179 Committee to identify program needs, including funding needs.
- 1180 (12) If approved by the county legislative body, a county that had an established emissions
1181 inspection fee as of January 1, 2002, may increase the established fee that an emissions
1182 inspection station may charge by \$2.50 for each year that is exempted from emissions
1183 inspections under Subsection (9)(c) up to a \$7.50 increase.
- 1184 (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.

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

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

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

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

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

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

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

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

(A) participation in club activities;

(B) exhibitions;

(C) tours; or

(D) parades; or

(ii) is only used for occasional transportation.

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

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

Program -- Uses -- Rulemaking -- Distribution.

(1) As used in this section:

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

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

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

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

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

(ii) "Reimbursable base expenses" include:

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

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

(C) training of search and rescue volunteers;

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

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

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

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

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

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

(i) any voluntary contributions to the state received for search and rescue operations;

(ii) money received by the state under Subsection (11) and under Sections 23A-4-209, 41-22-34, and 73-18-24;

(iii) money deposited under [~~Subsection 59-12-103(13)~~] Section 59-12-103 as a dedicated credit for the sole use of the Search and Rescue Financial Assistance Program;

- 1253 (iv) contributions deposited in accordance with Section 41-1a-230.7; and
1254 (v) appropriations made to the program by the Legislature.
- 1255 (b) Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and
1256 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the
1257 General Fund as a dedicated credit to be used solely for the program.
- 1258 (c) Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into
1259 the General Fund as a dedicated credit to be used solely to promote the assistance
1260 card program.
- 1261 (d) Funding for the program is nonlapsing.
- 1262 (4) Subject to Subsections (3)(b) and (c), the director shall use the money described in this
1263 section to reimburse counties for all or a portion of each county's reimbursable base
1264 expenses for search and rescue operations, subject to:
- 1265 (a) the approval of the Search and Rescue Advisory Board as provided in Section
1266 53-2a-1104;
- 1267 (b) money available in the program; and
- 1268 (c) rules made under Subsection (7).
- 1269 (5) Money described in Subsection (3) may not be used to reimburse for any paid personnel
1270 costs or paid man hours spent in emergency response and search and rescue related
1271 activities.
- 1272 (6) The Legislature finds that these funds are for a general and statewide public purpose.
- 1273 (7) The division, with the approval of the Search and Rescue Advisory Board, shall make
1274 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1275 and consistent with this section:
- 1276 (a) specifying the costs that qualify as reimbursable base expenses;
- 1277 (b) defining the procedures of counties to submit expenses and be reimbursed;
- 1278 (c) defining a participant in the assistance card program, including:
- 1279 (i) individuals; and
- 1280 (ii) families and organized groups who qualify as participants;
- 1281 (d) defining the procedure for issuing a card to a participant;
- 1282 (e) defining excluded expenses that may not be reimbursed under the program, including
1283 medical expenses;
- 1284 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card
1285 Program;
- 1286 (g) establishing the frequency of review of the fee schedule;

- (h) providing for the administration of the program; and
- (i) providing a formula to govern the distribution of available money among the counties for uncompensated search and rescue expenses based on:
 - (i) the total qualifying expenses submitted;
 - (ii) the number of search and rescue incidents per county population;
 - (iii) the number of victims that reside outside the county; and
 - (iv) the number of volunteer hours spent in each county in emergency response and search and rescue related activities per county population.

(8)(a) The division shall, in consultation with the Division of Outdoor Recreation, establish the fee schedule of the Utah Search and Rescue Assistance Card Program under Subsection 63J-1-504(7).

- (b) The division shall provide a discount of not less than 10% of the card fee under Subsection (8)(a) to a person who has paid a fee under Section 23A-4-209, 41-22-34, or 73-18-24 during the same calendar year in which the person applies to be a participant in the assistance card program.

(9) Counties may not bill reimbursable base expenses to an individual for costs incurred for the rescue of an individual, if the individual is a current participant in the Utah Search and Rescue Assistance Card Program at the time of rescue, unless:

- (a) the rescuing county finds that the participant acted recklessly in creating a situation resulting in the need for the county to provide rescue services; or
- (b) the rescuing county finds that the participant intentionally created a situation resulting in the need for the county to provide rescue services.

(10)(a) There is created the Utah Search and Rescue Assistance Card Program. The program is located within the division.

- (b) The program may not be used to cover any expenses, such as medically related expenses, that are not reimbursable base expenses related to the rescue.

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

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

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

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

(a) administration of the assistance card program; and

(b) outreach and marketing strategies.

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

Section 11. Section **53-2d-101** is amended to read:

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

As used in this chapter:

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

~~[(i)]~~ (A) either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) "Behavioral emergency services" does not include engaging in the:

- (i) practice of mental health therapy as defined in Section 58-60-102;
- (ii) practice of psychology as defined in Section 58-61-102;
- (iii) practice of clinical social work as defined in Section 58-60-202;
- (iv) practice of certified social work as defined in Section 58-60-202;
- (v) practice of marriage and family therapy as defined in Section 58-60-302;
- (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
- (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.

~~[(6)]~~ (8) "Bureau" means the Bureau of Emergency Medical Services created in Section 53-2d-102.

~~[(7)]~~ (9) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external chest compression applied to a person who is unresponsive and not breathing.

~~[(8)]~~ (10) "Committee" means the Trauma System and Emergency Medical Services Committee created by Section 53-2d-104.

~~[(9)]~~ (11) "Community paramedicine" means medical care:

- (a) provided by emergency medical service personnel; and
- (b) provided to a patient who is not:
 - (i) in need of ambulance transportation; or
 - (ii) located in a health care facility as defined in Section 26B-2-201.

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

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

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

- 1389 attention to result in:
- 1390 (i) placing the individual's health in serious jeopardy;
- 1391 (ii) serious impairment to bodily functions; or
- 1392 (iii) serious dysfunction of any bodily organ or part; or
- 1393 (b) a medical condition that in the opinion of a physician or the physician's designee
- 1394 requires direct medical observation during transport or may require the intervention
- 1395 of an individual licensed under Section 53-2d-402 during transport.
- 1396 ~~[(12)]~~ (14) "Emergency medical dispatch center" means a public safety answering point, as
- 1397 defined in Section 63H-7a-103, that is designated as an emergency medical dispatch
- 1398 center by the bureau.
- 1399 ~~[(13)]~~ (15)(a) "Emergency medical service personnel" means an individual who provides
- 1400 emergency medical services or behavioral emergency services to a patient and is
- 1401 required to be licensed or certified under Section 53-2d-402.
- 1402 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
- 1403 licensed emergency medical service provider, emergency medical service instructor,
- 1404 behavioral emergency services technician, other categories established by the
- 1405 committee, and a certified emergency medical dispatcher.
- 1406 ~~[(14)]~~ (16) "Emergency medical service providers" means:
- 1407 (a) licensed ambulance providers and paramedic providers;
- 1408 (b) a facility or provider that is required to be designated under Subsection 53-2d-403
- 1409 (1)(a); and
- 1410 (c) emergency medical service personnel.
- 1411 ~~[(15)]~~ (17) "Emergency medical services" means:
- 1412 (a) medical services;
- 1413 (b) transportation services;
- 1414 (c) behavioral emergency services; or
- 1415 (d) any combination of the services described in Subsections ~~[(15)(a)]~~ (17)(a) through (c).
- 1416 ~~[(16)]~~ (18) "Emergency medical service vehicle" means a land, air, or water vehicle that is:
- 1417 (a) maintained and used for the transportation of emergency medical personnel,
- 1418 equipment, and supplies to the scene of a medical emergency; and
- 1419 (b) required to be permitted under Section 53-2d-404.
- 1420 ~~[(17)]~~ (19) "Governing body":
- 1421 (a) means the same as that term is defined in Section 11-42-102; and
- 1422 (b) for purposes of a "special service district" under Section 11-42-102, means a special

1423 service district that has been delegated the authority to select a provider under this
1424 chapter by the special service district's legislative body or administrative control
1425 board.

1426 [(18)] (20) "Interested party" means:

- 1427 (a) a licensed or designated emergency medical services provider that provides
1428 emergency medical services within or in an area that abuts an exclusive geographic
1429 service area that is the subject of an application submitted pursuant to Part 5,
1430 Ambulance and Paramedic Providers;
- 1431 (b) any municipality, county, or fire district that lies within or abuts a geographic service
1432 area that is the subject of an application submitted pursuant to Part 5, Ambulance and
1433 Paramedic Providers; or
- 1434 (c) the department when acting in the interest of the public.

1435 [(19)] (21) "Level of service" means the level at which an ambulance provider type of
1436 service is licensed as:

- 1437 (a) emergency medical technician;
- 1438 (b) advanced emergency medical technician; or
- 1439 (c) paramedic.

1440 [(20)] (22) "Medical control" means a person who provides medical supervision to an
1441 emergency medical service provider.

1442 [(21)] (23) "Non-911 service" means transport of a patient that is not 911 transport under
1443 Subsection (1).

1444 [(22)] (24) "Nonemergency secured behavioral health transport" means an entity that:

- 1445 (a) provides nonemergency secure transportation services for an individual who:
 - 1446 (i) is not required to be transported by an ambulance under Section 53-2d-405; and
 - 1447 (ii) requires behavioral health observation during transport between any of the
1448 following facilities:
 - 1449 (A) a licensed acute care hospital;
 - 1450 (B) an emergency patient receiving facility;
 - 1451 (C) a licensed mental health facility; and
 - 1452 (D) the office of a licensed health care provider; and
- 1453 (b) is required to be designated under Section 53-2d-403.

1454 [(23)] (25) "Paramedic provider" means an entity that:

- 1455 (a) employs emergency medical service personnel; and
- 1456 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

1457 ~~[(24)]~~ (26) "Patient" means an individual who, as the result of illness, injury, or a behavioral
1458 emergency condition, meets any of the criteria in Section 26B-4-119.

1459 ~~[(25)]~~ (27) "Political subdivision" means:

1460 (a) a city or town;

1461 (b) a county;

1462 (c) a special service district created under Title 17D, Chapter 1, Special Service District
1463 Act, for the purpose of providing fire protection services under Subsection 17D-1-201
1464 (9);

1465 (d) a special district created under Title 17B, Limited Purpose Local Government
1466 Entities - Special Districts, for the purpose of providing fire protection, paramedic,
1467 and emergency services;

1468 (e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or

1469 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.

1470 ~~[(26)]~~ (28) "Sudden cardiac arrest" means a life-threatening condition that results when a
1471 person's heart stops or fails to produce a pulse.

1472 ~~[(27)]~~ (29) "Trauma" means an injury requiring immediate medical or surgical intervention.

1473 ~~[(28)]~~ (30) "Trauma system" means a single, statewide system that:

1474 (a) organizes and coordinates the delivery of trauma care within defined geographic
1475 areas from the time of injury through transport and rehabilitative care; and

1476 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
1477 delivering care for trauma patients, regardless of severity.

1478 ~~[(29)]~~ (31) "Triage" means the sorting of patients in terms of disposition, destination, or
1479 priority. For prehospital trauma victims, triage requires a determination of injury
1480 severity to assess the appropriate level of care according to established patient care
1481 protocols.

1482 ~~[(30)]~~ (32) "Triage, treatment, transportation, and transfer guidelines" means written
1483 procedures that:

1484 (a) direct the care of patients; and

1485 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
1486 center, or an emergency medical service provider.

1487 ~~[(31)]~~ (33) "Type of service" means the category at which an ambulance provider is licensed
1488 as:

1489 (a) ground ambulance transport;

1490 (b) ground ambulance interfacility transport; or

(c) both ground ambulance transport and ground ambulance interfacility transport.

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

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

- (1) A licensed air ambulance provider shall provide to all emergency medical dispatch centers the real-time location and availability of the air ambulance using statewide software that updates from a location transponder or computer-aided dispatch interface.
- (2) An emergency medical dispatch center shall dispatch an air ambulance that the emergency medical dispatch center determines:
 - (a) is nearest to the location requiring emergency medical services;
 - (b) is readily available; and
 - (c) is the most appropriate air ambulance provider for the particular emergency circumstance based on the needs of the patient and the capabilities of the air ambulance provider.
- (3) An air ambulance that is currently transporting a patient may not:
 - (a) be dispatched for a different emergency medical situation; or
 - (b) deviate from the current emergency service and patient to respond to a different emergency medical dispatch communication.

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

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

- (1) A tax is imposed on the purchaser as provided in this part on the purchase price or sales price for amounts paid or charged for the following transactions:
 - (a) retail sales of tangible personal property made within the state;
 - (b) amounts paid for:
 - (i) telecommunications service, other than mobile telecommunications service, that originates and terminates within the boundaries of this state;
 - (ii) mobile telecommunications service that originates and terminates within the boundaries of one state only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
 - (iii) an ancillary service associated with a:
 - (A) telecommunications service described in Subsection (1)(b)(i); or
 - (B) mobile telecommunications service described in Subsection (1)(b)(ii);
 - (c) sales of the following for commercial use:
 - (i) gas;

- 1525 (ii) electricity;
- 1526 (iii) heat;
- 1527 (iv) coal;
- 1528 (v) fuel oil; or
- 1529 (vi) other fuels;
- 1530 (d) sales of the following for residential use:
 - 1531 (i) gas;
 - 1532 (ii) electricity;
 - 1533 (iii) heat;
 - 1534 (iv) coal;
 - 1535 (v) fuel oil; or
 - 1536 (vi) other fuels;
- 1537 (e) sales of prepared food;
- 1538 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
- 1539 user fees for theaters, movies, operas, museums, planetariums, shows of any type or
- 1540 nature, exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses,
- 1541 menageries, fairs, races, contests, sporting events, dances, boxing matches, wrestling
- 1542 matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling
- 1543 lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts,
- 1544 ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides,
- 1545 river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or
- 1546 any other amusement, entertainment, recreation, exhibition, cultural, or athletic
- 1547 activity;
- 1548 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 1549 property, unless Section 59-12-104 provides for an exemption from sales and use tax
- 1550 for:
 - 1551 (i) the tangible personal property; and
 - 1552 (ii) parts used in the repairs or renovations of the tangible personal property described
 - 1553 in Subsection (1)(g)(i), regardless of whether:
 - 1554 (A) any parts are actually used in the repairs or renovations of that tangible
 - 1555 personal property; or
 - 1556 (B) the particular parts used in the repairs or renovations of that tangible personal
 - 1557 property are exempt from a tax under this chapter;
- 1558 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted

- 1559 cleaning or washing of tangible personal property;
- 1560 (i) amounts paid or charged for short-term rentals of tourist home, hotel, motel, or trailer
- 1561 court accommodations and services;
- 1562 (j) amounts paid or charged for laundry or dry cleaning services;
- 1563 (k) amounts paid or charged for leases or rentals of tangible personal property if within
- 1564 this state the tangible personal property is:
- 1565 (i) stored;
- 1566 (ii) used; or
- 1567 (iii) otherwise consumed;
- 1568 (l) amounts paid or charged for tangible personal property if within this state the tangible
- 1569 personal property is:
- 1570 (i) stored;
- 1571 (ii) used; or
- 1572 (iii) consumed;
- 1573 (m) amounts paid or charged for a sale:
- 1574 (i)(A) of a product transferred electronically; or
- 1575 (B) of a repair or renovation of a product transferred electronically; and
- 1576 (ii) regardless of whether the sale provides:
- 1577 (A) a right of permanent use of the product; or
- 1578 (B) a right to use the product that is less than a permanent use, including a right:
- 1579 (I) for a definite or specified length of time; and
- 1580 (II) that terminates upon the occurrence of a condition; and
- 1581 (n) sales of leased tangible personal property from the lessor to the lessee made in the
- 1582 state.
- 1583 (2)(a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax are
- 1584 imposed on a transaction described in Subsection (1) equal to the sum of:
- 1585 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 1586 (A) 4.70% plus the rate specified in Subsection (11)(a); and
- 1587 (B)(I) the tax rate the state imposes in accordance with Part 18, Additional
- 1588 State Sales and Use Tax Act, if the location of the transaction as determined
- 1589 under Sections 59-12-211 through 59-12-215 is in a county in which the
- 1590 state imposes the tax under Part 18, Additional State Sales and Use Tax Act;
- 1591 and
- 1592 (II) the tax rate the state imposes in accordance with Part 20, Supplemental

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

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

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

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

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

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

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

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

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

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

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

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

(D) The exception under Subsection (2)(e)(i)(A) applies to a certified

- individual-owned shared vehicle shared through a car-sharing program even if non-certified shared vehicles are also available to be shared through the same car-sharing program.
- (ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.
- (iii)(A) A car-sharing program may rely in good faith on a shared vehicle owner's representation that the shared vehicle is an individual-owned shared vehicle certified with the commission as described in Subsection (2)(e)(i).
- (B) If a car-sharing program relies in good faith on a shared vehicle owner's representation that the shared vehicle is an individual-owned shared vehicle certified with the commission as described in Subsection (2)(e)(i), the car-sharing program is not liable for any tax, penalty, fee, or other sanction imposed on the shared vehicle owner.
- (iv) If all shared vehicles shared through a car-sharing program are certified as described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has no obligation to collect and remit the tax under Subsection (2)(a)(i)(A) for that tax period.
- (v) A car-sharing program is not required to list or otherwise identify an individual-owned shared vehicle on a return or an attachment to a return.
- (vi) A car-sharing program shall:
- (A) retain tax information for each car-sharing program transaction; and
- (B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at the commission's request.
- (f)(i) For a bundled transaction that is attributable to food and food ingredients and tangible personal property other than food and food ingredients, a state tax and a local tax is imposed on the entire bundled transaction equal to the sum of:
- (A) a state tax imposed on the entire bundled transaction equal to the sum of:
- (I) the tax rate described in Subsection (2)(a)(i)(A); and
- (II)(Aa) the tax rate the state imposes in accordance with Part 18, Additional State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act; and
- (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales and Use Tax Act, if the location of the transaction as

determined under Sections 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates described in Subsection (2)(a)(ii).

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

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

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

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

(II) state or federal law provides otherwise; or

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

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

(II) state or federal law provides otherwise.

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

- (g)(i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental of tangible personal property, other property, a product, or a service that is not subject to taxation under this chapter, the entire transaction is subject to taxation under this chapter unless the seller, at the time of the transaction:
- (A) separately states the portion of the transaction that is not subject to taxation under this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or
 - (B) is able to identify by reasonable and verifiable standards, from the books and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.
- (ii) A purchaser and a seller may correct the taxability of a transaction if:
- (A) after the transaction occurs, the purchaser and the seller discover that the portion of the transaction that is not subject to taxation under this chapter was not separately stated on an invoice, bill of sale, or similar document provided to the purchaser because of an error or ignorance of the law; and
 - (B) the seller is able to identify by reasonable and verifiable standards, from the books and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.
- (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.
- (h)(i) If the sales price of a transaction is attributable to two or more items of tangible personal property, products, or services that are subject to taxation under this chapter at different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate unless the seller, at the time of the transaction:
- (A) separately states the items subject to taxation under this chapter at each of the different rates on an invoice, bill of sale, or similar document provided to the purchaser; or
 - (B) is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is subject to taxation under this chapter at the lower tax rate from the books and records the seller keeps in the seller's regular

1729 course of business.

1730 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the
1731 seller's regular course of business includes books and records the seller keeps in
1732 the regular course of business for nontax purposes.

1733 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax rate
1734 imposed under the following shall take effect on the first day of a calendar quarter:

1735 (i) Subsection (2)(a)(i)(A);

1736 (ii) Subsection (2)(b)(i);

1737 (iii) Subsection (2)(c)(i); or

1738 (iv) Subsection (2)(f)(i)(A)(I).

1739 (j)(i) A tax rate increase takes effect on the first day of the first billing period that
1740 begins on or after the effective date of the tax rate increase if the billing period for
1741 the transaction begins before the effective date of a tax rate increase imposed
1742 under:

1743 (A) Subsection (2)(a)(i)(A);

1744 (B) Subsection (2)(b)(i);

1745 (C) Subsection (2)(c)(i); or

1746 (D) Subsection (2)(f)(i)(A)(I).

1747 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
1748 statement for the billing period is rendered on or after the effective date of the
1749 repeal of the tax or the tax rate decrease imposed under:

1750 (A) Subsection (2)(a)(i)(A);

1751 (B) Subsection (2)(b)(i);

1752 (C) Subsection (2)(c)(i); or

1753 (D) Subsection (2)(f)(i)(A)(I).

1754 (k)(i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale
1755 is computed on the basis of sales and use tax rates published in the catalogue, a
1756 tax rate repeal or change in a tax rate takes effect:

1757 (A) on the first day of a calendar quarter; and

1758 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate
1759 change.

1760 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:

1761 (A) Subsection (2)(a)(i)(A);

1762 (B) Subsection (2)(b)(i);

- 1763 (C) Subsection (2)(c)(i); or
1764 (D) Subsection (2)(f)(i)(A)(I).
- 1765 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1766 the commission may by rule define the term "catalogue sale."
- 1767 (l)(i) For a location described in Subsection (2)(l)(ii), the commission shall determine
1768 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel
1769 based on the predominant use of the gas, electricity, heat, coal, fuel oil, or other
1770 fuel at the location.
- 1771 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
1772 or other fuel is furnished through a single meter for two or more of the following
1773 uses:
1774 (A) a commercial use;
1775 (B) an industrial use; or
1776 (C) a residential use.
- 1777 (3)(a) The following state taxes shall be deposited into the General Fund:
1778 (i) the tax imposed by Subsection (2)(a)(i)(A);
1779 (ii) the tax imposed by Subsection (2)(b)(i);
1780 (iii) the tax imposed by Subsection (2)(c)(i); and
1781 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1782 (b) The following local taxes shall be distributed to a county, city, or town as provided
1783 in this chapter:
1784 (i) the tax imposed by Subsection (2)(a)(ii);
1785 (ii) the tax imposed by Subsection (2)(b)(ii);
1786 (iii) the tax imposed by Subsection (2)(c)(ii); and
1787 (iv) the tax imposed by Subsection (2)(f)(i)(B).
- 1788 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General Fund.
- 1789 (4)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1790 2003, the lesser of the following amounts shall be expended as provided in
1791 Subsections (4)(b) through (g):
1792 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
1793 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
1794 (B) for the fiscal year; or
1795 (ii) \$17,500,000.
- 1796 (b)(i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount

described in Subsection (4)(a) shall be transferred each year as designated sales and use tax revenue to the Division of Wildlife Resources to:

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

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

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

(iii) At the end of each fiscal year:

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

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

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

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

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

(ii) At the end of each fiscal year:

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

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

- 1831 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1832 Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 1833 (e)(i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount
1834 described in Subsection (4)(a) shall be deposited into the Water Resources
1835 Conservation and Development Fund created in Section 73-10-24 for use by the
1836 Division of Water Resources.
- 1837 (ii) In addition to the uses allowed of the Water Resources Conservation and
1838 Development Fund under Section 73-10-24, the Water Resources Conservation
1839 and Development Fund may also be used to:
- 1840 (A) conduct hydrologic and geotechnical investigations by the Division of Water
1841 Resources in a cooperative effort with other state, federal, or local entities, for
1842 the purpose of quantifying surface and ground water resources and describing
1843 the hydrologic systems of an area in sufficient detail so as to enable local and
1844 state resource managers to plan for and accommodate growth in water use
1845 without jeopardizing the resource;
- 1846 (B) fund state required dam safety improvements; and
- 1847 (C) protect the state's interest in interstate water compact allocations, including the
1848 hiring of technical and legal staff.
- 1849 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in
1850 Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program
1851 Subaccount created in Section 73-10c-5 for use by the Water Quality Board to fund
1852 wastewater projects.
- 1853 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1854 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program
1855 Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water to:
- 1856 (i) provide for the installation and repair of collection, treatment, storage, and
1857 distribution facilities for any public water system, as defined in Section 19-4-102;
- 1858 (ii) develop underground sources of water, including springs and wells; and
- 1859 (iii) develop surface water sources.
- 1860 (5)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1861 2006, the difference between the following amounts shall be expended as provided in
1862 this Subsection (5), if that difference is greater than \$1:
- 1863 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for
1864 the fiscal year by a 1/16% tax rate on the transactions described in Subsection (1);

- 1865 and
- 1866 (ii) \$17,500,000.
- 1867 (b)(i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:
- 1868 (A) transferred each fiscal year to the Department of Natural Resources as
- 1869 designated sales and use tax revenue; and
- 1870 (B) expended by the Department of Natural Resources for watershed rehabilitation
- 1871 or restoration.
- 1872 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
- 1873 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources
- 1874 Conservation and Development Fund created in Section 73-10-24.
- 1875 (c)(i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
- 1876 remaining difference described in Subsection (5)(a) shall be:
- 1877 (A) transferred each fiscal year to the Division of Water Resources as designated
- 1878 sales and use tax revenue; and
- 1879 (B) expended by the Division of Water Resources for cloud-seeding projects
- 1880 authorized by Title 73, Chapter 15, Modification of Weather.
- 1881 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
- 1882 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources
- 1883 Conservation and Development Fund created in Section 73-10-24.
- 1884 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
- 1885 remaining difference described in Subsection (5)(a) shall be deposited into the Water
- 1886 Resources Conservation and Development Fund created in Section 73-10-24 for use
- 1887 by the Division of Water Resources for:
- 1888 (i) preconstruction costs:
- 1889 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73,
- 1890 Chapter 26, Bear River Development Act; and
- 1891 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
- 1892 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;
- 1893 (ii) the cost of employing a civil engineer to oversee any project authorized by Title
- 1894 73, Chapter 26, Bear River Development Act;
- 1895 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline
- 1896 project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development
- 1897 Act; and
- 1898 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and

1899 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i)
 1900 through (iii).

1901 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the
 1902 remaining difference described in Subsection (5)(a) shall be deposited each year into
 1903 the Water Rights Restricted Account created by Section 73-2-1.6.

1904 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), each
 1905 fiscal year, the commission shall deposit into the Water Infrastructure Restricted
 1906 Account created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax
 1907 rate on the transactions described in Subsection (1) for the fiscal year.

1908 (7)(a) Notwithstanding Subsection (3)(a) and subject to Subsections (7)(b), (c), and (d),
 1909 for a fiscal year beginning on or after July 1, 2023, the commission shall deposit into
 1910 the Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of
 1911 the taxes listed under Subsection (3)(a) equal to [~~17%~~] 24% of the revenue collected
 1912 from the following sales and use taxes:

1913 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
 1914 (ii) the tax imposed by Subsection (2)(b)(i);
 1915 (iii) the tax imposed by Subsection (2)(c)(i); and
 1916 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

1917 (b)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall
 1918 annually reduce the deposit under Subsection (7)(a) into the Transportation
 1919 Investment Fund of 2005 by an amount equal to .44% of the revenue collected
 1920 from the following sales and use taxes:

1921 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
 1922 (B) the tax imposed by Subsection (2)(b)(i);
 1923 (C) the tax imposed by Subsection (2)(c)(i); and
 1924 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).

1925 (ii) The commission shall annually deposit the amount described in Subsection
 1926 (7)(b)(i) into the Cottonwood Canyons Transportation Investment Fund created in
 1927 Section 72-2-124.

1928 (c)(i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,
 1929 2023, the commission shall annually reduce the deposit into the Transportation
 1930 Investment Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is
 1931 equal to 5% of:

1932 (A) the amount of revenue generated in the current fiscal year by the portion of

- 1933 taxes listed under Subsection (3)(a) that equals 20.68% of the revenue
 1934 collected from taxes described in Subsections (7)(a)(i) through (iv);
 1935 (B) the amount of revenue generated in the current fiscal year by registration fees
 1936 designated under Section 41-1a-1201 to be deposited into the Transportation
 1937 Investment Fund of 2005; and
 1938 (C) revenue transferred by the Division of Finance to the Transportation
 1939 Investment Fund of 2005 in accordance with Section 72-2-106 in the current
 1940 fiscal year.
- 1941 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a
 1942 given fiscal year.
- 1943 (iii) The commission shall annually deposit the amount described in Subsection
 1944 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection
 1945 72-2-124(11).
- 1946 (d)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall
 1947 annually reduce the deposit into the Transportation Investment Fund of 2005
 1948 under this Subsection (7) by an amount that is equal to 1% of the revenue
 1949 collected from the following sales and use taxes:
- 1950 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
 1951 (B) the tax imposed by Subsection (2)(b)(i);
 1952 (C) the tax imposed by Subsection (2)(c)(i); and
 1953 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1954 (ii) The commission shall annually deposit the amount described in Subsection
 1955 (7)(d)(i) into the Commuter Rail Subaccount created in Section 72-2-124.
- 1956 (8)(a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
 1957 Subsection (7), and subject to [~~Subsections (8)(b) and (d)(ii)~~] Subsection (8)(b), for a
 1958 fiscal year beginning on or after July 1, 2018, the commission shall annually deposit
 1959 into the Transportation Investment Fund of 2005 created by Section 72-2-124 a
 1960 portion of the taxes listed under Subsection (3)(a) in an amount equal to 3.68% of the
 1961 revenue collected from the following taxes:
- 1962 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
 1963 (ii) the tax imposed by Subsection (2)(b)(i);
 1964 (iii) the tax imposed by Subsection (2)(c)(i); and
 1965 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1966 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually

1967 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection
 1968 (8)(a) by an amount that is equal to 35% of the amount of revenue generated in the
 1969 current fiscal year by the portion of the tax imposed on motor and special fuel that is
 1970 sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.

1971 (c) The commission shall annually deposit the amount described in Subsection (8)(b)
 1972 into the Transit Transportation Investment Fund created in Section 72-2-124.

1973 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
 1974 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies
 1975 Fund created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

1976 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the fiscal
 1977 year during which the commission receives notice under Section 63N-2-510 that
 1978 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the
 1979 commission shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the
 1980 revenue generated by the taxes listed under Subsection (3)(a) into the Hotel Impact
 1981 Mitigation Fund, created in Section 63N-2-512.

1982 (11)(a) The rate specified in this subsection is 0.15%.

1983 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning
 1984 on or after July 1, 2019, annually transfer the amount of revenue collected from the
 1985 rate described in Subsection (11)(a) on the transactions that are subject to the sales
 1986 and use tax under Subsection (2)(a)(i)(A) into the Medicaid ACA Fund created in
 1987 Section 26B-1-315.

1988 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
 1989 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated
 1990 credit solely for use of the Search and Rescue Financial Assistance Program created in,
 1991 and expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

1992 ~~[(13)(a) For each fiscal year beginning with fiscal year 2020-21, the commission shall~~
 1993 ~~annually transfer \$1,813,400 of the revenue deposited into the Transportation~~
 1994 ~~Investment Fund of 2005 under Subsections (7) and (8) to the General Fund.]~~

1995 ~~[(b) If the total revenue deposited into the Transportation Investment Fund of 2005~~
 1996 ~~under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the~~
 1997 ~~commission shall transfer the total revenue deposited into the Transportation~~
 1998 ~~Investment Fund of 2005 under Subsections (7) and (8) during the fiscal year to the~~
 1999 ~~General Fund.]~~

2000 ~~[(14)]~~ (13) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,

beginning the first day of the calendar quarter one year after the sales and use tax boundary for a housing and transit reinvestment zone is established, the commission, at least annually, shall transfer an amount equal to 15% of the sales and use tax increment within an established sales and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation Investment Fund created in Section 72-2-124.

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

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

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

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

- (i) "Additional land" means point of the mountain state land described in Subsection 11-59-102(6)(b) that the point of the mountain authority acquires after the point of the mountain authority provides the commission a map under Subsection (17)(c).
- (ii) "Point of the mountain authority" means the Point of the Mountain State Land Authority, created in Section 11-59-201.
- (iii) "Point of the mountain state land" means the same as that term is defined in Section 11-59-102.

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

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

- 2035 (i) accurately describes the point of the mountain state land; and
- 2036 (ii) the point of the mountain authority certifies as accurate.
- 2037 (d) A distribution under Subsection [~~(17)(b)~~] (16)(b) with respect to additional land shall
- 2038 begin the next calendar quarter that begins at least 90 days after the point of the
- 2039 mountain authority provides the commission a map of point of the mountain state
- 2040 land that:
- 2041 (i) accurately describes the point of the mountain state land, including the additional
- 2042 land; and
- 2043 (ii) the point of the mountain authority certifies as accurate.
- 2044 (e)(i) Upon the payment in full of bonds secured by the sales and use tax revenue
- 2045 distributed to the point of the mountain authority under Subsection [~~(17)(b)~~] (16)(b),
- 2046 the point of the mountain authority shall immediately notify the commission in
- 2047 writing that the bonds are paid in full.
- 2048 (ii) The commission shall discontinue distributions of sales and use tax revenue under
- 2049 Subsection [~~(17)(b)~~] (16)(b) at the beginning of the calendar quarter that begins at
- 2050 least 90 days after the date that the commission receives the written notice under
- 2051 Subsection [~~(17)(e)(i)~~] (16)(e)(i).

2052 Section 14. Section **59-12-2212.2** is amended to read:

2053 **59-12-2212.2 (Effective 05/07/25). Allowable uses of local option sales and use tax**
 2054 **revenue.**

- 2055 (1) Except as otherwise provided in this part, a county, city, or town that imposes a local
- 2056 option sales and use tax under this part may expend the revenue generated from the local
- 2057 option sales and use tax for the following purposes:
- 2058 (a) the development, construction, maintenance, or operation of:
- 2059 (i) a class A road;
- 2060 (ii) a class B road;
- 2061 (iii) a class C road;
- 2062 (iv) a class D road;
- 2063 (v) traffic and pedestrian safety infrastructure, including:
- 2064 (A) a sidewalk;
- 2065 (B) curb and gutter;
- 2066 (C) a safety feature;
- 2067 (D) a traffic sign;
- 2068 (E) a traffic signal; or

- 2069 (F) street lighting;
- 2070 (vi) streets, alleys, roads, highways, and thoroughfares of any kind, including
- 2071 connected structures;
- 2072 (vii) an airport facility;
- 2073 (viii) an active transportation facility that is for nonmotorized vehicles and
- 2074 multimodal transportation and connects an origin with a destination; or
- 2075 (ix) an intelligent transportation system;
- 2076 (b) a system for public transit;
- 2077 (c) all other modes and forms of conveyance used by the public;
- 2078 (d) debt service or bond issuance costs related to a project or facility described in
- 2079 Subsections (1)(a) through (c); or
- 2080 (e) corridor preservation related to a project or facility described in Subsections (1)(a)
- 2081 through (c).
- 2082 (2) Any revenue subject to rights or obligations under a contract between a county, city, or
- 2083 town and a public transit district entered into before January 1, 2019, remains subject to
- 2084 existing contractual rights and obligations.
- 2085 (3) In addition to the uses described in Subsection (1), for any revenue generated by a sales
- 2086 and use tax imposed under Section 59-12-2219 that is not contractually obligated for
- 2087 debt service, the percentage described in Subsection 59-12-2219(11) shall be made
- 2088 available for public transit innovation grants as provided in Title 72, Chapter 2, Part [3] 4,
- 2089 Public Transit Innovation Grants.
- 2090 Section 15. Section **59-12-2219** is amended to read:
- 2091 **59-12-2219 (Effective 05/07/25). County option sales and use tax for highways**
- 2092 **and public transit -- Base -- Rate -- Distribution and expenditure of revenue -- Revenue**
- 2093 **may not supplant existing budgeted transportation revenue.**
- 2094 (1) Subject to the other provisions of this part, and subject to Subsection (13), a county
- 2095 legislative body may impose a sales and use tax of .25% on the transactions described in
- 2096 Subsection 59-12-103(1) within the county, including the cities and towns within the
- 2097 county.
- 2098 (2) Subject to Subsection (9), the commission shall distribute sales and use tax revenue
- 2099 collected under this section as provided in Subsections (3) through (8).
- 2100 (3) If the entire boundary of a county that imposes a sales and use tax under this section is
- 2101 annexed into a single public transit district, the commission shall distribute the sales and
- 2102 use tax revenue collected within the county as follows:

- 2103 (a) .10% shall be transferred to the public transit district in accordance with Section
2104 59-12-2206;
- 2105 (b) .10% shall be distributed as provided in Subsection (6); and
- 2106 (c) .05% shall be distributed to the county legislative body.
- 2107 (4) If the entire boundary of a county that imposes a sales and use tax under this section is
2108 not annexed into a single public transit district, but a city or town within the county is
2109 annexed into a single large public transit district, the commission shall distribute the
2110 sales and use tax revenue collected within the county as follows:
- 2111 (a) for a city or town within the county that is annexed into a single public transit
2112 district, the commission shall distribute the sales and use tax revenue collected within
2113 that city or town as follows:
- 2114 (i) .10% shall be transferred to the public transit district in accordance with Section
2115 59-12-2206;
- 2116 (ii) .10% shall be distributed as provided in Subsection (6); and
- 2117 (iii) .05% shall be distributed to the county legislative body;
- 2118 (b) for an eligible political subdivision within the county, the commission shall
2119 distribute the sales and use tax revenue collected within that eligible political
2120 subdivision as follows:
- 2121 (i) .10% shall be transferred to the eligible political subdivision in accordance with
2122 Section 59-12-2206;
- 2123 (ii) .10% shall be distributed as provided in Subsection (6); and
- 2124 (iii) .05% shall be distributed to the county legislative body; and
- 2125 (c) the commission shall distribute the sales and use tax revenue, except for the sales and
2126 use tax revenue described in Subsections (4)(a) and (b), as follows:
- 2127 (i) .10% shall be distributed as provided in Subsection (6); and
- 2128 (ii) .15% shall be distributed to the county legislative body.
- 2129 (5) For a county not described in Subsection (3) or (4), if a county of the second, third,
2130 fourth, fifth, or sixth class imposes a sales and use tax under this section, the
2131 commission shall distribute the sales and use tax revenue collected within the county as
2132 follows:
- 2133 (a) for a city or town within the county that is annexed into a single public transit
2134 district, the commission shall distribute the sales and use tax revenue collected within
2135 that city or town as follows:
- 2136 (i) .10% shall be distributed as provided in Subsection (6);

- 2137 (ii) .10% shall be distributed as provided in Subsection (7); and
2138 (iii) .05% shall be distributed to the county legislative body;
- 2139 (b) for an eligible political subdivision within the county, the commission shall
2140 distribute the sales and use tax revenue collected within that eligible political
2141 subdivision as follows:
- 2142 (i) .10% shall be distributed as provided in Subsection (6);
2143 (ii) .10% shall be distributed as provided in Subsection (7); and
2144 (iii) .05% shall be distributed to the county legislative body; and
- 2145 (c) the commission shall distribute the sales and use tax revenue, except for the sales and
2146 use tax revenue described in Subsections (5)(a) and (b), as follows:
- 2147 (i) .10% shall be distributed as provided in Subsection (6); and
2148 (ii) .15% shall be distributed to the county legislative body.
- 2149 (6)(a) Subject to Subsection (6)(b), the commission shall make the distributions required
2150 by Subsections (3)(b), (4)(a)(ii), (4)(b)(ii), (4)(c)(i), (5)(a)(i), (5)(b)(i), (5)(c)(i), and
2151 (7)(d)(ii)(A) as follows:
- 2152 (i) 50% of the total revenue collected under Subsections (3)(b), (4)(a)(ii), (4)(b)(ii),
2153 (4)(c)(i), (5)(a)(i), (5)(b)(i), (5)(c)(i), and (7)(d)(ii)(A) within the counties and
2154 cities that impose a tax under this section shall be distributed to the
2155 unincorporated areas, cities, and towns within those counties and cities on the
2156 basis of the percentage that the population of each unincorporated area, city, or
2157 town bears to the total population of all of the counties and cities that impose a tax
2158 under this section; and
- 2159 (ii) 50% of the total revenue collected under Subsections (3)(b), (4)(a)(ii), (4)(b)(ii),
2160 (4)(c)(i), (5)(a)(i), (5)(b)(i), (5)(c)(i), and (7)(d)(ii)(A) within the counties and
2161 cities that impose a tax under this section shall be distributed to the
2162 unincorporated areas, cities, and towns within those counties and cities on the
2163 basis of the location of the transaction as determined under Sections 59-12-211
2164 through 59-12-215.
- 2165 (b)(i) Population for purposes of this Subsection (6) shall be determined on the basis
2166 of the most recent official census or census estimate of the United States Bureau
2167 of the Census.
- 2168 (ii) If a needed population estimate is not available from the United States Bureau of
2169 the Census, population figures shall be derived from an estimate from the Utah
2170 Population Committee.

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

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

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

- (A) a public transit district for a city or town within the county that is annexed into a single public transit district; or
- (B) an eligible political subdivision within the county.

(b) If a county legislative body allocates the revenue as described in Subsection (7)(a)(i), the county legislative body shall allocate not less than 25% of the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) to:

- (i) a public transit district for a city or town within the county that is annexed into a single public transit district; or
- (ii) an eligible political subdivision within the county.

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

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

- 2205 (i) the percentage specified by a county legislative body shall be distributed in
2206 accordance with a resolution adopted by a county legislative body under
2207 Subsection (7)(a) to an eligible political subdivision or a public transit district
2208 within the county; and
- 2209 (ii) except as provided in Subsection (7)(a)(ii), if a county legislative body allocates
2210 less than 100% of the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) to a public
2211 transit district or an eligible political subdivision, the remainder of the revenue
2212 under Subsection (5)(a)(ii) or (5)(b)(ii) not allocated by a county legislative body
2213 through a resolution under Subsection (7)(a) shall be distributed as follows:
2214 (A) 50% of the revenue as provided in Subsection (6); and
2215 (B) 50% of the revenue to the county legislative body.
- 2216 (e) If a county legislative body seeks to change an allocation specified in a resolution
2217 under Subsection (7)(a), the county legislative body may change the allocation by:
2218 (i) adopting a resolution in accordance with Subsection (7)(a) specifying the
2219 percentage of revenue under Subsection (5)(a)(ii) or (5)(b)(ii) that will be
2220 allocated to a public transit district or an eligible political subdivision;
2221 (ii) obtaining approval to change the allocation of the sales and use tax by a majority
2222 of all the members of the county legislative body; and
2223 (iii) subject to Subsection (7)(f):
2224 (A) in accordance with Section 59-12-2208, submitting an opinion question to the
2225 county's registered voters voting on changing the allocation so that each
2226 registered voter has the opportunity to express the registered voter's opinion on
2227 whether the allocation should be changed; and
2228 (B) in accordance with Section 59-12-2208, obtaining approval to change the
2229 allocation from a majority of the county's registered voters voting on changing
2230 the allocation.
- 2231 (f) Notwithstanding Section 59-12-2208, the opinion question required by Subsection
2232 (7)(e)(iii)(A) shall state the allocations specified in the resolution adopted in
2233 accordance with Subsection (7)(e) and approved by the county legislative body in
2234 accordance with Subsection (7)(e)(ii).
- 2235 (g)(i) If a county makes an allocation by adopting a resolution under Subsection
2236 (7)(a) or changes an allocation by adopting a resolution under Subsection (7)(e),
2237 the allocation shall take effect on the first distribution the commission makes
2238 under this section after a 90-day period that begins on the date the commission

receives written notice meeting the requirements of Subsection (7)(g)(ii) from the county.

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

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

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

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

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

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

(ii) For any revenue collected by a county pursuant to Subsection (9)(a)(i) before June 30, 2019, the county may expend that revenue for:

(A) reducing transportation related debt;

(B) a regionally significant transportation facility; or

(C) a public transit project of regional significance.

(b) For a county that has not imposed a sales and use tax under this section before May 8, 2018, and if the county imposes a sales and use tax under this section before June 30, 2019, the commission shall distribute the sales and use tax revenue collected by the county on or after July 1, 2019, as described in Subsections (3) through (8).

(c) For a county that has not imposed a sales and use tax under this section before June 30, 2019, if the entire boundary of that county is annexed into a large public transit district, and if the county imposes a sales and use tax under this section on or after July 1, 2019, the commission shall distribute the sales and use tax revenue collected by the county as described in Subsections (3) through (8).

(10) A county, city, or town may expend revenue collected from a tax under this section, except for revenue the commission distributes in accordance with Subsection (3)(a), (4)(a)(i), (4)(b)(i), or (7)(d)(i), for a purpose described in Section 59-12-2212.2.

(11)(a) A public transit district or an eligible political subdivision may expend revenue the commission distributes in accordance with Subsection (3)(a), (4)(a)(i), (4)(b)(i), or (7)(d)(i) for capital expenses and service delivery expenses of the public transit district or eligible political subdivision.

(b) As provided in Section 59-12-2212.2, for the .10% designated for public transit described in Subsection (3)(a) that is not contractually obligated for debt service, beginning on July 1, [2025] 2026, a public transit district shall make available to the Department of Transportation an amount equal to 10% of the .10% to be used for public transit innovation grants as provided in Title 72, Chapter 2, Part [3] 4, Public Transit Innovation Grants.

(12) Notwithstanding Section 59-12-2208, a county, city, or town legislative body may, but is not required to, submit an opinion question to the county's, city's, or town's registered voters in accordance with Section 59-12-2208 to impose a sales and use tax under this section.

(13)(a)(i) Notwithstanding any other provision in this section, if the entire boundary of a county is annexed into a large public transit district, if the county legislative body wishes to impose a sales and use tax under this section, the county legislative body shall pass the ordinance to impose a sales and use tax under this section on or before June 30, 2022.

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

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

(14)(a) Beginning on July 1, 2020, and subject to Subsection (15), if a county has not

imposed a sales and use tax under this section, subject to the provisions of this part, the legislative body of a city or town described in Subsection (14)(b) may impose a .25% sales and use tax on the transactions described in Subsection 59-12-103(1) within the city or town.

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

- (i) a city or town that has been annexed into a public transit district; or
- (ii) an eligible political subdivision.

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

- (i) .125% to the city or town that imposed the sales and use tax, to be distributed as provided in Subsection (6); and
- (ii) .125%, as applicable, to:
 - (A) the public transit district in which the city or town is annexed; or
 - (B) the eligible political subdivision for public transit services.

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

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

- (ii) A city or town legislative body may not pass an ordinance to impose a sales and use tax under this section on or after July 1, 2022.

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

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

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

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

- 2341 (a) a county legislative body may impose the sales and use tax on the transactions
2342 described in Subsection 59-12-103(1) located within the county, including the cities
2343 and towns within the county if:
- 2344 (i) the entire boundary of a county is annexed into a large public transit district; and
2345 (ii) the maximum amount of sales and use tax authorizations allowed pursuant to
2346 Section 59-12-2203 and authorized under the following sections has been imposed:
- 2347 (A) Section 59-12-2213;
2348 (B) Section 59-12-2214;
2349 (C) Section 59-12-2215;
2350 (D) Section 59-12-2216;
2351 (E) Section 59-12-2217;
2352 (F) Section 59-12-2218; and
2353 (G) Section 59-12-2219;
- 2354 (b) if the county is not annexed into a large public transit district, the county legislative
2355 body may impose the sales and use tax on the transactions described in Subsection
2356 59-12-103(1) located within the county, including the cities and towns within the
2357 county if:
- 2358 (i) the county is an eligible political subdivision; or
2359 (ii) a city or town within the boundary of the county is an eligible political
2360 subdivision; or
- 2361 (c) a county legislative body of a county not described in Subsection (1)(a) or (1)(b) may
2362 impose the sales and use tax on the transactions described in Subsection 59-12-103
2363 (1) located within the county, including the cities and towns within the county.
- 2364 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a
2365 county legislative body that imposes a sales and use tax under this section may impose
2366 the tax at a rate of .2%.
- 2367 (3)(a) The commission shall distribute sales and use tax revenue collected under this
2368 section as determined by a county legislative body as described in Subsection (3)(b).
- 2369 (b) If a county legislative body imposes a sales and use tax as described in this section,
2370 the county legislative body may elect to impose a sales and use tax revenue
2371 distribution as described in Subsection (4), (5), (6), or (7), depending on the class of
2372 county, and presence and type of a public transit provider in the county.
- 2373 (4) If a county legislative body imposes a sales and use tax as described in this section, and
2374 the entire boundary of the county is annexed into a large public transit district, and the

county is a county of the first class, the commission shall distribute the sales and use tax revenue as follows:

- (a) .10% to a public transit district as described in Subsection (11);
- (b) .05% to the cities and towns as provided in Subsection (8); and
- (c) .05% to the county legislative body.

(5) If a county legislative body imposes a sales and use tax as described in this section and the entire boundary of the county is annexed into a large public transit district, and the county is a county not described in Subsection (4), the commission shall distribute the sales and use tax revenue as follows:

- (a) .10% to a public transit district as described in Subsection (11);
- (b) .05% to the cities and towns as provided in Subsection (8); and
- (c) .05% to the county legislative body.

(6)(a) Except as provided in Subsection (12)(c), if the entire boundary of a county that imposes a sales and use tax as described in this section is not annexed into a single public transit district, but a city or town within the county is annexed into a single public transit district, or if the city or town is an eligible political subdivision, the commission shall distribute the sales and use tax revenue collected within the county as provided in Subsection (6)(b) or (c).

(b) For a city, town, or portion of the county described in Subsection (6)(a) that is annexed into the single public transit district, or an eligible political subdivision, the commission shall distribute the sales and use tax revenue collected within the portion of the county that is within a public transit district or eligible political subdivision as follows:

- (i) .05% to a public transit provider as described in Subsection (11);
- (ii) .075% to the cities and towns as provided in Subsection (8); and
- (iii) .075% to the county legislative body.

(c) Except as provided in Subsection (12)(c), for a city, town, or portion of the county described in Subsection (6)(a) that is not annexed into a single public transit district or eligible political subdivision in the county, the commission shall distribute the sales and use tax revenue collected within that portion of the county as follows:

- (i) .08% to the cities and towns as provided in Subsection (8); and
- (ii) .12% to the county legislative body.

(7) For a county without a public transit service that imposes a sales and use tax as described in this section, the commission shall distribute the sales and use tax revenue

collected within the county as follows:

(a) .08% to the cities and towns as provided in Subsection (8); and

(b) .12% to the county legislative body.

(8)(a) Subject to Subsections (8)(b) and (c), the commission shall make the distributions required by Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) as follows:

- (i) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4) through (7) shall be distributed to the unincorporated areas, cities, and towns within those counties on the basis of the percentage that the population of each unincorporated area, city, or town bears to the total population of all of the counties that impose a tax under this section; and
- (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4) through (7) shall be distributed to the unincorporated areas, cities, and towns within those counties on the basis of the location of the transaction as determined under Sections 59-12-211 through 59-12-215.

(b)(i) Population for purposes of this Subsection (8) shall be determined on the basis of the most recent official census or census estimate of the United States Census Bureau.

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

(c)(i) Beginning on January 1, 2024, if the Housing and Community Development Division within the Department of Workforce Services determines that a city or town is ineligible for funds in accordance with Subsection 10-9a-408(7), beginning the first day of the calendar quarter after receiving 90 days' notice, the commission shall distribute the distribution that city or town would have received under Subsection (8)(a) to cities or towns to which Subsection 10-9a-408(7) does not apply.

(ii) Beginning on January 1, 2024, if the Housing and Community Development Division within the Department of Workforce Services determines that a county is ineligible for funds in accordance with Subsection 17-27a-408(7), beginning the first day of the calendar quarter after receiving 90 days' notice, the commission shall distribute the distribution that county would have received under Subsection

(8)(a) to counties to which Subsection 17-27a-408(7) does not apply.

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

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

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

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

(i) a public transit district;

(ii) an eligible political subdivision; or

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

(b)(i)(A) If a county of the first class imposes a sales and use tax described in this section, for a three-year period following the date on which the county imposes the sales and use tax under this section, revenue designated for public transit within a county of the first class as described in Subsection (4)(a) shall be transferred to the County of the First Class Highway Projects Fund created in Section 72-2-121.

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

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

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

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

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

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

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

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

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

(12)(a) Notwithstanding Section 59-12-2208, a county legislative body may, but is not required to, submit an opinion question to the county's registered voters in accordance with Section 59-12-2208 to impose a sales and use tax under this section.

(b) If a county passes an ordinance to impose a sales and use tax as described in this section, the sales and use tax shall take effect on the first day of the calendar quarter after a 90-day period that begins on the date the commission receives written notice from the county of the passage of the ordinance.

(c) A county that imposed the local option sales and use tax described in this section before January 1, 2023, may maintain that county's distribution allocation in place as

2511 of January 1, 2023.

2512 (13)(a) Revenue collected from a sales and use tax under this section may not be used to
2513 supplant existing General Fund appropriations that a county, city, or town budgeted
2514 for transportation or public transit as of the date the tax becomes effective for a
2515 county, city, or town.

2516 (b) The limitation under Subsection (13)(a) does not apply to a designated transportation
2517 or public transit capital or reserve account a county, city, or town established before
2518 the date the tax becomes effective.

2519 Section 17. Section **63B-11-502** is amended to read:

2520 **63B-11-502 (Effective 05/07/25). Maximum amount -- Projects authorized.**

2521 (1) The total amount of bonds issued under this part may not exceed \$52,101,800.

2522 (2)(a)(i) Proceeds from the issuance of bonds shall be provided to the Department of
2523 Transportation to provide funds to pay all or part of the costs of accelerating any
2524 of the following state highway construction or reconstruction projects in Salt Lake
2525 County:

2526 (A) I-15: 10600 South to the Utah County line;

2527 (B) Final Environmental Impact Statement for Western Transportation Corridor:
2528 I-80 to Utah County;

2529 (C) I-215: Redwood Road to 4700 South;

2530 (D) State Street Reconstruction: 9000 South to 10600 South; and

2531 (E) except as provided in Subsection (2)(d), State Street Reconstruction: 7800
2532 South to 8000 South.

2533 (ii) If the Department of Transportation is unable to begin or complete a project
2534 authorized by this Subsection (2)(a) because of a court order, the Department of
2535 Transportation, with the approval of Salt Lake County, may expend bond
2536 proceeds to construct one or more projects identified in Subsection (2)(e).

2537 (b) When the Utah Transit Authority certifies to the Transportation Commission that the
2538 Utah Transit Authority will pay half the costs of reconstruction of the Utah Transit
2539 Authority railroad overpass on 8000 South State Street, the Department of
2540 Transportation may provide funds from bond proceeds to pay the other half of the
2541 costs of reconstruction of the Utah Transit Authority railroad overpass on 8000 South.

2542 (c) As used in Subsections (2)(a) and (b), "costs" may include the cost of acquiring land,
2543 interests in land, easements and rights-of-way, improving sites, and making all
2544 improvements necessary, incidental, or convenient to the facilities, interest estimated

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

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

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

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

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

(iii) I-15: Beck Street Overpass;

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

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

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

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

- (3) If any portion of the proceeds of the tax paid to the state are not required to pay principal, interest, and issuance costs of the bonds and the principal, interest, and issuance costs of the bond have been paid off, or if, after completion of the projects authorized under Subsection (2)(a) and payment of the costs of issuing and selling the bonds under Section 63B-11-503, any bond proceeds remain unexpended, the Department of Transportation may use those unexpended proceeds to pay all or part of the costs of construction projects in Salt Lake County that have been approved and prioritized by the Transportation Commission.
- (4) The commission, by resolution, or the state treasurer may make any statement of intent relating to a reimbursement that is necessary or desirable to comply with federal tax law.

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

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

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

- (1)(a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued under this section may not exceed \$264,000,000 for acquisition and construction proceeds, plus additional amounts as provided in Subsection (1)(b).
- (b) When the Department of Transportation certifies to the commission the amount of bond proceeds needed to provide funding for the projects described in this section, the commission may issue and sell general obligation bonds in an amount equal to the certified amount, plus additional amounts necessary to pay costs of issuance, to pay capitalized interest, and to fund any existing debt service reserve requirements, not to exceed 1% of the certified amount.
- (c) The commission may not issue general obligation bonds authorized under this section if the issuance of the general obligation bonds would result in the total current outstanding general obligation debt of the state exceeding 50% of the limitation described in the Utah Constitution, Article XIV, Section 1.
- (2) Proceeds from the bonds issued under this section shall be provided to the Department of Transportation to pay for, or to provide funds in accordance with this section to pay for, the costs of right-of-way acquisition, construction, reconstruction, renovations, or improvements with respect to projects described in this section.
- (3) It is the intent of the Legislature that as transportation projects are prioritized under Section 72-2-124, the Transportation Commission give consideration to projects beyond the normal programming horizon.
- (4)(a) Two hundred thirty-two million dollars of the proceeds of bonds issued under this section shall be used to double track strategic sections of the FrontRunner commuter rail system, to be repaid from the Transit Transportation Investment Fund under Subsection ~~[72-2-124(9)]~~ 72-2-124(10).
- (b) The issuance of the bonds for the purpose described in Subsection (4)(a) is contingent upon the establishment of an agreement between the Department of Transportation and the Utah Transit Authority whereby the Utah Transit Authority agrees to pay \$5,000,000 per year for 15 years toward repayment of the bonds.
- (5)(a) Twenty-nine million dollars of the proceeds of bonds issued under this section

shall be provided to the Department of Transportation to pass through to Brigham City to be used for a Forest Street rail bridge project in Brigham City.

(b) Payments shall be made from the Rail Transportation Restricted Account created in Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(c), in the amount per year of the principal and interest payments due under the bonds issued under Subsection (5)(a) until those bonds have been repaid in full.

(6)(a) Three million dollars of the proceeds of bonds issued under this section shall be provided to the Department of Transportation to pass through to the city of North Salt Lake for an environmental study for a grade separation at 1100 North in North Salt Lake.

(b) Payments shall be made from the Rail Transportation Restricted Account created in Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(b), in the amount per year of the principal and interest payments due under the bonds issued under Subsection (6)(a) until those bonds have been repaid in full.

(7) The costs under Subsection (2) may include the costs of studies necessary to make transportation infrastructure improvements, the costs of acquiring land, interests in land, and easements and rights-of-way, the costs of improving sites and making all improvements necessary, incidental, or convenient to the facilities, and the costs of interest estimated to accrue on these bonds during the period to be covered by construction of the projects plus a period of six months after the end of the construction period, interest estimated to accrue on any bond anticipation notes issued under the authority of this title, and all related engineering, architectural, and legal fees.

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

(9) The Department of Transportation may enter into agreements related to the projects described in Subsection (4) before the receipt of proceeds of bonds issued under this section.

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

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

(1) Subsection 72-1-217(4), regarding highway reduction strategies within Salt Lake City, is repealed July 1, 2028.

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

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

2, 2030.

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

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

As used in this chapter:

- (1)(a) "Appropriations" means actual unrestricted capital and operating appropriations from unrestricted General Fund and Income Tax Fund sources.
- (b) "Appropriations" includes appropriations that are contingent upon available surpluses in the General Fund and Income Tax Fund.
- (c) "Appropriations" does not mean:
 - (i) public education expenditures;
 - (ii) Utah Education and Telehealth Network expenditures in support of public education;
 - (iii) Utah Board of Higher Education expenditures in support of public education;
 - (iv) State Tax Commission expenditures related to collection of income taxes in support of public education;
 - (v) debt service expenditures;
 - (vi) emergency expenditures;
 - (vii) expenditures from all other fund or subfund sources;
 - (viii) transfers or appropriations from the Income Tax Fund to the Uniform School Fund;
 - (ix) transfers into, or appropriations made to, the General Fund Budget Reserve Account established in Section 63J-1-312;
 - (x) transfers into, or appropriations made to, the Income Tax Fund Budget Reserve Account established in Section 63J-1-313;
 - (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to the Wildland Fire Suppression Fund created in Section 65A-8-204, the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund created in Section 65A-8-215, or the State Disaster Recovery Restricted Account created in Section 53-2a-603;
 - (xii) money appropriated to fund the total one-time project costs for the construction of capital development projects as defined in Section 63A-5b-401;
 - ~~[(xiii) transfers or deposits into or appropriations made to the Centennial Highway Fund created by Section 72-2-118;]~~
 - ~~[(xiv)]~~ (xiii) transfers or deposits into or appropriations made to the Transportation

- 2681 Investment Fund of 2005 created by Section 72-2-124;
2682 [~~(xv)~~] (xiv) transfers or deposits into or appropriations made to:
2683 (A) the Department of Transportation from any source; or
2684 (B) any transportation-related account or fund from any source; or
2685 [~~(xvi)~~] (xv) supplemental appropriations from the General Fund to the Division of
2686 Forestry, Fire, and State Lands to provide money for wildland fire control
2687 expenses incurred during the current or previous fire years.
- 2688 (2) "Base year real per capita appropriations" means the result obtained for the state by
2689 dividing the fiscal year 1985 actual appropriations of the state less debt money by:
2690 (a) the state's July 1, 1983 population; and
2691 (b) the fiscal year 1983 inflation index divided by 100.
- 2692 (3) "Calendar year" means the time period beginning on January 1 of any given year and
2693 ending on December 31 of the same year.
- 2694 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate
2695 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special
2696 Session, Chapter 4.
- 2697 (5) "Fiscal year" means the time period beginning on July 1 of any given year and ending
2698 on June 30 of the subsequent year.
- 2699 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital
2700 and operations appropriations from General Fund and non-Uniform School Fund income
2701 tax revenue sources, less debt money.
- 2702 (7) "Inflation index" means the change in the general price level of goods and services as
2703 measured by the Gross National Product Implicit Price Deflator of the Bureau of
2704 Economic Analysis, U.S. Department of Commerce calculated as provided in Section
2705 63J-3-202.
- 2706 (8)(a) "Maximum allowable appropriations limit" means the appropriations that could
2707 be, or could have been, spent in any given year under the limitations of this chapter.
2708 (b) "Maximum allowable appropriations limit" does not mean actual appropriations
2709 spent or actual expenditures.
- 2710 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two
2711 fiscal years previous to the fiscal year for which the maximum allowable inflation and
2712 population appropriations limit is being computed under this chapter.
- 2713 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal years
2714 previous to the fiscal year for which the maximum allowable inflation and population

appropriations limit is being computed under this chapter.

(11) "Population" means the number of residents of the state as of July 1 of each year as calculated by the Governor's Office of Planning and Budget according to the procedures and requirements of Section 63J-3-202.

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

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

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

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

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

- (a) have the general responsibility for planning, research, design, construction, maintenance, security, and safety of state transportation systems;
- (b) provide administration for state transportation systems and programs;
- (c) implement the transportation policies of the state;
- (d) plan, develop, construct, and maintain state transportation systems that are safe, reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and industry;
- (e) establish standards and procedures regarding the technical details of administration of the state transportation systems as established by statute and administrative rule;
- (f) advise the governor and the Legislature about state transportation systems needs;
- (g) coordinate with utility companies for the reasonable, efficient, and cost-effective installation, maintenance, operation, relocation, and upgrade of utilities within state highway rights-of-way;
- (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for the administration of the department, state transportation systems, and programs;
- (i) jointly with the commission annually report to the Transportation Interim Committee, by November 30 of each year, as to the operation, maintenance, condition, mobility,

- 2749 safety needs, and wildlife and livestock mitigation for state transportation systems;
- 2750 (j) ensure that any training or certification required of a public official or public
- 2751 employee, as those terms are defined in Section 63G-22-102, complies with Title
- 2752 63G, Chapter 22, State Training and Certification Requirements, if the training or
- 2753 certification is required:
- 2754 (i) under this title;
- 2755 (ii) by the department; or
- 2756 (iii) by an agency or division within the department;
- 2757 (k) study and make recommendations to the Legislature on potential managed lane use
- 2758 and implementation on selected transportation systems within the state;
- 2759 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division created
- 2760 in Section 53-8-103 regarding:
- 2761 (i) future highway projects that will add additional capacity to the state transportation
- 2762 system;
- 2763 (ii) potential changes in law enforcement responsibilities due to future highway
- 2764 projects; and
- 2765 (iii) incident management services on state highways; and
- 2766 (m) provide public transit services, in consultation with any relevant public transit
- 2767 provider.

2768 (2) For a proposed transportation project that includes a gondola in the Cottonwood

2769 Canyons area of Salt Lake County for which the department has completed an

2770 environmental impact statement, the department may only construct the project in the

2771 phasing sequence as provided in the record of decision associated with the

2772 environmental impact statement.

2773 [(2)] (3)(a) The department shall exercise reasonable care in designing, constructing, and

2774 maintaining a state highway in a reasonably safe condition for travel.

2775 (b) Nothing in this section shall be construed as:

2776 (i) creating a private right of action; or

2777 (ii) expanding or changing the department's common law duty as described in

2778 Subsection [(2)(a)] (3)(a) for liability purposes.

2779 Section 22. Section **72-1-212** is amended to read:

2780 **72-1-212 (Effective 05/07/25). Special use permitting -- Rulemaking.**

2781 (1) As used in this section:

2782 (a) "Law enforcement agency" means the same as that term is defined in Section [

2783 ~~53-3-102]~~ 53-1-102.

2784 (b) "Special use permit" means a permit issued:

2785 (i) for a special use or a special event that takes place on a highway; or

2786 (ii) to a law enforcement agency to install an automatic license plate reader on a state
2787 highway for the purpose of capturing license plate data of vehicles traveling on a
2788 state highway, regardless of whether the device is installed on property owned by
2789 the department or the law enforcement agency.

2790 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in
2791 consultation with representatives of the Utah League of Cities and Towns and the Utah
2792 Association of Counties, the department shall make rules that are not inconsistent with
2793 this chapter or the constitution and laws of this state or of the United States governing
2794 the issuance of a special use permit to maintain public safety and serve the needs of the
2795 traveling public.

2796 (3) The rules described in Subsection (2) may:

2797 (a) establish the highways for which the highest number of special use permits are
2798 issued;

2799 (b) develop, in consultation with municipalities, a limit on the number of special use
2800 permits that may be issued in any calendar year on a particular highway;

2801 (c) require a person to submit an application designated by the department before the
2802 department issues a special use permit;

2803 (d) limit the number of special use permits issued on any one day for any specified
2804 location based on a first-come, first-served basis for completed applications;

2805 (e) establish criteria for evaluating completed applications, such as historic use, potential
2806 economic benefit, or other relevant factors;

2807 (f) specify conditions that are required to be met before a special use permit may be
2808 issued;

2809 (g) establish a penalty for failure to fulfill conditions required by the special use permit,
2810 including suspension of the special use permit or suspension of a future special use
2811 permit;

2812 (h) require an applicant to obtain insurance for certain special uses or special events; or

2813 (i) provide other requirements to maintain public safety and serve the needs of the
2814 traveling public.

2815 (4) The limit on the number of special use permits described in Subsection (3)(b) may not
2816 include:

- 2817 (a) a special use permit issued for a municipality-sponsored special use or special event
2818 on a highway within the jurisdiction of the municipality; or
2819 (b) a special use permit issued to a law enforcement agency to install a device as part of
2820 an automatic license plate reader system authorized by Section 41-6a-2003.
- 2821 (5) The rules described in Subsection (2) shall consider:
2822 (a) traveler safety and mobility;
2823 (b) the safety of special use or special event participants;
2824 (c) emergency access;
2825 (d) the mobility of residents close to the event or use;
2826 (e) access and economic impact to businesses affected by changes to the normal
2827 operation of highway traffic;
2828 (f) past performance of an applicant's adherence to special use permit requirements; and
2829 (g) whether a law enforcement agency applying for a special use permit has published a
2830 policy online as required by Section 41-6a-2003.
- 2831 (6) Notwithstanding any other provision of this chapter, the department may also require a
2832 law enforcement agency applying for a special use permit described in this section to
2833 obtain an encroachment permit.
- 2834 (7) The department shall adopt a fee schedule in accordance with Section 63J-1-504 that
2835 reflects the cost of services provided by the department associated with special use
2836 permits and with special uses or special events that take place on a highway.
- 2837 (8) For a device installed in accordance with Section 41-6a-2003, the installation,
2838 maintenance, data collection, and removal are the responsibility of the law enforcement
2839 agency that obtains the special use permit.
- 2840 (9)(a) The department shall preserve a record of special use permits issued to a law
2841 enforcement agency, including the stated purpose for each permit.
2842 (b) The department shall preserve a record identified in Subsection (9)(a) for at least five
2843 years.
- 2844 Section 23. Section **72-1-213.1** is amended to read:
2845 **72-1-213.1 (Effective 05/07/25). Road usage charge program.**
- 2846 (1) As used in this section:
2847 (a) "Account manager" means an entity under contract with the department to administer
2848 and manage the road usage charge program.
2849 (b) "Alternative fuel vehicle" means:
2850 (i) an electric motor vehicle as defined in Section 41-1a-102; or

- 2851 (ii) a motor vehicle powered exclusively by a fuel other than:
2852 (A) motor fuel;
2853 (B) diesel fuel;
2854 (C) natural gas; or
2855 (D) propane.
- 2856 (c) "Payment period" means the interval during which an owner is required to report
2857 mileage and pay the appropriate road usage charge according to the terms of the
2858 program.
- 2859 (d) "Program" means the road usage charge program established and described in this
2860 section.
- 2861 (e) "Road usage charge cap" means the maximum fee charged to a participant in the
2862 program for a registration period.
- 2863 (f) "Road usage charge rate" means the per-mile usage fee charged to a participant in the
2864 program.
- 2865 (2) There is established a road usage charge program as described in this section.
- 2866 (3)(a) The department shall implement and oversee the administration of the program,
2867 which shall begin on January 1, 2020.
- 2868 (b) To implement and administer the program, the department may contract with an
2869 account manager.
- 2870 (4)(a) The owner or lessee of an alternative fuel vehicle may apply for enrollment of the
2871 alternative fuel vehicle in the program.
- 2872 (b) If an application for enrollment into the program is approved by the department, the
2873 owner or lessee of an alternative fuel vehicle may participate in the program in lieu of
2874 paying the fee described in Subsection 41-1a-1206(1)(h) or (2)(b).
- 2875 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
2876 consistent with this section, the department:
- 2877 (a) shall make rules to establish:
- 2878 (i) processes and terms for enrollment into and withdrawal or removal from the
2879 program;
- 2880 (ii) payment periods and other payment methods and procedures for the program;
- 2881 (iii) standards for mileage reporting mechanisms for an owner or lessee of an
2882 alternative fuel vehicle to report mileage as part of participation in the program;
- 2883 (iv) standards for program functions for mileage recording, payment processing,
2884 account management, and other similar aspects of the program;

- 2885 (v) contractual terms between an owner or lessee of an alternative fuel vehicle owner
2886 and an account manager for participation in the program;
- 2887 (vi) contractual terms between the department and an account manager, including
2888 authority for an account manager to enforce the terms of the program;
- 2889 (vii) procedures to provide security and protection of personal information and data
2890 connected to the program, and penalties for account managers for violating
2891 privacy protection rules;
- 2892 (viii) penalty procedures for a program participant's failure to pay a road usage
2893 charge or tampering with a device necessary for the program; and
- 2894 (ix) department oversight of an account manager, including privacy protection of
2895 personal information and access and auditing capability of financial and other
2896 records related to administration of the program; and
- 2897 (b) may make rules to establish:
- 2898 (i) an enrollment cap for certain alternative fuel vehicle types to participate in the
2899 program;
- 2900 (ii) a process for collection of an unpaid road usage charge or penalty; or
- 2901 (iii) integration of the program with other similar programs, such as tolling.
- 2902 (6) Revenue generated by the road usage charge program and relevant penalties shall be
2903 deposited into the Road Usage Charge Program Special Revenue Fund.
- 2904 (7)(a) The department may:
- 2905 (i)(A) impose a penalty for failure to timely pay a road usage charge according to
2906 the terms of the program or tampering with a device necessary for the program;
2907 and
- 2908 (B) request that the Division of Motor Vehicles place a hold on the registration of
2909 the owner's or lessee's alternative fuel vehicle for failure to pay a road usage
2910 charge or penalty according to the terms of the program;
- 2911 (ii) send correspondence to the owner of an alternative fuel vehicle to inform the
2912 owner or lessee of:
- 2913 (A) the road usage charge program, implementation, and procedures;
- 2914 (B) an unpaid road usage charge and the amount of the road usage charge to be
2915 paid to the department;
- 2916 (C) the penalty for failure to pay a road usage charge within the time period
2917 described in Subsection (7)(a)(iii); and
- 2918 (D) a hold being placed on the owner's or lessee's registration for the alternative

- 2919 fuel vehicle, if the road usage charge and penalty are not paid within the time
2920 period described in Subsection (7)(a)(iii), which would prevent the renewal of
2921 the alternative fuel vehicle's registration; and
- 2922 (iii) require that the owner or lessee of the alternative fuel vehicle pay the road usage
2923 charge to the department within 30 days of the date when the department sends
2924 written notice of the road usage charge to the owner or lessee.
- 2925 (b) The department shall send the correspondence and notice described in Subsection (7)
2926 (a) to the owner of the alternative fuel vehicle according to the terms of the program.
- 2927 (8)(a) The Division of Motor Vehicles and the department shall share and provide access
2928 to information pertaining to an alternative fuel vehicle and participation in the
2929 program including:
- 2930 (i) registration and ownership information pertaining to an alternative fuel vehicle;
2931 (ii) information regarding the failure of an alternative fuel vehicle owner or lessee to
2932 pay a road usage charge or penalty imposed under this section within the time
2933 period described in Subsection (7)(a)(iii); and
2934 (iii) the status of a request for a hold on the registration of an alternative fuel vehicle.
- 2935 (b) If the department requests a hold on the registration in accordance with this section,
2936 the Division of Motor Vehicles may not renew the registration of a motor vehicle
2937 under Title 41, Chapter 1a, Part 2, Registration, until the department withdraws the
2938 hold request.
- 2939 (9) The owner of an alternative fuel vehicle may apply for enrollment in the program or
2940 withdraw from the program according to the terms established by the department
2941 pursuant to rules made under Subsection (5).
- 2942 (10) If enrolled in the program, the owner or lessee of an alternative fuel vehicle shall:
- 2943 (a) report mileage driven as required by the department pursuant to Subsection (5);
2944 (b) pay the road usage fee for each payment period in accordance with Subsection (5);
2945 and
2946 (c) comply with all other provisions of this section and other requirements of the
2947 program.
- 2948 (11) The department shall submit annually, on or before October 1, to the Transportation
2949 Interim Committee, an electronic report that:
- 2950 (a) states for the preceding fiscal year:
- 2951 (i) the amount of revenue collected from the program;
2952 (ii) the participation rate in the program; and

- 2953 (iii) the department's costs to administer the program; and
2954 (b) provides for the current fiscal year, an estimate of:
2955 (i) the revenue that will be collected from the program;
2956 (ii) the participation rate in the program; and
2957 (iii) the department's costs to administer the program.
- 2958 (12)(a) Beginning on January 1, 2023:
2959 (i) the road usage charge rate is 1.0 cent per mile; and
2960 (ii) the road usage charge cap is:
2961 (A) \$130.25 for an annual registration period; and
2962 (B) \$100.75 for a six-month registration period.
- 2963 (b) Beginning on January 1, 2026:
2964 (i) the road usage charge rate is 1.25 cents per mile; and
2965 (ii) the road usage charge cap is:
2966 (A) \$180 for an annual registration period; and
2967 (B) \$139 for a six-month registration period.
- 2968 (c) Beginning on January 1, 2032:
2969 (i) the road usage charge rate is 1.5 cents per mile, unless the commission establishes
2970 a different road usage charge rate in accordance with Subsection (13); and
2971 (ii) the road usage charge cap is:
2972 (A) \$240 for an annual registration period; and
2973 (B) \$185 for a six-month registration period.
- 2974 (d) Beginning in 2024, the department shall, on January 1, annually adjust the road
2975 usage charge rates described in this Subsection (12) by taking the road usage charge
2976 rate for the previous year and adding an amount equal to the greater of:
2977 (i) an amount calculated by multiplying the road usage charge rate of the previous
2978 year by the actual percentage change during the previous fiscal year in the
2979 Consumer Price Index as determined by the State Tax Commission; and
2980 (ii) 0.
- 2981 (e) Beginning in 2024, the State Tax Commission shall, on January 1, annually adjust
2982 the road usage charge caps described in this Subsection (12) by taking the road usage
2983 charge cap for the previous year and adding an amount equal to the greater of:
2984 (i) an amount calculated by multiplying the road usage charge cap of the previous
2985 year by the actual percentage change during the previous fiscal year in the
2986 Consumer Price Index; and

- 2987 (ii) 0.
- 2988 (f) The amounts calculated as described in Subsection (12)(d) shall be rounded up to the
- 2989 nearest .01 cent.
- 2990 (g) The amounts calculated as described in Subsection (12)(e) shall be rounded up to the
- 2991 nearest 25 cents.
- 2992 (h) On or before January 1 of each year, the department shall publish:
- 2993 (i) the adjusted road usage charge rate described in Subsection (12)(d); and
- 2994 (ii) adjusted road usage charge cap described in Subsection (12)(e).
- 2995 (13)(a) Beginning January 1, 2032, the commission may establish by rule made in
- 2996 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the road
- 2997 usage charge rate for each type of alternative fuel vehicle.
- 2998 (b)(i) Before making rules in accordance with Subsection (13)(a), the commission
- 2999 shall consult with the department regarding the road usage charge rate for each
- 3000 type of alternative fuel vehicle.
- 3001 (ii) The department shall cooperate with and make recommendations to the
- 3002 commission regarding the road usage charge rate for each type of alternative fuel
- 3003 vehicle.
- 3004 Section 24. Section **72-1-217** is amended to read:
- 3005 **72-1-217 (Effective upon governor's approval). Department of Transportation**
- 3006 **study items.**
- 3007 (1) The department shall carry out transportation studies described in this section as
- 3008 resources allow.
- 3009 (2)(a) The department shall study items related to advanced air mobility as described in
- 3010 this Subsection (2).
- 3011 (b) The department shall study vertiport locations and infrastructure, including:
- 3012 (i) identification of suitable locations for vertiport infrastructure and parking
- 3013 infrastructure for vertiports in metropolitan areas;
- 3014 (ii) identification of commuter rail stations that may be suitable for vertiport
- 3015 placement; and
- 3016 (iii) identification of underutilized parking lots and parking structures for vertiport
- 3017 infrastructure placement.
- 3018 (c) The department shall study best practices and implementation of advanced air
- 3019 mobility technologies, including:
- 3020 (i) seeking input through community engagement;

- 3021 (ii) state and local regulations;
- 3022 (iii) unmanned aircraft system traffic management; and
- 3023 (iv) weather reporting and monitoring for advanced air mobility safety.
- 3024 (d) The department shall study unmanned aircraft traffic management infrastructure,
- 3025 including:
- 3026 (i) unmanned aircraft system traffic management development, implementation,
- 3027 procedures, policies, and infrastructure; and
- 3028 (ii) obtaining a full understanding of unmanned aircraft system traffic management,
- 3029 including:
- 3030 (A) designation of airspace for advanced air mobility;
- 3031 (B) creation of geographic categorical areas;
- 3032 (C) identifying the appropriate number and location of advanced air mobility
- 3033 sensors; and
- 3034 (D) other state specific details regarding unmanned aircraft system traffic
- 3035 management.
- 3036 (e) The department shall study the creation of an advanced air mobility sandbox,
- 3037 including:
- 3038 (i) potential locations for the sandbox testing area and desirable attributes of a
- 3039 suitable sandbox location;
- 3040 (ii) requirements to create a geographical advanced air mobility testing area and the
- 3041 parameters for the types of technology that may be utilized in the testing area; and
- 3042 (iii) testing and studying different types of advanced air mobility transportation of
- 3043 manned and unmanned aerial vehicles, including:
- 3044 (A) aerial vehicle size;
- 3045 (B) aerial vehicles that carry cargo, including medical cargo;
- 3046 (C) commercial aerial vehicles; and
- 3047 (D) public transportation aerial vehicles.
- 3048 (f) On or before September 30, 2023, the department shall provide a report to the
- 3049 Transportation Interim Committee of the department's findings from the study items
- 3050 described in Subsections (2)(b) through (2)(e).
- 3051 (g) The department may only use existing funds to cover the expenses incurred from the
- 3052 study of items described in Subsections (2)(b) through (2)(e).
- 3053 (3)(a) The department and a large public transit district shall jointly study programs
- 3054 offered by government entities related to human services transportation, including:

- 3055 (i) coordinated mobility services;
3056 (ii) paratransit services;
3057 (iii) nonemergency medical transportation;
3058 (iv) youth transportation programs, excluding school bus transportation; and
3059 (v) other similar fare-based or fee-based programs provided or coordinated within the
3060 boundary of the large public transit district, including those involving the
3061 department, a large public transit district, local governments, or other government
3062 agencies and nonprofit entities that provide similar services.
- 3063 (b) The study shall evaluate strategies to consolidate the transportation services
3064 described in Subsection (3)(a) to improve efficiency and service.
- 3065 (c) The department and large public transit district shall:
- 3066 (i) provide a preliminary report on the study to the Transportation Interim Committee
3067 on or before November 1, 2025; and
- 3068 (ii) prepare and present recommendations to the Transportation Interim Committee
3069 on or before November 1, 2026, for the consolidation of the services described in
3070 Subsection (3)(a).
- 3071 (4)(a) As used in this Subsection (4):
- 3072 (i) "City" means Salt Lake City.
- 3073 (ii) "Highway reduction strategy" means any strategy that has the potential to
3074 decrease the number of vehicles that can travel on a highway per hour, including:
3075 (A) permanently reducing the number of motorized vehicle travel lanes on an
3076 arterial or collector road;
3077 (B) permanently narrowing existing motorized vehicle travel lanes on an arterial
3078 or collector road; or
3079 (C) any other strategy that when implemented may increase congestion for motor
3080 vehicles driving on an arterial or collector road.
- 3081 (iii) "Mobility and environmental impact analysis" means a study that assesses the
3082 impacts within the study area of implementing a highway reduction strategy on
3083 collector and arterial highways, including the impacts to other highways, local
3084 highways, mobility, traffic flow, pedestrian and nonmotorized vehicle flow, the
3085 economy, public health, quality of life, air quality, maintenance, and operations.
- 3086 (iv) "Study area" means the area within Salt Lake City that is west of Foothill Drive,
3087 north of 2100 South, east of I-15, and south of 600 North.
- 3088 (b)(i) Except as described in Subsection (4)(c), a city may not implement or begin a

project as part of a highway reduction strategy on a collector or arterial highway within the study area unless the project is part of a mobility plan approved by the department as described in this Subsection (4)(b).

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

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

(B) evaluate impacts to vehicle trip time;

(C) evaluate impacts to air quality;

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

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

(F) in collaboration with the department, assesses impacts to state roads;

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

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

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

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

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

(iii)(A) After the department receives a complete mobility plan as described in Subsection (4)(b)(ii), the department shall determine if the mobility plan meets the requirements of this section and shall approve or reject the plan within two months of receiving the mobility plan.

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

(c) The city may begin or continue construction on a collector or arterial road related to any reduction strategy within the study area if the project has been advertised before March 7, 2025.

- (d) The department shall, in partnership with the city, conduct a mobility and environmental impact analysis to determine the impacts of highway reduction strategies within the study area that the city has implemented on or after July 1, 2015, or has plans to implement on or before July 1, 2035.
- (e) As part of the mobility and environmental impact analysis, the department shall:
- (i) assess the cumulative impact of each highway reduction strategy within the study area that the city has implemented or has plans to implement between July 1, 2015, and July 1, 2035; and
- (ii) consult with relevant stakeholders, including business owners, commuters, and residents impacted by the highway reduction strategy.
- (f) A city subject to a mobility and environmental impact analysis under this Subsection (4) shall provide to the department any information the department determines necessary for conducting the mobility and environmental impact analysis, including any plans that city has adopted or discussed with regards to a highway reduction strategy.
- (g)(i) The department shall provide the mobility and environmental impact analysis to the Transportation Interim Committee on or before October 15, 2025.
- (ii) The city shall provide a response to the mobility and environmental impact analysis to the Transportation Interim Committee on or before November 1, 2025.
- (h) As provided in Section 63I-1-272, this Subsection (4) is subject to a sunset review by the Transportation Interim Committee during 2027.

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

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

- (1) The commission has the following duties:
- (a) determining priorities and funding levels of projects and programs in the state transportation systems and the capital development of new public transit facilities for each fiscal year based on project lists compiled by the department and taking into consideration the strategic initiatives described in Section 72-1-211;
- (b) determining additions and deletions to state highways under Chapter 4, Designation of State Highways Act;
- (c) holding public meetings and otherwise providing for public input in transportation matters;
- (d) making policies and rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to perform the commission's duties

- 3157 described under this section;
- 3158 (e) in accordance with Section 63G-4-301, reviewing orders issued by the executive
- 3159 director in adjudicative proceedings held in accordance with Title 63G, Chapter 4,
- 3160 Administrative Procedures Act;
- 3161 (f) advising the department on state transportation systems policy;
- 3162 (g) approving settlement agreements of condemnation cases subject to Section
- 3163 63G-10-401;
- 3164 (h) in accordance with Section 17B-2a-807, appointing a commissioner to serve as a
- 3165 nonvoting member or a voting member on the board of trustees of a public transit
- 3166 district;
- 3167 (i) in accordance with Section 17B-2a-808, reviewing, at least annually, the short-term
- 3168 and long-range public transit plans;
- 3169 (j) determining the priorities and funding levels of public transit innovation grants, as
- 3170 defined in Section 72-2-401; and
- 3171 (k) reviewing administrative rules made, substantively amended, or repealed by the
- 3172 department.
- 3173 (2)(a) For projects prioritized with funding provided under Sections 72-2-124 and
- 3174 72-2-125, the commission shall annually report to~~[a committee designated by the~~
- 3175 ~~Legislative Management Committee]~~ the Transportation and Infrastructure
- 3176 Appropriations Subcommittee:
- 3177 (i) a prioritized list of the new transportation capacity projects in the state
- 3178 transportation system and the funding levels available for those projects; and
- 3179 (ii) the unfunded highway construction and maintenance needs within the state.
- 3180 (b) ~~The [committee designated by the Legislative Management Committee under~~
- 3181 ~~Subsection (2)(a)]~~ Transportation and Infrastructure Appropriations Subcommittee
- 3182 shall:
- 3183 (i) review the list reported by the Transportation Commission; and
- 3184 (ii) make a recommendation to the Legislature on:
- 3185 (A) the amount of additional funding to allocate to transportation; and
- 3186 (B) the source of revenue for the additional funding allocation under Subsection
- 3187 (2)(b)(ii)(A).
- 3188 (3) The commission shall review and may approve plans for the construction of a highway
- 3189 facility over sovereign lakebed lands in accordance with Chapter 6, Part 3, Approval of
- 3190 Highway Facilities on Sovereign Lands Act.

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

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

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

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

- (i) new transportation capacity projects that are or will be part of the state highway system under Chapter 4, Part 1, State Highways;
- (ii) paved pedestrian or paved nonmotorized transportation projects described in Section 72-2-124;
- (iii) public transit projects that directly add capacity to the public transit systems within the state, not including facilities ancillary to the public transit system; and
- (iv) pedestrian or nonmotorized transportation projects that provide connection to a public transit system.

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

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

- (A) the project will advance the purposes and goals described in Section 72-1-211;
- (B) for a public transit project, the local government or public transit district has an ongoing funding source for operations and maintenance of the proposed development; and
- (C) the local government or public transit district will provide the percentage of the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or [~~72-2-124(9)(e)~~] 72-2-124(10)(e).

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

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

- (b) a definition of the type of projects to which the written prioritization process applies;
- (c) specification of a weighted criteria system that is used to rank proposed projects and how it will be used to determine which projects will be prioritized;
- (d) specification of the data that is necessary to apply the weighted ranking criteria; and
- (e) any other provisions the commission considers appropriate, which may include consideration of:
- (i) regional and statewide economic development impacts, including improved local access to:
 - (A) employment;
 - (B) educational facilities;
 - (C) recreation;
 - (D) commerce; and
 - (E) residential areas, including moderate income housing as demonstrated in the local government's or public transit district's general plan pursuant to Section 10-9a-403 or 17-27a-403;
 - (ii) the extent to which local land use plans relevant to a project support and accomplish the strategic initiatives adopted under Section 72-1-211; and
 - (iii) any matching funds provided by a political subdivision or public transit district in addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii) and ~~72-2-124(9)(e)~~ 72-2-124(10)(e).
- (3)(a) When prioritizing a public transit project that increases capacity, the commission:
- (i) may give priority consideration to projects that are part of a transit-oriented development or transit-supportive development as defined in Section 17B-2a-802; and
 - (ii) shall give priority consideration to projects that are within the boundaries of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- (b) When prioritizing a transportation project that increases capacity, the commission may give priority consideration to projects that are:
- (i) part of a transportation reinvestment zone created under Section 11-13-227 if:
 - (A) the state is a participant in the transportation reinvestment zone; or
 - (B) the commission finds that the transportation reinvestment zone provides a benefit to the state transportation system; or
 - (ii) within the boundaries of a housing and transit reinvestment zone created pursuant

to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

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

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

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

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

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

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

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

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

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

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

(2) Prior to finalizing priorities and funding levels of projects in the state transportation system, the commission shall conduct public meetings at locations around the state and

accept public comments on:

(a) the written prioritization process;

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

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

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

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

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

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

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

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

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

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

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

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

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

3327 **72-2-106 (Effective 07/01/25). Appropriation and transfers from Transportation**
 3328 **Fund.**

3329 (1) On and after July 1, 1981, there is appropriated from the Transportation Fund to the use
 3330 of the department an amount equal to two-elevenths of the taxes collected from the
 3331 motor fuel tax and the special fuel tax, exclusive of the formula amount appropriated for
 3332 class B and class C roads, to be used for highway rehabilitation.

3333 [~~(2) For a fiscal year beginning on or after July 1, 2016, the Division of Finance shall~~
 3334 ~~annually transfer an amount equal to the amount of revenue generated by a tax imposed~~
 3335 ~~on motor and special fuel that is sold, used, or received for sale or used in this state at a~~
 3336 ~~rate of 1.8 cents per gallon to the Transportation Investment Fund of 2005 created by~~
 3337 ~~Section 72-2-124.]~~

3338 [(3)] (2) For a fiscal year beginning on or after July 1, 2019, the Division of Finance shall
 3339 annually transfer to the Transportation Investment Fund of 2005 created by Section
 3340 72-2-124 an amount that is equal to 35% of the amount of revenue generated in the
 3341 current fiscal year by the portion of the tax imposed on motor and special fuel that is
 3342 sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.

3343 [(4)] (3) For purposes of the calculation described in Subsection 59-12-103(7)(c), the
 3344 Division of Finance shall notify the State Tax Commission of the amount of any transfer
 3345 made under [~~Subsections (2) and (3)] Subsection (2).~~

3346 Section 29. Section **72-2-121** is amended to read:

3347 **72-2-121 (Effective upon governor's approval). County of the First Class**
 3348 **Highway Projects Fund.**

3349 (1) There is created a special revenue fund within the Transportation Fund known as the
 3350 "County of the First Class Highway Projects Fund."

3351 (2) The fund consists of money generated from the following revenue sources:

- 3352 (a) any voluntary contributions received for new construction, major renovations, and
- 3353 improvements to highways within a county of the first class;
- 3354 (b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b)
- 3355 deposited into or transferred to the fund;
- 3356 (c) the portion of the sales and use tax described in Section 59-12-2217 deposited into or
- 3357 transferred to the fund;
- 3358 (d) a portion of the local option highway construction and transportation corridor
- 3359 preservation fee imposed in a county of the first class under Section 41-1a-1222
- 3360 deposited into or transferred to the fund; and

- 3361 (e) the portion of the sales and use tax transferred into the fund as described in
3362 Subsections 59-12-2220(4)(a) and 59-12-2220(11)(b).
- 3363 (3)(a) The fund shall earn interest.
- 3364 (b) All interest earned on fund money shall be deposited into the fund.
- 3365 (4) Subject to Subsection (11), the executive director shall use the fund money only:
- 3366 (a) to pay debt service and bond issuance costs for bonds issued under Sections
3367 63B-16-102, 63B-18-402, and 63B-27-102;
- 3368 (b) for right-of-way acquisition, new construction, major renovations, and improvements
3369 to highways within a county of the first class and to pay any debt service and bond
3370 issuance costs related to those projects, including improvements to a highway located
3371 within a municipality in a county of the first class where the municipality is located
3372 within the boundaries of more than a single county;
- 3373 (c) for the construction, acquisition, use, maintenance, or operation of:
- 3374 (i) an active transportation facility for nonmotorized vehicles;
- 3375 (ii) multimodal transportation that connects an origin with a destination; or
- 3376 (iii) a facility that may include a:
- 3377 (A) pedestrian or nonmotorized vehicle trail;
- 3378 (B) nonmotorized vehicle storage facility;
- 3379 (C) pedestrian or vehicle bridge; or
- 3380 (D) vehicle parking lot or parking structure;
- 3381 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by
3382 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the
3383 amounts transferred in accordance with Subsection [~~72-2-124(4)(a)(iv)~~]
3384 72-2-124(4)(a)(v);
- 3385 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond
3386 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the
3387 projects described in Subsection 63B-18-401(4)(a);
- 3388 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has
3389 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in
3390 the fund, to transfer an amount equal to 50% of the revenue generated by the local
3391 option highway construction and transportation corridor preservation fee imposed
3392 under Section 41-1a-1222 in a county of the first class:
- 3393 (i) to the legislative body of a county of the first class; and
- 3394 (ii) to be used by a county of the first class for:

- 3395 (A) highway construction, reconstruction, or maintenance projects; or
3396 (B) the enforcement of state motor vehicle and traffic laws;
- 3397 (g) for a fiscal year beginning on or after July 1, 2015, after the department has verified
3398 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund
3399 and the transfer under Subsection (4)(e) has been made, to annually transfer an
3400 amount of the sales and use tax revenue imposed in a county of the first class and
3401 deposited into the fund in accordance with Subsection 59-12-2214(3)(b) equal to an
3402 amount needed to cover the debt to:
- 3403 (i) the appropriate debt service or sinking fund for the repayment of bonds issued
3404 under Section 63B-27-102; and
3405 (ii) the appropriate debt service or sinking fund for the repayment of bonds issued
3406 under Sections 63B-31-102 and 63B-31-103;
- 3407 (h) after the department has verified that the amount required under Subsection
3408 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection
3409 (4)(d), the payment under Subsection (4)(e), and the transfer under Subsection
3410 (4)(g)(i) has been made, to annually transfer \$2,000,000 to a public transit district in
3411 a county of the first class to fund a system for public transit;
- 3412 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified
3413 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund
3414 and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e),
3415 and the transfer under Subsection (4)(g)(i) has been made, to annually transfer 20%
3416 of the amount deposited into the fund under Subsection (2)(b):
- 3417 (i) to the legislative body of a county of the first class; and
3418 (ii) to fund parking facilities in a county of the first class that facilitate significant
3419 economic development and recreation and tourism within the state;
- 3420 (j) subject to Subsection (5), for a fiscal year beginning on or after July 1, 2021, and for
3421 15 years thereafter, to annually transfer the following amounts to the following cities
3422 and the county of the first class for priority projects to mitigate congestion and
3423 improve transportation safety:
- 3424 (i) \$2,000,000 to Sandy;
3425 (ii) \$2,300,000 to Taylorsville;
3426 (iii) \$1,100,000 to Salt Lake City;
3427 (iv) \$1,100,000 to West Jordan;
3428 (v) \$1,100,000 to West Valley City;

- 3429 (vi) \$800,000 to Herriman;
- 3430 (vii) \$700,000 to Draper;
- 3431 (viii) \$700,000 to Riverton;
- 3432 (ix) \$700,000 to South Jordan;
- 3433 (x) \$500,000 to Bluffdale;
- 3434 (xi) \$500,000 to Midvale;
- 3435 (xii) \$500,000 to Millcreek;
- 3436 (xiii) \$500,000 to Murray;
- 3437 (xiv) \$400,000 to Cottonwood Heights; and
- 3438 (xv) \$300,000 to Holladay; and
- 3439 (k) for the 2024-25 and 2025-26 fiscal years, and subject to revenue balances after the
- 3440 distributions under Subsection (4)(j), to reimburse the following municipalities for
- 3441 the amounts and projects indicated, as each project progresses and as revenue
- 3442 balances allow:
- 3443 (i) \$3,200,000 to South Jordan for improvements to Bingham Rim Road from
- 3444 Grandville Avenue to Mountain View Corridor;
- 3445 (ii) \$1,960,000 to Midvale for improvements to Center Street between State Street
- 3446 and 700 West;
- 3447 (iii) \$3,500,000 to Salt Lake City for first and last mile public transit improvements
- 3448 throughout Salt Lake City;
- 3449 (iv) \$1,500,000 to Cottonwood Heights for improvements to Fort Union Boulevard
- 3450 and 2300 East;
- 3451 (v) \$3,450,000 to Draper for improvements to Bangerter Highway between 13800
- 3452 South and I-15;
- 3453 (vi) \$10,500,000 to Herriman to construct a road between U-111 and 13200 South;
- 3454 (vii) \$3,000,000 to West Jordan for improvements to 1300 West;
- 3455 (viii) \$1,050,000 to Riverton for improvements to the Welby Jacob Canal trail
- 3456 between 11800 South and 13800 South;
- 3457 (ix) \$3,500,000 to Taylorsville for improvements to Bangerter Highway and 4700
- 3458 South;
- 3459 (x) \$470,000 to the department for construction of a sound wall on Bangerter
- 3460 Highway at approximately 11200 South;
- 3461 (xi) \$1,250,000 to Murray for improvements to Murray Boulevard between 4800
- 3462 South and 5300 South;

3463 [(xii) \$1,450,000 to West Valley for construction of a road connecting 5400 South to
 3464 U-111;]
 3465 [(xiii)] (xii) \$1,840,000 to Magna for construction and improvements to 8400 West
 3466 and 4100 South;
 3467 [(xiv)] (xiii) \$1,000,000 to South Jordan for construction of arterial roads connecting
 3468 U-111 and Old Bingham Highway;
 3469 [(xv)] (xiv) \$1,200,000 to Millcreek for reconstruction of and improvements to 2000
 3470 East between 3300 South and Atkin Avenue;
 3471 [(xvi)] (xv) \$1,230,000 to Holladay for improvements to Highland Drive between
 3472 Van Winkle Expressway and Arbor Lane;
 3473 [(xvii)] (xvi) [~~\$1,800,000~~] \$3,250,000 to West Valley City for improvements to 4000
 3474 West between 4100 South and 4700 South and improvements to 4700 South from
 3475 4000 West to Bangerter Highway; and
 3476 [(xviii)] (xvii) \$1,000,000 to Taylorsville for improvements to 4700 South at the I-215
 3477 interchange.
 3478 (5)(a) If revenue in the fund is insufficient to satisfy all of the transfers described in
 3479 Subsection (4)(j), the executive director shall proportionately reduce the amounts
 3480 transferred as described in Subsection (4)(j).
 3481 (b) A local government may not use revenue described in Subsection (4)(j) to supplant
 3482 existing class B or class C road funds that a local government has budgeted for
 3483 transportation projects.
 3484 (6) The revenues described in Subsections (2)(b), (c), and (d) that are deposited into the
 3485 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402,
 3486 and 63B-27-102 are considered a local matching contribution for the purposes described
 3487 under Section 72-2-123.
 3488 (7) The department may expend up to \$3,000,000 of revenue deposited into the account as
 3489 described in Subsection 59-12-2220(11)(b) for public transit innovation grants, as
 3490 provided in Part [3] 4, Public Transit Innovation Grants.
 3491 (8) The additional administrative costs of the department to administer this fund shall be
 3492 paid from money in the fund.
 3493 (9) Subject to Subsection (11), and notwithstanding any statutory or other restrictions on
 3494 the use or expenditure of the revenue sources deposited into this fund, the Department of
 3495 Transportation may use the money in this fund for any of the purposes detailed in
 3496 Subsection (4).

- 3497 (10) Subject to Subsection (11), any revenue deposited into the fund as described in
3498 Subsection (2)(e) shall be used to provide funding or loans for public transit projects,
3499 operations, and supporting infrastructure in the county of the first class.
- 3500 (11) For the first three years after a county of the first class imposes a sales and use tax
3501 authorized in Section 59-12-2220, revenue deposited into the fund as described in
3502 Subsection (2)(e) shall be allocated as follows:
- 3503 (a) 10% to the department to construct an express bus facility on 5600 West; and
3504 (b) 90% into the County of the First Class Infrastructure Bank Fund created in Section
3505 72-2-302.
- 3506 Section 30. Section **72-2-121.3** is amended to read:
- 3507 **72-2-121.3 (Effective 05/07/25). Special revenue fund -- 2010 Salt Lake County**
3508 **Revenue Bond Sinking Fund.**
- 3509 (1) There is created a special revenue fund within the County of the First Class Highway
3510 Projects Fund entitled "2010 Salt Lake County Revenue Bond Sinking Fund."
- 3511 (2) The fund consists of:
- 3512 (a) money transferred into the fund from the County of the First Class Highway Projects
3513 Fund in accordance with Subsection 72-2-121(4)(d); and
3514 (b) for a fiscal year beginning on or after July 1, 2013, money transferred into the fund
3515 from the Transportation Investment Fund of 2005 in accordance with Subsection [
3516 ~~72-2-124(4)(a)(iv)~~] 72-2-124(4)(a)(v).
- 3517 (3)(a) The fund shall earn interest.
- 3518 (b) All interest earned on fund money shall be deposited into the fund.
- 3519 (4)(a) The director of the Division of Finance may use fund money only as provided in
3520 this section.
- 3521 (b) The director of the Division of Finance may not distribute any money from the fund
3522 under this section until the director has received a formal opinion from the attorney
3523 general that Salt Lake County has entered into a binding agreement with the state of
3524 Utah containing all of the terms required by Section 72-2-121.4.
- 3525 (c) Except as provided in Subsection (4)(b), and until the bonds issued by Salt Lake
3526 County as provided in the interlocal agreement required by Section 72-2-121.4 are
3527 paid off, on July 1 of each year beginning July 1, 2011, the director of the Division of
3528 Finance shall transfer from the County of the First Class Highway Projects Fund and
3529 the Transportation Investment Fund of 2005 to the 2010 Salt Lake County Revenue
3530 Bond Sinking Fund the amount certified by Salt Lake County that is necessary to pay:

- 3531 (i) up to two times the debt service requirement necessary to pay debt service on the
3532 revenue bonds issued by Salt Lake County for that fiscal year; and
3533 (ii) any additional amounts necessary to pay costs of issuance, pay capitalized
3534 interest, and fund any debt service reserve requirements.
- 3535 (d) Except as provided in Subsection (4)(b), and until the bonds issued by Salt Lake
3536 County as provided in the interlocal agreement required by Section 72-2-121.4 are
3537 paid off, the director of the Division of Finance shall, upon request from Salt Lake
3538 County, transfer to Salt Lake County or its designee from the 2010 Salt Lake County
3539 Revenue Bond Sinking Fund the amount certified by Salt Lake County as necessary
3540 to pay:
- 3541 (i) the debt service on the revenue bonds issued by Salt Lake County as provided in
3542 the interlocal agreement required by Section 72-2-121.4; and
3543 (ii) any additional amounts necessary to pay costs of issuance, pay capitalized
3544 interest, and fund any debt service reserve requirements.
- 3545 (5) Any money remaining in the 2010 Salt Lake County Revenue Bond Sinking Fund at the
3546 end of the fiscal year lapses to the County of the First Class Highway Projects Fund.
- 3547 Section 31. Section **72-2-123** is amended to read:
- 3548 **72-2-123 (Effective 05/07/25). Rules adopting guidelines -- Partnering to finance**
3549 **state highway capacity improvements -- Partnering proposals.**
- 3550 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3551 commission, in consultation with representatives of local government, shall make rules
3552 adopting guidelines for partnering with counties and municipalities for their help to
3553 finance state highway improvement projects through:
- 3554 (a) local matching dollars;
3555 (b) agreements regarding new revenue a county or municipality expects will be
3556 generated as a result of the construction of a state highway improvement project; or
3557 (c) other local participation methods.
- 3558 (2) The guidelines described in Subsection (1) shall encourage partnering to help finance
3559 state highway improvement projects and provide for:
- 3560 (a) the consideration of factors relevant to a decision to make a program adjustment
3561 including the potential to:
- 3562 (i) extend department resources to other needed projects;
3563 (ii) alleviate significant existing or future congestion or hazards to the traveling
3564 public; and

3565 (iii) address a need that is widely recognized by the public, elected officials, and
3566 transportation planners;

3567 (b) a process for submitting, evaluating, and hearing partnering proposals; and

3568 (c) the creation of a public record of each proposal from initial submission to final
3569 disposition.

3570 (3) The commission shall submit the proposed rules under this section to [~~a committee or~~
3571 ~~task force designated by the Legislative Management Committee~~] the Transportation
3572 Interim Committee for review prior to taking final action on the proposed rules or any
3573 proposed amendment to the rules.

3574 Section 32. Section **72-2-124** is amended to read:

3575 **72-2-124 (Effective 05/07/25). Transportation Investment Fund of 2005.**

3576 (1) There is created a capital projects fund entitled the Transportation Investment Fund of
3577 2005.

3578 (2) The fund consists of money generated from the following sources:

3579 (a) any voluntary contributions received for the maintenance, construction,
3580 reconstruction, or renovation of state and federal highways;

3581 (b) appropriations made to the fund by the Legislature;

3582 (c) registration fees designated under Section 41-1a-1201;

3583 (d) the sales and use tax revenues deposited into the fund in accordance with Section
3584 59-12-103; and

3585 (e) revenues transferred to the fund in accordance with Section 72-2-106.

3586 (3)(a) The fund shall earn interest.

3587 (b) All interest earned on fund money shall be deposited into the fund.

3588 (4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund
3589 money to pay:

3590 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
3591 federal highways prioritized by the Transportation Commission through the
3592 prioritization process for new transportation capacity projects adopted under
3593 Section 72-1-304;

3594 (ii) the costs of maintenance, construction, reconstruction, or renovation to the
3595 highway projects described in Subsections 63B-18-401(2), (3), and (4);

3596 (iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in
3597 Section 72-5-401;

3598 ~~[(iii)]~~ (iv) principal, interest, and issuance costs of bonds authorized by Section

3599 63B-18-401 minus the costs paid from the County of the First Class Highway
 3600 Projects Fund in accordance with Subsection 72-2-121(4)(e);
 3601 ~~[(iv)]~~ (v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010
 3602 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the
 3603 amount certified by Salt Lake County in accordance with Subsection 72-2-121.3
 3604 (4)(c) as necessary to pay the debt service on \$30,000,000 of the revenue bonds
 3605 issued by Salt Lake County;
 3606 ~~[(v)]~~ (vi) principal, interest, and issuance costs of bonds authorized by Section
 3607 63B-16-101 for projects prioritized in accordance with Section 72-2-125;
 3608 ~~[(vi) all highway general obligation bonds that are intended to be paid from revenues~~
 3609 ~~in the Centennial Highway Fund created by Section 72-2-118;]~~
 3610 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
 3611 Class Highway Projects Fund created in Section 72-2-121 to be used for the
 3612 purposes described in Section 72-2-121;
 3613 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
 3614 the costs needed for construction, reconstruction, or renovation of paved
 3615 pedestrian or paved nonmotorized transportation for projects that:
 3616 (A) mitigate traffic congestion on the state highway system;
 3617 (B) are part of an active transportation plan approved by the department; and
 3618 (C) are prioritized by the commission through the prioritization process for new
 3619 transportation capacity projects adopted under Section 72-1-304;
 3620 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
 3621 reconstruction, or renovation of or improvement to the following projects:
 3622 (A) the connector road between Main Street and 1600 North in the city of
 3623 Vineyard;
 3624 (B) Geneva Road from University Parkway to 1800 South;
 3625 (C) the SR-97 interchange at 5600 South on I-15;
 3626 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to
 3627 South Jordan Parkway;
 3628 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
 3629 (F) improvements to 1600 North in Orem from 1200 West to State Street;
 3630 (G) widening I-15 between mileposts 6 and 8;
 3631 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
 3632 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197

3633 in Spanish Fork Canyon;

3634 (J) I-15 northbound between mileposts 43 and 56;

3635 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts
3636 43 and 45.1;

3637 (L) east Zion SR-9 improvements;

3638 (M) Toquerville Parkway;

3639 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;

3640 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds,
3641 for construction of an interchange on Bangerter Highway at 13400 South; and

3642 (P) an environmental impact study for Kimball Junction in Summit County;[~~and~~]

3643 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
3644 costs based upon a statement of cash flow that the local jurisdiction where the
3645 project is located provides to the department demonstrating the need for money
3646 for the project, for the following projects in the following amounts:

3647 (A) \$5,000,000 for Payson Main Street repair and replacement;

3648 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;

3649 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and

3650 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S.
3651 40 between mile markers 7 and 10[-] ; and

3652 (xi) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from
3653 revenue deposited into the fund in accordance with Section 59-12-103, for the
3654 following projects:

3655 (A) \$3,000,000 to Salem for an environmental impact study for the I-15 Salem
3656 and Benjamin project; and

3657 (B) \$2,000,000 to Kane County for the Coral Pink Sand Dunes Road project.

3658 (b) The executive director may use fund money to exchange for an equal or greater
3659 amount of federal transportation funds to be used as provided in Subsection (4)(a).

3660 (c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may
3661 not commence until a right-of-way not owned by a federal agency that is required
3662 for the realignment and extension of U-111, as described in the department's 2023
3663 environmental study related to the project, is dedicated to the department.

3664 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the
3665 project as described in Subsection (4)(c)(i) on or before October 1, 2024, the
3666 department may proceed with the project, except that the project will be limited to

two lanes on U-111 from Herriman Parkway to 11800 South.

- (5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the municipality until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (5) no longer applies to the municipality.
- (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive director:
- (i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility or interchange connecting limited-access facilities;
 - (ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;
 - (iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and
 - (iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.
- (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive director before July 1, 2022, for projects prioritized by the commission under Section 72-1-304.

- (6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the unincorporated area of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (6) no longer applies to the county.
- (b) Within the boundaries of the unincorporated area of a county described in Subsection (6)(a), the executive director:
- (i) may program fund money in accordance with Subsection (4)(a) for a

3701 limited-access facility to a project prioritized by the commission under Section
3702 72-1-304;

3703 (ii) may not program fund money for the construction, reconstruction, or renovation
3704 of an interchange on a limited-access facility;

3705 (iii) may program Transit Transportation Investment Fund money for a
3706 multi-community fixed guideway public transportation project; and

3707 (iv) may not program Transit Transportation Investment Fund money for the
3708 construction, reconstruction, or renovation of a station that is part of a fixed
3709 guideway public transportation project.

3710 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive
3711 director before July 1, 2022, for projects prioritized by the commission under Section
3712 72-1-304.

3713 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in
3714 any fiscal year, the department and the commission shall appear before the Executive
3715 Appropriations Committee of the Legislature and present the amount of bond
3716 proceeds that the department needs to provide funding for the projects identified in
3717 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current
3718 or next fiscal year.

3719 (b) The Executive Appropriations Committee of the Legislature shall review and
3720 comment on the amount of bond proceeds needed to fund the projects.

3721 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount
3722 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
3723 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt
3724 service or sinking fund.

3725 (9) The executive director may only use money in the fund for corridor preservation as
3726 described in Subsection (4)(a)(iii):

3727 (a) if the project has been prioritized by the commission, including the use of fund
3728 money for corridor preservation; or

3729 (b) for a project that has not been prioritized by the commission, if the commission:

3730 (i) approves the use of fund money for the corridor preservation; and
3731 (ii) finds that the use of fund money for corridor preservation will not result in any
3732 delay to a project that has been prioritized by the commission.

3733 ~~[(9)]~~ (10)(a) There is created in the Transportation Investment Fund of 2005 the Transit
3734 Transportation Investment Fund.

- (b) The fund shall be funded by:
- (i) contributions deposited into the fund in accordance with Section 59-12-103;
 - (ii) appropriations into the account by the Legislature;
 - (iii) deposits of sales and use tax increment related to a housing and transit reinvestment zone as described in Section 63N-3-610;
 - (iv) transfers of local option sales and use tax revenue as described in Subsection 59-12-2220(11)(b) or (c);
 - (v) private contributions; and
 - (vi) donations or grants from public or private entities.
- (c)(i) The fund shall earn interest.
- (ii) All interest earned on fund money shall be deposited into the fund.
- (d) Subject to Subsection ~~[(9)(e)]~~ (10)(e), the commission may prioritize money from the fund:
- (i) for public transit capital development of new capacity projects and fixed guideway capital development projects to be used as prioritized by the commission through the prioritization process adopted under Section 72-1-304;
 - (ii) to the department for oversight of a fixed guideway capital development project for which the department has responsibility; or
 - (iii) up to \$500,000 per year, to be used for a public transit study.
- (e)(i) Subject to Subsections ~~[(9)(g)]~~ (10)(g), (h), and (i), the commission may only 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

- 3769 year for 15 years to be used to facilitate the purchase of zero emissions or low
3770 emissions rail engines and trainsets for regional public transit rail systems.
- 3771 (g) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(b):
3772 (i) the commission may prioritize money from the fund for public transit projects,
3773 operations, or maintenance within the county of the first class; and
3774 (ii) Subsection ~~[(9)(e)]~~ (10)(e) does not apply.
- 3775 (h) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(c):
3776 (i) the commission may prioritize public transit projects, operations, or maintenance
3777 in the county from which the revenue was generated; and
3778 (ii) Subsection ~~[(9)(e)]~~ (10)(e) does not apply.
- 3779 (i) The requirement to provide funds equal to or greater than 30% of the costs needed for
3780 the project described in Subsection ~~[(9)(e)]~~ (10)(e) does not apply to a public transit
3781 capital development project or pedestrian or nonmotorized transportation project that
3782 the department proposes.
- 3783 (j) In accordance with Part ~~[3]~~ 4, Public Transit Innovation Grants, the commission may
3784 prioritize money from the fund for public transit innovation grants, as defined in
3785 Section 72-2-401, for public transit capital development projects requested by a
3786 political subdivision within a public transit district.
- 3787 ~~[(40)]~~ (11)(a) There is created in the Transportation Investment Fund of 2005 the
3788 Cottonwood Canyons Transportation Investment Fund.
- 3789 (b) The fund shall be funded by:
3790 (i) money deposited into the fund in accordance with Section 59-12-103;
3791 (ii) appropriations into the account by the Legislature;
3792 (iii) private contributions; and
3793 (iv) donations or grants from public or private entities.
- 3794 (c)(i) The fund shall earn interest.
3795 (ii) All interest earned on fund money shall be deposited into the fund.
- 3796 (d) The Legislature may appropriate money from the fund for public transit or
3797 transportation projects in the Cottonwood Canyons of Salt Lake County.
- 3798 (e) The department may use up to 2% of the revenue deposited into the account under
3799 Subsection 59-12-103(7)(b) to contract with local governments as necessary for
3800 public safety enforcement related to the Cottonwood Canyons of Salt Lake County.
- 3801 ~~[(41)]~~ (12)(a) There is created in the Transportation Investment Fund of 2005 the Active
3802 Transportation Investment Fund.

(b) The fund shall be funded by:

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

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

(iii) donations or grants from public or private entities.

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

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

(d) The executive director may only use fund money to pay the costs needed for:

(i) the planning, design, construction, maintenance, reconstruction, or renovation of paved pedestrian or paved nonmotorized trail projects that:

(A) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

(B) serve a regional purpose; and

(C) are part of an active transportation plan approved by the department or the plan described in Subsection ~~[(11)(d)(ii)]~~ (12)(d)(ii);

(ii) the development of a plan for a statewide network of paved pedestrian or paved nonmotorized trails that serve a regional purpose; and

(iii) the administration of the fund, including staff and overhead costs.

~~[(12)]~~ (13)(a) As used in this Subsection ~~[(12)]~~ (13), "commuter rail" means the same as that term is defined in Section 63N-3-602.

(b) There is created in the Transit Transportation Investment Fund the Commuter Rail Subaccount.

(c) The subaccount shall be funded by:

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

(ii) appropriations into the subaccount by the Legislature;

(iii) private contributions; and

(iv) donations or grants from public or private entities.

(d)(i) The subaccount shall earn interest.

(ii) All interest earned on money in the subaccount shall be deposited into the subaccount.

(e) As prioritized by the commission through the prioritization process adopted under Section 72-1-304 or as directed by the Legislature, the department may only use money from the subaccount for projects that improve the state's commuter rail infrastructure, including the building or improvement of grade-separated crossings between commuter rail lines and public highways.

(f) Appropriations made in accordance with this section are nonlapsing in accordance with Section 63J-1-602.1.

Section 33. Section **72-2-303** is amended to read:

72-2-303 (Effective 05/07/25). Loans and assistance -- Authority -- Rulemaking.

(1) Money in the fund may be used by the department, as prioritized by the commission or as directed by the Legislature, to make infrastructure loans or to provide infrastructure assistance to any public entity for any purpose consistent with any applicable constitutional limitation.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules providing procedures and standards for making infrastructure loans and providing infrastructure assistance and a process for prioritization of requests for loans and assistance.

(3) The prioritization process, procedures, and standards for making an infrastructure loan or providing infrastructure assistance may include consideration of the following:

(a) availability of money in the fund;

(b) credit worthiness of the project;

(c) demonstration that the project will encourage, enhance, or create economic benefits to the state or political subdivision;

(d) likelihood that assistance would enable the project to proceed at an earlier date than would otherwise be possible;

(e) the extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment;

(f) demonstration that the project provides a benefit to the state highway system, including safety or mobility improvements;

(g) the amount of proposed assistance as a percentage of the overall project costs with emphasis on local and private participation;

(h) demonstration that the project provides intermodal connectivity with public transportation, pedestrian, or nonmotorized transportation facilities;[~~and~~]

(i) improvement of transportation connectivity pursuant to Section 10-8-87; and

[~~(i)~~] (j) other provisions the commission considers appropriate.

Section 34. Section **72-2-401** is amended to read:

72-2-401 (Effective 05/07/25). Definitions.

As used in this part:

(1) "Council of governments" means the same as that term is defined in Section 17B-2a-802.

- (2) "Grant" means a public transit innovation grant.
- (3) "High growth area" means an area or municipality within a public transit district that:
- (a) has significantly higher population increase relative to other areas within the county;
 - and
 - (b) is projected to continue to have significant population growth.
- (4) "Public transit district" means the same as that term is defined in Section 17B-2a-802.
- (5)(a) "Public transit innovation grant" means a grant awarded on or after July 1, 2026, to provide targeted pilot programs to:
- (i) increase public transit ridership;
 - (ii) increase public transit service in high growth areas within the public transit district; and
 - (iii) work toward expanding public transit services.
- (b) "Public transit innovation grant" includes a grant to provide:
- (i) pilot bus routes and services in high growth areas;
 - (ii) pilot shuttle connections between fixed guideway stations and job centers, recreation and cultural facilities and attractions, or schools; and
 - (iii) other pilot programs similar to those described in Subsections (5)(b)(i) and (ii) as coordinated between the public transit district and political subdivisions within the public transit district.

Section 35. Section **72-2-402** is amended to read:

72-2-402 (Effective 05/07/25). Public transit innovation grant funding sources.

- (1) In accordance with Section 72-2-403, the commission, in coordination with the department, may rank, prioritize, and provide public transit innovation grants with money derived from the following sources:
- (a) certain local option sales and use tax revenue as described in Subsection 59-12-2219(11)(b); and
 - (b) revenue deposited in accordance with Subsection 59-12-2220(11) into the County of the First Class Highway Projects Fund created in Section 72-2-121.
- (2) In accordance with Section 72-2-124, the department may rank and prioritize public transit innovation grants for capital development to the commission, to be funded with money derived from the Transit Transportation Investment Fund as described in Subsection [~~72-2-124(9)~~] 72-2-124(10).
- (3) Administrative costs of the department to administer public transit innovation grants under this part shall be paid from the funds described in Subsection (1)(a).

Section 36. Section **72-2-403** is amended to read:

72-2-403 (Effective 05/07/25). Public transit innovation grants -- Administration.

- (1) The commission, in consultation with the department, relevant councils of governments, metropolitan planning organizations, and public transit districts, shall develop a process for the prioritization of grant proposals that includes:
 - (a) instructions on making and submitting a grant proposal;
 - (b) methodology for selecting grants; and
 - (c) methodology for awarding grants.
- (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules to establish the process described in Subsection (1) and as otherwise necessary to implement this part.
- (3) ~~[The department shall]~~ On or after July 1, 2026, the department may:
 - (a) accept grant applications;
 - (b) rank grant proposals based on the objectives and criteria established in this part; and
 - (c) provide money to grant recipients as directed by the commission and in accordance with this part.
- (4) A municipality or a group of municipalities may submit a grant proposal to the department.
- (5)(a) A public transit innovation grant proposal shall include data, evidence, and information about:
 - (i) how the project will advance the purposes and goals of a public transit innovation grant described in Subsection 72-2-401(5);
 - (ii) how the proposed services will provide a direct public transit service benefit to the municipality or area;
 - (iii) the proposed mode of public transit or purpose for the funding;
 - (iv) the proposed operator of the service, including qualifications for any proposed operator that is not a public transit district;
 - (v) any funds provided by the municipality or group of municipalities as part of the grant proposal;
 - (vi) how the pilot service will improve ridership in the municipality or area; and
 - (vii) any other information that the municipality or public transit district finds relevant.
- (b) A public transit innovation grant proposal may propose a term of up to three years.
- (c) A public transit innovation grant proposal shall include information regarding

- 3939 integration and coordination with existing public transit services.
- 3940 (6) In considering a public transit innovation grant proposal, the commission shall consider
- 3941 criteria including:
- 3942 (a) population growth within the municipality or area relative to other municipalities or
- 3943 areas within the same county;
- 3944 (b) how the proposal furthers the following objectives:
- 3945 (i) increasing public transit ridership in the area;
- 3946 (ii) improving connectivity for the first and last mile relative to other public transit
- 3947 services; and
- 3948 (iii) improving public transit connectivity in high-growth areas within the public
- 3949 transit district; and
- 3950 (c) any funds proposed to be invested by the municipality or public transit district as part
- 3951 of the grant proposal.
- 3952 (7) The grant proposal may allow for bids for a vendor or public transit district to provide
- 3953 or operate the proposed services.
- 3954 (8) Subject to available funding described in Subsection 72-2-402(1), the commission may
- 3955 award a public transit innovation grant to a recipient that the commission determines
- 3956 furthers the objectives described in Subsections (5) and (6).
- 3957 (9)(a) Subject to Subsection (9)(b), if the commission approves a grant to provide money
- 3958 from a local option sales and use tax described in Subsection 59-12-2219(11), a
- 3959 public transit district shall transfer the money to the department, and the department
- 3960 shall transfer the money to the grant recipient.
- 3961 (b) A public transit district may offset money from a local option sales and use tax
- 3962 described in Subsection 59-12-2219(11) with other funds available to the public
- 3963 transit district.
- 3964 (10) If the commission approves a grant to provide money as provided in Subsection
- 3965 72-2-121(7), the department shall transfer the money to the grant recipient.
- 3966 (11) Any grant funds, assets, or infrastructure acquired or improved through a public transit
- 3967 innovation grant under this part belong to the grant recipient.
- 3968 Section 37. Section **72-3-109** is amended to read:
- 3969 **72-3-109 (Effective 05/07/25). Division of responsibility with respect to state**
- 3970 **highways in cities and towns.**
- 3971 (1) Except as provided in Subsection (3), the jurisdiction and responsibility of the
- 3972 department and the municipalities for state highways within municipalities is as follows:

- (a) The department has jurisdiction over and is responsible for the construction and maintenance of:
- (i) the portion of the state highway located between the back of the curb on either side of the state highway; or
 - (ii) if there is no curb, the traveled way, its contiguous shoulders, and appurtenances.
- (b) The department may widen or improve state highways within municipalities.
- (c)(i) A municipality has jurisdiction over all other portions of the right-of-way and is responsible for construction and maintenance of the right-of-way.
- (ii) If a municipality grants permission for the installation of any pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character within the portion of the right-of-way under its jurisdiction:
- (A) the permission shall contain the condition that any installation will be removed from the right-of-way at the request of the municipality; and
 - (B) the municipality shall cause any installation to be removed at the request of the department when the department finds the removal necessary:
 - (I) to eliminate a hazard to traffic safety;
 - (II) for the construction and maintenance of the state highway; or
 - (III) to meet the requirements of federal regulations.
- (iii) Except as provided in Subsection (1)(h), a municipality may not install or grant permission for the installation of any pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character within the portion of the state highway right-of-way under its jurisdiction without the prior written approval of the department.
- (iv) The department may, by written agreement with a municipality, waive the requirement of its approval under Subsection (1)(c)(iii) for certain types and categories of installations.
- (d) If it is necessary that a utility, as defined in Section 72-6-116, be relocated, reimbursement shall be made for the relocation as provided for in Section 72-6-116.
- (e)(i) The department shall construct curbs, gutters, and sidewalks on the state highways if necessary for the proper control of traffic, driveway entrances, or drainage.
- (ii) If a state highway is widened or altered and existing curbs, gutters, or sidewalks are removed, the department shall replace the curbs, gutters, or sidewalks.

- 4007 (f)(i) The department may furnish and install street lighting systems for state
4008 highways[, but their operation and maintenance is the responsibility of the
4009 municipality].
- 4010 (ii) (i) The municipality is responsible for the operation and maintenance of a street
4011 lighting system furnished and installed by the department, except that the
4012 department shall operate and maintain street lighting that the department furnishes
4013 and installs:
- 4014 (A) along an interstate highway; or
4015 (B) at a signalized intersection that includes a state highway.
- 4016 (iii) Notwithstanding Subsection (1)(f)(ii)(B), the municipality is responsible for the
4017 installation costs, operation, and maintenance of decorative lighting installed at
4018 the request of a municipality.
- 4019 (g) If new storm sewer facilities are necessary in the construction and maintenance of
4020 the state highways, the cost of the storm sewer facilities shall be borne by the state
4021 and the municipality in a proportion mutually agreed upon between the department
4022 and the municipality.
- 4023 (h)(i) For a portion of a state highway right-of-way for which a municipality has
4024 jurisdiction, and upon request of the municipality, the department shall grant
4025 permission for the municipality to issue permits within the state highway
4026 right-of-way, provided that:
- 4027 (A) the municipality gives the department seven calendar days to review and
4028 provide comments on the permit; and
- 4029 (B) upon the request of the department, the municipality incorporates changes to
4030 the permit as jointly agreed upon by the municipality and the department.
- 4031 (ii) If the department fails to provide a response as described in Subsection (1)(h)(i)
4032 within seven calendar days, the municipality may issue the permit.
- 4033 (2)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4034 the department shall make rules governing the location and construction of approach
4035 roads and driveways entering the state highway. The rules shall:
- 4036 (i) include criteria for the design, location, and spacing of approach roads and
4037 driveways based on the functional classification of the adjacent highway,
4038 including the urban or rural nature of the area;
- 4039 (ii) be consistent with the "Manual on Uniform Traffic Control Devices" and the
4040 model access management policy or ordinance developed by the department under

Subsection 72-2-117(8);

(iii) include procedures for:

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

(B) approving, modifying, denying, or appealing the modification or denial of a permit for approach roads and driveways within 45 days of receipt of the application; and

(iv) require written justifications for modifying or denying a permit.

(b) The department may delegate the administration of the rules to the highway authorities of a municipality.

(c) In accordance with this section and Section 72-7-104, an approach road or driveway may not be constructed on a state highway without a permit issued under this section.

(3) The department has jurisdiction and control over the entire right-of-way of interstate highways within municipalities and is responsible for the construction, maintenance, and regulation of the interstate highways within municipalities.

Section 38. Section **72-6-118** is amended to read:

72-6-118 (Effective 05/07/25). Definitions -- Establishment and operation of tollways -- Imposition and collection of tolls -- Amount of tolls -- Rulemaking.

(1) As used in this section:

(a) "High occupancy toll lane" means a high occupancy vehicle lane designated under Section 41-6a-702 that may be used by an operator of a vehicle carrying less than the number of persons specified for the high occupancy vehicle lane if the operator of the vehicle pays a toll or fee.

(b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.

(c) "Toll lane" means a designated new highway or additional lane capacity that is constructed, operated, or maintained for which a toll is charged for its use.

(d)(i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or right-of-way designed and used as a transportation route that is constructed, operated, or maintained through the use of toll revenues.

(ii) "Tollway" includes a high occupancy toll lane and a toll lane.

(e) "Tollway development agreement" has the same meaning as defined in Section 72-6-202.

(2) Subject to the provisions of Subsection (3), the department may:

- (a) establish, expand, and operate tollways and related facilities for the purpose of funding in whole or in part the acquisition of right-of-way and the design, construction, reconstruction, operation, enforcement, and maintenance of or impacts from a transportation route for use by the public;
- (b) enter into contracts, agreements, licenses, franchises, tollway development agreements, or other arrangements to implement this section;
- (c) impose and collect tolls on any tollway established under this section, including collection of past due payment of a toll or penalty;
- (d) grant exclusive or nonexclusive rights to a private entity to impose and collect tolls pursuant to the terms and conditions of a tollway development agreement;
- (e) use technology to automatically monitor a tollway and collect payment of a toll, including:
- (i) license plate reading technology; and
 - (ii) photographic or video recording technology; and
- (f) in accordance with Subsection (5), request that the Division of Motor Vehicles deny a request for registration of a motor vehicle if the motor vehicle owner has failed to pay a toll or penalty imposed for usage of a tollway involving the motor vehicle for which registration renewal has been requested.
- (3)(a) The department may establish or operate a tollway on an existing highway if approved by the commission in accordance with the terms of this section.
- (b) To establish a tollway on an existing highway, the department shall submit a proposal to the commission including:
- (i) a description of the tollway project;
 - (ii) projected traffic on the tollway;
 - (iii) the anticipated amount of the toll to be charged; and
 - (iv) projected toll revenue.
- (4)(a) For a tollway established under this section, the department may:
- (i) according to the terms of each tollway, impose the toll upon the owner of a motor vehicle using the tollway according to the terms of the tollway;
 - (ii) send [~~correspondence~~] notice to the owner of the motor vehicle to inform the owner of:
 - (A) an unpaid toll and the amount of the toll to be paid to the department;
 - (B) the penalty for failure to pay the toll timely; [~~and~~]
 - (C) [~~a~~] any hold being placed on the owner's registration for the motor vehicle if

the toll and penalty are not paid timely, which would prevent the renewal of the motor vehicle's registration; and

(D) any other information required by the terms of the tollway;

(iii) require that the owner of the motor vehicle pay the toll to the department within 30 days of the date when the department sends written notice of the toll to the owner; and

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

(b) The department shall ~~[mail the correspondence and]~~ provide the notice described in Subsection (4)(a) to the owner of the motor vehicle according to the terms of a tollway.

(5)(a) The Division of Motor Vehicles and the department shall share and provide access to information pertaining to a motor vehicle and tollway enforcement including:

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

(ii) information regarding the failure of a motor vehicle owner to timely pay a toll or penalty imposed under this section; and

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

(b) If the department requests a hold on the registration in accordance with this section, the Division of Motor Vehicles may not renew the registration of a motor vehicle under Title 41, Chapter 1a, Part 2, Registration, if the owner of the motor vehicle has failed to pay a toll or penalty imposed under this section for usage of a tollway involving the motor vehicle for which registration renewal has been requested until the department withdraws the hold request.

(6)(a) Except as provided in Subsection (6)(b), in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall:

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

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

(A) an increase in a toll rate or user fee above an increase specified in a tollway development agreement; or

(B) an increase in a toll rate or user fee above a maximum toll rate specified in a tollway development agreement.

(b) A toll or user fee and an increase to a toll or user fee imposed or collected on a tollway on a state highway that is the subject of a tollway development agreement shall be set in the tollway development agreement.

- 4143 (7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4144 the department shall make rules:
- 4145 (i) necessary to establish and operate tollways on state highways;
 - 4146 (ii) that establish standards and specifications for automatic tolling systems and
4147 automatic tollway monitoring technology; and
 - 4148 (iii) to set the amount of a penalty for failure to pay a toll under this section.
- 4149 (b) The rules shall:
- 4150 (i) include minimum criteria for having a tollway; and
 - 4151 (ii) conform to regional and national standards for automatic tolling.
- 4152 (8)(a) The commission may provide funds for public or private tollway pilot projects or
4153 high occupancy toll lanes from General Fund money appropriated by the Legislature
4154 to the commission for that purpose.
- 4155 (b) The commission may determine priorities and funding levels for tollways designated
4156 under this section.
- 4157 (9)(a) Except as provided in Subsection (9)(b), all revenue generated from a tollway on a
4158 state highway shall be deposited into the Tollway Special Revenue Fund created in
4159 Section 72-2-120 and used for any state transportation purpose.
- 4160 (b) Revenue generated from a tollway that is the subject of a tollway development
4161 agreement shall be deposited into the Tollway Special Revenue Fund and used in
4162 accordance with Subsection (9)(a) unless:
- 4163 (i) the revenue is to a private entity through the tollway development agreement; or
 - 4164 (ii) the revenue is identified for a different purpose under the tollway development
4165 agreement.
- 4166 (10) Data described in Subsection (2)(e) obtained for the purposes of this section:
- 4167 (a) in accordance with Section 63G-2-305, is a protected record under Title 63G,
4168 Chapter 2, Government Records Access and Management Act, if the photographic or
4169 video data is maintained by a governmental entity;
 - 4170 (b) may not be used or shared for any purpose other than the purposes described in this
4171 section;
 - 4172 (c) may only be preserved:
 - 4173 (i) so long as necessary to collect the payment of a toll or penalty imposed in
4174 accordance with this section; or
 - 4175 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
4176 equivalent federal warrant; and

(d) may only be disclosed:

(i) in accordance with the disclosure requirements for a protected record under Section 63G-2-202; or

(ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant.

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

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

Section 39. Section **72-6-206** is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 40. Section **72-10-109** is amended to read:

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

- (1) Except as provided in Subsection (2), a person may not operate, pilot, or navigate, or cause or authorize to be operated, piloted, or navigated within this state any civil aircraft [operating] based in this state for 181 or more days within any consecutive 12-month period unless the aircraft has a current certificate of registration issued by the department.
- (2) The state registration requirement under Subsection (1) does not apply to:
- (a) aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of the registered aircraft;
 - (b) a non-passenger-carrying flight solely for inspection or test purposes authorized by the Federal Aviation Administration to be made without the certificate of registration; or
 - (c) aircraft operating under 14 C.F.R. Part 121, with a maximum takeoff weight exceeding 35,000 pounds.
- (3) Beginning on January 1, 2025, a person may not operate in this state an unmanned aircraft system or an advanced air mobility aircraft for commercial operation for which certification is required under 14 C.F.R. Part 107 or 135 unless the aircraft has a current certificate of registration issued by the department.
- (4) The department shall, on or before December 31 of each calendar year, provide to the State Tax Commission a list of each aircraft for which a current certificate of registration is issued by the department under Subsection (1).

Section 41. Repealer.

This bill repeals:

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

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

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

Section 42. FY 2026 Appropriations.

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

Subsection 42(a). Capital Project Funds

The Legislature has reviewed the following capital project funds. The Legislature authorizes the State Division of Finance to transfer amounts between funds and accounts as indicated.

4245 ITEM 1 To Transportation - Transportation Investment Fund of 2005

4246 From General Fund (330,000,000)

4247 Schedule of Programs:

4248 Transportation Investment Fund (330,000,000)

4249 Section 43. **Effective Date.**

4250 (1) Except as provided in Subsections (2) and (3), this bill takes effect May 7, 2025.

4251 (2) The actions affecting Section 72-1-217 and Section 72-2-121 take effect:

4252 (a) except as provided in Subsection (2)(b), May 7, 2025; or

4253 (b) if approved by two-thirds of all members elected to each house:

4254 (i) upon approval by the governor;

4255 (ii) without the governor's signature, the day following the constitutional time limit of

4256 Utah Constitution, Article VII, Section 8; or

4257 (iii) in the case of a veto, the date of veto override.

4258 (3) The actions affecting Section 59-12-103 (Effective 07/01/25) and Section 72-2-106

4259 (Effective 07/01/25) take effect on July 1, 2025.